

**CITY OF LEXINGTON, NEBRASKA**  
**PLANNING COMMISSION**  
**June 4, 2014**

A Regular Meeting of the Lexington Planning Commission was held Wednesday, June 4, 2014, in the Council Chambers at the Lexington City Hall, 406 East 7th Street, Lexington, Nebraska, at 5:30 p.m. Commissioners present were Seth McFarland, Doug Heineman, Cathy Fagot, Steve Smith, Curt Bennett, and Ellie Quintero. Keevin Hardiman, Nancy Evans and Rusty Sutton were absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, Development Services Director Bill Brecks, and Secretary Pamela Baruth. The media was represented the Lexington Clipper-Herald, Kearney Hub, and KRVN Radio.

**NOTICE:** Notice of the meeting was given in advance, thereof by publication in the Lexington Clipper-Herald, the designated method for giving notice, as shown by the Affidavit of Publication attached to these Minutes. Notice of the meeting was simultaneously given to the Chairman and all Members of the Planning Commission. The proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. All items presented and discussed on the Agenda were available for public inspection.

**CALL TO ORDER:** The meeting was called to order by Vice-Chair Heineman. Heineman informed the public that the Open Meetings Act is posted in the Meeting Room at the Lexington City Hall, located at 406 East 7th Street, Lexington, Nebraska.

**MINUTES – MEETING 5-7-2014:** Minutes of the Regular Meeting held Wednesday, May 7, 2014, were presented to the Commission for consideration and approval. Moved by Fagot, seconded by Bennett, to approve Minutes as presented. Roll call. Voting “aye” were Smith, Quintero, Bennett, Fagot, Heineman. McFarland was absent from the vote. Motion carried.

**PUBLIC HEARING:** Heineman opened a public hearing to consider a rezoning application by Roy Ewoldt for property located at 311 West 5<sup>th</sup> Street, from C-3 Highway Commercial to R-3 High Density Residential. Stan Gould, Castle Architecture, reviewed a site plan for the renovation of the existing condemned motel units; he indicated the intent is to establish 10 refurbished studio and 1 bedroom apartments with adequate parking spaces, private patios, a common laundry, and a manager’s unit. Further, the proposed units are intended to be available for transition housing for short and long term basis. He noted the interior and exterior finishes of the existing structures would be removed and brought up to residential codes; a major renovation he estimated to cost approximately \$270,000.

Shannon Duncan, 401 West 6<sup>th</sup>, had concerns regarding increased traffic, the proposed curb cut parking spaces along Harrison Street and the current parking situation by Black Diamond Auto. She also questioned the lack of kitchenettes proposed in all apartments if these units are to be used for long-term housing. Former clientele of the property was also a concern of hers, and she would not like to see it return to that type of operation.

Armando de Santiago, 310 West 6<sup>th</sup>, also expressed concerns regarding the former clientele and constant calls to police and rescue, noise, trash and health concerns.

Victor Diaz indicated the need for affordable, safe housing in the city and the desire of the owner to use his property in a positive way. He noted that higher quality clientele would be sought to protect the \$270,000 renovation investment. He stated that the owner incurred problems with maintenance over the years due to occupancy of the units and lack of oversight.

Roy Ewoldt, owner, explained the history of the property since his purchase of the former motel. He reiterated that the type of clientele would be of a higher quality and generally one or two occupants. He noted he is in talks with Home Federal Savings for final funding of the project.

Other topics of concern were small areas for a long term lease, a timeline for completion, future management of the property, code compliance, the change in commitment to improve the property, and a potential development agreement.

There be no further public comments, the public hearing was closed. Moved by McFarland, seconded by Fagot, to recommend to the City Council approval of the rezoning application contingent upon a development agreement containing adequate assurances the project is completed. Roll call. Voting "aye" were Bennett, Smith, Quintero, Fagot, McFarland, Heineman. Motion carried.

**SUBDIVISION:** Peplitsch presented a proposed subdivision titled "Willow Ridge Subdivision". Dick Haines, representing Stony Pony LLC, stated that the owners intend to sell each proposed lot of the Subdivision. It was noted that the proposed plat would need to have a public access easement and other minor adjustments included. Following discussion, moved by Bennett, seconded by McFarland, to recommend to the City Council approval of proposed plat with necessary easements indicated. Roll call. Voting "aye" were Fagot, Quintero, Smith, McFarland, Bennett, Heineman. Motion carried.

**REDEVELOPMENT PLAN:** Peplitsch reviewed an amended Redevelopment Plan for the Orthman Real Estate Holdings LLC project. Following discussion, Resolution No. 2014-01 was presented. Moved by Smith, seconded by Fagot, to approve Resolution No. 2014-01. Roll call. Voting "aye" were McFarland, Quintero, Bennett, Fagot, Smith, Heineman. Motion carried.

## **RESOLUTION NO. 2014-01**

A RESOLUTION OF THE LEXINGTON PLANNING COMMISSION, MAKING RECOMMENDATIONS WITH RESPECT TO AN AMENDED REDEVELOPMENT PLAN FOR AN AREA IN THE CITY OF LEXINGTON PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance, created the Community Development Agency of Lexington, Nebraska (the "Agency") pursuant to Chapter 18, Article 21, Section 18-210.01 of the Community Development Law, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the Agency holds all the powers of a redevelopment authority as set forth in Sections 18-2101 through 18-2154 of the Act;

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, Orthman Real Estate Holdings, L.L.C., submitted a proposed Amended Redevelopment Plan (the "Amended Redevelopment Plan") as contained in the Redevelopment Contract (a copy of which is identified as "Redevelopment Contract" attached hereto as Attachment A) to the Agency. Pursuant to Section 18-2112 of the Act, the Agency has submitted the Redevelopment Contract to the Planning Commission of the City of Lexington for recommendations with respect to the proposed Amended Redevelopment Plan contained within the Redevelopment Contract;

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON PLANNING COMMISSION, AS FOLLOWS:

RESOLVED, that the Planning Commission hereby makes the following findings with respect to the Amended Redevelopment Plan as contained within the Redevelopment Contract:

1. The Planning Commission has reviewed the Amended Redevelopment Plan as to its conformity with the general plan for the development of the City as a whole and finds that the Amended Redevelopment Plan is consistent with and conforms to the general plan for development of the City as a whole.

2. The Planning Commission confirms that the area described in the Amended Redevelopment Plan and the Redevelopment Contract is blighted and substandard as defined in the Nebraska Community Development Law.

3. The Planning Commission finds that the Amended Redevelopment Plan and the Redevelopment Contract, if implemented will help eliminate blight and substandard conditions in the area affected by the Plan.

4. The Planning Commission recommends the adoption and approval of the Amended Redevelopment Plan, as contained in the Redevelopment Contract attached hereto as Attachment A, with such immaterial amendments, additions and deletions as are deemed necessary by the Agency.

PASSED AND APPROVED by the Lexington Planning Commission this 4th day of June, 2014.

**REDEVELOPMENT PLAN:** Peplitsch reviewed a redevelopment plan titled Walnut Street Redevelopment Plan. Following discussion, Resolution No. 2014-02 was presented. Moved by Bennett, seconded by McFarland, to approve Resolution No. 2014-02. Roll call. Voting "aye" were Smith, Quintero, Fagot, McFarland, Bennett, Heineman. Motion carried.

**RESOLUTION NO. 2014-02**

A RESOLUTION OF THE LEXINGTON PLANNING COMMISSION, MAKING RECOMMENDATIONS WITH RESPECT TO THE WALNUT STREET REDEVELOPMENT PLAN FOR AN AREA IN THE CITY OF LEXINGTON PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance, created the Community Development Agency of Lexington, Nebraska (the "Agency") pursuant to Chapter 18, Article 21, Section 18-210.01 of the Community Development Law, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the Agency holds all the powers of a redevelopment authority as set forth in Sections 18-2101 through 18-2154 of the Act;

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, the Agency has prepared the Walnut Street Redevelopment Plan (the "Redevelopment Plan") and the Agency has submitted the Redevelopment Plan to the Planning Commission of the City of Lexington for recommendations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON PLANNING COMMISSION, AS FOLLOWS:

RESOLVED, that the Planning Commission hereby makes the following findings with respect to the Walnut Street Redevelopment Plan:

1. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the general plan for the development of the City as a whole and finds that the Redevelopment Plan is consistent with and conforms to the general plan for development of the City as a whole.
2. The Planning Commission finds that the Redevelopment Plan and the Redevelopment Contract, if implemented will help eliminate blight and substandard conditions in the City.
3. The Planning Commission recommends the adoption and approval of the Redevelopment Plan attached hereto as Attachment A, with such immaterial amendments, additions and deletions as are deemed necessary by the Agency.

PASSED AND APPROVED by the Lexington Planning Commission this 4th day of June, 2014.

**REDEVELOPMENT PLAN:** Peplitsch reviewed a redevelopment plan for the Lexington Development Group II project. Following discussion, Resolution No. 2014-03 was presented. Moved by Smith, seconded by Bennett, to approve Resolution No. 2014-03. Roll

call. Voting "aye" were McFarland, Fagot, Quintero, Bennett, Smith, Heineman. Motion carried.

### **RESOLUTION NO. 2014-03**

A RESOLUTION OF THE LEXINGTON PLANNING COMMISSION, MAKING RECOMMENDATIONS WITH RESPECT TO A REDEVELOPMENT PLAN FOR AN AREA IN THE CITY OF LEXINGTON PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

WHEREAS, the Mayor and City Council of the City of Lexington, Nebraska, (the "City") by its Ordinance, created the Community Development Agency of Lexington, Nebraska (the "Agency") pursuant to Chapter 18, Article 21, Section 18-210.01 of the Community Development Law, Reissue Revised Statutes of Nebraska, as amended (the "Act");

WHEREAS, the Agency holds all the powers of a redevelopment authority as set forth in Sections 18-2101 through 18-2154 of the Act;

WHEREAS, the City has adopted and has in place a Comprehensive Plan, which includes a general plan for development of the City, within the meaning of Section 18-2110 of the Act;

WHEREAS, Lexington Development Group, LLC, submitted a proposed Redevelopment Plan (the "Redevelopment Plan") as contained in the Redevelopment Contract (a copy of which is identified as "Redevelopment Contract" attached hereto as Attachment A) to the Agency. Pursuant to Section 18-2112 of the Act, the Agency has submitted the Redevelopment Contract to the Planning Commission of the City of Lexington for recommendations with respect to the proposed Redevelopment Plan contained within the Redevelopment Contract;

NOW, THEREFORE, BE IT RESOLVED BY THE LEXINGTON PLANNING COMMISSION, AS FOLLOWS:

RESOLVED, that the Planning Commission hereby makes the following findings with respect to the Redevelopment Plan as contained within the Redevelopment Contract:

1. The Planning Commission has reviewed the Redevelopment Plan as to its conformity with the general plan for the development of the City as a whole and finds that the Redevelopment Plan is consistent with and conforms to the general plan for development of the City as a whole.

2. The Planning Commission confirms that the area described in the Redevelopment Plan and the Redevelopment Contract is blighted and substandard as defined in the Nebraska Community Development Law.

3. The Planning Commission finds that the Redevelopment Plan and the Redevelopment Contract, if implemented will help eliminate blight and substandard conditions in the area affected by the Plan.

4. The Planning Commission recommends the adoption and approval of the Redevelopment Plan, as contained in the Redevelopment Contract attached hereto as Attachment A, with such immaterial amendments, additions and deletions as are deemed necessary by the Agency.

**ROUNDTABLE:** There were no topics for roundtable discussion.

**ADJOURNMENT:** There being no further business to come before the Lexington Planning Commission, Vice-Chair Heineman declared the meeting adjourned.

Respectfully submitted,  
Pamela Baruth  
Planning Commission Secretary