

**PLANNING COMMISSION
AUGUST 5, 1998**

A Regular Meeting of the Lexington Planning Commission was held Wednesday, August 5, 1998 at the Lexington Municipal Building, 406 E. 7th Street. Commissioners present were Chairman William Grant, Vice Chairman Mark Yung, Steve Smith, Charlene West, Rob Waterman, Margaret Nielsen, Toby Owens, Bill Pepper, Darlene Teetor. City Officials present were Assistant City Manager, Chief Building Inspector Thomas Nelson, Administrative Assistant Shirley Lewis. Citizens in attendance were Bill Stewart, David Jaquith, Nancy L. Hundley, Don Price, Richard Cumpston representing Aliant Cellular, Glory J. Henigan, Steve Henigan, Frank Henigan, Gary and Robin Schultz, Patti L. Johnson. The press was represented by KRVN, and the Clipper-Herald.

CALL TO ORDER: The meeting was called to order by Chairman William Grant.

MINUTES 7-1-98: Motion by Pepper, seconded by Yung to approve the minutes of the July 1, 1998 Regular Meeting. Unanimous "aye". Motion carried.

DAVID JAQUITH - REZONING REQUEST: Nancy Hundley, representing Mr. Jaquith, addressed the Lexington Planning Commission, stating that the location for the rezoning request is a field in a nondevelopmental area, and separates the major subdivision in Lexington from Cherokee Road to the asphalt road, which goes from Hwy. 21 to the Orthman corner. She has known Mr. Jaquith for two years, and has found him to be a person of his word, and would welcome him into this location, based on the plans as he has told them.

Mr. David Jaquith stated to the Commission that he purchased the building with storage in mind. Secondly, he has had a dream to start up a manufacturing plant for non-reusable syringes for Hepatitis-B and Aids. He and Dr. Hakey, a Urologist, out of Grand Island are working together on the project. Right now, he owns a couple of injection molding machines. The building he is requesting the zoning change for, will only hold about four of these machines. They are very quiet. The surroundings must be very clean, and he is already working on this. If he should decide to pursue this project, he would like the opportunity to have the

property rezoned. Whether it does get rezoned, or not, he is going to be planting some trees.

Chairman Grant requested anyone in favor, or in opposition, to come forward and state their cause at this time. There being no comments, Chairman Grant requested Planning Commission Members' input. Vice Chairman Yung asked how they came about the M-1 zone. Nancy Hundley stated that Chief Building Inspector Thomas Nelson recommended it. Yung also inquired about how the neighbors responded to the request. Ms. Hundley stated that those that were available, were told what was going in there, and they all seemed fine with it. Don Ward has not yet signed the form. He did state that he is not opposed to it, and he is also not agreeable to it.

Patti Johnson stated that there were two people that requested what the M-1 entailed. And they were faxed the information. Yung stated that what the concern is, that in an M-1, you can have taverns, restaurants, things like that. That is usually the concern from the neighborhoods where someone wants to put an M-1 zone in, next to residential. He further stated that if there were people opposed to the rezoning, that they were in attendance at this meeting. Yung asked Chief Building Inspector Thomas Nelson why he thought it was better for an M-1. Mr. Nelson stated that M-1 was considered light manufacturing. It doesn't seem to fit in a C-3 zone.

Frank Hennigan addressed the Commission, stating that from where this is located, and from what Mr. Jaquith is wanting to do, he can understand where an operation like this could grow, and he probably wouldn't stay in that location. If that's the case, he'd like to recommend maybe doing a special-use permit. Planning Commission Member Rob Waterman stated that if you would look at the things that are permitted under Special-Use Permits, about the only thing that fits, is expansion of non-conforming uses. He doesn't see any clear-cut language that would say you could do this. Chairman Grant informed the Commission that he

has a problem with spot-zoning. Waterman inquired about how big of a hurry Mr. Jaquith was in. Mr. Jaquith stated that he wasn't in that big of a hurry, but he is not too crazy about a special-use permit. He stated that he'll just take it somewhere else, and do it some other way. Waterman explained what a special-use permit does. Mr. Jaquith stated he understood.

At this time, Chairman Grant closed the public hearing. He then requested input from the Commission members. Teetor is against it because of the spot-zoning. Waterman had no problem with it. Smith likes the idea of a special-use. Owens agrees with Teetor. Nielsen does not care for spot-zoning. West doesn't like spot-zoning, but does like the idea of special-use permit. Yung is against spot-zoning, but would like to see a small industry like that in this area. Grant likes the idea of the industry, but doesn't like the location.

Motion by Waterman, seconded by Smith to recommend approval for the rezoning request from R-1 to M-1, located at 43320 Road 757. Roll call. Voting "aye" were Waterman. Voting "nay" were Owens, Nielsen, Grant, Teetor, West, Yung, Smith. Abstaining was Pepper. Motion denied.

Motion by Yung, seconded by Owens to deny the request for rezoning property located at 43320 Road 757 from R-1 to M-1. Roll call. Voting "aye" were Yung, West, Teetor, Grant, Nielsen, Owens, Smith. Voting "aye" was Waterman. Abstaining was Pepper. Motion carried.

SUBDIVISION REQUEST-Patti Johnson of BHA Real Estate, representing Mr. **JOHN STUCKEY:** John Stuckey, addressed the Lexington Planning Commission stated that Mr. Stuckey is requesting his acreage be subdivided so he can sell as separate locations. Chairman Grant requested Chief Building Inspector, Thomas Nelson's opinion on how it lays and what he thinks of it. Mr. Nelson stated that he was approached about the selling of one lot. Anything under ten acres is required to have a subdivision, thus the reason for the request. Each lot

has an access route, and is big enough for their own septic tank. Patti Johnson stated that they were going to break it up into two lots, the first one being just north of where the house is now, and then the rest being the second lot. It was then suggested that they go ahead and break the large lot up too, because at some other time, somebody may not want all of the large lot, so at least those smaller lots will already have been subdivided out. That is why there are four lots total. They are not changing the use.

Mr. Gary Schultz addressed the Planning Commission stating that he and his wife, and Ed and Joni Bennett own the Bennett subdivision. He is concerned about not being notified about what the subdivision is all about. He would hate to have a Mobile Home Court across from the \$200,000 to \$250,000 homes in that subdivision. He is opposed to this until he finds out what kind of home would be going in. Chairman Grant stated that the Commission is not considering rezoning at this time. It is still zoned Agriculture, and if anyone purchased the property and chose to put a trailer court in, they would have to come to the Planning Commission, and the Schultz's would be notified.

Planning Commission Member Charlene West inquired as to whether this is a preliminary plat or a final plat. Chairman Grant stated that this is only a preliminary. Vice Chairman Yung stated that for a preliminary plat, it is fine.

Motion by Nielsen, seconded by Yung, to recommend approval the preliminary plat for Minuteman Acres Subdivision located at Rt. 1, Box 11, Lexington, NE. Roll call. Voting "aye" were Waterman, Pepper, Owens, Smith, Yung, West, Teetor, Grant, Nielsen. Motion carried.

SPECIAL-USE REQUEST-ALIANTE CELLULAR: Richard Cumpston, representing Aliant Cellular out of Grand Island, addressed the Lexington Planning Commission stating their request for a special use permit for construction of a cellular communications tower located at hwy. 30 and road 755. Discussion was made regarding the height of the tower

compared to the distance from the house. Mr. Cumpston stated that the purpose of constructing the new tower was the need for more capacity, and a better quality signal closer to town. Aliant Cellular have a lease with Kenneth and Kimberly Crisman for the land. They have also applied with the FAA for clearance to build the tower, and they have received permission to run the studies and it does not interfere with any flight paths of the airport, and consequently would not have to be lit. Normally, they can build a 180 foot tower without any lighting requirements. Anything over 200 feet would have to be lit, no matter what. He further stated that the cellular towers are highly regulated. There are regulations that say if they are within 3 ½ km radius of a directional AM tower system, they have to do special detuning of their tower, not to interfere with their directional pattern. Aliant Cellular is also doing a soil study. It should be a half-a-million dollar project by the time they are through.

Motion by West, seconded by Nielsen, to approve the Special Use Permit by Aliant Cellular for a self-supporting cellular communications tower located at hwy. 30 and road 755. Roll call. Voting "aye" were Grant, Teetor, West, Yung, Smith, Owens, Pepper, Waterman, Nielsen. Motion approved.

**SPECIAL USE PERMIT-
DON PRICE:**

Mr. Don Price addressed the Lexington Planning Commission stating that he is requesting a Special Use Permit for the extension of his mobile home court located at 803 W. Walnut. Vice Chairman Yung inquired about the paving of the streets. Mr. Price informed Mr. Yung that they will be gravel. Assistant City Manager Pepplitsch stated that he will be doing a curb and gutter on Maple, and the other one will remain as is. He further stated that paving, drainage, and the deed of right-of-way on West Maple will all need to be looked at by the City Council sometime further down the road. Chairman Grant mentioned that if the land ever develops to the West of Mr. Price's property, he would like to see a street there. Mr. Pepplitsch stated that that would be something the Planning Commission would have the right to do. He also informed the Commission that Mr. Price will be planting trees along the west side of

the property. Planning Commission Member Margaret Nielsen stated that she was concerned about the playground area. It seems that it is only accessible to four lots. Planning Commission Member Bill Pepper inquired about the storm shelters. Mr. Price stated that the shelters should accommodate approximate 12 to 15 people. He further stated that there will more built on the new property. Assistant City Manager Joe Pepplichtsch informed the Commission that there have no opposition to this plan. Chairman Grant closed the public hearing.

Motion by Smith, seconded by Nielsen to recommend approval of a request by Mr. Don Price for a Special Use Permit for the extension of his mobile home court located at 803 W. Walnut, with the stipulation that City Council look at the following points: paving, drainage and the deeding of the right-of-way, along with the other standard points that go along with that. Roll call. Voting "aye" were Owens, Pepper, Waterman, Nielsen, Grant, Teetor, West, Yung, Smith. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Assistant City Manager Joe Pepplichtsch informed the Commission that the Comprehensive Plan Meeting had to be rescheduled because of the recent death of Tim Keelan's father.

ADJOURNMENT:

There being no further business to come before the Planning Commission, Chairman Grant declared the meeting adjourned.

Respectfully submitted,

Shirley Lewis
Administrative Assistant