



**ASHLAND PLANNING COMMISSION
REGULAR MEETING
August 25th 2022**

A regular meeting of the Ashland Planning Commission was held on the 25th day of August, 2022 at 7:00 p.m. at the Ashland City Hall, 2304 Silver Street, Ashland NE.

Members Present: Dan Chudomelka, Jerry Lofberg, Bob Crisler, Janece Mollhoff, Jamie Wilson, and Thomas Danahy(alternate)

Staff Present: Bill Krejci and Teresa Akeson

Others Present: Brittant Behrens, Kaitlyn Lawson, Andrew Willis, Jeff Goodman, Sarah Meier (City Assistant Attorney), Jeff Ray (JEO), Peter Hind, Phil Ruhlman, Brad Pfeiffer, Lane Vasa, Shirley Niemeyer, Caleb Fjone, and many others.

Notice of the public hearings was published in the Ashland Gazette on August 11, 2022. Notice of the meeting was published in the Ashland Gazette on August 18, 2022. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Crisler called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was declared.

Pledge of Allegiance

Crisler noted that the Open Meetings Act posted on the South wall of the meeting room.

Motion by Chudomelka, seconded by Danahy, to approve the minutes of the June 30th, 2022 meeting at 7:01 p.m.

Discussion: None. Roll Call: Ayes: All Present

Crisler opened a Public Hearing for Conditional Use Permit #22-105 for exterior alterations W 12' Lot 1 & E 26' Lot 2, Blk 3, Flora City Addition in Ashland NE. Located at 1411 Silver Street, Ashland NE. at 7:02 pm

Brittany Behrens spoke about their plans to put in a women's clothing boutique at 1411 Silver. Behrens explained the changes they want to make to the front of the building by adding an awning, changing the front door and changing the paint color. Krejci stated the Historical Preservation committee approved it with conditions on paint colors and windows.

A motion was made by Chudomelka seconded by Lofberg to close the Public Hearing for Conditional Use Permit #22-105.

Discussion: None. Roll Call: Ayes: All Present

A motion was made by Chudomelka and seconded by Danahy to approve Conditional Use Permit #22-105 with conditions set by the Historical Preservation committee at 7:07 p.m.

Discussion: None. Roll Call: Ayes: All Present

Crisler opened a Public Hearing for TIF Application #22-098 for Redevelopment Plan Lots 1-3 and Lots 7-12 Blk 16 Stambaughs Addition to the City of Ashland NE. Approximate location of property is 107.5 S 7th Street at 7:10 pm.

Andrew Willis spoke on behalf of the Goodman project. Willis explained the process involved in TIF financing. Willis went through the Redevelopment plan, explaining the 3 key uses they have for the project; warehouse, retail and apartment. Willis went on to explain that the apartment will be used as a Vrbo rental and would not be a long-term residence. Willis reminded them that zoning changes for the area had previously been approved by them for the commercial use. Willis explained the costs of the project and their need for TIF funds because of those costs. Willis explained why this project is a good use of TIF funds and how the project fits with the City's comprehensive plan. Jeff Goodman explained the use of the building would be retail with no manufacturing. Mollhoff asked about the number of potential employees, Goodman said their plans right now are for 6 employees on site. Goodman re-stated that the rental would be short term only, Willis stated they could add that to the redevelopment plan. Willis went through the cost benefit analysis plan showing the benefits of the project outweigh the costs. Mollhoff asked to have it explained again how the TIF for this project affects the taxes, Willis explained the effects of TIF on the taxes and stated while still getting the benefit the sales tax and personal property tax from this property. Danahy asked what the public benefits of TIF would be, Willis explained the eligible improvements for the TIF funds. Crisler asked if anyone else wanted to speak hearing none asked for a motion to close the public hearing.

A motion was made by Chudomelka seconded by Wilson to close the Public Hearing for TIF Application #22-098.

Discussion: None. Roll Call: Ayes: All Present

Crisler asked for Consideration of TIF Application #22-098 for Redevelopment Plan Lots 1-3 and Lots 7-12 Blk 16 Stambaughs Addition.

Discussion: Krejci read a statement from Planning commission member Doug Whitehead that was unable to attend. Whitehead in his statement voiced his concerns that the funds were not being used for public gain, stating that most of the expenses are all private and for private benefits and not for items that benefit the public, such as infrastructure, sidewalks, streets, street scape, sewer, water or other public uses. Whitehead stated the commission should work with the developer to develop a plan that would benefit both the public and the developer. Mollhoff stated her concern about limiting the uses of TIF. City Assistant Attorney Sarah Meier to explain that the costs listed are eligible. Krejci ask if they all had to be accepted or if they could be prioritized, Meier said she would have to look into that. Jeff Ray with JEO stated the planning commission could make a recommendation of the highest priority expenses to the City Council. Crisler stated that the planning commission and city council voted to create a blighted and substandard area which then allows TIF funding like this to be used. Crisler stated he would like to have the recommendation include language limiting the use of the apartment to short term rental use only.

A motion by Mollhoff to recommend approval to the council and to add language to the agreement limiting the apartment to short term rental use only, that was seconded by Danahy, at 7:31 p.m.

Roll Call: Ayes: All Present

Crisler opened Four (4) Public Hearings:

Zoning Change Permit #22-113 for Amendment to the Future Land Use Map of the Ashland Comprehensive Development Plan Ordinance 1207. Property located in a proposed subdivision known as "Oxbow Crossing" in the W ½ of NE ¼ Sec 1 Twp 12 Rng 9 from Industrial, Highway Comm and General Comm to B-1 zoning for Lots 1-3 and R-3 for Lot 4 located within the city limits of Ashland NE. Approximate location of property is East of the intersection of Hwy 6 and Silver Street.

Zoning Change Permit #22-114 to change the Official Zoning Map Ordinance 1208. Property located in a proposed subdivision known as "Oxbow Crossing" in the W ½ of NE ¼ Sec 1 Twp 12 Rng 9 to B-1 zoning for Lots 1-3 and R-3 for Lot 4 located within the city limits of Ashland NE. Approximate location of property is East of the intersection of Hwy 6 and Silver Street

Four (4) Lot Minor Subdivision Permit #22-115. Proposed subdivision known as "Oxbow Crossing" located in the W ½ of NE ¼ Sec 1 Twp 12 Rng 9 within the city limits of Ashland NE. Approximate location of property is East of the intersection of Hwy 6 and Silver Street.

Planned Unit Development District Overlay (PUD) Application #22-116 Ordinance 1210. Property known as "Oxbow Crossing" located in the W ½ of NE ¼ Sec 1 Twp 12 Rng 9 said Ordinance 1210 sets standards and uses with in the PUD. Lots 1-3 are zoned B-1 and Lot 4 zoned R-3 located within the city limits of Ashland NE. Approximate location of property is East of the intersection of Hwy 6 and Silver Street at 7:32 p.m.

Peter Hind, civil engineer and architect for Oxbow Crossing project, gave an introduction for the project and pointed out the current water line easement for the Lincoln water system, he also talked about the current zoning and why it is a benefit to change it. Hind displayed maps showing the project is going to be divided into 2 phases, the B-1 section will be the 1st phase and the R-3 section will be 2nd phase. Hind went on to talk about the businesses that will be in phase 1. Hind stated there had been concern over fire safety access so he showed a change that was made to address that issue, he also showed the access point locations off highway 6 and stated that they have made application with the state for those. Mollhoff commented that there was a lot of concrete for the project and her concern about runoff, Hind explained parking lot design and talked about the greenspace planned within the development. Hind showed a map with the residential design for phase 2, he explained that the phase 2 development would trigger the need to pave Birch St, and that it would be two 24-unit buildings. Hind talked about plans for cleaning up the greenspace around phase 2 to make it a more desirable space. Hind displayed another map showing lot coverage and talked about parking within the development, stating through the PUD agreement standards they meet the required amount of parking. Mollhoff asked about parking on Birch Street, Hind responded that south building would be using right-of-way off Birch Street for 19 parking spaces, and that it could be considered as public parking also but would hope that it could be dedicated to the apartments. Wilson asked how overflow parking for holidays or large gathering would work, Hind said that Birch Street would be paved and that would allow for parking. Krejci explained that it is hard to plan for extra parking for large events, he gave an example of parking at the schools. Crisler asked if any provisions are being made for a crosswalk in the area, Krejci stated there will be a sidewalk across the front of the property. Brad Pfeiffer with the Ashland Chamber spoke about an upcoming meeting with the department of roads and that he and the mayor have been looking into what can be done about crossing the highway not just for this development but the whole area south of the highway. Lane Vasa spoke about his concerns with the underpass under the BNSF tracks and the need for a safe place to cross the highway. Pfeiffer spoke about another upcoming meeting coming up with BNSF about the tunnel on Sept 9th. Discussion about crossing the highway ensued. Mollhoff asked for an explanation on each item being considered, Krejci explained the process works for the requests being made by the developer and

stated the PUD takes the place of the Final Plat and this would be the only time it would be considered planning commission. Ray with JEO also explained the process and how all the layers of zoning involved in this process work and further explained how the PUD works. Crisler read a statement from absent Planning commission member Doug Whitehead, Whitehead stated he did not feel that the Planning Commission had adequate time to review all the documentation in order to give an appropriate recommendation at this time. Crisler asked for an explanation on each individual item presented and asked for confirmation that TIF was not part of the discussion for this project tonight. Phil Ruhlman stated that TIF was not being asked for at this meeting, stating if it is asked for it would be only for the commercial phase 1 portion of the development and not for residential phase 2 portion. Mollhoff asked if all the recommended changes JEO asked for had been meet, Ray with JEO responded that they had not been meet. Ray stated that on the City's behalf they were asking that a traffic study be done and submitted to the City Council, in addition he stated JEO needed more time to review the open space calculations and the fire access to the site especially the drive through lane at the proposed fast-food restaurant, Hind showed how the fire access was planned. Hind explained the plans for the water and sanitary sewer utilities through a public utility easement and that everything paved will have a public access easement throughout stating they will not be city streets. Hind addressed the open space calculation and explained the PUD allows for 75% reduction to the standard requirements of the R-3 district for open space and also stated in the PUD a zero set-back was being applied to one of the commercial buildings. Hind also addressed pedestrian access throughout the site. Krejci commented he had a discussion with the Fire Chief about access and building heights and that changes were made to improve the access and height of the apartment buildings has requested. Krejci stated he is still reviewing the recent plan changes. Hearing no further comments asked for a motion to close the 4 public hearings.

A motion was made by Chudomelka seconded by Danahy to close the Public Hearings for Zoning Change **Permit #22-113** for Amendment to the Future Land Use Map of the Ashland Comprehensive Development Plan Ordinance 1207, Zoning Change **Permit #22-114** to change the Official Zoning Map Ordinance 1208, Four (4) Lot Minor Subdivision **Permit #22-115** and Planned Unit Development District Overlay (PUD) **Application #22-116** Ordinance 1210 at 8:12 p.m.

Discussion: None. Roll Call: Ayes: All Present

Crisler asked for Consideration of Zoning Change Permit #22-113 for Amendment to the Future Land Use Map of the Ashland Comprehensive Development Plan Ordinance 1207. A motion by Mollhoff to recommend approval seconded by Danahy, at 8:13 p.m.

Discussion: Mollhoff commented that the re-zoning, even though it changes the future land use map, meets the economic and development vision that Ashland has for the future.

Roll Call: Ayes: All Present

Crisler asked for Consideration of Zoning Change Permit #22-114 to change the Official Zoning Map Ordinance 1208. A motion by Lofberg to recommend approval seconded by Danahy, at 8:16 p.m.

Discussion: None. Roll Call: Ayes: All Present

Crisler asked for Consideration of the Four (4) Lot Minor Subdivision, Permit #22-115. A motion by Chudomelka to recommend approval seconded by Wilson, at 8:17 p.m.

Discussion: Mollhoff commented that another minor sub-division had been done, Krejci commented that it was for the school, and that these kinds of mixed-use developments are good for the city.

Roll Call: Ayes: All Present

Crisler asked for Consideration of Planned Unit Development District Overlay (PUD) Application #22-116 Ordinance 1210. Krejci comment that a recommendation would move this item forward to the city council. A motion by Mollhoff to recommend approval seconded by Danahy, at 8:18 p.m.

Discussion: None. Roll Call: Ayes: All Present

Crisler opened discussion for a R-4 zoning district at 8:20 p.m. Krejci explained that a small group meeting (no quorum) was called by Planning Chair Susan Cerny to discuss the need for a (R-4) Higher Density Residential District and a that meeting it was decided on to be a discussion item at this meeting. Krejci stated he had a discussion with JEO about what this district would like and where it may be used within the city. Jeff Ray with JEO said he did not feel it was necessary to create another district with the city, stating the current districts address the communities needs. Ray showed pictures of what R-4 density would might like. Ray suggested that through a Conditional Use Permit a higher density could be set on a case-by-case basis allowing for an annual renewal to maintain control of the area involved. Crisler voiced concern that not having a set standard in place. Ray stated that the current regulations allow for 20 units per acre, saying that is already pretty dense and referred to the density pictures. Krejci gave examples of available areas that R-4 might be used and asked does that size fit in those areas. Ray commented that traffic issues can arise from a higher density area and needs to be considered. Crisler asked if it should be considered and the consensus was not to do it at this time, Krejci asked about adding the conditional use of higher density to R-3 and the consensus was also no.

Administrative report was reviewed. Krejci commented he is very busy, and gave updates on current active permits.

Crisler opened the Meeting for public comments limiting time to 5 minutes with no responses from the commission.

Shirley Niemeyer commented about the R-4 discussion, asking members if they have seen the apartments in the south part of Elkhorn, stating they are an example to how R-4 looks and commented is that wanted here. Caleb Fjone updated the members on Housing Study. Fjone also invited members to attend a virtual zoom TIF series put on by the Economic Development District.

Crisler asked for a motion to adjourn, a motion by Mollhoff, seconded by Crisler to adjourn meeting.

Discussion: None. Roll Call: Ayes: All Present

Meeting adjourned at 8:37 pm.

Respectfully Submitted,



Bill Krejci