MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, May 27, 2020, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy, Cindy Ryman Yost and Dennis Scheer; Shams Al-Badry, Tom Beckius and Deane Finnegan absent; Steve Henrichsen, Geri Rorabaugh, and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Hearing

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

Chair Corr requested a motion approving the minutes for the regular meeting held May 13, 2020.

Motion for approval of the minutes made by Campbell, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr voting 'yes'; Al-Badry, Beckius and Finnegan absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **May 27, 2020**

Members present: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr; Al-Badry, Beckius and Finnegan absent.

The Consent Agenda consisted of the following items: Special Permit 20014 and Use Permit 140G.

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

Scheer declared a Conflict of Interest on Item 1.2 – Use Permit 140G and exited the chambers.

Campbell moved approval of the Consent Agenda items, seconded by Joy and carried 5-0: Campbell, Edgerton, Joy, Ryman Yost and Corr voting 'yes'; Scheer declared Conflict of Interest; Al-Badry, Beckius and Finnegan absent.

Note: This is **FINAL ACTION** on **Special Permit 20014** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Scheer returned to the chambers at 1:05 P.M.

Chair Corr called for Requests for Deferral.

COMPREHENSIVE PLAN CONFORMANCE 20007
TO REVIEW AS TO CONFORMANCE WITH THE 2040 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN, THAT ADDS THE "GORILLA FLATS REDEVELOPMENT PROJECT", ON PROPERTY GENERALLY LOCATED AT 2226 R STREET
PUBLIC HEARING: **May 27, 2020**

Members present: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr; Al-Badry, Beckius and Finnegan absent.

Staff Recommendation: Two-week deferral.

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

The Clerk noted that the applicant has requested to defer this item for two weeks to the regular Planning Commission hearing on June 10, 2020.

Campbell moved to grant the request for a 2-week deferral for public hearing and action on June 10, 2020, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr voting 'yes'; Al-Badry, Beckius and Finnegan absent.

CHANGE OF ZONE 20014
FROM AG (AGRICULTURAL DISTRICT) TO AGR (AGRICULTURAL RESIDENTIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT 13350 NORTH 84TH STREET
PUBLIC HEARING: **May 27, 2020**

Members present: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr; Al-Badry, Beckius and Finnegan absent.

Staff Recommendation: Denial

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

Staff Presentation: Steve Henrichsen, Planning Department, came forward and stated this request is for a change of zone from AG (Agricultural) to AGR (Agricultural Residential) on 7.59 acres. The applicant is wanting to subdivide the 7.59 acres into two lots located on 84th Street and Mill Road. This area is just outside the City's 3-mile jurisdiction, which would put it in the jurisdiction of the County Board. Henrichsen explained that approval of this change of zone would likely set a precedent and lead to other AGR requests on other similar lots throughout the county. This property was split from the main property as a farmstead, which is allowed and often sold separate from the farm. The applicant wants to build a second house on the property for their children, but the minimum lot size is 20-acres and not the 3-acres they are requesting. Henrichsen stated they are recommending denial of this application. This is not consistent with the Comprehensive Plan, and the Planning Department receives inquiries for this type of application every month; this application is not unique. Henrichsen stated in the county jurisdiction alone, there are over 1,500 lots today zoned AG, which are less than 10-acres that are not in a CUP (Community Unit Plan).

Scheer stated his question is not directly related to this request, but it is related to an ADU (Accessory Dwelling Unit). He shared a couple of years ago, a resolution had passed for an ADU, which had a number of conditions that could be amended, and size was one of them. Scheer inquired if the planning staff would be willing to amending some of the conditions to make this work for the family. Henrichsen stated the limit for size is 1,000 square feet with no more than two bedrooms, and he further stated the idea for this was to have smaller accessory buildings on the site from 600 to 800 square feet and not to create a system for a second dwelling unit. He stated to keep the accessory standard, the size of the accessory buildings should be kept under 1,000 square feet.

Campbell stated that he recalls a prior Planning Commission meeting where there was a proposal from the applicant to split their lot to build a second house, which was approved, and he inquired how these cases differed. Henrichsen stated he was unsure which application he was referring to, but an applicant did come in under an extended home occupation and had a

large accessory building for storage. Campbell inquired if any of the lots to the south were available. Henrichsen said no, but there is an area to the west with 12 vacant lots available by the same owner.

Joy asked if it was included that an employee or caregiver would have the ability to reside in a dwelling unit on the property, such as farm help. Henrichsen stated in theory, if they have a 40-acre property and have two dwellings on the same lot, but they would still need to meet the 1 house per 20-acre requirement. Joy wanted to clarify that they could use an adjacent owner's property to consolidate and have two dwelling units. Henrichsen said yes, it is through the AG Preservation and they would not need to have a preliminary plat.

Henrichsen noted that the Planning Department did receive a letter in opposition from Wayne Nielson, who has property a mile to the west. Henrichsen stated that Mr. Nielson's letter states he has several concerns with this being approved.

Applicant:

Janet Stander, 13350 N. 84th Street, came forward and stated they wanted to move forward with this because it is important to them and other elderly rural residents. Stander stated she was told that a large rural housing development with multiple water users could be approved, but individual requests would not. She shared that she was unsure of how a single house would be an additional burden on the water supply, emergency services, and road and bridge maintenance. They are fine with gravel roads, because paved roads will increase traffic in the area. Stander stated that this land was never cropland that needed to be preserved. They want to subdivide their lot and that would make each lot slightly larger than 3-acres, which they have heard that 3-acre lots are okay. She shared that the number of farmsteads continues to decline, and hates to see this type of lifestyle disappear. To preserve the rural lifestyle, there will need to be changes in how farmsteads are seen.

Campbell asked the Standers what would happen to their house if they were to pass. Stander shared it would be nice if their son could move into their house and the subdivided property would be occupied by next generations.

Joy asked if the size of an ADU is something that they could explore, if there were waivers to size and bedroom. Stander stated that it would not be large enough for her son's family, and they could not afford the expense; it would be harder to sell the land with the additional house.

Staff Questions:

Henrichsen stated he wanted to clarify the question previously asked by Commissioner Campbell where the applicant split their lot to build a second house, which was approved. Henrichsen shared there was a special permit for an ADU on NW 27th Street, which was an

existing 20-acre property with a house and garage. One of the waivers was to add-on to an existing garage, and the second was because the existing septic system was not large enough.

There was no testimony in support or opposition.

Applicant Rebuttal:
Stander stated the property to the south was for sale, which they did bid on but were outbid. She stated they have been looking for nearby property because they knew that they would most likely be denied.

Campbell asked if they have looked at acreages to the west and south. Stander said no. Campbell asked if any of the lots for sale would fit their needs to have family close because nearby there are 12 platted lots. Stander stated they have talked about those lots and figured if they have not tried to sell them by now they are not planning on it.

Raymond Stander, 13350 N. 84th Street, came forward and asked if Commissioner Campbell was talking about the lots to the south. Campbell stated that there are also platted lots to the west. Stander stated that several have come up for sale and sold. Stander stated that to the north on Raymond Road there are about five or six 5-acre lots that have houses on them and they are not AGR. He shared that they were looking for the most efficient use of their space and their land has a very steep hill on it that is not farmable.

Edgerton moved to close the public hearing on this item, seconded by Joy and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr voting 'yes'; Al-Badry, Beckius and Finnegan absent.

CHANGE OF ZONE 20014
ACTION BY PLANNING COMMISSION: **May 27, 2020**

Scheer moved recommendation of denial, seconded by Campbell.

Scheer stated that he feels very strongly about all of the arguments that Henrichsen made in defense of the recommendation to deny. The arguments regarding precedent and the Comprehensive Plan makes it difficult not to recommend denial. Scheer shared that he agrees with everything stated by the Standers in their testimony regarding the big picture about the continued decline of rural properties like this. If there were ways to allow them to continue to live at home with the help of younger family members, that would be great. Scheer stated that a change of zone approach is not allowed within the current rules, and he further stated the only way to allow is through the ADU process with waivers. Scheer stated that he is going to

support this motion, but understands what the Standers are trying to do and applauds them for their effort.

Campbell stated the reason he seconded this motion is because it is based on the Comprehensive Plan, and the complex issue that it could be opened. Campbell shared that he sympathizes with the Standers, and further stated that he thinks that the Planning Department needs to look and see if there is a way to allow this in the future, because this is not creating a new property that takes away from farmland, it already exists. The Planning Department needs to look at other options that could be pursued because this would not be taking up other land.

Edgerton stated she too agrees with her fellow commissioners, and further stated this does seem like it is a slippery slope with regards to the way the Comprehensive Plan is set up at this time. Edgerton shared they are in the process of reviewing the Comprehensive Plan at this time and that the timing for this is well placed for the conversation to continue as to whether this policy continues to support the community. If it does great, but if there are ways to accomplish other things within the boundaries, they have the process in front of them and they can look at that.

Joy stated she applauds the Standers for moving forward on this, knowing that it was stacked against them. Joy shared it is a perfect time as her fellow commissioners have mentioned to bring this forward to explore in the Plan Forward 2050. She shared there are many things that people want to do on their property that will not work with the systems in place now and maybe with the changes in today's society, it might worth pursuing. Joy stated that, unfortunately, she too would be supporting the motion.

Ryman Yost stated the idea of creating opportunities for people to have the ability to age in place and remain in their home is a significant issue and needs addressed as a community. Ryman Yost shared that she applauds what they want to do; having grown up in a small town herself, she understands the importance of family connections. She stated that this is something they can look at in the Comprehensive Plan moving forward to avoid some sort of a precedent-setting situation now, and hopefully the time is in place now to look at other options.

Corr stated that she echoes what all of her fellow commissioners have said and understands where the Standers are coming from. Corr stated that she will support the Comprehensive Plan, and further shared she is glad they are looking at the Comprehensive Plan now. This will give the group something to think about during the process.

Motion carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr voting 'yes'; Al-Badry, Beckius and Finnegan absent.

Corr stated at this point, we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Joy moved to adjourn the Planning Commission Meeting of May 27, 2020, seconded by Scheer and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Scheer and Corr voting 'yes'; Al-Badry, Beckius and Finnegan absent.

Meeting adjourned 1:55 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, June 10, 2020.

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