

## 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, August 12, 2025.*

<b>NAME OF GROUP:</b>	PLANNING COMMISSION
<b>DATE, TIME, AND PLACE OF MEETING:</b>	Wednesday, August 20, 2025, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10 <sup>th</sup> Street, Lincoln, Nebraska.
<b>IN ATTENDANCE:</b>	Lorenzo Ball, Maribel Cruz, Gloria Eddins, Bailey Feit, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost; David Cary, Steve Henrichsen, Shelli Reid, and Laura Tinnerstet, of the Planning Department, media, and other interested citizens.
<b>STATED PURPOSE OF MEETING:</b>	Regular Planning Commission Hearing

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

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held August 06, 2025.

Motion for approval of the minutes made by Eddins, seconded Joy.

Minutes approved 6-0: Ball, Cruz, Eddins, Feit, Joy, and Ryman Yost voting "yes". Campbell and Ebert absent. Rodenburg abstained.

Ryman Yost asked for Election of Chair and Vice-Chair for 2-year term.

Eddins moved for Cristy Joy be elected as Chair for the Planning Commission. Second by Rodenburg.

There were no other nominations.

Eddins moved to elect Joy by acclamation, seconded by Rodenburg.

Cristy Joy has been nominated to serve as Chairperson of the Planning Commission for a two-year term.

Motion carried 7-0: Ball, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost voting "yes". Campbell and Ebert absent.

Cristy Joy has elected to serve as Chairperson for the Planning Commission for a two-year term.

Chairperson Joy stated that she is honored to sit in the position of Chairperson of the Planning Commission. She shared that she looks forward to working with each of the members as they continue to make thoughtful, forward-looking decisions in the community. She encouraged the commission to continue the work ahead.

Chairperson Joy asked if there was a nomination for a Vice-Chair. Eddins moved to nominate Maribel Cruz as Vice Chair for the Planning Commission. Second by Rodenburg.

There were no other nominations.

Eddins moved to close nominations and elect Maribel Cruz as Vice Chair for the next two years; seconded by Rodenburg.

Motion carried 7-0: Ball, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost voting "yes". Campbell and Ebert absent.

Cruz has elected to serve as Vice Chairperson for the Planning Commission for a two-year term.

Cruz thanked everyone and expressed hope to be a strong support for the entire Planning Commission, as well as for the City of Lincoln and Lancaster County.

Chair Joy asked the Clerk to call for the Consent Agenda Items.

#### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

**August 20, 2025**

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

**The Consent Agenda consisted of the following items: Comprehensive Plan Amendment 25003, Change of Zone 25017, Annexation 25004, Special Permit 25019A and Use Permit 25005.**

**There were no ex parte communications disclosed.**

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

Eddins moved for approval of the Consent Agenda; seconded by Rodenburg

Consent Agenda approved 7-0: Ball, Cruz, Eddins, Ebert, Feit, Rodenburg, and Ryman Yost, voting "yes". Campbell and Ebert absent.

**Note:** This is **Final Action** on the following item: **Special Permit 25019A unless** appealed by filing a Notice of Appeal with the **County Board within 14 days**.

**MISCELLANEOUS 25010 A REQUEST FOR REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT AND CHAPTER 1.28 OF THE LINCOLN MUNICIPAL CODE TO THE ZONING CODE DEFINITION OF 'FAMILY' TO ALLOW TEN UNRELATED PERSONS TO RESIDE TOGETHER AS A FAMILY ON PROPERTY GENERALLY LOCATED AT 1007 S 16TH STREET.**  
**PUBLIC HEARING AND ACTION:** **AUGUST 20, 2025**

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

**Staff Recommendation:**

**There were no ex-parte communications disclosed.**

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

**Staff Presentation-**

**David Cary, Director of the Planning Department, 555 S. 10th Street, Lincoln, NE**, came forward and provided an overview of the request for reasonable accommodation at 1007 South 16th Street. Cary explained that the request was submitted under Chapter 1.28 of the Lincoln Municipal Code, as well as by both the Nebraska and Federal Fair Housing Acts. The applicant seeks an accommodation to the definition of "family" under Chapter 27 to allow up to 10 unrelated individuals with disabilities to reside at the dwelling known as Oxford House Orison.

Cary outlined that Oxford Houses are sober living homes for individuals recovering from alcohol or drug addiction and are democratically self-run and financially self-supporting. Cary emphasized that the Fair Housing Act prohibits discrimination based on disability and requires reasonable accommodations to allow equal opportunity to housing.

The subject property is zoned R-7 and could qualify as a Collaborative Living Facility, which is conditionally permitted in residential zoning districts. By right, the property could house up to six unrelated individuals, based on lot size. The applicant is requesting an accommodation to allow 10 residents. Cary noted that while the house does not meet the definitions of a group home or transitional living facility, it could potentially be approved under Collaborative Living, though parking requirements (one space per two residents) would need to be addressed. The property currently provides four spaces, while five would be required.

Cary reviewed the criteria for reasonable accommodation, stating that the residents qualify as disabled under the Fair Housing Act. The applicant indicated that communal sober living is therapeutically necessary. An alternative under Collaborative Living could provide an equivalent benefit, but only for six residents without further accommodation.

Cary confirmed that the proposed use aligns with the Comprehensive Plan, which designates the area as Urban Residential. No physical changes are proposed to the property. Regarding public services, the Lincoln Police Department reported 14 service calls to the address since January 1, 2023—lower than several nearby properties—indicating no undue burden. Cary concluded that the staff does not believe the request would constitute a fundamental alteration of zoning or safety codes. If approved, the property would trigger a 500-foot spacing requirement for future Collaborative Living Facilities in the area.

Cary offered to answer questions and noted the applicant was present to provide further details. No questions were raised by commissioners at that time.

### **Applicant-**

**Mark Fahleson, Attorney with Remboldt Ludtke LLP, 1128 Lincoln Mall, Suite 300, Lincoln, NE**, came forward and stated he was present on behalf of the applicant, Oxford House, and Oxford House Orison. He was accompanied by his colleague, Nicole Miller, who serves as local counsel for the applicant. The property under consideration is located at 1007 South 16th Street. Fahleson stated that any technical or program-specific questions would be addressed by Dan Hahn and Jackie Alba of Oxford House, both of whom have extensive familiarity with the program. Fahleson noted that Hahn is currently a resident of an Oxford House.

Fahleson explained that the application was submitted under both the Nebraska Fair Housing Act and the Federal Fair Housing Act, and that it is undisputed that the residents of the subject property qualify as disabled under these laws. Fahleson emphasized that the request for reasonable accommodation demonstrates the necessity of communal sober living and is consistent with existing zoning regulations and the Comprehensive Plan. He further stated that allowing up to ten individuals to reside at the property would not violate any building codes or other applicable requirements. Fahleson expressed support for the staff's recommendation to designate the property as a collaborative living facility with reasonable accommodation for up to ten unrelated persons.

In regards to the parking, Fahleson noted that it has not been an issue at this location. He stated that four on-site parking spaces are available, with ample additional parking in the surrounding area. Fahleson assured the commission that, should any parking concerns arise, they would be addressed appropriately. He concluded by inviting questions from the commission.

### **Staff Questions-**

Rodenburg asked for clarification, noting that while it is acknowledged that the residents are self-professed recovering addicts, he inquired whether there is any formal certification process. Specifically, he asked if there is any requirement for court orders, doctor approval, or health department certification for the residents. Rodenburg questioned whether the process simply involves individuals raising their hands and declaring themselves as recovering addicts, and if, hypothetically, ten people could just do so and start an Oxford House without any formal verification

Fahleson responded by expressing doubt that any formal certification exists for being a recovering alcoholic or drug addict. However, he acknowledged the validity of the commissioner's question and suggested that Dan Hahn come forward to provide a more specific answer. He then invited any other questions before concluding.

**Daniel Hahn, 1401 Pioneer Road, Ponca City, Oklahoma 74604**, appeared and addressed questions regarding the certification process and acceptance of residents at Oxford House. Hahn explained that Oxford House has operated as a peer-run best practice model since 1975, with over 4,000 houses nationwide. Admission to an Oxford House requires an 80% vote of approval by the existing residents. He noted that the organization maintains strong connections with drug courts, treatment centers, probation and parole offices, and post-incarceration services, and frequently receives referrals from these entities.

Hahn described the organization's democratic process, in which applicants must openly express their desire to stop using substances, like the traditions followed by Alcoholics Anonymous and Narcotics Anonymous. While there is no formal certification for identifying as a recovering addict, Hahn stated that Oxford House has developed an effective system for determining an individual's commitment to recovery. Based on his 18 years of experience, Hahn shared that he has never encountered someone living in an Oxford House who does not openly identify as an alcoholic or drug addict.

Regarding the property in question, Hahn expressed confidence in its suitability, citing the size of the home, available parking, and proximity to important resources such as probation and parole offices. He noted that, although the home could accommodate more residents, the number has been limited to ten. Hahn also mentioned that police activity in the area is typically related to the apartment complex across the street, rather than the Oxford House. Hahn concluded his remarks by inviting any additional questions from the commission.

Rodenburg noted that in his few years on the Commission, they have seen many applications for accommodations. He pointed out that in this case, the operation has already been active for three years, and there are others like it. Rodenburg questioned why these cases are not packaged together and brought to the Commission proactively, rather than waiting for complaints to arise and addressing them one at a time.

Hahn responded that he would not be able, nor qualified, to answer that question, as it falls outside his area of responsibility. He explained that his role is more operational — a “field general,” as he described it — focused on ensuring that the houses are healthy. Hahn stated that the question posed was a legal one and therefore not within his purview.

Fahleson stated that he would attempt to address the question, noting that there is a legal issue involving federal preemption — specifically, whether federal law overrides local law in matters such as this. He explained that Oxford House has generally demonstrated a willingness to come forward when issues arise. Nationally, in most jurisdictions, Oxford House is not required to obtain prior approval, and this approach is based on legal opinions indicating that federal law effectively supersedes local regulations in these cases. Fahleson emphasized,

however, that they are present in a cooperative spirit and are committed to doing what is necessary to be a good citizen and good neighbor in Lincoln.

Cruz asked a clarifying question, noting that the existing Oxford House is, she believed, located approximately two streets away from McPhee Elementary School.

Hahn acknowledged that the house is located near a school and noted that many Oxford Houses across the Midwest are close to schoolyards, with some even directly connected. He explained that proximity to schools or churches has not historically been an issue and has not deterred Oxford House from establishing locations. Hahn stated that while the organization does not mandate background checks—acknowledging the houses as single-family residences—most houses conduct due diligence during their interview process. He emphasized that although he does not police this process in his role, he knows that it is being done. Hahn explained that the individuals accepted into the houses are those who are committed to recovery and want to rebuild their lives. While final acceptance decisions are made at the house level, there are common parameters followed across the organization. He added that in this specific case, and others like it, new houses are started carefully with residents who have successfully lived in another Oxford House and understand its structure. These houses also receive outreach support to ensure a strong foundation. Hahn concluded by saying that without such support and structure, he would understand the concerns raised about proximity to schools.

Ball stated that he wanted to add a brief comment. Referring to the staff report, he noted that over two years, there had been several calls to the police department related to the home. Without going into specific details, Ball asked what general categories of issues those calls involved and what types of concerns might typically arise with this type of residence.

Hahn responded that he did not know of any incidents occurring at that house. He explained that he is required to complete incident reports and, based on the system in place for tracking such matters, there have been no reports submitted from that location. While acknowledging that a health issue or other event may have occurred, he stated that if so, it was not reported through the organization's channels and remains unknown to them.

Fahleson stated that he would defer to the Lincoln Police Department regarding whatever their records may show. However, based on the information that was publicly available to them, he noted that most of the calls appeared to be welfare checks.

Rodenburg acknowledged the presence of City Ordinances in Lincoln that address issues such as proximity between homes like this one and limitations on square footage. He then asked whether the proposal suggests that these regulations should not be taken into consideration.

Fahleson stated that in this application, they have satisfied both the proximity and square footage requirements and therefore are following the city's ordinances.

Rodenburg replied by referencing the recommendation that the size of the house would limit occupancy to six residents.

Fahleson stated that they are requesting a reasonable accommodation to allow up to ten residents, which is the accommodation that federal law requires a body such as the Commission to consider.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

**Staff Questions-**

Chair Joy requested clarification regarding the size of the home, as well as the connection to and requirements related to its proximity to a school within the district.

Cary explained that the physical size of the home is not regulated under the collaborative living provisions or the basic family definition. He clarified that the applicant has indicated a willingness to proceed under the collaborative living designation, requesting a reasonable accommodation for up to ten residents. Cary noted that regulations base occupancy limits on the size of the lot, not the house itself, and that the lot could conditionally allow approval for up to six residents. The current request is for consideration of the reasonable accommodation to allow up to ten residents under collaborative living. Cary also mentioned coordinating with the applicant regarding a related request to reduce the parking requirement from five spaces to four.

Fahleson stated that there are four parking spots available on the property, and while they are requesting five spaces, they are amenable to categorizing the home as collaborative living with a reasonable accommodation for up to ten residents.

Cary clarified, for the benefit of himself and the commissioners, that the request is to require only four parking spaces on site. Fahleson confirmed that the request is to require only four parking spaces on site.

Cary responded that he just wanted to ensure everyone was clear on that point. Cary stated that if the motion to approve includes the reduced parking requirement, it should be included in the motion to ensure clarity for the record and to confirm what the Commission is approving.

Chair Joy responded, thanking Cary for the clarification.

## **MISCELLANEOUS 25010**

### **ACTION BY PLANNING COMMISSION:**

**AUGUST 20, 2025**

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

Eddins moved to approve Miscellaneous 25010, a Request for Reasonable Accommodation to the City Zoning Ordinance for collaborative living with a maximum occupancy of ten (10) individuals, including a waiver to reduce the required on-site parking from five (5) spaces to four (4) spaces, pursuant to Miscellaneous Code Section 25010; seconded by Ryman Yost.

Eddins stated that the law is clear in recognizing individuals in sober living homes as persons with a disability under federal law, making them eligible for reasonable accommodation. Eddins noted that, regardless of whether the application should have been submitted earlier, the Commission is obligated to grant the request once it is made, unless further legal clarification is provided. Denial could expose the city to costly litigation while still allowing the home to operate. She also clarified that concerns related to proximity to schools, such as restrictions on registered sex offenders, are governed by separate laws and do not apply to this case. Eddins concluded by emphasizing that, regardless of personal opinions on the effectiveness of the home, the law supports granting the accommodation under current zoning regulations.

Cruz stated that she wanted to clarify her understanding that, since the individuals in question are in recovery, they would not be consuming drugs or alcohol around children. Therefore, she considered that concern to be a moot point.

Eddins affirmed that individuals should be taken at their word when they state they are pursuing a sober lifestyle. She shared a personal perspective, noting that her disability is now visibly apparent, but even before using a wheelchair, it was not always obvious. Eddins emphasized that people are not always asked to prove their disabilities, and that the same standard should apply in this context. She stated that she stands firmly behind supporting individuals in recovery who are seeking to live sober lives.

Ryman Yost stated that she was not present for the last Oxford House case brought before the Planning Commission and acknowledged that the Commission has been reviewing similar cases over the past few years. She shared that the process has been an incredible learning opportunity for her, particularly given her background in child welfare, juvenile justice, and working with people with disabilities. Ryman Yost noted that she has gained a deeper understanding of substance use disorder and the recovery journey. Ryman Yost emphasized the importance of community care in supporting recovery and stated that, when done well, it is something worth supporting.

Eddins added one final comment, noting that the house in question is approximately 3,000 square feet. She shared a personal comparison, stating that she once had eight individuals living in a 1,000-square-foot home, and commended this house for maintaining a reasonable occupancy. With five bedrooms and two people per room, she described it as one of the more



reasonable sober living arrangements she has seen. Eddins acknowledged that while the house sits on a smaller lot—making the collaborative living designation appear like a stretch—the size of the house itself is appropriate and commendable. Eddins concluded by thanking the applicant.

Chair Joy thanked the commissioners for their thoughtful discussion and stated that they had done a good job of thoroughly examining the issue. She also expressed appreciation to everyone who provided testimony and to the planning staff for their hard work.

Cary came forward and took a moment to thank Cindy Ryman Yost for her service as Chair, noting that she did an excellent job in the role. He stated that he wanted to formally acknowledge her work on the record and expressed appreciation for her contributions. Cary concluded by saying they look forward to working with the new Chair and Vice Chair.

Ryman Yost thanked Cary and took a moment to express her appreciation to the staff of the Planning Department, stating that their support made serving as Chair a manageable and rewarding experience. Ryman Yost shared that it had been an incredible learning opportunity and that she was grateful to be part of the work being done in the city and to serve alongside the other commissioners. She concluded by expressing appreciation once more and noted that she looks forward to Chair Joy's leadership.

Chair Joy thanked Ryman Yost and expressed appreciation for her service.

Rodenburg moved to adjourn the Planning Commission meeting of August 20, 2025; seconded Eddins.

Motion to adjourn carried 7-0: Ball, Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voted "yes." Campbell and Ebert absent.

There being no further business, the meeting was adjourned at 1:38 p.m.