



Directors Meeting Agenda

Monday, August 14th, 2023, 2:00 p.m.

555 S 10th Street Luxford Studio

- I. Approval of Directors Meeting Minutes from August 7th, 2023
- II. City Clerk Advisories
 - i. Mayor's Award of Excellence for the month of June 2023 to be presented to Melinda Jones in the Finance Department.
 - ii. Public Comments will be held tonight, August 14th and on August 28th.
- III. Mayor's Advisories
- IV. Director's Advisories
- V. City Council: Commissions, Committees, and Event Updates
- VI. Post-Meeting Council Members Calls to City Directors
- VII. Adjournment – Next Directors Meeting – Aug. 21st, 2023, 2:00 p.m.

Correspondence – Online for Review

- I. Directorial Correspondence
 - i. BP230808-01 AA Weekly Approvals – Jennifer McDonald
 - ii. BPC230809 – 1 PC Action – Shelli Reid
 - iii. REVISED – BPC230809 – 2 PC Action – Shelli Reid
- II. Constituent Correspondence
 - i. Protest to Bill No. 23-109 & 23-108 – Debra White
 - ii. Special Use Permit Request – Priscill Henkelmann
 - iii. Proposed Mid-Biennium Budget Adjustments – Kris Thompson
 - iv. Bill No. 23-108 – James Rusell
 - v. Ordinance to expand the Downtown Management Business Improvement District – Kent Thompson
 - vi. The Academy Lincoln – Abby Sacunas
 - vii. Property Taxes – Ron Graham
 - viii. Fwd: Street construction – Denise Mendoza

The Directors Meeting Agendas and Minutes may be accessed online at:

<https://www.lincoln.ne.gov/City/City-Council/Directors-Minutes-Agendas>

Memorandum

Date: August 8, 2023
To: City Clerk
From: Clara McCully, Planning Dept.
Re: Administrative Approvals
cc: Shelli Reid, Planning Dept.

This is a list of City administrative approvals by the Planning Director from August 1, 2023, through August 7, 2023:

Administrative Amendment 23041 to Change of Zone 16036A, Wilderness Hills PUD, was approved by the Planning Director on August 4, 2023, to separate Lot 5 into two lots and create a private driveway, generally located at S 27th and Yankee Hill Road.

**** ACTION BY PLANNING COMMISSION****

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 9, 2023, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****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.

AGENDA

WEDNESDAY, August 9, 2023

Election of Chair and Vice Chair for a 2-year term. ****Cindy Ryman Yost elected to serve as Chair and Cristy Joy elected to serve as Vice Chair****

Approval of minutes of the regular meeting held July 26, 2023. ****APPROVED: 7-0 (Edgerton abstained; Corr absent)****

1. CONSENT AGENDA (Public Hearing and Administrative Action)

COMPREHENSIVE PLAN AMENDMENT AND RELATED ITEMS:

- 1.1a CITY COMPREHENSIVE PLAN AMENDMENT 23008, to amend the Lincoln-Lancaster County 2050 Comprehensive Plan to amend the Future Land Use Plan for East Dominion Estates to expand the commercial area designation approximately 17.6 acres and reduce the urban residential area designation, on property generally located at the NW corner of 112th and O Streets.

Staff recommendation: Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

This item was removed from the Consent Agenda for a separate public hearing. Planning Commission recommendation: APPROVAL: 8-0 (Corr absent). Public hearing before the City Council is tentatively scheduled for Monday, August 28, 2023, 5:30 p.m.

- 1.1b ANNEXATION 23007, to annex for East Dominion Estates approximately 11.82 acres, more or less, on property generally located at the NW corner of 112th and O Streets.

Staff recommendation: Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

This item was removed from the Consent Agenda for a separate public hearing. Planning Commission recommendation: APPROVAL: 8-0 (Corr absent). Public hearing before the City Council is tentatively scheduled for

Monday, August 28, 2023, 5:30 p.m.

- 1.1c CHANGE OF ZONE 23056, to change the zoning for East Dominion Estates from R-3 (Residential District) to R-4 (Residential District) on 2.29 acres, and from AG to R-4 on 11.82 acres, on property generally located at the NW corner of 112th and O Streets.

Staff recommendation: Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

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CHANGE OF ZONE:

- 1.2 CHANGE OF ZONE 23055, from R-6 (Residential District) to B-3 (Commercial District), on property generally located at 4718 Cooper Avenue.

Staff recommendation: Conditional Approval

Staff Planner: Benjamin Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

This item was removed from the Consent Agenda for a separate public hearing. Planning Commission recommendation: CONDITIONAL APPROVAL: 8-0 (Corr absent) as set forth in the conditions of the staff report dated July 27, 2023. Public hearing before the City Council is tentatively scheduled for Monday, August 28, 2023, 5:30 p.m.

MISCELLANEOUS:

- 1.3 STREET AND ALLEY VACATION 23006, to vacate the unused remnant of county right-of-way, on property generally located at West Vine Street east of NW 40th Street.

Staff recommendation: Conforms to the Comprehensive Plan

Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

Planning Commission recommendation: FINDING OF CONFORMANCE: 8-0 (Corr absent). Public hearing before the City Council is tentatively scheduled for Monday, August 28, 2023, 5:30 p.m.

2. **REQUESTS FOR DEFERRAL:** **None**

3. **ITEMS REMOVED FROM CONSENT AGENDA:** **Items 1.1a, 1.1b, 1.1c and Item. 1.2**

4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION:**

- 4.1 TEXT AMENDMENT 23010, amending Article 2 - Definitions to add definition for distillery, microdistillery and spirits; Article 4, Section 4.005 Permitted Conditional Uses to add microdistillery; and Article 13 Special Permit to add Farm Winery Social Hall in the AG (Agricultural District).

Staff recommendation: Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission recommendation: APPROVAL: 8-0 (Corr absent). Public hearing before the County Board is tentatively scheduled for August 29, 2023.

* * * * *

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

* * * * *

Adjournment: 2:12 p.m.

**** REVISED ACTION BY PLANNING COMMISSION ****

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Staff recommendation: Approval

Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

Planning Commission recommendation: APPROVAL: 7-0 (Ball declared conflict of interest; Corr absent). Public hearing before the County Board is tentatively scheduled for August 29, 2023.

* * * * *

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* * * * *

Adjournment: 2:12 p.m.

August 2, 2023

Lincoln City Clerk
555 South 10th Street Suite 103
Lincoln, NE 68508

RE: Proposed Ordinance No (Bill No. 23-109 and Bill No. 23-108) expansion of Downtown Management Business District

Dear City Clerk,

I received 2 letters dated July 28, 2023, concerning the above two proposed bills.

I am writing to protest the expansion of the Downtown Management Business District, which affects me and the building I reside in. I just purchased my residence on April 3, 2023. In Lincoln and in my new residence, we are already subjected to high sales tax, state income tax, high homeowner's association fees, high fees to park in a city garage, and now you want to pile on top of that downtown improvement fees. I am a retired woman on a fixed income. I don't believe the improvement of downtown should fall on the residents, since all residents of Lincoln enjoy the downtown area with events, shopping, restaurants and more. There should be a better way to spread out the costs for all who enjoy the downtown area. Every morning when I walk out my building there are homeless lined up and down the building's sidewalks, littering and sleeping on the sidewalks. I don't think further improvements will make a difference until the homeless situation can be rectified.

I am asking the City Council to please find a better way to cover the costs of downtown improvement, and reject the proposed above two ordinances.

Thank you for your attention to this matter.

Sincerely,



Debra White
128 N 13th Street Unit 1204
Lincoln, NE 68508

CC: City of Lincoln
Urban Development
555 South 10th St. Suite 205
Lincoln, NE 68508

FILED

AUG 04 2023

CITY CLERK'S OFFICE

From: [Priscilla Herbelmann](#)
To: [Council Packet](#)
Subject: Special Use Permit Request 3737 Calvert Street-Comments for Appeal Hearing Before Lincoln City Council on August 14, 2023
Date: Saturday, August 5, 2023 7:15:28 PM

Dear Lincoln City Council Members,

My husband, Sanford Grossbart, son, Max Grossbart, and I live at 3810 Stockwell Street, Lincoln NE 68506. This is approximately one block south and one block east of 3737 Calvert Street.

I commented on the previous version of the Giles' application to run a residential facility on this site. The revised application does address some of the concerns raised earlier. While I appreciate the efforts of the applicant to address the issues, I respectfully contend that the proposed facility is still not one which belongs at the proposed residential site.

Specific comments are as follows:

1) I still have concerns about water and drainage issues. The new plan does not propose to expand the house, and this should help address the water situation, but the plan still increases the concrete by way of the patio and walking paths. As I told the Council earlier, the existing City drainage systems cannot handle the water now. We have been severely flooded out twice in the past ten years with high costs to mitigate.

See photos below of how the water looks "downstream" from 3737 Calvert with a heavy rain:





On a related note, the existing city water and sewer systems may be unable to adequately bear the increased load of 15 or more people in the building on a daily basis. This number of persons is exponentially greater than the number of residents in an average home in this area or any other residential area in Lincoln.

When we had to replace part of our home's water main, we learned that the existing City Water System did not run west from South 37th Street down Stockwell Street to end on city property in front of our home, as is customary in many parts of Lincoln. We had to pay a plumber to dig from across the street from our house all the way west up Stockwell Street to connect with the City Water at the top of the hill. I mention this not to complain, but rather to indicate that the City Water infrastructure in this neighborhood is simply not set up for commercial enterprises like the one being proposed.

Just because the Planning Commission approved the plan does not mean the Council should approve it. I contend that the residential infrastructure in our neighborhood is set up for homes or other non-dense ventures and is insufficient to support this business.

2) The proposed facility for up to 12 residents and three staff is absolutely not a "small, homelike setting". This number of residents is nearly as large as many commercial dementia units which are parts of larger assisted living facilities in Lincoln and elsewhere. These facilities offer much, much higher square footage and are properly located on arterial streets and include ample parking for visitors, ancillary service providers, etc.

The notion that Harbor House is a desirable "homelike" alternative to existing and newly developing commercial dementia assisted living facilities in Lincoln is simply untrue. If the application were proposing up to six residents like they have in their other Lincoln facility, this notion of a "homelike" alternative might be reasonably set forth, but with DOUBLE the number of residents served in the other location, it becomes an "institutional" setting. How many houses in Lincoln have FIFTEEN people in them day in day out?

3) Please do not be swayed by contacts you have received from people who do not live in the affected neighborhood, who have not thought through what fifteen unrelated adult people in this home would mean 24 hours a day, seven days a week, and who are responding to paid social media influencers.

Please vote NO for this Special Use Permit. A business of this density does not belong in a residential neighborhood.

Thank you for all your work on the Lincoln City Council, and thank you for your consideration. Please do not hesitate to contact me to discuss this matter further. I do plan to be at the scheduled hearing on this matter.

Sincerely,

Priscilla Henkelmann
(402)304-2529

phenk57@yahoo.com

Sent from my iPhone

From: kthompson5@twc.com
To: [Council Packet](#)
Subject: Proposed Mid-Biennium Budget Adjustments
Date: Sunday, August 6, 2023 2:46:48 PM

Dear Council Members:

There appears to be quite a communication failure regarding the proposed mid-biennium adjustments for the city's 2023-2024 budget.

The Lincoln Journal Star has reported that the average valuation increase this year for existing homes is 23.6 percent. And yet the proposed adjustment on the city's website shows a levy reduction of only 5.6 percent.

This would result in an average property tax increase of 17 percent for Lincoln homeowners, and who knows what for renters once the increase gets passed on to them.

I don't recall the Mayor campaigning on such an increase (just the opposite), and I suspect it will grab people's attention once they see it on their property tax bill—particularly when included with the other significant increases for LPS and Southeast Community College.

To put that 17 percent increase in context,

- The Society for Human Resource Management (SHRM) reported last month that organizations are budgeting an average wage increase in 2024 of 4 percent,
- and the 2023 Social Security Trustees Report estimates that the next Social Security COLA will be 3.3 percent.

The Mayor's proposed mid-biennium budget adjustments should be DOA. Instead, I hope the Council will just reduce the levy to the level required to fund the 2023-2024 budget already passed.

Thank you for considering this.

With best regards,

Kris Thompson
7617 S. 37th Street

Tim S. Sieh

From: Hallie E. Salem
Sent: Monday, August 7, 2023 10:00 AM
To: Tim S. Sieh
Subject: FW: Bill No.23-108

-----Original Message-----

From: UrbanDev <UrbanDev@lincoln.ne.gov>
Sent: Monday, August 7, 2023 8:42 AM
To: Ron L. Cane <RCane@lincoln.ne.gov>; Hallie E. Salem <HSalem@lincoln.ne.gov>
Subject: FW: Bill No.23-108

-----Original Message-----

From: Jim Russell <nujim@windstream.net>
Sent: Monday, August 7, 2023 8:32 AM
To: UrbanDev <UrbanDev@lincoln.ne.gov>
Subject: Re: Bill No.23-108

1827 thru 1835 O st.

Sent from my iPhoneJDR

> On Aug 7, 2023, at 08:30, Jim Russell <nujim@windstream.net> wrote:
>
> I James Russell do not want the property at 1827-29-31-35 to be in
> expanded BID District.
> I own property at those addresses.

Tim S. Sieh

From: UrbanDev
Sent: Friday, August 4, 2023 8:28 AM
To: Tim S. Sieh; Hallie E. Salem
Cc: Ron L. Cane
Subject: FW: Ordinance to expand the Downtown Management Business Improvement District

From: Kent Thompson <kthompson@cretrg.com>
Sent: Thursday, August 3, 2023 5:45 PM
To: UrbanDev <UrbanDev@lincoln.ne.gov>
Subject: Ordinance to expand the Downtown Management Business Improvement District

Gentlemen,

We own the property at 1800 "O" plus a part of the parking garage immediately to the north.

There is zero desire to be part of this expanded area. Downtown has not increased in value in the last 50 years despite Lincoln pouring millions into every possible thought of how to increase values. With the work from home environment along with the huge environmental pollution caused by traffic taking people to work downtown we see no reason whatsoever to contribute funds to this effort.

Further we received no notice of this proposal, no working from the management group, no reason to believe that this group could change the direction of downtown other than to self-sustaining their jobs.

Thank you,

Kent Thompson
President



2601 Jamie Lane
Lincoln, NE 68512
402-310-7700 (c)
kthompson@cretrg.com



August 7, 2023

City of Lincoln Nebraska
Urban Development
555 South 10th Street, Suite 205
Lincoln, NE 68508
Attention: Timothy S. Sieh, Interim Director
urbandev@lincoln.ne.gov

Dear Mr. Sieh,

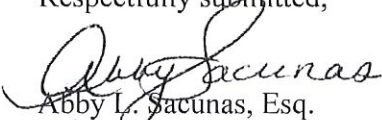
GMH Communities owns and operates The Academy Lincoln, a 182 unit, 632 bed off-campus student housing property located at 1850 P Street in Lincoln, Nebraska near the University of Nebraska Lincoln. ("Property Owner"). On August 4, Property Owner received a notice dated July 28, 2023 concerning Ordinance (Bill No. 23-109) to expand the Downtown Management Business Improvement District, advising of a hearing scheduled for today, Monday August 7 at 3 pm. Please accept this letter as Property Owner's objection and protest in opposition thereto.

First, Property Owner was not given sufficient information nor time to formulate a full and complete objection based on the limited time and information provided. Property Owner therefore reserves all rights to supplement this protest as additional information becomes known and available.

Based on what information has been made available, it appears that this downtown expansion plan facilitated by way of annual special assessments will cause significant economic impact on property owners without any specific material benefit in return. Specifically as it relates to Property Owner, this plan will cause an estimated impact based on millage rate and frontage of the building of approximately \$25,000. This is a significant, unbudgeted cost. The method and means of calculation of this fee is also unfairly prejudicial to property owners, like us, that have more street frontage without necessarily more business impact and usage. Finally, the benefit to property owners is entirely unclear with the limited information provided, and what, if any, involvement or direction property owners will have with respect to the delineated "management activities" to meet their needs.

For each and all of these reasons, and those which are reserved and may be later discovered, Property Owner, The Academy Lincoln must respectfully protest and object to Ordinance/Bill No. 23-109.

Respectfully submitted,


Abby L. Sacunas, Esq.
General Counsel

From: [Mitzi Graham](#)
To: [Council Packet](#)
Subject: Property Taxes
Date: Tuesday, August 8, 2023 3:59:43 PM

Today I received a notice that my property tax protest evaluation would not change from the assessor's determination. My home needs a new roof, furnace, paint, and new concrete, which I submitted estimates with the hope they would consider when determining my value. Not to my surprise, my claim was ignored.

When I bought my simple home, my assessed value was \$145,300.00, and taxes were \$2,776.62, which was affordable for my family. In 2019 my assessed value was raised to \$194,500, and taxes were \$3,660.46. This amounted to an \$883.84 increase, so I canceled our recycling service and my YMCA membership.

Now I am facing an additional \$48,300 increase which will result in another substantial tax increase unless you drastically lower the levy. I have nothing left to cancel to accommodate another \$900 in property taxes. We are living paycheck to paycheck with the rising cost of living.

I will be forced to move unless you lower the levy to make housing more affordable. I cannot be the only person out there that is struggling.

High property taxes are the main cause of not having affordable housing, which only causes more government handouts to keep people afloat. Please, I am begging you to do something about the property taxes.

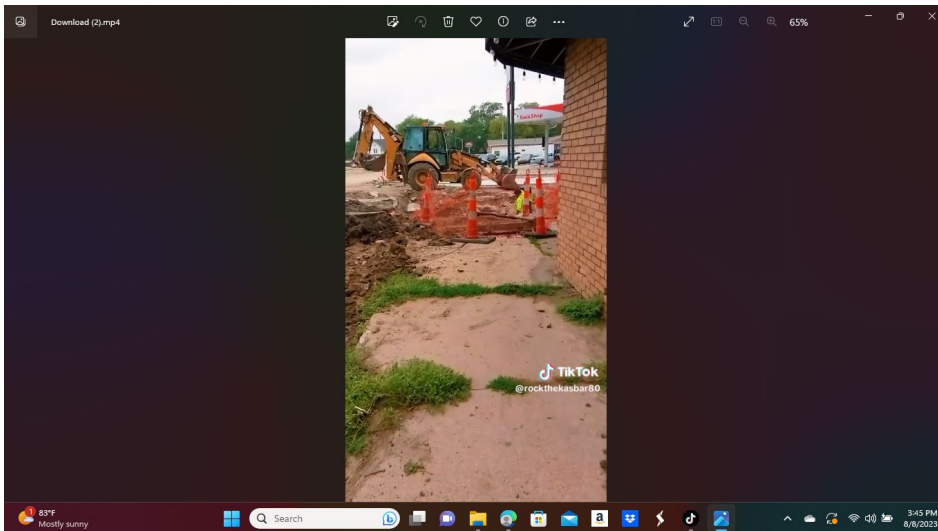
Thanks, Ron Graham
Lincoln, NE

From: [Denise Mendoza](#)
To: [Council Packet](#)
Subject: Fwd: Street construction
Date: Tuesday, August 8, 2023 5:19:40 PM
Attachments: [image.png](#)
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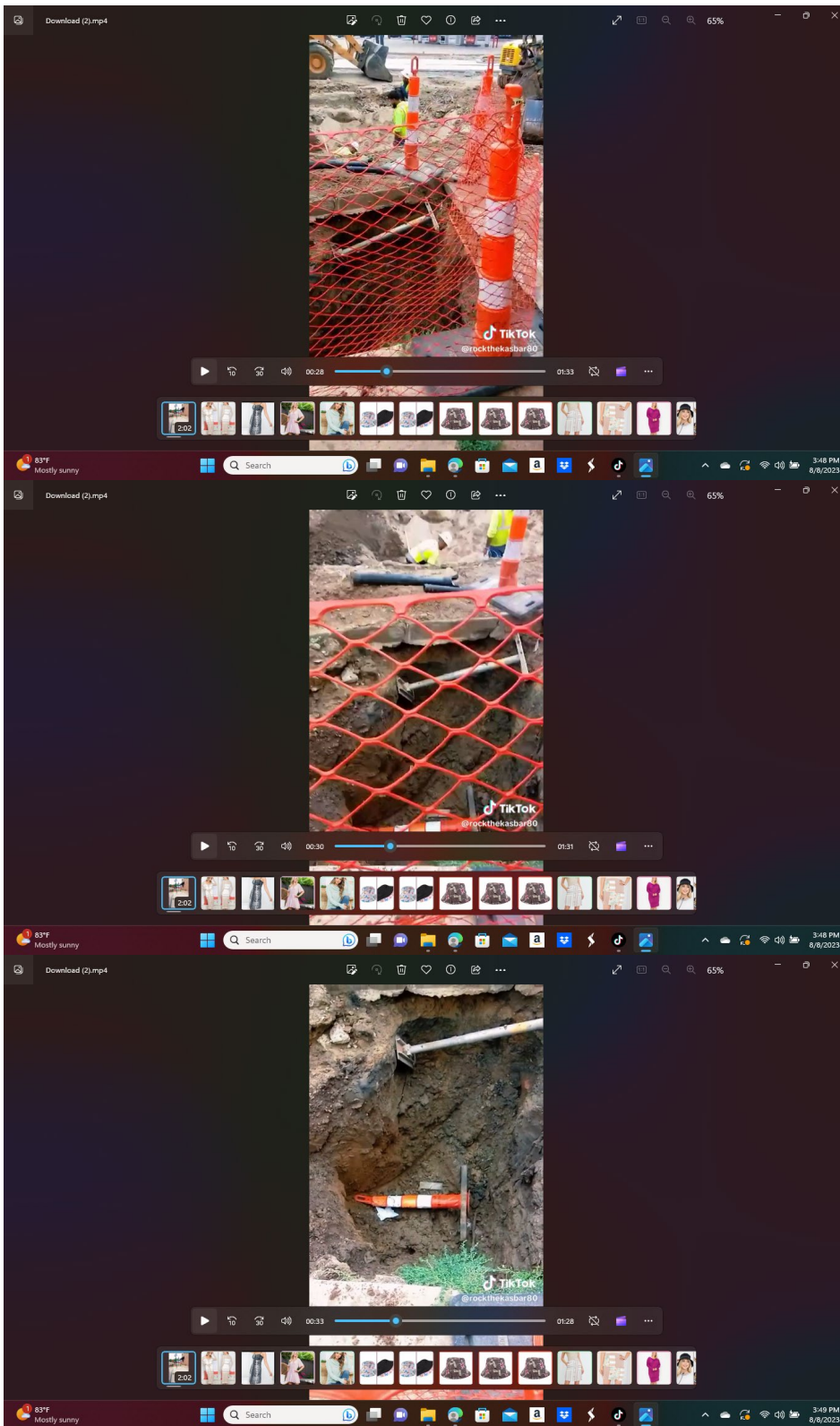
Hello,

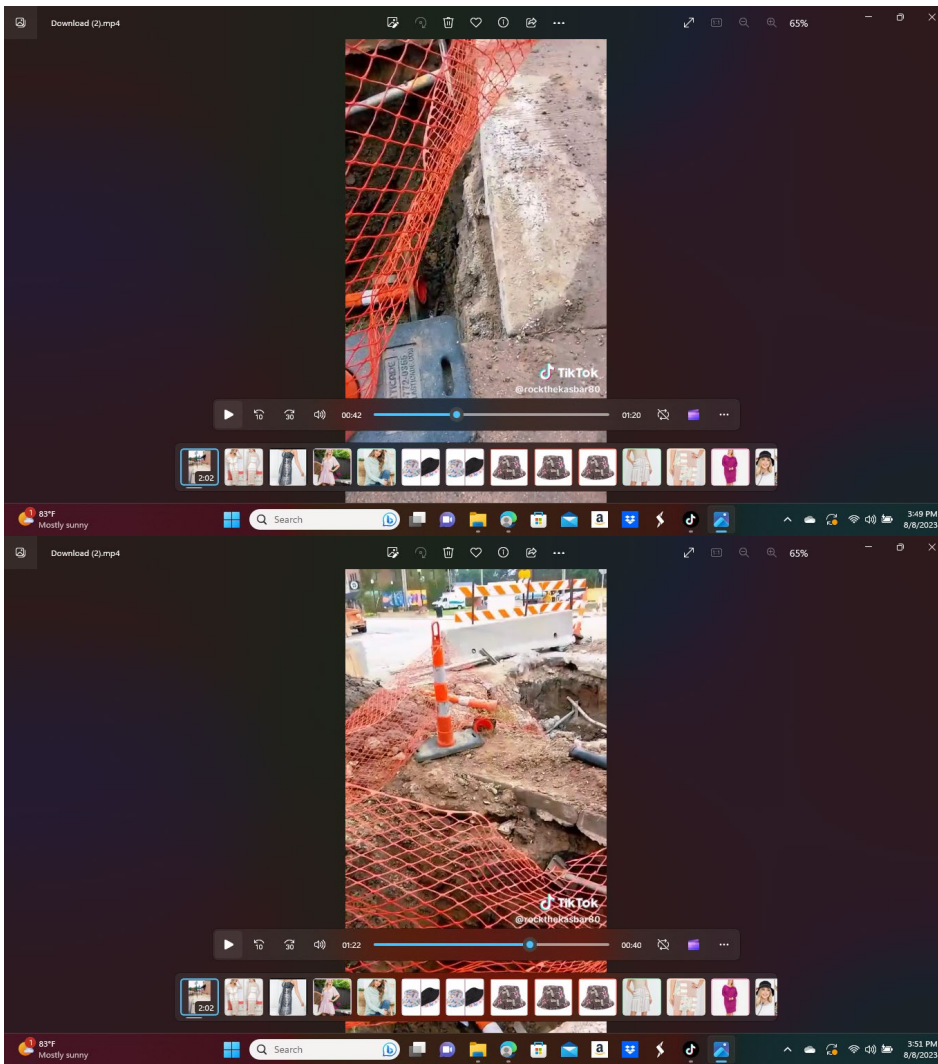
I have written to you all in May about the blockage to my boutique entrance and zero business because it's too dangerous for customers to come in and now the road work has destroyed all my inventory in the basement and the smell coming up into the boutique through the vents because of water and cement pouring in from this road project.

Please help, videos below: Correction videos are too big to email, pictures below of outside and basement.









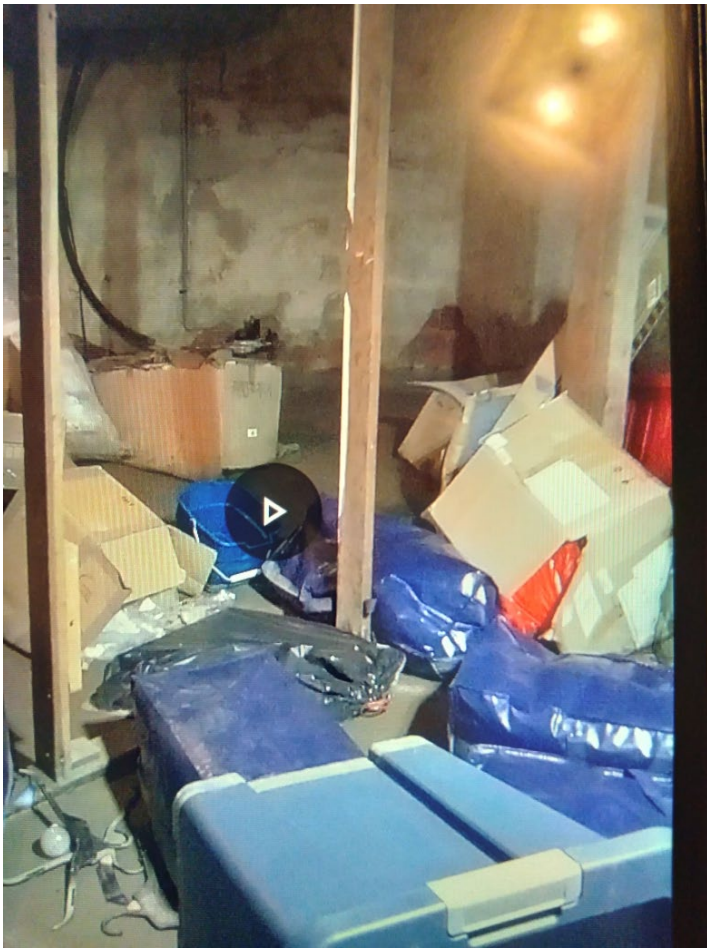
Below are pics from my video of the flooded cement filled basement and my inventory thrown around like a rag doll throughout the the place all damaged.











----- Forwarded message -----

From: **Denise Mendoza** <beautygirlfashions@gmail.com>

Date: Thu, May 11, 2023 at 8:09 AM

Subject: Street construction

To: <councilpacket@lincoln.ne.gov>

Hi,

I don't know who to contact so I decided that maybe you can help. I have a boutique on the corner of 48th Street and for 2 weeks now they have been blocking a large portion on the front and side and creating a mess and leaving stuff on the ledge on the window pane and cement dust everywhere that no one will come.

When will they be out of there and I'm going to need help with my rent now due to no sales. My rent is 800.00 a month.

Please help.

Thanks

BeautyGirlFashions.com

