

Addendum
DIRECTORS'/ORGANIZATIONAL AGENDA
ADDENDUM

Monday, December 9, 2019

I. DIRECTORS CORRESPONDENCE
PLANNING

1. Action dated Wednesday, December 4, 2019

II. CONSTITUENT CORRESPONDENCE

1. Proposed Ordinance on Vaping - Dexter Schrodt, VP of Advocacy & Regulation

REVISED

****ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 4, 2019, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, December 4, 2019, from 12:00 p.m. to 12:50 p.m. in Studio Room 113 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, for a briefing on procedures and other items.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, December 4, 2019

[Commissioner Joy absent; Commissioners Finnegan and Ryman Yost left at approximately 6:35 p.m.]

Approval of minutes of the regular meeting held November 13, 2019. ****APPROVED: 8-0; (Joy absent)****

1. CONSENT AGENDA
(Public Hearing and Administrative Action):

COMPREHENSIVE PLAN AMENDMENT:

- 1.1 Comprehensive Plan Amendment 19004, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan, Priority Growth Areas Map, to change approximately 225 acres from Tier 1, Priority C to Tier 1, Priority B, on property generally bounded by South 98th Street on the west, Van Dorn Street on the south, Mopac Trail on the north, and the alignment for South 105th Street on the east.

Staff recommendation: Approval

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Planning Commission recommendation: APPROVAL; 8-0 (Joy absent).

Public hearing before the City Council is tentatively scheduled for Monday, January 6, 2020, 3:00 p.m.

SPECIAL PERMITS:

- 1.2 Special Permit 19052, to allow for the development of a CUP (Community Unit Plan) with up to 12 single-family attached dwelling units, with associated waivers, on property generally located at 2040 South 35th Street. *****FINAL ACTION*****
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov
This application was removed from the Consent Agenda and had separate public hearing. Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated November 21, 2019: 8-0 (Joy absent). Resolution No. PC-01679. The public hearing on this application was closed.
- 1.3 Special Permit 19054, to allow for the expansion of a nonconforming veterinary use in the R-3 (Residential District), and associated waiver, on property generally located at 2400 West Van Dorn Street. *****FINAL ACTION*****
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the amended conditions of the staff report dated November 25, 2019, as recommended and approved by Planning Commission: 8-0 (Joy absent). Resolution No. PC-01680. The public hearing on this application was closed.

2. **REQUESTS FOR DEFERRAL: None.**

3. **ITEMS REMOVED FROM CONSENT AGENDA: See Items 1.2 and 1.3.**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

TEXT AMENDMENTS:

- 4.1 Text Amendment 19008, to amend the Lincoln Municipal Code Section 27.72.020(c) Exceptions to the Minimum Lot Requirements Residential, to where a vacant lot or tract of land is at least 40 feet wide and was final platted prior to November 2, 1953, may be used for a single-family dwelling; providing for certain stipulations; and repealing Section 27.72.020 of the Lincoln Municipal Code as hitherto existing.
Staff recommendation: Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
Planning Commission recommendation: APPROVAL; 8-0 (Joy absent).
Public hearing before the City Council is tentatively scheduled for Monday, January 6, 2020, 3:00 p.m. The public hearing on this application was closed.

- 4.2 Text Amendment 19009, amending Article 13 Special Permit, Section 13.014, and Article 16 Signs, Section 16.003 of the Lancaster County Zoning Regulations, regarding special permits for campgrounds and general provisions for signs.
Staff recommendation: Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: APPROVAL; 5-3 (Al-Badry, Edgerton and Beckius dissenting; Joy absent). Public hearing before the County Board of Commissioners is currently pending. The public hearing on this application was closed.

SPECIAL PERMIT:

- 4.3 Special Permit 19051, to allow for a campground and related accessory uses, on property generally located at the SE corner of Hwy 77 and Davey Road. *****FINAL ACTION*****
Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the revised conditions of the staff report dated December 3, 2019, including a proposed amendment to Condition 2.1 as requested by the applicant: 4-2 (Edgerton, and Beckius dissenting; Finnegan, Joy, and Ryman Yost absent). The motion failed due to lack of 5 affirmative votes. The Planning Commission will take action on this application at the December 18, 2019, hearing. The public hearing on this application was closed.

CHANGE OF ZONE:

- 4.4 Change of Zone 15013A, to amend the Planned Unit Development (PUD) to include residential, office, and commercial uses, with associated waivers, on property generally located at the SW corner of South 52nd Street and Yankee Hill Road.
Staff recommendation: Conditional Approval
Staff Planner: Dessie Redmond, 402-441-6373, dredmond@lincoln.ne.gov
Planning Commission recommendation: CONDITIONAL APPROVAL; 5-0, (Campbell abstained; Finnegan, Joy, Ryman Yost absent), as set forth in the amended conditions of the staff report dated November 25, 2019, as presented by the applicant and agreed upon by staff. Public hearing before the City Council is tentatively scheduled for Monday, January 6, 2020, 3:00 p.m. The public hearing on this application was closed.

MISCELLANEOUS:

4.5 Miscellaneous 19004, to review the proposed determination and identifying areas of the city that meet the statutory definition of Extremely Blighted as defined in the Nebraska Community Development Law. The study area consists of various locations primarily in the core of the city.

Staff recommendation: Finding of Extremely Blighted Conditions

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Planning Commission recommendation: FINDING OF EXTREMELY BLIGHTED CONDITIONS: 6-0, (Finnegan, Joy, Ryman Yost absent). Public hearing before the City Council is tentatively scheduled for Monday, January 6, 2020, 3:00 p.m. The public hearing on this application was closed.

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGE OF ZONE AND RELATED ITEM:

5.1a CHANGE OF ZONE 19026, from AG (Agricultural District) to R-3 (Residential District) and from AG (Agricultural District) to R-5 (Residential District), on property generally located at 8801 Holdrege Street.

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Planning Commission recommendation: CONDITIONAL APPROVAL; 6-0 (Finnegan, Joy, and Ryman Yost absent), as set forth in the conditions of the staff report dated October 31, 2019. Public hearing before the City Council is currently pending. The public hearing on this application was closed.

5.1b SPECIAL PERMIT 19047, to allow for the development of a CUP (Community Unit Plan) with up to 719 multiple-family dwelling units on approximately 35.31 acres, with requested waivers, on property generally located at 8801 Holdrege Street. *****FINAL ACTION*****

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the amended conditions of the staff report dated December 3, 2019, as recommended and approved by Planning Commission: 6-0 (Finnegan, Joy, Ryman Yost). Resolution No. PC-01681. The public hearing on this application was closed.

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

Adjournment 10:40 p.m.

PENDING LIST:

Special Permit 18045, to allow for a County AG (Agricultural District) CUP (Community Unit Plan), consisting of 148.49 acres, more or less, for 9 single family acreage lots on property generally located at North 14th Street and Rock Creek Road.

Preliminary Plat 18002, to add 430 residential lots on approximately 152.1 acres, more or less, on property generally located at the SW corner of West Old Cheney Road and South Folsom Street.

Angela M. Birkett

From: Dexter Schrodt <dexters@nebmed.org>
Sent: Friday, December 06, 2019 2:00 PM
To: Council Packet
Subject: Proposed Ordinance on Vaping
Attachments: Lincoln City Council Vaping Ordinance - NMA Letter of Support.pdf

Good afternoon,

Please find attached the Nebraska Medical Association’s letter of support on the proposed ordinance to expand the Lincoln Smoking Regulation Act to include electronic cigarettes and vaping.

Thank you,

Dexter Schrodt

VP of Advocacy & Regulation, In-house Counsel
Nebraska Medical Association
P: (402) 474-4472 | C: (402) 202-0068
www.nebmed.org

“Advocating for Physicians and the Health of all Nebraskans”

We're
MOVING

**NMA IS MOVING TO OUR NEW LOCATION DECEMBER 23
1045 LINCOLN MALL, SUITE 200, LINCOLN NE 68508**





December 6, 2019

Lincoln City Council
555 S. 10th Street, Room 111
Lincoln, NE 68508

RE: Proposed Ordinance to Expand the Lincoln Smoking Regulation Act to Include Electronic Cigarettes and Vaping

Dear Esteemed Members of the Lincoln City Council,

On behalf of the Nebraska Medical Association, I am writing to support the proposed ordinance to expand the Lincoln Smoking Regulation Act to include e-cigarettes and vaping.

Despite reductions in combustible tobacco use, it is still the leading cause of preventable death in the United States. A growing number of non-combustible tobacco products are thought to be less hazardous, but limited evidence is available on their long-term health risks. The available research to date has shown that the direct use of e-cigarettes and vaping products is unsafe and can cause addiction.

Unfortunately, even less research exists on the health impacts due to the public use and secondhand exposure of these products on the public-at-large. The purpose of the Lincoln Smoking Regulation Act is to reduce the health and safety risks posed by smoking in public places. Due to the lack of research on e-cigarettes and vaping, these types of products should also be included as a prohibited item under the Act.

Due to the dangerous health risks of all tobacco products, it is an imperative public health policy that city ordinance continue to reflect the evolving nature of electronic and vaping products.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd E. Hlavaty", with a stylized flourish at the end.

Todd E. Hlavaty, MD
NMA President