

**LINCOLN PLANNING AND ZONING
MEETING MINUTES
Tuesday, May 25, 2021**

The Lincoln Planning & Zoning meeting was called to order by Chairman Borstad at 7:00 pm.

Attendance: Roll Call

Present: Keli Berglund, Josh Borstad, Elizabeth Flemming Darrin Huston, Reuben Panchol, John Shorey, Paul Wilkins

Present:

Justin Hagel (City Attorney) via phone, Kevin Nelson (City Engineer), Landon Neimiller (Swenson & Hagen), Brandon Schock (Lincoln City Council), Dustin Theurer (Bismarck Rural Fire Chief), Gerarld Wise (Lincoln Mayor)

Chairman Borstad called for approval of the minutes for April 27, 2021. Motion to approve by Flemming, second by Shorey. Motion carried.

Rusch Second Addition – Final Plat Consideration and Call for Public Hearing

City Engineer Kevin Nelson stated all deficiencies listed in the Staff Report have been corrected. The proposed subdivision is consistent with the master plan and transportation and access is readily available the streets. The private drives will be constructed and maintained by the developer and the homeowners as they take over those areas for utilities and services. The city will serve this subdivision as the developer continues to the east. The rest of that will fall into South Central Regional Water District, and they will serve them for the water. Staff would recommend that the zoning be approved and move forward to a public hearing, recommend the plat be approved and move forward to a public hearing, and that the annexation be approved and moved to the City Council for consideration.

Chairman Borstad reiterates the committee made a conditional motion at the last meeting that once the engineering details were worked out the public hearing was fine to call, so that can go forward.

Berglund asked about the ADA lift ramp and ADA curb drop on 28th as well as reclamation/reseeding that has not been completed. City Engineer Nelson stated he is prepared to write a letter to the developer to tell them that, that was supposed to go in with the previous development; and we're still looking for that to go in.

There was extensive discussion regarding why the entire subdivision is not included in the annexation application. Nelson stated it is not uncommon for a developer to not bring in the entire subdivision though it is becoming more and more problematic for the City of Lincoln with getting annexations recorded at the recorder's office. Flemming commented that it has been discussed multiple times and with City Ordinance requiring streets and other things it may not be feasible. Councilman Shock stated other developers are annexing big chunks into the city. He does not agree with this developer bringing in small chunks at a time and will be pushing on the council to only annex large chunks. Mayor Wise commented the need for developer to complete outstanding projects within the city such as the ADA lift ramp on 28th and lighting on Butler. The Mayor has been dealing with a couple of the developer's projects now for two years now. Promise it'd be getting started this spring but hasn't seen anything yet. Lighting on Butler is a safety issue.

Borstad reminded that it had been on the agenda multiple times last fall. It comes down to what developer wants to ask for annexation because ultimately it is their property. We cannot force someone to annex something but we certainly would encourage strongly. If the landowner would be willing there would be no qualms with an amendment to the application to include the whole subdivision. Ultimately, this is something for council to address and that it's an inspections and enforcement issue rather than Planning & Zoning.

Landon Neimiller of Swenson & Hagen representing developers. Neimiller handed out the existing and proposed zoning changes. The existing Cul-de-sac at Majestic Place will be sold to the adjoining property

owners. There is a zoning change to match the surrounding PUD zoning. Bennett will reflect a mix of R1 and R2. This developer is annexing what he feels he can build within the season. If we were to annex the entire portion right now the developer certainly wouldn't build, wouldn't put in roads, water, sewer; it would just be plats within the city.

Chairman Borstad requested a motion to approve zoning and move forward to a public hearing, recommend approval of the plat and move forward to a public hearing, and approve the annexation and moved to the City Council for consideration. Motion by Flemming, second by Panchol. Motion carried. Public hearing on June 29, 2021.

Motion to adjourn Planning & Zoning by Flemming, second by Shorey. Motion carried.

Adjourned at 7:33 pm

The Lincoln Board of Adjustment meeting was called to order by Chairman Borstad at 7:33 pm.

Attendance: Roll Call

Present: Keli Berglund, Josh Borstad, Elizabeth Flemming, Reuben Panchol, John Shorey,

Variance Application for 2730 Paintball way

City Engineer Kevin Nelson summarized the application for the variance. Business owner was given notice by the city attorney that they were in violation of zoning because the business falls into the "health-medical group" business which is not an allowed use group within the Light Industrial District zoning. The city had already issued a Certificate of Occupancy for the business. In his opinion, allowing this variance would not detrimentally impact any of the surrounding zoning and its surrounding businesses or the value of the land.

Chairman Borstad call for a motion to accept the variance to allow Reclaim Health to operate as a "Health-medical group" on Lot 1 of Block 1 in W&S addition to provide physical therapy, chiropractic, and physician and/or nurse practitioner services.

Motion by Flemming, second by Panchol. Motion carried.

Motion to adjourn Board of Adjustment by Flemming, second by Berglund. Motion carried.

Adjourned at 7:42 pm

Minutes submitted by Secretary, Keli Berglund, subject to request and revision by the Planning and Zoning Commission.