

# **DIRECTORS' ORGANIZATIONAL MEETING**

**Monday, May 17, 2021  
555 S. 10<sup>th</sup> Street  
COUNCIL CHAMBERS**

## **I. MINUTES**

1. Approval of Directors' Minutes from May 10, 2021

## **II. ADJUSTMENTS TO AGENDA**

## **III. CITY CLERK**

## **IV. MAYOR'S OFFICE**

## **V. DIRECTORS CORRESPONDENCE PLANNING DEPARTMENT**

1. Administrative Approvals from April 30, 2021 through May 10, 2021
2. Action dated May 12, 2021
3. Final Action dated May 13, 2021
4. Memo to City Council – Short Term Rentals

## **LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT**

1. Public Health Update provided by Pat Lopez, Director, Lincoln-Lancaster County Health Department

## **VI. BOARDS/COMMITTEE/COMMISSION REPORTS**

*Suspended until further notice*

## **VII. CONSTITUENT CORRESPONDENCE**

1. Redevelopment Plan Meadow Lane CPC21011 – Melissa Baker
2. Latest NE mortality review – Robert Borer
3. New COVID funny money – Peter Katt  
Staff response provided by Cheri Howard, Mayor's Office
4. Lincoln leaders still refuse to face reality – Shawn Trucke  
Response provided by Robert Borer and Tom Nebelsick
5. Sidewalk repair – Patrick McBurney  
Staff response provided by Angie Birkett, City Council Secretary



# *Memorandum*

**Date:** ♦ May 11, 2021

**To:** ♦ City Clerk

**From:** ♦ Rhonda Haas, Planning Dept.

**Re:** ♦ Administrative Approvals

**cc:** ♦ Geri Rorabaugh, Planning Dept.

This is a list of City administrative approvals by the Planning Director from April 30, 2021 through May 10, 2021:

**Administrative Amendment 20013**, to Pre-Existing Special Permit 39, Lincoln Trap & Skeet Club, approved by the Planning Director on May 4, 2021, to reflect the vacation of adjacent right-of-way for N. 44<sup>th</sup> Street, to show a building envelope in the northwest corner on property generally located at North 48<sup>th</sup> Street and Doris Bair Circle.

**Administrative Amendment 20064**, to Special Permit 08034B, Whispering Meadows, approved by the Planning Director on May 4, 2021, to revise the conceptual design of SW 27<sup>th</sup> Street, widen Lot 15, Block 3, revise the grading plan for SW 25<sup>th</sup> Street and revise note #18 on property generally located at Southwest 27<sup>th</sup> Street and West A Street.

**Administrative Amendment 21019**, to Change of Zone 05085C, Fallbrook PUD, approved by the Planning Director on May 4, 2021, to revise the stormwater quality infrastructure by expanding the detention area in lieu of pervious pavement in the alleys, on property generally located at Tallgrass Parkway and Aster Road.

**Administrative Amendment 21021**, to Special Permit 05055, Russ's Market B&R Grocery Store, approved by the Planning Director on May 4, 2021, to expand the area of the licensed premises for the sale of alcohol for consumption off the premises to include the building addition on the east side, on property generally located at Washington Street and South 17<sup>th</sup> Street.

**Administrative Amendment 21022**, to Special Permit 1583B, Russ's Market B&R Grocery Store, approved by the Planning Director on April 30, 2021, to modify the boundary of the special permit to include only that area for the parking remaining within the R-6 zoning district and to rescind Special Permit #1052B on property generally located at Washington Street and South 17<sup>th</sup> Street.

**Administrative Amendment 21024**, to Use Permit 140G, Appian Way Regional Shopping Center, approved by the Planning Director on May 4, 2021, to adjust the Design Standard for Light Trespass and Glare to only apply to the boundary of the use permit and not to internal lot lines within the development, on property generally located at South 84<sup>th</sup> Street and Highway 2.

**Administrative Amendment 21025**, to Special Permit 1447, Ethel Abbot Sports Complex, approved by the Planning Director on May 7, 2021, to remove the Lincoln Public Schools use designation from the plan, on property generally located at North 70<sup>th</sup> Street and Arbor Road.

**Administrative Amendment 21027**, to Special Permit 1649A, T-Mobile, approved by the Planning Director on May 4, 2021, to delete the 15-year time limit on the approval of the special permit per Resolution No. PC-00576. The tower is generally located at 4720 Randolph Street.

## **\*\*ACTION BY PLANNING COMMISSION\*\***

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 12, 2021, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

In order to limit the number of people gathering at any one time and our effort to adhere to required “social distancing” protocols, we are staggering the times of various hearings over several hours. These times are identified in ( ) next to each agenda item. We are encouraging attendees to arrive no more than 15 minutes before their scheduled hearing. An agenda item will not begin before the time posted.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of \*FINAL ACTION\*. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

For the protection of all those involved, the Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing [Plan@lincoln.ne.gov](mailto:Plan@lincoln.ne.gov) by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

### **AGENDA**

**WEDNESDAY, MAY 12, 2021**

**[Commissioners Ball, Finnegan, Joy and Scheer absent]**

Approval of minutes of the regular meeting held April 28, 2021. **\*\*APPROVED: 5-0; (Ball, Finnegan, Joy and Scheer absent)\*\***

1. **CONSENT AGENDA:**  
**(Public Hearing and Administrative Action);**

## **COMPREHENSIVE PLAN CONFORMANCE:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 21011, to review as to conformance with the 2040 Lincoln-Lancaster County Comprehensive Plan, a proposed new Meadowlane Shopping Center Redevelopment Plan, which would serve as a guide for the redevelopment activities within the Meadowlane Shopping Center Redevelopment area. The proposed redevelopment plan area consists of 7 acres, more or less, on property generally located at the NE corner of 70th and Vine Streets.  
**Staff recommendation: In Conformance with the Comp Plan**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**  
**This application was removed from the Consent Agenda for a public hearing. Planning Commission recommendation: FINDING OF CONFORMANCE: 5-0 (Ball, Finnegan, Joy and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, June 14, 2021, at 3:00 p.m.**

## **CHANGE OF ZONE:**

- 1.2 CHANGE OF ZONE 16036B, to amend the existing Wilderness Hills Commercial PUD (Planned Unit Development) in the B-2 (Commercial District), to revise the allowed uses, on property generally located at South 27th and Yankee Hill Road.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Stephanie Rouse, 402-441-6373, [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated April 27, 2021: 5-0 (Ball, Finnegan, Joy and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, June 7, 2021, 3:00 p.m.**

2. **REQUESTS FOR DEFERRAL:** None.
3. **ITEMS REMOVED FROM CONSENT AGENDA:** (See Item 1.1).
4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

**(\*\* 1:00 P.M. PUBLIC HEARING ITEM: \*\*)**

## **CHANGE OF ZONE AND RELATED ITEM:**

- 4.1a CHANGE OF ZONE 21011, from AG (Agricultural District) to R-3 (Residential District), on property generally located at 420 South 84th Street.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated April 29, 2021: 5-0 (Ball, Finnegan, Joy and Scheer absent). Public hearing before the City Council is currently pending.**

- 4.1b PRELIMINARY PLAT 21001, for a preliminary plat encompassing approximately 62.7 acres, more or less, consisting of 140 residential lots, with associated waivers, on property generally located at 420 South 84th Street. \*\*\* FINAL ACTION \*\*\*

**Staff recommendation: Conditional Approval**

**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**

**Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the amended conditions of the staff report dated April 29, 2021, as offered by the applicant and adopted by Planning Commission: 5-0 (Ball, Finnegan, Joy and Scheer absent). Resolution No. PC-01752.**

**(\*\*\* 1:30 P.M. PUBLIC HEARING ITEM: \*\*\*)**

**TEXT AMENDMENT:**

- 4.2 TEXT AMENDMENT 21002, amending Lincoln Municipal Code Sections 27.02.090 and 27.02.200 to make explicit that hotels or motels are a commercial use and to define short-term rental; amending Section 27.06.070 Household Living Use Group Table to add short-term rentals as a conditional use in certain districts; and amending 27.62.040 Household Living Use Group to add conditions required for short-term rentals; and repealing Sections 27.02.090, 27.02.200, 27.06.070, and 27.62.040 as hitherto existing.

**Staff recommendation: Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**Planning Commission recommendation: APPROVAL: 5-0 (Ball, Finnegan, Joy and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, June 7, 2021, 3:00 p.m.**

**(\*\*\* 2:30 P.M. PUBLIC HEARING ITEM: \*\*\*)**

**CHANGE OF ZONE:**

- 4.3 CHANGE OF ZONE 04075I, to amend the existing Village Gardens PUD (Planned Unit Development) for the construction of multiple-family dwelling units with waivers to adjust height and parking, on property generally located at 56th Street and Pine Lake Road.

**Staff recommendation: Conditional Approval**

**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

**Due to lack of a quorum of the Planning Commission, public hearing and action was delayed to the May 26, 2021, hearing. (Campbell declared a conflict of interest; Ball, Finnegan, Joy and Scheer absent).**

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**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM  
NOT ON THE AGENDA, MAY DO SO.**

\*\*\*\*\*

**Adjournment      3:58 p.m.**

## PLANNING COMMISSION FINAL ACTION NOTIFICATION

**TO:** Mayor Leirion Gaylor Baird  
Lincoln City Council

**FROM:** Geri Rorabaugh, Planning

**DATE:** May 13, 2021

**RE:** Notice of final action by Planning Commission: May 13, 2021

Please be advised that on May 13, 2021, the Lincoln City-Lancaster County Planning Commission adopted the following resolution:

**Resolution PC-01752**, approving PRELIMINARY PLAT 21001, as amended by Planning Commission, to allow for a preliminary plat encompassing approximately 62.7 acres, more or less, consisting of 140 residential lots, with associated waivers, on property legally described as a portion of the SE 1/4 of the NW 1/4 of Section 26 and Lot 7, I.T., located in the W 1/2 of Section 26-10-7, Lincoln, Lancaster County, Nebraska, generally located at 420 South 84th Street.

The Planning Commission action on this application is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department within 14 days of the action by the Planning Commission

The Planning Commission Resolution may be accessed on the internet at [www.lincoln.ne.gov](http://www.lincoln.ne.gov) (search for "PATs"). Click on "Planning Application Tracking Service (PATs)" at the top of the page, click "Selection Screen" under "PATs Tools" on the right side of the screen, type in the application number (i.e. PP21001), click on "Search", then "Select", and go to "Related Documents".

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## Memo

To: Lincoln City Council  
From: Rachel Jones  
CC: David Cary, Steve Henrichsen  
Subject: Text Amendment #21002 to the Zoning Ordinance for Short-Term Rentals and Related Changes for Licensing and Taxes  
Filename:

Date: May 13, 2021

Dept: Planning

|           |                          |         |                                     |                     |                          |                   |                          |
|-----------|--------------------------|---------|-------------------------------------|---------------------|--------------------------|-------------------|--------------------------|
| Original: | <input type="checkbox"/> | Update: | <input checked="" type="checkbox"/> | Response Requested: | <input type="checkbox"/> | Information Only: | <input type="checkbox"/> |
|-----------|--------------------------|---------|-------------------------------------|---------------------|--------------------------|-------------------|--------------------------|

This information summarizes the proposed regulations for short-term rentals. Revisions to the Lincoln Municipal Code will be scheduled for public hearing before the City Council on June 7, 2021. Changes are proposed to the zoning in Title 27 with Text Amendment #21002, Title 5 for the creation of a licensing process, and Title 3 to apply hotel occupation tax to all short-term rentals.

The amendments will establish a clear definition and standards for short-term rentals. For several years, the Building and Safety and Planning Departments have received complaints from neighbors of short-term rentals expressing concerns about noise, late parties, the coming and going of guests, and overflow of parking into the street. There have also been concerns from short-term rental operators that the City's regulations do not specifically address short-term rentals or that our current standards are too restrictive.

The changes that will be brought forward are the result of a public process that first began January 2020. Staff talked with members of stakeholder groups on the topic of short-term rentals including operators, neighbors, and landlords. The goal is to establish new standards appropriate for Lincoln that address as many comments and viewpoints as possible. The final proposal is the result of a compromise among the different interests.

### Public Process

In January 2020, a Discussion Draft containing potential regulations on short-term rentals (STRs) was released for public comment. Throughout January and February, input on the Discussion Draft was collected through two open houses, an online questionnaire, and by email. A Revised Draft was released in February 2021 followed by an additional public comment period. A briefing to the Planning Commission took place on April 28, 2021. The zoning changes contained in Text Amendment #21002 had public hearing before the Planning Commission on May 12, 2021. The Planning Commission voted 5-0 to recommend approval of the Text Amendment following a failed motion to amend that would have removed all conditions except the licensing requirement.

In addition to the outreach described above, presentations were made to the Mayor's Neighborhood Roundtable and Planning staff met with a small group of local short-term rentals operators. The effort was led

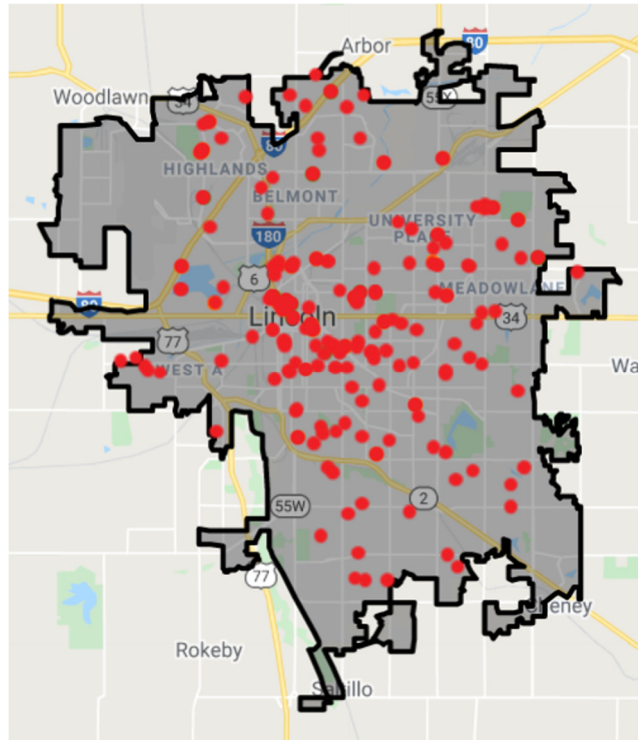
by the Planning Department in collaboration with the Building and Safety Department, City Attorney's Office, and Finance Department.

The next pages begin with an overview of the current short-term rental levels in Lincoln, followed by an explanation of how short-term rentals are addressed today, reasons for the proposed regulations, and details of the recommended standards.

## Current Locations

There are an estimated 180 unique short-term rentals currently operating in the City of Lincoln. Of those, about 80% can be positively identified with a known address. The number of short-term rentals has varied between about 170 to 180 rentals in recent months.

The exhibit to the right shows the locations of existing short-term rentals that are advertised on at least one online platform. Most short-term rentals are located in the residential zoning districts and are somewhat concentrated in the core of the City. Most are single family detached dwellings. There are also other dwelling types including apartments, condos and townhomes.



## Current Regulations

The City of Lincoln Municipal Code does not presently address short-term rentals with any specificity. The City has taken the position that short-term rental is a permissible "home occupation" use of dwellings in residential districts. The home occupation includes rules requiring the host to be present during the rental period and restricts the allowed floor area to no more than 20% of the dwelling. The City has also interpreted Lincoln Municipal Code to permit short-term rentals of dwellings in zoning districts that allow hotels and motels.

## Legislative Bill (LB) 57

LB57 was approved in March 2019 by the Nebraska Legislature. It prevents municipalities from banning short-term rentals altogether but allows regulation of aspects such as residential use, zoning matters, and health and safety. The City is embracing the passage of LB57 as an opportunity to specifically address how to regulate short-term rentals harmoniously with other land uses in our city. Since LB57, the City has stopped enforcement of our current regulations until such time as a new ordinance is adopted. The state bill is a major reason for the effort along with the need to provide clear standards for this land use.

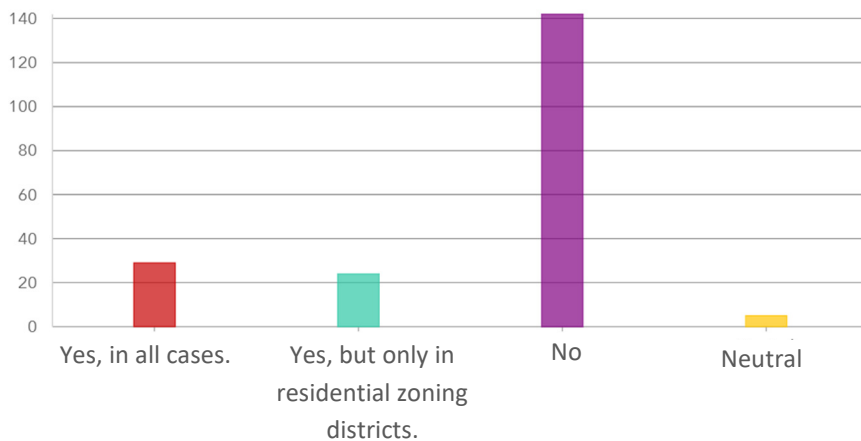
## Public Input Summary

The Discussion Draft released in January 2020 was intended to assess community sentiment on the issue of short-term rentals. An extensive public process was conducted in early 2020 to receive feedback on possible regulations. One of the elements in the Discussion Draft would have required that the dwelling being rented must be the operator's primary residence. The primary residency requirement resulted in a great deal of feedback. Many short-term rental operators opposed the requirement as it would prevent them from operating investment properties where they do not live. Expressing the opposite viewpoint were neighborhood advocates who felt that higher restrictions would protect quality of life.

The majority of responses submitted via the online questionnaire were generally in support of short-term rentals and of lesser restrictions. Most questionnaire respondents were property owners (82%) who stated they did not operate a short-term rental in Lincoln (78%). Responses to key questions are provided below.

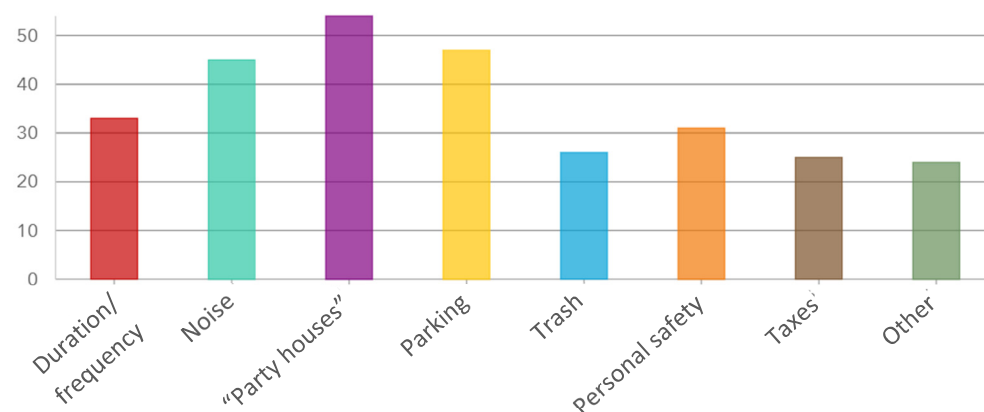
### ***Should the City of Lincoln require that the short-term rental be the primary residence of the person operating it?***

Most respondents did not support the primary residency standard.



### ***If you have concerns about short-term rentals, check any of the issues below that represent your primary concerns.***

The results show the public has broad concerns about the physical impacts of short-term rentals.



In an effort to find compromise, it was proposed to eliminate the primary residency requirement. Instead, a minimum spacing standard of 600 feet between licensed short-term rentals is proposed. The spacing provides more flexibility to operators while still protecting the neighborhood environment. The next section describes the spacing in more detail.

## **Zoning Changes**

The proposed zoning would allow short-term rentals as a conditional permitted use in all zoning districts except the I-1 through I-3 Industrial districts. The conditional use does not require public hearings nor does it allow modifications to the conditions. As long as the conditions are met, the operator could apply for a license through the Building and Safety Department.

The zoning changes would apply within City limits and the 3-mile extraterritorial jurisdiction. All short-term rentals would need to meet the spacing and other zoning conditions. All operators would need to obtain an approved license including existing operators.

### **600-Foot Minimum Spacing**

As mentioned above, the initial Discussion Draft requirement that the short-term rental must be the operator's primary residence was eliminated. In its place, a minimum spacing of 600 feet is proposed between licensed short-term rentals, with several exceptions. Other communities have adopted spacing regulations including Las Vegas, Nevada; Louisville, Kentucky; and Salida, Colorado that have spacing standards ranging from 300 to 660 feet. The spacing ensures that short-term rentals are not overly concentrated in any one area of the City and that the traditional residential character of neighborhoods is preserved.

The spacing would not differentiate between short-term rentals that are owner- or host-occupied versus those that are rented as investment properties. It was determined that short-term rentals will have similar land use impacts regardless of those circumstances.

A minimum spacing of 600 feet would be required between licensed short-term rentals in the AG Agriculture, AGR Agricultural Residential, and R-1 through R-8 Residential zoning districts. Spacing would be measured from the property line. Spacing for multi-family uses that include multiple adjacent lots would be measured from the property line of the premises. Spacing would not apply in the office or commercial zoning districts because the potential land use impacts in those districts should be less.

Spacing would apply to all dwelling types in the AG, AGR, and R-1 through R-8 districts, with the following exceptions:

- Multi-family uses with 100 or more dwelling units would be exempt from the spacing.
- Multi-family uses would not be required to meet spacing internally for licensed rentals within their premises.

- There would be a four-week open application period once licensing begins. During the four-weeks, operators could apply for a license and would not be required to meet spacing. The open application period is intended to accommodate existing operators whose properties may not meet spacing.
- After the four-week open application period, all new licenses would be required to meet spacing, where applicable. If a license issued for a short-term rental during the four-week period is revoked or is not renewed, the unit could not be used again as a short-term rental unless it met the spacing.

An accessory dwelling unit (ADU) in those zoning districts where spacing would apply could be used as a short-term rental if located 600 feet from other short-term rentals including main house. A two-family dwelling would only be allowed one of the units as a short-term rental under the spacing.

**Exhibit A** shows how the 600-foot spacing would apply to a typical single-family dwelling. 600 feet corresponds to approximately two standard residential block lengths. The red line around the property denotes the 600-foot buffer area. Properties that are within the 600-foot line are identified in red. They could not have a short-term rental if the subject property were licensed. Conversely, if any of the properties in red were already licensed, this property could not have a short-term rental because spacing could not be met.

**Exhibit B** shows the same spacing applied to a multi-family property containing one apartment building. In this example, the multi-family use has fewer than 100 dwelling units and would be subject to the minimum spacing.

**Exhibit C** shows how a multi-family dwelling with over 100 units. This apartment complex would be exempt from the spacing. **Exhibit D** shows how a single-family dwelling near this same apartment complex and used as a short-term rental would otherwise disqualify the entire apartment complex from having any short-term rentals because apartment property is within 600 feet. This represents one reason why the 100-unit exemption for multi-family is proposed. In addition, larger apartment complexes should be able to contain land use impacts of short-term rentals within their own site. Multi-family projects over 100 units are primarily on newer, larger sites with greater setbacks. These projects were planned in advance with appropriate buffers and closer to arterial streets. The larger multi-family complexes are typically self-contained for parking and other land use impacts. In contrast, smaller or standalone multi-family buildings that are more integrated within neighborhoods have more potential to impact adjacent properties.

**Exhibit E** shows multi-family uses in the area south of Downtown. Only one multi-family use was identified with over 100 dwelling units. The other multi-family uses identified on the map would be subject to the spacing.

### **Other Zoning Conditions**

- Multi-family uses would be allowed at least one, but no more than 10% of the total dwelling units on the premises to be licensed as short-term rentals assuming all other conditions are including the spacing (where applicable). Internal spacing would not apply within the same multi-family premises.
- No signs will be allowed associated with the short-term rental in the AG, AGR or R-1 through R-8 districts. Short-term rentals will be considered a residential use. Signs advertising the business are only appropriate in commercial areas.

## Licensing

All existing and new operators would be required to obtain a valid license from the Building and Safety Department for each dwelling being used as a short-term rental. The license would be renewed annually for a fee. The fee will be based on the costs of administering the new regulations. The licensee must attest to meeting life safety standards. There would be no inspection required for the license. Proposed life safety standards include:

- Smoke alarms are present and operational in all rooms intended for sleeping purposes immediately outside of each sleeping area and in each story within the short-term rental unit, including basements and cellars.
- Smoke alarms will be maintained in working order.
- Carbon Monoxide detectors are present and operational on each level of the short-term rental unit with fuel burning appliances, attached garages or a fuel burning appliance within one floor of the short-term rental unit.
- Carbon Monoxide detectors will be maintained in working order.
- All areas used for sleeping purposes have two means of egress in working order unless an approved sprinkler system is installed.
- The short-term rental unit's street address numbers are plainly visible from the street at all times.
- Property is in a clean, safe, and sanitary condition. All furnished appliances, finishes, windows, doors, handrails, guardrails, plumbing drains and fixtures, mechanical systems, and electrical systems are in good working order and will be maintained.
- The licensed premises shall otherwise comply with applicable building codes in the Lincoln Municipal Code.
- No occupants shall be allowed to sleep in areas that are not sleeping areas.

Emergency contact information must be provided for someone who can reach the short-term rental within 45 minutes. If the licensee is not the owner, written approval from the owner must be obtained.

Up to 2 persons per sleeping area would be allowed within the dwelling, up to a maximum of 12 persons. This standard limits the impacts on adjacent properties by setting a cap on the appropriate number of people within the dwelling. A "sleeping area" would include bedrooms and other rooms if they meet egress standards but would not include hallways, kitchens, or bathrooms.

## Taxes

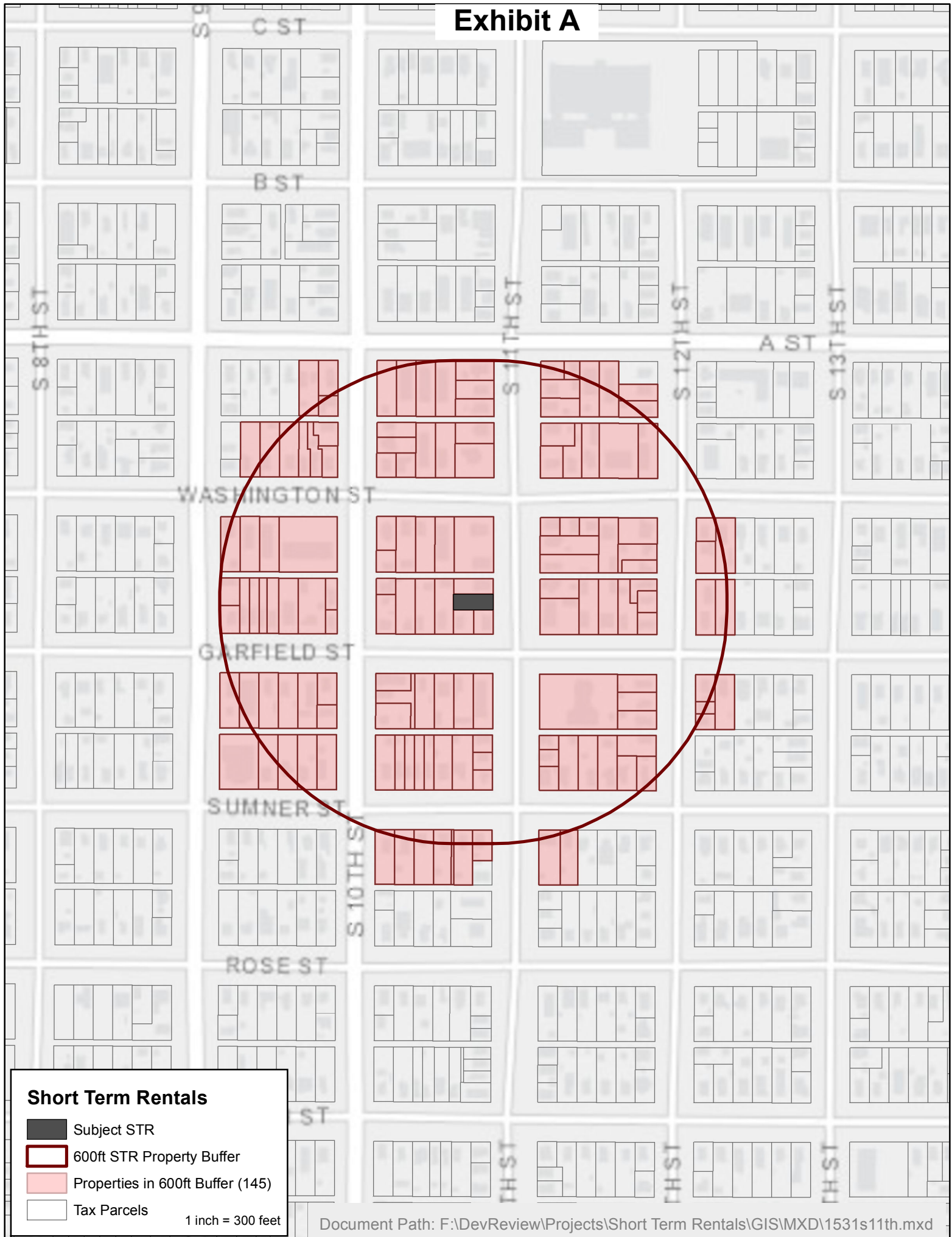
Changes to the tax provisions would amend Title 3 of the Lincoln Municipal Code to revise the definition of "Hotel" to include all short-term rentals. Currently, the tax only applies to those renting 3 or more rooms. It

will be the operator's responsibility to track and pay this tax as well as any other taxes. The amendment will create a more equitable system for taxing short-term rentals in the same way that hotels are taxed today.

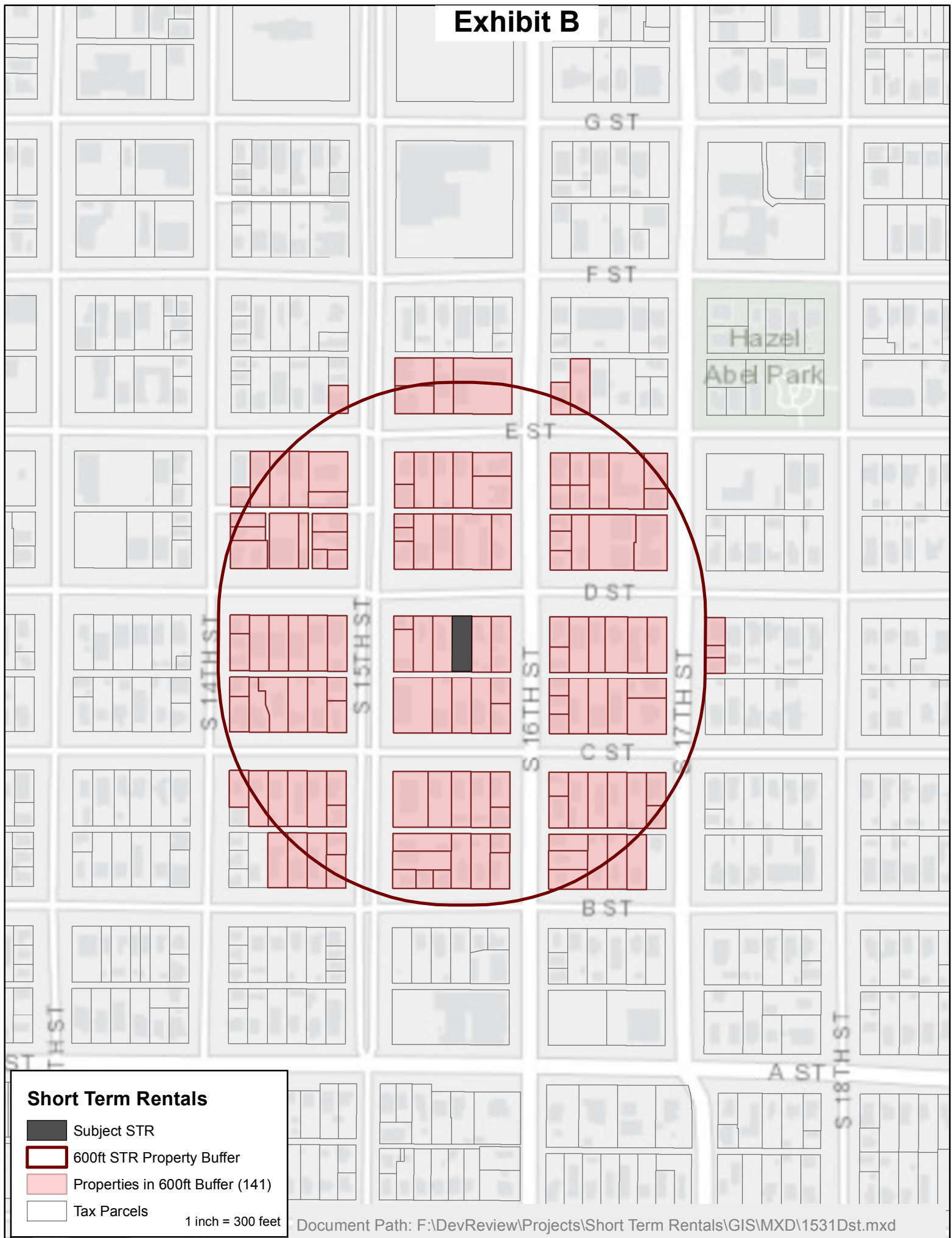
The amendments are intended to address concerns from the standpoints of zoning, land use, and health and safety. At the same time, the regulations allow for this industry to occur in Lincoln and surrounding areas. The zoning and the licensing processes will provide clear standards for life safety, monitoring and enforcement.

Thank you for your consideration. Please feel free to contact me at (402) 525-5601 or by email at [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov) with any questions.

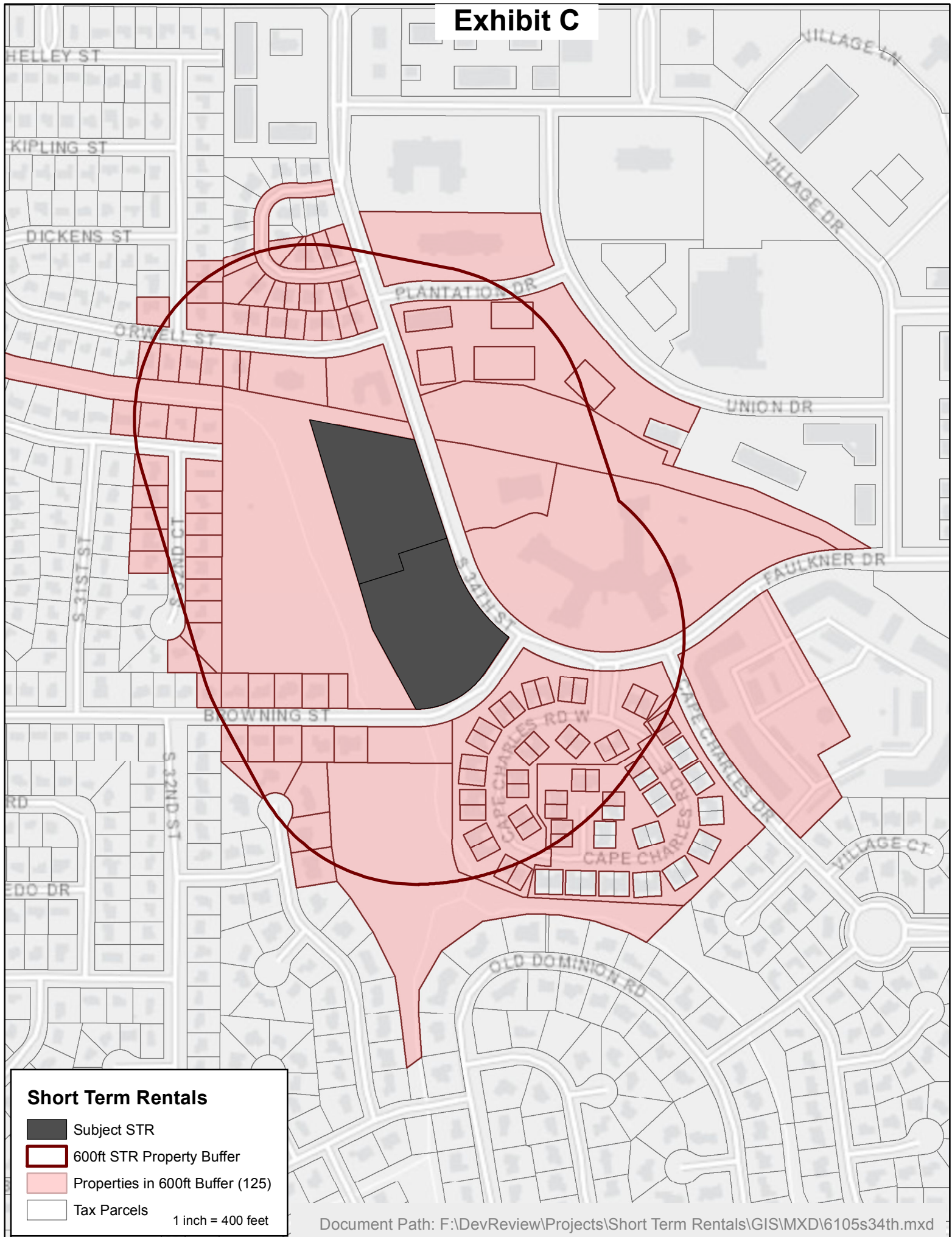
# Exhibit A



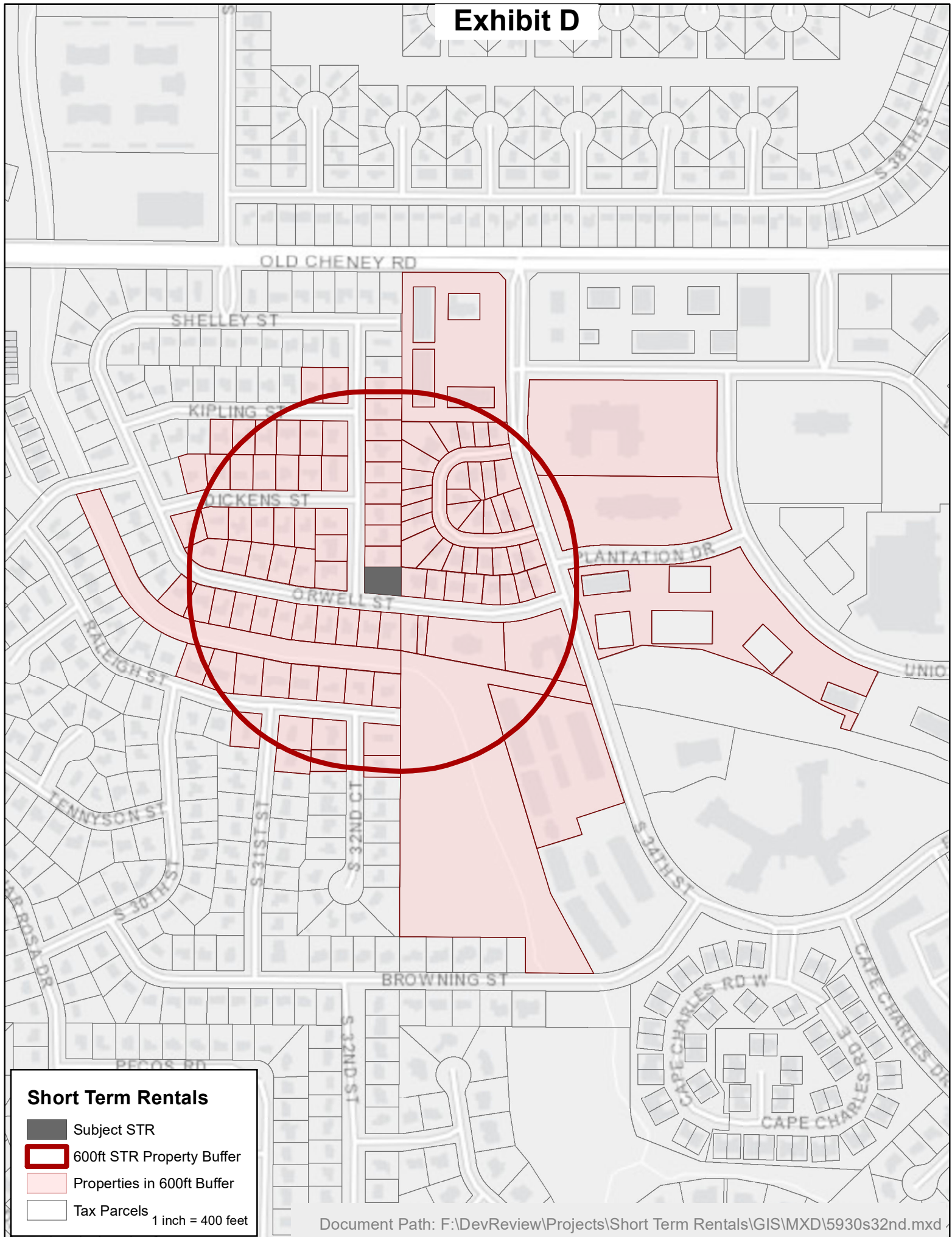
## Exhibit B



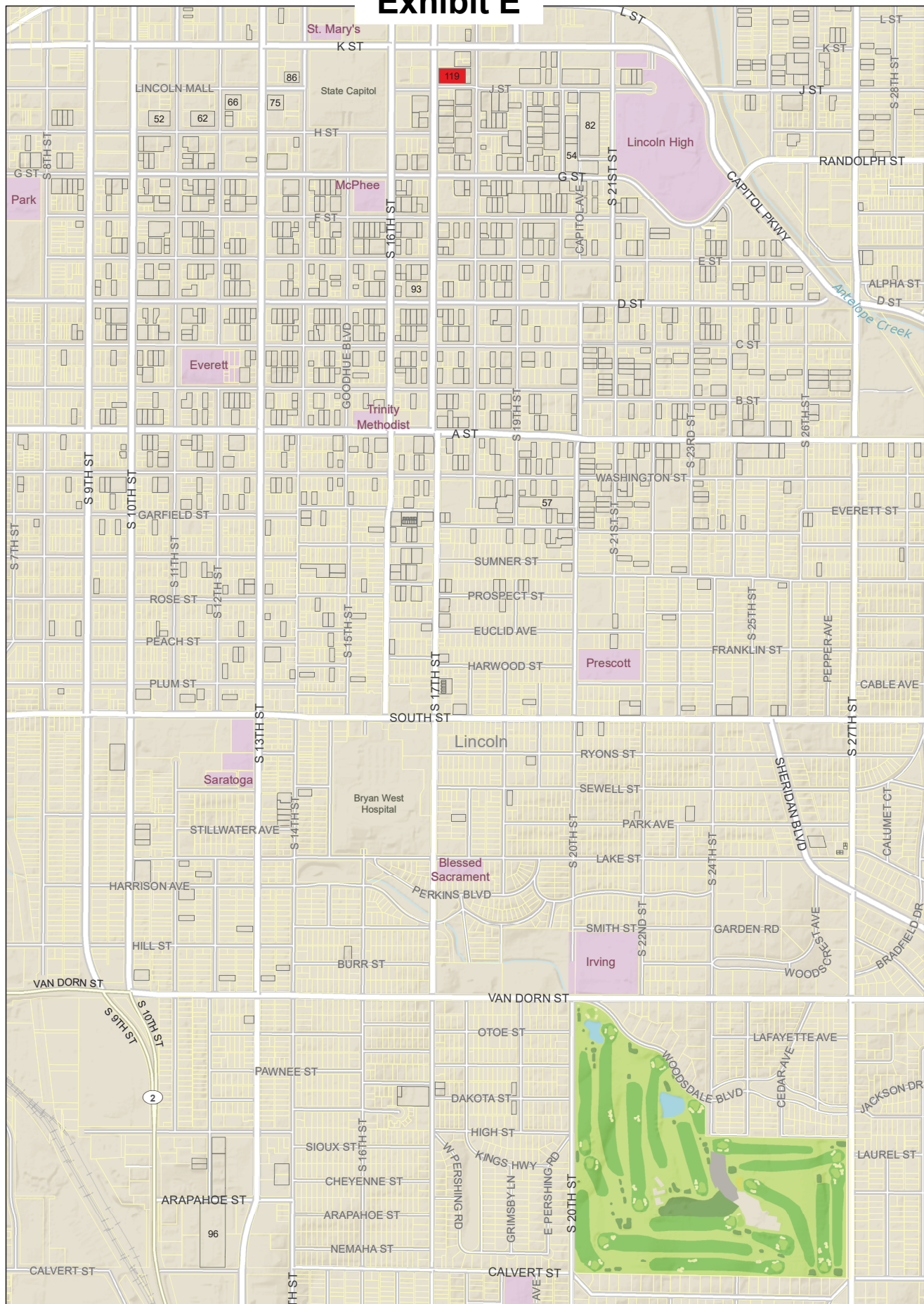
## Exhibit C



## Exhibit D



# Exhibit E



Labels = 50+ units

## Multi Family Units



## Multi-Family Landuse



## Angela M. Birkett

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**From:** Melissa Baker <mellomixer30@gmail.com>  
**Sent:** Monday, May 10, 2021 12:53 PM  
**To:** Ernesto Castillo  
**Cc:** SWashington@lincoln.ne.gov; Bennie R. Shobe; Andrew D. Thierolf; Christa Yoakum; Council Packet  
**Subject:** Redev plan Meadow Lane CPC21011

Hello! Hope to find you all having a good Monday. Thank you all for your time in returning messages in regards to my reaching out about the Meadow Lane redevelopment plan. After speaking with Ernie this morning some questions are answered. I am grateful he took the time to help me. He was professional and it was extremely helpful to have clarification and be able to see the blind study before the Wed meeting. It seems there will still be questions about the project until the developer, Hampton, has some clear communication and shows their blueprints/plans with the neighbors, their tenants in ML shopping center, and our community as a whole. I was hoping to get clarity so I could make a more informed decision (oppose or support) about this project on Wed 1pm at the Planning board meeting. At least now I can prepare my testimony for Wed with questions and concerns that are more fitting.

The tiny service station is a staple in the neighborhood and the mechanic is highly regarded in this pocket of the community. In whatever plans Hampton has, the neighborhood is expressing their desire to have that gas and service station stay in place. The retail shopping center has also been a consistently busy space and Hampton has owned this since the 60s. **I wondered at what point is Hampton responsible for keeping up their property, fixing roofs, leaks, updating and the "beautification" of their buildings? This company has the resources, so why wait until your property is considered blighted to secure TIF funding? That doesn't seem like the right thing to do to our community.** TIF funding could really be used in actual blighted spaces that ARE a nuisance like where Finke Gardens was located in East Park Plaza, there are now coyote dens and now coyotes are a problem for this area of town. ***Would you want your child walking to school with large male coyotes that regularly stroll through these neighborhoods including the school yards!?! Across the street from there is a huge space where if anywhere apartments or retail mixed with apartments would be a smart, convenient and efficient spot that's it - the abandoned old car lot that is a huge concrete slab on the East side of Gateway Mall (across from the coyotes new digs). Why doesn't TIF funding help those spots, or many other spaces in Lincoln where it may be really, really needed?***

The one BIG piece I would like to share with you all that falls out of the project agreement with the ML redev plan and more into a Lincoln transportation issue I hope we can address asap, is the intersection north of 70th and Vine and on the northwest corner of the proposed project. **N. 70th and X street is a dangerous spot!** There is an overdue need for a crosswalk that is **handicap accessible!** There is already a tremendous amount of traffic (that most seem very rushed and speeds) during the timeframes that MeadowLane Elementary school (largest K-5 school in Lincoln?) AND St. John's private school just up Vine St. too (25 mph zone on Vine so cars speed through back streets to get to Holdrege/North or to O St/South). **Cars are speeding through the backstreets and neighborhoods and a majority filter out to 70th and X street.** You pray the car in front of you isn't turning left onto 70th (headed South) bc you will wait 5 minutes at minimum. Drivers become impatient taking blind turns and I have seen too many children hit on their bicycles by cars who do not take the time to be safe, and countless car accidents there too. The neighbors also commonly use X St. to ride their bikes West to meet the bike trails at Bethany park. Most neighbors know to avoid the bad sidewalks and low hanging tree branches while riding down Vine St, so we use X street to connect us into the Bethany neighborhood, park and bike trails.

**There is a man who is on a motorized wheelchair who DAILY crosses X Street back and forth to go to ML shopping center.** He is not the only handicap person in the area who crosses here either! Cars mostly ignore him, drive like idiots, and sometimes in the morning I can drop my child off at ML school and when I

drive back by the man is still waiting on traffic to cross. I feel bad for him. You might ask why doesn't he, or anyone, want to walk up the hill to Vine and use crosswalk - well they do not (steep hill and much faster to cross at X St - the light to crosswalk at 70th and Vine is super slow too - ALSO the crosswalks at 70th and Vine are NOT HANDICAP FRIENDLY, or bike friendly - but should be). In the winter he gets his wheelchair stuck in potholes, and snow, and traffic has to stop and someone assists him across (I have seen this multiple times him stuck in the street and people hold up traffic to help him!). There is a developmental services and community center, as well as a Preschool in the corner of the ML shopping center building and this is an active local retail space. **PLEASE help the neighborhood by installing a crosswalk that is accessible to small bikers and handicap people!** There are so many small children who walk to school, or bike, and the crosswalks at 70th and Vine need revitalization (new paint, new signs?) as well to make them more clear, efficient, and more safe. Also the signal light itself needs a look at flow of traffic, it seems if it would utilize the GREEN arrows to allow traffic to turn (during schooltime drop off and pick ups - 830-9am and 3-4pm to flow Eastbound onto Vine) it would be way better! Currently that signal only has a yellow arrow that flashes on red light, most people still don't understand they have to yield to oncoming traffic (northbound traffic has a green light while Southbound still at a red light) and people turn in a rush and car accidents happen - too often. And as the ML redev plan looks at the traffic **please provide safer entrances and exits from the shopping center itself.**

I have seen people walking, and bikers, hit by cars that exit out of ML shopping center on the West side bc of the large wall, cars are blind to anyone on the sidewalk. Cars do not stop before the sidewalk (the disheveled old stop sign needs to be replaced with a flashy lights stop sign or something more helpful to get drivers attention at the exit/entrance on the West side. The one that is further South, on West side, is especially bad as cars speed over the hill/bump while northbound on 70th St. there is very little time to brake if someone is turning into the gas station or that exit/entrance I'm speaking of closer to Vine intersection on West side of the shopping center. I urge you to drive through this area if you are not familiar, especially on a weekday around 3:30pm if you can. If you walk around the area you might see the coyotes too.

Overall my point is I want to see this area target the needs the neighbors need addressed and resolve the safety concerns. I am more concerned about the need for a crosswalk at 70th and X St, and making the 70th and Vine crosswalks in a busy intersection safer and the serious problem with the coyotes in town (foxes have also been troublesome, but COYOTES?!?). Safety is a priority over the beautification and exterior facade of the shopping center that Hampton should have done something about many years ago. They also should keep up their maintenance and update these issues before allowing their property to become blighted. They have the resources and that shopping center is full of tenants and always has been. They should be good Corp citizens and take care of their properties and tenants. Would Hampton be willing to invest part of that 1.4 million into green innovation technology in their renovation (Solar panels for energy, Eco-friendly building materials and lighting, rooftop gardens for any future apartments) - if that IS a thing they plan to include in this? What can't these large successful companies help the community instead of taking resources for personal gain or from the neglect of them doing their part?

As the plan turns into an agreement, I hope the City Counsel hears the questions and issues that need attention and helps bridge the divide caused by a lack of public engagement and conversation, mostly on the part of Hampton management. Are their plans for apartments or not? Hampton compared this to the Piedmont shopping center revitalization. But, note they don't have apartments in Piedmont so is that a fair comparison? Why would Hampton put apartment space in application plans if they don't intend to build them?

Remodeling the outdated look of the exterior of the building, fixing leaks, rooftops and overdue maintenance is something Hampton should have done on their end. Local businesses have been through some of the hardest times ever with COVID shutting down everything. I'm sure these small businesses don't want their rent to go up, even with a new contract or when their lease expires. And if they do apartments in their plans (on top of retail space) please consider the need for more affordable housing with the need for more than single bedroom units that single moms and multi-generational families can live in. We have a LOT of the 5/1 retail floor space with 4-5 levels of apartments above that are sitting OPEN and not either affordable or spacious enough for most renters. We don't need one of those at 70th and Vine if that is what Hampton plans to do. That is what we want to know - what are their plans outside of making it look pretty.

How does Hampton turn retail rentals into retail with apartments rentals space using TIF funds for their own private gain? If TIF funding is used - How does this align with the City and the Climate Action Plan as well as mentioned Comprehensive plans. Will Hampton install rooftop gardens or solar in this development to help move the City forward with our goals and need to address Climate Action. Please consider seeing all projects and proposals through lenses of Environmental Justice and Action, as well as open public engagement on ALL TIF funded projects so we can grow together with equity and sit together at a round table to improve our beloved City. Last question - If there is an Urban Dev committee/group, as mentioned in the Staff report, for this - Can someone in the Meadow Lane area be a part of this group/committee to ensure all neighborhood concerns are discussed and considered along with the Agreement that our City Counsel will determine? If not, is that committee meeting in an open public forum where public comments or engagement are available? Example the CAFO task force met regularly and was open to the public, and we had a couple minutes at the beginning of the meeting if we had questions or comments for the selected CAFO task force committee). Thanks SO much for your time. Thanks for all you do in our community. :)

In Solidarity,  
Melissa Baker  
402-217-1547

## Angela M. Birkett

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**From:** Robert Borer <robert.borer@doane.edu>  
**Sent:** Monday, May 10, 2021 3:33 PM  
**To:** ricketts.is.immune.to.the.truth@ne.gov  
**Subject:** latest NE mortality review, from CDC numbers...

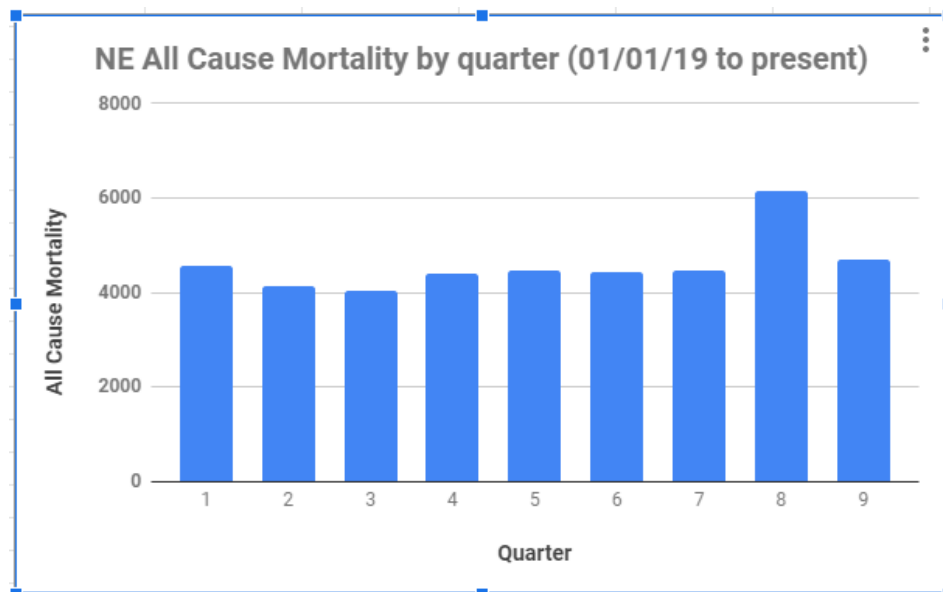
Friends-

Yesterday, I decided to look at the latest NE mortality numbers from the CDC.

Here's what I found:

They now show no deaths from covid, the flu or pneumonia in the 0-17 age group in NE since the beginning of 2020. None. They also show no flu or pneumonia deaths reported for NE for ANY age group so far THIS year. (Even if masks did help, which they don't, there's no reason whatsoever for children to be wearing them. They are worse than useless. They are harmful, physiologically and psychologically.)

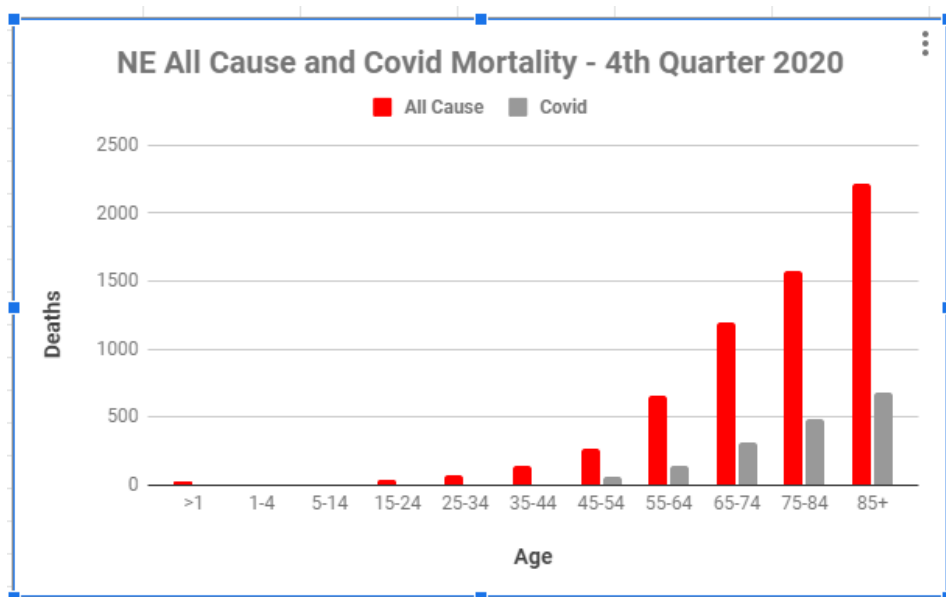
The chart below shows all cause mortality for the nine quarters following January 1st of 2019:



My take?

The isolation "health measure" took its toll on more of our elderly people in the last quarter of last year (column 8 above) than the other quarters. You can only live so long in isolation from family, friends, sunshine, fresh air, exercise and decent food, before you die. (Notice I didn't even get to the detrimental effects of wearing breathing inhibitors and sanitizing everything.)

But I get ahead of myself. Let's take a closer look at the numbers for that quarter and see if that's actually what they say. This second chart shows 2020's 4th quarter "all cause" and "covid only" mortality side-by-side, by age group.



Notice how "covid" mortality follows the same ~curve/diagonal as all cause mortality, which is simply a function of aging. The older you get, the more likely you are to die, for obvious reasons. Our vitality runs down. The effects of chronically poor eating and lifestyle accumulate. Chronic degenerative disease sets in and increases as we age.

Not that disease (chronic and/or acute) is inherent to aging and necessary in order for us to die. It isn't. Sure, we grow old and weak. But a healthy lifestyle can keep us healthy, "pandemic" or no pandemic, until our biological clock runs out, at which time we simply take our last breath and pass on into the next life.

But Americans don't live healthy lives, by and large. They live very UNhealthy, and obese, ones. More so now than ever before. We, as a nation, are sicker and more obese, by far, than we've ever been. The same holds true for most of the rest of the first world, generally speaking.

It is only because of this prevalence of pre-existing health issues (and an aging population) that the powers that be are able to manufacture "pandemics." And they've been manufacturing them frequently these last couple of decades. (Basically, they've been practicing.)

And how do they manufacture them?

By simply hijacking pre-existing morbidity (and some normal illness) with a virus narrative.

But this "pandemic" was different. It was supercharged. They came with a vengeance. The globalists at the top of the control pyramid needed a global financial reset (which is still in the works) and that necessarily included getting rid of lots of expensive "dead weight." (That's not my view. That's the view of people like Bill Gates and the Davos World Economic Forum gang.) So they supercharged this virus narrative with nonstop fear mongering, new and fraudulent testing, medical malpractice, and some so-called "health measures"—that are anything but healthy. (America's Frontline Doctors can certainly speak to the medical malpractice component.) Of course, these powers-that-be had plenty of useful idiots, both professional and lay people-wise, to facilitate their plan. Mainstream media was

in their pockets like never before, due to their dependency on pharmaceutical advertising dollars, so the all-important non-stop fear-mongering and propaganda component was well in place.

And the result is what you see in these charts, as far as excess death goes. The powers-that-be pushed lots of people over the edge (i.e., into the next life) sooner than necessary. Most of these were retired and considered to be a burden on society. They were just too expensive to keep around.

Corrupt bankers plus corrupt big pharma plus corrupt politicians plus corrupt media equals your "pandemic." All because we were asleep at the wheel and just enjoying life.

We're not asleep any more.

Robert J. Borer

P.S. All of the other pandemic quarters look the same as the 8th quarter chart, as far as age group percentages go. The 8th quarter just had more deaths.

## Angela M. Birkett

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**From:** Peter Katt <pkatt@charter-title.net>  
**Sent:** Wednesday, May 12, 2021 1:24 PM  
**To:** Cheri L. Howard  
**Cc:** Council Packet; Mayor; Daniel K. Marvin  
**Subject:** Re: New COVID Funny Money

Thanks!

I am hopeful there will be an opportunity for public involvement in how best to spend this windfall. Peter W Katt

Sent from my iPhone

On May 12, 2021, at 12:21 PM, Cheri L. Howard <CLHoward@lincoln.ne.gov> wrote:

Greetings Mr. Katt,  
Appreciative of your suggestion and I've indeed forwarded your correspondence to the Mayor's Chief of Staff.

Thank you, sir.

*Cheri*

Cheri Howard  
Mayor's Office  
402-441-7512

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**From:** Peter Katt <pkatt@charter-title.net>  
**Sent:** Tuesday, May 11, 2021 7:21 AM  
**To:** Council Packet <CouncilPacket@lincoln.ne.gov>  
**Cc:** Mayor <mayor@lincoln.ne.gov>; Daniel K. Marvin <DMarvin@lincoln.ne.gov>  
**Subject:** New COVID Funny Money  
City of Lincoln Leadership:

In today's Omaha World Herald: "**Other amounts being distributed include \$46 million to the City of Lincoln** and \$62 million to Lancaster County"

Are there any plans for the citizens in Lincoln to have a say in how this money will be spent? I suggest that at least half of it be spent on infrastructure (roads, water & sewer) to support new (starter) homes. Using the funds in this manner will pay long term dividends in the community.

**Peter W. Katt**

6333 Apples Way, Ste 115  
Lincoln, NE 68516  
Mobile: 402-416-0359

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## Angela M. Birkett

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**From:** Tom Nebelsick <[tnebelsick@gmail.com](mailto:tnebelsick@gmail.com)>  
**Sent:** Tuesday, May 11, 2021 3:57 PM  
**To:** Robert Borer  
**Cc:** trucks1975; Pat D. Lopez; Pat D. Lopez; Mayor; Council Packet  
**Subject:** Re: Lincoln leaders still refuse to face reality

Awesome letter Shawn. Thanks for doing all the heavy lifting!

Tom Nebelsick <><

On Tue, May 11, 2021 at 2:47 PM Robert Borer <[robert.borer@doane.edu](mailto:robert.borer@doane.edu)> wrote:  
Shawn-

Nice letter. But as we both know, Lopez is nothing more than a puppet for Baird. Bought and paid for with ~\$168K/yr of taxpayer money. She is neither interested in nor capable of analyzing any of the so-called science around "covid." She has no self-respect whatsoever.

Baird is the problem. Groomed for this position by the likes of Newsom and Bloomberg, she's a soulless individual who couldn't care less about this community, beyond her small circle of fellow subversives. She's bucking for one thing and one thing only, a promotion in the crime syndicate to which she has sold her soul. What a loser. She can't see the writing on the wall.

And frankly, at this point, I'm glad she can't. For if she did, she might regret it...she might regret what she's done/doing, ask for forgiveness and find it. But since she has hardened her heart and stiffened her neck time and time again, I can think of only one outcome:

Because I have called, and ye refused; I have stretched out my hand, and no man regarded;  
But ye have set at nought all my counsel, and would none of my reproof: I also will laugh at  
your calamity; I will mock when your fear cometh; When your fear cometh as desolation, and  
your destruction cometh as a whirlwind; when distress and anguish cometh upon you.

The only thing we can do is embolden The Resistance to her tyrannical ways.

Sincerely yours-

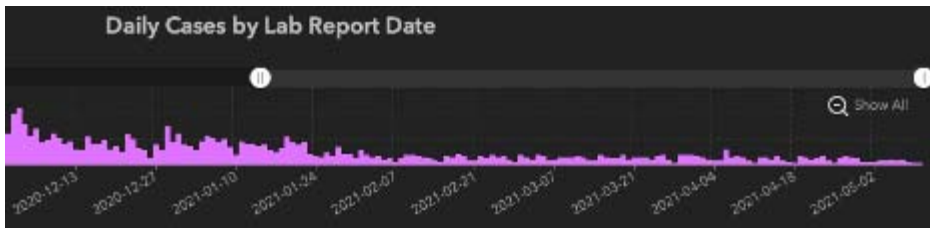
Bob

On Tue, May 11, 2021 at 8:47 AM trucks1975 <[trucks1975@gmail.com](mailto:trucks1975@gmail.com)> wrote:

Begin forwarded message:

**From:** trucks1975 <[trucks1975@gmail.com](mailto:trucks1975@gmail.com)>  
**Subject:** Lincoln leaders still refuse to face reality  
**Date:** May 11, 2021 at 8:45:53 AM CDT  
**To:** [councilpacket@lincoln.ne.gov](mailto:councilpacket@lincoln.ne.gov)  
**Cc:** [plopez@lincoln.ne.gov](mailto:plopez@lincoln.ne.gov), [mayor@lincoln.ne.gov](mailto:mayor@lincoln.ne.gov)

Can anyone tell me what this chart represents? This is a direct screen capture from the LLCHD COVID dashboard.



For those having difficulty with interpreting charts and data, this one clearly shows that in Lincoln, we have essentially been at herd immunity since early February. And this is even using the flawed PCR testing at a 45 CT cutoff, which we KNOW produces large numbers of false positives. This is not even open to debate in the scientific community any longer. Dr. Fauci himself has said so.

And yet, the health dept continues to tinker around the edges with the DHMs and will not let our citizens, business, and institutions return to normal. What type of control freaks enjoy doing this to people? I have recently learned that many UNL students are already transferring to other area schools like Augustana and U of IA because those schools have already announced a return to normal next fall. But LLCHD won't do this, so UNL can't do this, so we continue to lose students as a direct result of the destructive policies in place.

Former FDA Commissioner Dr. Scott Gottlieb had this to say last weekend "I think we need to start lifting these things as the situation improves, also to demonstrate that we can do that and that we **maintain our integrity** and our ability to reimplement these things when we have to. **The public has to trust that public health officials are going to lift these restrictions as quickly as they put them in place as the conditions improve**"

And this: "And so I think we're at the point in time when we can start **lifting these ordinances in a wholesale fashion and people have to take precautions based on their individual risk.** They have to judge their own individual risk and decide whether or not they're going to avoid crowds or wear masks based on their circumstances."

<https://news.yahoo.com/transcript-scott-gottlieb-face-nation-151253890.html>

What is our excuse? We will NEVER get to zero COVID as long as these PCR tests are used and it continues to look like we will never get to the magical 75% injection rate...and the data shows we don't need it. Stop playing games with peoples health. The data clearly shows that cases plummeted and stayed low well BEFORE most people got the shot. This is abundantly clear, and yet our health dept and mayor continue to push Emergency Use Authorization experimental shots to anyone, regardless of age or need. And pushing this to children as the next phase is nothing short of medical experimentation on children. How is that even remotely justified after reviewing the COVID death rates among kids 18 and under? It takes a special kind of evil to subject kids to this when we KNOW that they are not at risk.

The below link shows the data for 18 and under direct from the CDC.

<https://data.cdc.gov/NCHS/Deaths-by-Sex-Ages-0-18-years/xa4b-4pzv>

Even Omaha has finally had enough and their city council is letting the mask mandate expire, yet our city continues to look like a complete clown show to the rest of the state.

[https://omaha.com/news/local/govt-and-politics/omahas-mask-mandate-poised-to-expire-in-late-may/article\\_2d7a7688-a779-11eb-880f-a374ace1050d.html](https://omaha.com/news/local/govt-and-politics/omahas-mask-mandate-poised-to-expire-in-late-may/article_2d7a7688-a779-11eb-880f-a374ace1050d.html)

We are not in a pandemic or an emergency. Stop pretending we are and stop fear mongering and trying to force people to get the shot. This is manipulation of people through fear and it is shameful that we have leaders that would resort to these tactics.

Set Lincoln free now and vow that you will never do this to our city again!

Shawn Trucke

## Angela M. Birkett

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**From:** Angela M. Birkett  
**Sent:** Thursday, May 13, 2021 8:11 AM  
**To:** 'Patrick McBurney'  
**Cc:** Richard W. Meginnis; 'royforlincoln@gmail.com'; Bennie R. Shobe; Tammy J. Ward; James M. Bowers; Jane Raybould; Sandra J. Washington; 'Richard Meginnis'; Roy A. Christensen  
**Subject:** RE: Quick question!

Good Morning Mr. McBurney,

Thank you for contacting the office of the Lincoln City Council with your question. Please feel free to contact me directly to discuss the ways you can request to have a sidewalk repaired. I can be reached directly at 402-441-6867.

I look forward to your call.

Thanks,

Angie Birkett  
Administrative Secretary  
Lincoln City Council  
555 South 10<sup>th</sup> St., Ste 111  
Lincoln, NE 68508  
Phone 402-441-6867  
Fax 402-441-6533  
[abirkett@lincoln.ne.gov](mailto:abirkett@lincoln.ne.gov)



**From:** Patrick McBurney [mailto:[pmcb43@gmail.com](mailto:pmcb43@gmail.com)]  
**Sent:** Wednesday, May 12, 2021 4:47 PM  
**To:** Council Packet <[CouncilPacket@lincoln.ne.gov](mailto:CouncilPacket@lincoln.ne.gov)>  
**Subject:** Quick question!

Hello, how exactly does a Lincolnite put forward a request with the city council? Say for sidewalk repair or a much needed crosswalk? Thank you!

-Patrick McBurney