

**DIRECTORS' ORGANIZATIONAL MEETING**

**Monday, August 2, 2021**

**555 S. 10<sup>th</sup> Street**

**COUNCIL CHAMBERS**

**I. MINUTES**

1. Approval of Directors' Minutes from July 19, 2021

**II. ADJUSTMENTS TO AGENDA**

**III. CITY CLERK**

**IV. MAYOR'S OFFICE**

**V. DIRECTORS CORRESPONDENCE**

**PLANNING DEPARTMENT**

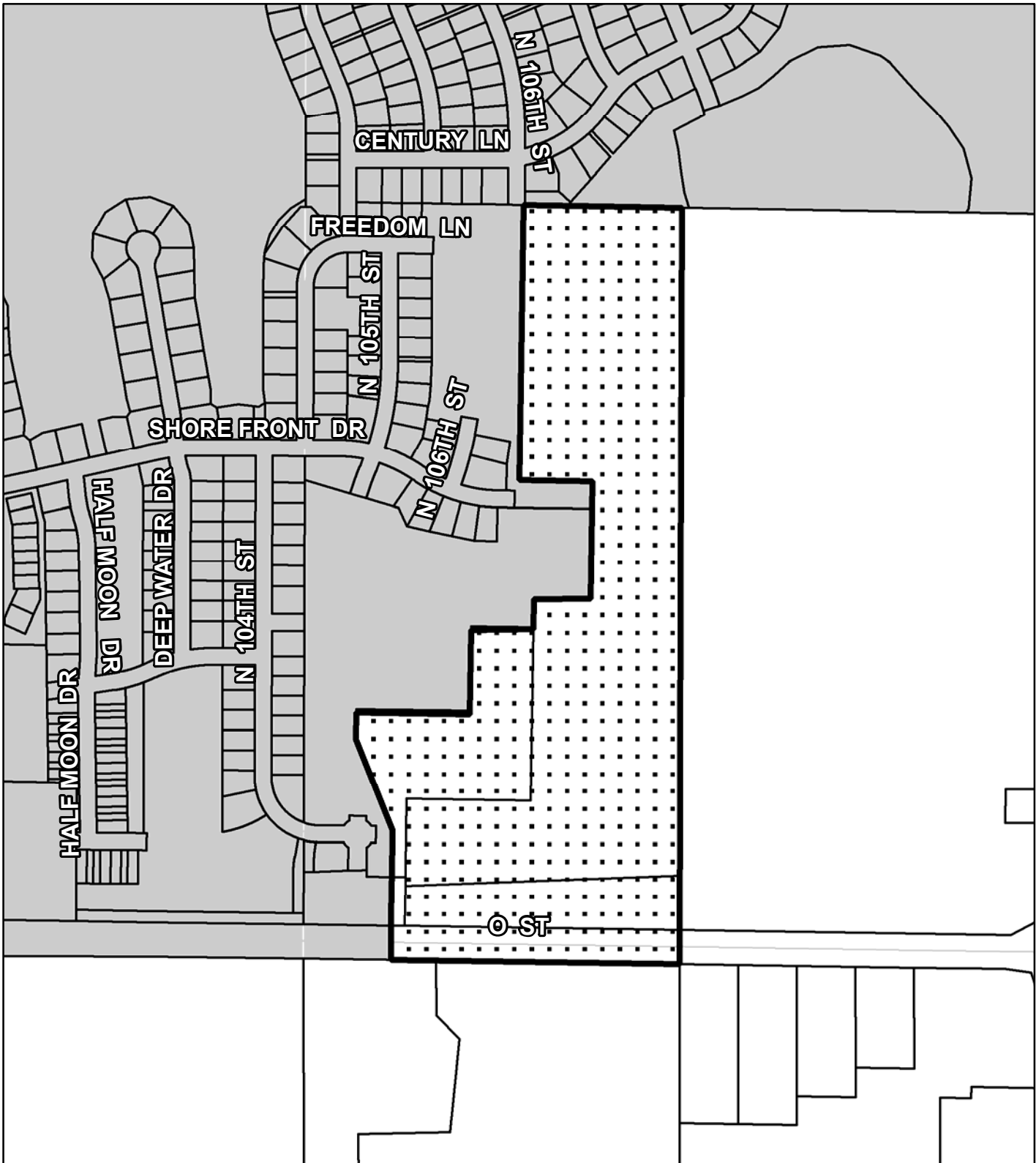
1. Annexation Map 21002
2. Staff Memo CZ21020 – South of Downtown PUD

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

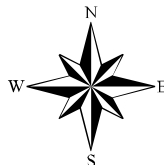
1. DEC – Ward (07.20.21)
2. MPO Officials – Ward, Meginnis (07.20.21)
3. ILC – Shobe, Washington, Beckius (07.26.21)
4. JBC – Washington, Bowers (07.26.21)
5. PAC – Shobe, Beckius, Meginnis (07.27.21)




**VII. CONSTITUENT CORRESPONDENCE**

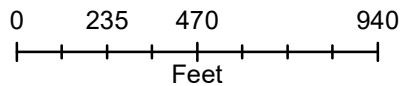
1. Buffer near Nine-Mile Prairie – Twyla Hansen
2. Nine-Mile Prairie – Mary Allen
3. Proposed Sidewalk Cafes – Peter Stegen
4. Proposed Sidewalk Cafes – James Chamberlain
5. Support for Open Patios – Katrina Jagodinsky
6. Proposed Sidewalk Cafes – Randy Strickler
7. Proposed Sidewalk Cafes – James Stevens
8. Proposed Sidewalk Cafes – Rena Worth
9. Proposed Sidewalk Cafes – Dale Galusha



**Annexation by Ordinance**  
**N 110th St & O St**  
**Effective: July 27, 2021**



-  Area of Annexation
-  Tax Parcels
-  City Limits Before Annexation





# Memo

To: City Council

Date: July 26, 2021

From: Stephanie Rouse

Dept: Planning

Phone: 441-6373

CC: David Cary, Steve Henrichsen

Subject: Change of Zone 21020 – South of Downtown PUD

Filename: F:\DevReview\CZ\21000\CZ21020 City Council Memo-2.docx

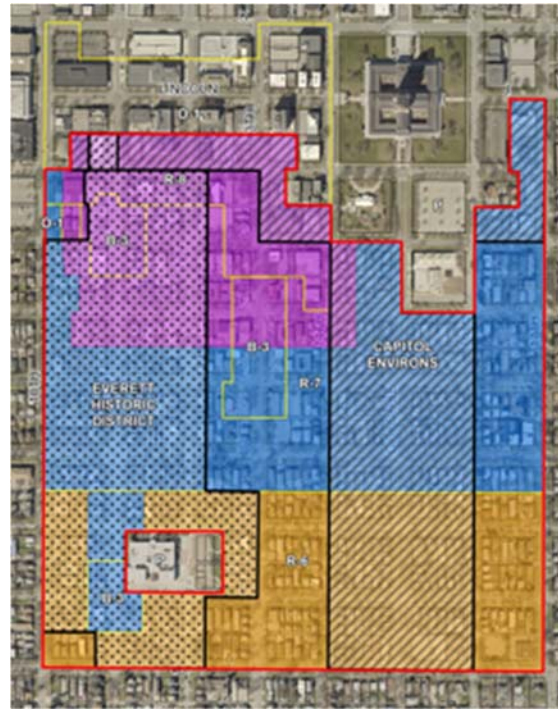
Original:	<input type="checkbox"/>	Update:	<input type="checkbox"/>	Response Requested:	<input type="checkbox"/>	Information Only:	<input checked="" type="checkbox"/>
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Some additional questions arose following the City Council public hearing on July 19<sup>th</sup>, 2021 regarding the controls in place and protections to the residential properties in the South of Downtown PUD. Following are more details for each of the items discussed.

- **Protections to Residential Uses.** The PUD was designed to be flexible and support reinvestment and transformation of the neighborhood while protecting the existing residential uses. These protections include:
  - A limit on the scale of new commercial and retail uses (3,000 square feet by right, up to 4,000 square feet with an administrative amendment)
  - A requirement for including a residential use when exceeding 3,000 square feet
  - The prohibition of specific uses within the newly allowed commercial and retail use types
  - Screening and setback requirements for outdoor patios
  - Added flexibility introduced for rehabilitating, expanding, or rebuilding single and two-family homes
  
- **Underlying Zoning vs. Overlay District.** The PUD has been designed to build off the zoning structure of the underlying zoning, instead of overriding that structure. The overlay district does not modify the underlying zoning of R-6, R-7, R-8, B-3, or O-1. All allowed uses and zoning regulations of these districts remain as they are today. In addition, the PUD allows some new uses and eases some zoning regulations to encourage reinvestment. While certain prohibitions have been included with these new uses, those prohibitions only apply in residential and office zoning districts in which the new uses would not otherwise be allowed. By structuring the PUD in this way, the underlying and overlay zoning work together instead of as a hierarchy where one supersedes the other.
  
- **Approval Process.** To support reinvestment and local entrepreneurs the PUD sets up a streamlined review process. Many of the new uses are allowed by-right if all conditions, such as the 3,000 square foot size limit, are met. However, if the conditions are not met, either an administrative amendment (approved by the Planning Director) or a full amendment (approved by City Council) is required. Additional reviews through the Historic Preservation Commission,

Capital Environs Commission, or Urban Design Committee as discussed below could also be required regardless of whether the use is allowed by-right or not.

- **Current Reviews Remain in Place.** During the development of the PUD the current standards and review processes were discussed. It was decided to maintain the Neighborhood Design Standards without modification as in other PUDs, therefore any new construction with underlying residential zoning will be required to meet the standards. Additionally, as the map illustrates, much of the PUD will be required to go before either the Historic Preservation Commission or the Capital Environs Commission for review of any exterior modifications. If the project requests TIF funding, the Urban Design Committee would also be involved.



- **Clarification on Definitions.** Several terms were brought up during the public hearing. Where possible, the PUD uses the existing Zoning Code language instead of defining new terms for continuity and clarity. For example, small scale production is defined in 27.06.140 Food and Drink Establishments Use Group as “manufacturing and distribution of food or beverages for facilities generally located on less than one acre such as craft breweries and local bakeries when those uses also sell their products on site.” In this PUD, the one-acre size is limited even further to between 3,000 and 4,000 square feet to protect the existing residential neighborhood. These size limits are how the PUD defines and regulates intensity. Those uses under 3,000 square feet are less intensive and allowed by right, while greater square footage increases the intensity and therefore requires an administrative or full amendment.

One additional term to clarify is the type of theater intended for this PUD. As noted in the PUD language, movie theaters are not allowed in the district, but live broadcasts and performances are permitted. Theater’s in this PUD are limited to performing arts and live in person events such as a play, musical, or podcast recording with a live audience.

- **Sub-District Names.** The use of Downtown Transitional, Mixed-Use, and Neighborhood District were not intended to describe the existing neighborhood characteristics but to define the three separate areas for the PUD overlay. The Downtown Transitional has the greatest number of new uses permitted and is therefore transitioning the full scale of commercial from downtown to the limited scale of commercial in the PUD. The Mixed-Use district has fewer commercial or retail uses, and the neighborhood district has no new commercial or retail uses proposed and is therefore primarily residential for the PUD purposes.

Please feel free to contact me with any additional questions at 1-6373 or [srouse@lincoln.ne.gov](mailto:srouse@lincoln.ne.gov).

## Angela M. Birkett

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**From:** Twyla Hansen <twylahansen@gmail.com>  
**Sent:** Monday, July 26, 2021 11:37 AM  
**To:** Mayor; Council Packet; James M. Bowers  
**Subject:** buffer near Nine Mile Prairie

July 26, 2021

To: Mayor and City Council

City Council members

Re: Buffer land near Nine Mile Prairie

Greetings:

I am writing to urge you not to designate the buffer land next to Nine Mile Prairie as blighted and to help preserve this buffer in order to protect a unique biological area of tallgrass prairie.

In the 1920s, University of Nebraska-Lincoln Biology Professor John D. Weaver began conducting his pioneering research on Nine Mile Prairie, and it continues to be an important laboratory for grassland studies today. According to Dr. David Wedin, UNL ecosystem ecologist and director of Nine Mile Prairie, this 230-acre prairie is an “underappreciated biological treasure.” (For more on NMP, please go to:

<https://ianr.unl.edu/growing/nine-mile-prairie-unique-tallgrass-treasure>)

Once land is developed with structures, parking lots, and mowed/maintained landscaping, it will no longer be a functional buffer to help preserve Nine Mile Prairie with its 390 species of plants, 80 bird species, numerous small mammals, and countless insect species. NMP is also plays an important role for achieving the goals of Lincoln’s Climate Plan.

I am in favor of affordable housing! But please, I ask you to consider this issue very carefully. We need to preserve prairie, because “they’re not making it anymore” (after Mark Twain).

Sincerely,

Twyla Hansen

4140 N 42<sup>nd</sup> Street Circle

Lincoln, NE 68504-1210

402-466-5839

[twylahansen@gmail.com](mailto:twylahansen@gmail.com)

**Angela M. Birkett**

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**From:** Mary Allen <mallen@americangramophone.com>  
**Sent:** Monday, July 26, 2021 12:11 PM  
**To:** Council Packet  
**Subject:** Nine Mile Prairie

To All Concerned:

The recently adopted Lincoln Climate Action Plan supports protection of prairies, native grasslands and other natural areas as necessary components of Natural Climate Solutions.

I definitely support affordable housing developments, but they need to be in areas that DO NOT involve destruction of irreplaceable natural areas such as the (approximately) 20 miles of Nine Mile Prairie.

I urge you to please protect this rare unplowed prairie land near Nine Mile Prairie and develop housing in another area!

Thank you,

Mary Allen

**Angela M. Birkett**

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**From:** Peter Stegen <stegen.peter@gmail.com>  
**Sent:** Monday, July 26, 2021 6:57 PM  
**To:** Council Packet  
**Subject:** Sidewalk cafes

Hello,

Im sending this email to express my support to allow bars downtown to have sidewalk cafes. I also support making last years mayors executive order for expanding dining outside permanent.

Thanks

Sent from my iPhone

**Angela M. Birkett**

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**From:** james chamberlain <bisbeekind@gmail.com>  
**Sent:** Tuesday, July 27, 2021 8:00 PM  
**To:** Council Packet  
**Subject:** I am in support of bars having patios

Sent from my iPhone



**Angela M. Birkett**

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**From:** Katrina Jagodinsky <kljagodinsky@gmail.com>  
**Sent:** Tuesday, July 27, 2021 8:05 PM  
**To:** Council Packet  
**Subject:** Support for open patios

Greetings, Lincoln City Council,

I'm writing in support of the measure to approve patios for bars in Lincoln. This measure seems like an ideal way to continue to keep businesses open safely for everyone. Please pass this measure as a strategy to promote safe recreation this fall as crowds congregate in Lincoln. You should have confidence in the success of other cities that have allowed outdoor bar patios to promote both business and public health.

Thank you,  
KJ

**Angela M. Birkett**

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**From:** Randy Strickler <splatterrabbit@yahoo.com>  
**Sent:** Tuesday, July 27, 2021 8:49 PM  
**To:** Council Packet  
**Subject:** Bowers sidewalk cafe proposal

Councilmen and Councilwomen,

I live downtown and enjoy frequenting many establishments in the Haymarket, currently most have outdoor cafe seating. I feel the same opportunity should be offered to establishments which do not have kitchen facilities.

Please vote for Mr, Bowers' proposal.

Randy Strickler

## Angela M. Birkett

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**From:** James Stevens <jimintheozone@gmail.com>  
**Sent:** Tuesday, July 27, 2021 8:58 PM  
**To:** Council Packet  
**Subject:** Downtown Sidewalk patios

Hi, my name is Jim Stevens, I with a group of other small businesses owners purchased the Parrish building in 2000. I previous to this had owned the vintage clothing store, The Ozone, since 1993. I more recently purchased the former Spigot, bar at 1630 "O" street and also the building next door 1622 "O" street. They are now the home of Precision Skateboard, and Shannon Formal Wear. I've seen a lot of changes downtown in that time, and think that more outside seating for restaurants as well as bars would be an asset to downtown.

Thank you for your consideration

Sincerely Jim Stevens  
402-440-0731

Sent from my iPhone

**Angela M. Birkett**

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**From:** Rena Worth <worthrena@yahoo.com>  
**Sent:** Wednesday, July 28, 2021 7:11 AM  
**To:** Council Packet  
**Subject:** Allowing patios

I am in favor of the ordinance to allow bars to have patios. This industry has suffered along with many others during the pandemic and I feel they need this support

Sent from my iPhone

## Angela M. Birkett

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**From:** dale galusha <daleg51@gmail.com>  
**Sent:** Wednesday, July 28, 2021 1:49 PM  
**To:** Council Packet  
**Subject:** Sidewalk Patios

Dear City Council

Please get this approved. The businesses want it and so do the tourists. Yes, it comes with issues and change but this should have been established years ago in Lincoln. When you are in a city that is pro patio you can see the energy and positive pulse of a business district. The current process is way too complicated and restrictive for business. Please cut the red tape and streamline the steps to allow businesses to create patio areas.

You only have to look to Fort Collins CO., or Des Moines IA. as examples to compare and contrast.

Please find a path forward for sidewalk patios for both the businesses and their patrons.

Thanks

Dale

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DALE GALUSHA

**800 P. Street, #202**

**Lincoln NE, 68508**

**402 770 3522**