

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, January 28, 2025.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 5, 2025, 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: Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Cristy Joy and Cindy Ryman Yost. Dick Campbell and Rich Rodenburg are absent. David Cary, Steve Henrichsen, Shelli Reid, Laura Tinnerstet, Ben Callahan, and George Wesselhoft of the Planning Department; media, and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Note: This is **Final Action** on the following items **Special Permit 632B, Special Permit 24043 and Special Permit 25001 unless** appealed by filing a Notice of Appeal with the **City Council** or the **County Board within 14 days.**

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held January 8, 2025.

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

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

Chair Ryman Yost asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 5, 2025

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

The Consent Agenda consisted of the following items: Comprehensive Plan Amendment 24020 and Use Permit 17007A.

There were no ex-parte communications disclosed.

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

Joy moved approval of the Consent Agenda items seconded by Eddins.

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

SPECIAL PERMIT 632B

TO AMEND THE CUP TO ADD 26 ADDITIONAL TOWNHOME LOTS, ON PROPERTY GENERALLY LOCATED AT OLD CHENEY ROAD AND ABBOTT ROAD. "FINAL ACTION"

PUBLIC HEARING:

February 5, 2025

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a request for an amendment to the existing Abbott Estates Community Unit Plan (CUP), to increase the number of residential dwellings by 26 units for a new total of 66 townhome dwelling units. The CUP, originally approved in 1972 is located at Abbott Road and Old Cheney Road and is approximately 9.61 acres. The proposed amendment will not expand the boundary of the CUP but will utilize the area within the existing Outlot B for the additional 26 units and internal private roadways. There were a few waivers requested regarding lot size and width, which are compatible when setting up a townhome matter for smaller footprints and setbacks.

Callahan stated that Mike Eckert with Civil Design Group was here today and would be talking about detention. Two detention ponds will be added working with Watershed Management. This will be an improvement on the property as well. They do not exist today. Currently, the property is surrounded by everything that is built, so we would consider that an infilled project. But the single-family are 3 along the west side, our 1 to the north, and a mix with a senior living facility to the east and St. Peter's Catholic Church on the southeast of the site. Overall working with the applicant, we did find we are compatible with the Comprehensive Plan with the infill today.

Applicant:

Mike Eckert, Civil Design Group, 8535 Executive Woods Dr, Suite 200, Lincoln, NE came forward and stated that it was an outlet owned by the Homeowner's Association of the existing

townhomes and the desire, for financial reasons, to be able to sell it and do some redevelopment. Eckert stated he has been working with the Planning Department for a year now on several waivers primarily designed to help get a new road back there for these lots and to meet the city's standards, as well, as the detention and how we were going to do that. Eckert stated that we had a very good neighborhood meeting, and everyone was very cordial. People were open to this, and we talked about how it is difficult for green space behind your home to be turned into more homes. Eckert believes that the key element is that we are staying within the R3 CUP density, and it doesn't require a change of zone. There aren't that many units left, and we still have 4 unused units, which we don't have a place for now because as Callahan mentioned were there several decades ago before the stormwater detention requirements were in place. The area that Callahan showed behind the townhomes adjacent to our single-family neighbors is where we are going to be doing two different detention areas. There was the discussion at the neighborhood meeting about how this will work. Eckert mentioned that they are controlling the peak discharge and reducing it by about fifty percent and slowly reducing that over time. Two different existing storm sewer pipes are going through the lots adjacent to us and all three of the homeowners were at the meeting and we were able to explain how that is going to work. We are going to detain the water and tie a pipe into their pipe, so it no longer overflows occasionally on top of their property. Eckert said he appreciates the staff's work on the unique project. We are adding a million dollars assessable real estate with very little cost to the city using the existing Abbot Road, Old Cheney Road, and extending a water and sewer main, in hopes of getting started this year.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

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

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

SPECIAL PERMIT 632B

ACTION BY PLANNING COMMISSION:

February 5, 2025

Joy moved to approve Special Permit 632B; seconded by Eddins.

Joy stated that she felt like they had done a good job of meeting with the Neighborhood Associations and neighbors, and working out all the details with staff and the people involved. Joy is in support of this amendment.

Ryman Yost wanted to reiterate that when people send in public comments they are received and reviewed. She stated her appreciation for people taking the time to provide feedback for

our consideration. Ryman Yost stated that she will be supporting this project. It is her neck of the woods and appreciates the opportunity for some infill and will also be voting in support.

Motion for approval of Special Permit 632B carried 7-0: Ball, Cruz, Ebert, Eddins, Feit, Joy and Ryman Yost voting "yes". Campbell and Rodenburg absent.

SPECIAL PERMIT 24043
FOR PERSONAL WIRELESS FACILITIES TO ALLOW A 189' TALL SELF SUPPORT TOWER, ON PROPERTY GENERALLY LOCATED NORTHWEST OF NW 99TH STREET AND W. AGNEW ROAD. "FINAL ACTION"
PUBLIC HEARING

February 5, 2025

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Ben Callahan, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated this special permit is to allow a personal wireless facility. This is located on the very NW corner of Lancaster County, roughly a mile south of the north county line and located on roughly 150-acre property that is zoned AG today. The property is surrounded by similar uses for AG, which is majority of farmland.

Callahan stated that the applicant, on behalf of Verizon Wireless, is applying for a special permit to allow a 189-foot cellular tower. A special permit is required with the use of AG and the height limit is 35 feet. The permit is allowing for the increase. Callahan showed the submitted site plan showing the proximity south on Agnew Rd, a quarter mile north of the intersection and 300 feet internally on the lot to the west. They proposed a little over 14,000 square feet of area that would be used on the property, with a driveway coming off NW 98th and everything would be fenced as required for access with the generator and tower on site. Callahan did want to note that one of the conditions that we list on our special permit is the distance to other towers in the near location and there is one located to the SE of Agnew Road and within the permit, we request a ½ mile distance and this would be meeting the requirements with the setback area they have shown.

Feit asked if this was consistent with other wireless towers.

Callahan stated it is consistent with what is in the county and the one in the southeast is a little shorter than that one.

Applicant

Andy Campton, KGR Wireless, Consultant for Verizon Wireless stated he is assisting Verizon Wireless in locating and constructing towers of this nature. Campton stated that he is here in support and is willing to answer questions.

Feit asked why this location and what caused you to choose this spot.

Campton stated this is an important site to the network for the radio frequency team at Verizon and how it interplays with other sites that densify the network as far as compacity and coverage for everyone in that part of the county.

Ryman Yost asked if there were any other questions. There were no further questions.

Proponents:

Emily Milewski, Verizon came forward and stated that she is here today to answer any questions; and that Verizon is looking forward to providing better service to the area and making sure people have access to technology in Lancaster County.

Neutral:

No one approached in a neutral capacity.

Opposition:

Anthony Komenda, 20900 NW 98th Street, Valparaiso, NE, came forward and asked about the location of the new cell tower. Komenda referenced a previous hearing from 20 years ago, during which he was assured that no lights would be installed on the tower. Komenda stated that there are now so many lights that it looks like a Christmas tree. Komenda requested that the location be shown on the map. Callahan then approached the stand with the map to point out the location to Komenda, indicating it was on W. 98th Street, approximately ¼ mile from the W. Agnew intersection.

This led to a discussion with County Attorney Andrew Barnes, who also approached the stand, about the differences between this tower and a previous one that Komenda mentioned.

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE approached the stand for some clarification to the special permit being heard today. Henrichsen pointed out on the map that this is about a special permit at this large property located NW 98th and W of Agnew Rd. and the previous tower isn't relevant to this application.

Ball stated he remembered the hearing, but not who was the applicant.

Henrichsen stated that this would not be relevant, each application stands on its own.

Donald Olson 318 Co. Rd. 29 Valparaiso, NE came forward and wanted to know who is going to make a road to this tower because 98th is a dirt road and is also worried about our radio waves that mess up our TVs. Olson wanted clarification about leaving the tower 189 feet up or adding to it in the future.

Staff Questions

Ryman Yost asked for clarification in regard to the condition of the road and whether it would have lights for air traffic safety.

Callahan stated that the county engineer was included, and they provided some conditions that are in the conditional approval today. The county engineer is in contact with the applicant in regard to just general upkeep of the road and there would not be any type of improvement for this project. I would like to note there will be little traffic to this tower. The city does not put any prohibition on towers to have lights and with certain height requirements, they would be working with the FAA on the lights for safety.

Joy wanted to know if the applicant had any conversations about other Verizon towers and not the other vendor's towers, but Verizon towers that they would have.

Callahan stated he had not talked with the applicant about the other ones.

Applicant Rebuttal

Andy Campton, KGR Wireless, came forward and explained that they will be upgrading 98th Street as part of the construction drawings and application. Campton stated that they plan to gravel the road, which will require reinforcement for both the construction process and future maintenance.

In regard to the lighting, Campton clarified that they had submitted plans to the FAA, which require lighting for structures over 200 feet. However, their tower is 180 feet tall, or 189 feet with the lightning rod, so it does not require lighting. The tower is designed primarily for Verizon, but is also built to accommodate additional carriers, including emergency services for the county if needed. It is a self-supporting tower, which is designed to be structurally sturdy enough for future carrier use.

Ryman Yost asked for clarification regarding if cell towers interfere with other transmissions.

Campton stated not that he knows of, and they are required to go through the FCC government approval process that is tightly regulated, and Verizon must honor that.

Joy stated she is a rural representative and lives in the country. When channels 8 and 10 changed formats to a digital matter she had to change her antenna and has not had any issues. Joy asked for any insight they could provide from their experience.

Campton stated he had not heard anything where cellular would have any kind of interference with television.

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

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

SPECIAL PERMIT 24043

ACTION BY PLANNING COMMISSION:

February 5, 2025

Joy made a motion for approval of Special Permit 24043; seconded by Eddins.

Eddins stated that she thought she saw in the notes that it was over 200 feet, but now sees 189 feet. Eddins is in support and is glad it is not on the edge of the lot and is set back some. I am also in favor of the road improvements, that is always a great call.

Joy agreed with Eddins on the road improvements and believes this has been thoroughly vetted. Joy also expressed that it's beneficial to have reliable cellular coverage across the county, especially for emergency communications.

Ryman Yost expressed her support for expanding cellular networks, sharing a personal experience from the weekend when she was driving in a neighboring state and lost her signal. She explained that it can be unsettling to be in such a situation without access to information, and as a result, she is in favor of the proposal.

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

SPECIAL PERMIT 25001

FOR AN OUTDOOR RECREATIONAL FACILITY TO ALLOW FOR THE BATTLE RUN 18-HOLE GOLF COURSE AND ASSOCIATED USES SUCH AS CLUBHOUSE, RESTAURANT, LODGING AND INCLUDING THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES, ON PROPERTY GENERALLY LOCATED BETWEEN S 98TH STREET AND S 112TH STREET BETWEEN O AND A STREETS. "FINAL ACTION"

PUBLIC HEARING:

February 5, 2025

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Clerk noted that Planning Commission members received a Staff Memo dated February 5, 2025- to modify conditions that were previously in the staff report for Special Permit 25001

Staff Presentation:

George Wesselhoft, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is a Special Permit for an outdoor recreational facility to allow a golf course, along with related accessory uses and allowing the sale of alcohol on the premises. The property is located between O Street and A Street between S 98th and S 112th Street and includes approximately 290 acres. Wesselhoft stated this will be an 18-hole golf course and will

have accessory uses that are open to membership. Before opening to membership, the owner may operate as a personal-use golf course. An outdoor recreational facility, which includes golf courses, may be allowed by special permit in various districts including the AGR agriculture district as part of those criteria they must describe the uses, which they did. The golf course will include a maintenance building, an on-course beverage station, a restroom, and an irrigation pump house.

As a potential future improvement, the site plan also shows a clubhouse area with lodging facilities for golf course members. The clubhouse area is in the SE part of the special permit near the intersection of 112th and A Street. The setbacks of the district are not proposed to be adjusted with the special permit. The required setbacks for the AG Agricultural District are a 50-foot front yard, a 60-foot side yard, and a 100-foot rear yard. No increase in the height limit of the AG zoning district is requested as part of this request. The maximum height limit for the AG district is 35 feet. The parking requirement for golf courses is 2 spaces/hole on the course plus parking for affiliated uses. It is a condition of approval they will need to add a note that parking information be provided when the golf course is converted from personal use to open to members of the public and the clubhouse is constructed.

No lighting information was provided, but all lighting is subject to the Lighting Design Standards and is reviewed at the time of the building permit. Another criterion is the outdoor recreational facility can have alcoholic beverages, which is part of this special permit. If the property were zoned B-2 or B-5 it would still meet this requirement as there is no residential district or other stated use within 100 feet of the proposed clubhouse or beverage station. Wesselhoft stated that this proposal is for the Special Permit only. No annexation, change of zone, or final plat for subdivision of the land is proposed. The conditions of approvals do include a requirement to show future right-of-ways for the arterial streets including A Street and 112th Street. The right-of-way is for the future and no dedication is required because of this special permit. There was a memo with two conditions to remove access to O Street – pump house. Side setback for the side set up with the developer and tee boxes and greens additional condition.

Feit stated that she has some questions which come from the community, that she would like to address. People want to know what kind of water usage study has been done and have concerns about using a water well to irrigate 290 acres and provide drinking water to their guests. Feit asked if you could please share what work has been done with these items.

Wesselhoft explained that the Health Department was unable to attend the meeting, but he had discussed the matter with them after their review. They did not identify any specific concerns regarding the water, nor did they require a brown water study, as might be needed for a residential Conditional Use Permit (CUP). However, the Health Department did provide a general recommendation from the Lower Platte South NRD, advising that an aquifer test would be the best method for determining the impacts on surrounding wells. This involves drilling a test well within the proposed project or development, pumping it at a specific output, and measuring the surrounding water wells to assess any potential impacts. Wesselhoft reiterated that this was general advice from the Health Department and, once again, they did not raise any specific concerns.

Feit stated that for those listening or the audience, you mentioned light pollution and how they are in the 3-mile jurisdiction. Feit asked for clarification on those light standards and if they could let people know where you would find those standards.

Wesselhoft stated that you can find any design standard on our planning website. Once you are there if you go to the planning department, then development review subsection and design standards-you can bring those standards up. Light trespass at the property line is one key requirement they would have to maintain, and they would protect from light pollution going beyond their golf course area.

Feit stated there was concern about the entrance to their future clubhouse being off an unpaved road. Feit asked if there was any concern from the engineers regarding unpaved 112th Street.

Wesselhoft stated that the golf course will initially operate as a personal course and will later transition to a private membership. Wesselhoft explained that the membership structure will follow the dormant network model, with tee times spaced 15 minutes apart and fewer rounds played each day.

Feit asked if there was an expiration date for the special permit and whether the applicant would need to return for approval at any point in the future.

Wesselhoft stated that they do not, it runs with the land regardless of ownership. If they proposed something substantially different, they might have to apply for an amendment.

Eddins asked for clarification regarding the water, specifically whether the aquifer test was suggested by the Health Department but not required by the applicant.

Wesselhoft confirmed that was correct. Wesselhoft explained that the aquifer test is not a condition or requirement, but rather a general recommendation from the NRD.

Ryman Yost stated that it is designed for a maximum of 100 vehicles per hour, which represents the highest usage threshold. At this peak capacity, all vehicles tend to arrive at the same time, causing congestion.

Wesselhoft stated that was correct the frequency would be so dispersed it would not get to that level.

Applicant:

Erin Bright, Olsson, 601 P Street, Suite 200, Lincoln, NE came forward and stated that he is here on behalf of the applicant and ownership. Bright showed his appreciation for Wesselhoft stating he did a really good job summarizing the discussion and background related to the project. Bright would like to emphasize the two phases of this project. The first phase is the personal use golf course and an estimated two-year window for just the grading, irrigation, and seeding establishment for the course from the current condition to where they can be

playing golf on it. The two residences that are immediately to the SW are being proposed that their owners and guests be able to have use of the golf course as it becomes available.

The next phase of development at some point in time and still not one hundred percent certain exactly the form and function of what it all looks like. But as we submitted it, Bright anticipated a clubhouse. There is a driving range area on the same side of the layout. The clubhouse, potentially for some of that limited membership that we're talking about, also potentially has overnight lodging. There has been some discussion related to our inclusion of alcohol sales, and I think some perception that we are having a restaurant or bar for public use. That is not the case or the intention. I just wanted to clarify for people here. Talking with the Planning Department, it was a recommendation that they had to also go for the alcohol sales, just because when they do potentially host those events. They may need for alcohol sales to be consumed on premises, rather than the ownership having to get an individual permit for that event.

Bright stated he would be happy to answer any questions related to the site plan. Bright stated he would start with a couple of the questions that he had heard, starting with the water.

Bright did prepare a preliminary water study on behalf of the owner, which was completed around the fall of last year. It's just kind of an analysis of a lot of the existing uses of the existing groundwater wells around that area and to kind of summarize what might be potential for those irrigation wells in that area. We've been meeting with NRD since last week. It was discussed the permitting requirements for the irrigation wells. Bright shared that the meeting went well, and NRD has confirmed that we can proceed with obtaining a test hole. The test holes, drilled at the site, are part of our permit application for the irrigation wells. These will help confirm the aquifer's capacity and collect water samples to establish a baseline for minerals and contaminants. Additionally, NRD requires a 20-year feasibility study for the proposed well, including an assessment of how it may impact nearby wells.

Bright also noted concerns regarding the proximity of tees and greens within the setbacks. To address this, the site plan was updated in coordination with ownership and the golf course designer. Tee and green locations have been adjusted to ensure they're outside the setbacks, and the parking lot has been repositioned away from the setback along 100th and 112th streets.

Ryman Yost asked if Bright could talk about the lighting on the course.

Bright stated he doesn't expect a lighting impact on the course itself. The clubhouse, when completed, could have lighting. The City of Lincoln's building codes are robust in terms of the lighting standards, and it would be contingent upon those requirements. Other than building lighting, Bright doesn't anticipate there's any specific lighting that should be impactful to an adjacent neighborhood.

Eddins noted that she understands the clubhouse is down the road and asked if Bright anticipates the hours of operation being limited to daylight hours.

Bright confirmed that, for the golf portion, those hours would certainly align with daylight hours. Bright added that if there were overnight lodging for members, the heavy usage would primarily occur during the daytime, particularly for events.

Eddins asked Bright if he had engaged with the neighbors throughout the entire planning process.

Bright stated they did not hold a neighborhood meeting. But since the time of the application being submitted, he has talked to several of the neighbors either by phone or email. There have been several comments asking about traffic access and what that might look like next to my property. Bright mentioned most of the neighbors have been neutral or slightly positive.

Feit mentioned that it was raised by a community member and that she would like to point out that there are existing mature tree lines around some of these properties. With the creation of the holes, she asked Bright if they anticipate those mature tree lines remaining intact.

Bright stated that they do have an aerial map, which could be helpful, though it may be a bit difficult to read. The pink lines on the map indicate areas where grading has occurred, and these areas are designed to preserve the existing trees and enhance the character of the hole edges. Additionally, much of the land between these holes remains untouched. The goal is to minimize the amount of grading required."

Feit stated that the pink areas on the map represent the grading. Bright noted that people aren't as concerned with the trees in the middle of the area, but rather with the areas around holes 3 and 18, as those are near adjoining properties. It appears that the grading could potentially impact some of the trees in those locations.

Bright mentioned that he had seen the comment about grading along the street and clarified that only a small section of grading is planned in that area. He also pointed out that there is an opportunity to preserve the trees along that stretch. In the corner, there appear to be only a few trees, and further up, it seems the trees will remain untouched.

Feit stated that she believes this area is right next to Hillcrest, which is also a golf course. She then asked why this development was being placed next to an existing golf course.

Bright stated that this is the property owned by the applicants, and the proximity is simply a matter of location. Bright clarified that there is a different ownership structure involved. While Hillcrest is a Country Club, the development in question will be a private membership golf course. The owners are passionate about their property and golf, and they want to capitalize on this by developing the land they own.

Proponents:

No one approached in support.

Neutral:

David Kirby, 1121 S 112th Street, Lincoln, NE came forward and stated he has been a resident of the neighborhood since 1998. He expressed concerns about the placement of the clubhouse and possibly the well, mentioning that the project does not seem to do justice to the neighborhood. He acknowledged that some committee members live on acreages and referenced a picture shown by Bright, which he described as outdated and not depicting Mark Kaufman's house, located directly across the lane from the clubhouse. Kirby added that they were unaware of the project until the yellow zoning action sign appeared on a telephone pole, highlighting a lack of communication regarding this Special Permit. Kirby then requested that the committee delay making a final decision today, suggesting that they consider the public testimony and letters submitted, including one from Renee and Carl Eastman.

Kirby also pointed out that the residents in the area do not have access to city water and rely on their wells, raising concerns about the potential depletion of the water supply if the wells run dry. Additionally, he expressed dissatisfaction with the clubhouse's proposed location, stating it would be situated too close to two homes, despite the project covering 290 acres. Kirby suggested the clubhouse be relocated to the south side of 112th and A, where there is direct access from A Street, which would be a more suitable location.

Kirby further mentioned that while Bright claimed to have contacted and spoken with neighbors; Kirby and others present had not been part of those discussions and were unsure who Bright had communicated with. Kirby reiterated his concerns about the impact on the water supply and urged the committee to hold off on making a final decision until they receive feedback from the NRD (Natural Resources District).

Opposition:

Sara Wingrove, 1151 S 112th Street, Lincoln, NE came forward and expressed concerns about the project's lack of thorough consideration regarding water resources and the impact on the aquifer and wells. Wingrove, who has lived in the neighborhood since 2007, mentioned that the golf course runs along her west and south property lines. She voiced concern over the convergence of two greens and two tee boxes, noting that although the course is initially for property owners, there are plans to open it up for high school use as a practice course, which she fears will result in golf balls frequently landing in her yard.

Wingrove further stated that no neighborhood meeting had been held, and the developers did not reach out or engage in conversations about the project with the residents. Wingrove expressed concern over the lack of information regarding the distance of key features and the potential removal of trees along her property line. While she acknowledged some of the changes are on the developer's property, she emphasized that they will still affect the landscape and the residential nature of the area, which consists of only seven houses.

Wingrove has concerns with the location of the clubhouse and parking area, which are situated very close to the residential road, and suggested that access could be from a different point. Wingrove is also worried about the potential impact of lighting in the parking area and the additional traffic that might be directed down their road. While she clarified that she is not opposed to the golf course itself, Wingrove expressed support for Kirby's request to pause and have further discussions regarding the impact on the water supply, the clubhouse placement, and the changes to the local landscape.

Staff Questions:

Ebert mentioned that she understood the applicant did not request annexation and inquired if there was a specific reason for this decision. Ebert also asked whether there is a possibility for the property to be annexed in the future and what potential impacts such annexation could have on the water supply concerns.

Wesselhoft explained that the applicant did not request annexation because it is not a requirement. However, a special permit could be obtained within either the three-mile zoning area or the city limits under AG zoning for this type of use. Wesselhoft clarified that if there were a request for city water and sewer services, annexation would be required as part of that process. Since the applicant is only requesting a special permit, which is permitted under the current ordinance, annexation is not being pursued currently.

Ebert pointed out that the staff report refers to the site as being designated for future urban residential use in the 2050 Future Land Use Plan. Ebert noted that this is a different type of use and sought clarification on whether the property would be considered residential if it were no longer used as a golf course in the future.

Wesselhoft stated that was correct, an alternate proposal could have been for annexation, an extension of the city's services with an R3 CUP for example.

Ryman Yost stated she had some questions on the water now that we heard some additional testimony in making sure that the Aquaphor test is something that could be added, potentially as a condition of approval.

Wesselhoft stated that yes, it could be required. The Health Department did not identify any concerns, but it could be required using that general advice from the NRD.

Ryman Yost stated in terms of the layout and the design and the access versus A Street or 112th Street was wondering if there was any conversation with traffic safety around access. Wesselhoft explained that one of the conditions of approval involved the review by the LTU. This review considered the deviation request for driveways located on A Street, South 90th Street, and 112th Street, specifically regarding spacing requirements. However, it was clarified that the applicant is not proposing to subdivide the property or make changes that would trigger additional requirements, such as paving or other improvements. It was emphasized that the applicant will still need to comply with the LTU's requirements for driveway installation.

Feit asked for clarification if they must come back with any details before they build the clubhouse.

Wesselhoft noted that the applicant intends to propose changes to the approval granted today. Specifically, there is a condition related to accessory buildings, which may be

constructed but does not need to be shown on the site plan. If the current proposal is approved, the applicant would not be required to return unless they seek approval for something significantly different from what has been requested.

Feit expressed curiosity about the matter, wondering if allowing overnight stays would impact the possibility of opening a restaurant or bar to the public. Feit then requested clarification on whether such a proposal would need to be submitted to the Planning Department for approval.

Wesselhoft explained that it could potentially be considered a different use, depending on the scope, and deferred to Hendrichsen for further clarification.

Steve Hendrichsen, Planning Dept., 555 South 10th Street, Lincoln, NE came forward and clarified that lodging rooms, which are accessory to the clubhouse and the golf course, are part of the approval process. Hendrichsen also noted that he hadn't realized before this application that there are golf course memberships for national organizations, as opposed to local ones. These organizations operate courses in multiple states, and members can play at different courses, which leads to less frequent traffic since members don't visit multiple times a week. This model results in tee times being spaced further apart. Hendrichsen compared this to local golf courses, like Wilderness Ridge, where people visit more frequently. The national membership model leads to less traffic generated. Hendrichsen acknowledged that if they had proposed a freestanding hotel, it would have been a different situation, as Wesselhoft pointed out.

Hendrichsen further explained that the area is designated as urban residential in the comprehensive plan, meaning if a developer had proposed urban residential development, there would have been multiple access points, more roads, and housing built. The golf course, however, presents a different impact. Hendrichsen emphasized that they are comparing the golf course proposal to what is currently shown in the comprehensive plan, which is urban residential. With water and sewer services in the area, development in this zone would likely have impacted the adjacent properties in terms of noise and density. Regarding annexation, Hendrichsen mentioned that this area, including the acreage lots, would eventually be annexed once water mains and sewer lines are in place. Hendrichsen clarified that while the annexation would happen in the future, it would include the golf course. However, after annexation, connecting to city water would not be required. If a property is within 300 feet of a sanitary sewer, connection is mandatory, but connecting to city water is not. Hendrichsen also pointed out that many golf courses in town are not connected to city water.

Hendrichsen explained that irrigating golf courses using city water is often too expensive due to the fee structure. The more water consumed over certain amounts, the higher the fees, which creates a challenge for the water system when dealing with large water users like golf courses. As a result, many private golf courses, even if their clubhouses are connected to city water, often still rely on wells for irrigation due to the high costs of using city water.

Feit requested clarification on the map for the benefit of those watching and listening. Feit highlighted that the setbacks on the north and east sides of the property near the dwellings are slightly larger. Feit aimed to provide clarity, especially for the testifier who had previously raised concerns about having two corners of her lot adjacent to golf holes and tees.

Wesselhoft stated that all the normal AG setbacks will be met. There are no waivers requested. The additional setbacks in the conditions that pertain to the greens and the tee boxes had to do with keeping those golf course elements, not buildings, but those elements of the golf course out of the 60-foot side yard and other setbacks both the front yard and rear yard. The modification to this additional condition only applies to the developer's associated residential lots here. So, the other proximity is in terms of the homes, they would not only be the buildings and parking, but the golf course elements would have to comply with the setbacks.

Feit asked for clarification, stating that the property line is here; I'm assured that a tee box and another greenhouse hole would be 60 feet away. Wesselhoft stated that is correct.

Feit stated that it was great and just wanted to make sure everyone understood.

Joy sought clarification on whether there were any additional screening requirements within the 60-foot area, but she couldn't recall where she had read that information.

Wesselhoft stated that he was unaware of any additional screening requirements for agricultural use. Wesselhoft explained that one of the conditions involves the 60-foot side setback, which needs to be adjusted to allow for the future expansion of Outlot A to 60 feet. Outlot A is located on the south side of the development. Wesselhoft also mentioned for the CUP homes to the north, if they were to be upgraded in the future, consideration must be given to the 60-foot residential width for the right-of-way or street, along with the 60-foot setback.

Joy responded, stating that this explanation clarified many aspects.

Ryman Yost mentioned that during an earlier discussion, they had been looking at the map provided by Olsson, but when reviewing it on Google Earth, she noticed a significant tree line on the south side of the street that wasn't visible before. It appears that, according to the map, the proposed parking lot would lead to the removal of these trees.

Joy asked for clarification on whether the memo had changed that requirement and if the location had been adjusted.

Wesselhoft stated that is correct and you're going to have to move the parking outside of the setback area.

Ryman Yost explained that she just wanted to ensure everything was clear for everyone and inquired if there were any additional questions.

Applicant Rebuttal

Bright stepped forward to provide clarification and context. Bright explained that he did not intend to mislead anyone when stating he had contacted neighbors. Bright mentioned that he had been contacted by neighbors after the application was submitted, and he had followed up with them through email or phone conversations. Bright emphasized that he did not

proactively reach out to any neighbors and apologized if his previous statements caused any confusion.

Bright further clarified that the irrigation wells they submitted were preliminary applications for wells to be located on the west side of the project. This area is where their irrigation pump house and reservoir will be situated. The wells will have higher capacity and will feed into the irrigation system. Bright wanted to provide this information for a better understanding of the spatial relationship to the current domestic water wells in the area.

Ryman Yost stated that those are the irrigation wells, and the clubhouse would be located near the maintenance facility? Bright stated that they are not submitting the permit for the clubhouse at this time because they are not moving forward with it yet, but they plan to do so eventually, along with the maintenance facility. He wanted to share the updated site plan as a reference for the condition of approval related to moving the tees and greens. This updated plan shows the setback and the relocation of the tees and greens. From both an ownership and golf course design perspective, they intend to protect as many of the trees as possible, including those along the outlot A corridor.

Joy mentioned that the idea of taking a 2-week break has been brought up several times, which would allow time for a neighborhood meeting. Joy asked if that is something the client or applicant would be open to considering.

Bright responded that they are open to the idea, but they are also prepared to move forward with putting the special permit to a vote from their perspective. He believes the permit aligns with the zoning standards and can be permitted as a consistent use. Bright added that the NRD well permit is still a requirement, and no irrigation or other activities can proceed without it. Their primary focus is on obtaining that permit. Bright offered to turn the question over to Essay, the owner's representative, to see if he would be willing to consider the suggestion.

Alex Essay, 7110 S. Hampton Rd. Lincoln, NE stepped forward and agreed with Bright. He stated that they are ready to move forward with putting the proposal to a vote. Essay emphasized that, from the owner's perspective, minimizing any impact on the neighbors is a top priority. Essay also mentioned that if neighbors would like to meet after the meeting, he would be personally happy to meet with anyone to listen to their concerns and address any issues outside of the formal meeting.

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

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

SPECIAL PERMIT 25001

ACTION BY PLANNING COMMISSION:

February 5, 2025

Joy moved to approve Special Permit 25001; seconded by Eddins.

Eddins stated that she would love to have a golf course as a neighbor. She expressed frustration that the neighbors were not reached out to beforehand, wondering how much could have been avoided with a simple door knock to inform them of the plans and gather their concerns. Eddins expressed trust in the NRD to thoroughly assess the water feasibility and ensure that the wells will have enough water for the project. However, she was frustrated that many of the questions raised today could have been addressed earlier through a neighborhood meeting.

Eddins emphasized the importance of meeting with the neighbors who directly border the land. She suggested that even if this meeting takes place after today, those neighbors would greatly appreciate knowing the details, such as who is behind the project, what it will look like, how it will impact their lives, and how many golf balls might land on their property.

Feit seconded Eddins' comments, expressing her full support. Feit shared that her main concerns are the water usage, given the significant amount required for irrigation, and safety. Feit referenced concerns raised by community members regarding golf balls potentially hitting grandchildren playing in their yards, which she considered an important issue. Feit agreed that speaking with neighbors beforehand would have a significant positive impact.

Feit also expressed relief that there was clarification on setbacks, project phases, and water usage. Feit reiterated her agreement with Eddins, emphasizing her trust in the NRD's 20-year feasibility study and the necessary permits to ensure proper water testing, particularly for drinking water safety.

Feit also wanted to clarify that someone had mentioned this was a final action, and she noted that any decisions made today can be appealed. She encouraged anyone interested in appealing to reach out to the Planning Department for guidance on the process.

Ryman Yost mentioned that the NRD had discussed the study and an aquifer test, although the Health Department had not raised any concerns, she suggested that this could be considered as an additional condition before proceeding with the final vote on the motion. Ryman Yost expressed interest in having the issue revisited if it continues to be a concern.

Feit shared that she had been wondering the same thing. Feit expressed that if a good permit is required, she believes the necessary testing and approval will happen regardless.

Ebert agreed, stating that it seems redundant to add it as a requirement if it is already a necessary part of the process.

Joy agreed with her fellow commissioners, noting that since the process is already a requirement, adding it as an additional condition would be unnecessary.

Eddins reminded everyone that there is a 14-day appeal period. She reiterated that meeting with the neighbors in the next few days could help avoid potential appeals later.

No additional discussion.

Motion for approval of Special Permit 25001 carried as amended 7-0: Ball, Cruz, Ebert, Eddins, Feit, Joy, and Ryman Yost voting "yes". Campbell and Rodenburg absent.

Joy moved to adjourn the Planning Commission meeting of February 5, 2025; seconded by Eddins.

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

There being no further business, the meeting was adjourned at 2:30 p.m.