

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Corr: Chair
Tom Beckius: Vice-Chair
Dick Campbell
Tracy Edgerton
Deane Finnegan
Cristy Joy
Cindy Ryman Yost
Dennis Scheer

PLANNING STAFF

David R. Cary: Director
Geri Rorabaugh: Administrative Officer
Rhonda Haas: Office Specialist

September 2, 2020

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, September 2, 2020, 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.

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 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, SEPTEMBER 2, 2020

Approval of minutes of the regular meeting held August 19, 2020.

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

SPECIAL PERMITS:

- 1.1 SPECIAL PERMIT 1827A, to allow for a height extension of a tower to 121 feet, on property generally located at 1346 Saunders Avenue. *** FINAL ACTION ***
Page Staff recommendation: Conditional Approval
01 Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov
- 1.2 SPECIAL PERMIT 20030, to allow for a temporary mobile home while building a house, on property generally located at 13500 West Van Dorn Street. *** FINAL ACTION ***
Page Staff recommendation: Conditional Approval
11 Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

1.3 SPECIAL PERMIT 20031, to allow for the use of part of an existing building for classrooms with up to 40 students, on property generally located at 1035 North 33rd Street. *****FINAL ACTION *****
Page 21 **Staff recommendation: Conditional Approval**
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

TEXT AMENDMENT:

1.4 TEXT AMENDMENT 20005, amending Chapter 27.56 Capitol Environs District of the Lincoln Municipal Code by amending Section 27.56.050 Membership, to add a fourth Ex Officio Member to the Nebraska Capitol Environs Commission, and repealing Section 27.56.050 of the Lincoln Municipal Code as hitherto existing.
Page 31 **Staff recommendation: Approval**
Staff Planner: Collin Christopher, 402-441-6370, cchristopher@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA:

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

**FOR ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

Adjournment

PENDING LIST: *None.*

Planning Department Staff Contacts:

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George Wesselhoft, <i>Planner</i>	402-441-6366..	gwesselhoft@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362..	bwill@lincoln.ne.gov
Kellee Van Bruggen, <i>Transportation Planner</i>	402-441-6363..	kvanbruggen@lincoln.ne.gov
Allan Zafft, <i>Transportation Planner</i>	402-441-6369..	azafft@lincoln.ne.gov

* * * * *

**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Wednesdays at 7:00 p.m., Thursdays at 12:00 a.m. and Sundays
at 12:30 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

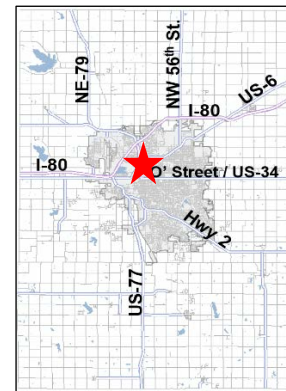
APPLICATION NUMBER Special Permit #1827A	FINAL ACTION? Yes	OWNER Larkins Heating and Air
PLANNING COMMISSION HEARING DATE September 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Antelope Valley Parkway and Saunders Avenue

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

The applicant is seeking to amend the special permit to increase the allowed height from 105' to 121'. The tower is built and extends to 100', and no structural change to the tower is proposed. Rather, the applicant is seeking to attach a 20'-tall, whip-type antenna to the top of the tower to a height of a little over 120'. This requires the maximum height of the tower to be increased.

Wireless facilities are allowed in the I-1 zoning district by special permit per Lincoln Municipal Code (LMC) Chapter 27.68. The provisions of the special permit Section 27.63.720 require review per the criteria of the Personal Wireless Telecommunication Facilities.



JUSTIFICATION FOR RECOMMENDATION

Enhancing customer service while making use of an existing facility is encouraged by the Comprehensive Plan. One of the goals of the zoning regulations is to minimize the number of towers throughout the city. The primary way to do this is to maximize the utility of existing towers by encouraging and allowing multiple-collocations.

APPLICATION CONTACT
Paul Peckens, 802-833-4015 or paul.peckens@crowncastle.com

STAFF CONTACT
Brian Will, (402) 441-6362 or bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages an efficient and effective telecommunications network while minimizing the impact of such infrastructure. The Plan also calls for compatibility among land uses, screening where necessary, and adequate separation where possible. This proposal complies with those goals.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - the Lincoln Area Future Land Use Plan designates Industrial land uses for this site.

P. 4.4 - Placemaking - Current Practice

The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred. The City has adopted zoning provisions to state the community's preferences. Combined with guidance from the design review boards, community residents and the telecommunications industry can be well-served.

P. 11.19 - Information technology

Information technology is subject to rapid and dramatic change. The nature of the industry continues to push the limits of the technology. Various technologies converge to create new, integrated products and services. The concept of telecommuting portends a city where people may be able to work from most any site including their own home. In the economy of the future, information is likely to become the primary product. This product can be manufactured at sites other than traditional factories and offices.

Wireless telecommunication is part of a global information revolution. The need for additional infrastructure to support wireless facilities is expected to increase in response to rising consumer demand and new applications. The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. A full range of cellular and wireless services, provided by a variety of carriers, is available in the city and county. See the "Placemaking" chapter for information on how wireless facilities should be located.'

OVERVIEW

The applicant is seeking to amend the special permit to increase the allowed from 105' to 121'. The tower is built and extends to 100', and no structural change to the tower is proposed. Rather, the applicant is seeking to attach a 20'-tall, whip-type antenna to the top of the tower to a height of a little over 120'. This requires the maximum height of the tower to be increased from the 105' originally approved by SP#1827 to 121'.

Wireless facilities are allowed in the I-1 zoning district by special permit per Lincoln Municipal Code (LMC) Chapter 27.68. The provisions of the special permit Section 27.63.720 require review per the criteria of the Personal Wireless Telecommunication Facilities. The review under that article is as follows:

ANALYSIS

Conformity with Comprehensive Plan.

1. *The Plan states that "The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred."*

This tower is located in a small industrial area. It is surrounded by commercial and industrial uses and not located in proximity to any sensitive uses with one exception. There is a single-family across Saunders Avenue. The property is zoned I-1 and the dwelling is considered non-conforming. Redevelopment of the property would have to be in compliance with the I-1 district and a dwelling would not be allowed.

Preference of site location in accordance with Chapter 27.68.080.

2. *There are three location preferences as follows:*

A. Preferred Location Sites:

(1) Publicly owned sites on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened roof-top mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(2) Privately owned sites with existing structures on which personal wireless facilities can be unobtrusively located with due regard to visibility, aesthetic issues, traffic flow, public safety, health and welfare. Such sites may include locating on existing buildings, co-locating on existing towers, screened rooftop mounts, water towers, billboards, electric substations, or other camouflaged sites, but shall not include new towers.

(3) Publicly owned sites in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

(4) Sites in commercially or industrially zoned districts in which the facility is minimally obtrusive, has a minimal impact on the surrounding area, is an appropriate distance from residential land uses, has minimal impact on residential uses, with due regard being given to the scale of the facility and the surrounding area and the impact on the location.

B. Limited Preference Sites:

(1) Sites on other public property.

(2) Sites on other commercially or industrially zoned property.

C. Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas. The applications for personal wireless facilities which are located at sensitive sites will be required to demonstrate a technical need to locate a personal wireless facility at a sensitive site and that other reasonable alternatives do not exist for the facility at a location which is not a sensitive site.

This location is considered a preferred location. It both collocates on an existing tower, and is located in an area where intensive, commercial land uses can be sited. Wireless facilities like this are compatible with intensive land uses and are encouraged to locate in such areas.

Compatibility with abutting property and land uses.

3. The subject property is surrounded by industrial zoning and commercial land uses with one exception. There is a single-family dwelling located directly across Saunders Avenue. Under I-1 zoning the dwelling is nonconforming as single-family dwellings are not an allowed use. The tower is located at the north end of the subject property, as far away as is practical from the dwelling.

Adverse impacts such as visual, environmental or noise impacts.

4. The most significant impact of a wireless facility at this location is visual. Located in an industrial area and separation from sensitive uses serve as mitigation. There are no environmental effects such as noise or light to note. The frequency of the broadcast signals and whether they interfere with any electromagnetic devices in the area is not reviewable by local governments per the Federal Communications Commission (FCC).

Availability of suitable existing structures for antenna mounting.

5. This request is using an existing facility to collocate, no new tower is proposed.

Scale of facility in relation to surrounding land uses.

6. The maximum allowed height in the I-1 zoning district is 75', one of the highest in the Zoning Ordinance where taller, more obtrusive facilities are anticipated. Other tall facilities in this area include stadium lights around UN-L's Hibner Stadium to the east, and the emergency communications tower at the National Guard facility to the south.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There are no historically significant structures, landmarks or vistas in the area impacted by the proposed tower.

Color and finish.

8. This is not applicable, the tower is existing.

Ability to collocate.

9. The original facility was designed for collocation and already contains multiple carriers.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. There is no additional screening requirement applicable as a result of this request.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. This is not applicable.

12. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: I-1 Industrial

SURROUNDING LAND USE & ZONING: Residential, Commercial - I-1

APPROXIMATE LAND AREA: Approximately 7,682 square feet or 0.18 acres.

LEGAL DESCRIPTION: Lots 37 and 38, Block 19, Belmont Addition, Lancaster County, Nebraska.

Prepared by

Brian Will, bwill@lincoln.ne.gov
August 20, 2020

Owner: Jean Larkins
5066 Old Cheney Road
Lincoln, NE 68516
larkinshtg@aol.com

Applicant/
Contact: Paul Peckens
Crown Castle
1220 Augusta Drive, Ste 600
Houston, TX 77057
804-833-4015
Paul.peckens@crowncastle.com

F:\DevReview\SP\19000\SP19005 BRIDGER TOWER AND AT&T.BJW.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #1827A

Per Section 27.63.720 this approval permits a personal wireless facility up to a maximum height of 121'.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 A height permit approved by the Department of Building and Safety.
 - 1.2 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before operation of the facility all development and construction shall substantially comply with the approved plans.
 - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.4 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

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City of Lincoln Lancaster County, NE GIS

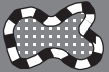


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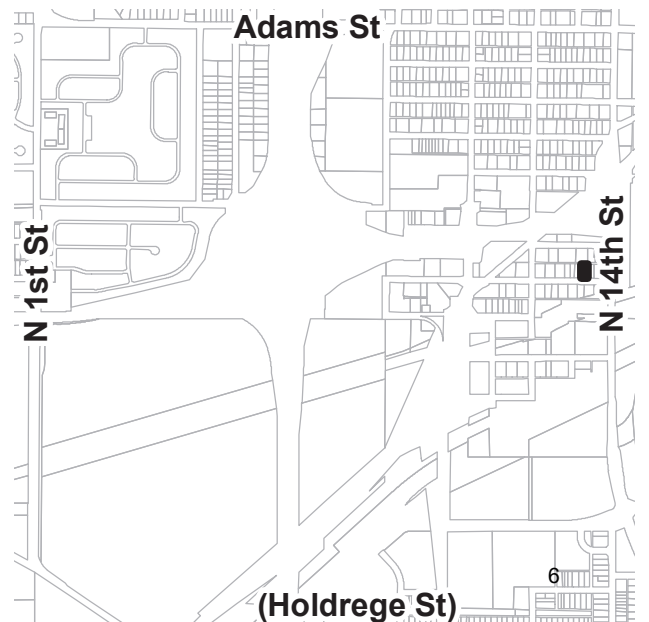
Special Permit #: SP1827A
Crown Castle at Larkins Heating & Air
N Antelope Valley Pkwy & Saunders Ave

Zoning:

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

One Square Mile:
Sec.14 T10N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





9011 ARBORETUM PARKWAY SUITE 100
RICHMOND, VA 23236
PHONE: (804) 833-4015

RE: Special Use Permit # SP1827

Dear Mr. Will,

Crown Castle is requesting a height extension to 121' AGL. from the approving resolution by administrative amendment as described in the Zoning Ordinance.

Attached please find a completed zoning application form (stating the correct address of the facility and the special permit being amended), a stamped and sealed copy of the construction drawings showing the tower profile, an FAA Determination along with detailed tower profile (showing 100' structure height, 20"-2" lightning rod, total 120'-2" AGL), and the required application fee of \$206 payable to the City of Lincoln.

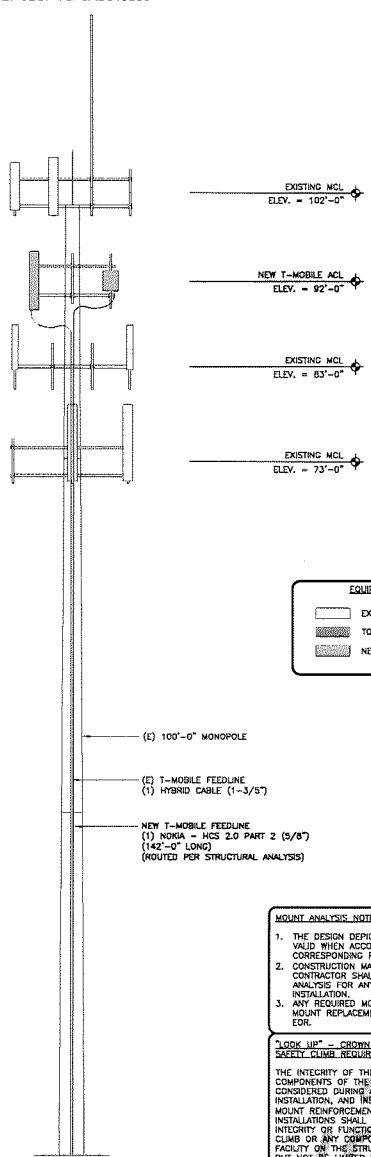
Please note the Landlord has appointed Crown as attorney-in-fact to execute all land use applications, permits, licenses and other approvals on Landlord's behalf. Therefore, we are signing as both the applicant and owner. Attached please see the redacted partial copy of the document, Section 8—Governmental Approvals.

If you have any questions or need additional information, please let me know.

Thank you,
Paul Peckens
National Zoning Manager
9011 Arboretum Parkway, Suite 100
Richmond, VA 23236
(804) 833-4015 c
Paul.Peckens@CrownCastle.com

STRUCTURE W/ APPURTENANCE
ELEV. = 120'-2"

HEIGHT OF STRUCTURE
ELEV. = 100'-0"



1 FINAL ELEVATION
SCALE: NOT TO SCALE

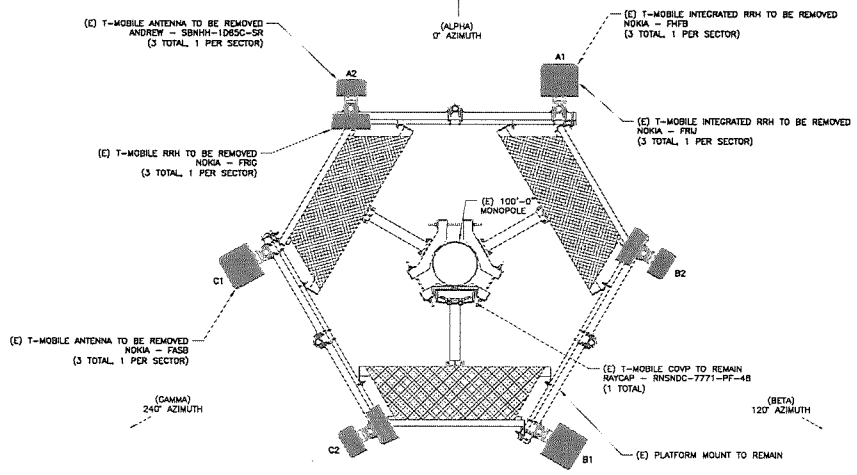
EQUIPMENT LEGEND:

[Solid Line]	EXISTING
[Dashed Line]	TO BE RELOCATED/REMOVED
[Hatched Area]	NEW

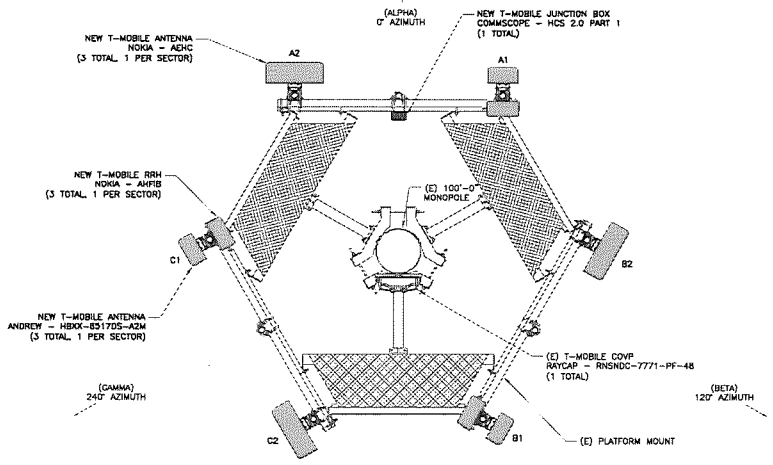
- MOUNT ANALYSIS NOTES:
1. THE DESIGN DEPICTED IN THESE DRAWINGS IS VALID WHEN ACCOMPANIED BY A CORRESPONDING PASSING MOUNT ANALYSIS.
 2. CONSTRUCTION MANAGER / GENERAL CONTRACTOR SHALL REVIEW THE MOUNT ANALYSIS FOR ANY CONDITIONS PRIOR TO INSTALLATION.
 3. ANY REQUIRED MOUNT MODIFICATION DESIGN OR MOUNT REPLACEMENT SHALL BE APPROVED BY EDR.

"LOOK UP" - CROWN CASTLE, USA INC. SAFETY CLIMB REQUIREMENT:

THE INTEGRITY OF THE SAFETY CLIMB AND ALL COMPONENTS OF THE CLIMBING FACILITY SHALL BE CONSIDERED DURING ALL STAGES OF DESIGN, INSTALLATION, AND INSPECTION. TOWER MODIFICATION, MOUNT REINFORCEMENTS, AND/OR EQUIPMENT INSTALLATIONS SHALL NOT COMPROMISE THE INTEGRITY OR FUNCTIONAL USE OF THE SAFETY CLIMB OR ANY COMPONENTS OF THE CLIMBING FACILITY ON THE STRUCTURE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, FINISHING OF THE WIRE ROPE, BENDING OF THE WIRE ROPE FROM ITS SUPPORTS, BRACE CONTACT OR CLOSE PROXIMITY TO THE WIRE ROPE WHICH MAY CAUSE FRICTIONAL WEAR, IMPACT TO THE ANCHORAGE POINTS IN ANY WAY OR TO IMPEDER OR AFFECT ITS INTENDED USE. ANY COMPROMISED SAFETY CLIMB, INCLUDING EXISTING CONDITIONS MUST BE MARKED OUT AND REPORTED TO YOUR CROWN CASTLE, USA INC. POC OR CALL THE NOC TO GENERATE A SAFETY CLIMB MAINTENANCE AND CONTRACTOR NOTICE TICKET.



2 EXISTING ANTENNA PLAN
SCALE: NOT TO SCALE



3 FINAL ANTENNA PLAN
SCALE: NOT TO SCALE

T-Mobile

12920 SE 38TH STREET
BELLEVUE, WA 98006

CROWN CASTLE

1609 UTICA AVENUE SOUTH
ST. LOUIS PARK, MN 55416

T-MOBILE SITE NUMBER:
ON03030A

BU #: 879162
LARKINS HEATING AND AIR

1346 SAUNDERS AVE.
LINCOLN, NE 68528-2330

EXISTING 100'-0" MONOPOLE

ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION	DIS/OWN
0	01/21/18	ADE	CONSTRUCTION	LAR/JL

PROFESSIONAL ENGINEER

STATE OF NEBRASKA

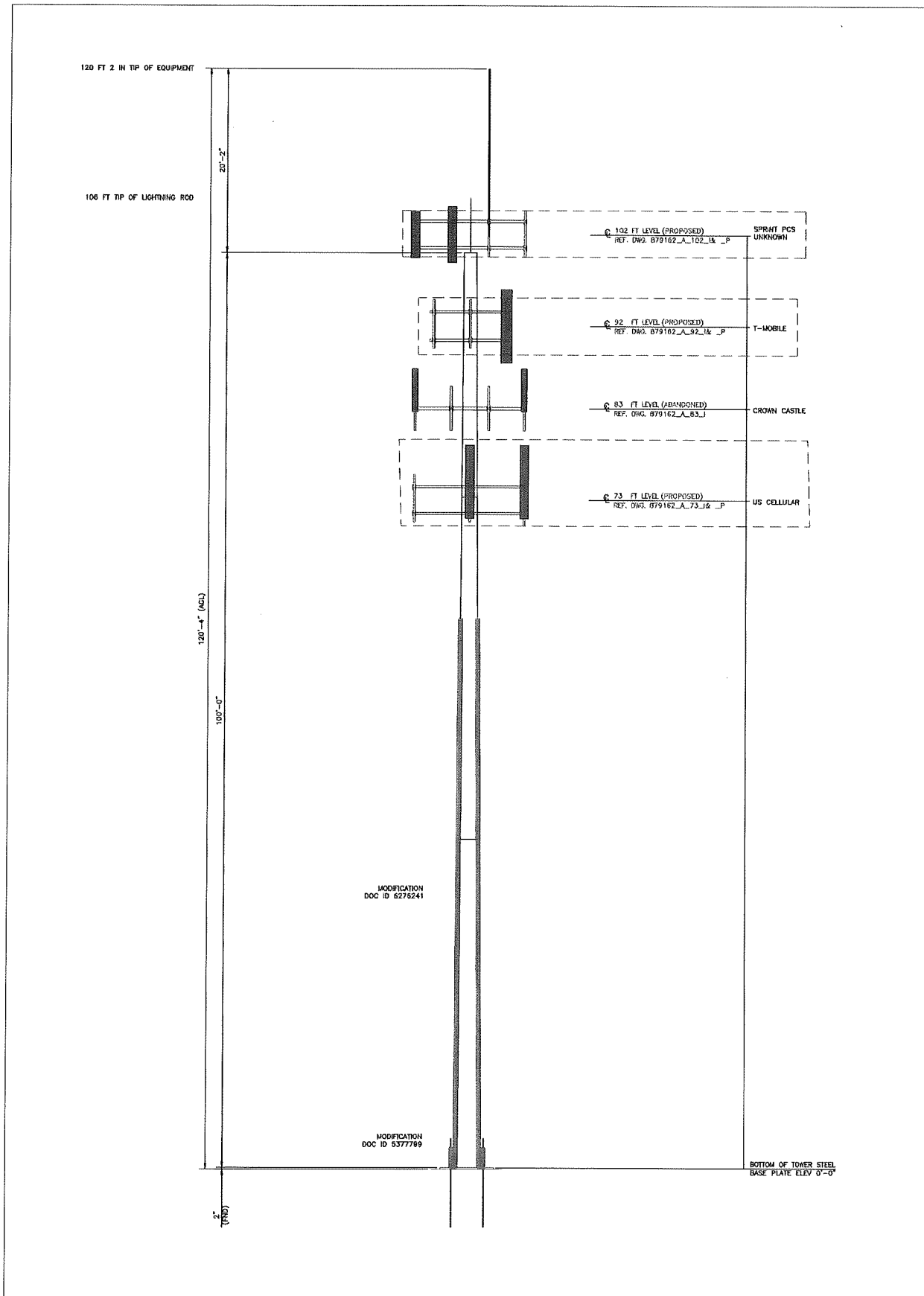
JUSTIN PETER LINETTE
E-16268

3/1/2018

Crown Castle USA Inc. COA RC2186

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET NUMBER: **C-2** REVISION: **0**



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

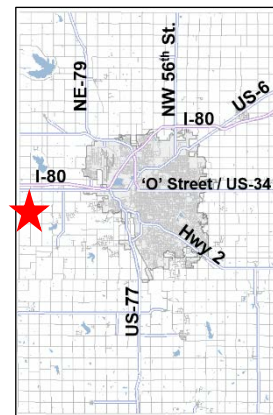
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #20030	FINAL ACTION? Yes	DEVELOPER/OWNER Phillip Schneider
PLANNING COMMISSION HEARING DATE September 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 13500 W. Van Dorn St.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a temporary mobile home to be used for residential occupancy while building a house per Article 13.025. The applicant is proposing to demolish the existing house and live in the mobile home while building a new house.



JUSTIFICATION FOR RECOMMENDATION

The request meets the requirements of the special permit of the Lancaster County Zoning Regulations.

APPLICATION CONTACT
Phillip Schneider, 785-562-6996
phillipjayschneider@gmail.com

STAFF CONTACT
Tom Cajka, (402) 441-5662 or
tcajka@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future agriculture on the 2040 Lincoln Area Future Land Use Plan.

ANALYSIS

1. This request is to allow a temporary trailer for residential occupancy while constructing a residence under the provision of Article 13.025.
2. The special permit allows for a temporary mobile home not to exceed three years in duration.
3. The applicant states this will be a temporary residence while building a new home. The existing house is unlivable and will be demolished. The applicant submitted photos showing the poor condition of the existing house. The applicant is requesting to be allowed one year before starting construction on the new house.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Farm ground and one dwelling

SURROUNDING LAND USE & ZONING

North:	AG-Agriculture	Farm ground
South:	AG-Agriculture	Farm ground and 2 dwellings
East:	AG-Agriculture	Farm ground and 2 dwellings
West:	AG-Agriculture	Farm ground and 2 dwellings

APPROXIMATE LAND AREA: 20 acres, more or lese

LEGAL DESCRIPTION: Lot 33 in the SW ¼ of Section 31, Township 10 North, Range 5 East; Lancaster County, NE

Prepared by

Tom Cajka, Planner

Date: August 20,2020

Applicant: Phillip Schneider
13500 W. Van Dorn St.
Pleasant Dale, NE 68423

Contact: Same as applicant

Owner: Same as applicant

F:\DevReview\SP\20000\SP20030 Schneider mobile home.tjc.docx

CONDITIONS OF APPROVAL - SPECIAL PERMIT #20030

Per Article 13.025 this approval permits a mobile home to be used for residential occupancy while building a house.

Site Specific Conditions:

1. Before receiving building permits provide the following documents to the Planning Department:
 - 1.1. Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
2. Construction of a new house shall be initiated within 12 months and completed within 36 months of approval of this special permit.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.2. The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



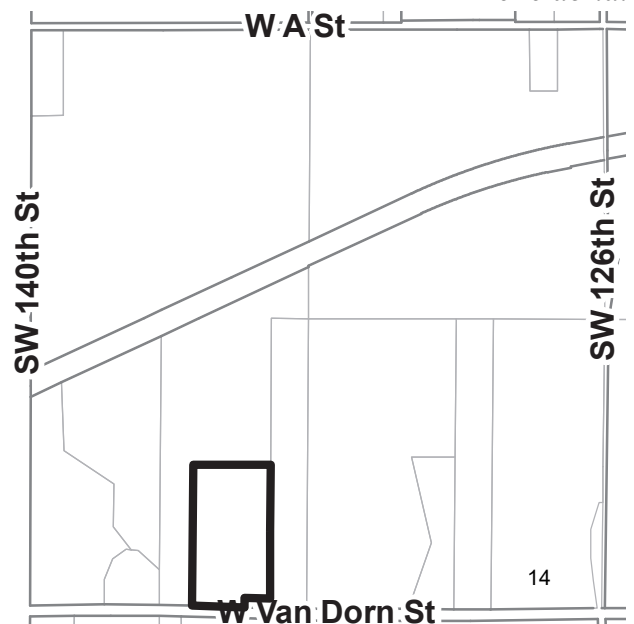
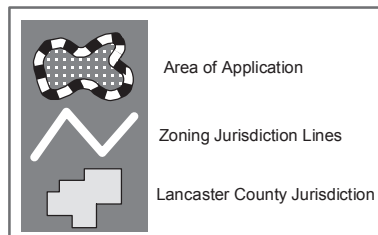
2020 aerial

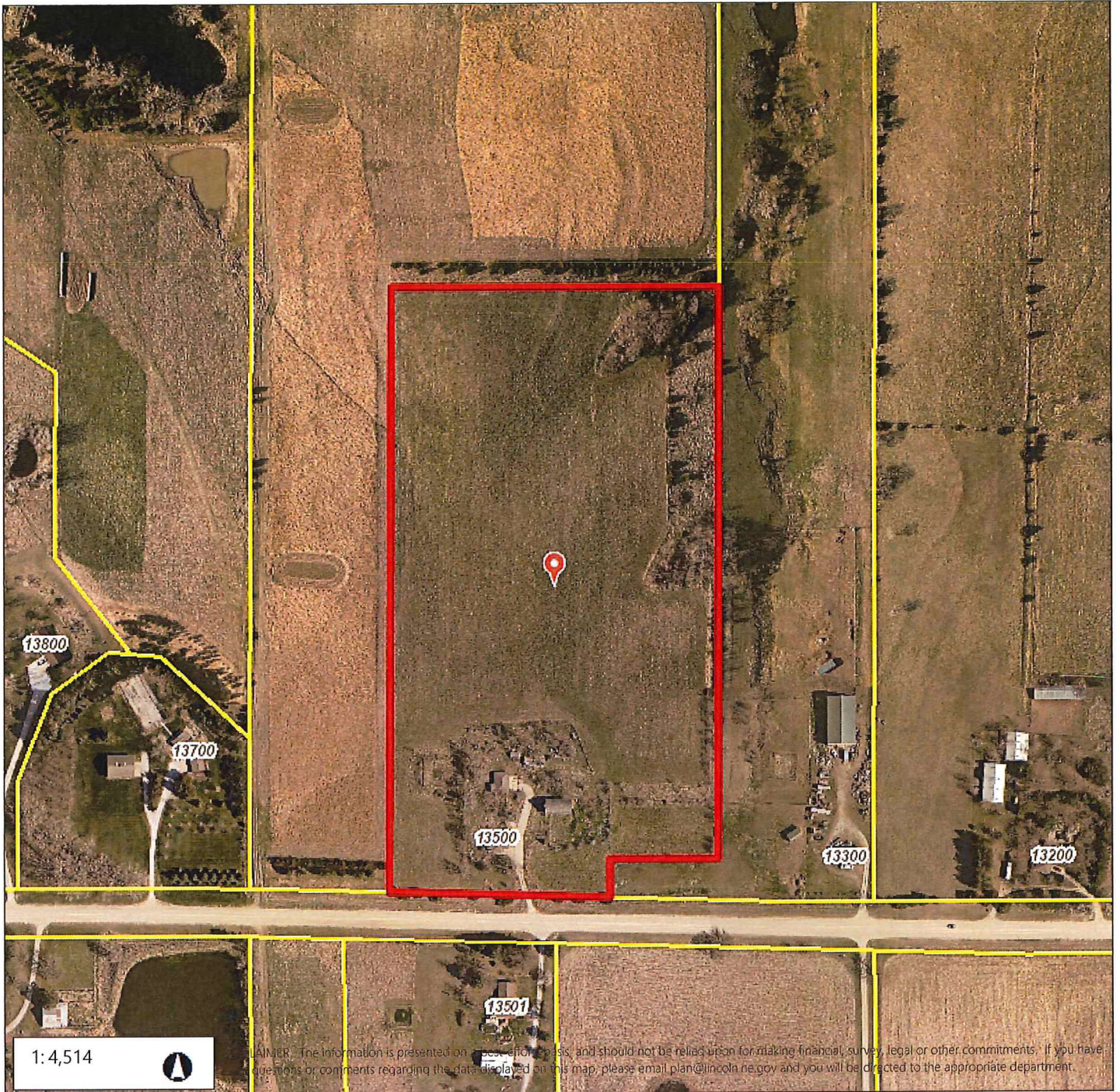
Special Permit #: SP20030
SW 140th St & W Van Dorn St

Zoning:

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

One Square Mile:
Sec.31 T10N R05E





Legend

- Address Labels
- Park Boundaries
- Park Labels
- Parcels_Aerial











LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

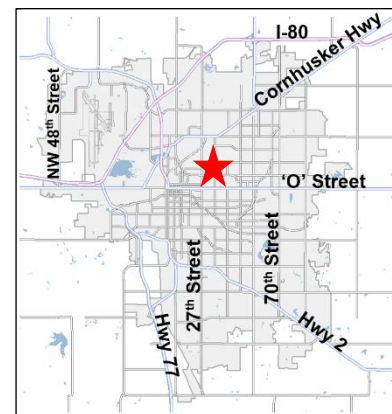
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit 20031 Ascension Academy	FINAL ACTION? Yes	DEVELOPER/OWNER Ascension Academy/City Impact
PLANNING COMMISSION HEARING DATE September 2, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1035 N. 33 rd Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Lincoln Municipal Code (LMC), Section 27.63.075 for a special permit for an academy use to be located at the southwest corner of N. 33rd Street and Overland Trail. The academy will include up to 40 students with 20 students per classroom. There will be 2 teachers. They will use 2 classrooms and the multi-purpose room in the existing building which is owned by City Impact. The academy usage of the building spaces will be non-concurrent with City Impact usage. Therefore, no additional parking is needed.



JUSTIFICATION FOR RECOMMENDATION

The proposal for an academy use is justified as it will utilize existing building facilities without causing the need for additional parking or causing any negative impact to the neighborhood.

APPLICATION CONTACT
Dan Rosenthal, (402) 484-7342 or
dan@regaeng.com

STAFF CONTACT
George Wesselhoft, (402) 441-6366 or
gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal, subject to conditions of approval is compatible with the Comprehensive Plan which encourages maintaining and enhancing services in existing neighborhoods.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.9 - The 2040 Lincoln Area Future Land Use Plan identifies the property as industrial.

p. 7.9 - Maintain and enhance infrastructure and services in existing neighborhoods.

p. 8.2 - Encourage cooperative planning and site development between the City and public and private educational institutions.

ANALYSIS

1. LINCOLN MUNICIPAL CODE (LMC) Chapter 27.02.170 provides that for a use to be a private school under the Zoning Ordinance it must meet the State of Nebraska requirements for elementary or secondary education. The proposed use does not meet the State requirements for elementary or secondary education and has filed with the Nebraska Department of Education as an exempt school. Therefore, the use is considered an Academy under the Zoning Ordinance. Chapter 27.02.020 defines Academies as follows:

Academies shall mean education and instruction facilities, including but not limited to, dance or music academies and gymnastic or martial arts schools. Academies shall not include early childhood care facilities, public schools, or private schools that meet the State of Nebraska requirements for elementary or secondary education or industrial trade schools.

2. The proposed location for the academy is the southwest corner of N. 33rd Street and Overland Trail, which is the existing City Impact building. City Impact is a non-profit organization that “invests in under resourced youth and families in Lincoln’s urban neighborhoods by providing one on one mentoring, reading programs, bible clubs, and leadership skills.” Their use falls under Neighborhood Support Services in the Zoning Ordinance per Chapter 27.02. SP11033 approved by City Council in 2012 authorized a Neighborhood Support Services facility for this location.
3. LMC 27.63.075 provides that an academy, community college, college or other post-secondary education facility when not otherwise permitted in the district may be allowed by special permit in the AG, AGR, R-1 through R-8, R-T, O-2, O-3, I-1 or I-3 zoning districts. The property in question is zoned R-4 Residential and is 0.79 acres.
4. The applicant describes the proposed academy as a private, learner-driven school for grades 1-12. The academy proposal is for up to 40 students with 20 students per classroom. There will be 2 teachers. They will use 2 classrooms and the multi-purpose room in the existing building. Classes will be continuously held from 8:00 a.m. - 3:00 p.m. The use of these areas will be non-concurrent with City’s Impact’s use of these areas. The academy use will vacate the areas at 3:00 p.m. while City Impact will commence use of the space at 4:00 p.m.
5. The Neighborhood Support Services use approved through SP11033 included relational and leadership development classes, development and training of volunteers, tenant education and financial counseling, family events and youth performances, administrative offices and church services. The proposed academy use, though separate and distinct, would be similar in terms of land use to the classes already part of the City Impact spectrum of services.
6. LMC 27.67 has specific provisions for academies for required parking, which would otherwise be one space for every three students plus one space for every employee. However, in this case, the parking for the academy will fall under the total parking provided for the Neighborhood Support Services use which is City Impact. The latter use was approved through SP11033A for 55 parking stalls based on the 3,000 square foot multi-purpose room. The application letter notes that the academy will use the classrooms and multi-purpose room at different times than City Impact. It will be a required note on the site plan that the uses will be non-concurrent, so no additional parking is required.
7. The proposed location is adjacent Peter Pan Park and is near the boundary of three neighborhoods, Clinton, Hartley and East Campus with numerous residential homes in the vicinity. This includes the nearby Flat Iron Crossing Community Unit Plan. Therefore, an academy for education grades 1-12 is an appropriate use for the location.
8. The proposal with conditions is consistent with the Comprehensive Plan which encourages maintaining and

enhancing services in existing neighborhoods. The use will not have a negative impact as it will utilize an existing building without increasing the need for parking or causing any negative external land use effects.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & EXISTING ZONING: Neighborhood Support Services & R-4 Residential District

SURROUNDING LAND USE & ZONING

North: Single Family Residential, Parking	R-4 Residential District
South: Peter Pan Park	P Public District
East: Warehouse	H-3 Highway Commercial District
West: Single Family Residential	R-4 Residential District

APPROXIMATE LAND AREA: 0.79 acres

LEGAL DESCRIPTION:

Lot 6, Block 1, City Impact Addition located in the NW 1/4 of Section 19-10-7, Lincoln, Lancaster County, Nebraska

Prepared by

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

Date: August 20, 2020

Owner: City Impact
1035 N. 33rd Street
Lincoln, NE 68503
(402) 477-8080
jdotterer@cityimpact.org

Applicant: Ascension Academy
2865 Sissel Road
Lincoln, NE 68516
(402) 217-1936
quintinyallaly@gmail.com

Contact: Dan Rosenthal
601 Old Cheney Road, Suite A
Lincoln, NE 68512
(402) 484-7342
dan@regaeng.com

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APPLICATION HISTORY - SPECIAL PERMIT 20031

July, 2004	Change of Zone 04031 and Special Permit 04023 for Flat Iron Crossing Community Unit Plan was approved by the City Council.
May, 2005	Flat Iron Crossing final plat was approved by the Planning Director.
January, 2012	Special Permit 04023A to amend Flat Iron Crossing Community Unit Plan was approved by the Planning Commission.
February, 2012	Special Permit 11033 for a Neighborhood Support Services facility was approved by the City Council.
March, 2013	Special Permit 11033A for a Neighborhood Support Services facility was approved by the Planning Commission with the only change from the prior Special Permit approval the demolition of the existing building instead of it being reused.
January, 2018	Administrative Amendment 18006 to Special Permit 11033A was approved to clarify the parking requirement for the building.

CONDITIONS OF APPROVAL - SPECIAL PERMIT 20031

Per Section 27.63.075 this approval permits an academy use with up to 40 students.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Amend General Note 3 that academy use of 2 classrooms and the multi-purpose room shall be non-concurrent with Neighborhood Support Services use so no additional parking is required. 55 spaces were required as part of SP11033 based on the 3,000 square foot multi-purpose room.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 2.2 Submit a lighting plan that conforms to the Design Standards for Outdoor Lighting.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the building, all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



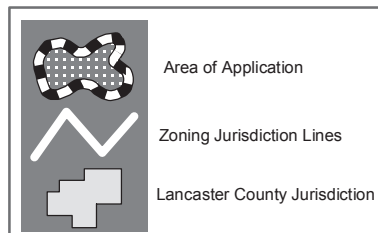
2020 aerial

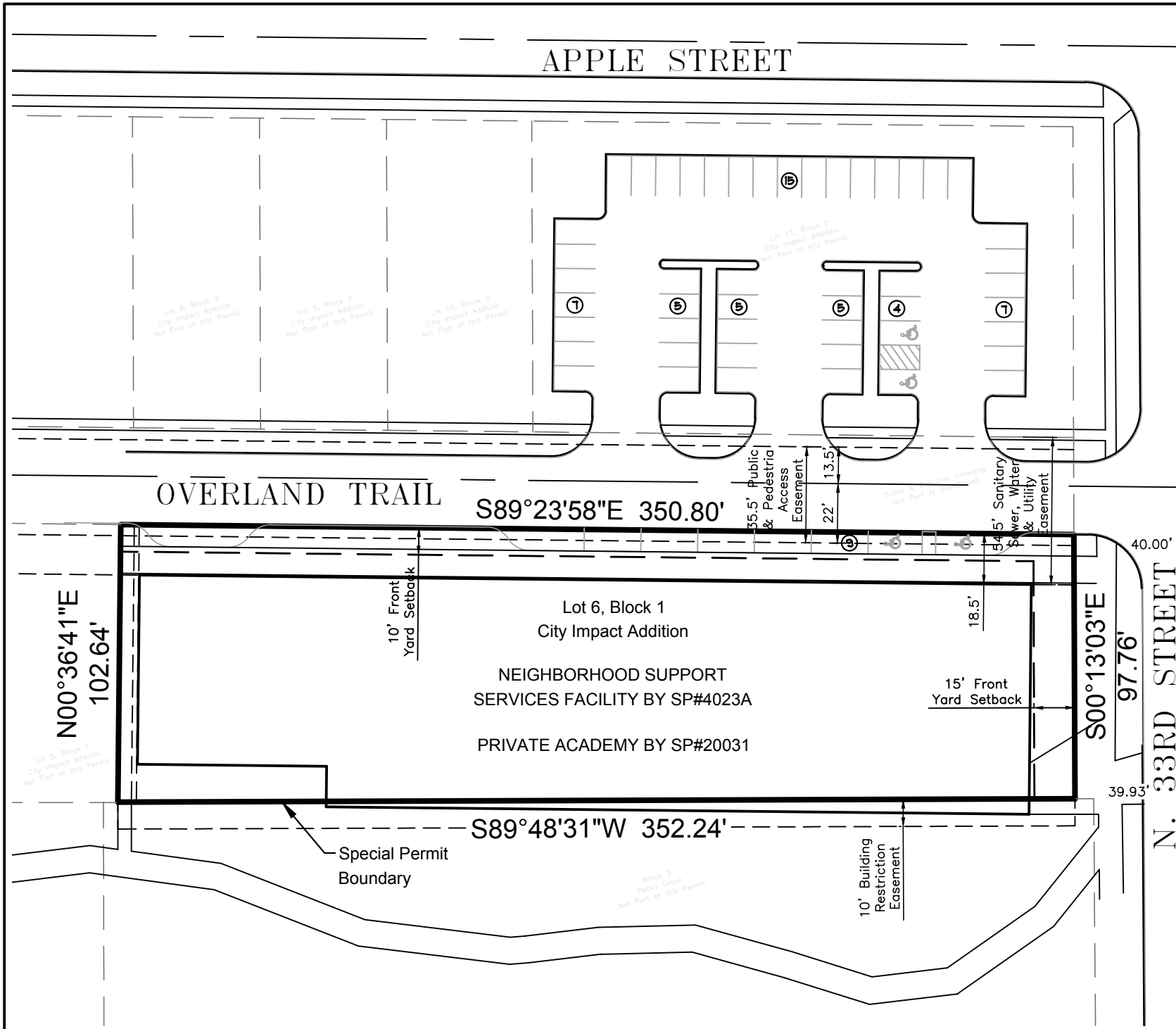
Special Permit #: SP20031
Ascension Academy
N 33rd St & Overland Trl

Zoning:

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

One Square Mile:
Sec. 19 T10N R07E





OWNER:
 CITY IMPACT
 1035 N. 33RD STREET
 LINCOLN, NE 68503
 402-477-8080

APPLICANT:
 ASCENSION ACADEMY
 2865 SISSEL ROAD
 LINCOLN, NE 68516
 402-217-1936

PARKING
 STUDENTS = 40 / 3 = 14 STALLS
 TEACHERS = 2 = 2 STALLS
 STALLS REQUIRED = 16 STALLS

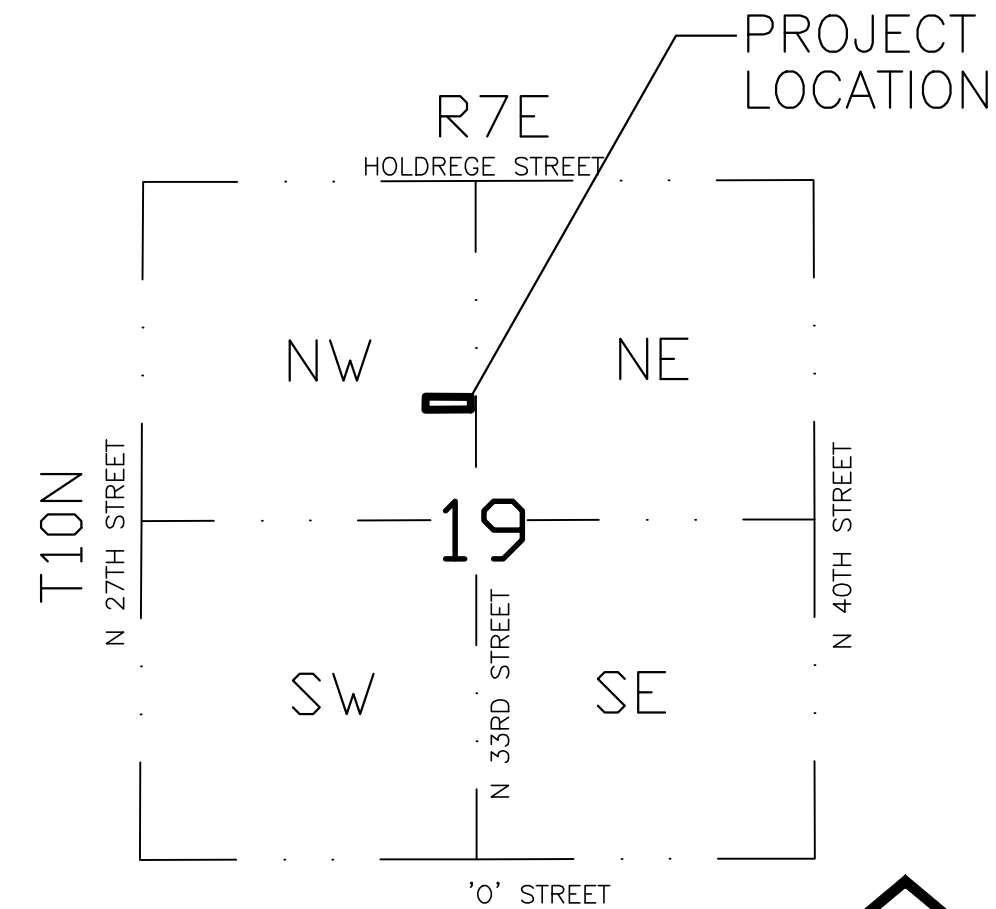
NORTH
 SCALE 1" = 50'

DESCRIPTION

LOT 6, BLOCK 1, CITY IMPACT ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER, COUNTY NEBRASKA.

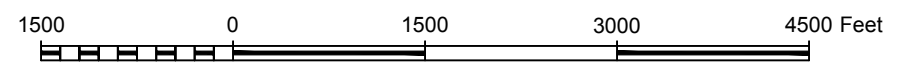
GENERAL NOTES

1. THIS SPECIAL PERMIT #20031 APPROVES A PRIVATE ACADEMY IN CONJUNCTION WITH NEIGHBORHOOD SUPPORT SERVICES FACILITY AS APPROVED WITH SPECIAL PERMIT #4023A.
2. THE PRIVATE ACADEMY SHALL ALLOW 40 STUDENTS AND 2 TEACHERS. CLASSES SHALL BE CONTINUOUS FROM 8 A.M. TO 3 P.M. THE NEIGHBORHOOD SUPPORT SERVICES FACILITY UTILIZES SPACE AT 4 P.M.
3. PARKING SHALL BE NONCONCURRENT.



VICINITY MAP

SCALE 1" = 1500'



PROJECT
201206

DATE:
8/14/2020

REGA

ENGINEERING GROUP, INC.
 601 OLD CHENEY RD.
 SUITE 'A'
 LINCOLN, NE 68512
 (402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

ASCENSION ACADEMY
 SPECIAL PERMIT #20031
 1035 NORTH 33RD STREET

SHEET NO.
1 of 1

August 4, 2020

Mr. David Cary
Director of Planning
George Wesselhoft
City of Lincoln/Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: FLAT IRON CROSSING
NEW SPECIAL PERMIT – ACADEMIES 27.63.075

Dear Mr. Cary,

Enclosed please find the following for the above-mentioned project:

1. City Application
2. Application Fee \$412
3. Interim Site Plan (Complete site plan is being prepared by Rega Engineering and will be submitted as soon as possible).
4. Letter of Nonconcurrent Occupancy

On behalf of Ascension Academy, I am submitting a new special permit application for use of the existing City Impact building and adjacent existing parking lot to the north.

Ascension Academy is a private, learner-driven school for grades 1-12. Ascension is an Acton Academy affiliate school and uses curriculum and methods of Acton Academy. Conventional school subjects are studied including reading, writing, arithmetic, science, and history. Ascension does not meet the State of Nebraska accreditation requirements for elementary or secondary education and has filed with Nebraska Department of Education as an exempt school. Therefore, Ascension is applying for a special permit as an “Academy” in LMC 27.63.075 to utilize unused space in the City Impact building during regular school hours of 8:00am-3:00pm.

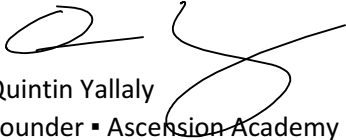
City Impact is permitted as a Neighborhood Support Services Facility. Because Ascension Academy is determined to be an “Academy” according to LMC 27.63.075 we are applying for a New Special Permit. We are not proposing or applying for any changes to the building or parking lot.

Ascension Academy will have 2 teachers and up to 40 students with up to 20 students in each classroom. Classes will be continuous from 8:00am-3:00pm. We will be using 2 classrooms and the multi-purpose room in the City Impact building. Our use of these areas will be nonconcurrent with City

Impact's use of these areas. Ascension Academy will vacate the areas at 3:00pm while City Impact will not begin to utilize the space until 4:00pm. Parking in the adjacent lot to the north of the City Impact building will provide ample capacity for Ascension staff and parents.

Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Quintin Yallaly', with a large, stylized flourish extending from the end of the name.

Quintin Yallaly
Founder ▪ Ascension Academy
2865 Sissel Rd.
Lincoln, NE 68516
402-217-1936 ▪ quintinyallaly@gmail.com

August 4, 2020

Mr. David Cary
Director of Planning
George Wesselhoft
City of Lincoln/Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: NONCONCURRENT OCCUPANCY

Dear Mr. Cary:

Ascension Academy wishes to utilize unused space in the City Impact building, specifically, 2 classrooms, the multi-purpose room, and the adjacent parking lot to the north on school days from 8:00am-3:00pm. Ascension Academy will not be using these areas while City Impact is using these rooms. City Impact begins using these rooms and the respective parking area at 4:00pm.

City Impact Signature: Jesse Dotterer Date: 8/5/2020
Name: Jesse Dotterer Title: Director of Operations

Ascension Academy Signature: Quintin Yallaly Date: 8/4/20
Name: Quintin Yallaly Title: Founder



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Text Amendment #20005	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE September 2, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

Based on a request from the Governor and a recommendation from the Nebraska Capitol Environs Commission (NCEC), The Lincoln-Lancaster County Planning Department is proposing a text amendment to add a fourth ex-officio member (non-voting) to the NCEC. That additional member is proposed to be the Nebraska Capitol Commission’s Capitol Administrator or their designee. In pursuing this request, the Planning Department has taken the opportunity to make references to ex-officio members gender-neutral.

JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment will enhance the expertise and knowledge of the Nebraska Capitol Environs Commission (NCEC) by adding the Nebraska Capitol Commission’s Capitol Administrator to its official membership. The Office of the Capitol Commission, and specifically the Capitol Administrator, is responsible for the preservation and day-to-day management of the Capitol. As such, the Capitol Administrator is keenly aware of the significance of the Capitol and its surroundings, and has provided valuable insights to the NCEC for many years in an unofficial capacity. Further, it will better balance membership representation from the City and the State.

APPLICATION/STAFF CONTACT

Collin Christopher, (402) 441-6370 or
cchristopher@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This text amendment conforms to the Comprehensive Plan goal of protecting views to the Capitol and improving the setting around the Capitol by adding a membership position to the Nebraska Capitol Environs Commission that expands the overall expertise and knowledge of the Commission.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 4.4 - Placemaking Current Practices

“The Capitol Environs Commission is a unique board combining membership appointed by the City and by the State, empowered to protect and to advocate for improvements to the setting of the beautiful Nebraska State Capitol. All public and private property within the Capitol Environs District receives the Commission’s design oversight, along with key view corridors to the Capitol which enhance the whole community.”

P. 4.6 - Placemaking Guiding Principles

- The 400-foot State Capitol is the key historic, architectural, and geographic landmark of the city and surrounding countryside. Views to the Capitol are highly valued by the people of Lancaster County and the State of Nebraska and should be protected and enjoyed for generations. The community’s opportunity to benefit from the Capitol is further enhanced by improvements to its immediate setting, especially to the axial malls which extend from the Capitol in the cardinal directions, such as Centennial Mall.

ANALYSIS

1. Currently, the Nebraska Capitol Environs Commission includes seven voting members and three ex-officio (nonvoting) members. The three ex-officio members include the City of Lincoln Planning Director or his designee, the City of Lincoln Parks and Recreation Director or his designee, and the Director of the Nebraska Department of Administrative Services or his designee.
2. The Governor of Nebraska, on the behalf of the Nebraska Capitol Commission made a request to the Lincoln-Lancaster County Planning Department to consider adding a fourth ex-officio member to the NCEC. The fourth ex-officio is proposed to be the Nebraska Capitol Commission's Capitol Administrator or their designee. Upon being presented with this request by Planning Staff, the NCEC recommended that the Planning Department move forward with a text amendment to add a fourth ex-officio member.
3. The Capitol Administrator and the Office of the Capitol Commission is responsible for day-to-day management of the Capitol. They are intimately familiar with the history and significance of the Capitol, as well as its surroundings. Further, the Capitol Administrator has been a valuable asset to the NCEC in an unofficial capacity.
4. In addition to the added expertise that this fourth ex-officio member would bring to the NCEC, it will also serve to better balance representation on the Commission between the City and the State. Currently, there are two ex-officio members representing the City and one ex-officio member representing the State. This text amendment would add a second State representative.
5. In the process of drafting this text amendment, Planning Staff decided to propose additional revisions to this section of the Municipal Code in order to make all references to ex-officio members gender-neutral.
6. The following text amendment was determined in cooperation with the State of Nebraska, the Nebraska Capitol Environs Commission, and City Staff:

27.56.050 Membership.

The Nebraska Capitol Environs Commission membership shall be appointed by the Mayor with confirmation by the majority of the City Council and shall include five members with due consideration given to appointment of an architect, landscape architect, an urban planner, a real estate developer and a member of the public at large. The Nebraska Capitol Environs Commission membership shall also include two members to be appointed by the Governor of the State of Nebraska, at least one of whom shall be a resident of the City of Lincoln, Nebraska. The ~~four~~ three ex officio (nonvoting) members of the commission shall be City of Lincoln Planning Director or their ~~his~~ designee, the City of Lincoln Director of Parks and Recreation or their ~~his~~ designee, ~~and the Director of the Nebraska Department of Administrative Services or their designee, and the Office of the Nebraska Capitol Commission's Capitol Administrator or their designee.~~ Members are to be appointed for terms of three years, provided that of the members first taking office, one of the governor's appointees shall be appointed for a two-year term and the other shall be appointed for a three-year term; and one of the Mayor's appointees shall be appointed for a one-year term, two shall be appointed for two-year terms, and two shall be appointed for three-year terms. Members may serve for more than one term and each member shall serve until the appointment of a successor. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold such office for the unexpired term."

Prepared by

Collin Christopher, Planner

Date: August 20, 2020

Applicant/Contact: Lincoln/Lancaster County Planning Department
Collin Christopher
555 S 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-6370 or cchristopher@lincoln.ne.gov

F:\DevReview\TX\20000\TX20005 Capitol Environs.cmc.docx

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.56 Capitol Environs District of the Lincoln
2 Municipal Code by amending Section 27.56.050 Membership to add a fourth ex officio member
3 to the Nebraska Capitol Environs Commission; and repealing Section 27.56.050 as hitherto
4 existing.

5 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

6 Section 1. That Section 27.56.050 of the Lincoln Municipal Code be amended to
7 read as follows:

8 **27.56.050 Membership.**

9 The Nebraska Capitol Environs Commission membership shall be appointed by the Mayor
10 with confirmation by the majority of the City Council and shall include five members with due
11 consideration given to appointment of an architect, landscape architect, an urban planner, a real
12 estate developer, and a member of the public at large. The Nebraska Capitol Environs Commission
13 membership shall also include two members to be appointed by the Governor of the State of
14 Nebraska, at least one of whom shall be a resident of the City of Lincoln, Nebraska. The ~~four~~
15 ex officio (nonvoting) members of the commission shall be City of Lincoln Planning Director or
16 ~~their~~ designee, the City of Lincoln Director of Parks and Recreation or ~~their~~ designee, ~~and~~
17 the Director of the Nebraska Department of Administrative ~~s~~Services or ~~their~~ designee, ~~and the~~
18 Office of the Nebraska Capitol Commission's Capitol Administrator or their designee. Members
19 are to be appointed for terms of three years, provided that of the members first taking office, one
20 of the governor's appointees shall be appointed for a two-year term and the other shall be appointed
21 for a three-year term; and one of the Mayor's appointees shall be appointed for a one-year term,

1 two shall be appointed for two-year terms, and two shall be appointed for three-year terms.
2 Members may serve for more than one term and each member shall serve until the appointment of
3 a successor. In the event of a vacancy, an appointment shall be made to fill the vacancy in the
4 same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall
5 hold such office for the unexpired term.

6 Section 2. That Sections 27.56.050 of the Lincoln Municipal Code as hitherto
7 existing be and the same are hereby repealed.

8 Section 3. This ordinance shall be published, within fifteen days after the
9 passage hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or
10 posted on the official bulletin board of the City, located on the wall across from the City Clerk's
11 office at 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice
12 of passage and such posting to be given by publication one time in the official newspaper by the
13 City Clerk. This ordinance shall take effect and be in force from and after its passage and
14 publication or after its posting and notice of such posting given by publication as herein and in the
15 City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2020:

Mayor



Pete Ricketts
Governor

STATE OF NEBRASKA

OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
Phone: (402) 471-2244 • pete.ricketts@nebraska.gov

February 19, 2020

David Carey, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Room 213
Lincoln, Nebraska 68508

Re: Expanding Membership on the Nebraska Capitol Environs Commission

Dear Director Carey:

In our February 18, 2020 quarterly meeting, the Nebraska Capitol Commission took action to request an amendment to an existing City of Lincoln ordinance, asking for the addition of a fourth designated ex-officio, non-voting member on the joint City-State Nebraska Capitol Environs Commission. This request is a legislative housekeeping measure which resulted from a 2004 state statute change in the administrative structure of state government placing the oversight, planning, and preservation of the Nebraska Capitol and grounds under a newly configured Nebraska Capitol Commission.

Prior to 2004, the only designated ex-officio, non-voting state representative to the Environs Commission was a designee of the Department of Administrative Services (DAS). In 2004, with the creation of a new Nebraska Capitol Commission and its administrative agency, the Office of the Capitol Commission, the position of Capitol Administrator was created to oversee this office. It is the Capitol Commission's desire that the Capitol Administrator or his/her designee be added to the ex-officio, non-voting membership of the Capitol Environs Commission in addition to the existing DAS representative for the State along with the City Parks Director and City Planning Director or designees. With this change in language both the Capitol, its site, and all other state-owned and managed property located within the Environs District, will be represented on this important joint city-state policy-making body.

Should you have any questions or need clarification about this requested change in city law, please contact Bob Ripley, Capitol Administrator, at 402-450-9393 or bob.ripley@nebrasks.gov.

Sincerely,

Pete Ricketts, Governor
Chairman of the Capitol Commission

cc: Nebraska Capitol Commissioners
Office of the Capitol Commission
Department of Administrative Services

MEETING NOTES

NAME OF GROUP: NEBRASKA CAPITOL ENVIRONS COMMISSION

DATE, TIME AND PLACE OF MEETING: Friday, July 24, 2020, 8:00 a.m., City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Mary Campbell, Delonte Johnson, Kile Johnson, Karen Nalow, Ann Post and David Quade; (Heidi Cuca absent).

OTHERS IN ATTENDANCE: Collin Christopher, George Wesselhoft and Teresa McKinstry of the Planning Department; Lynn Johnson of Parks & Recreation; Bob Ripley and Matt Hansen with the Nebraska Capitol Commission.

STATED PURPOSE OF MEETING: Nebraska Capitol Environs Commission Meeting

ADDITION OF A FOURTH EX-OFFICIO MEMBER TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION
PUBLIC HEARING: **July 24, 2020**

Members present: Campbell, D. Johnson, K. Johnson, Nalow, Post and Quade; Cuca absent.

Christopher received a request to add another ex-officio member to the Nebraska Capitol Environs Commission. There are currently three. The fourth would be the Capitol Administrator or their designee. This would balance out the Ex-Officio representatives to have two from the City and two from the State. The Mayor's office has indicated their support.

ACTION:

Kile Johnson moved approval, seconded by Nalow.

Kile Johnson thinks this is a great idea. It would be a great help with the issues the Commission faces.

Matt Hansen pointed out that the proposed text makes note of 'three' members when it should be amended to say 'four'. Christopher will correct the text.

Ripley wanted to explain how this came about. He is currently the Capitol Administrator. This was requested because of a 2004 change in the administrative structure of state government. The legislature and Governor changed the structure to separate the people who take care of the Capitol building into a separate agency and reactivated the historic Capitol Commission. This Commission came into being in 1919 with the creation of the current State Capitol. It was originally five members and was expanded to nine. When he was in a capacity under the State Building Commission, all environs were under one State entity. Those became two entities in 2004. There are almost eleven city blocks of State owned blocks in the Capitol Environs. Four are Capitol sites, the other seven are under Administrative Services. It makes sense to have both separate entities represented. This request is not self-serving. He was involved in the early days of the Nebraska Capitol Environs Commission and believes that whoever is heading the Capitol Commission should have representation.

Motion carried 6-0: Campbell, D. Johnson, K. Johnson, Nalow, Post and Quade voting 'yes'; Cuca absent.