

CALL TO ORDER

The regular meeting of the Lincoln County Planning Commission was brought to order by Chairman Jongeling at 6:30pm on July 19, 2021.

ROLL CALL

Commissioners Colin Enstad, Wendi Hogan, Mark Johnson, and Chairman Jerry Jongeling were present. Toby Brown and Jennifer Cleveland for County Planning were also present.

APPROVAL OF THE MEETING MINUTES

- 1) MOTION by Enstad and seconded by Hogan to approve the regular meeting minutes from June 21, 2021. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.

APPROVAL OF THE MEETING AGENDA

MOTION by Johnson and seconded by Enstad to approve the Agenda. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.

PUBLIC INPUT ON NON-AGENDA ITEMS

Chairman Jongeling opened the floor for public comment and no one moved to speak.

OLD BUSINESS

- 1) Toby Brown, County Planning staff, presented a brief explanation of the staff report and recommendation. Commissioners asked Richard Peters, the applicant and property owner, and Scott Verhey, with DGR Engineering, to present a brief explanation of the updated preliminary subdivision plan for the development. Commissioners commented that the applicant had done a good job addressing their concerns from the previous meeting.
MOTION by Hogan and seconded by Johnson to approve the preliminary subdivision plan for Peter's Addition. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.

PUBLIC HEARINGS

- 1) Toby Brown, County Planning Staff, presented a brief explanation of the staff report and recommendation. Scott Hoffman, one of the applicants and property owners, was present to discuss the request. He noted the property is currently used to harvest alfalfa twice a year and he feels the property has no value to them as it does not have a building eligibility. He further stated that the owners would potentially put the property up for sale in the future and the property would be worth more if rezoned to commercial. Jongeling opened the floor to public comment. Several neighbors spoke against the application. The neighbors primarily stated that the area is a growing residential area and the existing businesses in the area have created crime and compliance issues, and that they would prefer the property to be rezoned to Rural Residential. Hearing no further comments, Chairman Jongeling closed the floor to public comment.
MOTION by Hogan and seconded by Johnson to recommend denial. Substitute MOTION to table the application by Johnson and seconded by Hogan. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.
- 2) Toby Brown, County Planning Staff, presented a brief explanation of the staff report and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit applies only to the use/operation motor vehicle sales and motor vehicle repair on

the subject property. The Conditional Use Permit only applies to the subject property of 47002 Airport Place, being approximately 0.40 acres in size and legally described as Lot 12, Schroeder's Subdivision of part of Tract 37 of Sky Haven Heights, NW1/4, Section 30-T100N-R50W. 2. All vehicle maintenance, service, or repair shall only take place inside the building. 3. No motor vehicles in disrepair or waiting to be repaired shall be stored outside. 4. No outside storage of equipment, parts, or materials shall be permitted. 5. All junk, debris, and other discarded items must be promptly removed from the site. 6. All employees, customers, and vehicles for sale shall park on-site and in designated spaces. 7. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line. 8. Appropriate building/zoning permits shall be obtained.

Bruce Schoewe, one of the applicants, was present to discuss the application. He noted it would be a small operation. He described his business as primarily purchasing vehicles in need of minor repairs, fixing and re-selling them. He further noted that all vehicles waiting to be repaired would be held in a fenced-in area on the north side of the building. He stated no semi's or transport vehicles would be coming to the site. Commissioner Johnson asked Mr. Schoewe if he had reviewed the recommended conditions and would be able to comply, particularly with condition #3. Mr. Schoewe noted that he would keep all vehicles within the fenced holding area.

Jongeling opened the floor to public comment. Jim Coburn, the current property owner, discussed the history of the property and stated he is working on cleaning up the property. Dale Aurit commented that the property has been a junkyard for 15 + years and would like the property cleaned up and maintained. Hearing no further comments, Chairman Jongeling closed the floor to public comment.

MOTION by Johnson and seconded by Hogan to approve the application with Condition #3 amended to read "No motor vehicles in disrepair or waiting to be repaired shall be stored outside the fenced area." Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.

- 3) Toby Brown, County Planning Staff, presented a brief explanation of the staff report and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit applies only to the use/operation of 2,240 square feet with porch of total accessory building area on the subject property. The Conditional Use Permit only applies to the subject property of 27032 Michelle Circle, being approximately 1.02 acres in size and legally described as Lot 14, Block 3, Tract 2 Atkin's Addition, NW1/4, Section 1-T99N-R51W. 2. The building shall be used only by the occupant(s) of the residence for personal storage and as otherwise regulated by the Zoning Ordinance. 3. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line. 4. Appropriate building permits/floodplain development permits shall be obtained. No additional accessory buildings shall be allowed, based on the total accessory building square footage permitted on the property, without the issuance of a new Conditional Use Permit. Casey Wallum, owner and applicant, was present and stated the structure would be for his personal use only.
- Jongeling opened the floor to public comment. Myron Roth commented he felt the structure was too large for a residential area and was concerned the structure would be used to operate a business. Commissioners asked the applicant if he would be operating a business from the building. Applicant stated there would not be a business operating from the building and stated the construction vehicles currently onsite are related to the permitted remodel of the home. Hearing no additional comments from the public, Chairman Jongeling closed the floor to public comment.
- MOTION by Hogan and seconded by Enstad to approve with the recommended conditions. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.

- 4) Toby Brown, County Planning Staff, presented a brief explanation of the staff report and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit applies only to the use/operation of 1,920 total accessory building area on the subject property. The Conditional Use Permit only applies to the subject property of 48225 Hiawatha Place, being approximately 3.31 acres in size and legally described as Lot 9A, Hiawatha Hills Addition, E1/2 NE1/4, Section 7-T98N-R48W. 2. The building shall be used only by the occupant(s) of the residence for personal storage and as otherwise regulated by the Zoning Ordinance. 3. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line. 4. Appropriate building permits shall be obtained. No additional accessory buildings shall be allowed, based on the total accessory building square footage permitted on the property, without the issuance of a new Conditional Use Permit. Matt Braun, owner and applicant, was present and noted the structure would be used for personal storage only and that he has met with their HOA and received their approval for the structure. He also stated that the siding and roofing would match the existing home on the property and would be accessed from Hiawatha Place. Jongeling opened the floor to public comment. Hearing none, he closed the floor to public comment. MOTION by Hogan and seconded by Johnson to approve with the recommended conditions. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.
- 5) Toby Brown, County Planning Staff, presented a brief explanation of the staff report and noted staff recommends approval with the following conditions: 1. The Conditional Use Permit applies only to the use/operation of an above ground pipeline facility on the subject property. The Conditional Use Permit only applies to the subject property of Parcel ID: 096.50.02.1000, being a perpetual facility easement of approximately 0.4132 acres in size and on the property legally described as Government Lots 1 and 2, NE1/4 (including 1/2 vacated 475th Avenue), Section 2-T96N-R50W. 2. The property shall be maintained in a neat and orderly manner. 3. Access to the property shall be approved by the Lincoln County Highway department prior to building permit approval. 4. A perimeter security fence shall be installed and shall provide a visual screen from adjacent properties. 5. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line. 6. Appropriate building permits shall be obtained. Chairman Jongeling opened the floor to public comment. Hearing none, he closed the floor to public comment. MOTION by Enstad and seconded by Johnson to approve with the recommended conditions. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.
- 6) Toby Brown, County Planning Staff, presented a brief explanation of the staff report and noted staff concerns with the application and noted that if approved, staff recommended the following conditions: 1. The Conditional Use Permit applies only to the use/operation motor vehicle sales on the subject property, specifically Unit #8. The Conditional Use Permit only applies to the subject property of 27051 Sunset Boulevard, being approximately 1.27 acres in size and legally described as Tract 17, Southwest Industrial Park, NE1/4 SE1/4, Section 24-T100N-R51W. 2. All vehicle maintenance, service, or repair shall only take place inside the building. 3. No motor vehicles in disrepair or waiting to be repaired shall be stored outside. 4. No outside storage of equipment, parts, or materials shall be permitted. 5. All junk, debris, and other discarded items must be promptly removed from the site. 6. All employees, customers,

and vehicles for sale shall park on-site and in designated spaces. 7. There shall be no indication of offensive noise, odor, smoke, dust or glare at or beyond the property line.

8. Appropriate building/zoning permits shall be obtained.

Anthony Murdock, the applicant, was present to discuss his application and business, which he described as a specialty Mazda Speed Boutique. He stated that the business was a small hobby turned business operation and there would be no vehicles stored outside and no customers onsite.

Jongeling opened the floor to public comment. Hearing none, he closed the floor to public comment.

MOTION by Johnson and seconded by Enstad to approve with recommended conditions. Yeas: Enstad, Hogan, Johnson, Jongeling. Nays: None. Motion carried.

NEW BUSINESS

No new business was presented.

ADJOURNMENT

MOTION by Hogan and seconded by Enstdad to adjourn. Yeas: Enstad, Hogan, Johnson, Jongeling.

Nays: None. Motion carried.