

**PLANNING COMMISSION
DECEMBER 1, 1999**

A Regular Meeting of the Lexington Planning Commission was held Wednesday, December 1, 1999 at the Lexington Municipal Building, 406 East 7th Street at 7:00 p.m. Commissioners present were Vice Chairman Mark Yung, Margaret Nielsen, Bill Pepper, Steve Smith, Nova Workman, Rob Waterman, Charlene West, Mark Yung. Absent was Chairman Bill Grant, and Toby Owens. City Officials present were Assistant City Manager Joe Pepplitsch, City Attorney Willard Weinhold, Chief Building Inspector Thomas R. Nelson, Administrative Assistant Shirley Lewis. Citizens in attendance were Joe Rios, Connie Foster, Keith and Jo Swartz, Lauren Snell, Lori Weston, Nola Reed, Duane Russell, and approximately 20 other concerned citizens. The Press was represented by KRVN, and the Clipper-Herald.

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 Affidavot of Publication attached to these Minutes. Notice of this 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-Chairman Mark Yung, filling in for the absent Chairman Bill Grant.

APPROVAL OF MINUTES - 9-1-99: Minutes of the Regular Planning Commission Meeting held September 1, 1999 was presented for the Lexington Planning Commission's consideration and approval. Motion by West, seconded by Smith, to approved the minutes of the Regular Meeting held September 1, 1999 as presented. Roll call. Voting "aye" were Nielsen, Yung, West, Waterman, Workman, Smith, Pepper. Motion carried.

PUBLIC HEARING- JOE RIOS & CONNIE FOSTER: Vice Chairman Yung opened the Public Hearing on a request for a Special Use Permit for Joe Rios and Connie Foster. Ms. Foster addressed the Lexington Planning Commission stating that they have purchased 17 acres of land located at the Corner of Road 436 and Highway 30, and are requesting a Special Use Permit to put their Mobile Home on the property. In the future, they are hoping to put a house in, instead of the Mobile Home. Following Ms. Foster's presentation, Mrs. Jo Swartz, a resident on the

property located just north of Mr. Rios and Ms. Foster's property, inquired about how many trailers would be located on the property. Assistant City Manager Joe Peplitsch informed Mrs. Swartz that only one dwelling is allowed on the property. She also stated that she would like to work with Ms. Foster, and Mr. Rios, in keeping up the property, as now there are animals already on the property, as well as junk that has been dumped out there. She stated that she is not opposing the mobile home being there. She just wants to get along, and work together on keeping the properties nice.

Vice Chairman Yung closed the Public Hearing. Following discussion by the Planning Commission, moved by Pepper, seconded by Nielsen, to recommend approval for the Special Use Permit by Joe Rios and Connie Foster at the Corner of Road 436 and Highway 30, Lexington, Nebraska. Roll call. Voting "aye" were West, Waterman, Workman, Yung, Nielsen, Pepper. Abstaining was Smith. Motion carried.

**SEXUALLY ORIENTED
BUSINESS ORDINANCE:**

Mr. Lauren Snell, representing the Citizens For Decency Committee, and filling in for Dr. Wayne Weston, addressed the Lexington Planning Commission. He stated that a model Ordinance has already been presented to the Planning Commission, through City Attorney Willard Weinhold, dealing with Sexually Oriented Businesses. The new proposed ordinance that is now under the Planning Commission's consideration, only has three sentences dealing with Sexually Oriented Businesses. Mr. Snell further stated that an ordinance such as this, would be subject to many lawsuits. He then presented to the Planning Commission, a Summary of Land Use Studies Documenting Secondary Effects of Sexually Oriented Businesses (see attached). Other topics Mr. Snell covered were Health Hazards, Decreased Property Values, and Increased Urban Blight. Others expressing opposition to Sexually Oriented Businesses were Mrs. Lori Weston, Nola Reed, and Pastor Duane Russell.

City Attorney Willard Weinhold addressed the Planning Commission Members, stating that he was specifically requested to draw up a bare-bones version of the Ordinance, which related strictly to the issues of Spacing and Amortization, and Mr. Weinhold requested the Planning Commission address only these issues. He

stated that the other issues would be the City Council's responsibility.

Following Mr. Weinhold's statement, the Planning Commission reviewed Section 28-19.3 (Permitted Conditional Uses), requesting Church, and Licensed Liquor Establishments be added to the statement "Sexually Oriented Business, Provided that outside wall of such business is not located within _____ feet of the property line of a school, park, day care center, child care home, or of any other existing sexually oriented business". Other items discussed in Section 28-19.3 were Footage, with a request of 1,000 feet, and the Zone remaining C-3 (Commercial Highway Service District).

The Planning Commission also reviewed Section 28-25.4 (Amortization of Nonconforming Uses and Buildings). Suggestion by the Planning Commission was Sexually oriented business which is in violation of the spacing requirement of Section 28-19.3, or located within a zoning district other than C-3 shall be made conforming within 12 months. Further discussion was concluded.

Based upon the reasonableness of the information presented in the Land Use Study by the Citizens For Decency Committee, and other supporting information presented, moved by Smith, seconded by West, to recommend to Section 28 of the Lexington City Code possible changes and additions, to the City Council. Discussion by the Planning Commission followed. Roll call. Voting "aye" were Nielsen, Pepper, Smith, Workman, Waterman, West, Yung. Motion carried.

**ROUNDTABLE
DISCUSSION:**

Planning Commission Member Bill Pepper inquired about a private well being dug at a residence on 13th Street. Chief Building Inspector Thomas Nelson informed Mr. Pepper the drilling was for a heat pump, and that it was permitted at that residence.

Assistant City Manager Joe Pepplitsch inquired about the January meeting. It was decided that if there were no major issues to be addressed, the next meeting could be scheduled in February.

Planning Commission Member Nova Workman inquired about the over-flowing trash containers in the City. It was

recommended to her to contact Dan's Sanitation and request another dumpster be placed at the sight.

ADJOURNMENT:

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

Respectfully submitted,

Shirley Lewis
Administrative Assistant