

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, September 24, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, October 2, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Lorenzo Ball, Dick Campbell, Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Rich Rodenburg and Cristy Joy. Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, Ben Callahan, Rachel Christopher, George Wesselhoft and Steve Dush with the Planning Department; media and other interested citizens were present.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Vice Chair Joy called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Joy requested a motion approving the minutes for the regular meeting held September 18, 2024.

Motion for approval of the minutes made by Campbell; seconded Eddins.

Minutes approved 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

Clerk noted that Comprehensive Plan Conformance 24018 is being removed from the consent agenda and will have a public hearing.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 2, 2024

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

The Consent Agenda consisted of the following item: Change of Zone 24023.

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

Campbell made a motion for approval of the Consent Agenda item; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

COMPREHENSIVE PLAN CONFORMANCE 24018
TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN LANCASTER COUNTY
COMPREHENSIVE PLAN, A REQUEST FOR A PROPOSED CONSERVATION EASEMENT, TO
PRESERVE, PROTECT AND MAINTAIN FLOOD STORAGE AND NATURAL RESOURCES
WITHIN THE JAMAICA NORTH USE PERMIT BOUNDARY, ON PROPERTY GENERALLY
LOCATED NORTHEAST OF S 14TH AND SALTILLO ROAD.

PUBLIC HEARING:

October 2, 2024

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

Staff Recommendation: In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is regarding the conservation easement in the Jamaica North Use Permit. This request is following the conditions of the Use Permit with a conservation easement over the two future outlots. This proposed request is following the Comprehensive Plan with being in conformance.

Campbell asked Callahan why there is an area on the map that is not included in the request. Callahan stated that this area in question is not included in the Use Permit property.

Applicant:

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Lincoln NE, came forward representing the applicant, FOG Limited Partnership. Kalkowski noted the area of the conservation easement will be platted into two outlots with the east outlot gifted to the city as a buffer for Wilderness Park. Kalkowski stated that outlot B will be anticipated to potentially be a prairie wetland and/or a forested wetland bank.

Proponents:

Adam Hintz, Executive Director of Wilderness Park, 1919 Prospect Street, Lincoln, NE came forward and stated that he wanted it known that all the good work being done in Lancaster County needs to be understood and is important to understand. Hintz stated that it is

important to create the buffer areas in terms of adding more land to the park system and adding more wetland area to the west.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

COMPREHENSIVE PLAN CONFORMANCE 24018

ACTION BY PLANNING COMMISSION:

October 2, 2024

Campbell moved to approve Comprehensive Plan Conformance 24018; seconded by Eddins.

Campbell stated that this is a great plan and the efforts that have been made over the last couple of years have been appreciated.

Rodenburg stated that he is glad that Hintz took this item off the consent agenda. It is important that the value of creating buffers around Wilderness Park are in place.

Joy stated that she agrees with fellow commissioners. This is an excellently done development with the buffers, wetlands and utility easement.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

CHANGE OF ZONE 24018

FROM AG (AGRICULTURAL DISTRICT) TO H-4 (HIGHWAY COMMERCIAL DISTRICT ON APPROXIMATELY 15 ACRES OF PROPERTY; AND SPECIAL PERMIT 24030 TO ALLOW A PLANNED SERVICE COMMERCIAL DEVELOPMENT AND ASSOCIATED WAIVERS WITH UP TO 22,500 SQUARE FEET OF AUTO REPAIR SERVICES AND 90,000 SQUARE FEET OF MINI WAREHOUSING IN THE H-4 DISTRICT, ON APPROXIMATELY 15 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF THE INTERSECTION OF O STREET AND ANTHONY LANE.

PUBLIC HEARING:

October 2, 2024

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

Staff Recommendation: Change of Zone 24018 Conditional Approval
Special Permit 24030 Conditional Approval

There were no ex-parte communications disclosed.
There were no ex-parte communications disclosed relating to site visit.

Staff Presentation:

Steve Dush, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this site plan proposes two distinct uses. One is for a mini storage of 90,000 square feet and the other is 22,000 square feet for automotive repair. Dush stated that some of the waivers that are included are with request and are typical to this type of use. There is a provision for an allowance of a center sign to serve these uses. Dush stated that there is development all around and the traffic comments that have been heard have been worked out. Dush stated that staff recommends approval.

Applicant:

Tim Gergen, Clark & Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE came forward and stated that he is representing the developer on this project. Gergen stated that an agreement has been met with all the conditions.

Bryan Modlin, Eustis Body Shop, 8820 Amber Hill, Lincoln NE came forward and stated that this provides opportunity for the need to repair electric and hybrid vehicles. Modlin stated that they want to fill the goals and needs for these vehicles.

Feit stated that this is close to Southeast Community College and was inquiring if there is a partnership to help the students learn. Modlin stated that most of the staff are Southeast Community College alumni, and they have a great relationship with them.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

CHANGE OF ZONE 24018

ACTION BY PLANNING COMMISSION:

October 2, 2024

Campbell moved to approve Change of Zone 24018; seconded by Eddins.

Campbell stated that this is a nice project, and it is next to the training of the students at Southeast Community College that would fit into this type of project. Campbell stated that this is a good use of the land and location.

Joy stated that she agrees with Campbell, and this is nice to see a great infill project like this.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

SPECIAL PERMIT 24030

ACTION BY PLANNING COMMISSION:

October 2, 2024

Campbell moved to approve Special Permit 24030, seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

COMPREHENSIVE PLAN CONFORMANCE 24019

TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED ONE AND SIX-YEAR LANCASTER COUNTY ROAD AND BRIDGE CONSTRUCTION PROGRAM FOR FISCAL YEARS 2025 AND 2026-2030.

PUBLIC HEARING:

October 2, 2024

Members present: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy; Ryman Yost absent.

Staff Recommendation: In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

Staff Presentation:

Pam Dingman, Lancaster County Engineer, 444 Cherry Creek Drive, Lincoln, NE came forward and stated that there are over 100 faces in County Engineering. Dingman stated that there are 289 bridges in Lancaster County. In addition, 6,900 pipe culverts and 1,000 box culverts. Dingman stated that in the past year they have modified the way that subdivisions are being taken care of. Subdivisions will now be considered private roads. It is impossible to continue to maintain those as a county entity. This has been a big drain on the overall tax system.

Feit asked Dingman if the owners were notified that the subdivisions are now being considered private roads. Dingman stated going forward, it will be private roads.

Dingman stated that the 2025-2026 challenge that is being faced is the supply chain and labor. There has been a break on escalation of construction costs. Culverts are inspected on a rolling 4-year rotation. There are currently two closed bridges at this time in Lancaster County. The

overall dashboard for bridge health is down from the previous years. Dingman stated that there are five bridge replacements (or in progress) in the 2024 fiscal year. The American Rescue Plan Act (ARPA) fund was able to design and construct three pipe culverts. In the fiscal year 2025, there are four proposed bridge projects that are planned. There is also a federal aid bridge project. Once the federal aid bridge is replaced, it will open the northern edge of Lancaster County. Dingman stated overall they are focusing on the bridges that are poor and need replaced and repairing the bridges so that it stabilizes the overall proposed projects.

Dingman stated that Lancaster County has 43.05 miles of dirt roads. Dingman stated that there are currently 45-46 miles of roads that need maintenance. There will be \$65 million that will be applied to the roads and bridges in the next 5 years. Dingman stated that by the time Saltillo Road project is completed, it will be a \$14-15 million project. Dingman mentioned that a "BRIC" grant and "A Safe Street and Roads for All" grant have been received for Lancaster County.

Campbell asked if the funds for 2024 and 2025 were different. Dingman stated that they do everything that they can to ensure that there are not any surprises with the funds coming in. This is helping be more resilient moving into the future.

Rodenburg asked if the street widening project will include a bicycle traffic lane when they widen the streets. Dingman stated that they currently are not including the bicycle lane. There is almost no shoulder to the corridor. Dingman stated that they are focusing on a space for bicyclists to have a little more foot of surface. This is too much to pay for with property tax dollars, but they have not been able to see any funding for it currently. Rodenburg asked if there were any rumble strips and Dingman stated that she is pretty sure that there are. Rodenburg stated that the rumbles alert the car, but also alert a cyclist that a car is coming. Dingman emphasized that they are asking for the funding, but do not have a 'yes' yet.

Joy stated that she appreciates the work and the bridges that have been done.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral.

Opposition:

No one approached in opposition.

Joy stated that the maintainers in her area are doing a great job.

Campbell asked Dingman if the public comments that come in, are some of the projects being done based on the feedback from the public. Dingman stated that they are being based on how much traffic and if the roads still meet the conditions to be a useable surface.

Campbell moved to close the public hearing; seconded by Eddins.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

COMPREHENSIVE PLAN CONFORMANCE 24019

ACTION BY PLANNING COMMISSION:

October 2, 2024

Campbell moved to approve Comprehensive Plan Conformance 24019; seconded by Eddins.

Eddins wanted to thank Dingman and her group for all the hard work that is being done.

Ball wanted to tell Dingman that he appreciated all the work that her and her team do.

Joy thanked Dingman for all the work and the report that was put together.

Dingman wanted to thank her staff for being dedicated to seeing improvements throughout the system.

Motion carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting “yes”; Ryman Yost absent.

Clerk noted the following items were carried over from the September 18th hearing for action only, as the motion to recommend approval by the Planning Commission failed to obtain the necessary five affirmative votes to move it forward.

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visit.

COMPREHENSIVE PLAN AMENDMENT 24004

TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE DESIGNATION FROM URBAN-DENSITY RESIDENTIAL TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND NEBRASKA PARKWAY.

ADMINISTRATIVE ACTION ONLY:

October 2, 2024

Campbell moved to approve Comprehensive Plan Amendment 24004, seconded by Rodenburg.

Campbell stated after reviewing the documentation that was given to the Planning Commissioners at the last hearing, that it does not make sense to have an entrance off 70th Street. Campbell would highly encourage the City to put right turn lanes on both east and west of Nebraska Parkway going south on 70th Street. This does not currently exist.

Campbell stated that with the deceleration lane, this would make more sense. Campbell does not think that there will ever be homes built in that area and having a Medical Plaza

makes more sense than the other options that would be available. Campbell will continue to support what is being proposed for this development.

Rodenburg stated that he also voted yes but would like to clarify his previous statement of where the dedicated merge lanes are between Pioneers, and on 27th Street and on 56th Street. Rodenburg stated that with the addition of a right turn lane on 70th street going west, is vital and with the developers willing to put this in, a merge lane would be good.

Rodenburg stated that this is the highest and best use of the property which was looked at and no one was interested. Rodenburg stated that the semi traffic has gone away, the stop lights are timed with the speed limit. Rodenburg stated that the Planning recommended denial because of it being an expressway, but with the semi-trucks are no longer using Nebraska Parkway, it could accommodate that one access point.

Feit stated that she agrees with the right turn lane being necessary. Feit stated that this intersection is a high priority to being fixed. There have been 102 accidents at this intersection in the past 10 years. Feit stated that her concern is that it needs to be fixed before something new comes to the area. Feit stated that even with the efficiency, there still needs to be a better safety flow with the goals of the intersection. Feit stated that there is a need for medical and infill. This part of town, does not need medical. The medical need is to the north. Feit stated that safety is the number one issue with this plan.

Campbell stated that he is a person who normally never goes against the Planning Department's recommendations. With this being part of the city and no one is wanting to come and build residential, this adds to his support of this project.

Joy stated that with the previous and current discussion, this feels like a chicken and egg issue. Joy does not like to go against what the staff has researched and put all that effort into with the denial. There are issues with the exits and how to get in and out. The expressway will be changing in the future with the bypass. Joy is going to support the motion but will ask that the roadway and intersection be in the process of improving the roadways.

Motion failed 4-4: Ball, Campbell, Rodenburg and Joy voting "yes"; Cruz, Ebert, Eddins, Feit dissenting. Ryman Yost absent.

Clerk stated that motion failed due to not obtaining five affirmative votes.

Campbell stated that he feels that this is important to move on to the City Council, so he would like to change his vote to no, only to get this to City Council.

Tim Sieh, Lincoln City Attorney, 555 S. 10th Street, Lincoln, NE came forward and stated that a second motion will need to be made to deny the matter, then a new vote would need to be taken.

Eddins moved to deny Comprehensive Plan Amendment 24004; seconded by Feit.

Ball stated that this is an opportunity and a concern for the public private partnership. Ball stated that this is an opportunity to fill an area of concern. Ball will be saying yes, and that this is an opportunity to progress it.

Campbell stated that he hopes the City Council reviews the Planning Commissioners' views and discussions and will be voting 'yes' to the denial, so it can move forward to the City Council.

Cruz stated that it is important for the public private collaboration but does not want to compromise the integrity of design. If there is a better way, she would like to see the better way even if this means to wait a little longer, for a more obvious public private collaboration. This should not be rushed off just because someone is wanting to pay for it. This is only one necessary turn lane and there are three other lanes that need to be anticipated. Cruz stated that she will continue to deny this.

Rodenburg stated that the State had first stated no, but then they changed it to a yes to say that this was allowed. Rodenburg stated that what is being voted on is overriding their decision. Rodenburg stated that he would like to know what was changed on Nebraska Parkway to allow the State to change their decision.

Feit agrees with Rodenburg about wanting to know the information that was changed to allow the State to change their decision. Feit stated that the turns on some of the roads flows well, but on 70th Street, there is a slight hill on Nebraska Highway, that can make this intersection not safe.

Joy stated the 70th Street intersection is a challenge and as this moves forward, that whole corner is a challenge. Joy stated that as it moves forward, that maybe the group can work with all property owners on all four corners.

Motion for denial carried 5-3: Campbell, Cruz, Ebert, Eddins, Feit voting "yes". Ball, Rodenburg and Joy dissenting. Ryman Yost absent.

**CHANGE OF ZONE 24003
FROM AGR (AGRICULTURAL RESIDENTIAL DISTRICT) TO O-3 (OFFICE DISTRICT) ON
PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND
NEBRASKA PARKWAY.**

ADMINISTRATIVE ACTION ONLY:

October 2, 2024

Eddins made a motion for denial of Change of Zone 24003; seconded by Feit.

Motion for denial carried 5-3: Campbell, Cruz, Ebert, Eddins, Feit voting "yes". Ball, Rodenburg and Joy dissenting. Ryman Yost absent.

USE PERMIT 24003

TO ALLOW A USE PERMIT IN THE O-3 (OFFICE DISTRICT) ZONING DISTRICT FOR APPROXIMATELY 51,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO SETBACKS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF S 70TH STREET AND NEBRASKA PARKWAY.

ADMINISTRATIVE ACTION ONLY:

October 2, 2024

Eddins made a motion for denial of Use Permit 24003; seconded by Cruz.

Motion for denial carried 5-3: Campbell, Cruz, Ebert, Eddins, Feit voting "yes". Ball, Rodenburg and Joy dissenting. Ryman Yost absent.

Campbell moved to adjourn the Planning Commission meeting of October 2, 2024; seconded by Eddins.

Motion to adjourn 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Rodenburg and Joy voting "yes"; Ryman Yost absent.

There being no further business the meeting was adjourned at 2:23 p.m.