

## FACTSHEET

**TITLE:** DECLARATION OF SURPLUS PROPERTY  
(2847 A Street)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Lynn Johnson, Director of the  
Parks and Recreation Department

**RECOMMENDATION:** A finding of conformance  
with the Comprehensive Plan (5-0: Corr,  
Cornelius, Sunderman, Weber and Hove voting  
'yes'; Scheer and Harris declared conflict of  
interest; Scheer, Harris and Lust absent)

**STAFF RECOMMENDATION:** A finding of  
conformance with the Comprehensive Plan

**OTHER DEPARTMENTS AFFECTED:** Urban  
Development and Parks & Recreation

**SPONSOR:** Planning Department

**OPPONENTS:** 1 (See testimony on pp.8-9;  
letters on pp.13-15).

**REASON FOR LEGISLATION:** To declare approximately 30,139 square feet of land generally located at 2847 A Street as surplus property.

### **DISCUSSION / FINDINGS OF FACT:**

1. This Comprehensive Plan Conformance and several associated applications, including Text Amendment No. 16010 (Bill#16-113), Street and Alley Vacation No. 16005 (Bill#16-114), Change of Zone No. 16028 (Bill #16-115), Change of Zone No. 16022 for a landmark designation (Bill#16-116), and Special Permit No. 16047 (Bill#16R-246) were heard at the same time before the Planning Commission. Waiver No. 16007 (Bill#16R-247) is also associated with this proposed development, which requests a waiver to parking lot surfacing requirements. The waiver was not heard by the Planning Commission but does require City Council action.
2. The staff recommendation to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan is based upon the "Analysis" as set forth on pp.3-4, concluding that Lincoln Electric System will need to retain a 5-foot easement on the south property line and a 15-foot easement along the north property line. The staff presentation is found on pp.6-7.
3. Testimony on behalf of the applicant is found on pp.7-8. Testimony in support of this application is found on p.8. Testimony in opposition is found on pp.8-9, and the applicant's rebuttal is found on pp.9-10.
4. On October 28, 2016, the Planning Commission agreed with the staff recommendation and voted 5-0 to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan (**Comprehensive Plan Conformance No. 16005**).
5. On October 28, 2016, the Planning Commission also voted 5-0 to recommend approval of the associated Text Amendment No. 16010 (Bill#16-113); voted 5-0 to find Street and Alley Vacation No. 16005 (Bill#16-114) to be in conformance with the Comprehensive Plan; voted 5-0 to recommend approval of Change of Zone No. 16028 (Bill#16-115); voted 5-0 to recommend approval of Change of Zone No. 16022 for a landmark designation (Bill#16-116); and voted 5-0 to recommend conditional approval of Special Permit No. 16047 (Bill#16R-246).
6. The terms for the sale of the land is part of a separate agreement, which will be scheduled simultaneously with these associated applications.

**FACTSHEET PREPARED BY:** Geri Rorabaugh, Administrative Officer

**DATE:** October 31, 2016

**REVIEWED BY:** David R. Cary, Director of Planning

**DATE:** October 31, 2016

f:\devreview\factsheets\cc\2016\CPC16005 Surplus



## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 26, 2016 PLANNING COMMISSION MEETING

- PROJECT #:** Comprehensive Plan Conformance No. 16005
- PROPOSAL:** To review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposal to declare approximately 30,139 square feet of land as surplus property.
- LOCATION:** Generally located at 2847 A Street
- LAND AREA:** 30,139 square feet, more or less
- CONCLUSION:** The declaration of surplus generally conforms with the Comprehensive Plan. Lincoln Electric System will need to retain a 5.0' easement on the south property line and a 15.0' easement along the north property line.

<b><u>RECOMMENDATION:</u></b>	In conformance with the Comprehensive Plan
-------------------------------	--

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A tract of land composed of Lots 2 through 5, and a portion of Lot 1, all in Block 2, Zehring and Ames Addition, All Located in the Northwest Quarter of Section 31, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., City of Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** B-3 Commercial District, R-6 Residential District

**EXISTING LAND USE:** Public Parking Lot

### **SURROUNDING LAND USE AND ZONING:**

North: Park Land/Zoo; P  
South: Single Family Residential; R-2  
East: Bike Trail; P  
West: Single Family Residential; R-6

### **ASSOCIATED APPLICATIONS:**

Change of Zone No. 16028 from B-3 Commercial to R-6 Residential  
Text Amendment No. 16010 to allow zoo parking in residential zoning within 360' of the Zoo  
Street and Alley Vacation No. 16005 to vacate street and alley right of way  
Special Permit No. 16047 for Zoo expansion parking

Waiver No. 16007 to waive parking lot surfacing

## **HISTORY:**

The property zoning was changed from Multiple Dwelling District (D)/Commercial District (I) to R-6 Residential/B-3 Commercial with the 1979 Zoning Ordinance update.

Prior to use as a parking lot the historic use of the property was commercial, most recently A Street Antique Collectibles Mall in the early 2000s and previously United True Value Supply & Rental in the 1990s.

A demolition permit was issued in 2009 for the building which was previously on the site.

The City acquired one lot as part of the Rock Island Trail project and the other four lots from the Lincoln Parks and Recreation Foundation in 2010.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 1.2 - Preservation and enhancement of the many quality of life assets within the community continues. For a "good quality of life", a community has more than jobs, shelter, utilities and roads - there are numerous services, education, historic, natural and cultural resources that are fundamental to enriching lives. As the population continues to become more diverse, the richness and variety of Lincoln and Lancaster County's cultural assets will enrich the quality of life for all those living here.

P. 1.9 - This area is shown as Commercial on the Future Land Use Map.

P. 9.12 - The Lincoln Children's Zoo is one of only five zoos in the nation dedicated to educating our youth. The Zoo's design is tailored specifically for children. The zoo is located on city-owned land near South 27<sup>th</sup> Street and A Street, but is managed by a nonprofit organization. The zoo plans to expand its facilities and attractions to the west along A Street and also has plans for additional parking south of A Street.

## **ANALYSIS:**

1. This is a request to find the property generally located at 2847 A Street as surplus. The City acquired one lot as part of the Rock Island Trail project and the other four lots from the Lincoln Parks and Recreation Foundation in 2010. This property currently has a parking lot which gains access from A Street. The property does not contain any structures.
2. The City proposes to sell the lots to the Lincoln Children's Zoo for parking lot improvements to accommodate the Zoo's plans for expansion.
3. The Lincoln Children's Zoo expansion plans include this surplus property as part of parking lot improvements on the south side of A Street.
4. There has been no other opposition to the sale of the property by any other departments or public agencies. There is a request to retain easements; specifically, Lincoln Electric System requests a 5.0' easement on the south property line and a 15.0' easement along the north property line.
5. The Comprehensive Plan on Page 9.12 mentions Zoo plans for expansion of its facilities and attractions to the west along A Street and additional parking south of A Street.

6. The portion of the surplus property that is zoned B-3 would be required to be rezoned to R-6 with the Zoo expansion as a condition of approval of Special Permit No. 16047.
7. The proposal to surplus the land subject to retention of easements for Lincoln Electric System to retain a 5.0' easement on the south property line and a 15.0' easement along the north property line is consistent with the Comprehensive Plan.

Prepared by

---

George Wesselhoft, Planner  
(402-441-6366, gwesselhoft@lincoln.ne.gov)

October 13, 2016

**APPLICANT/OWNER:** City of Lincoln  
Attn: David Landis  
555 S. 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508

**CONTACT:** City of Lincoln  
Michelle Backemeyer  
555 S. 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508

**COMPREHENSIVE PLAN CONFORMANCE NO. 16005, TEXT AMENDMENT NO. 16010, STREET AND ALLEY VACATION NO. 16005, CHANGE OF ZONE NO. 16028, CHANGE OF ZONE NO. 16022, AND SPECIAL PERMIT NO. 16047**

**COMPREHENSIVE PLAN CONFORMANCE NO. 16005  
TO REVIEW AS TO CONFORMANCE THE REQUEST TO DECLARE SURPLUS  
PROPERTY GENERALLY LOCATED AT 2847 A STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:** October 28, 2016

**and**

**TEXT AMENDMENT NO. 16010  
TO ALLOW A PARKING LOT FOR A ZOO BY SPECIAL PERMIT  
AND TO REPEAL SECTION 27.63.170 AS HITHERTO EXISTING.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:** October 28, 2016

**and**

**CHANGE OF ZONE NO. 16028  
FROM B-3 (COMMERCIAL DISTRICT) TO R-6 (RESIDENTIAL DISTRICT)  
ON PROPERTY GENERALLY LOCATED AT 2847 A STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:** October 28, 2016

**and**

**SPECIAL PERMIT NO. 16047  
TO CONSTRUCT AN ADDITIONAL LOT WITH WAIVERS  
ON PROPERTY GENERALLY LOCATED AT 2847 A STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:** October 28, 2016

**and**

**STREET AND ALLEY VACATION NO. 16005  
TO VACATE A PORTION OF THE EAST-WEST ALLEY  
AND A PORTION OF WASHINGTON STREET  
ON PROPERTY GENERALLY LOCATED AT 2847 A STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:** October 28, 2016

**and**

**CHANGE OF ZONE NO. 16022  
TO DESIGNATE THE AGER BUILDING AS A LOCAL LANDMARK  
ON PROPERTY GENERALLY LOCATED AT 1300 SOUTH 27<sup>TH</sup> STREET.  
PUBLIC HEARING BEFORE PLANNING COMMISSION:** October 28, 2016

Commissioners Harris and Scheer declared a Conflict of Interest: Scheer absent; Harris exited the meeting at 1:10 P.M.

Members present: Cornelius, Corr, Hove, Sunderman, and Weber present; Harris, Lust and Scheer absent.

There were not ex parte communications disclosed on these items.

**Staff Presentation: George Wesselhoft of the Planning Department** stated that of these six items, the first five pertain to the parking lot south of A Street. The final item is for the Landmark Designation of the Chet Ager Building.

The parking lot expansion area is south of A Street, west of the Rock Island Trail and will be used to provide overflow parking for the zoo. Access is off of A Street. The first application is to declare the area, acquired by the City in 2010, as surplus. The City proposes to sell the lots to the zoo for their expansion. There has been no opposition from any department or agency regarding this sale. There has been a request to retain LES easements along the south and north. The Comprehensive Plan mentions the zoo's plans for expansion, including additional parking on the south side of A Street.

The next item is the Text Amendment to Chapter 27.63 which currently permits acquiring a special permit to allow off-site parking lots for universities, colleges and places of religious assembly in areas zoned R-1 through R-8 if the area is within 360 feet of the main use. This amendment would allow the zoo to do the same. This allows flexibility for certain uses who may need additional parking outside of the same district; through special permit, it can be allowed without changing zoning.

This location is currently zoned B-3. To the west is R-6, and to the south is R-2. The north and east are zoned P. The B-3 designation is a holdover from when there was a commercial use on this site. The City acquired the lot for the Rock Island Trail. No buildings are proposed here and parking is allowed, but it is more appropriate for the area to be residential so that changes can be reviewed. The change to R-6 would also provide more consistency with the area to the west, which establishes that zoning pattern all the way to 27<sup>th</sup> Street.

Special Permit No. 16047 is conditioned on the approval of the zoning change, the text amendment, and the street and alley vacation. Parking is allowed by special permit in residential areas. The portion currently within P is not subject to the rules of the special permit. The boundary goes all the way to Washington Street along the alley. It also includes a waiver to the setback, after approval of the street and alley vacation. There is an additional waiver going straight to City Council regarding the parking. It would allow 2 years until Phase II would have to be paved. The current lot has 60 stalls. Phase I will include 103 and Phase II an additional 42 stalls. The lot will be setback 20 feet from Washington Street with the waiver and will be in conformance with R-6 zoning. This should have minimal impact on the neighborhood with appropriate screening and it will provide additional off-street parking for the zoo.

Finally, there is a request to vacate a small portion of Washington and S. 29<sup>th</sup> Streets and the east/west alley just south of the current lot. The Comp Plan classifies S. 29<sup>th</sup> as a local street. This vacation will not negatively affect activity as right-of-way and alley access will be accommodated with easement to Washington Street. There will be better pedestrian

circulation with a connection to the Rock Island Trail. No portions of the sidewalk or trail will be removed. For both this and the special permit, there are utility easements for water, sewer and electric which need to be retained.

Corr asked if they are proposing to tear down any houses. Wesselhoft said there are two existing houses west of the current overflow lot that will be torn down and one just to the south. They are owned by the entity representing the zoo.

Corr noticed the letter originally cited five years as the amount of time they wanted to have. She inquired if two years was the maximum that could be granted. Wesselhoft replied that two years was offered as a compromise that is both acceptable to the Health Department in terms of dust complaints and still allowing some flexibility for the zoo.

Corr wondered if these will be the only applications seen by the Planning Commission regarding the zoo. Wesselhoft said these are the only ones coming forward at this time. Others present at today's hearing may be able to elaborate more on the bigger picture.

**Stacey Groshong-Hageman of the Planning Department** stated the final change of zone is for the Landmark Designation of the Chet Ager Building located west of the zoo at the end of B Street and east of 27<sup>th</sup> Street. It is just south of the current zoo parking. Keeping in mind the goal of having an open view of the facade of the building from 27<sup>th</sup> Street, the boundary for the designation includes the landscape to the west.

The building was constructed in 1936 and was a project of the Work Projects Administration during the New Deal. They also employed people to quarry and cut the limestone. Parks also purchased a portable sawmill and they milled wood from trees that had died as a result of the drought.

The building was designed by notable local architects, Davis and Wilson. The symmetrical facade faces 27<sup>th</sup> Street. The taller portion has an arched entrance flanked by two windows on each side. Above each window is an animal-themed medallion. The building served as a year-round facility. It was designed around a central aviary with a skylight and waterfall-fed pond. The aviary was surrounded by animal cages of varying sizes. Offices were located along the west side.

The zoo plans to incorporate the Ager Building by returning it to a year-round zoo facility. The area in front facing 27<sup>th</sup> Street will provide additional access to the parking lot to the south. The Preservation Guidelines identify the importance of the landscape area and of maintaining an unobstructed view. The plans include the incorporation of a circular drive that uses the Thompson Fountain ring as a planter in the center. That fountain was originally located at 11<sup>th</sup> and J Streets but has since had a long association with the park and was used by the zoo for Monkey Island and for a panda enclosure. The Historic Preservation Commission reviewed the proposed plans in September and they recommended approval.

### **Proponents:**

**1. Tom Huston, Cline Williams Law Firm, 233 S. 13<sup>th</sup> Street**, came forward representing the Lincoln Children's Zoo. Also present were John Chapo, Lincoln Children's Zoo; Dan Spiry, BVH Architecture; and Aaron Bright, Olsson Associates. Most of these items today relate to the overflow parking to the south of A Street; the zoo expansion is to the north. One objective is to allow the zoo to provide a year-round experience for patrons. The

expansion will include a new entrance adjacent to a new science-focus school in partnership with Lincoln Public Schools. There is a new parking lot at the southwest that is primarily for patrons that will have access from both A Street and 27<sup>th</sup> Street. There will be additional exhibition space, including the Ager Building. The site plan provides protection for garden areas to the north and west, as well as the reservoir area south of the entryway. Some people had the misconception that the City and zoo are the same entity when they are not; the zoo is a non-profit and is completely separate from the City. When this goes before City Council, there will be four additional items, including : a request for waiver, the purchase agreement for the surplus property, review of lease and construction, and an operating agreement. The project has been presented to the Urban Design Committee. They had very insightful recommendations that were ultimately incorporated into the site plan. The zoo has met extensively with neighbors about the process, timing, and schedules for this expansion.

Corr asked if there will be access onto Washington during Phase II of the lot. Huston responded that there is only an LES access that is not public. Corr wondered if there will be enough landscaping so it is clear to those exiting the lot that it is not access to Washington. Huston said there will be a sidewalk that will help delineate the boundaries and discourage cars from jumping the curb. The alley turns south to provide access to Washington and that access will continue to provide a route, primarily for garbage service. There is also a detention area to discourage people from driving through.

Corr asked if the applicant is comfortable with the two years instead of five. Huston answered that it was a matter of budget and we wanted the flexibility. If approved, construction will start as soon as spring 2017.

**3. Michelle Penn, 8111 Preserve Court,** stated she is Chair of the Urban Design Committee. This project came forward two times. There was a shakeup over one design because committee members realized it could be better. We felt the expansion was being restricted by the Parks and Recreation Building, so that plan was denied. The committee also provided recommendations which appear to have been included in the new plans. It was agreed upon that the zoo expansion should remain within Antelope Park Triangle and that they needed a better entrance. The parking across the street should be kept for overflow staff parking and Zoo School. The main lot should go where the Parks and Rec Building is currently located. The guest experience should not include going over an overpass, which was part of an original design. We asked that the Rock Island Trail not be obstructed. There was also concern that pedestrians might often choose to cross the street rather than using the overpass. There will be the loss of some green space, but there are other areas where they could go. The zoo is the third most visited attraction in Nebraska. The expansion could bring in an additional 30,000 to 40,000 visitors. The zoo was intended for children and we thought it was important to keep that intimate experience. Penn stated that she cannot speak for all Urban Design Committee members, but she can report that their recommendations were incorporated. Everyone involved has worked together to make this a great project.

### **Opponents:**

**1. Walter Canney, 2111 S. 66<sup>th</sup> Street,** stated he has been a resident of Lincoln since 1971. He is concerned with the broad expansion of the zoo. The process thus far has been “stealth planning”, with a picture in the paper, a bit on the news, and a vague map. Today is the first time he has seen the proposal. He submitted a letter to the Mayor and to the Parks Department. This topic was only lightly advertised. He has questions about large animals

being included as part of the expansion since they would require such large or high containment areas. He asked about this, but the answer he received was that they do not know yet. There has never been a major public hearing on the whole expansion. It was his understanding that the zoo would never go west of Rock Island Trail, but they have now swallowed up most of that land. At one time, there was talk of a botanical garden. The ambience of that long stretch of road with the roses, trees, and setbacks are assets. He also has a financial and emotional investment in the rose garden. He made a significant contribution in 2007 which brought in the Joy Fountain in honor of his wife and her community contributions. It seems like there should be more definite plans in place before donations are requested. Finally, the zoo is a non-profit, but to him, they seem more like a commercial enterprise.

### **Staff Questions:**

Corr asked if the zoo has any parking requirements. Wesselhoft said there is not a specific zoo use in the code. Corr asked how many stalls they have now. Wesselhoft said he cannot answer.

Corr asked for confirmation that the Parks Building will be torn down for the expansion. Wesselhoft said he is not directly involved in that part of the plan.

Corr wondered if the bike trails will continue to be used all hours and if they will be fenced off in any locations. Wesselhoft said that as far as he is aware, there will be no restriction of the bike trail.

Corr inquired if the indoor playground currently occupying the Ager Building will be replaced at another location.

**Nicole Fleck-Tooze, Parks Department**, stated that Parks will continue to use Ager through the end of May 2017. The preschool adaptive recreation programming will be moved to Calvert School. Parks currently rents that space out to people for events; people will now have that opportunity at the Nature Center. Corr asked if the indoor playground is going to be reconstructed. Fleck-Tooze said it is not. The current facility is aging and getting to a point where it would soon need to be replaced. The trail goes under the bridge and will continue unhindered and will not be impacted.

### **Applicant Rebuttal:**

Huston said that a primary design consideration was preservation and protection of the gardens. The site plan does both while still allowing the zoo to expand.

Corr asked about the placement of fencing. Huston replied that it will only be for the exhibit area and not for parking or the trails.

Corr asked how much parking currently exists. Huston said the site currently has 195 stalls. The new parking will have more with an additional 145 stalls south of A Street.

Corr asked for confirmation that the Parks Building is being removed. Huston said that is correct. The only opposition for the expansion north of A Street was the relocation of the Parks and Recreation Department. That relocation has been achieved and the department will relocate to existing space in the Health Department Building.

Corr asked if there is any historical significance to the building. She thought it was built over a pool. Huston said that to his knowledge, it does not have historical significance.

Hove asked Huston to address Mr. Canney's questions and concerns. Huston said details have not been finalized, but the vision includes larger animals and year-round usage.

Hove asked if Ager will remain the same. Huston said the Landmark Designation will protect the building.

Hove asked if there is any further guarantee that the rose garden will stay. Huston said that one document going before City Council is a lease agreement that will include the footprint of the existing zoo and the new area. The zoo will not have any legal rights outside of that area. The rose garden is outside of the area.

Corr inquired if the City owns the property the zoo sits on. Huston said yes, this is an expansion of an existing lease.

Groshong-Hageman indicated that the Parks Building is not historically significant. She suggested the Muni Building housed the pool and was a similar Landmark Designation. Corr said she thought it was built over a pool. Groshong-Hageman said she did not believe so.

**Lynn Johnson, Director of Parks and Recreation**, came forward to say that the building was constructed in the 1950s and is mostly original. The lot has always been there with the building. The zoo's intention with the Ager Building is to combine some of the play exhibits with historical elements. It will continue to be a location for families to come and play, but will simply become a zoo function.

**COMPREHENSIVE PLAN CONFORMANCE NO. 16005**  
**ACTION BY PLANNING COMMISSION:**

**October 28, 2016**

Cornelius moved Conformance with the Comprehensive Plan; seconded by Sunderman.

Cornelius said he will address all items at once instead of individually.

Commissioners agreed that would be appropriate.

Cornelius stated that to address Mr. Canney, when he looks at the site plan, he sees a de-intensification of the parking use closer to the gardens, so that is beneficial. Commissioners are only ruling today on the parking south of A Street and the Historical Landmark. Even if we were considering the project in a broader sense, what we are seeing is beneficial. He intends to support all items.

Corr stated she has no problem with these six applications. The parking to the south has been crushed rock and there have been no complaints. There are multiple factors, including screening, that will protect the neighbors. She wanted to be on the record as being opposed to tearing down the Parks and Recreation facility, especially since it is only being done for a parking lot. She knows that issue is not related to what is before Commissioners today, but this could be her only chance to speak on the matter. She is also concerned about the Parks Department moving to the Health Department Building and taking up parklands in Woods Park to expand parking at that location. That should be looked into further. She hopes that City Council will keep this in mind when reviewing these minutes.

Sunderman said the parking to the south is well planned in terms of access and screening. The Ager Building designation is also very good; it is a great building. It once had animals in it and he would like to see a return to that. Though the zoo expansion is not part of these specific applications, the project is wonderful. Lincoln has grown so much and is nearly over 300,000 residents. The zoo really needs to expand. As stated, it is the third most visited place and is a jewel to the community.

Hove echoed the thought of Commissioner Sunderman. What we are approving makes sense. To address Mr. Canney, there is an indication that those gardens will continue for years and years and they are doing a good job of maintaining green space along the 27<sup>th</sup> Street Corridor.

Motion carried 5-0: Cornelius, Corr, Sunderman, Weber, and Hove voting 'yes'; Harris and Scheer declared a conflict of interest; Harris, Lust, and Scheer absent. Note: This is a recommendation to the City Council.

**TEXT AMENDMENT NO. 16010**

**ACTION BY PLANNING COMMISSION:**

**October 28, 2016**

Cornelius moved Approval; seconded by Corr and carried 5-0: Cornelius, Corr, Sunderman, Weber, and Hove voting 'yes'; Harris and Scheer declared a conflict of interest; Harris, Lust, and Scheer absent. Note: This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 16028**

**ACTION BY PLANNING COMMISSION:**

**October 28, 2016**

Corr moved Approval; seconded by Weber and carried 5-0: Cornelius, Corr, Sunderman, Weber, and Hove voting 'yes'; Harris and Scheer declared a conflict of interest; Harris, Lust, and Scheer absent. Note: This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 16047**

**ACTION BY PLANNING COMMISSION:**

**October 28, 2016**

Cornelius moved Conditional Approval; seconded by Weber and carried 5-0: Cornelius, Corr, Sunderman, Weber, and Hove voting 'yes'; Harris and Scheer declared a conflict of interest; Harris, Lust, and Scheer absent. Note: This is a recommendation to the City Council.

**STREET AND ALLEY VACATION NO. 16005**

**ACTION BY PLANNING COMMISSION:**

**October 28, 2016**

Cornelius moved Conformance with the Comprehensive Plan; seconded by Weber and carried 5-0: Cornelius, Corr, Sunderman, Weber, and Hove voting 'yes'; Harris and Scheer declared a conflict of interest; Harris, Lust, and Scheer absent. Note: This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 16022**

**ACTION BY PLANNING COMMISSION:**

**October 28, 2016**

Cornelius moved Approval of Landmark Designation; seconded by Corr and carried 5-0:

Cornelius, Corr, Sunderman, Weber, and Hove voting 'yes'; Harris and Scheer declared a conflict of interest; Harris, Lust, and Scheer absent. Note: This is a recommendation to the City Council.

**Walter A. Canney**

2111 S 66<sup>th</sup> St.

Lincoln, NE 68506-2881

Tel: 402 489-2373 Fax: 403 489-2373 e-mail: [wcanney@neb.net](mailto:wcanney@neb.net)

~~October 28, 2016~~

May 26

Mayor Chris Beutler  
1225 F St  
Lincoln, NE 68508

Dear Mayor Beutler,

I attended the small open house for the Lincoln Children's Zoo proposed expansion recently. I mentioned that I was concerned about the Rose Garden, and any possible impact the expansion might have on the access, ambiance of the area or the future - acknowledging I was financially and emotionally invested in the Rose Garden.

Visually, not getting a good perspective from the bubble diagram board, I subsequently contacted Evan Killeen with the Children's Zoo, to see if there was a model that might provide a better vision. His response was that Zoo staff was not that far in the process. I followed up asking if he would be able to provide a generic perspective of the enclosure frontage along the Parks Department building on A Street West and north along 27th Street returning back East toward the Zoo's current footprint, as to the height and possible nature of the compound. However, according to Evan that information is not available.

More recently I was invited to a land use planning session of the City held at the Parks Office. Mr. Chapo gave a brief overview of the Zoo expansion focusing mainly on the current Zoo curriculum, primarily on education and his hope for an expansion in that area. No specifics on the enclosure or what its contents were provided in terms of new animal inhabitants or exhibits. Inquiries regarding zoo expansion and function were made but largely left unanswered with the focus being on parking. Specifically, I asked in several different ways what the proposed enclosure would look like (i.e. size, dimension, materials, scale, inhabitants, etc.) all of which answers were evaded by Mr. Chapo.

My perspective of the area identified as the Antelope Park Triangle is that it is an entrance to the heart of the City. Arriving from the South, the full 2+ blocks of green space including the historic Ager building, down to the renovated Rose Garden, iconic Sunken Gardens and sentimental favorite Teachers Fountain - it provides a much need visual and psychological function - welcoming commuters and visitor alike traveling the 27<sup>th</sup> Street corridor. Thus I think the proposed zoo expansion, which would include enclosure of a part of this green space, depreciates a community asset in the heart of Lincoln. When I inquired whether the enclosure would be 4' tall or 13'tall - Mr. Chapo denied both but again, would not provide any specifics.

A further concern as reported in the Journal Star, is the Zoo's intention to acquire the Parks Administration Building. I feel this would be tragic for their long-term location, community presence and access to the public for reservations of shelters, parks, and the many other services performed.

As I look at the bubble diagram depicting the Zoo expansion in the Journal Star, and visualize myself sitting on one of the four new benches I recently gifted to the Parks Department, soon to be installed, I will be facing the corner of the proposed Zoo compound. I have to ask the question, how much green space will be diminished because of the proposed Zoo enclosure?

Stepping out of my personal bias that favors the ambience of this part of the Antelope Park Triangle as is, I raise one other concern.

I have heard speculation that the expanded compound is to contain large Zoo animals - possibly a Giraffe(s) and others with and a pay to feed program. Research states that a mature male Giraffe may grow to be 17' tall and a female up to 14' tall. Knowing these heights - one must assume a significantly high enclosure. If this arrangement models the Denver Zoo - a pay to feed operation seems a bit elitist to me and strays from the principles that a children's zoo is for all children. Knowing the prevalence of the backpack program in Lincoln and how it provides food to school children on weekends - is the image of more fortunate children with a handful of bills lining up to feed an exotic animal one our Community really wants to present. Our Children's Zoo is loved. It should remain a Children's Zoo for all.

Regards,

Walter A. Canney

CC: Christie Dionisopoulos, Lincoln Parks Foundation, Executive Director  
Lynn Johnson, Lincoln Parks & Recreation Department, Director  
Lincoln Parks & Recreation Advisory Board, President  
Jon Carlson, Mayor's Office  
John Chapo, Children's Zoo

June 18, 2015

Lynn Johnson, Director  
Lincoln Parks & Recreation  
2740 A Street  
Lincoln, NE 68502

Christie Dionisopoulos, Director  
Lincoln Parks Foundation  
2740 A Street  
Lincoln, NE 68502

Dear Parks Friends,

Yesterday's Journal/Star featured a beautiful picture of the "Joy" Fountain. It prompted both a warm pleasant thought as well as a concern.

As I have followed the public information as available on the Zoo's expansion plans, it appears the Parks Department is passively at their mercy. While there have been oral assurances that the Rose Garden will remain, my skepticism remains that this will not be the Zoo's long-range commitment.

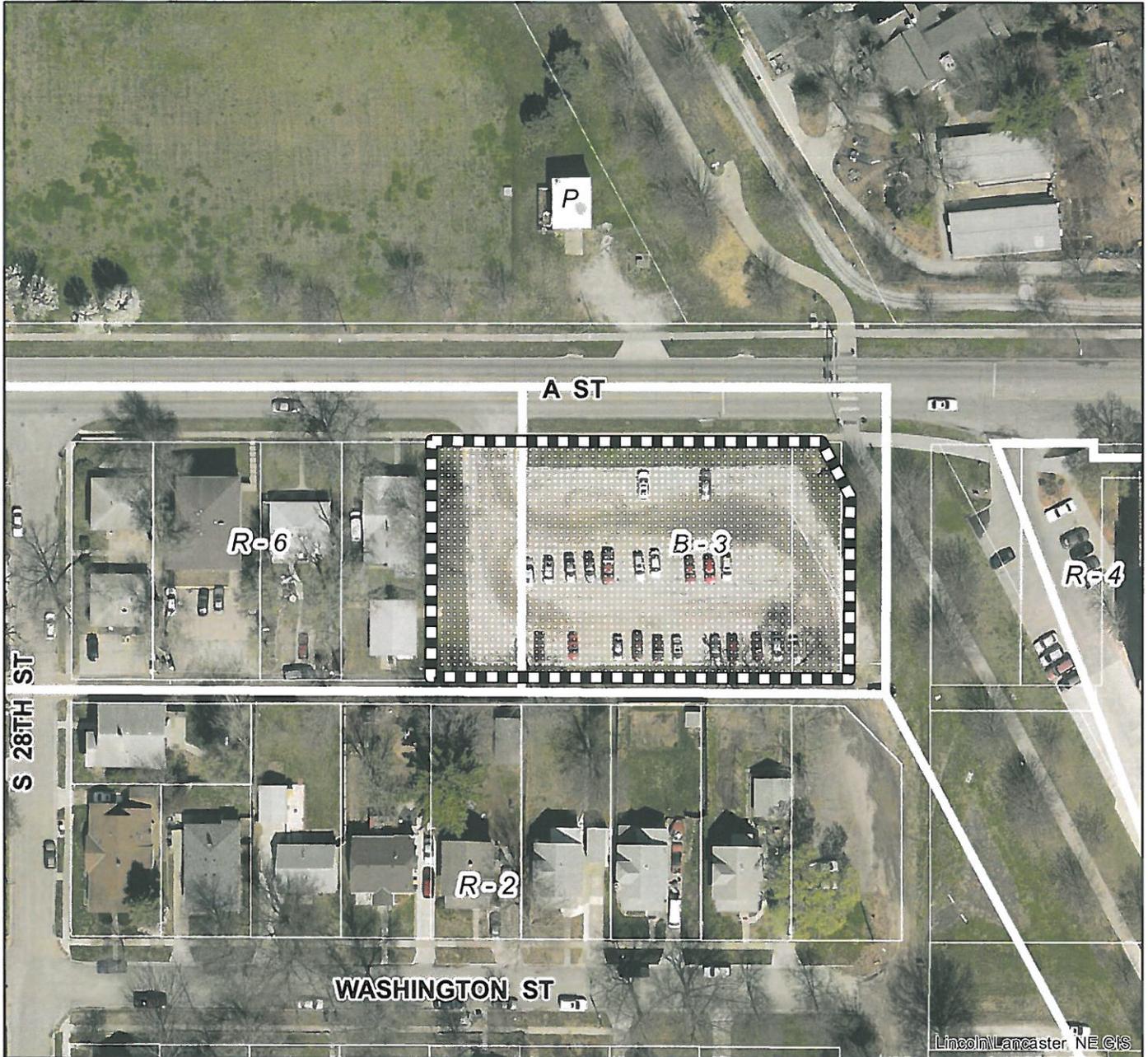
Thus I pose a question to the Parks Department and to the Parks Foundation. Though I will likely be long gone when the Zoo wants to grow again, and I am convinced they will - could my family request and claim the "Joy" component of the rose garden fountain? I believe my original contribution paired with memorials at Louella's passing would cover the investment. If not - I would make further provisions within my estate to do. As originally intended - "Joy" was committed for that Rose Garden, with that particular garden design at that particular location. Rather than yet another Rose Garden removal, reduction, re-location or even warehouse storage - it would fit perfectly at my daughter's lovely 1910 Arts & Crafts home in a rural picturesque setting along the Coos River in Oregon.

As I look back at the first presentation of the Zoo supporters, Liberty Plaza was clearly absent from the site plan. I am convinced it only reappeared at a re-located site after concerns were expressed.

The question I frame and request herein, is something the Parks Foundation should also contemplate. Will donors contributions in both permanent and removable projects be respected, and if so - for how long?

Sincerely,

Walter A Canney  
2111 S. 66th St  
Lincoln, NE 68506  
wcanney@neb.it.com



2016 aerial

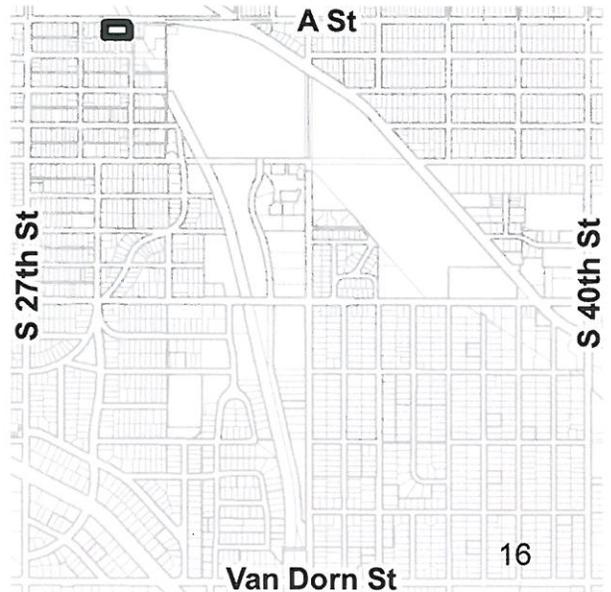
Comp Plan Conformance #: CPC16005  
S 27th St & A St

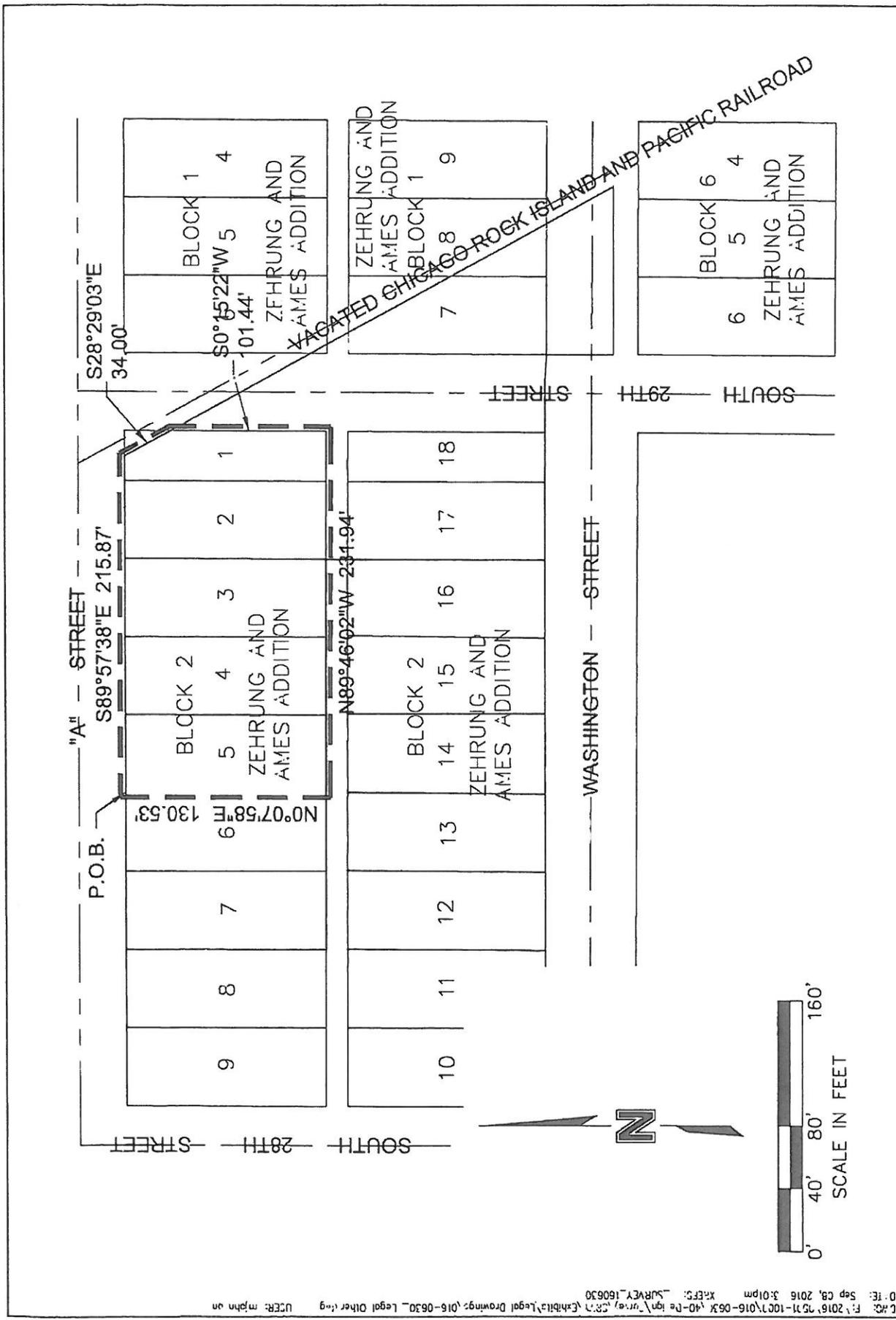


**Zoning:**

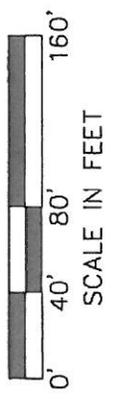
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:  
Sec.31 T10N R07E





PROJECT NO: 016-0630		EXHIBIT	
DRAWN BY: MRJ		B	
DATE: SEPT. 8TH, 2016		801 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.8311 FAX 402.474.6160	
SURPLUS PROPERTY EXHIBIT			



**LEGAL DESCRIPTION  
SURPLUS PROPERTY**

A TRACT OF LAND COMPOSED OF LOTS 2 THROUGH 5, AND A PORTION OF LOT 1, ALL IN BLOCK 2, ZEHRUNG AND AMES ADDITION, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF "A" STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 5, AND ON THE NORTH LINE OF LOTS 4 THROUGH 1, BLOCK 2, ZEHRUNG AND AMES ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 33.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M. ON AND ASSUMED BEARING OF S89°57'38"E, A DISTANCE OF 215.87' TO A POINT LOCATED 10.00' WEST OF AND PERPENDICULAR TO THE CENTER LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY, THENCE S28°29'03"E, ON A LINE 10.00' SOUTH OF AND PARALLEL THE CENTER LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 34.00' TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 1, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 29TH STREET; THENCE S00°15'22"W, ON THE EAST LINE OF SAID LOT 1, SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 101.44' TO THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON THE NORTH LINE OF THE EAST-WEST ALLEY IN BLOCK 2, ZEHRUNG AND AMES ADDITION; THENCE N89°46'02"W, ON THE SOUTH LINE OF SAID LOT 1, AND ON THE SOUTH LINE OF SAID LOTS 2 THROUGH 5, SAID LINE BEING THE NORTH LINE OF SAID EAST-WEST ALLEY, A DISTANCE OF 231.94' TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N00°07'58"E, ON THE WEST LINE OF SAID LOT 5, A DISTANCE OF 130.53' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 30,139.14 SQUARE FEET OR 0.69 ACRES, MORE OR LESS.

THURSDAY, SEPTEMBER 08, 2016  
F:\2016\0501-1000\016-0630\40-DESIGN\SURVEYS\SRVY\EXHIBITS\LEGAL DESCRIPTIONS\016-0630\_SURPLUS PROPERTY.DOC

DWG: F:\2016\0501-1000\016-0630\40-Design\Survey\SRVY\EXHIBITS\Legal Drawings\016-0630\_Legal 016-0630.dwg  
 DATE: Sep 08, 2016 3:09pm  
 USER: m.johnson

PROJECT NO: 016-0630	<b>SURPLUS PROPERTY LEGAL DESCRIPTION</b>		EXHIBIT
DRAWN BY: MRJ			A
DATE: SEPT. 8TH, 2016			
		801 P Street, Suite 200 P.O. Box 84608 Lincoln, NE 68508 TEL 402.474.8311 FAX 402.474.6160	



Urban Development Department  
555 South 10th Street Suite 205 Lincoln NE 68508  
402-441-7606 [lincoln.ne.gov](http://lincoln.ne.gov)

August 16, 2016

David Cary, Director  
City of Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus the City property located at approximately 2847 "A" Streets. The City acquired one lot as part of the Murdock Trail project, and the other four from the Lincoln Parks and Recreation Foundation in 2010, and we are now selling the lots to the Lincoln Children's Zoo for parking lot improvements to accommodate the Zoo's plans for expansion. There has been no other opposition to the sale of the property by any other departments or public agencies other than the request to retain easements as noted in the attached responses.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the September 14, 2016, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov). Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Michelle R. Backemeyer".

Michelle R. Backemeyer  
Real Estate and Relocation  
Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

Attachments