

WAHOO CITY COUNCIL AGENDA
Thursday, October 1, 2026 - 7:00 PM
Wahoo Public Library, 637 N Maple St, Wahoo, NE 68066

NOTICE IS HEREBY GIVEN that the Mayor and Council of the City of Wahoo meet on the second and fourth Tuesdays of each month at the Wahoo Public Library, 637 N Maple Street Wahoo, Nebraska, at 7:00 p.m. Notice of special meetings shall be given by posting a notice thereof on the bulletin board in City Hall, U.S. Post Office, and FirstBank of Nebraska, at least 24 hours before the special meeting. All Council meetings are open to the public and the agenda, which is kept continually current, is available for public inspection at the office of the City Clerk at City Hall during normal business hours.

Individuals requiring physical or sensory accommodations, individual interpreter service, Braille, large print or recorded material, please contact the ADA Coordinator at City Hall, 637 N Maple St, Wahoo, Nebraska, 68066, telephone 402-443-3222 as far in advance as possible, but no later than 48 hours before the scheduled event.

Pledge of Allegiance

Advise the public of the location of posting of Open Meetings Act and Title VI information

Roll Call

Comments from the public on items not on the Agenda

Public hearings and associated actions

1. Consideration of an application for Rezone of a property described as the Balance SW NE 33-15-7 Saunders County an area north of W 23rd and Hackberry from R2 - Medium Density Residential to C3- General Commercial

Items Not Requiring a Public Hearing

Report on current and upcoming projects

Miscellaneous and correspondence

Approve minutes of September 3, 2026 meeting.

Adjournment

September 22, 2026

City of Wahoo Planning Commission:

At your last meeting you heard objections by surrounding property owners to the change from R2 to C3 zoning so that a Sports Complex may be constructed.

Included herewith is information supporting our position as to why the zoning change SHOULD NOT BE APPROVED by the Planning Commission when delivered to the City Council for their final decision.

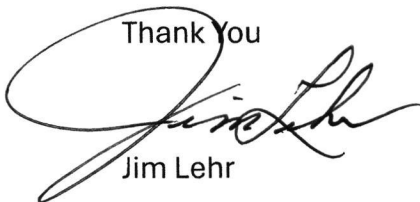
Most of the included information mirrors what the Planning Commission heard at their last meeting and some additional considerations have also been included.

It appears that there are many legal reasons for denying this Spot Zoning change. The objecting property owners may need to consider employing legal counsel and possibly filing a court action. We all hope the Planning Commission and City Council do the right thing by denying the Spot Zoning Change.

If you read the documentation attached you will notice that Nebraska Courts have nearly always found in favor of the complaining parties, and there are case files where the Superior Court rules against SPOT ZONING.

My thought is that the members of the Planning Commission by having this information prior to the next meeting will have a better understanding of the situation and would also have time to get an opinion from the County Attorney should they choose to do so.

Thank You

A handwritten signature in black ink, appearing to read "Jim Lehr", with a large, stylized loop at the beginning.

Jim Lehr

PROPOSED ZONING CHANGE FOR "SPORTS VENUE"

PRO'S

Provides recreational facilities for Wahoo residents. (Do not know what facilities will be planned), Hopefully it would address all age groups including senior citizens, with possibly walking track, pickle ball, low impact training and exercise in addition to Basketball, Hand Ball, Racket Ball, etc.

PROPOSED CONCERNS, QUESTIONS, AND REASONS THE ZONING CHANGE SHOULD NOT BE APPROVED.

1. Proposed location does not follow the City of Wahoo Comprehensive Plan and may break state law by violating the Comprehensive Plan. It may also fall under a court case entitled Davis v. City of Omaha or Weber v. City of Grand Island which strike down arbitrary rezoning that does not comply with the Comprehensive Plan and unfairly impacts surrounding properties. Legally classified as "Illegal Spot Zoning".
2. There are at least 9 other locations that may be suitable for such an endeavor and would not affect an established residential neighborhood.
3. Residents who have constructed new homes in the North Highlands Addition, especially those on the West side of Oak Street, did so believing this would be a residential area as it was zoned R2 in the Comprehensive Plan. They did not know that they would have a Sports Venue in their back yards, consisting of not only a large building, but a parking facility, parking lot lighting, cars and possible even buses coming and going every day of the week and even into the night. **WOULD ANYONE WANT THAT IN THEIR BACKYARD.**
4. Should the City (HOPEFULLY NOT) approve the zoning change is it permanent. Or, if for some reason the current planned Sports Venue is not built after the Zoning change does this property revert to an R2 designation?
5. It appears that Hackberry Street is not in any condition to handle more traffic.
6. The corner of 15th and Hackberry is already dangerous. If coming on 15th from the 4 lane and wanting to turn North on Hackberry is dangerous as you cannot see traffic coming over the hill by the Presbyterian Church and there is no east/west stop sign on that corner. Also driving West on 23rd Street to Hackberry (dead end) and attempting to turn south/left on to Hackberry you also cannot see traffic coming over the hill just to the North. These are two areas with accidents just waiting to happen and Sports Venue or not, should be addressed. **(ALMOST NO ONE EVER DRIVES THE POSTED SPEED LIMITS ON EITHER 15TH OR HACKBERRY.** At times the

pickup and drop off at the Elementary School will have cars waiting on the East lane of Hackberry because the pickup/dropoff has more cars than waiting area.

7. Will the State of Nebraska approve the additional traffic congestion coming from the South to turn onto Hackberry from the 4 lane. Should there be an event at a proposed Sports Venue, there is no turn lane coming from the South so the East lane could possibly be blocked with traffic waiting to make the turn onto Hackberry. There is a turn lane onto Hackberry coming from the East, but if there is an event taking place there will possibly be back ups waiting to make the turn as there will be vehicles from the South waiting to turn onto Hackberry and additional traffic in the left hand lane East to go around those waiting to turn toward the Sports Venue.
8. Would anyone on the City Planning Commission or City Council want to invest hundreds of thousands of dollars to construct a new home, in the area that according to the City Comprehensive Plan has their chosen lots and surround area zoned as Residential, only to discover that before their home is completed that the City, in violation of their Comprehensive Plan is now considering changing the zoning to Commercial and allowing a commercial structure to be placed next to their back yards. This action, if approved by the City, would possibly devalue their properties. It would seem that the City may be opening themselves up to a possible law suit when there are already court cases ruling in favor of the residents and against the "Spot Zoning".

OTHER POSSIBLE LOCATIONS FOR THIS VENUE WHICH WOULDN'T AFFECT RESIDENTIAL AREAS. MAY ALREADY BE ZONED COMMERCIAL OR COULD BE WITH POSSIBLY NO OBJECTION.

1. East side of Chestnut between new Day Care and Lutheran Church property.
2. East side of Chestnut North from North Side of Church property.
3. North side of 4 lane from Wanahoo Lake road West.
4. West side of 15th Street (both N & S sides) across from Casey's.
5. Land owned by Dillons on North side of their current dealership.
6. South side of County Road "J" and East side of 4 lane, across from the Country Club.
7. North side of County Road "J" on East side of the 4 lane. (South across road from Hospital).
8. Rezone part of subdivision platted by Hancock's. If, as rumor has it, One or more of the Hancock's will be "investors" in the Sports Venue. If true, they have land they already own, why not have some of that residential subdivision re-zoned.
9. Area East of Casey's where McDonalds, etc are planned.

Neb. Rev. Statutes 19-903, 19-913, 19-901

There are two Supreme Court decisions.

Weber v. City of Grand Island

Davis v. City of Omaha

Both cases prohibit arbitrary zoning.

If Wahoo carves out a residential block next to newly constructed homes to drop in a commercial venue, it violates which strikes down arbitrary rezoning that doesn't follow the Comprehensive Plan and unfairly impacts surrounding properties. This is legally classified as "Illegal Spot Zoning".

If this proposed zoning change reaches the City Council, a Formal Statutory Protest can be made under Neb. Rev. Statutes 19-905.

If 20% or more of owners within 300 feet sign a protest, rezoning cannot pass by a Council simple majority. Such action forces a mandatory Three Fourths supermajority vote by the Council.

Recommends to hire real estate attorney and immediately file a law suit in the Saunders County District Court. Using 19-903 to argue ordinance is invalid because it breaks State Law violating the Comprehensive Plan.

DEVELOPER WOULD ALSO NEED TO FILE A REQUEST TO AMEND THE COMPREHENSIVE PLAN ALONG SIDE THEIR REZONING REQUEST.

THE ABOVE INFORMATION WAS TAKEN FROM INTERNET SEARCH AND IS NOT INTENDED TO BE A LEGAL OPINION, OR PRACTICE OF LAW IN ANY FORM. THIS IS PREPARED AS A HOMEOWNER AFFECTED BY THIS ZONING CHANGE AND INTENDED TO PROVIDE OTHER HOMEOWNERS WITH POSSIBLE INFORMATION REGARDING OUR POSITION SHOULD IT BE NECESSARY TO HIRE PROFESSIONAL LEGAL REPRESENTATION.

Yahoo Scout

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Including results for What do Nebraska Courts consider arbitrary, discriminatory and unreasonable in city spot zoning

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AI Summary

What do Nebraska Courts consider arbitrary, discriminatory and unreasonable in city spot zoning

Nebraska courts evaluate spot zoning by examining whether the zoning decision is arbitrary, discriminatory, or unreasonable, often focusing on the justification for making exceptions to zoning regulations. If a zoning ordinance fails to serve a legitimate public interest or disproportionately favors a specific property owner without adequate justification, it may be deemed invalid. [Wikipedia](#) ⁺¹

Factors in Evaluating Spot Zoning

Several key factors influence court decisions on spot zoning.

- **Public Interest** — Courts assess if the zoning change serves a legitimate public interest, such as community welfare.
- **Consistency with Zoning Plan** — A zoning decision must align with the overall zoning plan; deviations without justification can be ruled arbitrary.
- **Impact on Neighbors** — Courts consider how the zoning change affects surrounding properties and whether it creates unfair advantages.
- **Evidence of Discrimination** — If a zoning change disproportionately benefits one property owner over others without clear rationale, it may be seen as discriminatory.
- **Judicial Precedents** — Previous court rulings in Nebraska shape the interpretation of what constitutes unreasonable zoning practices. [Justia Law](#) ⁺¹

[Wikipedia](#)

Spot zoning - Wikipedia

[landifyr.com](#)

Spot Zoning Challenges in Nebraska Courts ~...

[Justia Law](#)

Weber v. City of Grand Island :: 1958 :: Nebraska...

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What are the legal standards for zoning changes in Nebraska?

How do courts define public interest in zoning cases?

What are common challenges to zoning ordinances?

[landifyr.com](#)<https://landifyr.com/spot-zoning-challenges-in-nebraska>

Spot Zoning Challenges in Nebraska Courts - landifyr.com

The issue of spot zoning presents a significant challenge in Nebraska courts, as it necessitates a careful examination of the often competing interests between community needs and individual...

[Justia Law](#)<https://law.justia.com/cases/nebraska>

Weber v. City of Grand Island :: 1958 :: Nebraska Supreme ...

However, after submission of briefs and argument by counsel, a judgment was rendered finding and adjudging that the action of the city in rezoning the property involved was not arbitrary...

[There Is a Newer Version of this Statute](#) ▾

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2024 Nebraska Revised Statutes Chapter 19 - Cities and Villages; Laws Applicable to More Than One and Less Than All Classes

19-905 - Zoning regulations; changes; protest; notice; publication; posting; mailing; personal service; when not applicable.

Universal Citation:

NE Code § 19-905 (2024) ○

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19-905. Zoning regulations; changes; protest; notice; publication; posting; mailing; personal service; when not applicable.

Regulations, restrictions, and boundaries authorized to be created pursuant to sections 19-901 to 19-915 may from time to time be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred feet therefrom, and of those directly opposite thereto extending three hundred feet from the street frontage of such opposite lots, and such change is not in accordance with the

comprehensive development plan, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council or village board of trustees of such municipality. The provisions of section 19-904 relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice as provided in section 19-904, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor punishable as provided in section 19-913. If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing. At the option of the city council or village board of trustees of the municipality, in place of the posted notice provided in this section, the owners or occupants of the real estate to be zoned or rezoned and all real estate located within three hundred feet of the real estate to be zoned or rezoned may be personally served with a written notice thereof at least ten days prior to the date of the hearing, if they can be served with such notice within the county where such real estate is located. When such notice cannot be served personally upon such owners or occupants in the county where such real estate is located, a written notice of such hearing shall be mailed to such owners or occupants addressed to their last-known addresses at least ten days prior to such hearing. The provisions of this section in reference to notice shall not apply (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different types of zoning districts are proposed, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the municipality, but only the requirements of section 19-904 shall be applicable.

Source

Laws 1927, c. 43, § 5, p. 183;

C.S.1929, § 19-905;

R.S.1943, § 19-905;

Laws 1957, c. 45, § 2, p. 221;

Laws 1967, c. 94, § 1, p. 290;

Laws 1975, LB 410, § 15;
Laws 2005, LB 161, § 8;
Laws 2019, LB193, § 72.

Annotations

The fact that a person is entitled to notice of an administrative hearing because he or she owns property adjacent or very close to the property in issue supports the conclusion that such a person would have standing in a corresponding zoning case. *Smith v. City of Papillion*, 270 Neb. 607, 705 N.W.2d 584 (2005).

Approval of a conditional use permit in nature of special exception use is ordinarily subject to statutory requirement of a favorable three-fourths majority vote if requisite protests are made against change or supplement of regulations or restrictions. *Stec v. Countryside of Hastings, Inc.*, 190 Neb. 733, 212 N.W.2d 561 (1973).

Amendment of zoning ordinance must be made in accordance with comprehensive plan. *Weber v. City of Grand Island*, 165 Neb. 827, 87 N.W.2d 575 (1958).

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Spot Zoning Challenges in Nebraska Courts

APRIL 16, 2026

Introduction to Spot Zoning

Spot [zoning](#) refers to a unique practice in urban planning and [land use](#) regulation where a specific parcel of land is designated for a use that differs from the surrounding zoning categories. This zoning method is often applied to allow for limited, specific developments, such as a small business within a residential neighborhood or an apartment complex amid single-family homes. Its primary purpose is to accommodate particular needs or desires that deviate from the established zoning framework without overhauling larger zoning policies in the affected area.

The application of spot [zoning](#) is typically employed when there is a compelling reason to treat a specific land parcel differently from adjacent properties. Such justifications can include providing services to a growing population, addressing community needs for particular commercial or residential options, or promoting economic development in targeted regions. However, it's important to note that such zoning practices must continually weigh the potential benefits against community impacts, often leading to contentious discussions.

Spot [zoning](#) is distinct from traditional zoning, which generally enforces uniform regulations across broader areas, promoting consistency and coherence in land uses. Conversely, [spot zoning can lead to conflicts with surrounding property owners who may experience changes in neighborhood dynamics, including shifts in property values or lifestyle.](#) These differences

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Legal Framework Governing Zoning in Nebraska

The legal framework that governs [zoning](#) in Nebraska is primarily established by the Nebraska Revised Statutes, which outline the authority, processes, and regulations pertaining to [land use](#) planning and zoning. Under these statutes, local governments are empowered to implement zoning ordinances that reflect the community's unique land-use needs and priorities. This decentralized approach allows cities and counties to formulate specific regulations that align with local expectations, as long as they comply with overarching state laws.

In addition to state statutes, local ordinances play a significant role in shaping [zoning](#) laws. Municipalities are granted the authority to create, amend, and enforce zoning regulations tailored to their specific geographic and demographic contexts. For instance, a city's zoning ordinances may delineate residential areas, commercial zones, and industrial districts. These ordinances must adhere to the principles of comprehensive planning and consider both current and future [land use](#) demands.

Moreover, the [Nebraska](#) Supreme Court has established legal precedents that interpret [zoning](#) laws, including cases that address spot zoning. [Spot zoning refers to the practice of singling out a parcel of land for different zoning classification compared to neighboring properties, which can lead to challenges regarding legality and fairness.](#) Understanding these precedents is crucial for local officials, property owners, and legal practitioners when navigating complex zoning issues.

The comprehensive legal framework governing [zoning](#) in [Nebraska](#) not only facilitates the structured development of urban spaces but also includes provisions to appeal zoning decisions, ensuring that community members have a voice in planning and development processes. This sets the stage for a more dynamic discourse on zoning practices, including the ongoing discussions about the implications of spot zoning and its effects on local governance.

Common Challenges Associated with Spot Zoning

Spot [zoning](#), which refers to the practice of applying zoning regulations to a specific parcel of land that differs from the surrounding zoning classifications, inherently carries a variety of

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arise. Residents may argue that spot zoning fosters inequality by favoring certain landowners over others, leading to heightened tensions within the community.

Another critical challenge revolves around the arbitrary nature of decisions related to spot [zoning](#). Since these zoning changes can appear subjective, local zoning boards and courts may face accusations of bias or favoritism. Arbitrary decisions not only undermine the legitimacy of zoning practices but can also create uncertainty for developers and property owners who rely on consistent [land use](#) regulations. This, in turn, can hinder investment in the community, as potential developers may find the landscape unpredictable.

Additionally, the broader implications for [land use](#) cannot be overlooked. Spot [zoning](#) can lead to fragmentation of land use patterns, resulting in inefficient use of resources and services. Instead of promoting cohesive development plans that consider the community's long-term growth, spot zoning can prioritize short-term gains for specific stakeholders. This fragmentation can complicate regional planning efforts, making it more difficult to achieve a balanced and sustainable approach to land use.

Overall, while spot [zoning](#) may serve specific goals such as encouraging development or addressing urgent housing needs, it also introduces a myriad of challenges that stakeholders must navigate diligently.

Case Studies of Spot Zoning in Nebraska Courts

Spot [zoning](#) is a controversial practice that can involve altering specific zoning designations for individual parcels within a larger zone, typically to favor certain developments. In [Nebraska](#), several court cases have highlighted the challenges and legal complexities associated with spot zoning.

One notable case is **Hancock v. City of Lincoln**, where the plaintiffs challenged the city's designation of a commercial zone that affected a residential area. The court analyzed the degree to which the spot [zoning](#) decision aligned with the overall zoning plan and the potential impacts on surrounding property values. The ruling underscored the necessity for municipalities to demonstrate that spot zoning serves a legitimate public purpose rather than

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[Zoning](#) by a developer aiming to convert a residential property into multi-family housing.

Opponents argued that this change would disrupt community cohesion and infrastructure. The court's decision emphasized the importance of considering the cumulative effects of zoning changes. Ultimately, the ruling reinforced the notion that zoning regulations should foster orderly development and protect existing neighborhoods.

In **Hastings v. Board of Adjustment**, the court examined a decision surrounding spot [zoning](#) that was criticized for lacking adequate public engagement. The ruling served as a reminder that procedural fairness is paramount, asserting that stakeholders must be given opportunities to voice their concerns about zoning changes that might affect their communities.

These cases collectively illustrate that while spot [zoning](#) can facilitate targeted development, it comes with significant legal scrutiny. Courts in [Nebraska](#) maintain a firm stance on ensuring that zoning practices adhere to principles of equity, consistency, and community welfare, highlighting the need for careful deliberation in zoning decisions going forward.

Balancing Community Needs and Property Rights

The issue of spot [zoning](#) presents a significant challenge in [Nebraska](#) courts, as it necessitates a careful examination of the often competing interests between community needs and individual property rights. Spot zoning refers to the practice of zoning a specific piece of property differently from the surrounding properties, usually to accommodate a particular use. This can lead to tensions when the desired use aligns with the interests of the community, but not necessarily with those of the property owner.

Courts generally adopt a pragmatic approach to resolving these tensions, aiming to uphold the law while considering the socio-economic dynamics within the community. One crucial aspect of the courts' evaluation is determining whether the [zoning](#) change serves a legitimate public purpose. If a property owner seeks to convert their land for a use that benefits the community—such as establishing a park or a community center—courts may view this positively in their rulings.

Conversely, when [zoning](#) changes appear to favor specific developers or businesses at the expense of surrounding residents, courts may be inclined to view the action as unjust,

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Impact on public services, and overall community welfare.

Thus, the courts' role in these situations becomes not merely about enforcing [zoning](#) laws, but about mediating interests to find a common ground that respects individual rights while promoting collective benefits. In navigating the complexities of spot zoning, Nebraska courts continue to shape the landscape of [land use](#) policy, aiming to create a sustainable and equitable environment for all stakeholders involved.

The Role of Local Governments in Spot Zoning Decisions

Local governments play a pivotal role in managing spot [zoning](#) requests, as they are responsible for interpreting and implementing zoning laws within their jurisdictions. Spot zoning refers to the practice of reclassifying a specific parcel of land for a use that is inconsistent with the surrounding zoning regulations. This can promote economic growth or address specific community needs but raises concerns regarding fairness and potential misuse of power.

The process for evaluating spot [zoning](#) requests typically commences with an application submitted by a property owner or developer to the local planning department. This application must outline the desired zoning change and provide justification for the request, including how it aligns with community goals and [land use](#) plans. Local governments are also obligated to conduct public notification processes to inform the community about the proposed changes. This often involves posting public notices and sending out letters to nearby property owners.

Public hearings are a key component of the decision-making process. During these hearings, local government officials, planning commission members, and the public have the opportunity to express their support or opposition to the proposed spot [zoning](#). Decision-making criteria vary, but local governments typically consider several factors, such as the consistency of the proposed zoning with the comprehensive plan, the potential impact on neighboring properties, and the overall benefit to the community.

Ultimately, local governments must balance the interests of property owners who seek to develop their land with the broader goals of sustainable development and community welfare.

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Impacts of Spot Zoning on Urban Development

Spot zoning refers to the practice of applying zoning regulations to a specific parcel of land that differs from the surrounding areas. This practice can subject [urban development](#) to a variety of implications, both beneficial and detrimental, particularly in the context of Nebraska. Understanding these impacts is crucial for both urban planners and local policymakers who wish to navigate the complexities of [land use](#) and community development effectively.

One of the primary positive outcomes of spot [zoning](#) is the potential for economic development. By allowing certain areas to be designated for specific uses, such as commercial or [mixed-use development](#), municipalities can stimulate local economies. For instance, turning a previously residential area into a commercial zone might attract businesses, create jobs, and ultimately increase property values and tax revenues. This economic resurgence can help rejuvenate neighborhoods that may otherwise remain stagnant.

However, spot [zoning](#) also has its pitfalls. One significant negative impact is urban sprawl. When certain parcels are zoned for heightened density and specific development uses, it can lead to inconsistent land-use practices that disrupt the overall urban landscape. This can result in a patchwork of developments that are not cohesive, contributing to longer commute times and increased traffic congestion. Additionally, the possibility of undermining nearby property values is a concern for residents, as spot zoning may lead to an influx of commercial activities that clash with established neighborhoods' character.

Another consideration is equitable development. The decision to employ spot [zoning](#) can sometimes be influenced by lobbying from existing property owners or businesses, which might not necessarily reflect community desires. This selective alteration of zoning regulations can lead to disparities in development opportunities across different neighborhoods, favoring some at the expense of others.

Thus, while spot [zoning](#) has the potential to facilitate targeted [urban development](#) and economic growth, it also presents several challenges that can complicate the overall urban planning process. The key lies in balancing these conflicting interests to ensure sustainable development that benefits the entire community.

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Spot [zoning](#), the practice of changing the zoning classification of a specific parcel of land without changing the zoning of surrounding properties, can lead to significant challenges in urban planning and development. To address these concerns effectively, it is crucial for policymakers and planning officials in [Nebraska](#) to adopt more transparent and equitable zoning practices. The following recommendations can provide a framework for improvement.

Firstly, it is important to establish clear guidelines and criteria for assessing spot [zoning](#) requests. These criteria should be well-documented and accessible to both the public and decision-makers, ensuring that every zoning decision is made based on defined objectives rather than subjective assessments. Including the community in the drafting of these guidelines can help foster a sense of ownership and trust in the decision-making process.

Secondly, enhanced public engagement is vital. Planning officials should facilitate open forums and discussions, allowing residents to express their concerns and provide feedback regarding proposed [zoning](#) changes. Utilizing modern technology, such as online platforms for public commenting, could expand participation beyond traditional meetings. Ensuring stakeholder voices are heard helps build consensus and mitigates opposition to spot zoning decisions.

Moreover, regulatory bodies should consider implementing a [zoning](#) review board composed of a diverse group of stakeholders, including community representatives, urban planners, and legal experts. This board can provide insights and ensure that spot zoning decisions align with the wider community interests, promoting fairness and equity in the zoning process.

Lastly, continuous training and development opportunities for planning officials can foster a more knowledgeable workforce adept at navigating the nuanced challenges surrounding spot [zoning](#). Providing resources to stay informed on best practices and emerging trends in [land use](#) can enhance the overall effectiveness of zoning decisions.

Conclusion and Future Outlook

In synthesizing the discussion on spot [zoning](#) challenges within the [Nebraska](#) court system, it is evident that the complexities of zoning laws and their interpretations play a significant role in the application of land-use policies. Spot zoning, which often refers to the practice of singling

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set the groundwork for resolving future disputes, while also highlighting the need for clarity in

regulations.

As we look toward the future, several potential developments may influence the landscape of spot [zoning](#) in [Nebraska](#). One area of consideration is the possibility of legislative reform aimed at standardizing zoning laws to provide more uniform guidelines. Such changes could address ongoing critiques concerning arbitrary decisions made by local governments and enhance fairness in zoning practices. Additionally, evolving community needs, such as housing shortages and land-use diversifications, may prompt a reassessment of existing zoning laws to accommodate sustainable growth.

Furthermore, the relationship between the courts and [zoning](#) authorities is likely to continue shifting as courts may adopt more stringent scrutiny in future spot zoning cases. This evolution could foster a more balanced approach by encouraging municipalities to engage in thorough planning processes and community engagement prior to enacting zoning changes. Engaging with stakeholders, land developers, and the public may enable better alignment between zoning regulations and the interests of the community, ensuring that the zoning framework remains both effective and equitable. Overall, while challenges persist, the adaptive nature of Nebraska's zoning laws holds promise for a more coherent approach to [land use](#) in the years to come.

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CITY OF WAHOO
— APPLICATION FOR CHANGE OF ZONING

Applicant's Name James Jelinek
Applicant's Address 1860 City Rd L, Wahoo NE 68066
Phone Number(s): _____
Address or location of property to be rezoned _____
Legal description of property to be rezoned Balance SW NE 33-15-7
Area of property (Sq Ft or Acres) 18.49 acres
Current use of property Farming
Proposed use of property C3 - Recreational facility
Present zoning R-2 Requested zoning C-3
Current zoning and use of adjoining properties:
North: C-3 South: R-2
East: R-2 West: TA

Applicant must furnish a survey plat of property proposed to be rezoned, and site plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.

Under the provisions of the City of Wahoo Zoning Regulations, the undersigned hereby applies for a change of zoning. This application authorizes representatives of the City of Wahoo to enter the above property for purposes of inspection, examination, and investigation related to this application, and posting of signs as required by Zoning Regulations.

Date: _____ Signed: James Jelinek
Owner or authorized agent
Address: _____
Phone: _____

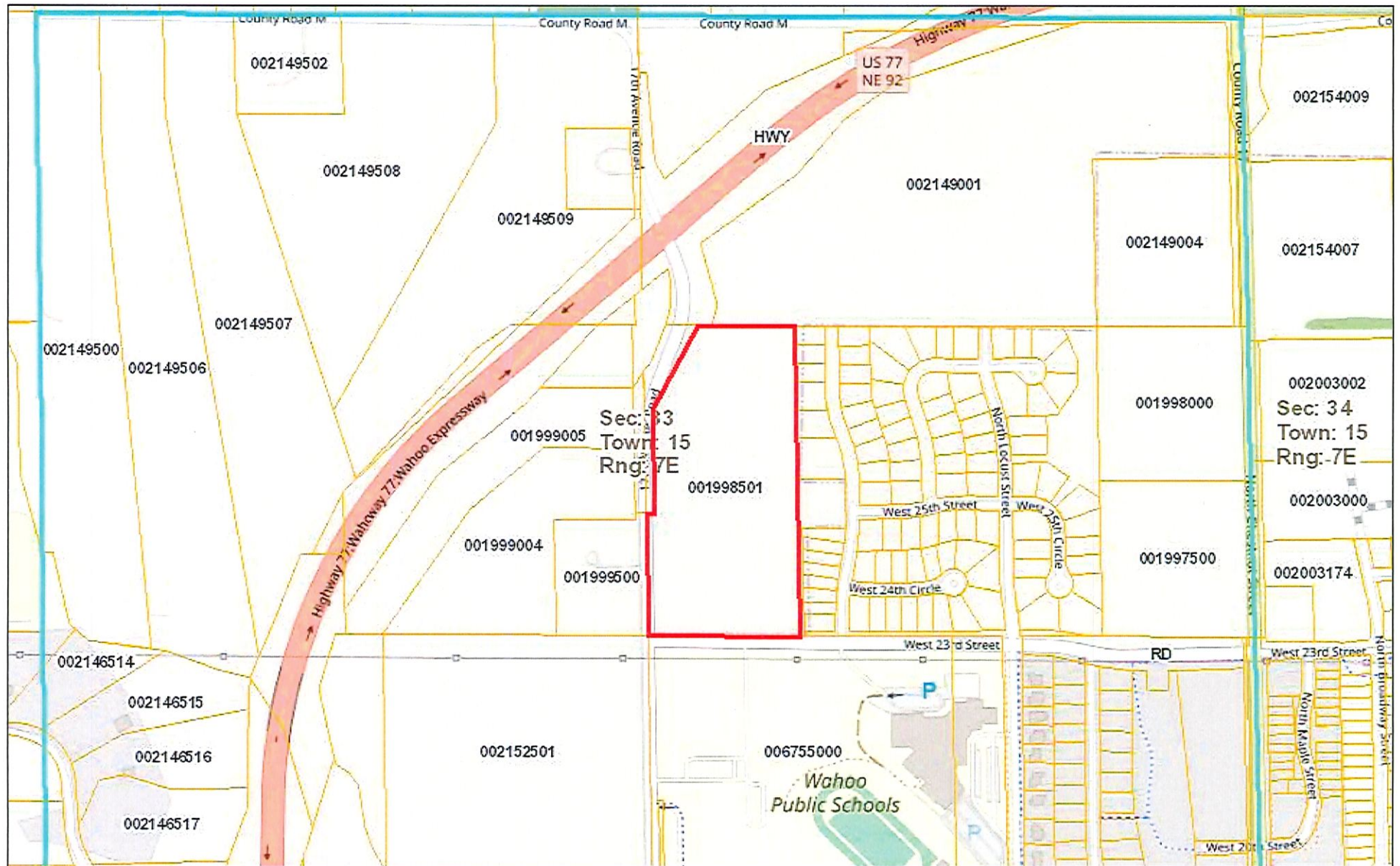
FEE: \$ 300.00 Receipt # 31586

Publication fees will be billed to applicant

Date of Hearing (Planning Commission) 9-3-26, 2026 Approved _____ Denied _____
Date of Hearing (City Council) _____, 20____ Approved _____ Denied _____

Zoning Administrator

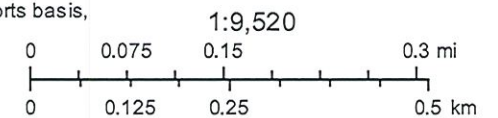
31586 8.17.26
paid CLK #1269



August 18, 2026
20:59 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



JUSTIFICATION:

Questions 1 through 10 must be answered completely. Use additional sheets if needed.

1. Explain how this request is compatible with the future land use elements of the Wahoo, Nebraska Comprehensive Plan. Does not conform to current use.

2. What type of development does the Wahoo, Nebraska comprehensive Plan recommend for this general area?

Medium to High density residential.

3. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area? The soil should support use. Raw farm ground.

4. Is the proposed zoning district in the floodplain hazard area as delineated under the federal flood insurance program? No

5. Provide reasons to support the need for the proposed zoning in this area.

Basketball facility with weekend events would cause less impact than the school. Other businesses could access of Hackberry Street. Which would be natural fit. Services to the area like

6. How would the proposed district conform with adjacent zoning districts?

The businesses would blend in with the Casey's and businesses currently being established.

7. What is the general character of the area? Describe

Farm ground

8. What type of sewer and water system will be used?

City

9. Does the change affect any proposed public projects?

Not to my knowledge.

10. How will the proposed zoning district affect traffic in the area?

With access of Hackberry Street the effects should be minimal

WAHOO PLANNING COMMISSION

Meeting Minutes

September 6, 2026

The Wahoo Planning Commission met in regular session and in accordance with the agenda posted at City Hall, the Post Office, and First Bank of Nebraska with each board member being notified of the agenda prior to the meeting. The meeting was called to order at 7:00 p.m. by Chair Tracy Pfligler and opened with the Pledge of Allegiance. The Chair advised the public of the posted information regarding Nebraska Open Meetings Act and Title VI. The Chair then directed the City Administrator to call the roll: Brooks: Present, Egr: Present, Fick: Present, Gabel: Absent, Lentfer: Present, Miyoshi: Present, Pearson: Present, Pfligler: Present. Also present Travis Beavers, Building Inspector/Zoning Administrator, and Melissa Harrell, City Administrator

A public hearing regarding the consideration of an application for conditional use permit for a pole sign as submitted by McDonald's Restaurant was open at 7:02pm. There were no comments from the public. A motion was made by Jessica Pearson, seconded by Don Fick, to close the hearing at 7:04pm. Roll call vote: Brooks: yes, Egr: yes, Fick: yes, Gabel: Absent, Lentfer: yes, Miyoshi: yes, Pearson: yes, Pfligler: yes. Motion carried.

A motion was made by John Miyoshi, seconded by Jessica Pearson, to recommend approval of the conditional use permit for a pole sign as submitted by McDonald's Restaurant. Roll call vote: Brooks: yes, Egr: yes, Fick: yes, Gabel: Absent, Lentfer: yes, Miyoshi: yes, Pearson: yes, Pfligler: yes. Motion carried.

Beavers stated that the applicant asked that the next item be tabled due to scheduling conflict. Legal council had advised that the public hearing could be opened and left open until the next meeting of the Planning Commission if that was the will of the board. The chair opened the public hearing regarding consideration of an application for rezone of a property described as the Balance SW NE 33-15-7 Saunders County an area north of W 23rd and Hackberry from R2 - Medium Density Residential to C3- General Commercial at 7:10pm.

Sherry Johnson, 2439 N Oak Street, spoke against the rezone and commented that a rezone could affect the neighborhood of N Highlands. She expressed concern about how it could affect the traffic in the area. And commented that she had heard that there is a potential for a hotel and not in favor of a hotel being located across from the schools.

Tyler Todd, 2689 N Oak Street, spoke against the rezone commenting on increased light and noise pollution from potential commercial business. He stated that the type of project that has been rumored to go in that location is not ideal near residential. He also expressed concerns about the future North Highlands park location being near a heavy commercial zone. He also stated that commercial areas bring traffic.

Jim Lear, 760 W 24th Circle, spoke against the rezone saying that he would like to see that area stay residential. He commented that Hackberry and 23rd street is already a traffic hazard and commercial would only make it worse.

Tammy Bennett, 2627 N Oak Street, spoke against the rezone. She stated that she supports the concept of the potential project but stated that this is not the right location for it. This area was recently rezoned to residential and feels that if one property is rezoned within the corridor then we risk losing the intention of the area.

Multiple others spoke to the agenda item all of them speaking against the rezone.

A motion was made by Jessica Pearson, seconded by John Lentfer, to table closing the public hearing. Roll call vote: Brooks: yes, Egr: yes, Fick: yes, Gabel: Absent, Lentfer: yes, Miyoshi: yes, Pearson: yes, Pfligler: yes. Motion carried.

A Public Hearing regarding Consideration of an application for Rezone of a property described as PT SW SW & PT SE SW 34-15-7 commonly known as 1750 N Elm Street from TA - Transitional Ag to R1 - Low Density Residential was opened at 7:37pm. There were no comments from the public. A motion was made by Don Fick, seconded by John Miyoshi to close the public hearing at 7:41pm. Roll call vote: Brooks: yes, Egr: yes, Fick: yes, Gabel: Absent, Lentfer: yes, Miyoshi: yes, Pearson: yes, Pfligler: yes. Motion carried.

A motion was made by Don Fick, seconded by Jessica Pearson, to recommend approval of the rezone of a property described as PT SW SW & PT SE SW 34-15-7 commonly known as 1750 N Elm Street from TA - Transitional Ag to R1 - Low Density Residential. Roll call vote: Brooks: yes, Egr: yes, Fick: yes, Gabel: Absent, Lentfer: yes, Miyoshi: yes, Pearson: yes, Pfligler: yes. Motion carried.

Harrell spoke about the downtown revitalization planning process.

A motion was made by Tracy Pfligler, seconded by Dylan Egr, approve the minutes from the July 7, 2026, meeting of the Planning Commission. Roll call vote: Brooks: yes, Egr: yes, Fick: yes, Gabel: Absent, Lentfer: yes, Miyoshi: yes, Pearson: yes, Pfligler: yes. Motion carried.

Approved:

Christina Fasel
City Clerk
City of Wahoo