

**CITY OF LEXINGTON, NEBRASKA**  
**PLANNING COMMISSION**  
**April 20, 2016**

A Regular Meeting of the Lexington Planning Commission was held Wednesday, April 20, 2016, in the Council Chambers at the Lexington City Hall, 406 East 7th Street, Lexington, Nebraska, at 5:30 p.m. Commissioners present were Doug Heineman, Ellie Quintero, Seth McFarland, Derek Haines, Jeremy Kaiser, Steve Smith and Curt Bennett. Nancy Evans and Keevin Hardiman were absent. City Officials present were City Manager Joe Peplitsch, Assistant City Manager Dennis Burnside, City Attorney Brian Copley, and Secretary Pamela Baruth. The press was represented by KRVN.

**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 Chair Heineman who 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 3-2-16:** Minutes of the Regular Meeting held Wednesday, March 2, 2016, were presented to the Commission for consideration and approval. Moved by McFarland, seconded by Haines, to approve Minutes as presented. Roll call. Voting “aye” were Bennett, Smith, Quintero, Kaiser, Haines, McFarland, Heineman. Motion carried.

**PUBLIC HEARING:** Chair Heineman opened a public hearing to consider an Application for Conditional Use Permit by Nuridin Nur for a child care center located at 616 North Washington. Luke Simpson of Ross, Schroeder, & George, spoke on behalf of Mr. Nur and outlined the plans Mr. Nur has for a child care center. He noted Nebraska Dept of Health and Human Services and the Nebraska State Fire Marshal have reviewed and made recommendations to the preliminary plans. Derek Mitchell, abutting property owner, asked several questions on the proposed use including the outdoor play area fencing. He stated he has no objection to the child care center or the outdoor play area plans as described. Deb Stuchlik, employee at H.O. Smith, was concerned about noise affecting interactions with her customers. Other comments focused on the outdoor play area and neighboring businesses, fencing, and existing utilities affected. The public hearing was closed. Peplitsch noted there are utilities and utility easements in the area that will need to be understood and accessible and drainage from adjoining buildings rerouted, if necessary, concerning the proposed outdoor play area. Brecks reminded the Commission they are to review the use of the area and if a child care center would fit in that area without being in conflict with conditional use permit standards per section 6.08 of the zoning regulations; and he reviewed those standards. Following discussion, moved by Smith, seconded by McFarland, to recommend approval of a conditional use permit for the proposed use, with conditions that the applicant limits impacts to public utilities, installs outdoor play area improvements and fencing in a manner that is not detrimental to surrounding properties, and maintains adequate existing storm water drainage for the subject property and abutting properties. Roll call. Voting “aye” were Bennett, Haines, Quintero, Kaiser, McFarland, Smith, Heineman. Motion carried.

**PUBLIC HEARING:** Chair Heineman opened a public hearing to consider an Application for Rezoning by Jose Gomez-Aguirre for property located at 210 West 17<sup>th</sup> Street from R-1 Single Family Residential to R-3 High Density Residential. Brecks explained that Jose Gomez-Aguirre was before

the Commission and Council early last year to develop a duplex. Upon working towards a building permit and development agreement, he found the building was better suited as a triplex. Brecks noted the area is a mix of R1, R2, and R3 designations. Preliminary plans indicate 3 apartments with a total of 8 bedrooms and 8 parking spaces. The public hearing was closed. Smith stated he feels this is a much better use of the existing building as opposed to past uses that were not residential in nature. McFarland agreed with Smith, stating it would fit the residential area and be consistent with the reuse of the old school administration building in the immediate vicinity. Following discussion, moved by Kaiser, seconded by Bennett, to recommend to the City Council approval of the rezoning application by Jose Gomez-Aguirre for property at 210 West 17<sup>th</sup> Street from R-1 to R-3. Roll call. Voting “aye” were Haines, Smith, McFarland, Quintero, Bennett, Kaiser, Heineman. Motion carried.

**ROUNDTABLE:** Pepplitsch gave an update on current projects.

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

Respectfully submitted,  
Pamela Baruth  
Planning Commission Secretary