

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

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Shelli Reid: Administrative Officer
Jennifer McDonald: Administrative Aide
Alexis Longstreet: Office Specialist

February 22, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, February 22, 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, February 22, 2023

Approval of minutes of the regular meeting held February 8, 2023.

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

COMPREHENSIVE PLAN CONFORMANCE:

1.1 *Page 1* COMPREHENSIVE PLAN CONFORMANCE 23001, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, a proposed amendment to the N. 27th Street Corridor and Environs Redevelopment Plan to identify the "27th & Starr Redevelopment Project" which will redevelop two properties with a 12-unit apartment building, 3 townhomes and associated parking, on property generally located at the NE corner of N. 27th and Starr Streets.
Staff recommendation: In Conformance with Comprehensive Plan
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

1.2 *Page 31* COMPREHENSIVE PLAN CONFORMANCE 23002, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, the "NW 48th Redevelopment Area Redevelopment Plan", a proposed guide for redevelopment activities within the Redevelopment Plan Area, consisting of 815 acres generally bounded by NW 56th Street on the west, N Wilkins Street on the north, NW 40th Street on the east, and W Holdrege on the south, and including the NW 48 Apartments Redevelopment Project, with approximately 289 apartment units, on property, generally located at NW 48th Street and W Holdrege Street.
Staff recommendation: In Conformance with Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

CHANGE OF ZONE:

- 1.3 *Page* CHANGE OF ZONE 23003, from AG (Agriculture District) to I-1 (Industrial District), to allow for additional storage and staging of construction materials, on property generally located at N 70th Street and McCormick Drive.
Staff recommendation: Conditional Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

TEXT AMENDMENT:

- 2.1 TEXT AMENDMENT 23001, amending the Lincoln Municipal Code Title 26, relating to form of the street tree plan and cash buyout requirements.
Staff recommendation: Place on pending at the applicant's request
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

3. ITEMS REMOVED FROM CONSENT AGENDA

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

CHANGE OF ZONE AND RELATED ITEMS:

- 4.1a *Page* CHANGE OF ZONE 23001, from R-2 (Residential District) and O-2 (Business District) to O-3 (Business District), to add office space and associated parking, on property generally located at 5025 Garland Street.
Staff recommendation: Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov
- 4.1b *Page* USE PERMIT 23001, to allow office space and associated parking, on generally located at 5025 Garland Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.
Staff recommendation: Conditional Approval
Staff Planner: Emma Martin, 402-441-6369, emartin@lincoln.ne.gov

USE PERMIT:

- 4.2 *Page 73* USE PERMIT 56G, to allow for the addition of a 61,000 square foot mini warehouse, on property located at 3400 North 27th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.
Staff recommendation: Conditional Approval
Staff Planner: Emma Martin, 402-441-6362, emartin@lincoln.ne.gov

COUNTY MISCELLANEOUS:

- 4.3 *Page 85* MISCELLANEOUS 23001, to revoke existing Special Permit 21005, on property generally located at 22500 South 176th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council.
Staff recommendation: Approval of Revoke Special Permit
Staff Planner: Tom Cajka, 402-441-5662, tcajka@lincoln.ne.gov

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

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

Adjournment

PENDING LIST: *PRELIMINARY PLAT 04011A, for a preliminary plat amendment to show a revised street layout, with associated waiver, on property generally located at Waterford Estates Drive and Linwood Lane.*

Planning Department Staff Contacts:

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at <https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>

The Planning Commission agenda may be accessed on the Internet at <https://app.lincoln.ne.gov/city/plan/boards/pc/pc.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 Lincoln Commission on Human Rights at 402-441-7624, or the City Ombudsman at 402-441-7511, 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 Comprehensive Plan Conformance 23001 <i>27th & Starr Redevelopment Project</i>	FINAL ACTION? No	OWNER LA Real Estate LLC
PLANNING COMMISSION HEARING DATE February 22, 2023	RELATED APPLICATIONS None	PROPERTY LOCATION NE corner of 27 th and Starr Streets

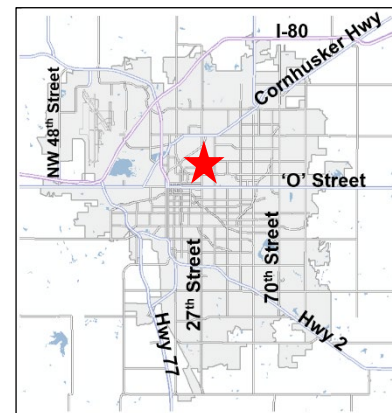
RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the N. 27th Street Corridor and Environs Redevelopment Plan to add the "27th & Starr Redevelopment Project".

The Project includes construction of a 12-unit apartment building, 3 townhomes and associated parking. The 15 dwelling units will be a mix of market-rate and affordable units.

The Redevelopment Project is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATS): [CPC23001](#).



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan and the N. 27th Street Corridor and Environs Redevelopment Plan. It will utilize existing infrastructure, contribute to Lincoln’s affordable housing stock, and help meet the Comprehensive Plan goal of 12,000 new dwelling units to be located within the existing built-out portion of the City.

APPLICATION/STAFF CONTACT

Ernie Castillo
City of Lincoln Urban Development Dept
(402) 441-7855
ecastillo@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project provides appropriately placed infill development with townhomes in addition to apartments to serve as transition to the adjacent single family residential. Further, the project is consistent with the City of Lincoln Nebraska Affordable Housing Coordinated Action Plan which seeks to increase the number of affordable units in Lincoln.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future Commercial and Urban Residential on the 2050 Future Land Use Plan.

The Community in 2050

The following assumptions provide the framework for growth in the 2050 plan.

Lancaster County is projected to add approximately 53,000 households by 2050, with 48,000 of those new households in Lincoln (roughly 1,600 new households per year).

Twenty-five percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

Goals Section

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Policies Section

P1: Housing Affordability - Make available a safe residential dwelling for all residents.

Action Steps

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.

P2: Existing Neighborhoods - Continue our commitment to strong, diverse, and complete neighborhoods.

Action Steps

3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Increased infill allows the community to grow our population and tax base while focusing public dollars on maintaining what we already have, rather than spending money constructing and maintaining new facilities. Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

NORTH 27th STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN SPECIFICATIONS:

- p. 22 - Guiding Development Principles for the North 27th Street Corridor
 - Affordable Housing Replacement: Replace and even expand the affordable housing stock by assuring adequate sites for moderately priced residential development.
- p. 31e - Redevelopment Activities: Residential...1. Residential Redevelopment and Housing Rehabilitation
 - Rehabilitate or remove existing deteriorating and substandard housing.
 - Expand the housing supply available in the redevelopment area.
 - Encourage housing that is affordable, particularly for low and moderate income households.

LINCOLN AFFORDABLE HOUSING COORDINATED ACTION PLAN SPECIFICATIONS:

- p. 8 Over the next decade, Lincoln will need an additional 17,000 units to support projected population growth.
- p. 9 Of the 17,000 additional units, 5,000 of those units will need to rent below \$1,000 a month and almost 4,000 ownership options will need to be priced below \$200,000.
- p. 64 Land costs and changes in the tax law, along with the ability to quickly and easily make profits on market-rate products, has made the participation in Low Income Housing Tax Credit (LIHTC) projects less appealing. Lincoln will need to find ways to increase the appeal of these types of projects, which are an essential source of housing for those making less than 80% AML.

ANALYSIS

1. This is an amendment to the N. 27th Street Corridor Environs and Redevelopment Plan to add the 27th & Starr Redevelopment Project. The Project involves the construction of a 12-unit apartment building, 3 townhomes and associated parking with a mix of market rate and affordable rental rate units for a total of 15 dwelling units.
2. The apartment building will include approximately 12 three-bedroom units. The apartment building will be 3 stories. The townhomes will include approximately 3 four-bedroom units and will be 2 stories in height.
3. The site is currently vacant in anticipation of redevelopment. The site in the early 2000s was being used for commercial use along N. 27th Street and residential use on the east part. The City of Lincoln purchased the properties in July 2010. The City demolished the structures and cleared the lots for future redevelopment. The lots were sold by the City in June of 2018.
4. CZ21010 was approved by City Council in May 2021. This was a change of zone for the property from B-3 (Commercial) and R-4 (Residential) to R-6 (Residential). A 9-unit townhome project was proposed by a prior developer for the property. The rezoning included an associated zoning agreement which limited the site to 9 dwelling units. The proposed project will require an amendment to the change of zone agreement to allow 15 dwelling units. No change of zone is needed. The R-6 Residential District allows multifamily uses and townhomes. The proposed project is in conformance with the existing R-6 zoning.

5. The Project was reviewed at the January 3, 2023, Urban Design Committee (UDC) meeting and was recommended for approval 5-0 with suggestions made for street trees and exterior treatment of the tri-plex, windows on the corners, and east and west facades. An excerpt from the draft minutes is attached along with the UDC staff report and associated graphics.
6. The Project is consistent with goals in the Comprehensive Plan, PlanForward 2050. Specifically, the 2050 Plan encourages housing affordability, establishing a mix of uses within neighborhoods including multifamily and single family and residential infill development to meet new housing needs.
7. The Project is also consistent with the N. 27th Street Corridor and Environs Redevelopment Plan. The Redevelopment Plan encourages a mix of uses, stable redevelopment, expansion of the housing supply and expansion of affordable housing.
8. The Project also conforms with the City of Lincoln Nebraska Affordable Housing Coordinated Action Plan which seeks to increase the number of affordable units in Lincoln and recognizes the role of infill development.
9. The Project represents a significant investment in the North 27th Street Corridor and Environs Redevelopment Plan Area. Publicly funded redevelopment activities may include: site acquisition; street sidewalk and alley improvements, landscaping, facade enhancements, and other public improvements and related costs and activities as permitted under the Community Development Law.
10. The total estimated development cost to implement the Project is approximately \$2,750,000 which includes approximately \$380,000 in public financing to fund public improvements and enhancements. The source of public funds will be the tax increment generated from the private developments on the Project Site. The Project is expected to generate approximately \$42,058 in annual TIF revenue to assist with the cost of the construction of public improvements and enhancements related to the project. More details can be found in the Cost Benefit Analysis section of the redevelopment plan amendment.

EXISTING ZONING: R-6 Residential District

EXISTING LAND USES: Vacant

SURROUNDING LAND USE & ZONING

North: Commercial, Single Family; B-3, R-4
 South: Commercial, Single Family; B-3, R-4
 East: Single Family; R-4
 West: Single Family, Vacant; B-3

APPROXIMATE LAND AREA: 27,741 square feet

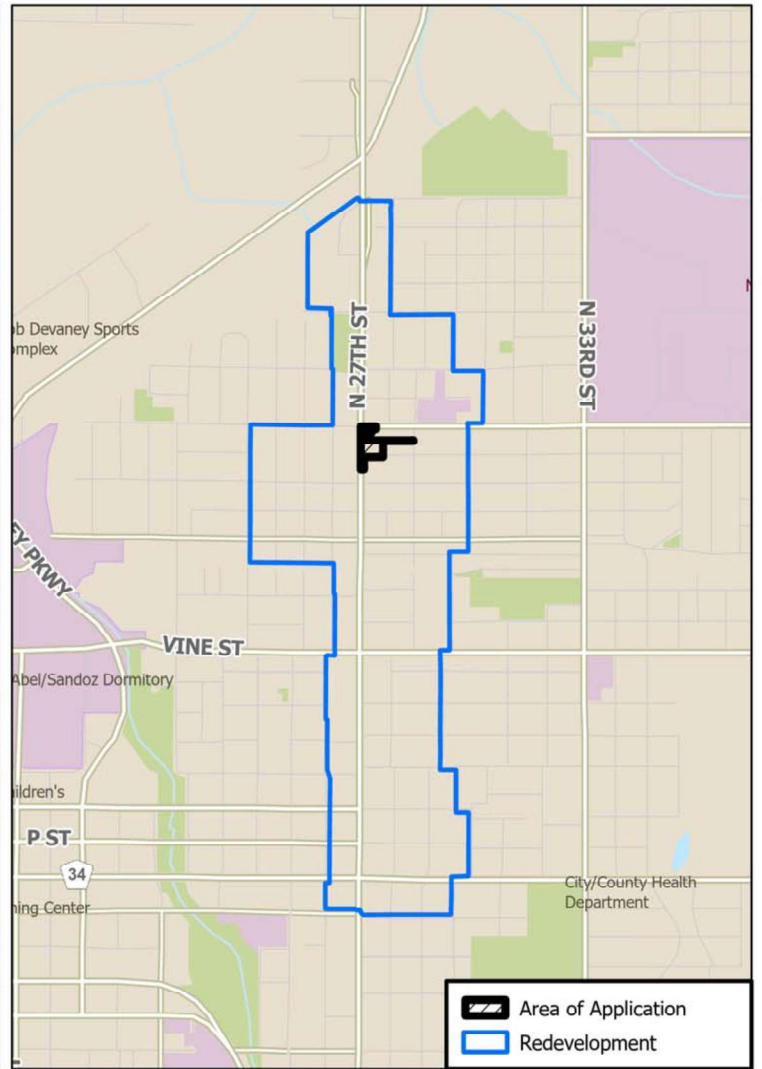
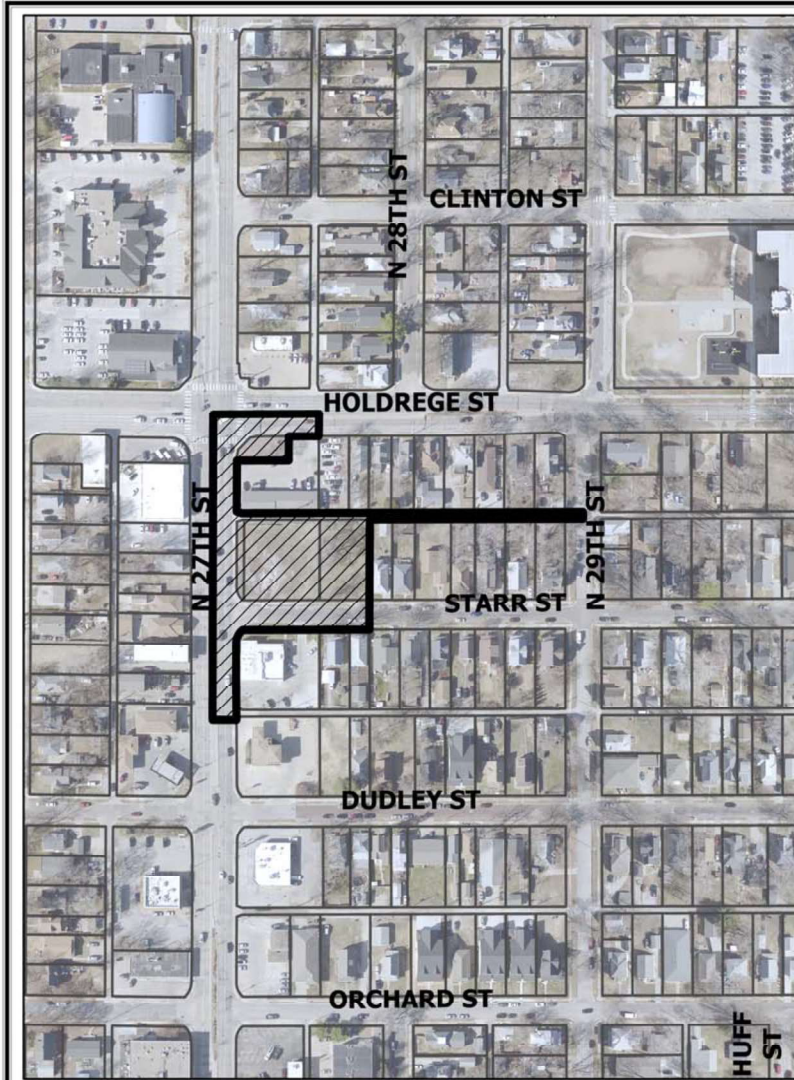
Prepared by George Wesselhoft, Planner
 (402) 441-6366 or gwesselhoft@lincoln.ne.gov



Date: February 9, 2023

Applicant: Urban Development Department, City of Lincoln
 555 S. 10th Street, Suite 205
 Lincoln, NE 68508

Contact: Ernie Castillo
 (402) 441-7855 or ecastillo@lincoln.ne.gov

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23001 27th & Starr Redevelopment Project.docx>



	Area of Application
	Redevelopment

2022 aerial

Comprehensive Plan Conformance #: CPC23001
N 27th Street Redevelopment Plan
27th & Starr Redevelopment Project



Project: GIS\Projects\DevReview\CPCRedevelopmentAreaDrawings.aprx
 PDF: Board\CPC\Internet\OUT

Draft Excerpt from MEETING RECORD

Advanced public notice of the Urban Design Committee meeting was posted on the County-City bulletin board and the Planning Department's website.

NAME OF GROUP: URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: Tuesday, January 3, 2023, 3:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Mark Canney, Jill Grasso, Peter Hind, Tom Huston and Michelle Penn; (Emily Deeker and Gill Peace absent).

OTHERS IN ATTENDANCE: Paul Barnes, Collin Christopher and Teresa McKinstry of the Planning Department; Derek Zimmerman and Justin Hernandez with REV Development; Kurt Suhr with Architecture One; Kevin Riley with Riley Designs; Aaron Burd; and other interested parties.

Chair Penn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

N. 27TH AND STARR MULTIFAMILY PROJECT: **January 3, 2023**

Members present: Canney, Grasso, Hind, Huston and Penn; Deeker and Peace absent.

Christopher stated that the project in front of the Committee is a 15-unit infill project on the northeast corner of 27th Street and Starr Street in the Clinton neighborhood. There would be a 12-plex building and a tri-plex with each unit on its own individual lot. The questions to consider today is if the tri-plex units serve as a proper transition to the neighborhood, and whether the 12-plex fits within the larger context of both the neighborhood and the N 27th Street business district. The City is requiring street trees along N. 27th Street and Starr Street. The Starr Street side was agreed on previously. The N 27th Street side is unique. There is a sliver of City-owned property between the right-of-way and the applicant's property that is anticipated to be used for a future turn lane. The applicant has agreed to plant trees in this space in the interim.

Kurt Suhr stated that Starr Street is one block south of Holdrege Street. They are proposing 12 three bedroom apartments in a three-story building. The adjacent two-story building will be made up of three (3) four bedroom townhouses. The effort there is to step this down as it goes into the neighborhood. It would have a hip roof. The houses in the neighborhood are primarily

single story bungalow houses. They are proposing Hardie siding with some stone at the entrance. The buildings would be a combination of lap siding, vertical board and batten, and cement siding. The roof would be asphalt shingle. Color wise, they did a project at 25th Street and 'Y' Street that was a monochromatic palette of grays. The representation in the agenda is fairly close. The site is pretty full. The building faces south for the main entrance. Parking is along the alley to the north. North of this is a grocery store. South across the street is a laundromat. He showed an image of Starr Street. They butt up against two small houses. He showed some images of houses in the area.

Canney inquired about the distance between the lot line and public right-of-way. Kevin Riley stated that from the sidewalk is a 17 foot piece of lane saved for the turn lane. From that sliver of land is an additional 10 foot side yard. From sidewalk is about 27 feet. The question is where do the trees get planted. Christopher believes that will be up to Parks and Recreation. Canney knows that Parks and Recreation will address the issue. It sounds like the applicant has this addressed in the next phase. Christopher asked if the Committee had a recommendation on particular tree. Canney would recommend something columnar. You could go smaller and not as controversial to be removed, or do columnar and plant it far enough back that you don't have to move it. He would recommend a tree that doesn't get more than 10 to 12 feet wide.

Hind understands that you can't drive between the buildings from the north. Riley noted that was correct. Over one year ago, the previous owners rezoned this. There are some increased sideyard setbacks. There is a 15 foot instead of the typical 10 foot sideyard. It is currently R-6 zoning. Regulations say you have to pave the alley. This was originally replatted for nine row houses. In discussions with Urban Development, Ernie Castillo and Dan Marvin liked the idea of transitioning from row houses to townhouses, to apartments. What you see here is allowed by code. Burd noted that from his research, vinyl siding is almost the same price as fiber cement Hardie board. Everything is pre-finished. The tri-plex and both buildings would be somewhat of the same color palette, to have it flow. They are looking at pre-finished lap siding. The belt line is proposed for real stone. The offset middle protrudes more. Each has its own porch.

Grasso asked if the windows will have trim. Riley answered there will be a picture frame trim.

Canney wondered what is happening on the east and west end of the apartment building. Riley stated the center is 72 inch wide by 42 inch tall bedroom windows. Suhr showed an image of a similar property to what is being proposed.

There was a discussion of different design elements for the building.

Grasso mentioned that she would like to see the door match a little more.

Huston believes the question is whether or not a tri-plex is sufficient buffer to the existing neighborhood. In his opinion, he thinks it is a nice blend and a good transition.

Penn thinks the design of the 12 plex is relatively flat, but efforts were made with the push and pull on the 12 plex. Riley noted the entry has an offset of 2 feet, a shed roof and stone columns.

Hind noted the windows facing 27th Street. Riley stated that building code says you can declare your front on one side or the other. The Planning Dept. told them that 27th Street is technically a side yard due to the upcoming turn lane dedication. Starr Street is the front. This is not a corner lot.

Canney thinks the goal is to keep the trees long term. Riley stated he had heard from the City that if ownership changes on the lot to the north, whoever obtains that property will have restrictions related to the turn lane. The sale of that property makes a turn lane more likely. Canney would recommend street trees and Parks and Recreation can show what they want and where they are placed.

Hind applauded the density and everything else. He thinks there is an opportunity with the interstitial space between the buildings. He would encourage a rethinking and use this as an opportunity. Perhaps a high window in the living space or something could be done. He thinks it needs a little more design than just grass. He thinks people will use this space. Suhr would have to look at the code to see what is allowed. Hind added that even a brick path with benches would be nice. Canney noted that the townhouses might not want a lot of traffic next to them.

Hind stated that in his experience, the end units are the same in design as the middle unit and you lose a lot of opportunity with daylight and landscaping.

ACTION:

Huston moved approval as presented with consideration for suggestions made for street trees and exterior treatment of the tri-plex, windows on the corners, and east and west facades, seconded by Canney and carried 5-0: Canney, Grasso, Hind, Huston and Penn voting 'yes'; Deeker and Peace absent.

URBAN DESIGN COMMITTEE STAFF REPORT

APPLICATION NUMBER	Urban Design Record #22138
APPLICATION TYPE	Advisory Review
ADDRESS/LOCATION	2716 and 2718 Starr Street (N 27 th and Starr Streets)
HEARING DATE	January 3, 2023
ADDITIONAL MEETINGS	N/A
APPLICANT	Aaron Burd, amburd76@gmail.com
STAFF CONTACT	Collin Christopher, 402-441-6370, cchristopher@lincoln.ne.gov

RECOMMENDATION: ADVICE ONLY

Summary of Request

Developers are proposing a multifamily infill project on the vacant land at the northeast corner of N 27th and Starr Streets. The project will consist of a 12-unit apartment building closest to N 27th and a tri-plex to the east that will serve to transition into the existing neighborhood. Each of the two-story tri-plex units will consist of four bedrooms and three baths. Each of the units within the larger three-story building will be made up of two bedrooms and one bath.

Both the 12-plex and the tri-plex are being proposed to consist of Hardie cement board siding as the primary façade material. The tri-plex relies mostly on lap siding, while the 12-plex incorporates sections of panel and board and batten siding. Both have hipped roofs.

UDC's advice is being sought because the applicant is requesting the use of Tax Increment Financing. Additional details can be found within the attachments.

Compatibility with the Design Standards

The Neighborhood Design Standards apply to this project. The neighborhood design standards are intended to create infill developments in residential neighborhoods that are sympathetic to the existing character. This site has N. 27th Street with commercial and some residential to the west, a laundromat with a blank façade and two older homes with full front porches set about two to three steps above grade to the south, a small bungalow with a full front porch to the east, and a commercial building with a blank façade on the north. Starr Street has the most impact on the character of this development and except for a few minor intrusions, it is comprised of one to one-and-a-half story older homes set close to the front property line with garages in the rear or non-existent.

What follows is a synopsis of some of the key Neighborhood Design Standards that affect this project. It should be assumed that those standards not specifically identified are being met or are not relevant.

4.1 Building Elements

8. Height of new buildings should be similar to that of existing residences on the same and facing block fronts. New buildings shall be acceptable that are not taller than the tallest residential structure, nor

shorter than the shortest residential structure, built prior to December 31, 1949 on the contiguous block face, provided that:

- a. the maximum allowable height shall not be reduced to less than twenty-eight (28) feet, and
- b. if the height permitted under this section would exceed that permitted in the underlying district, the new building shall be no taller than an existing, adjacent building. Taller structures may be approved on a case-by-case basis, when a steeper roof would increase compatibility between the new building and adjacent older residences.

Compatibility per Staff Analysis: The three-story 12-plex is facing one-story commercial buildings and is okay from a compatibility perspective. The two-story tri-plex sits adjacent to one and one-and-a-half story homes. The steepness of the roof of the tri-plex also adds to the difference in heights, making it questionable whether this particular standard is being met.

10. The rhythm of similar width houses on similar width lots does much to establish the character of Lincoln's established residential areas. Large new buildings disrupt this character, unless design measures are employed to reduce their apparent scale. New buildings over fifty feet (50') in length on the principal street facade should be designed to maintain the rhythm of the existing adjacent buildings. Designs will be bound to meet this standard which offset the principal street facade and roof at intervals of fifty feet (50') or less. These offsets shall be at least six feet (6') in depth, and the portions of the facade offset shall equal at least 10% of the length of the facade. Alternate designs that maintain the rhythm of the blockface by such means as shifts in materials within the facade, use of multiple porches and/or dormers, and grouping of windows and entrances, may also be approved on a case-by-case basis.

Compatibility per Staff Analysis: The façade on the tri-plex is broken up with a recessed portion along Starr Street. However, the 12-plex has a 106-foot-long façade that is only broken up by the protruding porch and some minor recessing behind the porch on the south side. While the design relies on changes in materials to further break up the façade, it could potentially benefit from some additional push and pull along the long expanse of the south façade.

4.2 Yards and Open Space

3. No more than one mechanical unit, such as air conditioning units, shall be located within each required front yard and not more than three in any required side yard, provided that multiple units are spaced at least twenty feet apart. Such accessory structures will be screened from adjacent properties if located within a required front yard or within ten feet (10') of a side lot line.

Compatibility per Staff Analysis: While no mechanical units are shown in the material provided, this standard should be a consideration of the final design.

4.3 Parking

2. Trees in addition to any others required elsewhere shall be planted within five (5) feet of a parking area at the rate of one tree for every six (6) parking spaces.

Compatibility per Staff Analysis: Only two of the three required trees are being shown in the parking lot for the 12-plex. The tri-plex shows a total of six stalls, which would typically require one tree. However, the property is being replatted so that each unit sits on its own property. In that scenario, each property would only have two parking stalls and would not be subject to this standard.

3. Parking areas of four or more stalls shall be screened from adjacent properties. Fences may be used for screening in rear yards.

Compatibility per Staff Analysis: While this standard is somewhat vague in regards to screening of parking lots, the Design Standards for Screening and Landscaping for which this property is also subject to will require that the entire length of the north edge of the parking lot for the 12-plex (adjacent to the alley) be screened up to three feet (3') in height. Again, the requirements for the tri-plex come down to whether this would be considered a single parking lot of six stalls or three parking lots of two stalls each. For the former, a screen would be required along the east edge to provide a buffer against the adjacent residential.

Recommendation

While this item is advice only, the project's compatibility with Neighborhood Design Standards and how it interacts with the existing neighborhood should be a key consideration of the Committee. More specifically:

- The tri-plex should serve as a transition from the existing residential neighborhood to the larger 12-plex unit abutting the N 27th Street commercial corridor.
- The design of the 12-plex is relatively flat in terms of the push and pull of the façade along Starr Street. Though an effort has been made by the applicant to offset this with changes in materials, the Committee should weigh in on whether the applicant's efforts are successful.
- The landscaping should serve to soften the impacts of this project on the neighborhood. *(Note: In addition to the parking lot screening already mentioned, this project will require street trees along Starr Street and possibly N 27th Street. Those details will be worked out as an amendment to the existing zoning agreement, but the Committee should weigh in on what is appropriate.)*

**ATTACHMENT B
RENDERINGS**



Looking to the northeast from 27th and Starr



Looking to the northwest from Starr Street (12-plex)



Looking to the southeast from 27th Street



Looking to the southwest from the alley



Looking to the northeast at the tri-plex from Starr Street



Looking to the northwest from Starr Street

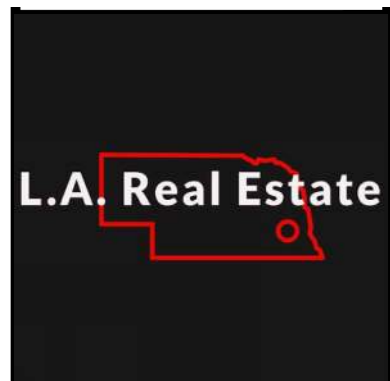
MARSHALL ADDITION DEVELOPMENT NORTH 27TH & STARR STREETS




OVERALL ELEVATION OF SOUTH ELEVATION OF BOTH BUILDINGS

Sheet Index

1. Neighborhood Plan
2. Site Plan
3. Landscaping Plan
4. Typical Apartment Building Plan
5. Tri-plex Plans
6. Apartment building colors
7. Apartment building elevations
8. Tri-plex colors
9. Tri-plex elevations
10. Rendering
11. Rendering
12. Rendering
13. Rendering
14. Rendering
15. Rendering



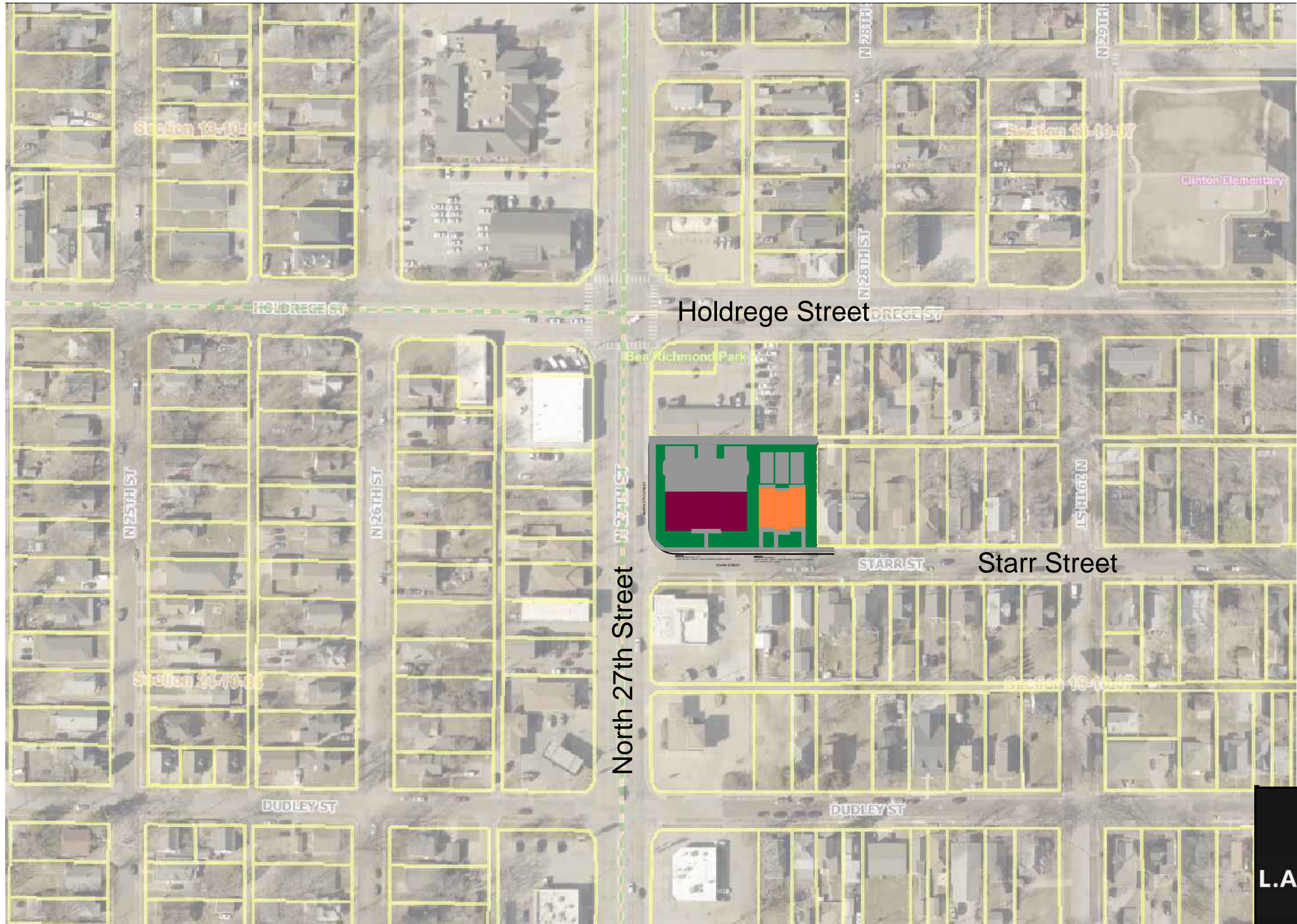
Architecture  **Architecture**

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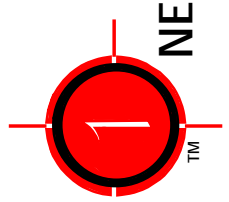
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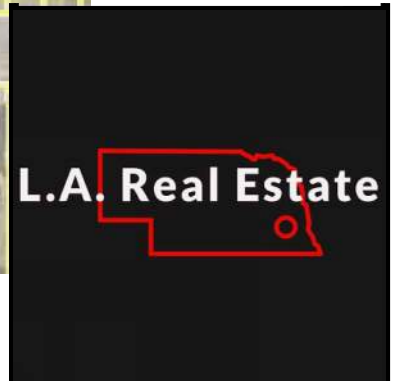
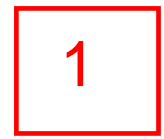
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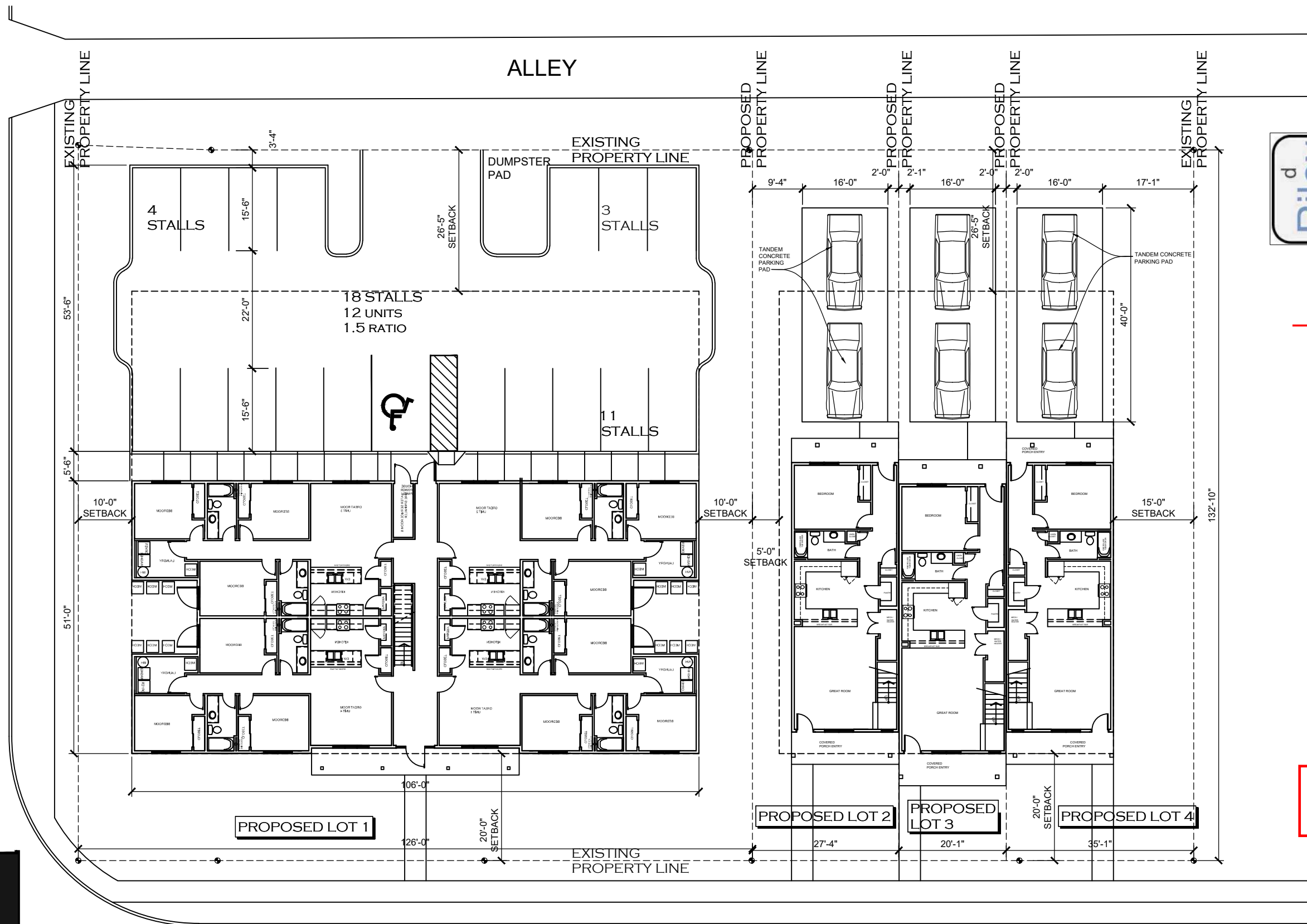
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NORTH 27TH STREET

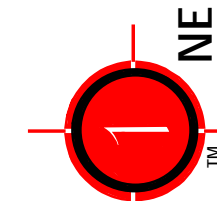


ZONED R-6
 SINGLE PLATTED PARCEL 'LOT 1'
 1,100 SF PER UNIT, 12 UNITS = 13,200 SF REQUIRED, SHOWING 16,682 SF

ZONED R-6
 THREE PLATTED PARCELS
 1,100 SF PER UNIT, 1 UNITS = 1,100 SF REQUIRED, SHOWING 'LOT 2' 3,631 SF,
 'LOT 3' 2,668 SF & 'LOT 4' 4,660 SF

SITE PLAN
 SCALE: 1" = 20'-0"

STARR STREET



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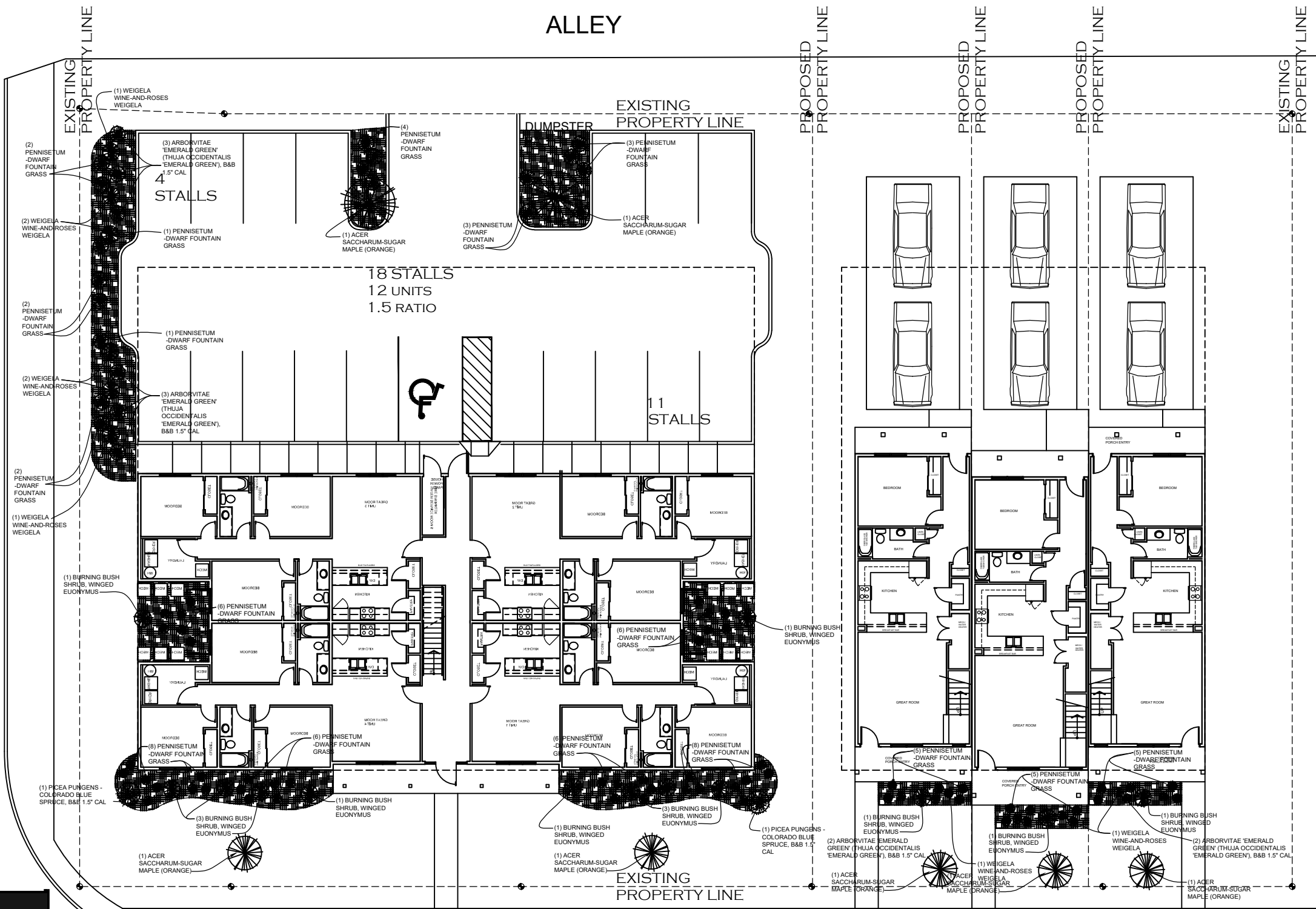
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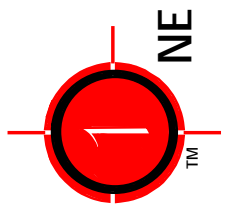
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NORTH 27TH STREET

ALLEY



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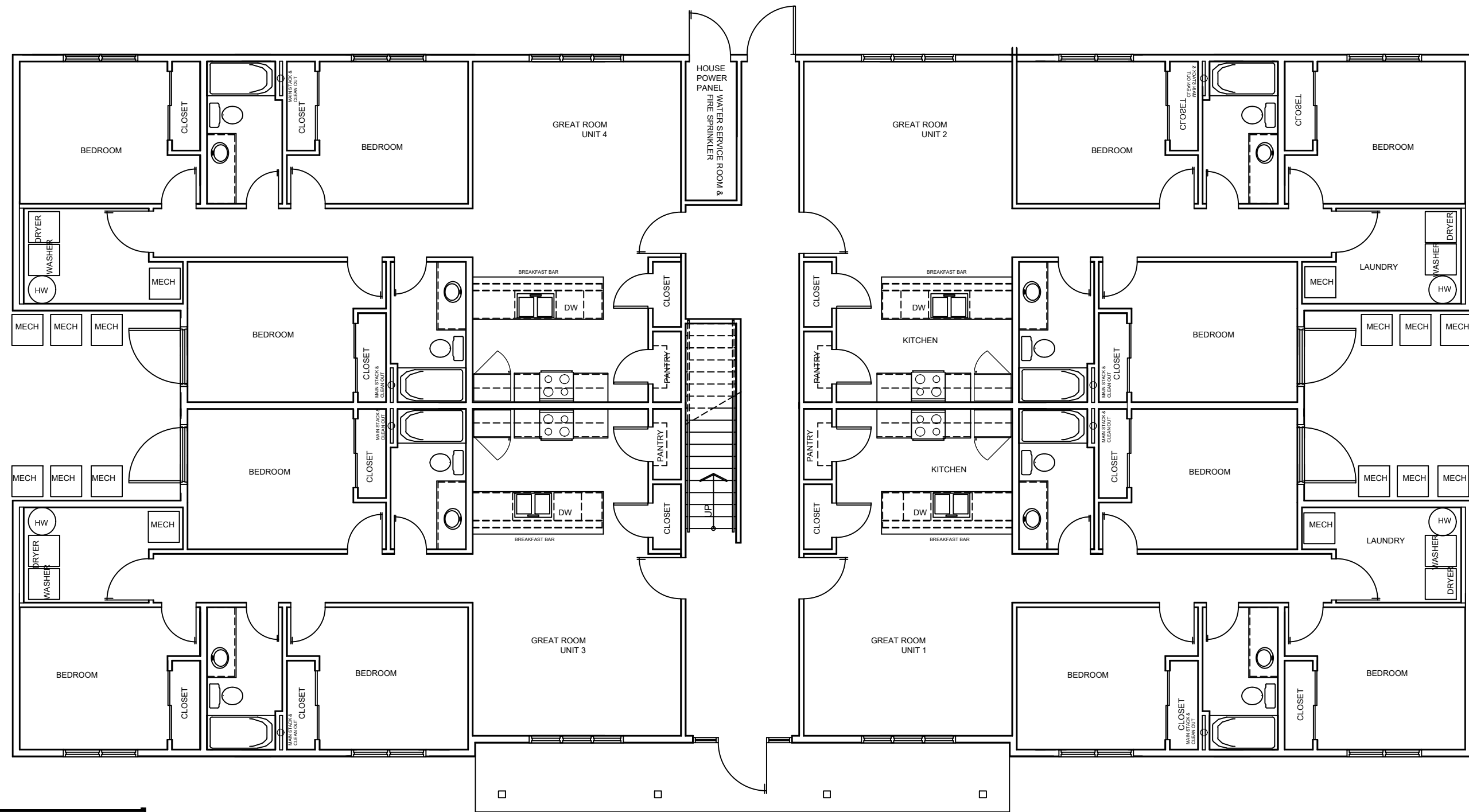
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STARR STREET

LANDSCAPING PLAN
 SCALE: 1" = 20'-0"

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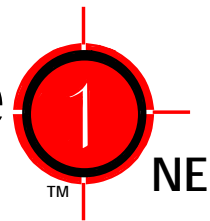
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TYPICAL FLOOR PLAN

SCALE: 1/8" = 1'-0"

Architecture

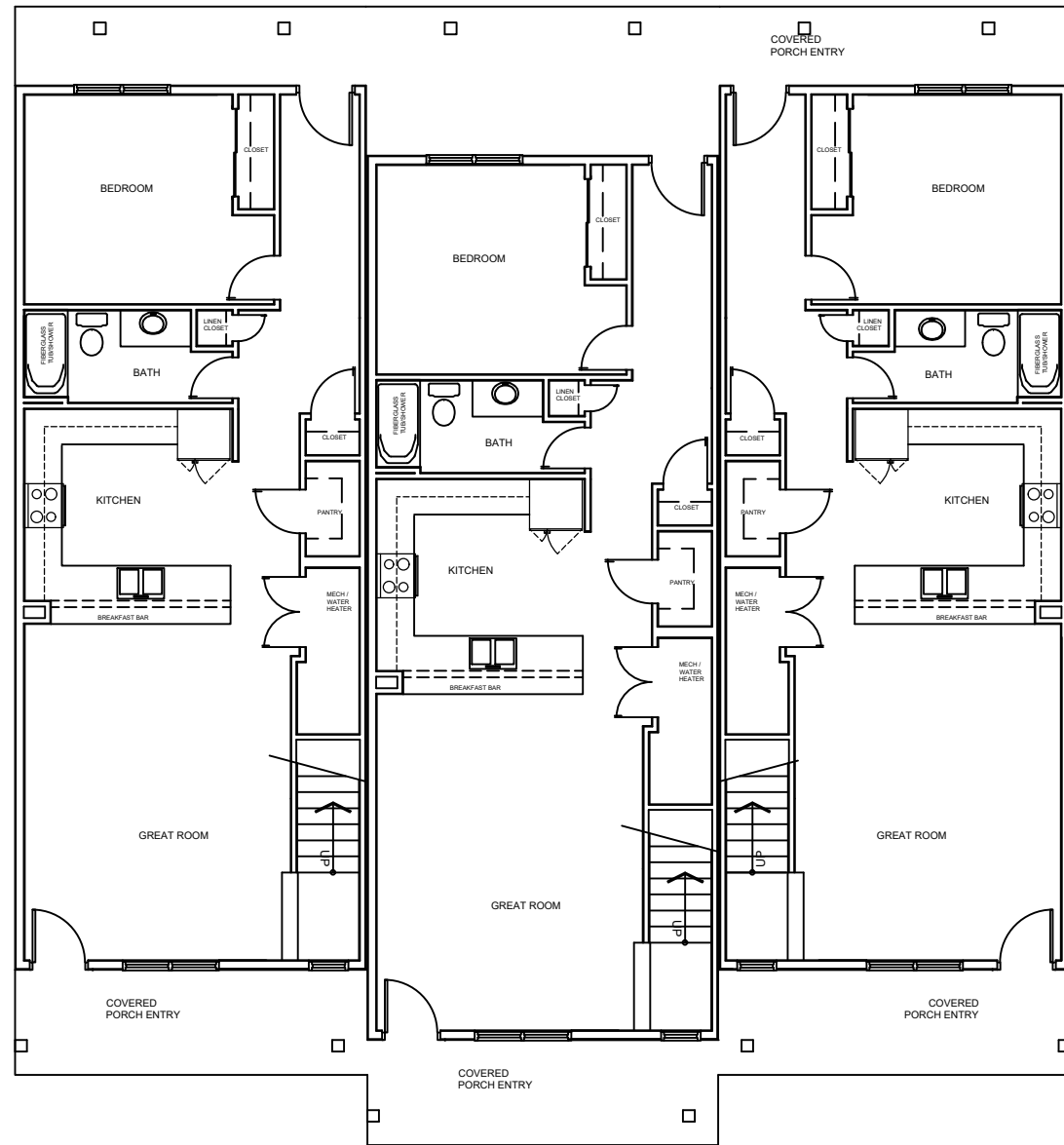


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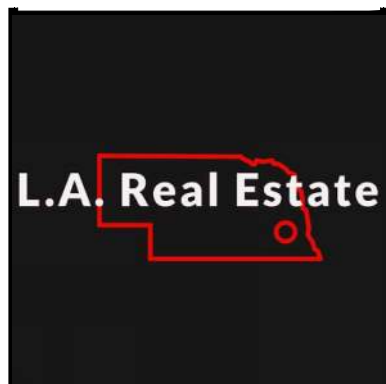


MAIN LEVEL FLOOR PLAN
SCALE: 3/32" = 1'-0"



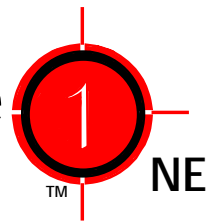
UPPER LEVEL FLOOR PLAN
SCALE: 3/32" = 1'-0"

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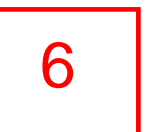
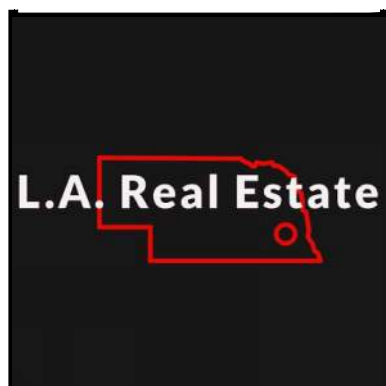
Kevin C. Riley
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12 PLEX SOUTH ELEVATION

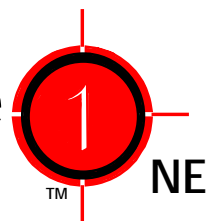
Exterior finish information

1. All roofing material to be Pabco Roofing Products "Antique Black".
2. Stone to be Edwards stone Cottonwood Dimensional
3. All doors & windows to be black, fascia, gutters & downspouts to all be black.
4. All trim to match the color of the area it is adjacent to.
5. All board & batten siding to be Night Gray Hardie Plank cement board.
6. All lap siding to be Pearl Gray Hardie Plank cement board.
7. All panel siding to be Gray Slate Hardie Plank cement siding.



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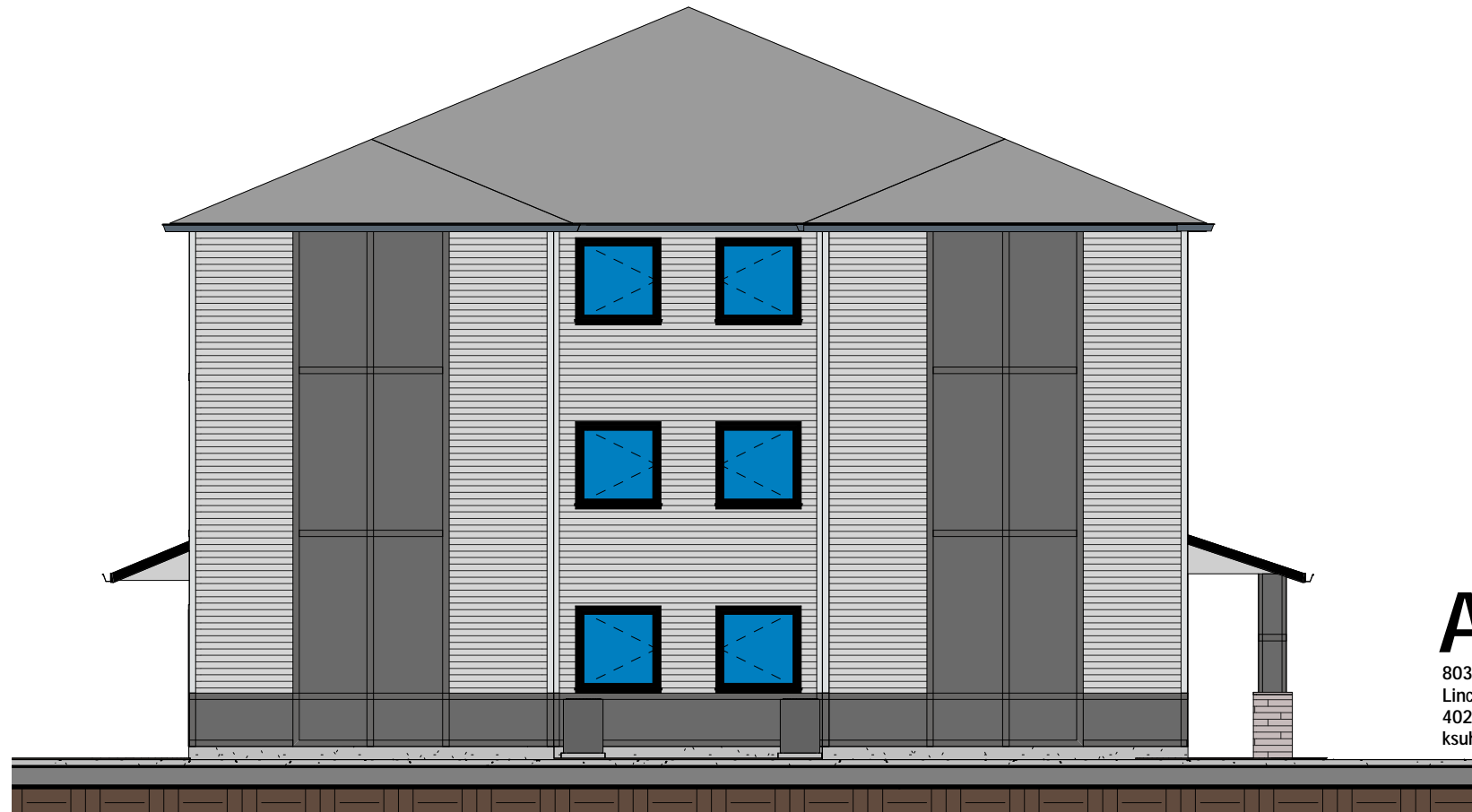


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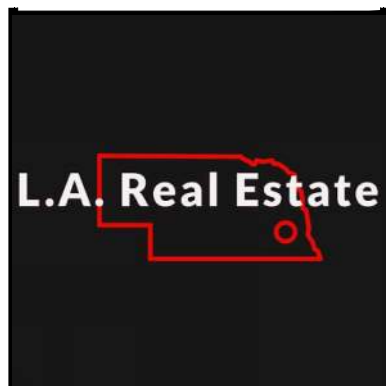




12 PLEX NORTH ELEVATION



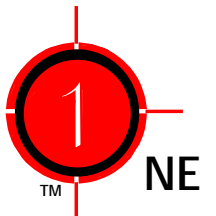
12 PLEX WEST ELEVATION



7

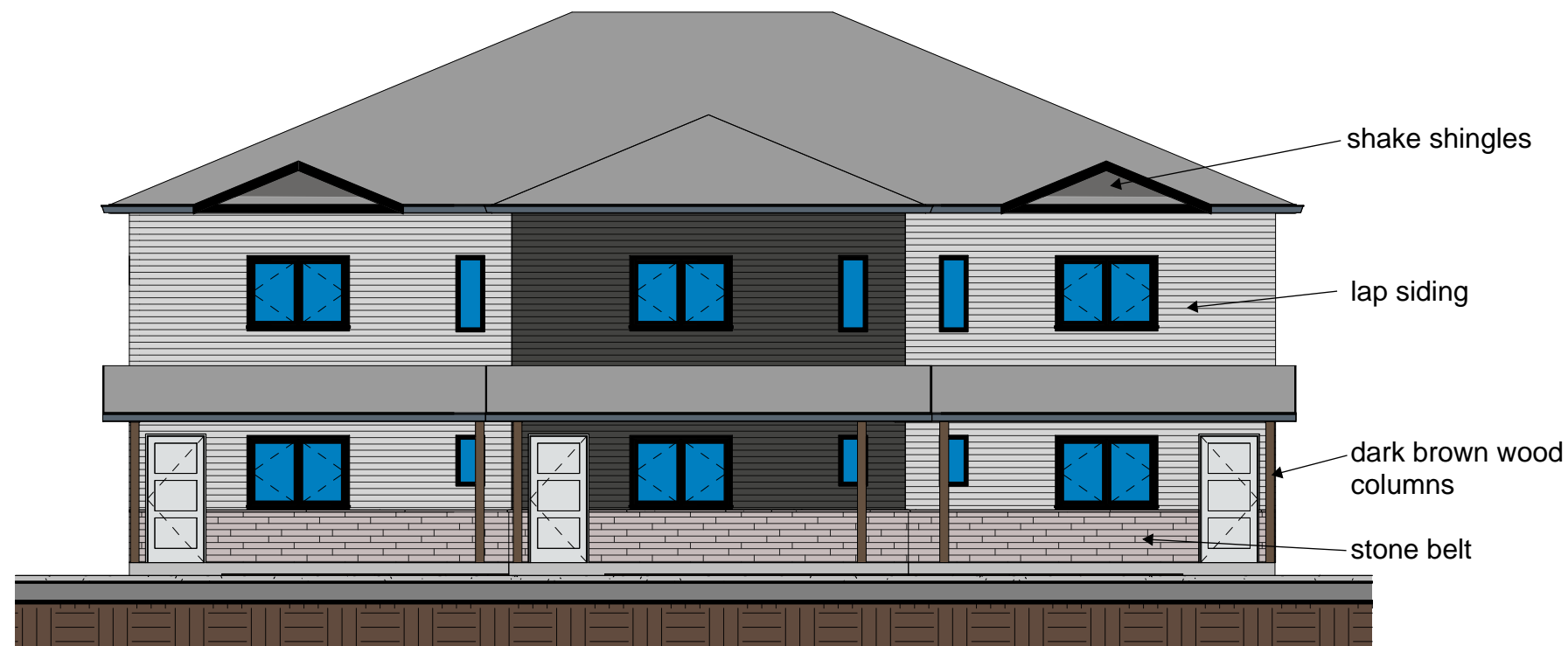
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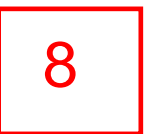
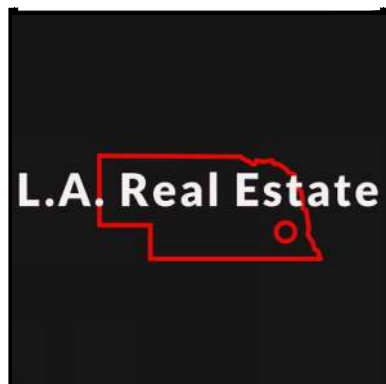




TRI-PLEX SOUTH ELEVATION

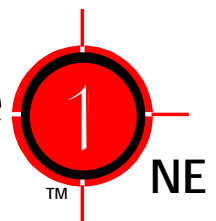
Exterior finish information

1. All roofing material to be Pabco Roofing Products "Antique Black".
2. Stone to be Edwards stone Cottonwood Dimensional
3. All doors & windows to be black, fascia, gutters & downspouts to all be black.
4. All trim to match the color of the area it is adjacent to.
5. Middle unit to be Night Gray Hardie lap cement board siding.
6. East & west units to be Pearl Gray Hardie lap cement board siding.
8. Dormers to be on the east & west units to be Pearl Gray Hardie shingle cement board siding.



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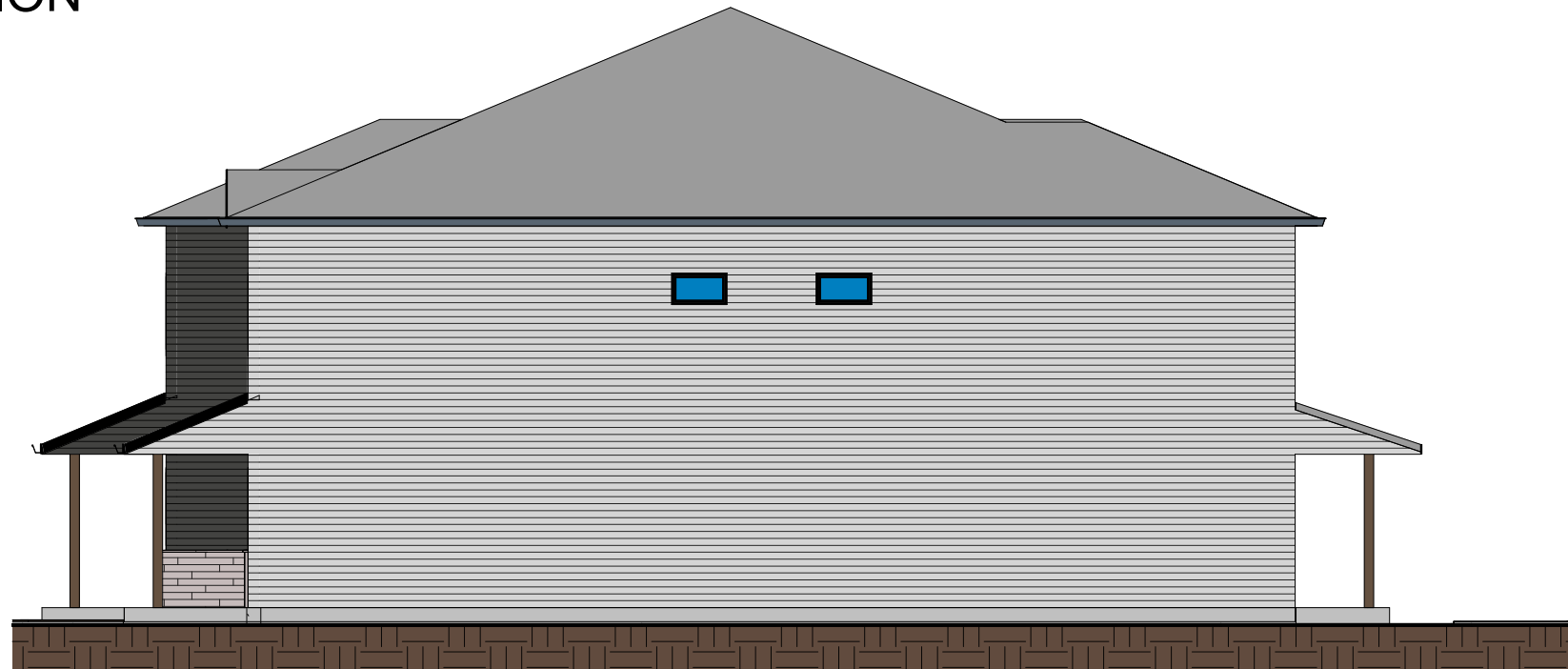


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TRI-PLEX NORTH ELEVATION

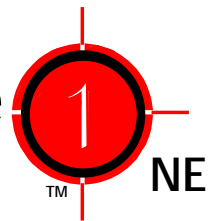


TRI-PLEX EAST ELEVATION



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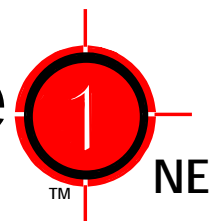


LOOKING TO THE NORTHEAST FROM 27TH & STARR



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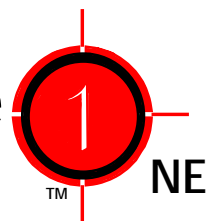


LOOKING TO THE NORTHWEST FROM STARR STREET AT THE 12 PLEX



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11

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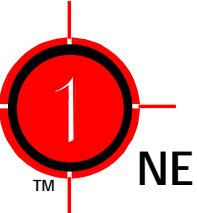


LOOKING TO THE SOUTHEAST FROM 27TH STREET AT BOTH BUILDINGS



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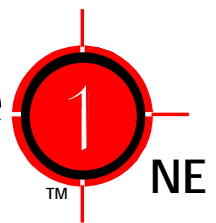


LOOKING TO THE SOUTHWEST FROM THE ALLEY AT BOTH BUILDINGS



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SIGNATURES

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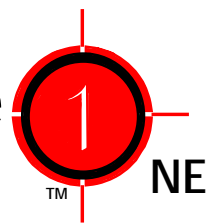
LOOKING TO THE NORTHEAST FROM STARR STREET AT THE TRI-PLEX

14



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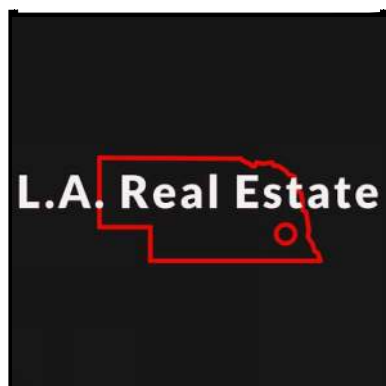


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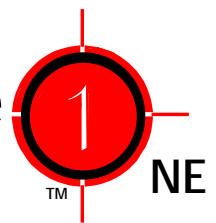


LOOKING TO THE NORTHWEST FROM STARR STREET AT BOTH BUILDINGS



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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 Comprehensive Plan Conformance 23002 <i>NW 48th Street Redevelopment Area Redevelopment Plan</i>	FINAL ACTION? No	DEVELOPER/OWNER NW48 Apartments LLC (owner of NW48 Apartments site)
PLANNING COMMISSION HEARING DATE February 22, 2023	RELATED APPLICATIONS None	LOCATION NW 48 th & W Holdrege

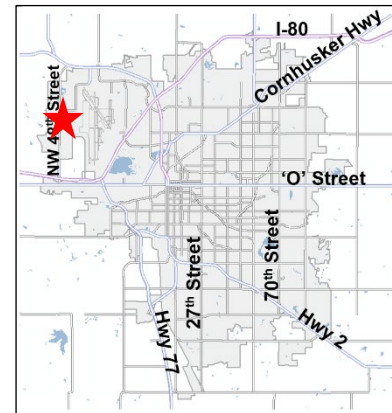
RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the NW 48th Street Redevelopment Area Redevelopment Plan. The Plan includes approximately 815 acres and is generally located along the NW 48th Street corridor and surrounding area.

Included within the Plan is the NW48 Apartments Redevelopment Project. The Project includes approximately 289 units with 20 percent of the units identified as affordable to tenants earning 60 percent of the area median income (AMI).

The Redevelopment Plan is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATS): [CPC23002](#).



JUSTIFICATION FOR RECOMMENDATION

The Redevelopment Plan and NW48 Apartments Redevelopment Project are consistent with the Comprehensive Plan.

APPLICATION CONTACT

Ernie Castillo, (402) 441-7855 or ecastillo@lincoln.ne.gov

STAFF CONTACT

Andrew Thierolf, (402) 441-6371 or athierolf@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Redevelopment Plan utilizes policy statements from the Comprehensive Plan as guiding principles for redevelopment in the area.

The NW48 Apartments Redevelopment Project is consistent with the Comprehensive Plan because it will contribute to Lincoln’s affordable housing stock, is a good example of well-placed density near arterial streets and a school, and increases the housing variety of the neighborhood. The Lincoln Affordable Housing Coordinated Action Plan, adopted as part of the Comprehensive Plan, specifies that Lincoln will need an additional 17,000 dwelling units to support projected population growth, with 5,000 of those units being “affordable.”

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - The NW48 Apartments site is shown as Residential on the 2050 Future Land Use Plan.

Goals Section

G1: Safe, Affordable, and Accessible Housing - Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community.

PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods - Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln.

Housing variety, both in housing type and lot size, provides for interesting neighborhoods and accommodates changing household preferences, but, more importantly, provides affordable housing options. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

Elements Section

E1: Complete Neighborhoods and Housing

One of the essential elements of the community and PlanForward 2050 is housing and neighborhoods. Ensuring safe, adequate, and affordable housing is an important function in maintaining the vitality of neighborhoods and the city as a whole. The key to both developing and existing complete neighborhoods is land use diversity. For existing neighborhoods, the land use diversity is often already in place, but efforts must focus on maintaining this balance and variety. The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live.

E2: Infill and Redevelopment

Infill and Redevelopment Approach

PlanForward identifies the potential for 12,000 new dwelling units to be located within the existing built-out portion of the City, roughly 25 percent of the projected 48,000 new dwelling units to be built citywide by 2050.

Greater Downtown

The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

Mixed Use Redevelopment Nodes and Corridors

The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in underutilized commercial and industrial areas.

Redevelopment Corridors

Corridors are located along major transportation corridors such as arterials. Corridors often link Mixed Use Redevelopment Nodes and/or other commercial centers. Residential mixed use redevelopment should be encouraged in these areas, and transportation enhancements may be targeted to support such redevelopment and provide a variety of housing types affordable to diverse income levels.

Existing Neighborhoods

Infill of housing in existing neighborhoods should respect the existing pattern of development. Infill redevelopment should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.

E5: Parks, Recreation, and Open Space

Parks and open space enhance the quality of life of the community's residents and are central to the community's economic development strategy—the community's ability to attract and retain viable businesses, industries, and employees is directly linked to quality of life issues, including indoor and outdoor recreational opportunities.

Policies Section

P1: Housing Affordability - Make available a safe residential dwelling for all residents.

Action Steps

1. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated and Annual Action Plans and subsequent housing and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.
2. Distribute and preserve affordable housing throughout the community to be near job opportunities and public transit and to provide housing choices within existing and developing neighborhoods.
6. Preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types.
7. Find ways to ensure that long-range infrastructure needs, such as sidewalks, street lights, street trees, etc., are not lost in the desire to solve an immediate need for housing.

P2: Existing Neighborhoods - Continue our commitment to strong, diverse, and complete neighborhoods.

Action Steps

3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.

P3: Developing Neighborhoods - Accommodate and encourage growth that aligns with PlanForward's growth scenario and provides a mix of housing options with convenient access to parks, schools, shopping, jobs, and other community resources.

Action Steps

2. Structure incentives to encourage higher densities to make greater use of the community's infrastructure.
3. Encourage new development to achieve densities greater than five dwelling units per gross acre by zoning at least 20% of residentially zoned land in developing areas to allow greater than five dwelling

- units per acre by right.
- 7. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
- 8. Include housing for a variety of incomes and households throughout the community that is integrated into neighborhoods and provides appropriate transitions, scale, and context.
- 10. Preserve areas designated for multi-family, and group living housing in approved plans to support a distributed choice in affordable housing.

P6: Nodes and Corridors

Action Steps

- 4. Continue utilizing TIF, and evaluate other incentives, to promote high-quality development in targeted areas.

P8: Infill and Redevelopment - Encourage infill and redevelopment in appropriate locations throughout the community in order to meet the assumption for 25% of all new dwelling units being infill.

Action Steps

- 1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.

LINCOLN AFFORDABLE HOUSING COORDINATED ACTION PLAN SPECIFICATIONS:

- p. 8 Over the next decade, Lincoln will need an additional 17,000 units to support projected population growth.
- p. 9 Of the 17,000 additional units, 5,000 of those units will need to rent below \$1,000 a month and almost 4,000 ownership options will need to be priced below \$200,000.
- p. 64 Land costs and changes in the tax law, along with the ability to quickly and easily make profits on market-rate products, has made the participation in Low Income Housing Tax Credit (LIHTC) projects less appealing. Lincoln will need to find ways to increase the appeal of these types of projects, which are an essential source of housing for those making less than 80% AMI.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 14 **Key Initiatives to Build a Decarbonized and Efficient Transportation Systems**
 Continue to encourage mixed-use development in the Comprehensive Plan.
 Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

ANALYSIS

1. This is a request to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan (PlanForward 2050), the NW 48th Street Redevelopment Area Redevelopment Plan. The redevelopment area boundary is attached and includes approximately 815 acres.
2. Redevelopment activities are guided by the Nebraska Community Development Law (§ 18-2101, et. seq.) which requires that the governing body must first declare the project area substandard and blighted in order to prepare a redevelopment plan. In 2021 the Redevelopment Area was determined as blighted and substandard with the NW 48th Street Redevelopment Area Blight and Substandard Study ([MISC21012](#)) and “extremely blighted” with the NW 48th Street Extremely Blighted Study ([MISC21013](#)).
3. The designation of blight and substandard for the redevelopment area, along with creation of this Redevelopment Plan, makes projects within the redevelopment area potentially eligible for Tax Increment Financing (TIF) that can be applied to public improvements.
4. The NW 48th Street Redevelopment Area Redevelopment Plan uses PlanForward 2050 as a guide for potential redevelopment activities in the area. The Redevelopment Plan also utilizes concepts from the Affordable Housing Coordinated Action Plan and Climate Action Plan, both of which have been adopted as part of PlanForward 2050.

Potential redevelopment activities mentioned in the Redevelopment Plan include:

- a. Public improvements such as replacing aging public utilities, and resurfacing/paving substandard public streets alleyways, and sidewalks.
 - b. Redevelopment projects that increase the safety and security of the area through the removal of blighted and substandard conditions.
 - c. Increased emphasis on redevelopment projects that help improve Lincoln’s climate resiliency, minimize greenhouse gas emissions, and increase the supply of housing at all income levels including affordable housing.
5. The Redevelopment Plan includes one defined project, the NW48 Apartments Redevelopment Project located near NW 48th & W Holdrege Streets. The Project includes the construction of 289 apartment units spread across four buildings. Also included are an associated clubhouse and parking, along with a commercial pad for future development.

The goals of the Project are to expand affordable housing and facilitate development in the Redevelopment Area through development of an apartment complex on a vacant lot. The Project Site is located in a growing area of the City, adjacent to the new Lincoln Northwest High School. The Project will cause the removal of blight and substandard conditions on the Project Site and in the Redevelopment Area. Utilizing TIF, the redeveloper shall ensure that 20% of the units remain affordable to tenants earning approximately 60% of AMI in accordance with City policy.

The Project already has zoning approval as part of the Woodside Village PUD ([AA21023](#)). The Project’s location at the corner of Northwest 48th and Holdrege streets makes the Project Site an ideal location for higher density multi-family housing. The location near the new public high school makes additional housing on the Project Site desirable.

6. The total construction costs for the proposed NW48 Apartments Redevelopment Project are estimated to be \$46 million, which includes approximately \$9.6 million in public financing. The final Project costs will be determined at the conclusion of construction. The source of public funds for these improvements will be the tax increment generated from the private developments on the Project Site. Funding sources and uses will be negotiated and identified in the redevelopment agreement, subject to approval by the Mayor and the City Council.

The City of Lincoln designated portions of the Redevelopment Area, including the Project Area, extremely blighted and substandard. This designation allows the division of taxes for up to 20 years for TIF purposes. The City intends

to use 20-year TIF to the extent feasible to facilitate the Project.

7. The NW48 Apartments Redevelopment Project was presented at the January 3 and February 7 Urban Design Committee meetings. The January 3 minutes are linked below and a draft excerpt from the February 7 minutes is attached. There were several concerns about the design and the project is scheduled to return to the Committee in March.

[January 3, 2023 Urban Design Committee Minutes](#)

February 7 Urban Design Committee excerpt is attached to this staff report

EXISTING LAND USE & ZONING:

Redevelopment Plan Area: A variety of commercial and residential uses and zoning districts

NW48 Apartments Redevelopment Area: Vacant with B-2 PUD (Planned Neighborhood Business) zoning

APPROXIMATE LAND AREA: 815 acres (Redevelopment Plan), 11 acres (NW48 Apartments)

Prepared by Andrew Thierolf, AICP

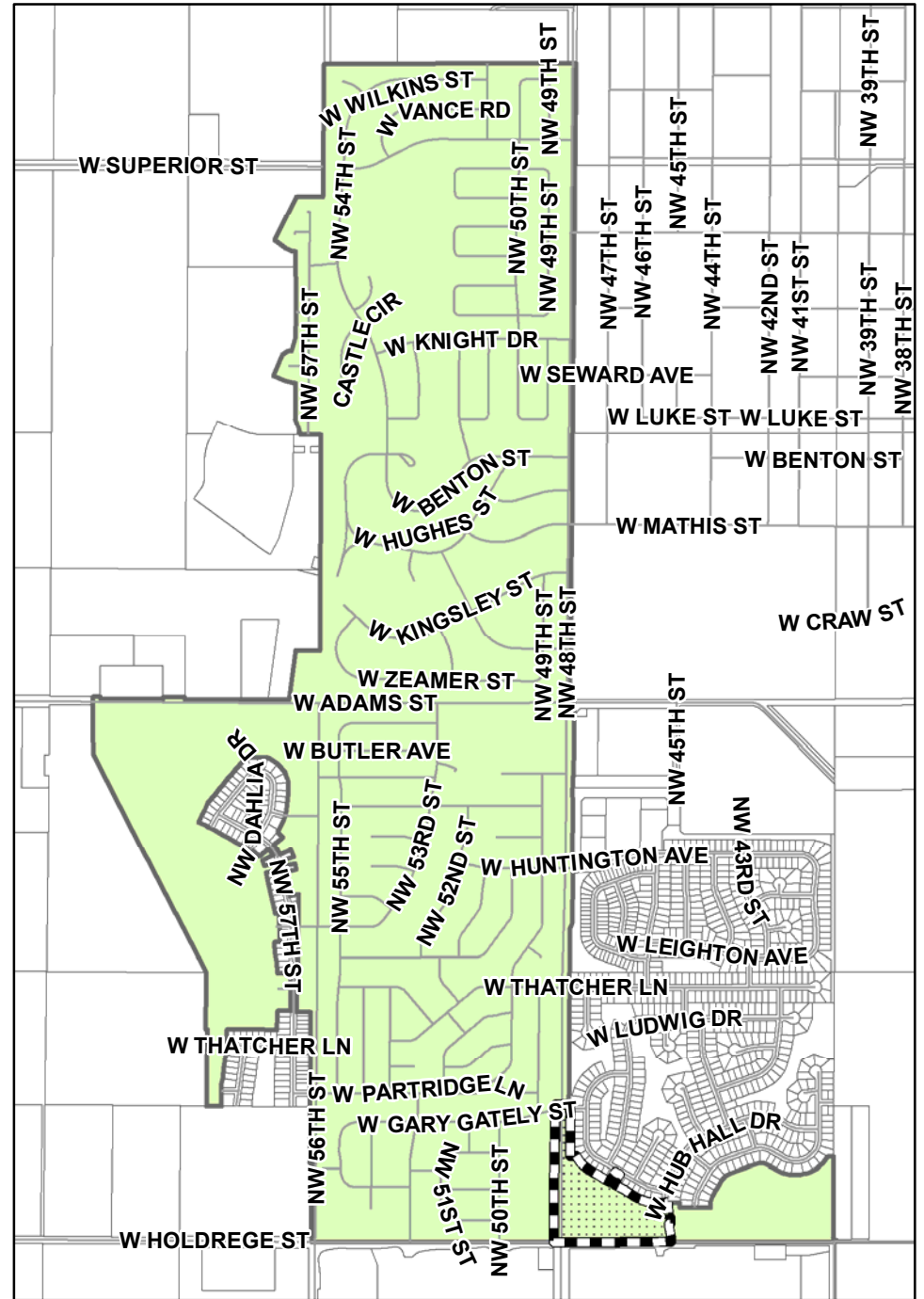
February 10, 2023

Applicant: Dan Marvin, Urban Development
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7126
dmarvin@lincoln.ne.gov

Contact: Ernie Castillo
555 S. 10th Street
Lincoln, NE 68508
(402) 441-7855
ecastillo@lincoln.ne.gov

Owner: NW48 Apartments LLC
1000 O Street, Suite 102
Lincoln, NE 68508

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/23000/CPC23002 NW 48th Street Redevelopment Plan.adt.docx>



Comprehensive Plan Conformance #23002
NW 48th Street Redevelopment Area Redevelopment Plan
 including the NW48 Apartments Redevelopment Project



Draft Excerpt from MEETING RECORD

Advanced public notice of the Urban Design Committee meeting was posted on the County-City bulletin board and the Planning Department’s website.

NAME OF GROUP: URBAN DESIGN COMMITTEE

DATE, TIME AND PLACE OF MEETING: Tuesday, February 7, 2023, 3:00 p.m., County-City Building, City Council Chambers, 555 S. 10th Street, Lincoln, NE.

MEMBERS IN ATTENDANCE: Mark Canney, Emily Deeker, Jill Grasso, Peter Hind, Tom Huston, Gil Peace and Michelle Penn.

OTHERS IN ATTENDANCE: Collin Christopher and Teresa McKinstry of the Planning Department; Ernie Castillo with Urban Development Department; Cristy Joy and Trevor Watson with Archi + Etc.; Robert Wittler with Ayars & Ayars; Derek Zimmerman with REV Development; Tim Gergen with Clark Enersen; Craig Smith with Speedway Properties; Matt Olberding with Lincoln Journal Star; and other interested parties.

Chair Penn called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

WOODSIDE VILLAGE (NW 48TH AND W. HOLDREGE MULTIFAMILY PROJECT) February 7, 2023

Members present: Canney, Deeker, Grasso, Hind, Huston, Peace and Penn.

Collin Christopher stated this project was presented last month. There were siding material concerns regarding both aesthetics and performance. The Committee members had also urged the applicant to take a closer look at the push and pull of the building. He touched on the fact that they have now submitted a landscape plan. The landscape plan appears to have been done by Clark & Enersen. It is a well put together plan. He noted a couple of small things such as the fact that some of the parking lot islands are a little on the small side. This warrants some concern about the viability of planting a tree in those locations. The City also has a typical screening requirement for multi-family developments adjacent to other uses. The plan is showing a fence along the edge, but the fence doesn’t really address that particular requirement. The City is typically looking for a combination of deciduous and evergreen trees to be planted between the building and the property line. He believes these are things that can be easily worked through.

Derek Zimmerman appeared and stated that he will work with Urban Development through the process to meet the landscaping requirements. He stated that they plan on doing evergreens in the rear. This proposal is for 289 units. This is a TIF (Tax Increment Financing) project with 20 percent affordable units. They took Urban Design Committee feedback from last month and discussed what could be modified. They have taken vinyl siding out of the program and are now proposing to use James Hardie siding. They wanted to break up the façade a little bit. He pointed out the shake, vertical and horizontal components. They added some general articulation with some different components and the roof. They also added some texture, and pushed and pulled to the extent that they could. They tried to be thoughtful of previous suggestions given by the Committee. They took elevators out of the three-story building, but kept them in the four-story buildings for cost savings. They are excited to move forward. The redevelopment plan has been submitted for review by Planning Commission and the City Council.

Peace studied the information in the agenda. This is a nice multi-family project. There is nothing he saw that didn't look like a nice project. If this project is pursuing TIF, one or two things should be happening. He believes it should be elevating the design to a point where it is not going to be mixed up with other multi-family housing. It needs to be elevated well above average, in his opinion. Alternatively, the project should include something that benefits the public, like a trail connection, some other amenity or a higher level of landscape plan. He isn't seeing any of those things. He believes that changing the footprint a little would really help this project and create reasons for multiple materials. It appears that there are several buildings proposed for a flat roof and one with a hip roof. He wondered how the rooftop units will be screened. Zimmerman noted this application will be in front of City Council as part of a PUD (Planned Unit Development). The neighbors wanted opaque fencing and a building design that felt like a transition to the neighborhood. He pointed out when you get to four stories, you can't have a pitched roof due to height restrictions and air rights. They tried to focus on using hipped roofs for the three-story building closest to the neighborhood, as well as the parking garages. They are proposing flat roofs elsewhere. They are capped out on height. Peace believes the height is measured to a half point of the ridge. This might be something the neighborhood wants, but they might not understand that there are a whole lot of condensing units that need to find a home. He still feels if TIF money is involved, a little more effort on the third dimension would help.

Huston thanked the applicant for changing the vinyl siding. There is always a balance to achieve with public funds and affordability. The public benefit to this is the affordability of the units. He believes the applicant has done what was asked of them. These are hard to do. Zimmerman agreed it was difficult. Removing the elevators was a cost savings. They are trying to do what they can to make this project happen. This is a combination of affordable units. They will discuss energy efficiencies with the City. The programming of these are all on par with market rate. They are proposing high level finishes on the interior. He believes it comes down to a discussion of interior and exterior.

Penn understands the applicant is saying the elevators were removed to pay for the Hardie siding. She thinks the Committee asked to do some push and pull with the building façade. She isn't sure this took a step forward. There are very few times she isn't in support of a design. This is one of them. She is having a hard time with this one from the design aesthetic. She believes they asked the applicant to come back with some improvement. Zimmerman understands the discussion on the push and pull. He isn't comfortable with going back to the drawing board on this. They incurred a six figure cost from the last meeting. He pointed out they tried. There was significant cost involved. They are talking about a percentage of affordable. He understands and respects everyone's opinions. Given all the factors, this is what they were able to do to make this work.

Grasso understands this is a large complex and a large part of the corner. This will be there a long time. She understands it takes time and money. She also understands the applicant is asking for TIF. This is going to be in our landscape for a long time. Now is when you plan and make recommendations, so you have a better project in the end. She thinks if she lived next door to this, she doesn't know that this enhances the corner. We see a lot of low income and affordable housing. She would rather take some money out of the interior finishes and place it on the exterior. That is what is going to be around for a long time and what will be seen. Interiors can be upgraded over time, but the exterior is here to stay. Zimmerman stated this was a little bit of a challenge. Interior versus exterior comes down to preference and matter of opinion. He believes interior high end finishes carry a lot of weight. From an affordability standpoint, this is a TIF only project. There are no additional sources of funding to bridge the affordability gap. We are doing something in the area that exceeds design standards.

Hind asked if there will still be brick on the base. Zimmerman replied yes, about four feet.

Deeker questioned cost and the five different textures and colors. That has to add to the cost. It feels like it has gotten busy, as opposed to more design focused. There are multiple products and five different colors. It seems like that is adding to the cost. Zimmerman knows that was a discussion point.

Hind is of the mind to support this. He believes the applicant did what was asked of them, with the exception of the push and pull. He wasn't as strong on that point. He doesn't disagree with other members' comments. It would be better with some dimension on the façade. He believes this is an improvement from the previous submittal. He is looking at this on a broader scope. This will be here a long time. This is giving housing for a whole group of people who don't have housing now. He also supports Deeker's comments that perhaps a few materials could be taken away. This might save some money. He would make it simple and elegant. He thinks if you are going to have an exterior like this, you need to ramp up and elevate the level of the landscaping. He would support this moving forward. He noted that he has some hesitation, but in fairness, this is almost what was asked of them.

Deeker stated that in looking at the renderings, she would suggest accentuating the vertical renderings more and eliminating some colors. She concurred with other member comments regarding the landscaping plan. Having a screen on the back would provide the neighbors with some screening. Perhaps this could be done on the corner as well. Canney would suggest some vertical elements on the flat walls. Deeker agreed. She would like to see something on the corner to soften it as well.

Canney looked at the dog run and it looks like a pen. It would be nice to have some trees there as well. It would help to break up the space and provide shade.

Peace inquired about Zimmerman's background and wondered if he is on the development or design side. Zimmerman stated he is a real estate lawyer, in-house counsel for REV Development. Most of the redevelopment projects he has worked on were in the downtown core.

ACTION:

Huston moved the Committee issue a recommendation of approval subject to caveats. He would like the applicant to do additional analysis, if possible, to break up the verticality of the building.

Grasso would like the applicant to look at the overall exterior design. She would like to see roof units, landscaping and the push and pull addressed. There could be cantilevering eight inches or a six inch stud for some relief. She would like the applicant to be more thoughtful about the exterior and the project as a whole.

Peace noted that push and pull might mean something different to the design person. Sometimes materials can make the difference.

Penn pointed out that Studio 951 appears to be the architect. Zimmerman noted they are working with a lot of different professionals. The renderings came out of a group from Texas. They have a challenge on getting things moved.

Christopher believes the recommendations on parking and landscaping can be addressed. He believes that Zimmerman wants a decision one way or the other today. He believes the Committee should consider accommodating that request. The members could move approval with a condition that that they come back at a later date prior to the application of a building permit. The designs are very schematic at this point. Some additional design will be done. He believes it makes sense to have this Committee sign off on any design updates instead of staff.

Zimmerman believes that Urban Design Committee is constituted to make recommendations in their vote. This is an advisory body. That doesn't mean that the applicant returns. This is part of a TIF approval. He believes Urban Design Committee has the ability to give opinions.

Huston is a strong believer of adding conditions. Zimmerman pointed out that TIF is approved by the Mayor's office and City Council. Today is for recommendations that go along with the approval. There are certain things that the City decides. They can send us back to this Committee for further review.

Christopher believes that any conditions attached to the Committee's approval can potentially be enforced if included in the redevelopment agreement. If those conditions are nebulous such as more push and pull, or different uses of materials, that could be somewhat subjective. He would recommend this body be responsible for ensuring any conditions they wish to impose with their motion be addressed by the applicant.

Canney would like to see a recommendation for landscaping to break up the façades and provide some vertical softness to the building. He would like to see landscaping beyond the minimum standards.

Huston as motion maker agreed. His motion is for recommendation of approval subject to additional analysis if possible to break up the verticality of the building, and landscaping to break up the façades and provide some vertical softness to the building. Hind seconded the motion.

Hind believes the biggest problem with the design is human scale. They need to think about how people are going to inhabit this site. They need to have things that make the space occupiable. He would like to see the applicant come back. He would hope that they can zoom in a little more on what it is like to be in the space. Architecture and built environment are about occupying it and being in it. He wants to see the numbers on the energy efficiencies. Zimmerman can provide those. There is going to be PACE lending. Hind noted that someone will look at these things a lot closer for the TIF.

Huston noted a recommendation could be made to City staff to further examine design documents to ensure they meet Urban Design Committee recommendations. The applicant could also be asked to come back and show conditions were met.

Hind wondered what would happen if the applicant comes back and the criteria hasn't been met. He asked what the options are. Christopher believes Urban Design Committee could vote to recommend denial of a future review if the conditions of approval of today's discussion aren't met, which would direct City staff to deny their building permit until those conditions are addressed. Requiring them to come back at a later date to show they've met the conditions would not affect their TIF request timeline.

Peace believes this path would allow the applicant to continue with their process. He is a little concerned that no one from the design team was here today. He thinks when this comes back, it would be good if the design folks were here.

Huston inquired where this is in the process with the City. Zimmerman stated the redevelopment was submitted on January 25, 2023. Ernie Castillo noted that this will be before Planning Commission on February 22, 2023. It would go on to City Council three weeks later, with a hearing and vote on the following Monday. They are just starting to work on the redevelopment plan. They generally like going to Planning Commission with a complete project. They could come back before the redevelopment agreement starts its process with City Council.

There was a discussion of the future timeline.

Zimmerman requested a deferral.

Huston withdrew his motion, Hind as second, agreed.

Huston moved to defer for one month, seconded by Penn and carried 7-0: Canney, Deeker, Grasso, Hind, Huston, Peace and Penn voting 'yes'.

January 23, 2023

David Cary, Planning Director
City of Lincoln-Lancaster County Planning Department
555 S. 10th
Lincoln, NE 68508

Dear David:

Enclosed is a copy of the NW 48th Street Redevelopment Area, Redevelopment Plan. Identified in the plan is the first project, NW 48 Apartments Redevelopment Project. This project proposes the construction of four multifamily residential buildings, comprised of approximately 289 apartments on vacant and undeveloped lots generally located at NW 48th & W. Holdrege Streets.

Please forward this plan amendment to the Planning Commission for their earliest consideration for Comprehensive Plan compliance. My understanding is that this should be on the February 22, 2023, agenda.

If you have questions or need additional information, please contact me at 402-441-7855 or Jennifer Hiatt at 402-441-7857.

Sincerely,



Ernie Castillo

Cc: Andrew Thierolf, Planning Department
Dan Marvin, Director, Urban Development Department
Hallie Salem, Urban Development Department
Steve Henrichsen, Planning Department

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

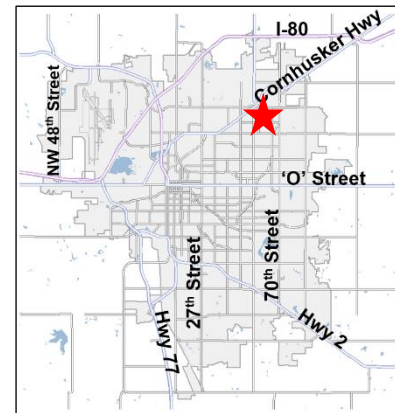
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #23003	FINAL ACTION? No	DEVELOPER/OWNER Constructors, Inc.
PLANNING COMMISSION HEARING DATE Feb. 22, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION North 70 th Street and McCormick Drive

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG Agriculture to I-1 Industrial District. The owner of the property is requesting the change of zone so the property can be utilized for additional storage and staging of construction materials for their related businesses. The property is generally located at North 70th Street and McCormick Drive, Lincoln, NE



JUSTIFICATION FOR RECOMMENDATION

The change of zone from AG to I-1 is consistent with the Future Land Use Map designation and is compatible with the surrounding area. The change of zone will also allow the property owner to continue expanding their business, which the Comprehensive Plan encourages.

APPLICATION CONTACT

DaNay Kalkowski, 402-435-6000 or danay@sk-law.com

STAFF CONTACT

Emma Martin, (402) 441-6369 or emartin@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The site is designated for future industrial land uses on the Future Land Use Map. This request complies with the requirements of the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Industrial on the 2050 Future Land Use Plan.

Land Use Plan - Industrial: areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Goals Section

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Industrial Centers

Light Industrial

The Light Industrial category is for uses that have a minimal impact on surrounding properties. They could include lighter manufacturing uses with some additional office and retail uses located within the center, such as the Horizon Business Center located near 14th & Pine Lake Road south of Lincoln Southwest High School. Light industrial centers can be located more closely to residential uses than traditional industrial centers, though residential uses should be buffered through landscaping, setbacks, and transitional uses, such as office or open space.

Policies Section

P15: Infrastructure and Economic Development - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Action Steps

1. Continue to provide adequate sites with associated infrastructure to serve the community’s economic development needs.

ANALYSIS

1. This application is for a change of zone from AG Agriculture to I-1 Industrial District on approximately 24.09 acres located at N. 70th Street and McCormick Drive. The change of zone is requested so the property can be utilized for additional storage and staging of construction materials for their related businesses.
2. The property is shown as Industrial in the 2050 Comprehensive Plan. The land surrounding the property is also shown to be zoned Industrial in the 2050 Comprehensive Plan. Both parcels were annexed in 2008 by AN08009. The northern part of the site is partially within the floodplain, as shown on page 3 of the exhibits.
3. The existing uses on the property include light industrial and have been on the site for over 30 years. However, the property was not zoned for commercial or industrial uses when the storage use began. The applicant has no plans to pave or build on the land; the need for the expanded storage is due to an increase in orders and projects for the business of the applicant. The property could be used for future buildings in conformance with the zoning.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING:

AG - Agricultural Outdoor storage and agricultural Production

SURROUNDING LAND USE & ZONING

North: AG, Agricultural	City of Lincoln Northeast Sewer Treatment Plant (zoned P Public)
South: I-1 Industrial	Light Industrial, Agricultural Production
East: AG, Agricultural;	Agricultural Production, Streams & Creeks
West: AG Agricultural	Agricultural Production

APPROXIMATE LAND AREA: Approximately 24.09 acres

LEGAL DESCRIPTION: The west 350 feet of Lot 37 and all of Lot 37 except the West 350 feet, located in the NW 1/4 of Section 34-11-7, Lincoln, Lancaster County, Nebraska, generally located at N 70th Street and McCormick Drive.

Prepared by Emma Martin, Planner
(402) 441-6369 or emartin@lincoln.ne.gov

February 9, 2023

Applicant: Constructors, Inc.
1815 Y Street
Lincoln, NE 68508
bobc@nebcoinc.com

Contact: DaNay Kalkowski
1128 Lincoln Mall, Suite 105
Lincoln, NE 68508
danay@sk-law.com

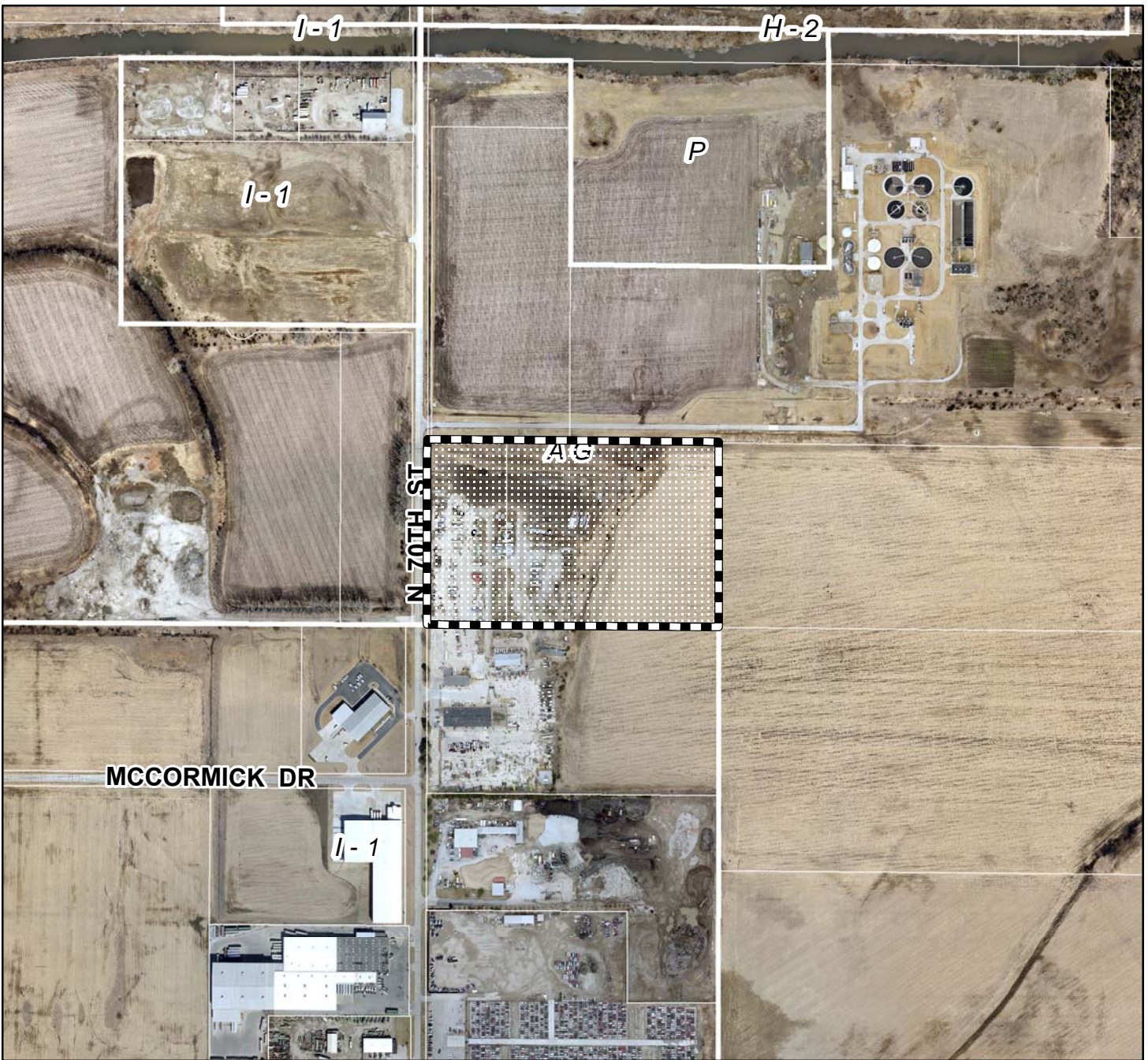
Owner: Constructors, Inc.
1815 Y Street
Lincoln, NE 68508
bobc@nebcoinc.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/23000/CZ23003 N 70th and McCormick Drive.edm.docx>

CONDITIONS OF APPROVAL - CHANGE OF ZONE #23003

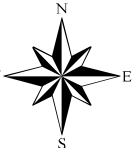
Standard Conditions:

1. The following conditions are applicable to all requests:
 - 1.1 Before occupying the buildings all development and construction shall substantially comply with the approved plans.
 - 1.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 1.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 1.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 1.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 1.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



Change of Zone #: CZ23003 (AG to I-1)

N 70th St & McCormick Dr

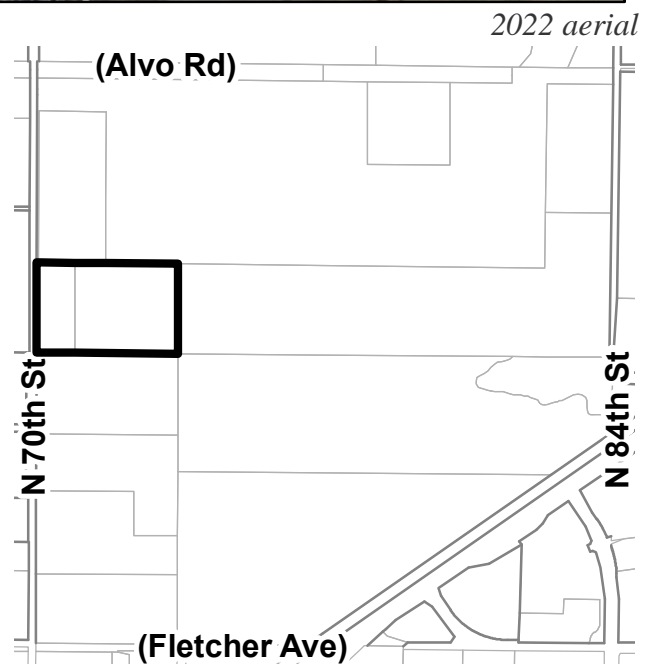


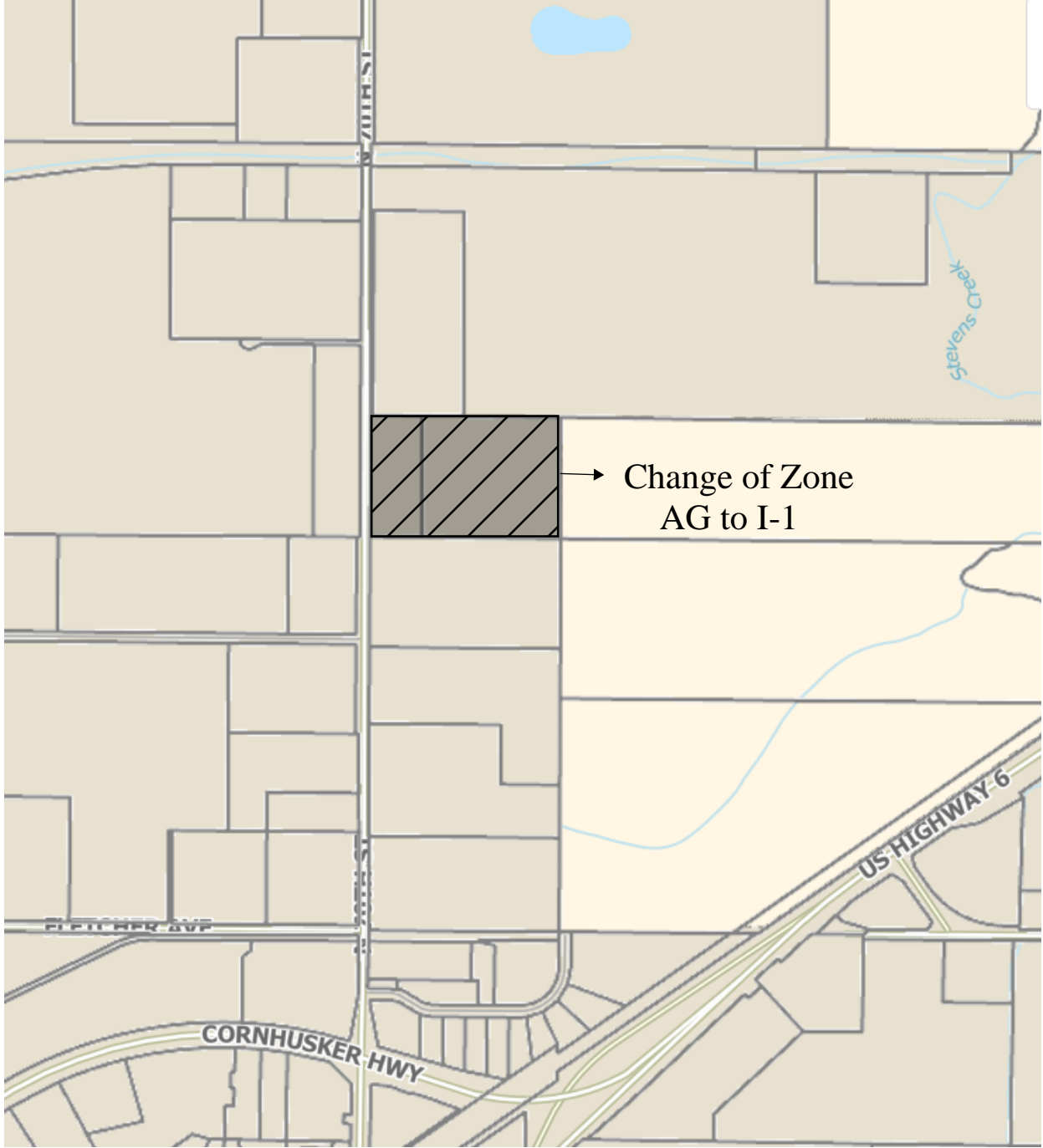
Zoning:

- 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 Park District
- I-2 Employment Center District
- I-3 Public Use District

One Square Mile:
Sec.34 T11N R07E

- Area of Application
- Zoning Jurisdiction Lines
- Lancaster County Jurisdiction









SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

January 24, 2023

HAND DELIVERY

David Cary, Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Change of Zone from AG to I-1

Dear David:

Our office represents Constructors, Inc. (“Constructors”), the owner Lot 37, Irregular Tract located in the Northwest Quarter of Section 34, Township 11 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska (the “Property”). The Property includes approximately 24 acres and is located east of N. 70th Street and north of McCormick Drive. It is currently zoned AG and has been annexed.

Constructors is requesting to change the zone of the Property from AG to I-1 to allow the Property to be utilized for additional storage and staging of construction materials for its related businesses. Portions of the Property are utilized in conjunction with the property to the south that is also owned by Constructors and zoned I-1. Expansion of the I-1 zoning is appropriate for the Property given the adjacent I-1 zoning, surrounding uses and the Property’s designation for Industrial use in the Comprehensive Plan 2050 Future Land Use Plan.

Enclosed please find the following:

- a. City of Lincoln Zoning Application for the Change of Zone; and
- b. Application fee in the amount of \$1,056.

If you have any questions regarding the enclosed or need any additional information, please feel free to contact me.

Very truly yours,


DANAY KALKOWSKI
For the Firm

Enclosures

Cc: James Michael Bowers w/encl. via email

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
Change of Zone #23001
Use Permit #23001

FINAL ACTION?
Change of Zone: No
Use Permit: Yes

DEVELOPER/OWNER
Child Advocacy Center/ City of Lincoln

PLANNING COMMISSION HEARING DATE
February 22, 2023

RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
5025 Garland Street

RECOMMENDATION:

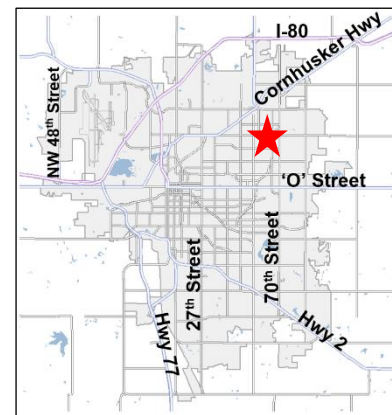
**CZ#23001
UP#23001**

**APPROVAL
CONDITIONAL APPROVAL**

BRIEF SUMMARY OF REQUEST

This is a combined request for a Change of Zone from O-2 Suburban Office District and R-2 Residential to O-3 Office Park, and a Use Permit matching the same boundary for property generally located at 5025 Garland Street.

The site plan submitted for the Use Permit includes three existing properties. One property includes an existing building and parking, one is for a future office building, and the third will be used for parking.



JUSTIFICATION FOR RECOMMENDATION

The proposed O-3 zoning and Use Permit will allow the existing Child Advocacy Center to expand its services and provide increased support. Although two of the properties within the proposed Use Permit are shown to be residential in the 2050 Comprehensive Plan, the expansion of services like the Child Advocacy Center are important, as they provide services that support Lincoln and its communities. The surrounding uses (housing and a public park) will be beneficial to the demographic that the center works with, namely children and their families, and create a safe space.

The O-3 zoning district is designed to be adjacent to residential zoning and limits uses to help mitigate the impact on the adjacent residential areas. It also allows the City to have greater site review to address impacts on the surrounding neighborhood.

APPLICATION CONTACT

Matt Langston, (402) 474-6311 or
mlangston@olsson.com

STAFF CONTACT

Emma Martin, (402) 441-6369 or
emartin@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan shows this area for future low-density residential and public uses. While the proposed O-3 zoning is not a residential zoning district, it is limited to primarily residential and office uses, and is designed to be a transitional zoning district. In this circumstance, re-zoning the existing R-2 and O-2 properties will allow an existing use to expand its services while not affecting the character of the surrounding residential area. The new office building is designed to look similar to a house and be compatible with the neighborhood. The use permit includes the building elevation as part of the approval.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown for future public and urban residential uses on the 2050 Future Land Use Plan.

Land Use Plan

Urban Residential - Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling unit per acre.

Public and Semi-Public - Areas of public or semi-public land use and/or structure that serve the general public.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

Goals Section

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

Elements Section

E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

Figure E1.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
 - c. Non-residential uses, including parking lots, should be screened from residential areas.
 - f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.
2. Require sidewalks on both sides of all streets or in alternative locations as allowed through design standards or review process.
3. Infill development should balance expanding housing options and neighborhood character by complementing the character of the existing neighborhood and providing appropriate transitions, scale and context. Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.
4. Maintain existing pattern of streets for connectivity.
5. Maintain alley access and encourage shared driveways to parking areas in order to reduce interruptions to pedestrian traffic, to preserve on-street parking capacity, and to reduce automobile conflict points.

Existing Neighborhoods

The diversity of architecture, housing types and sizes are central to what make existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods.

Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side. The City's primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods.

Modest opportunities for redevelopment may also be appropriate along "neighborhood edges." Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

Policies Section

P2: Existing Neighborhoods - Continue our commitment to strong, diverse, and complete neighborhoods.

Action Steps

1. Promote the preservation, maintenance, and renovation of existing housing and supporting neighborhood uses throughout the City, with special emphasis on low and moderate income neighborhoods.
2. Maintain and enhance infrastructure and services, commensurate with needs, in existing neighborhoods.
3. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
4. Implement elements of Complete Neighborhoods for existing neighborhoods.
5. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.

ANALYSIS

1. These requests seek a change of zone from O-2 Suburban Office District and R-2 Residential to O-3 Office Park for up to 3.17 acres. The area is surrounded by residential uses to the north, south, and west, and by public uses to the east and south.
2. The Child Advocacy Center (CAC) assists children with trauma of all kinds, by providing counseling, medical examinations, and other related activities. The Lincoln Police Department (LPD) is part of the existing office space on 5025 Garland Street and assists with the CAC's mission. According to the applicant, LPD agreed to be part of the building two and a half years ago in a small area on the main level. LPS ended up, occupying almost the entire second floor, leading the CAC to seek out additional space for their work.
3. To gain the necessary space, the CAC is requesting a use permit to create an Office Park on three properties, 5025 Garland Street (where the existing office and parking lot are), 5100 Colby Street, and 5103 Garland Street. 5100 Colby Street and 5103 Garland Street are across N 51st Street, to the east of the existing office.
4. The proposed additional building would be built on 5103 Garland Street and the total of 21,000 SF for all buildings will house more CAC staff, as well as training and office uses. 5100 Colby Street would be used for a parking lot with 21 new stalls, and the existing house on the property would be torn down. The existing conditions of 5100 Colby Street and 5103 Garland Street can be seen in the attached exhibits.
5. To ensure the center will not disrupt the character or appearance of the neighborhood, the exterior of the new office will be designed to look like a single-family home. This will create a more discreet space that will be beneficial for those the center supports and the neighborhood. This exterior will match the existing office space across the street, which is also designed to look like a residence, though it is significantly larger.

CONDITIONS OF APPROVAL - USE PERMIT #23001, CHANGE OF ZONE #23001

This approval permits an additional 3,500 of square feet for a total of 26,000 square feet of commercial space.

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone #23001
2. 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 upon approval before receiving building permits or before a final plat is approved:
 - 2.1 Note that the 21,000 SF described in the parking table is for both buildings.
 - 2.2 Add label "51st Street and alley within limits of Use Permit to be paved by developer".
 - 2.3 To Note #4, add sentence "accessory buildings need not be shown on the site plan".
 - 2.4 Add a note stating total disturbance is under 1 acre. As such, water quality is not required. Likewise, detention is not required since minor increases in impervious area draining to Deadmans Run creek.
 - 2.5 Add a note that the new building shall be in substantial conformance with the elevation provided or a revised elevation approved by the Director of Planning.

3. Prior to building permit, Lot 5 & 6, Block 127 shall be final platted into one lot as approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, sidewalks, land preparation and grading, landscaping screens, street trees, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. **A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.**

Permittee agrees:

to complete the street paving of 51st Street shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks within the use permit boundary within four (4) years following the approval of the final plat.

to complete the planting of the street trees within this plat within six (6) years following the approval of the final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

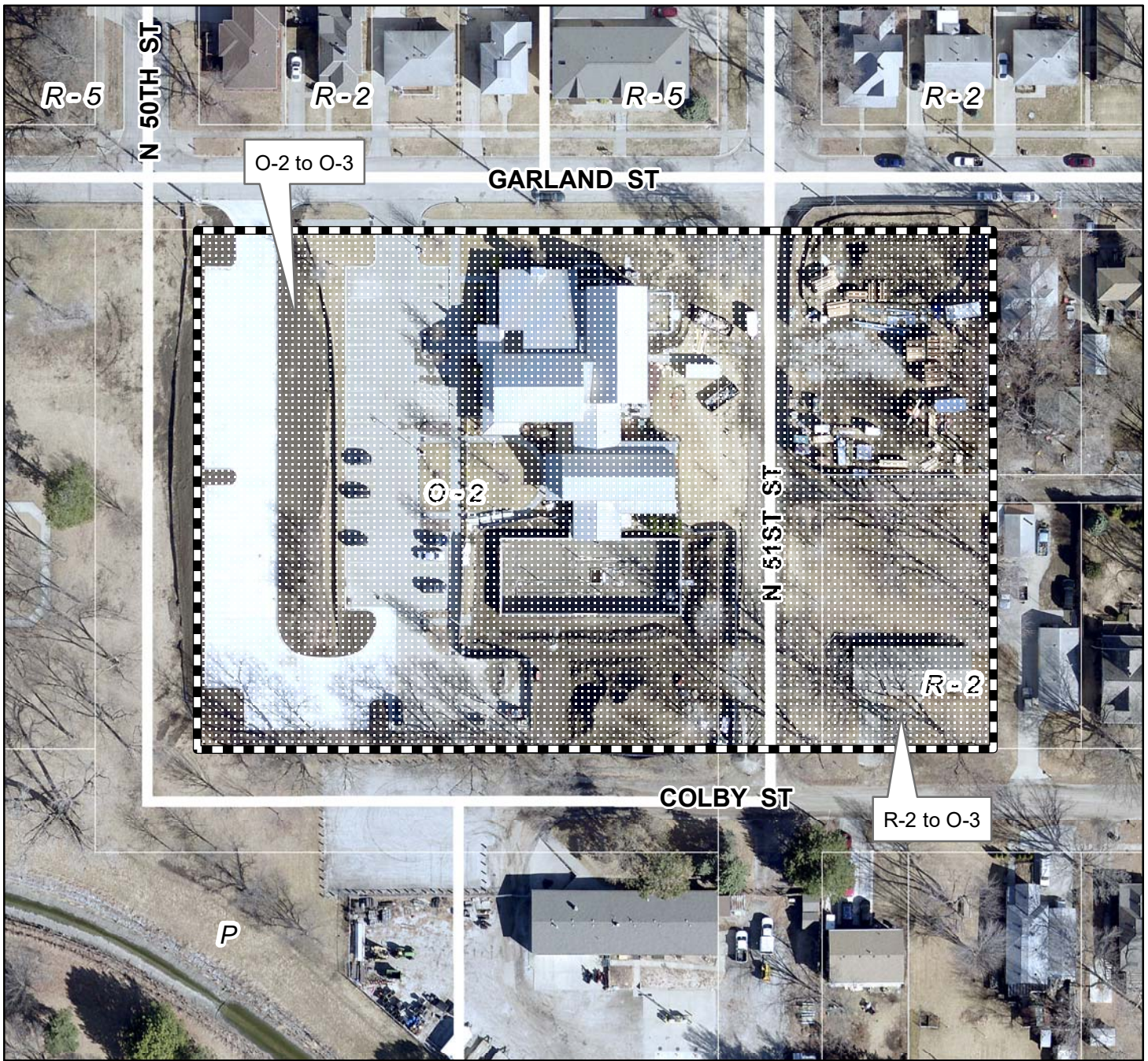
to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying buildings all development and construction is to substantially comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

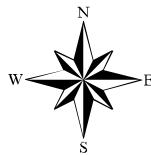


2022 aerial




**Use Permit #: UP23001 and
Change of Zone #: CZ23001
Child Advocacy Center
N 51st St & Garland St**

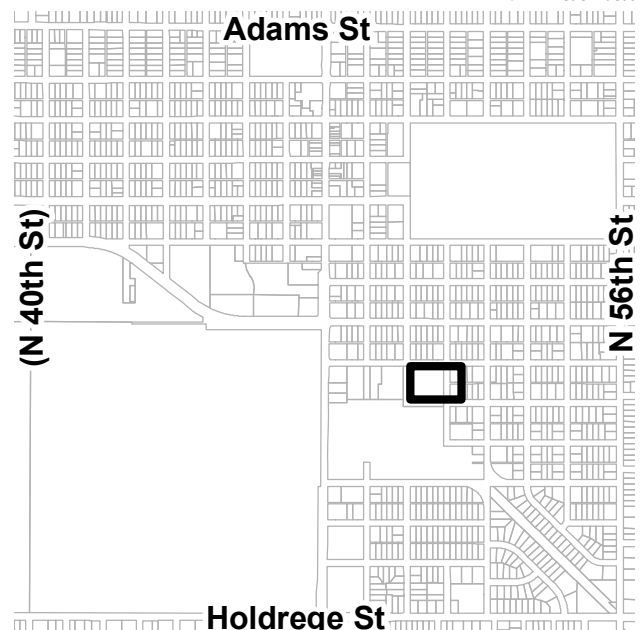
Zoning:

- 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.17 T10N R07E**

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction
60	



CHILD ADVOCACY CENTER USE PERMIT SITE PLAN

PARKING TABLE		
BUILDING S.F.	REQUIRED PARKING	PROVIDED PARKING
21,000	70	113

ENGINEER
OLSSON
601 P STREET
SUITE 200
LINCOLN, NE 68508
402-474-8311

DEVELOPER
LINCOLN LANCASTER
COUNTY CHILD ADVOCACY
CENTER INC
5025 GARLAND ST
LINCOLN, NE 68504

OWNER
LINCOLN LANCASTER
COUNTY CHILD ADVOCACY
CENTER INC
5025 GARLAND ST
LINCOLN, NE 68504

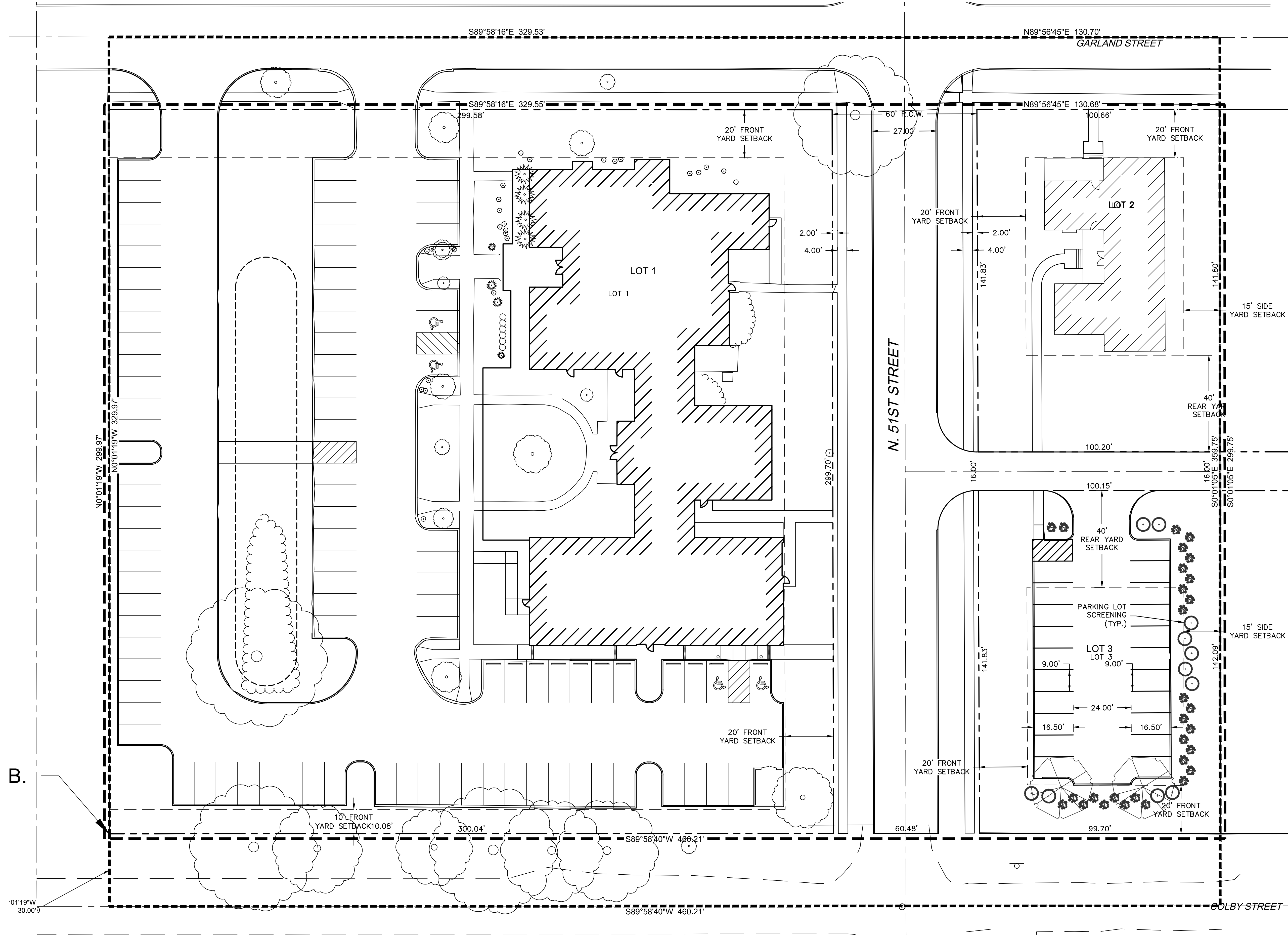
CITY OF LINCOLN
Attn: REAL ESTATE
DIVISION 555 S 10 ST
ROOM 205
LINCOLN, NE 68508



VICINITY MAP
NO SCALE

olsson

601 P Street, Suite 200
Lincoln, NE 68508
TEL 402.474.8311
www.olsson.com



USE PERMIT LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 12, AND THE EAST-WEST VACATED ALLEY, BLOCK 128, UNIVERSITY PLACE, LOTS 5 THROUGH 8, AND THAT PORTION OF THE EAST-WEST ALLEY ABUTTING LOTS 5 THROUGH 8, BLOCK 127, UNIVERSITY PLACE AND A PORTION OF NORTH 51ST STREET, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7, BLOCK 128, THENCE, NORTHERLY, ON THE WEST LINE OF SAID LOT 7, BLOCK 128, THE WEST LINE OF SAID VACATED ALLEY, AND THE WEST LINE OF SAID LOT 6, BLOCK 128, SAID LINE BEING AN EAST LINE OF VACATED NORTH 50TH STREET RIGHT OF WAY, ON AN ASSUMED BEARING OF N00°01'19"W, A DISTANCE OF 299.97' TO THE NORTHWEST CORNER OF SAID LOT 8, BLOCK 128; THENCE S89°58'16"E, ON THE NORTH LINE OF SAID LOTS 8 THROUGH 1, BLOCK 128, AND THEIR EXTENSION, SAID LINE BEING THE SOUTH RIGHT OF WAY LINE OF VACATED GARLAND STREET RIGHT OF WAY AND ITS EXTENSION, A DISTANCE OF 329.55' TO A POINT OF INTERSECTION WITH THE CENTER LINE OF NORTH 51ST STREET, THENCE N89°56'45"E, ON THE NORTH LINE OF SAID LOTS 6 AND 5, BLOCK 127, AND THEIR EXTENSION, SAID LINE BEING THE SOUTH RIGHT OF WAY LINE OF GARLAND STREET AND ITS EXTENSION, A DISTANCE OF 130.68' TO THE NORTHWEST CORNER OF SAID LOT 5, BLOCK 127; THENCE S00°01'05"E, ON THE EAST LINE OF SAID LOTS 5 AND 8 AND THEIR EXTENSION, A DISTANCE OF 299.75' TO THE SOUTHEAST CORNER OF SAID LOT 8, BLOCK 127; THENCE S89°58'40"W, ON THE SOUTH LINE OF LOTS 8 AND 7, BLOCK 127 AND THEIR EXTENSION, AND THE SOUTH LINE OF LOTS 12 THROUGH 7, BLOCK 128 AND THEIR EXTENSION, SAID LINE BEING THE NORTH RIGHT OF WAY LINE OF COLBY STREET AND ITS EXTENSION, AND THE NORTH RIGHT OF WAY LINE OF VACATED COLBY STREET AND ITS EXTENSION, A DISTANCE OF 460.21' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 137,971.15 SQUARE FEET OR 3.17 ACRES, MORE OR LESS.

LEGAL DESCRIPTION CHANGE OF ZONE TO O-3

A TRACT OF LAND COMPOSED OF LOTS 1 THROUGH 12, AND THE EAST-WEST VACATED ALLEY, BLOCK 128, UNIVERSITY PLACE, LOTS 5 THROUGH 8, AND THAT PORTION OF THE EAST-WEST ALLEY ABUTTING LOTS 5 THROUGH 8, BLOCK 127, UNIVERSITY PLACE, A PORTION OF NORTH 51ST STREET, A PORTION OF COLBY STREET, A PORTION OF VACATED COLBY STREET, A PORTION OF GARLAND STREET, AND A PORTION OF VACATED GARLAND STREET, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7, THENCE, NORTHERLY, ON THE WEST LINE OF SAID LOT 7, BLOCK 128, THE WEST LINE OF SAID VACATED ALLEY, AND THE WEST LINE OF LOT 6, BLOCK 128, AND ITS EXTENSION, SAID LINE BEING AN EAST LINE OF VACATED NORTH 50TH STREET RIGHT OF WAY, ON AN ASSUMED BEARING OF N00°01'19"W, A DISTANCE OF 329.97' TO A POINT, THENCE S89°58'16"E, ON THE CENTER LINE OF VACATED GARLAND STREET, A DISTANCE OF 329.53' TO A POINT OF THE INTERSECTION OF VACATED GARLAND STREET AND NORTH 51ST STREET; THENCE N89°56'45"E, ON THE CENTERLINE OF GARLAND STREET, A DISTANCE OF 130.70' TO A POINT; THENCE S00°01'05"E, ALONG THE EAST LINE OF LOT 8 AND LOT 5, BLOCK 127, AND THEIR EXTENSIONS, A DISTANCE OF 399.75' TO A POINT; THENCE S89°58'40"W, ON THE CENTER LINE OF COLBY STREET AND THE CENTERLINE OF VACATED COLBY STREET, A DISTANCE OF 460.21' TO A POINT; THENCE N00°01'19"W, ON THE EXTENSION OF LOT 7, BLOCK 128, A DISTANCE OF 30.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 165,584.36 SQUARE FEET OR 3.80 ACRES, MORE OR LESS.

GENERAL NOTES

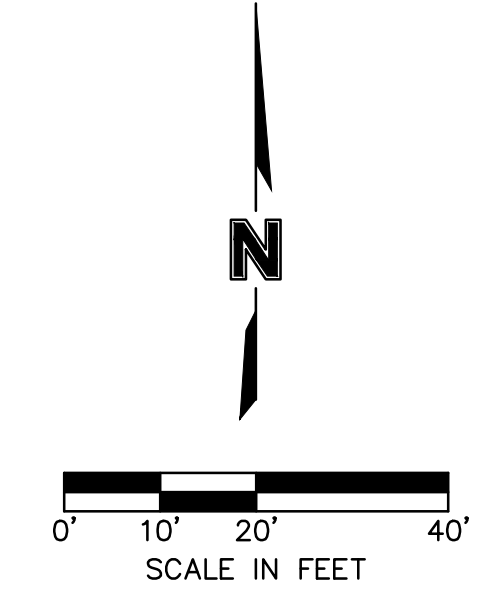
- ALL ELEVATIONS ARE TO NAVD 1988.
- ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
- ALL DRIVES SHALL BE 24' WIDE TYPICAL UNLESS OTHERWISE NOTED.
- FINAL SITE LAYOUT AND INDIVIDUAL LANDSCAPE PLANS TO BE SUBMITTED AT TIME OF BUILDING PERMIT.
- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- PUBLIC UTILITIES ARE LOCATED IN ADJACENT PUBLIC STREETS.
- EXISTING ZONING IS O-2 AND R-2 WITH PROPOSED ZONING OF O-3.
- SIDEWALKS TO BE BUILT ALONG AND ADJACENT TO N. 51ST STREET AND GARLAND.

ZONING DESIGNATION AREA NOTES

- THE O-3 ZONING DESIGNATION AREAS FOLLOW THE LMC TITLE 27 REGULATIONS FOR THE O-3 ZONING DISTRICTS RESPECTIVELY UNLESS OTHERWISE NOTED ON THE USE PERMIT.

LEGEND

	BOUNDARY OF USE PERMIT
	PROPOSED O-3 ZONING
	PROPERTY LINE
	RIGHT OF WAY
	CENTERLINE
	SETBACK
	EASEMENT



DWG: F:\2022\02201-03000\022-02268\40-Design\AutoCAD\ Preliminary Plans\Sheets\CONV.C_SIT01_02202968.dwg
DATE: Jan 10, 2023 4:37pm
USER: mlongston
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C_PBASE_02202968
XREFS: C_XBASE_02202968

REV. NO.	DATE	REVISIONS DESCRIPTION

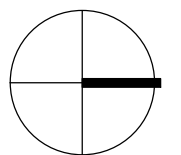
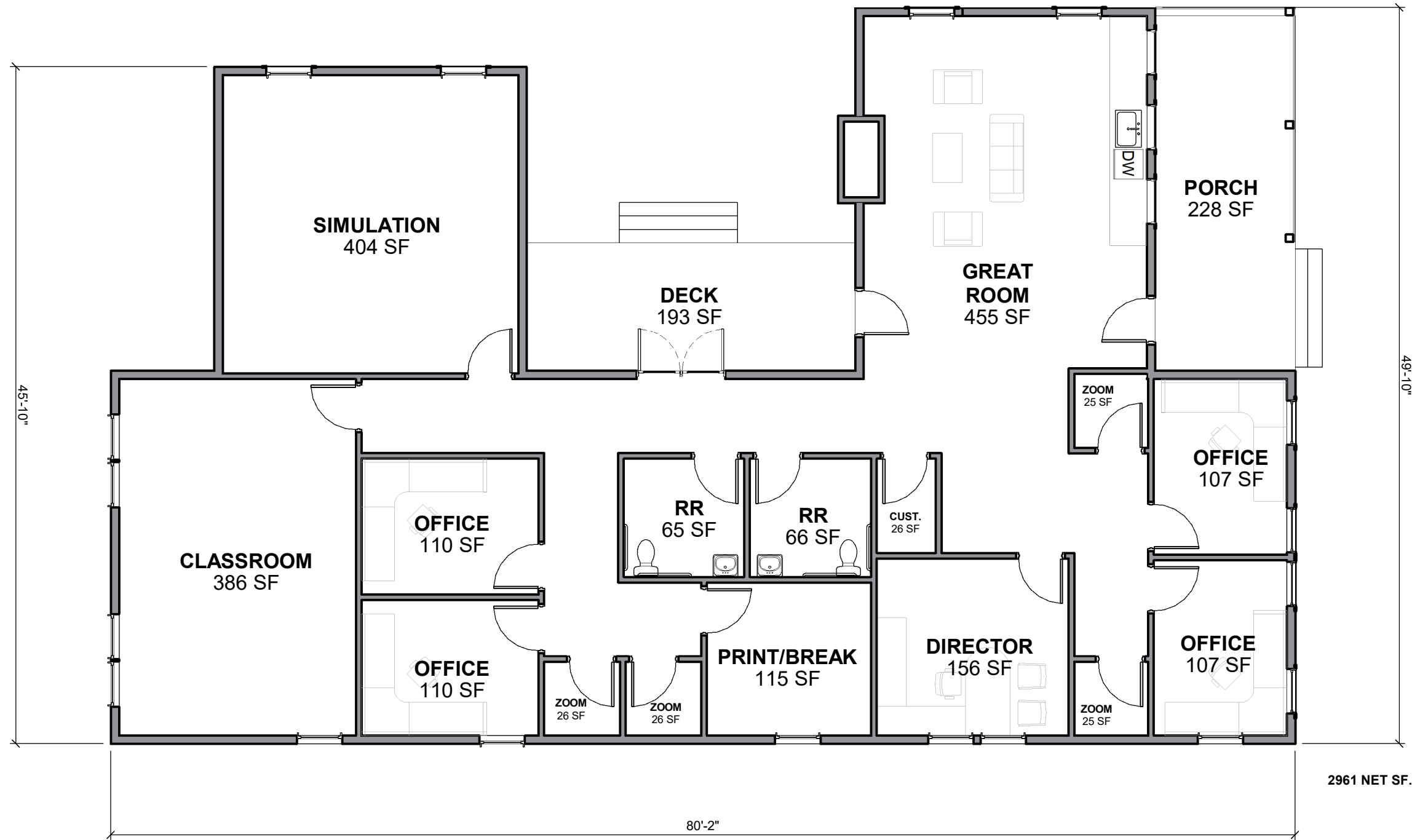
2022

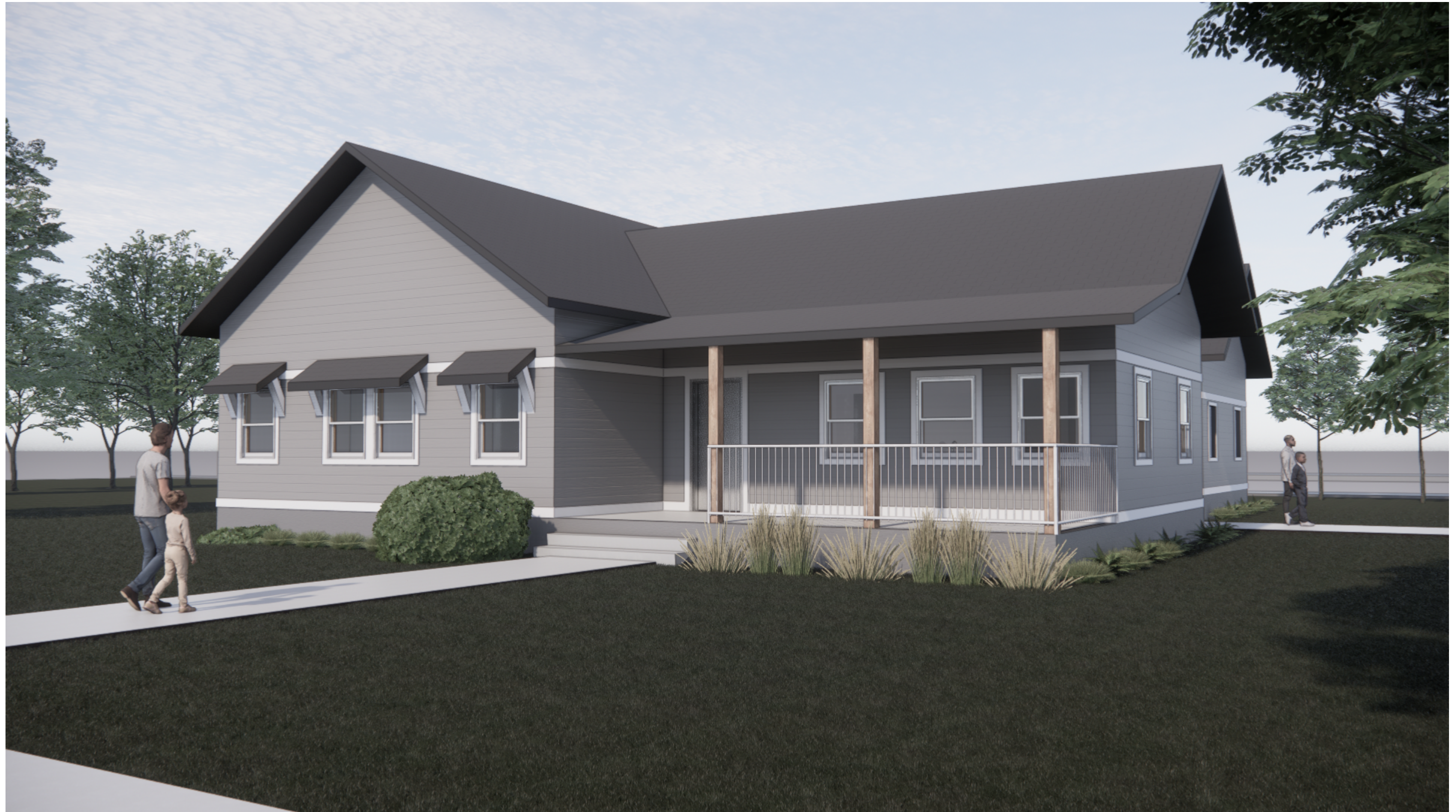
SITE PLAN

CHILD ADVOCACY CENTER
USE PERMIT

LINCOLN, NEBRASKA

drawn by:	MCL
checked by:	
approved by:	
GNOC by:	
project no.:	022-02968
drawing no.:	
date:	12.28.2022







December 28, 2022

Mr. David Cary
Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Child Advocacy Center Use Permit and Change of Zone
Olsson Project No. 022-02968

Dear Mr. Cary,

On behalf of the Lincoln / Lancaster County Child Advocacy Center, the owner of the real property legally described as a tract of land composed of lots 1 through 12, and the east-west vacated alley, block 128, university place, lots 5 through 8, and that portion of the east-west alley abutting lots 5 through 8, block 127, University Place and a portion of North 51st Street, all located in the southeast quarter of Section 17, Township 10 North, Range 7 east of the 6th p.m., city of Lincoln, Lancaster County, Nebraska ("the Property").

The Lincoln / Lancaster County Child Advocacy Center is proposing a Change of Zone and an Use Permit to add office space and an associated parking on the lots to the east of 51st Street, Lincoln.

The property located west of N. 51st Street is currently zoned O-2 with the property east of N.51st Street being zoned R-2. Proposed Change of Zone would be to O-3. The surrounding areas include zonings of P, R-2, and R-5 .

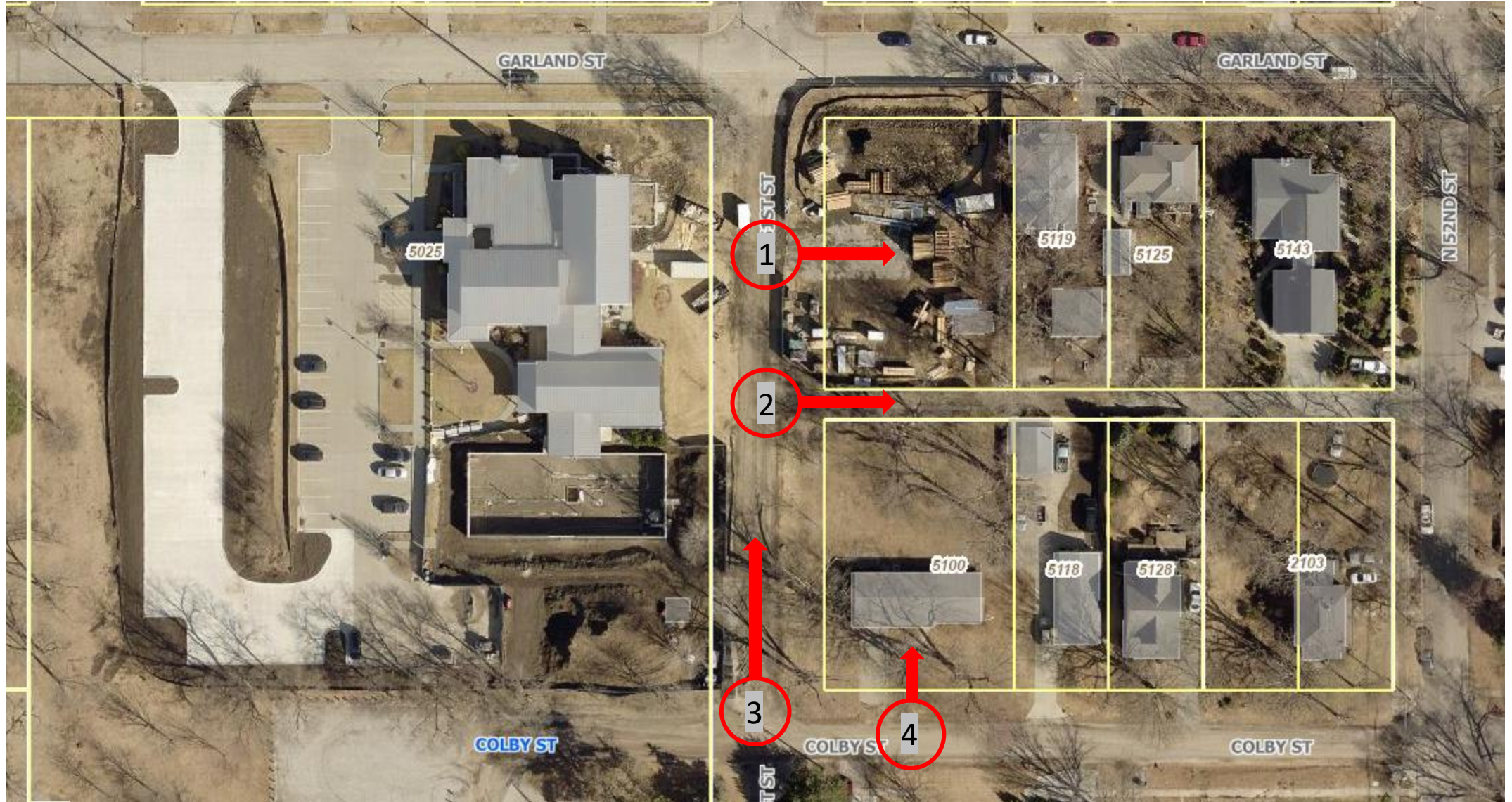
Enclosed find the following documents for the above-mentioned project:

1. City of Lincoln Application, for an Use Permit and Change of Zone.
2. Site Plan Exhibit.
3. Application fees in the amount of \$2,673.09

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Permit. If you require further information or have any questions, please do not hesitate to contact me at mlangston@olsson.com or (402) 474-6311.

Sincerely,

Matt Langston
Enclosures.





Existing Conditions 1

5103 Garland Street seen from N. 51st
Street



Existing Conditions 2

Alley between 5103 Garland Street
and 5100 Colby Street seen from N.
51st Street



Existing Conditions 3
5100 Colby Street seen from N. 51st
Street



Existing Conditions 4

Looking towards Garland Street from
the intersection of N. 51st and Colby
Street

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

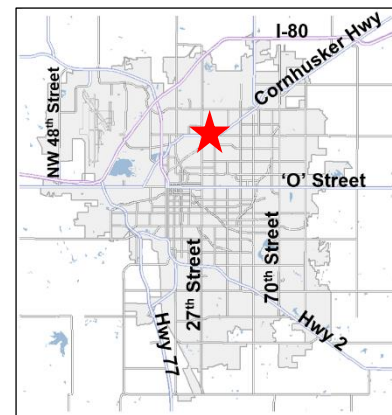
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Use Permit #56G	FINAL ACTION? Yes	DEVELOPER/OWNER Menard, Inc.
PLANNING COMMISSION HEARING DATE Feb. 22, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3400 N 27 th Street, Lincoln, NE

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend a Use Permit to add 61,000 SF of mini-warehouse reusing an existing parking lot. The area of application is located at 3400 N 27th Street, Lincoln, NE.



JUSTIFICATION FOR RECOMMENDATION

The proposed mini-warehouse use is consistent with the surrounding uses. In addition, the proposed location of the mini-warehouse is consistent with commercial infill practices supported by the 2050 Comprehensive Plan.

APPLICATION CONTACT
Matt Langston, 402-474-6311 or
mlangston@olsson.com

STAFF CONTACT
Emma Martin, (402) 441-6369 or
emartin@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed land use, mini-warehouse, is compatible with the 2050 Comprehensive Plan's projected land use plan. This area is projected to remain in commercial zoning and subject to revising the grading and drainage plan in the floodplain, and the conditions of Use Permit, it is in conformance with the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown for future Commercial uses on the 2050 Future Land Use Plan.

Land Use Plan - Commercial: Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Commercial Infill

Figure E3.f: Commercial Infill Design Strategies

1. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
2. Encourage shared driveways and interconnected parking lots where possible.
3. Maintain or adaptively reuse existing structures (especially historical structures) where possible.

Policies Section

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.

ANALYSIS

1. Menards is proposing an amendment to the existing Use Permit to add 61,000 SF of mini-warehouse to the area in front of Building B, in area 27, shown on the site plan. With the expansion, the total floor area of mini-warehouse space would be 134,000 SF.
2. The total floor area for the use permit will be 668,523 SF with the proposed expansion. The B-5 district requires 4.5 parking stalls per 1,000 square feet, but due to LMC 27.67.040(e), regarding mini-warehouse parking, if the access lanes and roads “to the storage area are twenty feet or greater in width, to allow vehicles to unload and pass, no additional parking for the storage cubicles is required”. The proposed drive aisles are wider than 20 feet, so no additional parking will be required. Most cars will simply stop in the drive aisle to unload, so additional parking is not necessary.
3. The project area is located in the 100-year floodplain and most of the mini-warehouse storage units are also within the Salt Creek Levee 500 foot Critical Levee area.
4. LTU - Watershed Management has recommended the proposed grading plan needs a significant revision, due to the necessity of meeting the requirements for the Salt Creek Storage calculations, and the limited amount of allowable storage that remains. They noted that the allowable cut/fill used to calculate the updated allowed Salt Creek storage cannot be obtained by creating a pond, as was shown on the submitted plans. Watershed Management stated that drainage must be maintained with a typical surface grade and cannot entrap water even over a short period. Lower Platte South NRD agreed with Watershed Managements initial comments.
5. The applicant has been working with LTU - Watershed Management to develop a solution. As of this report, no agreement has been reached.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: B-5, Planned Regional Business District Commercial

SURROUNDING LAND USE & ZONING

North: I-1, Industrial	Commercial, Streams & Creeks
South: B-5, Planned Regional Business District	Commercial
East: I-1, Industrial	Commercial, vacant land
West: I-1, Industrial	Commercial,

APPLICATION HISTORY

April 13, 1992 Use Permit #56 for a 425,000 square feet retail center was approved.

Dec. 20, 1993 Use Permit #56A for a 70 foot tall flag pole was approved.

January 1995 Use Permit #56B for a ground sign was withdrawn.

July 2, 1997 Use Permit #56C to add 52,380 square feet of floor area to the site plan was approved

October 22, 1997 Use Permit #56D to add 7,488 square feet for a video store was approved.

November 1, 1999 Use Permit #56E for a sign for Shopko was denied.

May 26, 2011 Use Permit #56F to add a garden center and outdoor warehouse, and reduce the required parking ratio, was approved

APPROXIMATE LAND AREA: 23.535 acres, approximately

LEGAL DESCRIPTION: Lot 1, Cather 1st Addition, located in the SW 1/4 of Section 7-10-7, Lincoln, Lancaster County, Nebraska, generally located at 3400 North 27th Street.

Prepared by Emma Martin, Planner
(402) 441-6369 or emartin@lincoln.ne.gov

February 9, 2023

Applicant: Matt Langston
601 P Street, Suite 200
Lincoln, NE 68508
mlangston@olsson.com

Contact: Matt Langston
601 P Street, Suite 200
Lincoln, NE 68508
mlangston@olsson.com

Owner: Menard, Inc.
5101 Menard Drive
Eau Claire, WI 54703
nbrenner@menard-inc.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/UP/UP56G Menards Mini-Warehouse.edm.docx>

CONDITIONS OF APPROVAL - USE PERMIT #UP56G

This approval permits 61,000 square feet of commercial space for a total of 668,523 SF of commercial space.

Site Specific Conditions:

1. 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 upon approval before receiving building permits or before a final plat is approved:
 - 1.1 Remove the noted street name.
 - 1.2 Identify the detention area on site plan.
 - 1.3 Remove all extraneous information and unnecessary items from the site plan.
 - 1.4 Fix the areas of overlapping text.
 - 1.5 Create a separate page if sanitary sewer information is needed.
 - 1.6 Note #18 does not describe a fence. Clarify the need for and intention behind a 14-foot-tall yard screen or remove from the site plan.
 - 1.7 Update the legal description .
 - 1.8 Identify the building “letter” to note if the added mini-warehouse is part of the floor area for building “F”. If it is not, add a new letter and update the table.
 - 1.9 Identify CATHER ROAD and PRIVATE ROADWAY, per Cather 1st Addition.
 - 1.10 Revise the grading and drainage plan to the satisfaction of Lincoln Transportation & Utilities Watershed Division.
2. If the borrow pit is on site, then prior to building permit, due to the proposed pond in the 500-foot Salt Creek Levee Critical Area, obtain a 408 permit from the Corps of Engineers. The 408 permit needs to be submitted to the Lower Platte South Natural Resources District (NRD) for review and submittal to the Corps.
3. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, private roadway improvements, drainage facilities, land preparation and grading, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Permittee agrees:

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

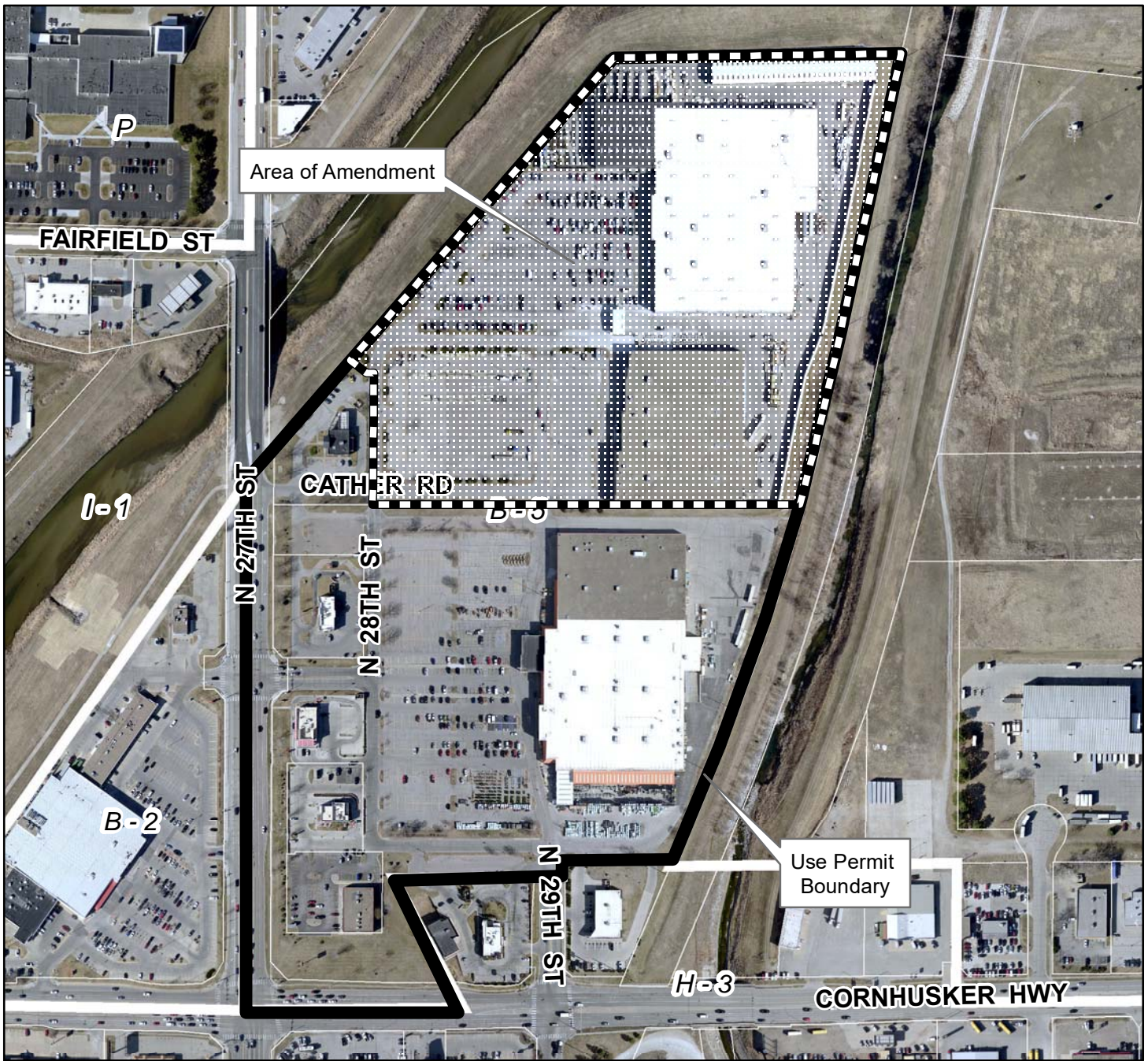
to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to inform all purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

Standard Conditions:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying buildings all development and construction is to substantially comply with the approved plans.
 - 4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.4 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 4.5 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.

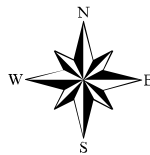


2022 aerial

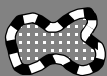


Use Permit #: UP56G
N 27th St & Cornhusker Hwy

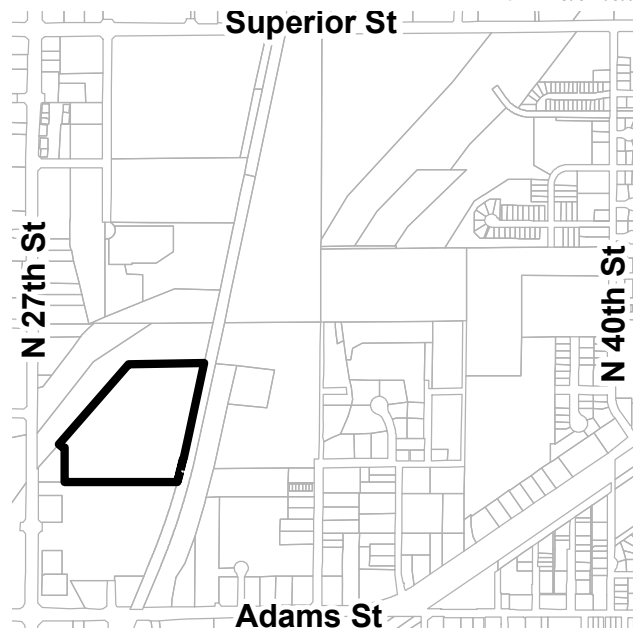
Zoning:

- 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.07 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
79	



27TH & CORNHUSKER

AMENDMENT TO USE PERMIT 56G SITE PLAN

ENGINEER & PREPARER

OLSSON ASSOCIATES
601 P STREET
LINCOLN, NEBRASKA 68508
PH. (402)474-6311

OLSSON ASSOCIATES
TEL 402.474.6311
FAX 402.474.6963
601 P Street, Suite 200
Lincoln, NE 68508
www.olssonllp.com

- ▲ REVISD BLDG I SITE 03/15/2018
- ▲ REVISD BLDG A & B SITE 09/18/2019
- ▲ REVISD CHECK IN GATE 03/03/2020
- ▲ ADDED MINI-WAREHOUSE 12/07/2022

27TH & CORNHUSKER SITE PLAN

AMENDMENT TO USE PERMIT #56F LINCOLN NEBRASKA 2013

- drawn by: checked by: approved by: project no.: 2001-0889
drawing no.: 24 JAN 1994 24 JAN 1994 4 OCT 1994 28 JAN 1995
date: 27 OCT 1993 10 JAN 1994 24 JAN 1994 4 OCT 1994 28 JAN 1995
- ▲ CHANGED PAD SITE #2 24 FEB 1995
 - ▲ ADDED 8 TENT SITES 5 JUNE 1995
 - ▲ ADDED BLDG. D & ADJUSTED PARKING 30 APRIL 1997
 - ▲ ADDED BLDG. E 27 AUG. 1997
 - ▲ STALL COUNT & HYDRANT LOCATION
 - ▲ ADJUSTED BLDG. B 25 MARCH 1999
 - ▲ SIGN-BLDG B 12 AUGUST 1999
 - ▲ LOT 2 TO BANK 04 OCTOBER 1999
 - ▲ TENTS-BLDG B 28 FEBRUARY 2000
 - ▲ MENARDS EXPANSION 23 JANUARY 2001
 - ▲ RESUBMITTED 5 MARCH 2001
 - ▲ MENARDS' GATE ENTRANCE MOVED TO SOUTH 17 JULY 2001
 - ▲ STRUCTURE NORTH OF MENARDS TO REMAIN 1st - 10/1/01
 - ▲ ADDED BUILDING F & ADJUSTED PARKING 1st - 12/5/01
 - ▲ ADDED BUILDING H ADJUSTED BUILDING C & ADJUSTED PARKING 1st - 06/16/03 2nd - 07/09/03
 - ▲ ADJUSTED BUILDING C 1st - 07/30/03
 - ▲ ADDED CENTER SIGN 1st - 09/16/03
 - ▲ MOVED 40 PARKING STALLS 1st - 10/27/03 2nd - 11/21/03
 - ▲ MENARDS MEZZAININE ADDITION O/A# 2005-0110
 - ▲ updated lot G parking count and layout 9/15/05 O/A# 2005-1205
 - ▲ MENARDS GARDEN CNTR & OUTDOOR WAREHOUSE 03/24/11 O/A# 011-0059
 - ▲ MENARDS GARDEN CNTR & OUTDOOR WAREHOUSE 03/24/11 O/A# 011-0059
 - ▲ TACO BELL SITE CHANGES 07/09/2013
 - ▲ REVISD BLDG F SITE 04/07/2015

- #### GENERAL NOTES
1. PUBLIC UTILITIES ARE LOCATED IN ADJACENT PUBLIC STREETS.
 2. THE EXISTING ZONE IS B-5.
 3. SIDEWALKS TO BE BUILT ALONG ADJACENT PUBLIC STREETS.
 4. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
 5. DIRECT VEHICULAR ACCESS TO 27TH STREET AND CORNHUSKER HIGHWAY IS RELINQUISHED EXCEPT AS SHOWN ON PLAN.
 6. ALL DRIVE AND PARKING PAVEMENTS TO BE BUILT TO CITY OF LINCOLN STANDARDS.
 7. ALL SIDEWALKS TO BE BUILT 4' MIN. WIDTH.
 8. ALL DRIVES 24" TYPICAL UNLESS OTHERWISE NOTED.
 9. ALL EXISTING BUILDING STRUCTURES ON THE SITE TO BE REMOVED.
 10. ALL ELEVATION DATA TO CITY OF LINCOLN DATUM.
 11. THE PAD SITES ARE CONCEPTUAL AND MAY BE REVISED AT TIME OF BUILDING PERMIT AND DO NOT REQUIRE AN ADMINISTRATIVE AMENDMENT.
 12. TRAFFIC CONTROL SIGNAGE WILL BE PROVIDED AT THE INTERSECTION OF 29TH STREET AT NODDLE DRIVE. THE SIGNAGE WILL ASSIGN THE RIGHT-OF-WAY TO THE NORTH & SOUTH APPROACHES.
 13. TRAFFIC CONTROL SIGNAGE WILL BE PROVIDED AT THE INTERSECTION OF 28TH STREET AT THE SOUTHERLY ACCESS TO 27TH ST. THE SIGNAGE WILL ASSIGN THE RIGHT-OF-WAY TO THE EAST & WEST APPROACHES.
 14. ONEWAY SIGNAGE TO BE PROVIDED FOR DRIVE-THROUGH FACILITY LOCATED IN BUILDING #1 & ADJACENT ATM TO DISCOURAGE TWOWAY TRAVEL WEST OF THE REQUIRED VEHICLE STACKING & PRIVATE ROADWAYS.
 15. A COMMON ACCESS EASEMENT IS PROVIDED OVER ALL DRIVES AND PARKING STALLS, AS SUCH DRIVES AND PARKING MAY EXIST FROM TIME TO TIME.
 16. BLANKET UTILITY EASEMENTS, EXCLUDING BUILDING ENVELOPES SHALL BE PROVIDED OVER THE ENTIRE USE PERMIT AREA.
 17. DETAILS OF ALL SIGNS, INCLUDING TYPE, EXACT LOCATION, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY AT TIME OF SIGN PERMIT APPLICATION. THEY WILL BE DESIGNED IN ACCORDANCE WITH CITY OF LINCOLN SIGN CODE.
 18. A SECTION 408 PERMIT MUST BE OBTAINED FROM THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT PRIOR TO ANY IMPROVEMENTS WITHIN THE 500 FT SALT CREEK LEVEE PROTECTION AREA.
 19. A FLOODPLAIN DEVELOPMENT PERMIT MUST BE OBTAINED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS IN THE FLOODPLAIN, AND SHALL INCLUDE CERTIFICATION BY AN ENGINEER THAT THESE IMPROVEMENTS CAUSE NO MORE THAN 1 FT RISE IN THE 100-YEAR WATER SURFACE ELEVATION AND MEET THE SALT CREEK STORAGE AREA REQUIREMENTS, AND CERTIFICATION BY AN ENGINEER THAT THE PERIMETER FENCE CAN WITHSTAND THE HYDRODYNAMIC AND HYDROSTATIC LOADS FORM THE 100-YEAR FLOOD.
 20. ALL AREA USED FOR OUTDOOR STORAGE SHALL EITHER HAVE THE GROUND RAISED 1 FT. ABOVE THE 100-YEAR WATER SURFACE ELEVATION, OR ALL MATERIALS SHALL BE ELEVATED 1 FT. ABOVE THE 100-YEAR ELEVATION.

CL. CURVE DATA

A	Δ=40°37'00.0"	R=125.00 L=88.61 T=48.26 LC=86.77
B	Δ=05°31'17.9"	R=615.00 L=59.27 T=29.66 LC=59.25
C	Δ=05°31'17.9"	R=585.00 L=56.38 T=28.21 LC=56.36
D	Δ=09°16'16.2"	R=125.00 L=20.23 T=10.14 LC=20.20
E	Δ=09°14'53.3"	R=125.00 L=20.18 T=10.11 LC=20.15
F	Δ=15°03'56"	R=600.00 L=157.77 T=79.34
G	Δ=13°51'51"	R=600.00 L=145.19 T=72.95
H	Δ=49°23'00.0"	R=141.00 L=121.53 T=64.83 LC=117.80

LAND USE

BLDG.#	FLOOR AREA	USE	PARKING	HEIGHT
1, 2, 3	117,000	MINI-WAREHOUSE	8	40'
4	73,000	RETAIL	0 (EXEMPT UNDER 27.67.04(01))	40'
5	44,000	RETAIL	0 (EXEMPT UNDER 27.67.04(01))	40'
6	60,500	MINI-WAREHOUSE	0 (EXEMPT UNDER 27.67.04(01))	40'
7	142,452	RETAIL	572	40'
8	61,734	RETAIL	435	40'
9	7,488	COMMERCIAL	72	35'
10	5,000	COMMERCIAL/RESTAURANT	50	35'
11	4,700	COMMERCIAL/RESTAURANT	61	35'
12	3,609	FINANCIAL	34	35'
13	3,630	COMMERCIAL/RESTAURANT	37	35'
TOTAL	668,023		1,774	

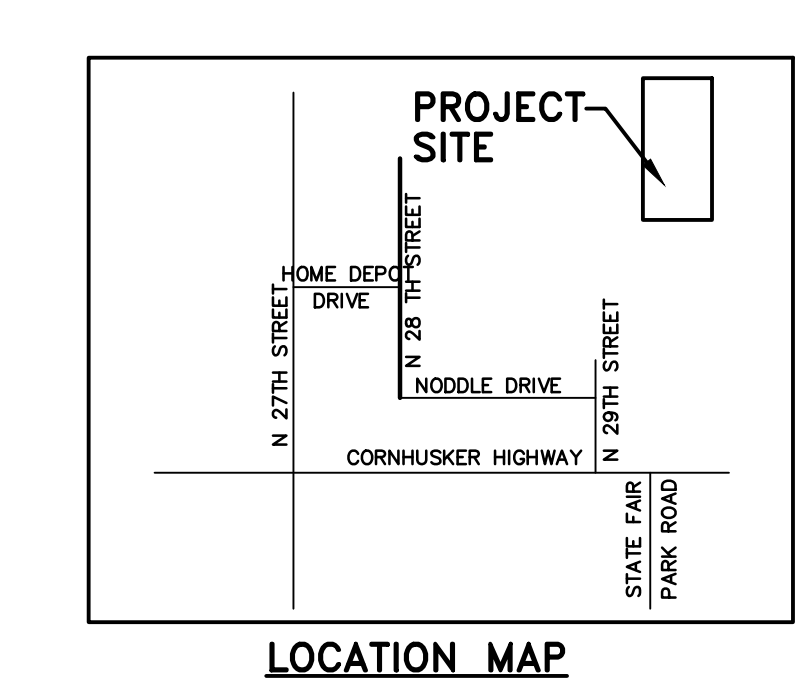
**PARKING RATIO: 2.86/1,000

NOTE: SECURITY GATE FOR OUTDOOR VEHICLE STORAGE AREA WILL PROVIDE ACCESS TO CUSTOMER PARKING BY THE PUBLIC THROUGH USE OF AN INTERCOM WITH STORE MANAGEMENT AT SECURITY KEYPAD LOCATED AT THE GATE.

10,100 SQUARE FEET TO BE USED FOR THE OUTDOOR WAREHOUSE AND OUTDOOR GARDEN CENTER. 10,000 SQUARE FEET TO BE USED FOR THE MEZZAINE ADDITION, WHICH WILL BE USED ONLY FOR DISPLAY AND STORAGE PURPOSES.

** PARKING REQUIREMENT FOR BUILDING "A" IS ADJUSTED TO 473 PARKING STALLS FOR A HOME IMPROVEMENT STORE USE. ANY SUBSEQUENT CHANGE IN USE SHALL COMPLY WITH THE APPLICABLE PARKING REQUIREMENTS OF LMC TITLE 27.

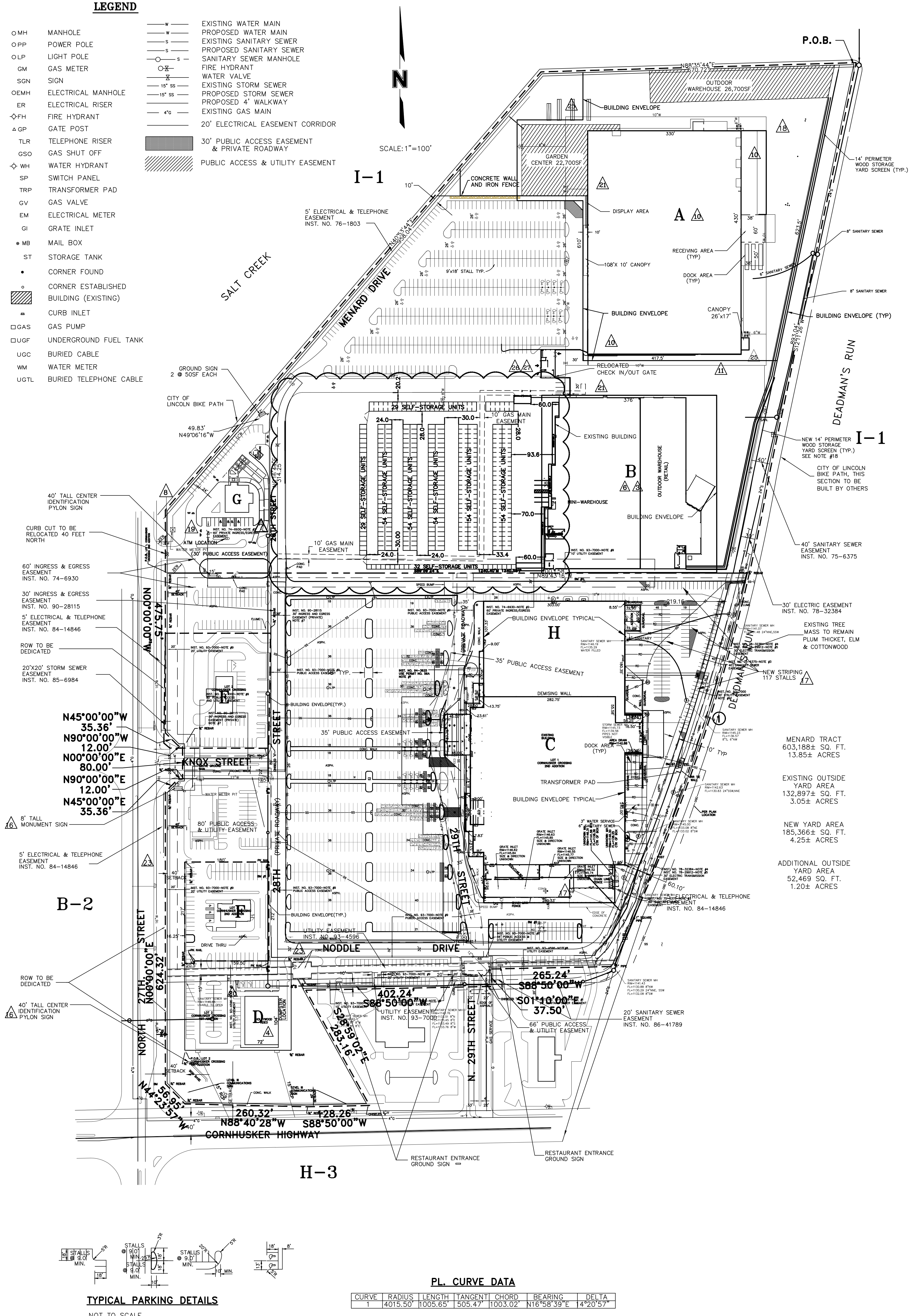
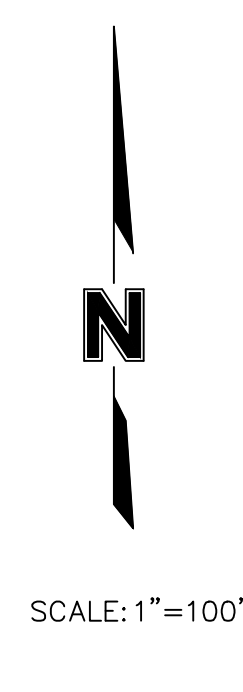
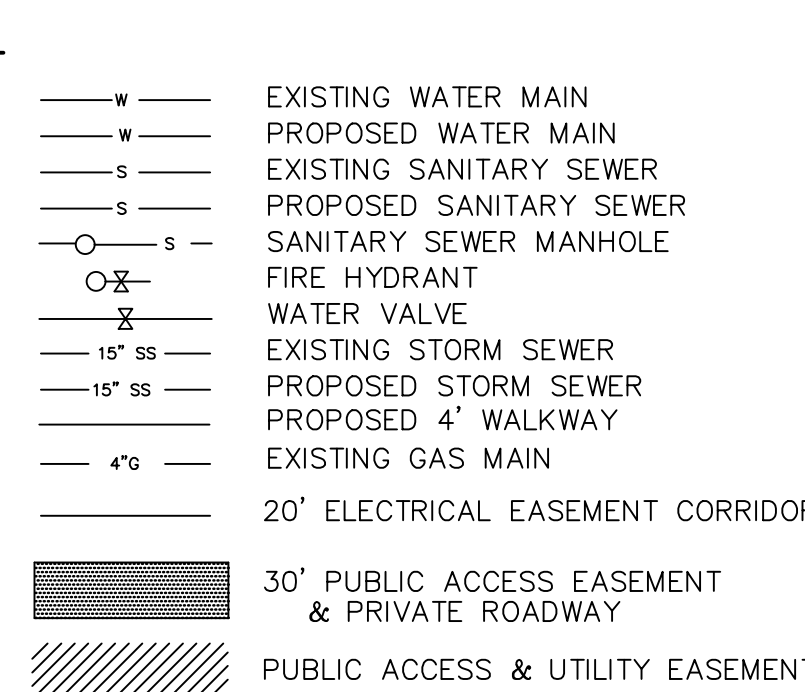
*** 73,000 SF OF BUILDING "B" TO BE ALLOWED TO HAVE A MINI-WAREHOUSE STORAGE.



PL. CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	4015.50'	11005.65'	1505.47'	11003.02'	N16°58'39" E	14°20'57"

- #### LEGEND
- MH MANHOLE
 - PP POWER POLE
 - LP LIGHT POLE
 - GM GAS METER
 - SGN SIGN
 - OEMH ELECTRICAL MANHOLE
 - ER ELECTRICAL RISER
 - FH FIRE HYDRANT
 - GP GATE POST
 - TR TELEPHONE RISER
 - OSO GAS SHUT OFF
 - WH WATER HYDRANT
 - SP SWITCH PANEL
 - TRP TRANSFORMER PAD
 - GV GAS VALVE
 - EM ELECTRICAL METER
 - GI GRATE INLET
 - MB MAIL BOX
 - ST STORAGE TANK
 - CF CORNER FOUND
 - CE CORNER ESTABLISHED
 - BLDG (EXISTING)
 - CI CURB INLET
 - GAS GAS PUMP
 - UGF UNDERGROUND FUEL TANK
 - UGC BURIED CABLE
 - WM WATER METER
 - UGTL BURIED TELEPHONE CABLE



Attachment 2. Floodplain Volume Calculations from CADD

01.09.23

Existing Calculated Floodplain Volume Below BFE	
PROPERTY ID	VOLUME (CY)
Menard's	27,714
Indoor Storage/Lot	13,182
Outdoor Storage Units	21,082
TOTAL	61,978
Max. Fill Allowable	18,726

BFE=1146.80
Per City

Calculated Site Area	OUTDOOR STORAGE UNITS	INDOOR STORAGE BUILDING/LOT
Total Site Area	221,743	182,185

FFE 1147.80

Calculated Site Earthwork		
TOTAL SITE	CUT VOLUME (CY)	FILL VOLUME (CY)
Outdoor Storage Units	13,140	23,110
TOTAL	13,140	23,110
NET	9,970	FILL
ESTIMATED BASE MATERIALS/TOPSOIL	9,829	
IMPORTED FILL NEEDED	141	

FFE vs. Existing

Calculated Floodplain Fill Volume Below BFE		
SITE	FILL VOLUME (CY)	
Outdoor Storage Units	16,900	
TOTAL	16,900	FILL
Max. Fill Allowable	18,726	90.2% <-- Percent of allowable fill used



December 7, 2022

Mr. David Cary
Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: 27th & Cornhusker
Amendment to Use Permit (UP56F)
Olsson Project No. 022-04926

Dear Mr. Cary,

On behalf of Menard, Inc., the owner of the real property legally described as Cather 1ST Addition, Lot 1, lying inside Lincoln City limits, located in Lancaster County, Nebraska ("the Property").

Menard, Inc. is proposing an Amendment to Use Permit to add 61,000 S.F. of mini-warehouse in the location of the existing parking lot of the old Shopko building located at 3400 N. 27th Street, Lincoln. The drive isles between buildings are wider than 20', so per LMC 27.67.040(E.2) no additional parking is required.

The property is zoned B-5 with the surrounding areas zoned B-5 and I-1.

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

1. City of Lincoln Application, for Amendment to Use Permit.
2. Site Plan Exhibit.
3. Application fees in the amount of \$1,056.00

Plans and other supporting documents will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed Amendment. If you require further information or have any questions, please do not hesitate to contact me at mlangston@olsson.com or (402) 474-6311.

Sincerely,

Matt Langston
Enclosures.

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
Miscellaneous #23001

FINAL ACTION?
Yes

DEVELOPER/OWNER
Scott Prange- Owner
Cortney Dissmeyer- Operator

PLANNING COMMISSION HEARING DATE
February 22, 2023

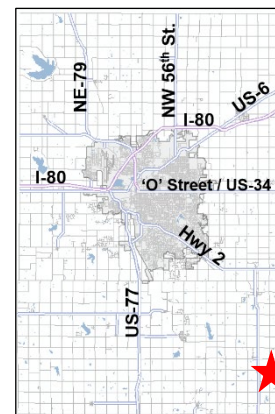
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
22500 S. 176th St.

RECOMMENDATION: APPROVAL OF REVOKE SPECIAL PERMIT

BRIEF SUMMARY OF REQUEST

This request is to revoke Special Permit #21005. The special permit was approved for an event venue called “The Shed.” The application is at the request of the Director of Building and Safety per Article 13, Section 13.005. The request is due to the applicant of SP #21005 not completing conditions of the special permit.



JUSTIFICATION FOR RECOMMENDATION

Special Permit #21005 was approved with conditions on March 17, 2021. The applicant has to date not met condition 7 in Resolution PC-01749. This condition requires that prior to occupancy Lincoln Building and Safety must approve the final certificate of occupancy. The applicant continues to hold events without the certificate of occupancy. This could pose a life-safety risk as it is unknown if the building meets life-safety requirements.

APPLICATION CONTACT

Chad Blahak, Director of Building and Safety (402) 441-7521

STAFF CONTACT

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

The applicant has had almost 2 years to bring the building into compliance. Due to the lack of progress on getting a building permit approved and the continued use of the venue without an occupancy permit, the special permit should be revoked.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Revocation of the special permit is in conformance with the 2050 Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

P2: Existing Neighborhoods: Continue our commitment to strong, diverse, and complete neighborhoods.
Action Step 6: Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

ANALYSIS

1. This request is to revoke Special Permit 21005. A request to revoke a special permit is allowed in the County zoning regulations under the following:

ARTICLE 13 SPECIAL PERMIT

13.005. Enforcement, Revocation and Rescinding of Special Permits.

- a. The Director of Building and Safety shall make a report to the County Board at anytime the Director of Building and Safety finds the following:
 1. Any of the terms, conditions, requirements of a special permit have not been complied with by the Permittee or that any phase thereof has not been completed within the time required under said special permit or any administrative amendment thereto.
- b. The Planning Commission may, after a public hearing of which the permittee shall be notified, take any of the following actions:
 1. Revoke the special permit for failure to comply with any of the terms, conditions, and requirements of the special permit, or
 2. Take such other action as it may deem necessary to obtain compliance with the special permit, or
 3. Take such action that it deems necessary to preserve the public health, safety and general welfare. (Resolution No. [R-09-0011](#); March 10, 2009).
 4. Issue a recommendation to the County Board if the special permit was approved by the County Board.
- c. The County Board, upon receipt of a recommendation from the Planning Commission pursuant to Section 13,005(b)(4), shall then hold a public hearing within thirty (30) days from the date of the Planning Commission recommendation, and may thereafter take any of the following actions:
 1. Revoke the special permit for failure to comply with any of the terms, conditions, and requirements of the special permit, or
 2. Take such other action as it may deem necessary to obtain compliance with the special permit, or
 3. Take such action that it deems necessary to preserve the public health, safety, and general welfare.
- d. After approval of a special permit, the owner, applicant, or permittee may file a request in writing with the Planning Department to rescind the special permit.
 1. If the special permit was approved by the Planning Commission, the Planning Commission shall hold a public hearing and shall consider the effect of rescinding the special permit. In making its decision, the Planning Commission shall consider the public health, safety, and general welfare. The Planning Commission may thereafter rescind the special permit. Any action by the Planning Commission may be appealed to the County Board.
 2. If the special permit was initially approved by the County board or initially approved the Planning Commission and subsequently appealed to the County Board before approval, the Planning Commission shall hold a public hearing and shall consider the effect of rescinding the special permit. The Planning Commission shall consider the public health, safety, and general welfare, and shall issue a recommendation to the County Board. The County Board shall hold a public hearing thereon within thirty (30) days from the date of the Planning Commission recommendation. The County Board shall consider the Planning Commission recommendation and shall consider the public health, safety, and

general welfare. The County Board may thereafter rescind the special permit. (Resolution No. [R-22-0048](#); June 23, 2022)

2. The special permit approved an event venue for up to 400 persons with conditions.
3. A complaint was filed on February 2, 2021, about an event venue operating in the AG District on this property. On February 3, 2021, an inspection was done by the Lincoln Building and Safety Department (B&S). The inspection found that an accessory building was being used for events without having the proper permits from B&S. The use also was in violation of the Lancaster County Zoning Regulations by not having a special permit.
4. A special permit for “Expanded Home Occupation” per Article 13.032 was applied for on February 11, 2021. The home occupation was for an event venue. The special permit was approved on March 17, 2021, with conditions. The conditions included, among others, that no occupancy be allowed until B&S issued an occupancy permit and a final site plan must be approved by the Planning Department. The conditions are cited in Resolution PC-01749. The resolution is attached to this report.
5. The final plan for SP21005 was approved by the Planning Department on July 22, 2021. Corrections required by Lincoln-Lancaster County Health Department and County Engineering Department were satisfied.
6. The applicant of the special permit and operator of The Shed, Cortney Dissmeyer, was notified multiple times by B&S between February 17, 2021 and May 4, 2021 that she needed to obtain a building permit. A building permit was applied for by Scott Prange on May 14, 2021. Review comments on the building permit were sent to Cortney Dissmeyer on or around June 22, 2021. Revised plans were submitted to B&S on January 5, 2022, more than 6 months after applicant was notified of needed corrections.
7. The applicant was notified of corrections needed on the building plans on or around February 16, 2022. No action was taken by the applicant and the building permit expired on May 18, 2022.
8. The County Attorney’s office sent violation notice to Calvin Prange on July 30, 2021, and to Calvin Prange, Scott Prange and Cortney Dissmeyer on October 7, 2022. Both letters stated that the use was in violation for not having a proper permit from B&S.
9. From February 2021 through January 2023, several events were held in violation of their special permit and building codes. B&S has contacted Cortney Dissmeyer several times throughout the last 2 years to complete requirements of the building permit and obtain an occupancy permit. Little to no action was taken to complete these requirements.
10. The Planning Department notified Cortney Dissmeyer by mail on December 6, 2022 of the intent to begin the process to revoke the special permit. Staff stated clearly that our interest was in seeing the building permit application made, changes to the building made and the building permit granted. It was not the intent to have the business close. However, the failure to obtain a building permit, to have the building permit application expire after a year, and then no actions taken for over six months to try and obtain a building permit led to the revocation process beginning. There is a great risk for hundreds of people at an event at this venue to be impacted by the failure to comply with building code.
11. Some of the items in the building permit address changes regarding plumbing code. Other items address revisions needed to comply with building code related to life-safety. The failure to obtain a building permit and make needed life safety changes is a serious matter. As of this date, there is still not a building permit application, several weeks after the applicant was notified of the revocation process. This has led to City and County staff to recommend the special permit be revoked.

EXISTING LAND USE & ZONING: Event venue and single-family dwelling AG-Agriculture

SURROUNDING LAND USE & ZONING

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

APPLICATION HISTORY: See attached.

APPROXIMATE LAND AREA: 79.71 acres, more or less

LEGAL DESCRIPTION: Lot 8 in the NW ¼ of Section 12-7-8, Lancaster County, NE

Prepared by Tom Cajka, Planner
(402) 441-5662 or tcajka@lincoln.ne.gov

Date: February 7, 2023

Applicant: Chad Blahak, Building and Safety Director

[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/23000/MISC23001 revoke SP21005 The Shed.tjc.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/23000/MISC23001%20revoke%20SP21005%20The%20Shed.tjc.docx)

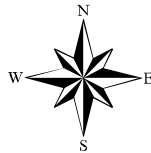


2022 aerial

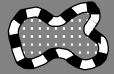


Miscellaneous #: MISC23001
S 176th St & Panama Rd

Zoning:

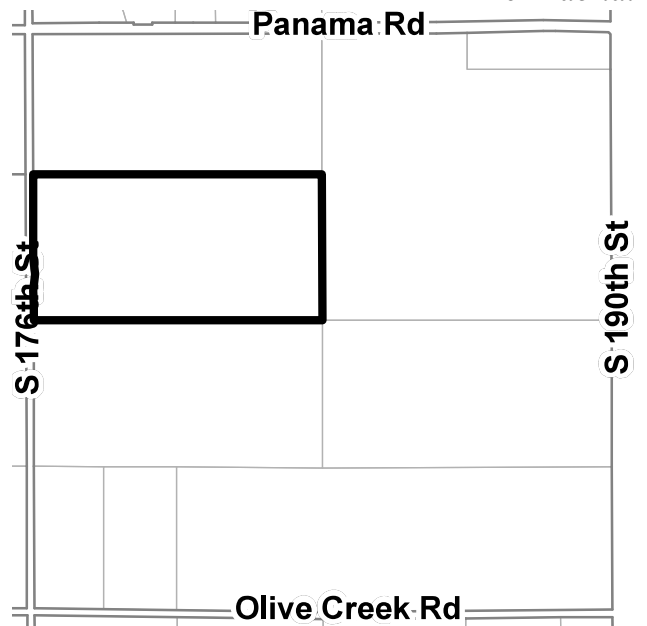
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.12 T07N R08E

	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction

88





December 12, 2022

Lancaster County Planning Commission
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Request to revoke SP21005 at 22500 South 176th Street, Lancaster County, NE

Dear Planning Commission Members,

This letter and report are provided pursuant to Lancaster County Zoning Regulation (LCZR) 13.005(a)(1) and 20.009 for the purpose of revoking Special Permit No. 21005 on property located at 22500 South 176th Street and referenced in attached Resolution No. PC-01749 as Lot 8 in the NW ¼ of Section 12-7-8, Lancaster County, NE. The property is owned by Calvin Prange, and Cortney Dissmeyer was the special permit applicant.

This property has been in violation of Condition No. 7 of PC-01749 since the Resolution and signed Letter of Acceptance were filed on April 7, 2021. On February 2, 2021, a complaint (LCC21001) about the property being used as a social hall use was filed, which then brought about the application for the special permit and subsequent application for a building permit. On May 14, 2021, the applicant applied for a building permit, but that application has expired due to lack of a written request for an extension of time.

There have been nineteen inspections scheduled to date for LCC21001, and a violation letter was sent on July 30, 2021 to Calvin Prange (attached). On October 7, 2022, violation letters were sent to Calvin Prange, Scott Prange, and Ms. Dissmeyer (attached). In both cases, the Pranges and Ms. Dissmeyer took no action to resolve the ongoing violations.

Additionally attached to this letter and report are Planning Commission meeting minutes for SP21005, beginning at the bottom of page 5 of that attachment, the Administrative Order for SP21005, and the Final Approved Plans for SP21005.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad Blahak", is written over a light blue horizontal line.

Chad Blahak, Director
Building and Safety Department
555 South 10th Street, Suite 203
Lincoln/Lancaster County, NE 68508

Attachments

cc: Lancaster County Attorney's Office
Planning Department
Lancaster County Engineer's Office
Lancaster County Health Department
Lancaster County Assessor's Office
Building and Safety File



Building & Safety
555 S. 10th St. Lincoln, NE 68508
402-441-7521 fax: 402-441-8214 lincoln.ne.gov

Calvin Prange
15800 Panama Road
Adams, NE 68301

RE: LCC21001 (Change of Use/Occupancy Without Proper Permits)
22500 So. 176th Street

Dear Owner:

This office has been contacted by the Department of Building & Safety regarding the property being used for commercial uses which was brought to Courtney Dissmeyer by an e-mail from Zoning Coordinator, Ron Rehtus on February 17, 2021. As of today's date, the following Lancaster County Zoning Regulations (LCZR) violations remain uncorrected:

1. **LCZR 20.001, 20.003, and 20.009: change of use/occupancy without proper permits;**
2. **LCZR 4.007(w) and 13.032(a)-(m): Current resident of the property, Scott Prange is required to have a Special Permit for the home occupation of Prange Construction (excavation contractor). Contractor services are not a permitted use in the AG district.**

Permit BC210097 has been applied for but is still under review and has not been issued, therefore this use/occupancy has still not been approved for this property and continued use/occupancy will lead to additional violations.

Once you have obtained the required building permit, you must call Building & Safety's Inspection Line at 402-441-5999 to set up the inspection. Inspections can be done between 9 a.m. to 3:30 p.m., Monday through Friday. If you have any questions, please call Ron Rehtus at 402-441-8622 or Dale Buchholz at 402-430-5832 any time between 8:00 a.m. to 4:00 p.m., Monday through Friday.

The listed violations must be resolved within 14 days from the date of this letter, or the County Attorney will commence legal action regarding the Lancaster County Zoning Regulations and Building Code violations.

Sincerely,



Jenifer Holloway
Deputy County Attorney

pc: Greg Edwards, Chief Building



PATRICK F. CONDON
LANCASTER COUNTY ATTORNEY

www.lancaster.ne.gov/attorney

October 7, 2022

Calvin Prange
22500 S. 176th St.
Adams, NE 68301

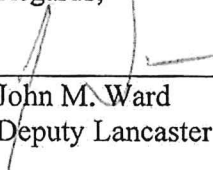
Dear Mr. Prange:

It has come to the Lancaster County Attorney's Office's attention that there are violations on your property of one or more conditions of Special Permit No. 21005, approved by the Lincoln-Lancaster Planning Commission on March 17, 2021. This letter shall serve as a notice of the violation to you. Applicants, owners, and/or permittees are required by Special Permit No. 21005 Condition 7 to do the following:

Prior to occupancy the Lincoln Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

Applicants, owners, and/or permittees are directed to take all necessary steps to comply with the conditions of the special permit within thirty (30) days. Failure to comply with the conditions of the special permit may result in the Lincoln-Lancaster Planning Commission revoking the special permit, Lancaster County may initiate a legal proceeding against you, including seeking injunctive relief, and/or you may be prosecuted for a violation of Neb. Rev. Stat. § 23-114.05. To rectify this violation, you may contact Lincoln Building & Safety at (402)-441-7521.

Regards,



John M. Ward
Deputy Lancaster County Attorney



PATRICK F. CONDON
LANCASTER COUNTY ATTORNEY

www.lancaster.ne.gov/attorney

October 7, 2022

Cortney Dissmeyer
22500 S. 176th St.
Adams, NE 68301

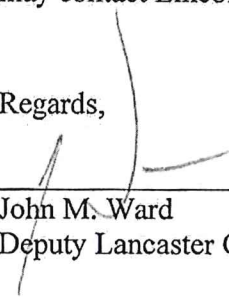
Dear Ms. Dissmeyer:

It has come to the Lancaster County Attorney's Office's attention that you have violated one or more conditions of Special Permit No. 21005, approved by the Lincoln-Lancaster Planning Commission on March 17, 2021. This letter shall serve as a notice of the violation to you. You are required by Special Permit No. 21005 Condition 7 to do the following:

Prior to occupancy the Lincoln Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

You are directed to take all necessary steps to comply with the conditions of your special permit within thirty (30) days. Failure to comply with the conditions of your special permit may result in the Lincoln-Lancaster Planning Commission revoking your special permit, Lancaster County may initiate a legal proceeding against you, including seeking injunctive relief, and/or you may be prosecuted for a violation of Neb. Rev. Stat. § 23-114.05. To rectify this violation, you may contact Lincoln Building & Safety at (402)-441-7521.

Regards,



John M. Ward
Deputy Lancaster County Attorney



PATRICK F. CONDON
LANCASTER COUNTY ATTORNEY

www.lancaster.ne.gov/attorney

October 7, 2022

Scott Prange
1398 S 6th Rd.
Douglas, NE 68344

Dear Mr. Prange:

It has come to the Lancaster County Attorney's Office's attention that you have violated one or more conditions of Special Permit No. 21005, approved by the Lincoln-Lancaster Planning Commission on March 17, 2021. This letter shall serve as a notice of the violation to you. You are required by Special Permit No. 21005 Condition 7 to do the following:

Prior to occupancy the Lincoln Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.

You are directed to take all necessary steps to comply with the conditions of your special permit within thirty (30) days. Failure to comply with the conditions of your special permit may result in the Lincoln-Lancaster Planning Commission revoking your special permit, Lancaster County may initiate a legal proceeding against you, including seeking injunctive relief, and/or you may be prosecuted for a violation of Neb. Rev. Stat. § 23-114.05. To rectify this violation, you may contact Lincoln Building & Safety at (402)-441-7521.

Regards,



John M. Ward
Deputy Lancaster County Attorney

ADMINISTRATIVE ORDER

July 22, 2021

SP21005

Attached is a copy of the plans for **The Shed** which meet the Planning Commission's conditions of approval as per Resolution # PC-01749. The plans should be considered the final approved plans for this development.

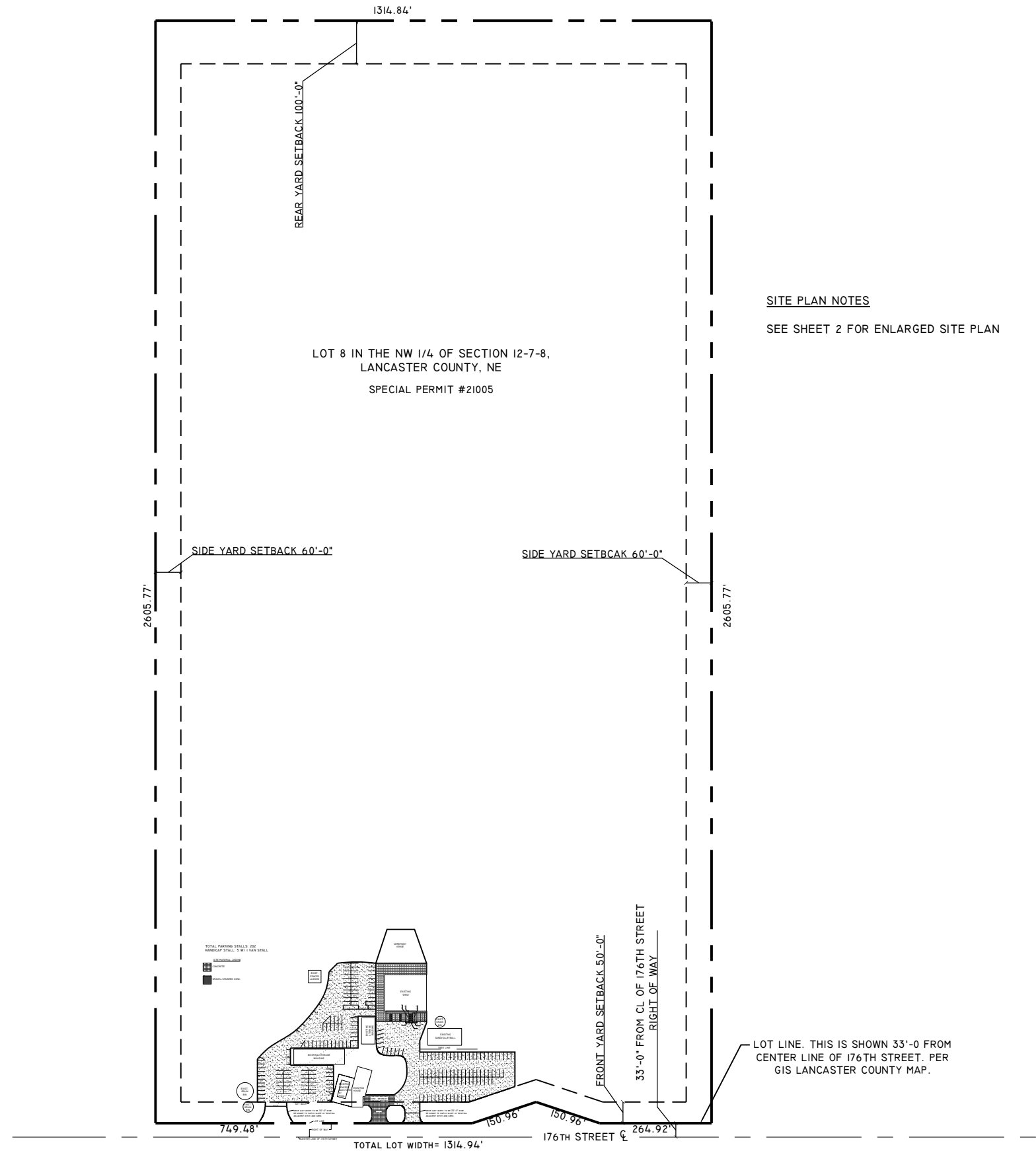
Tom Cajka

cc: County Clerk
County Engineer
File

**APPROVED BY
PLANNING
COMMISSION**

Res PC-01749
Resolution Number



March 17, 2021
Date

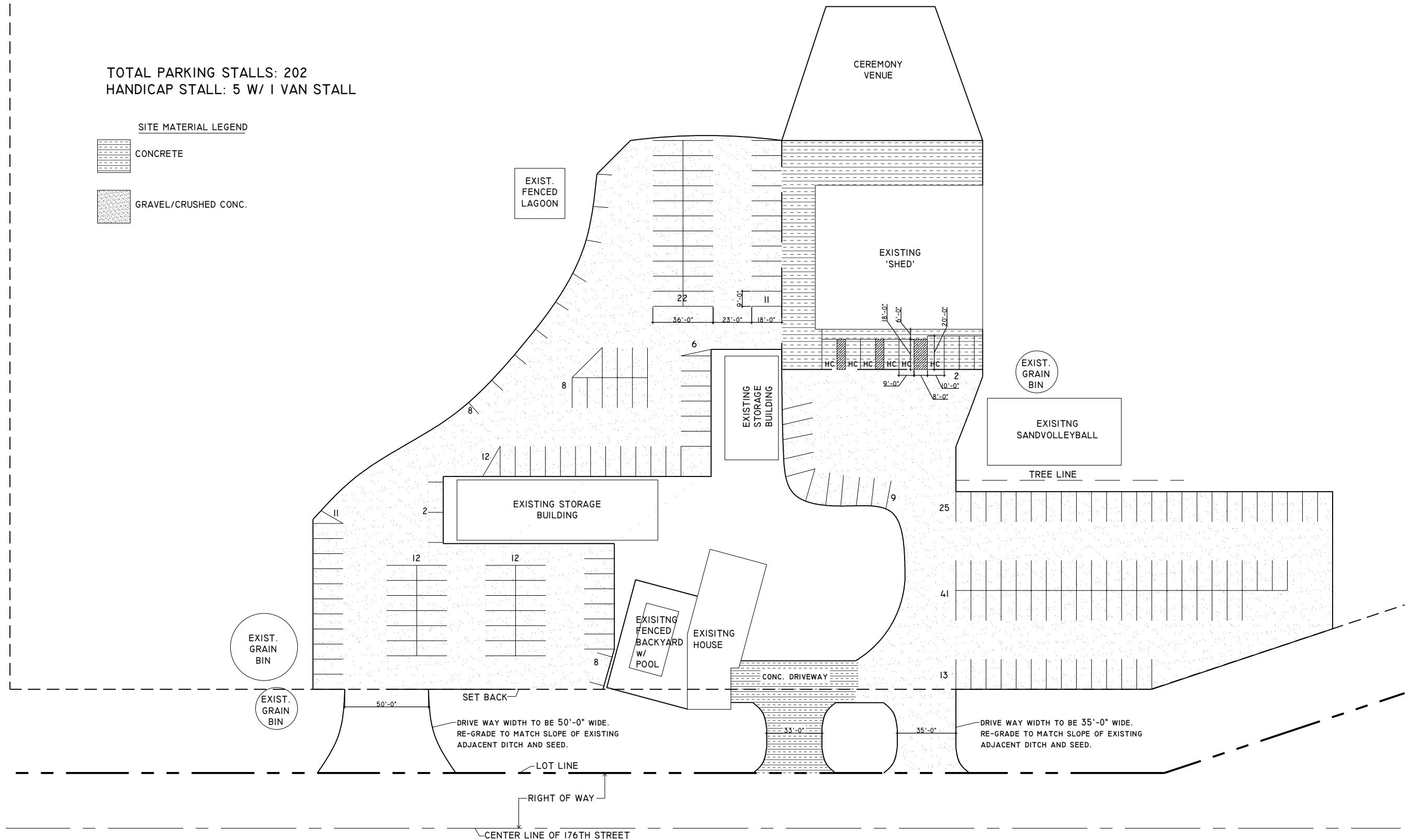


SITE PLAN
SCALE: 1"=300'-0"

FINAL APPROVED PLAN

TOTAL PARKING STALLS: 202
 HANDICAP STALL: 5 W/ 1 VAN STALL

SITE MATERIAL LEGEND
 CONCRETE
 GRAVEL/CRUSHED CONC.



SITE PLAN
 SCALE: 1"=60'-0"

FINAL APPROVED PLAN

C2

THE SHED

CHRONOLOGY

- January 11, 2021: Cortney Dissmeyer contacted Planning Department asking for information on zoning to allow a wedding venue.
- February 2, 2021: Complaint filed about a wedding venue operating in the AG District at 22500 S. 176th St.
- February 3, 2021: Inspection of the site at 22500 S. 176th St. conducted by Building and Safety (B&S).
- February 11, 2021: Special Permit (SP21005) for Expanded Home Occupation for an event venue applied for with the Lincoln-Lancaster Planning Department (Planning).
- February 17, 2021: Cortney Dissmeyer is notified by B&S that a building permit is required.
- February 18, 2021: Cortney Dissmeyer emails Tom Cajka, County Planner that the State Fire Marshall has inspected the building and given an occupancy Permit. Tom Cajka responded that this does not mean that the building meets building codes.
- March 17, 2021: Special Permit 21005 for Expanded Home Occupation for an Event Venue is approved with conditions by the Lincoln-Lancaster County Planning Commission.
- April 14 & 23, 2021: B&S notifies Cortney Dissmeyer that she needs to apply for a building permit.
- May 4, 2021: Cortney Dissmeyer is notified again by B&S that she needs to apply for a building permit.
- May 14, 2021: Building Permit (BC210097) is applied for.
- June 22, 2021: Review of building permit is completed by B&S.
- July 22, 2021: Final plans per SP21005 are approved by Lincoln-Lancaster County Planning Department.
- July 30, 2021: Violation letter from the County Attorney's office is sent to Calvin Prange, (property owner of 22500 S. 176th St) of the property being used for a commercial use without proper permits.
- January 5, 2022: Revised documents for building permit submitted to B&S.
- February 16, 2022: 2nd round review of building permit completed by B&S.
- May 18, 2022: Building permit expired due to no activity.
- October 7, 2022: Violation letter from the Lancaster County Attorney's office was sent to Cortney Dissmeyer, Calvin Prange, and Scott Prange.

- October 20, 2022: B&S notifies Cortney Dissmeyer by e-mail that she needs to make application for a new building permit due to the previous building permit being expired.
- December 6, 2022: A letter is sent from the Lincoln-Lancaster Planning Department to Cortney Dissmeyer informing her that she needs to immediately obtain a building permit, or the special permit may be revoked.
- 2022 According to reviews on Google, weddings continue to be held at The Shed even though building permit was never obtained.

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/23000/MISC23001 chronology.docx>

RESOLUTION NO. PC- 01749

SPECIAL PERMIT NO. 21005

WHEREAS, Cortney Dissmeyer (“Applicant”) on behalf of Scott Prange (“Owner” and/or “Permittee,” whether one or more) requested approval of County Special Permit No. 21005 (“Special Permit”), for an expanded home occupation permit to develop an Event Venue known as The Shed and to get waivers on the requirement that outside areas used for the business not exceed 15,000 square feet, that all outside business related activity be 200 feet from all property lines and to allow more than two employed persons who are not members of the family residing on the premises under the provisions of Section 13.032 of the Lancaster County Zoning Resolution on property located at 22500 S. 176th St., legally described as follows:

Lot 8 in the NW ¼ of Section 12-7-8; Lancaster County, Nebraska (“Property”);

WHEREAS, the Lincoln-Lancaster County Planning Department (“Planning”) recommended conditional approval of said Special Permit, concluding that this request should have a minimal impact on adjacent properties given the site plan and proposed conditions. The nearest house is approximately 1,300 feet away. Planning has also recommended approval of the three (3) waivers concluding they are all appropriate since persons working related to a wedding reception or other large gathering (e.g. caterer, photographer, etc.) would not work 40 hours on site, due to the amount of area needed for parking for large events, and the parking area is 50 feet from the front property line due to the size;

WHEREAS, on March 17, 2021, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 21005 and voted 9-0 to recommend conditional approval of the special permit;

WHEREAS, the following findings of fact were based on the application, staff report, evidence, and testimony before the Planning Commission:

1. With the approved waivers the application is consistent with the Lancaster County Comprehensive Development Plan, future land use map, and Article 13.032 of the County zoning regulations;
2. The Property is zoned agricultural;
3. The proposed use of the Property is a use for which a special permit may be granted in an Agricultural district;
4. The information/evidence submitted by the Applicant meets the criteria for the granting of a special permit in that:
 - a. The services will be provided by the residents. There are no sales of goods on site. The service being provided is the use of land and one building;
 - b. Outside persons participating in the business would consist of a caterer, disc jockey, photographer and the like. The intent of the 2 persons participating in the business requirement was to allow 2 full time people working 40 hours per week. Since persons working related to a wedding reception or other large gathering would not work 40 hours on site, the waiver is appropriate;
 - c. The lot area is larger than 10 acres;
 - d. All proposed driveways and parking on the driveway will require an all-weather surface;
 - e. None of the residence floor area is proposed to be used;
 - f. The total floor area for all buildings used for the business is not more than

10,000 square feet;

- g. With the waiver, the outside area may consist of parking areas and the ceremony area. The parking area is approximately 32,500 sq. ft. The ceremony area is approximately 8,785 sq. ft. The total of all outside area is 41,285 sq. ft. The applicant is requesting a waiver to allow more than 15,000 sq ft.;
- h. With the waiver, the parking area may be located 50 feet from the front property line;
- i. S. 176th St. and Panama Rd. are gravel roads. The nearest paved road, S.162nd St/ Highway 43, is approximately 1 ¼ miles from the site. The applicant will be responsible for controlling off-site dust emissions from the gravel parking lots in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32;
- j. There will be no other parking than for guests; and
- k. No sign is shown on the site plan.

WHEREAS, all requirements of the Lancaster County Zoning Resolution have been met;

NOW, THEREFORE, BE IT RESOLVED, by Lincoln-Lancaster County Planning Commission, that County Special Permit No. 21005 for an expanded home occupation permit to develop an Event Venue known as The Shed and to get waivers on the requirement that outside areas used for the business not exceed 15,000 square feet, that all outside business related activity be 200 feet from all property lines and to allow more than two employed persons who are not members of the family residing on the premises on property located 22500 S. 176th St., legally described as follows:

Lot 8 in the NW ¼ of Section 12-7-8; Lancaster County, Nebraska;

is hereby based on the findings of fact, application, staff report, evidence, and testimony before us the Special Permit is subject to the following conditions and waivers:

Waivers

1. Waive the requirement that outside areas used for the business not exceed 15,000 square feet to allow the additional area for parking.
2. Waive the requirement that all outside business related activity be 200 feet from all property lines to 50 feet along the west property line for the parking areas only.
3. To allow up to twelve (12) persons, who are not members of the family residing on the premises, to participate on the site to provide catering and other services for events on Fridays and Saturdays.

Conditions:

1. Events for up to 400 persons are allowed on Fridays and Saturdays throughout the year. Events are not allowed on all other days.
2. Any outside music is not allowed to use speakers or other forms of amplification, except during a wedding ceremony.
3. Any portion of an event held outdoors must conclude by 10:00 p.m. All events shall conclude by 12:00 a.m.
4. Fireworks are not allowed except on July 3rd and 4th.
5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the west property line adjacent to all parking areas.
6. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.
7. Prior to occupancy the Lincoln Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.
8. Any outdoor lighting for the event venue or related outdoor area shall be cutoff, as defined in Section 3.100 of the City of Lincoln Design Standards and shall meet the light trespass requirements defined in Section 9 of the City of Lincoln Design Standards.

9. Supply data provided by an Engineering Firm to the Lincoln-Lancaster County Health Department indicating the projected effluent flow, and an assessment as to the capability of the existing sewage lagoon to adequately handle the additional effluent treatment need.
10. The building proposed to be used as the wedding venue is currently used and projected to continue to be used to service farm and heavy construction equipment. The use of an industrial building for large gatherings including food service is generally not recommended. Please provide information relative to preventing cross-contamination from the servicing of farm equipment and any agricultural chemical storage to the Lincoln-Lancaster County Health Department.
11. The applicant will be responsible for controlling off-site dust emissions from the gravel parking lots in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32.

Site Specific Conditions:

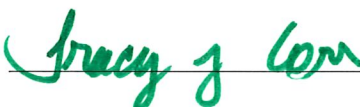
1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1.1 Designate handicap stalls and note that they are concrete surface.
 - 1.1.2 Provide a parking lot plan with dimensions that complies with typical parking standards and identify 200 parking stalls to the satisfaction of the Director of Planning. Label all required parking areas as having gravel or rock surfaces.
 - 1.1.3 Add the legal description to the site plan.
 - 1.1.4 Show the drive for the north parking lot as a single drive 25 feet wide. Revise the site plan to show the remaining driveway width will be closed and that the remainder that meets the Lancaster County Engineer's requirements. All drives must have approved permits from the Lancaster County Engineer.
 - 1.1.5 On Sheet 1 change the side yard setback to 60 feet and the rear yard setback to 100 feet.
 - 1.1.6 Show that driveways and parking areas are an all-weather (gravel or rock) surface to minimize dust and mud.
2. Before receiving building permits provide the following documents to the Planning Department:

- 2.1.1 Verification from the Register of Deeds that the letter of acceptance (Attachment A) as required by the approval of the special permit has been recorded.

Standard Conditions:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping shall be permanently maintained by the Permittee.
 - 3.3 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.
 - 3.4 Before occupying this event venue, the City/County Health Department is to approve the water and waste water systems.
 - 3.5 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.6 The applicant shall sign and return the letter of acceptance (Attachment A) 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.

DATED this 17th day of March, 2021, by the Lincoln-Lancaster County Planning Commission.

By: 
Name: _____
Title: _____

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, March 9, 2021.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND Wednesday, March 17, 2021, 1:00 p.m., Hearing Room

PLACE OF MEETING: 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS IN Lorenzo Ball (arrived at 1:02 p.m.), Tom Beckius, Dick

ATTENDANCE: Campbell, Tracy Corr, Tracy Edgerton, Deane Finnegan, Cristy Joy, Cindy Ryman Yost and Dennis Scheer; David Cary, Steve Henrichsen, Geri Rorabaugh and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.

STATED PURPOSE Regular Planning Commission Hearing

OF MEETING:

Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Chair Corr requested a motion approving the minutes for the regular meeting held March 3, 2021.

Motion for approval of the minutes made by Campbell, seconded by Finnegan and carried 8-0: Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Ball absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 17, 2021

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr.

Scheer declared Conflict of Interest on Item 1.7 – Street and Alley Vacation 21001 and will be abstaining from any action related to Special Permit 21010; he exited the chambers for this portion of the hearing.

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 21005, Special Permit 450S, Special Permit 1327B, Special Permit 21008, Special Permit 21010, Text Amendment 21001, Street and Alley Vacation 21001 and Waiver 21002.

The Clerk noted that the applicant has requested to withdraw Item 1.8 – Waiver 21002; and, therefore, the application was removed from the Consent Agenda and no action was taken.

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Campbell moved approval of the remaining Consent Agenda items, seconded by Joy.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Scheer declared Conflict of Interest.

Note: This is FINAL ACTION on Special Permit 1327B and Special Permit 21008 unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Scheer returned to the chambers at 1:09 P.M.

CHANGE OF ZONE 05061D

TO AMEND THE SOUTHWEST VILLAGE PLANNED UNIT DEVELOPMENT, FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING AND SUBDIVISION

ORDINANCES, ALONG WITH REVISIONS TO THE LAND USES, SITE PLANS, GRADING AND DRAINAGE PLANS, DEVELOPMENT PLAN, AND OTHER SHEETS, INCLUDING ADDING A CASINO AS A PERMITTED USE, ON PROPERTY GENERALLY LOCATED AT SOUTH 1ST STREET AND WEST DENTON ROAD

BEFORE PLANNING COMMISSION:

MARCH 17, 2021

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr.

Staff Recommendation: Conditional Approval

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Steve Henrichsen, Planning Department, came forward and stated this request is for a change of zone to an existing Planned Unit Development (PUD) for Southwest Village. The proposed revisions will reduce the area to 980,000 square feet of commercial and industrial uses and it will increase hotel rooms to 650 and dwelling units to 700 with more mixed uses. The proposed changes are south of West Denton Road to allow for a casino, hotel, parking garage and surface parking associated with the Lincoln Race Course. The applicant is requesting waivers for signs and building heights. Henrichsen stated that this commercial area is not adjacent to any existing housing and the acreages that are in the area are across South Folsom Street to the west. The traffic study submitted was reviewed by Lincoln Transportation and Utilities (LTU) and, based on that study, LTU does not think there is a need for a four-lane road between South Folsom Street and 1st Street. Henrichsen stated the report does show that some improvements were identified, and the developer will be putting in a right-hand turn lane, traffic signal, two roundabouts and there will be other traffic signal modifications.

Campbell asked about the left turn lane that is also located on West Denton Road. Henrichsen stated that at 1st Street and West Denton Road there will be a left turn lane to allow turns onto 1st Street where the casino entrance would be located.

Corr stated that they don't normally like to put industrial zoning next to residential zoning, and she did acknowledge that there is some separation between these areas, and asked what would be going in the area and why it was classified as industrial. Henrichsen stated there is the potential for commercial space and dwelling units to the north of the casino. The southwest corner was initially thought of as I-3 Employment Center District, which does allow for industrial uses and was part of the original plan. The

property owner for the area has not shown any interest in changing their plans. He stated that this lot is not assigned any dwelling units but does have the potential for light industrial use. Henrichsen stated that because of its location, it is likely that this area will be used for fast food restaurants, convenience stores and maybe another hotel, which would be allowed on the site. Corr asked if it would be a concern to have hotel rooms next to an industrial use. Henrichsen stated that typically people who stay in a hotel are traveling and have a car so, if there were some type of an emergency, it would be easier for them to leave. Corr asked where the proposed trail would be located. Henrichsen explained that the trail currently goes across Densmore Park and the first part of the railroad tracks and not any further. They will use this extension of the trail and someday it will go over Highway 77 and continue along the drainageway, which is on the south side of the racetrack and south of the barns. The trail easement is shown on the proposed plans and the construction of the trail is typically done by the city and not the property owners.

Applicant:

Andrew Willis, Cline Williams, 233 S. 13th Street, Suite 1900, came forward on behalf of Nebraska Horsemen's Benevolent & Protective Association (HBPA) and stated that the proposed plan is a reduction in commercial with the casino use and more dwelling units, but the main portion will be the casino. The casino complex will have 1,210 gaming stations, a restaurant, and an event space, which is typical for a casino complex. Based on the traffic study, they anticipate all the traffic to come from Highway 77 to South 1st Street to get to the casino's main entrance. The developer is in support of all the conditions that the Planning Department has stated.

Corr stated that she was surprised to see more dwelling units than commercial and asked if Mr. Willis could explain the reasoning for this. Willis stated there is still 980,000 square feet of commercial which includes the casino, and it is assumed that there will still be some commercial along the frontage on West Denton Road. The initial plan was most likely for big boxed stores or something like that and that use has gone away. He shared that there are several different owners and he is unsure of what will go in on the north because he does not represent those owners.

Proponents:

Lynne McNally, Executive Vice President of the Nebraska Horsemen's Benevolent & Protective Association (HBPA), came forward and stated that she is also the construction coordinator for the Lincoln and Omaha casinos. She stated that she has had discussions with almost every property owner in the surrounding area. The look of the area will be different from what was originally envisioned when Walmart was looking at this site. McNally shared she does feel there will be very cooperative and conducive uses to the north and the west.

Corr ask if they anticipate having office space in the casino. McNally said not in the casino itself, but there will be spa services in the casino and there is the possibility they will need more hotel rooms in the

future. She stated that they do anticipate having up to 600 new employees and they are hoping that the surrounding owners will take advantage of this and put in multi-family housing and possibly grocery stores.

No one came forward in support or opposition.

Beckius moved to close the public hearing on this item, seconded by Joy and carried 9-0: Ball, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'.

CHANGE OF ZONE 05061D

ACTION BY PLANNING COMMISSION:

MARCH 17, 2021

Beckius moved approval, seconded by Campbell.

Beckius stated this proposal fits well within the general land use on this site and the surrounding sites. The change of commercial square footage is fine with him, and it is in conformance with the general site plan. The change of zone is compatible with surrounding land uses. Beckius thanked Lynne McNally and her group for building what will be a first-class full gaming experience in Lincoln and inclusive of hotel and services. He stated that this will be an asset to this community.

Campbell stated that he echoes what his fellow commissioner has stated and that this is a great addition to the southwest portion of the city and will be an economic engine for the area and will create other opportunities.

Motion carried 9-0: Ball, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'.

SPECIAL PERMIT 21005

TO ALLOW FOR AN EVENT VENUE, ON PROPERTY GENERALLY LOCATED AT 22500 SOUTH 176TH STREET
BEFORE PLANNING COMMISSION:

MARCH 17, 2021

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr.

Staff Recommendation: Conditional Approval

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Steve Henrichsen, Planning Department, came forward and stated this is under the county zoning regulations and is a special permit for an expanded home occupation. He shared that they have the special permit for a variety of reasons including cabinet shops, outdoor storage and there have been a few requests for this type of use. This is located in the southeast part of the county on a dirt road, which was reviewed by the County Engineer who did not express any concerns with the traffic. This request is for use only on Fridays and Saturdays, with up to 400 guests in attendance. Henrichsen stated that there are no residents nearby and they have not had anyone express they were in opposition to this proposed use. Other applications that were approved did have limits on the number of events allowed each month, but these are done on a case-by-case basis. The applicant lives on the site and is asking for a waiver on the number of employees allowed to work on the site.

Henrichsen stated with a home occupation, the idea is not to have several employees and a lot of people coming and going, which would create a lot of traffic. With this being used as a wedding venue and only used on Fridays and Saturdays, it is felt that it would be appropriate to allow up to 12 employees for this site because of the number of guests that would be allowed. Henrichsen stated that there is informal parking on the site and the main concern of the county is that there will be enough parking onsite so that guests don't park along 176th Street. Henrichsen stated there is a wide driveway on this site today, and a portion of the driveway will need to be removed to get to the county's standard. They also need a 50-foot greenspace with landscaping in the portion of the driveway that needs to be removed, which is another waiver that they have requested. This will also help to prevent guests from parking in the area and backing out onto 176th Street. The site plan will need to show that they have 200 stalls for guest parking for this type of event. Henrichsen stated that prior to having an event, the applicant must meet with Building and Safety to ensure that the building meets all the required codes.

Campbell asked how they came up with the number of employees. Henrichsen said that 80 hours a week is typically for 2 employees and they looked at what staff would be needed for a wedding with 400 guests, and they thought that 12 employees would be adequate. He stated that having 12 employees working four to five hours for two nights a week would be around 90 hours, which would be close to the 80 hours for 2 employees.

Corr asked about using city lighting standards and asked if that is because the county does not have lighting standards. Henrichsen stated that is correct, and they are basically trying to get the light trespass down to nearly zero at the property line. Corr inquired if the required screening could be used to help shorten the driveway entrance. Henrichsen said yes, and the screening is to prevent guests from backing out into 176th Street. Corr asked if the farm equipment would count towards the auto/truck storage limits. Henrichsen stated that anything that has to do with the farm operation is not subject to this special permit and is meant for more of an auto repair use.

Ball inquired about the condition for the onsite sales limitation. Henrichsen stated this is the same limitation for all special permits of this type. Basically, if they were wanting to have alcohol on the site, they would need to apply for an SDL license to allow the sale of alcohol on site for that event and there are separate reviews for SDL licenses.

Applicant:

Cortney Dissmeyer, 'The Shed', 22500 South 176th Street, Adams, came forward and stated that she is requesting this home occupation special permit to host weddings on 80 acres of this property. She stated that the nearest neighbor is about a quarter of a mile away. They have gathered signatures from all the neighbors, stating that they have no problems with this special permit moving forward. Dissmeyer did apologize to the Planning Commission for not getting permitted prior to starting events.

Beckius asked about the limit of 12 employees and asked if they are okay with that number and if that would be enough to serve all the guests. Dissmeyer stated that it should be plenty.

Corr asked if they were okay with paving some parking stalls for handicap parking. Dissmeyer stated that there is an area in front of the building where there is 20 feet of concrete already and that is where they will have their handicap stalls. Corr asked the applicant that since they have already had events if the neighbors had any issues. Dissmeyer said they have had no issues with their past events and the neighbors. Corr asked if they have any signs for the guests to find the property. Dissmeyer said that they have a shuttle bus that they park in the lot that says 'The Shed'. Corr asked if they anticipate putting up any signs. Dissmeyer said that maybe in the future, but they have not really discussed signs yet. Corr stated that the Health Department mentioned that they had some concerns with the building being used to service some vehicles during the week and asked how they would keep that separate from their weekend events. Dissmeyer stated that they are only doing mechanical work on the vehicles and not using any chemicals, and further stated that they have a hot power washer that gets all of the floors clean before events.

Campbell inquired if they have someplace to take the farm equipment before an event. Dissmeyer said yes.

No one came forward in support or opposition.

Campbell moved to close the public hearing on this item, seconded by Egerton and carried 9-0: Ball, Campbell, Egerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'.

SPECIAL PERMIT 21005

ACTION BY PLANNING COMMISSION:

MARCH 17, 2021

Campbell moved approval, seconded by Finnegan.

Corr stated that they are doing this in reverse order with getting legal permission to do this after they have already started using the site, and further stated that there has been communication with the neighbors and no controversy with this use and that is huge and an important first step.

Campbell stated that he also sees this as an opportunity as another revenue source for the farming operation, and further stated that he strongly supports this.

Motion carried 9-0: Ball, Campbell, Egerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'.

Note: This is FINAL ACTION on Special Permit 21005 unless appealed by filing a letter in the Office of the County Clerk within 14 days.

Chair Corr stated at this point we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Egerton moved to adjourn the Planning Commission Meeting of March 17, 2021, seconded by Joy and carried 9-0: Ball, Campbell, Egerton, Finnegan, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'.

Meeting adjourned 1:47p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, March 31, 2021.

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