

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Tracy Edgerton: Chair
Cindy Ryman Yost: Vice Chair
Lorenzo Ball
Dick Campbell
Tracy Corr
Maribel Cruz
Gloria Eddins
Cristy Joy
Richard Rodenburg

PLANNING STAFF

David R. Cary: Director
Shelli Reid: Administrative Officer
Jennifer McDonald: Administrative Aide

June 28, 2023

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 28, 2023, at 1:00 p.m. in the City Council Chambers 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, JUNE 28, 2023

Approval of minutes of the regular meeting held [June 14, 2023](#).

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

PERMITS:

Page 16 1.1 SPECIAL PERMIT 08052A, amending the existing Special Permit to increase the maximum number of allowed children in the daycare from 100 to 160, on property generally located at 7244 South 29th Street. ****FINAL ACTION****
Planning staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

Page 25 1.2 SPECIAL PERMIT 23022, to allow for a 110-foot-tall silo exceeding the allowed 75-foot height limit in the I-1 (Industrial District), on property generally located at 1816 Dudley Street. ****FINAL ACTION****
Planning staff recommendation: Conditional Approval
Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

MISCELLANEOUS:

Page 33 1.3 MISCELLANEOUS 23005, to review the proposed determination that the Industrial & Superior Street Redevelopment Area be declared blighted and substandard as defined in the Nebraska Community Development Law. The study area is approximately 153 acres, generally located between Industrial Avenue on the west, Superior Street on the north, and Salt Creek on the east and south.
Planning staff recommendation: finding of substandard and blighted conditions
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

- 2. **REQUESTS FOR DEFERRAL**
- 3. **ITEMS REMOVED FROM CONSENT AGENDA**
(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: No items

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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>

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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.*

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, June 6, 2023.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, June 14, 2023, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Lorenzo Ball, Dick Campbell, Tracy Corr, Maribel Cruz, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost and Tracy Edgerton. Steve Henrichsen, Shelli Reid, Jennifer McDonald, Emma Martin, Andrew Thierolf, Brian Will, George Wesselhoft, and Tom Cajka of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chairperson Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Edgerton requested a motion approving the minutes for the regular meeting held May 31, 2023.

Motion for approval of the minutes made by Campbell, seconded Joy. Minutes approved 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting "yes".

Edgerton asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

June 14, 2023

Members present: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton.

The Consent Agenda consisted of the following item: Comprehensive Plan Conformance 23008, Comprehensive Plan Conformance 23009, Change of Zone 08011A, Change of Zone 08041F, Change of Zone 23050, Special Permit 08042A, Miscellaneous 23004.

There were no ex-parte communications disclosed.

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

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

Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting "yes".

Note: This is Final Action on Special Permit 08042A and Special Permit 23021 unless appealed by filing a letter to the City Council within 14 days.

TEXT AMENDMENT 23008

TO AMEND THE LINCOLN MUNICIPAL CODE, CHAPTER 27.63.610 NEIGHBORHOOD SUPPORT SERVICES TO REMOVE 27.63.610(B).

PUBLIC HEARING:

June 14, 2023

Members present: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton.

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Emma Martin, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is related to Special Permit 23021 but will have a separate hearing because this will impact all neighborhood support services. This text amendment will have a large footprint and will cover three parcels and it is an important service for children and families in crisis. The text amendment is supported by the 2050 Comprehensive Plan. This amendment allows services that are very valuable to the quality of life. Martin stated that the Planning Department recommends approval.

Ball asked what type of organizations does the neighborhood support services constitute? Martin stated that this is a broad category. The services are human, social, educational counseling, health, and other support services. This could be anything potentially that must be deemed useful to the neighborhood and not the city at large.

Corr asked what kind of neighborhood outreach was done. Martin stated that the text amendment was placed in a legal ad and the special permit had a neighborhood meeting.

Edgerton clarified that the text amendment is just for removing section B. Martin confirmed that is the only change.

Applicant:

Tim Gergen, Clark Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE stated that this will be on the Mayor's Round Table before the City Council Hearing date.

Egerton asked Gergen if the change to the ordinance was required to carry forward with the plans. Gergen stated that it does need to be approved to proceed forward. The City had determined that it was needed prior to approval.

Corr stated she is concerned with the fact that the neighborhoods have not had time to weigh in on this. This will go to the Mayor's Round Table and the City Council on the same day. Gergen stated that is correct. Corr asked if this could be delayed and what would it do to the project? Gergen stated it has already been extended with the closing dates with the existing owner and a new date has been set.

Proponents:

No one approached for support.

Neutral:

No one approached in neutral testimony.

Opposition:

Jessica Layman, 5027 Aylesworth Ave., Lincoln, NE stated that since this text amendment affects the entire city, she feels that the entire city has the right to know. The neighborhood has been aware, but the rest of the city has not. Layman stated that the Child Advocacy Center that was mentioned is right next to a park and the traffic is overlapping the neighborhood.

Ron Brown, 5050 Aylesworth Ave., Lincoln, NE came forward and stated that the Advocacy Center that Layman spoke about is right next to the police center and the park. Brown stated that the location of where the Child Services wants to go is in the 100-year floodplain. Brown stated that Watershed Management checked off on all the water issues and he does not see how they could because of the location of the homes. Brown also stated that the first building will be close to the street and people exiting the alley will not have a good visual of traffic. Brown explained that the gymnasium that is going to be built will be around 25-30 foot tall and this will not fit into the neighborhood. This is the wrong project for that property.

Egerton clarified that the Text Amendment is what is being addressed at this time with testimony. Testimony for the Special Permit will follow the public hearing on the Text Amendment.

Staff Questions:

Campbell asked if the Watershed report will be addressed. **Steve Henrichsen, 555 S. 10th Street, Lincoln, NE** approached and stated that the Watershed report will be addressed in the Special Permit presentation.

Eddins asked if future projects would still need to come before the Commission. Martin stated that all special permits will need to come before the Commission. They are not conditional use so an application would need to be provided prior to the Planning Department. Eddins asked if the Text Amendment is not approved, then this project cannot move forward? Martin stated that is correct. Without the text amendment, the special permit cannot move forward. Henrichsen approached stated that there have been several of these types of applications that have come forward in the past years. Henrichsen stated that because this is a special permit, it still needs to go through the process and review.

Campbell moved to close public hearing for Text Amendment 23008, seconded by Joy. Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting 'yes'.

TEXT AMENDMENT 23008

ACTION BY PLANNING COMMISSION:

June 14, 2023

Campbell moved to approve Text Amendment 23008, seconded by Ryman Yost.

Campbell stated that this is a good change and allows what is different from the past. This will allow them to get into the neighborhoods and have the activities as part of the neighborhood. Campbell will support this Text Amendment.

Ball agrees with Commissioner Campbell and with the conditions this will allow these types of organizations to be in the neighborhood as a positive thing.

Rodenburg stated that this is a good amendment and likes that future proposals will have to come forward before the Commission and City Council for the neighborhoods to weigh in.

Eddins stated that she is struggling with this because there are so many social services in her area but not in the neighborhood because of this text amendment. Eddins thinks that this should be looked at in a different way but does not want to hold up the project.

Edgerton asked Eddins what is it that is giving her the hesitance of being for this amendment. Eddins stated that each time this will come forward, people have to take off to testify and sometimes that timeline is a short one.

Cruz stated that she is looking at it differently than Eddins by stating this previous version has created a path and today is a way to proceed forward to serve and move away from the traditional places.

Corr agreed with Cruz, but this is a city-wide amendment. Corr stated that normally there is an outreach for that and is wondering how this slipped through. Each neighborhood has different compositions and situations and would like to see more time but does not want to hold up the project. Corr will support the text amendment, but it does make her a little nervous.

Edgerton stated she will also support this amendment and she appreciates all the back and forth with the Commissioners of the true effect on the neighborhoods. Edgerton stated that she will support this.

Motion carried 8-1: Ball, Campbell, Corr, Cruz, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'. Eddins dissenting.

SPECIAL PERMIT 23021

TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN) AND A NEIGHBORHOOD SUPPORT SERVICES BUILDING, ON PROPERTY GENERALLY LOCATED AT THE NW CORNER OF NORTH 52ND AND HOLDREGE STREETS.

PUBLIC HEARING:

June 14, 2023

Members present: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton.

Staff Recommendation: Conditional Approval

Ex-parte communication was disclosed by Joy who stated that she did attend the neighborhood meeting for this project.

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

Staff Presentation:

Emma Martin, Planning Department, 555 South 10th Street, Lincoln, NE came forward and stated that this application is on the corner of North 52nd Street and Holdrege. The land is currently zoned R-2, and the surrounding uses are R-2 also. There currently is one dwelling on the property and it is on a floodplain. This is to develop 10 dwelling units and a support service center with a community garden. There are 10 lots that will support the development of the 10 units. The associated parking will allow a total of 37 stalls. This is to accommodate the staff, employees, and the dwellings. Martin also stated that there are 5 waivers associated with this development. Martin stated that this is compatible with the 2050 Comprehensive Plan.

Edgerton stated that most of the waivers were regarding the new floodplain regulations. Edgerton wanted to walk through the waivers in a little more detail. Martin explained that there are five waivers mentioned in the staff report and Mike Middendorf with Watershed Management will come forward to clarify the waivers.

Mike Middendorf, Watershed Division, 555 S. 10th Street, Suite 203, Lincoln, NE came forward to clarify the waivers and to verify that the sewer system can handle the change in flow rates. It was verified that the storm sewer can handle the capacity that is sent to it.

Edgerton stated that there is concern about the parking lot in the middle of the development in relation to the floodplain. Middendorf stated that parking lots can be in a floodplain and this one meets the requirements.

Campbell asked Martin if the gym is raised up also. Martin stated that it is part of the support service center, and the entire structure is raised up out of the floodplain.

Rodenburg stated it was mentioned earlier about the line of sight for traffic and is wondering if traffic has signed off on this. Martin stated that traffic does not have any issues with the sight triangle.

Ryman Yost asked what could happen on this property by rights. Martin stated currently the 10 lots are set for 10 single family homes to be built.

Eddins asked if the R-2 zoning allows duplexes. Henrichsen approached and stated that R-2 does allow duplex, but these lots are not big enough for duplexes.

Applicant Testimony:

Tim Gergen, Clark Enersen, 1010 Lincoln Mall, Suite 200, Lincoln, NE approached with a presentation (Exhibit 1) to show the location of the property and that Dead Man's Run is the reason the property is in the floodplain. Gergen also showed a site plan with the parking, buildings, the lots, and future site plan. A water basin, green space, and a garden space will also be included in the development. Gergen stated that they have been working with Watershed Development and the project does meet the capacity.

Geoff DeOld, 1717 Vinton Street, Omaha, NE representing DeOld Andersen Architecture is helping Family Services of Lincoln. DeOld presented the layout of the Community Center, parking, open space, and row houses (Exhibit 2). This also included showing the entrances to the design and development. DeOld stated that the gym is small and mainly for smaller activities and will include a recreation room and classrooms. The parking will be to the north of the building. The row houses will have 10 units. Each unit will have a gable roof, individual paint color and canopy over the door. DeOld stated with the height added, they do not want to make it look like

the house is on a mound. DeOld stated that the community center will have the same approach as the row houses with the color of exterior, the pitch of the roof, the gables, and the canopy.

Dennis Hoffman, Executive Director of Family Services, 501 S. 7th Street, Lincoln, NE stated that there are 6 program areas that Family Services support. There will be three programs directly related to the youth center. The community center will support neighborhood events, non-school days, summer camps and resource for other nonprofits. There will be a 1-15 staff ratio required to maintain. Hoffman stated that the apartments mentioned will be affordable housing. There are 8 units which will be funded by the pandemic relief housing. Hoffman stated that Family Services will maintain the ground and the apartments. This includes the community garden onsite.

Campbell asked Hoffman if there is before and after school programs. Hoffman stated that there are currently 21 different Lincoln Public School before and after school sites.

Eddins asked if affordable housing will accept Section 8 housing. Hoffman stated they will plan to.

Rodenburg clarified with Hoffman that the maintaining of the yard, trash removal, and covenants will be in place. Hoffman stated absolutely.

Ryman Yost asked how the townhouses will be assessable with the elevation of six feet. DeOld stated that the units will have steps on the front and back to access the units. With the funding programs, it is not required to have ramps.

Corr asked if the units will have garages. DeOld stated that there will not be garages. The parking lot will be shared between the units and the community center. This eliminates a driveway also.

Proponents:

James Michael Bowers, 4206 Touzalin Ave., Lincoln, NE came forward and stated that he represents the Northeast area of Lincoln of the City Council. Bowers stated that one of the things that has come up in his career is the limited opportunities and resources for children. Bowers stated that this lot has been vacant and neglected for a long period of time. By revitalizing this lot, it will instill pride and unity ensuring our neighborhoods and children are not left behind. Bowers has spoken to a lot of neighbors that are in support of this development. Family Service is a long term and trusted agency in Lincoln.

Neutral:

No one came forward for neutral testimony.

Opposition:

Jessica Layman, 5027 Aylesworth Ave., Lincoln, NE approached and stated that she bought her house in the area one year ago. She chose this house because of the quiet neighborhood and big, beautiful yards. Jessica moved into an R-2 neighborhood because it is designed to protect the rights of property owners. This project will increase traffic on Aylesworth and 51st Street. Layman stated that the units should mirror the surrounding area but not because of the raised ground. There is a section in the municipal code that the first floor of the houses should match 54% of the houses on the block and they do not.

Corr asked if Layman could show her where the alley is that she was referencing. Layman showed on the map where the alley is located.

Dave Dahlke, 5042 Aylesworth Ave., Lincoln, NE approached and is unhappy about the neighborhood disruption. It has a very large footprint and feels that they are not being told all the details. Dahlke sees this operation as a political project and is not in favor of his taxes paying for it. Dahlke stated that the neighborhood is already a low-income area, and another area would be better suited.

George Harman, 5007 Aylesworth Ave., Lincoln, NE stated that he is new to Lincoln and is wanting to discuss the floodplain. Harman asked if anyone has looked at Dead Man's Run and the reason that it floods is because of the trees in the path. Harman stated that if there was a clear path the water would flow. Harman said that the retention pond could be used for the community garden. Exiting the traffic on Aylesworth is not a good idea, it is too narrow of a street. There is not a speed limit or a traffic light there. Harman is recommending a round-about or to move the traffic to Holdrege.

Craig Hollers, 1525 N 51st Street, Lincoln, NE came forward and stated that he lives just across from the last row house that is planned to be built. Hollers stated that his driveway has been flooded and his neighbors have been flooded up to the sidewalk and possibly to the yard. Hollers stated that there are no storm sewers in the area, but what is in the area is too far away. Hollers main concern is the water. Hollers said that he is in the blind on the information that has been presented. The parking needs to be addressed and there has not been enough thought that has gone into the parking. Hollers said that the houses will be five feet up and the front yards are 15 feet from the street. If the slope is to the street, then there will be thousands of square feet of ground that is not absorbing water. Hollers said that there needs to be a concern with that. Hollers stated that this is moving too fast, and it needs to be reviewed.

Matt Allen, 5211 Aylesworth Ave., Lincoln, NE approached and wanted to know when someone comes to visit, where are they going to park? How many people are going to block or park in his driveway? Allen wants to know where the water is going to go and with traffic increase, how is this going to affect the kids going to the pool? Allen asked when this fails, what can be done to

correct it? What are the plans down the road to fix it when it doesn't work? Allen knows that this is low-income housing, but what if crime picks up and kids and people start to walk around other people's yards. If this becomes a bigger issue, how is it going to be handled? Who is going to supervise the kids? Allen stated that these are all the concerns he has.

David Hromas, 5210 Aylesworth Ave., Lincoln, NE came forward and stated that he has lived in the neighborhood for 44 years. A few years ago, some low-income housing was built by his house, and he then encountered kids playing in his yard, driveway, and couldn't get into their garage. The water run-off is a concern, and he is wondering where it is going to go.

Phillip Zillig, 1536 David Dr., Lincoln, NE stated he has lived there in his house since 1970's. Zillig stated that David Drive gets a lot of traffic. Zillig stated that this area has been blighted and covered since he has been there. Zillig is opposed and he does not understand who is wanting this in the neighborhood. Zillig said that parking and crossing traffic is going to get worse.

Robert Schlamann, 1545 N 51st Street, Lincoln, NE came forward and stated that he has been part of this property for the last 41 years. Throughout the past, there has been a sanitary sewer problem. Schlamann has installed a back check in the sewer system and has a manhole in this back yard that he weekly checks. By adding the additional 10 homes, the sewer and storm water will travel to the manhole in his backyard. Schlamann contacts the city to come clean it out when it is needed. Parking and traffic is also hard on this street. Storm water has come up to his house and there is a floodplain in the middle of Lincoln. Schlamann wants to know why this is happening. Another issue that Schlamann has is the speed of the traffic. There are rentals in the area. One specifically has 4-8 cars just for one unit.

Corr mentioned it to Schlamann that there are rules for rental houses and that Schlamann can call in and file a complaint since this is complaint driven. Schlamann stated that he is not a complainer but would rather resolve the issue.

Staff Questions:

Corr asked Martin if there any setbacks or changes on 51st Street. Martin stated that the setbacks are only on Aylesworth Ave. Corr asked if the neighborhood meeting was well attended and if staff was present. Martin stated that it there was a good turnout. Martin said that there have been calls, questions and one letter of support. Corr asked if neighborhood design standards apply in this location, and does it address the five-foot buildup? Martin stated that neighborhood design standards are reviewed at the building permit stage. Henrichsen approached and stated that the neighborhood design standards are reviewed at the time of the building permit. Henrichsen stated that a waiver to the design standards can be requested at the time of the building permit. Corr asked Middendorf if the grading to raise up the houses will change how the water currently flows? Middendorf stated that because of the existing conditions, that it is known about the sewer issue and will be addressed at future date with the appropriate funding.

Corr wanted to know where the city was at with the Dead Man's Run study. Middendorf said that the work that is going to be done with the study is going to be complete to 48th Street. Corr asked if this will take any parcels out of the floodplain. Middendorf said that there will be some adjustments with the floodplain. Middendorf does not know how this will affect the area, but there will be some. Corr clarified that the work on Dead Man's run may remove some houses from the floodplain, but once redrawn, it may put some of those houses back in the floodplain. Middendorf stated that he is not 100% sure because this is a Corps of Engineers project.

Campbell asked when the city first started to look at the sanitary sewer problems. Middendorf thinks it was completed around 2010, but there are records that shows it was a broad analysis of an issue of water and at times the sewer is overwhelmed at given times. Campbell stated that the individual calling in four times to clean out the sewer was not enough to determine that there is an issue. Middendorf stated that if there is an issue of cleaning out the system, that is a street department issue. Campbell requested that Middendorf or the street department check into it and follow up.

Edgerton stated there are going to be 10 additional units in this area that is already affected. She wanted to know is this going to affect the current situation. Middendorf stated that this was addressed and changed the direction of the storm water.

Eddins asked how the basin is moved and if mosquitos are going to be an issue. Middendorf stated the basins are required to be emptied within 48-hour period.

Rodenburg asked if the basin needs to be fenced. Middendorf said that it depends upon the depth and that this is a shallow one so it will not have to be. It has a soil bottom and will infiltrate into the bottom also.

Rodenburg asked Martin if there are any additional waivers that need to be addressed. Martin stated if it is about density then it is a Community Unit Plan (CUP) then this is what it is allowing based on the CUP. The CUP is a special permit then they will still need to come forward to the Planning Commission. It is not a waiver, the same as a waiver that is in the special permit. Rodenburg asked if anything else would need to come before the Planning Commission if a waiver is required? Henrichsen stated that the neighborhood design standards are administered by the Planning Department. Other types of waivers will go to the Urban Design Standards Committee and not the Planning Commission.

Edgerton asked if a traffic study was done. Henrichsen stated that traffic studies are not a requirement of residential development or a neighborhood support service. It is more cars, but not unusual for what a neighborhood would be. Edgerton asked if the ally is anticipated to be used for traffic coming in and out of 52nd street. Martin stated that the ally can go both ways

although it is anticipated that people will exit and enter along N. 52nd Street due to the proximity of Holdrege.

Corr clarified that by right a developer could come in now without a special permit and put in 10 dwelling units. Martin stated that how it is plotted today, that it could be done and then people could use the parking on both sides of the street. Corr stated that it would have the same implications on the infrastructure then. Henrichsen stated that is correct.

Applicant rebuttal:

Hoffman approached and wanted to thank the neighbors and commission for their concerns. Hoffman stated that he feels all the issues have been addressed. Hoffman stated that Family Services is a 501(c)(3) private and nonprofit. They apply for grants and funding to help spur projects like this and do not rely on local tax dollars for support. Hoffman wants to ensure that this can be managed and do it every single day.

Eddins asked Hoffman why the dump off on Aylesworth and not turn the lot around? DeOld approached and stated that it is more of access to the units on the back.

Edgerton was wondering about the anticipated parking on the street and if the residents will be encouraged to park in the lot and not the street. Hoffman stated that part of the requirement is that the expectation is that they use the parking in the parking lot.

Eddins asked if there is a local phone number and is it available 24-hour a day? Hoffman stated that they have one that is available 24 hours a day.

Corr was wondering what kind of tenants they will be looking to put into these units. Hoffman stated that their mission is to serve families, so they will be families with children. Corr asked if there will be short term and long-term lease? Hoffman stated that there will be a lease arrangement so they can stay as long as they needed.

Corr moved to close public hearing for Special Permit 23021, seconded by Campbell and carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting 'yes'.

Special Permit 23021

ACTION BY PLANNING COMMISSION:

June 14, 2023

Campbell moved to approve Special Permit 23021, seconded by Ryman Yost.

Campbell stated that the proposal is put together and serves a great need in the area. Campbell agrees that with the play area, classroom and community garden this will be a benefit to the neighborhood and the area. He will be supporting this.

Corr will also be supporting this. It is hard for kids to have room to play outside. Corr likes that this is giving them resources and design to play and learn. Corr stated that this has been vacant land for quite a while. Corr stated that this is a positive change in the neighborhood and may help elevate some of the problems that the neighbors have been experience and get on the radar of the City Officials so they could be addressed.

Joy will be supporting this. She appreciates the efforts made that put together the storm system calculations and how the water will be maintained. Joy stated that as they hear the issues east of 48th Street that they continue to help to continue to make the improvements.

Ryman Yost will be supporting this project and does like the neighborhoods concept. Ryman Yost is hoping that the surrounding neighbors would like and use this also. Ryman Yost stated that there are a lot of nonprofits and Mr. Hoffman is the most notable and has tremendous respect for him.

Eddins stated that Family Services has a great reputation.

Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost and Edgerton voting 'yes'.

Edgerton stated that anyone wishing to speak on an item not on the agenda, may come forward and do so.

Campbell moved to adjourn the Planning Commission meeting of June 14, 2023, seconded by Joy.

Motion carried 9-0: Ball, Campbell, Corr, Cruz, Eddins, Joy, Rodenburg, Ryman Yost, and Edgerton voting "yes".

There being no further business, the meeting was adjourned at 3:15 pm

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #08052A	FINAL ACTION? No	DEVELOPER/OWNER Hamilton Heights /South Ridge Village, LLC.
PLANNING COMMISSION HEARING DATE June 28, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 7244 S. 29 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to amend the existing Special Permit #08052 allowing an Early Childhood Care Facility to increase the maximum number of children allowed from 100 to 160 at 7244 South 29th Street. The property is zoned O-3, Office Park District and part of the South Ridge Village Use Permit. A Special Permit is required in O-3 zoning when the Early Childhood Care facility exceeds 15 children. Previously, the waiver in relation to the property’s location on a local street was approved.



JUSTIFICATION FOR RECOMMENDATION

This request to amend the existing Special Permit is appropriate as the site and structure will not increase in size, only the number of children allowed on site. This location has operated under the existing special permit allowing 100 children since 2008. The applicant will continue to use the existing building and play area, with the additional and required parking spaces available on site.

APPLICATION CONTACT

Adrienne Agulla, (224) 420-0079 or hamiltonheightscdc@yahoo.com

STAFF CONTACT

Ben Callahan, (402) 441-6360 or bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This Special Permit for an Early Childhood Care Facility is in conformance with the 2050 Comprehensive Plan. The property is shown to continue as future Commercial. The Comprehensive Plan includes goals supporting childhood care facilities as a necessity within the community and effort for accessible childhood care facilities near residential neighborhoods, schools, and parks.

WAIVERS

1. That facilities with thirty-one or more children shall be located on an arterial street. (Previously approved)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial 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.

Policies Section

P45: Early Childhood Care and Education - Evaluate methods to improve access to and quality of early childhood care and education experiences.

Action Steps

1. Locate child care centers within neighborhoods and near schools, parks, and outdoor learning environments when possible.
2. Examine building and zoning code requirements for child care centers and family child care homes to determine if there are any obstacles that could be removed while maintaining the safety of the building occupants.
3. Consider access to educational institutions, places of employment, and childcare services, when planning public transportation investments.
4. Expand the use of park facilities, public buildings, and cultural institutions for enriching early childhood experiences.
5. Support philanthropic and advocacy groups that provide all children with access to high quality early childhood care and education (i.e., Lincoln Littles).
6. Support efforts that build capacity of ECCE workforce to support stability of experiences for children and families (i.e., childcare providers, professionals that work with families).
7. Support the City's Lead Hazard Control and Healthy Homes programs to foster economic stability and access to healthy and safe housing.
8. Promote public-private partnerships to increase resources for low-income families to access high-quality early learning programs to promote kindergarten readiness.
9. Support Lincoln Public Schools' efforts to provide early childhood programs in all elementary schools.
10. Support an increase in access to prenatal care and targeted home visitation services for new parents, including fathers.
11. Support continued collaboration with providers of healthcare and social services, and partner with organizations to support healthy development of babies and toddlers.
12. Consider ways to leverage seniors in assisting to create intergenerational connections (i.e., NeighborLNK, grand-friends).
13. Expand community partnerships between Lincoln Public Schools, the University of Nebraska, and other social service agencies to provide additional funding and services (such as EduCare Lincoln).
14. Educate childcare providers on climate-related health issues for young children, including climate related health emergencies, heat events, air pollution events, floods, and evacuation plans.

ANALYSIS

1. This is a request to amend an existing Special Permit #08052 to allow an increase from 100 to 160 children allowed on site. Section 27.63.070 provides that early childhood care facilities with sixteen or more children may be allowed upon approval of a special permit in the O-3, Office Park District. The property is currently zoned O-3 and part of the South Ridge Village Use Permit. The applicant is proposing to continue using the existing building and playground area on site with no major expansions or alterations to the exterior of the site. The property is surrounded by a mix of both O-3 and H-4 zoning to the north and northwest. R-3, Residential is located to the south, west, and east of the property.
2. The applicant is proposing to continue the existing daycare service on site but will be finishing out the lower level of the facility, allowing for additional space to be used for school-age daycare service. When Special Permit #08052

was approved in 2008 for 100 children, 21 parking spaces were required but 43 spaces available. Parking on site will continue to be sufficient with an additional 18 stalls being required. The 38 total spaces include 1 space for every 10 children totaling 16 stalls and 1 space for each employee, with an expected maximum of 22 employees on site at one time. Since the location is part of the existing South Ridge Village Use Permit, the site has a shared parking lot with the O-3 properties to the north which will then have over 40 excess spaces within the Use Permit.

3. The Special Permit criteria pursuant to 27.63.070 include the following:

(a) The application shall be accompanied by the following information:

1. The number of children and number of staff members on the largest shift.

The organization is requesting a maximum occupancy of 160 children with a total of 22 staff. The site will continue to utilize the 10,500 square foot building and 4,000 square foot fenced playground area.

2. A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.

The applicant did provide a site plan showing the existing building entrance to the facility, parking layout, and playground location. The facility will continue to use the existing site and parking layout. The loading and unloading of children will occur on the west side of the structure into the main entrance of the childcare facility. The existing play area is located on the north and east side of the site.

3. If the proposed facility is for twenty-one or more children and is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.

This location is not within a residential district and is zoned O-3, Office Park District. A conversion plan is not required with this application.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

The facility will meet applicable early childhood care and building requirements prior to increased occupancy.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

The facility is accessed from South 29th Street which is not classified as a collector or arterial street. This waiver was previously approved with the initial special permit.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

The site has an existing 8,635 square foot play area surrounded by a 6-foot-high opaque fence on the north and east side of the property that will remain. No waivers are being requested or required for the existing playground space.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

The required parking at this location is sufficient on the existing site for the 38 parking stalls being required. The required parking for an early childhood care facility in a residential district is one space/employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. The applicant has submitted a parking exhibit for the Use Permit area that shows 42 parking spaces for the facility along with 40 excess parking spaces still remaining across the commercial center.

4. The proposed Special Permit is in conformance with the Comprehensive Plan and continued nonresidential use at

this location. The site is shown to continue as Commercial on the 2050 Future Land Use Map. The proposed early childhood care use will also be within close proximity to an existing residential neighborhood consisting of single, two-family, and multifamily residential within walking distance.

- 5. Hamilton Heights notified adjacent property owners and held a neighborhood meeting on May 22nd. Planning staff attended, but no neighbors attended the meeting. The Department has not received any calls or complaints on the existing facility.
- 6. The original special permit included a very unique condition added at the time of City Council approval. (DESCRIBE IT). The condition is nearly unenforceable and is being removed with this approval.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Existing Early Childhood Care Facility O-3, Office Park

SURROUNDING LAND USE & ZONING

North: South Ridge Village Commercial Space	O-3, Office Park
South: Single Family Residential	R-3, Residential
East: Single Family Residential	R-3, Residential
West: Multifamily & Single Family Residential	O-3 & R-3

APPLICATION HISTORY

December 2008 Change of Zone #08073 from R-3 to O-3 and an amendment to the South Ridge Village Use Permit #08052B was approved to expand the Use Permit boundary for this location. An associated Special Permit #08052 was approved for an Early Childhood Care Facility for up to 100 children.

APPROXIMATE LAND AREA: 1.13 acres, more or less

LEGAL DESCRIPTION: A portion of Outlot A and Lot 1, South Ridge Village 12th Addition, Lincoln, Lancaster County, Nebraska.

Prepared by Ben Callahan, Planner
(402) 441-6360 or bcallahan@lincoln.ne.gov
Date: June 15, 2023

Applicant/ Hamilton Heights
Contact: Adrienne Agulla
 7244 S. 29th Street
 Lincoln, NE 68516
 (224) 420-0079
 hamiltonheightscdc@yahoo.com

Owner: South Ridge Village, LLC
 8200 Cody Drive, Suite F
 Lincoln, NE 68512
 (402) 423-7377
 cmelgoza@kruegerdevelopment.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/08000/SP08052A Hamilton Heights Daycare Expansion.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #08052A

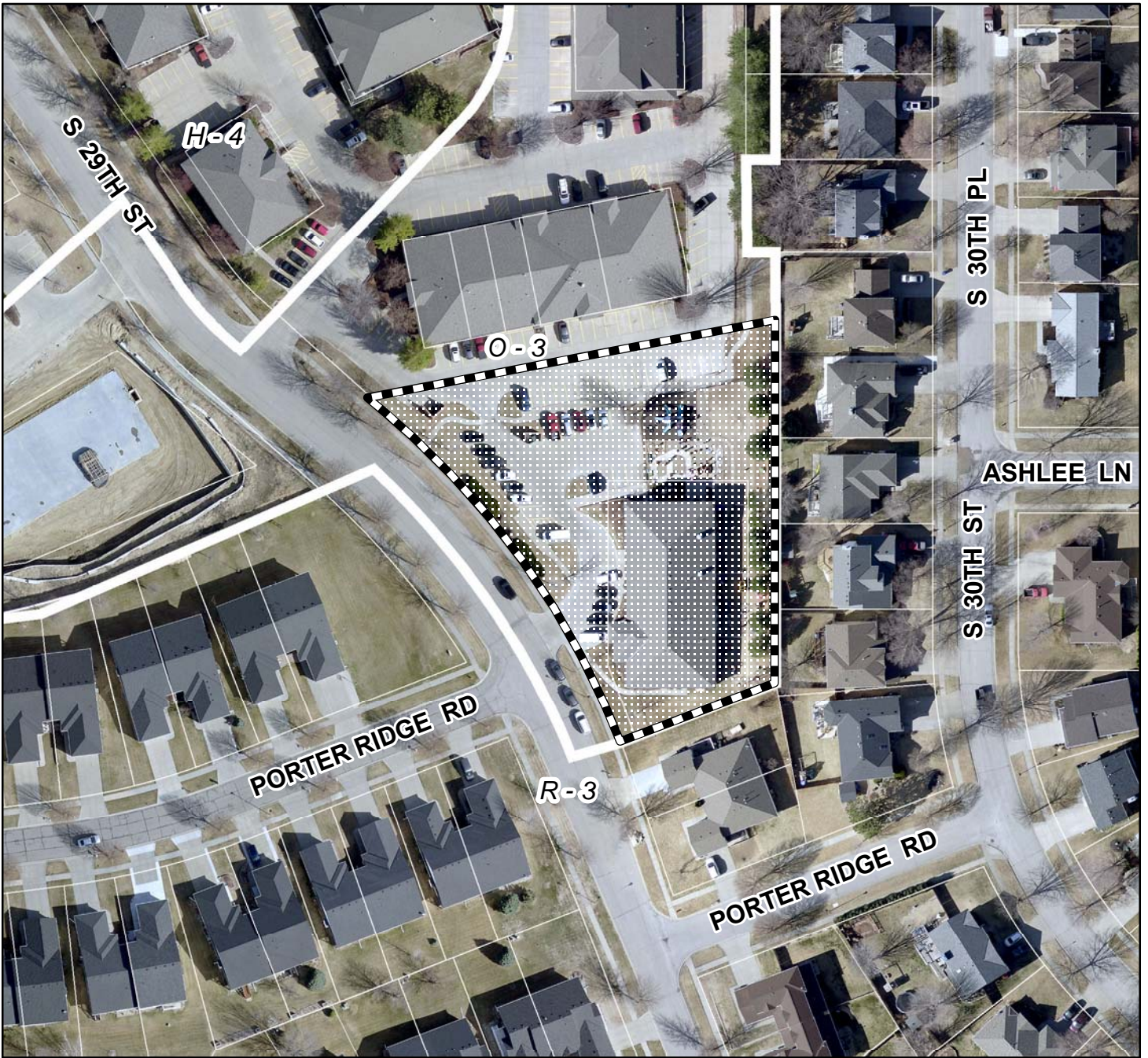
Per Section 27.63.070 this approval permits an amendment to Special Permit #08052 to allow an Early Childhood Care Facility for up to 160 children. Previously a waiver was approved to allow the facility with thirty-one or more children to be located on an arterial street.

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 Remove unnecessary ADA and parking space detail exhibits from site plan.
 - 1.2 Correct grammatical and spelling errors on Notes 3-8.
 - 1.3 Delete Notes 8-12 as they are no longer needed for this special permit.
 - 1.4 Remove and update the prior company name in the top right corner of the site plan.

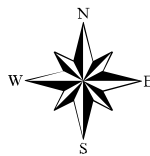
Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying starting the operation all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
 - 2.3 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.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.5 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 therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



2022 aerial

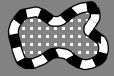


Special Permit #: SP08052A
S 29th St & Pine Lake Rd



One Square Mile:
Sec.19 T09N R07E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
21	



SPECIAL PERMIT "EARLY CHILDHOOD CARE FACILITY"
LEGAL DESCRIPTION:

A portion of Outlot 'A', South Ridge Village 6th Addition and Lot 14, South Ridge Village Addition, all located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:
Commencing at the Northwest Corner of Lot 2, Block 1, Porter Ridge 3rd Addition; Thence on the West line of said Lot 2, South 00°06'19" West, a distance of 47.52 feet to the POINT OF BEGINNING;
Thence continuing on said bearing South 00°06'19" West, a distance of 254.48 feet to the southeast corner of Lot 14, South Ridge Village Addition;
Thence on the South line of said Lot 14, South Ridge Village Addition, South 69°18'11" West, a distance of 118.60 feet;
Thence on a circular curve to the left, having a radius of 561.00 feet, a central angle of 29°15'37" and whose chord (284.00 feet) bears North 30°54'22" West;
Thence on the arc of said circular curve 287.20 feet to the point of tangency;
Thence North 50°24'55" West, a distance of 15.45 feet;
Thence North 79°12'30" East, a distance of 281.05 feet to the POINT OF BEGINNING and containing a calculated area of 86,670.62 square feet or 1.13 acres.

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

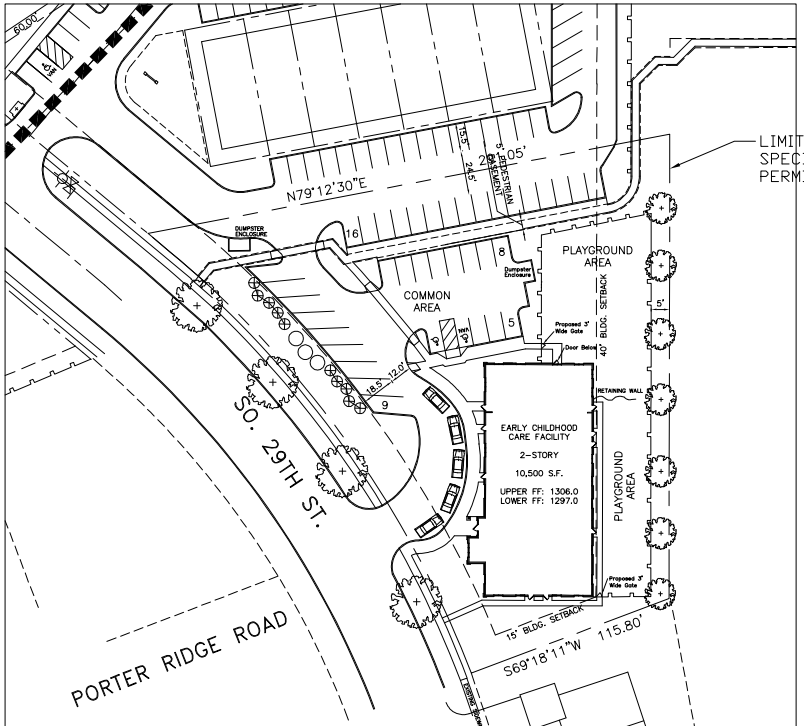
FILE L LOTN, L.S. #514

GENERAL NOTES:

- CURRENT ZONING IS 7h-3; PROPOSED ZONING IS 0-3.
- THE EARLY CHILDHOOD CARE FACILITY SHALL NOT EXCEED 140 CHILDREN, A MAXIMUM OF 21 EMPLOYEES PER SHIFT. THE NUMBER OF CHILDREN MAY INCREASE AND THE EMPLOYEE NUMBER MAY INCREASE DUE TO ACTUAL PROGRAM REQUIREMENTS. PARKING SHALL BE PROVIDED AS FOLLOWS: 1-STALL PER 10 CHILDREN, 1-STALL PER EMPLOYEE, FOR A TOTAL OF 37 STALLS REQUIRED (43 STALLS SHOWN INCLUDING DROP-OFF PARKING). ANY CHANGES TO THE NUMBER OF EMPLOYEES AND CHILDREN WILL NOT INCREASE PARKING REQUIREMENTS OVER 43 STALLS.
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS SHOWN.
- SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT INSTEAD CAN BE SHOWN AT THE TIME OF SIGN PERMITS IN COMPLIANCE WITH ZONING ORDINANCE AND MUST BE APPROVED BY BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- THE COMMON AREA SHALL BE MAINTAINED BY AN ASSOCIATION OF OWNERS.
- COMMON AND PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE DRIVES, DRIVE AISLES, PARKING STALLS AND SIDEWALKS SHOWN.
- UTILITY EASEMENTS TO BE PROVIDED AS REQUIRED BY I.E.S.
- PRIVATE DRIVES SHALL BE SURFACED WITH 8 INCHES OF PORTLAND CEMENT OR 5 INCHES OF PORTLAND CEMENT BASE AND 2 1/2 INCHES OF ASPHALTIC CONCRETE SURFACE OR 6 INCHES OF ASPHALTIC CONCRETE.
- ALL CURB/SEWER DIMENSIONS ARE CHORD LENGTHS.
- TOPOGRAPHIC GRADING CONTOURS ARE AT NAVD 1988.
- ALL LOT LINES ARE CONCEPTUAL AND FINAL PLATS MAY SHOW DIFFERENT LOT WIDTHS.
- THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEDIMENT AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS BY ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
- ADDITIONAL REQUIRED LANDSCAPING AND SCREENING BEYOND THE 8 CONTIGUOUS LINES SHOWN ALONG THE EAST LOT LINE NEED NOT BE SHOWN ON THIS PLAN BUT WILL BE PROVIDED FOR AT THE TIME OF BUILDING APPROVAL. REQUIRED LANDSCAPING WILL INCLUDE, BUT NOT BE LIMITED TO FOUR ADDITIONAL CONIFERS ALONG THE EAST LOT LINE FOR A TOTAL OF 12.

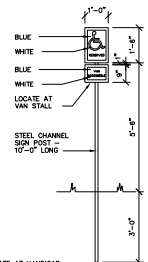
WAIVERS:

1. ADJACENT TO AN ARTERIAL STREET FOR THE DAYCARE FACILITY



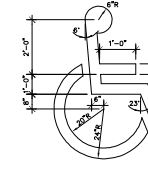
CURVE DATA:
A) R = 561.00'
Δ = 29°15'37"
T = 146.82'
L = 287.20'
Ch = 284.00'
ChBrg = N35°34'25"W

LIMITS OF
SPECIAL
PERMIT

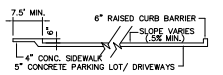


LOCATE AT HANDICAP STALLS SHOWN ON PLAN.

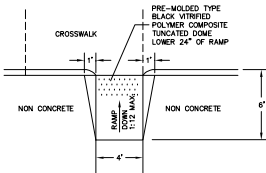
HANDICAPPED PARKING SIGN
SCALE: 1/2" = 1'-0"



HANDICAPPED PARKING SYMBOL
SCALE: NONE



TYPICAL PARKING LOT DETAILS
NO SCALE



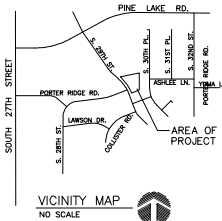
HANDICAPPED RAMP DETAIL
NO SCALE

APPROVAL:
THE FOREGOING SPECIAL PERMIT WAS APPROVED BY THE LINCOLN CITY - LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20__.

ATTEST: _____

ACCEPTANCE:
THE FOREGOING SPECIAL PERMIT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA BY RESOLUTION NO. _____ PASSED THE _____ DAY OF _____ 20__.

ATTEST: _____
CITY CLERK



VICINITY MAP
NO SCALE

Hamilton Heights Child Development Center
7244 S. 29 Street
Lincoln, NE 68516

May 24, 2023

City of Lincoln – Planning Department
555 S. 10 Street, Suite 213
Lincoln, NE 68508

To Whom This May Concern,

Hamilton Heights Child Development Center is requesting approval to amend Special Permit #08052 to finish the lower level of our existing childcare center at 7244 S. 29 St, and therefore expand our occupancy from 100 to 160 children. The finished space (1,226 sf) will be dedicated to a school-age program greatly benefiting the children and families in our community.

Hamilton Heights was founded in 2003 and operates four child care centers in Nebraska that each range in licensed capacity from 115 to 200 children. Our program offers high quality child care to children 6 weeks – 12 years of age. Our services are in high demand, and child care capacity must be expanded for our community to continue to thrive.

The following strategies will allow us to maintain our high operating standards with the requested increase in capacity:

Traffic Flow Demand and Strategies

- The additional capacity will be filled primarily by siblings of children already attending our program. We anticipate the number of families we serve, and therefore car traffic, to increase by only 15%.
- A secondary entrance specific to the lower level will expand the 'drop off zone' for the building and encourage the use of the lower parking stalls.
- Parent drop off and pick up schedules are used as needed, allowing us to spread this traffic as evenly as possible during those peak periods.
- We transport children to and from local elementary schools using 15 passenger vans to alleviate additional traffic demands.
- Many of our current families are from the neighborhood and often walk to drop off and pick up their children.

Parking Demand and Strategies

- We will hire two additional staff members to serve the expanded capacity. There is ample existing parking to accommodate the additional employees. The maximum number of employees in the center at one time will be 20-22 post expansion.



- Parents do not come and go throughout the day or stay at our center during the day. We have found that 4-6 designated drop off spots are sufficient for our existing centers. The drop off lane at the front of the building currently can accommodate 5 vehicles. We will also designate 1-2 lower level spots for this purpose since there will be direct building access.

Playground Demand and Strategies

- Our classrooms utilize playground schedules so that we can provide children 1+ hours of outdoor play everyday while still minimizing noise that comes from large groups of children outside all at once.

In summary, we believe that our request for increased occupancy will have minimal impact on our daily attendance and our facility demands as shown in the table below.

	Current (May 1, 2023)	Projected Expanded
City Occupancy	100	160
Licensed Capacity (State of NE)	130	160
Children Enrolled	108	128
Average Children in Attendance Daily	90	106
Families Served	75	86

We believe that this expansion will be a valuable addition to our center and the community. By offering a dedicated space for school-age children, we can provide them with a safe and enriching environment where they can learn and grow as well as improve the quality of our early childhood care and education.

If you have any questions or need more information, please do not hesitate to contact us at (402) 421-6463. Thank you for your time and consideration.

Sincerely,

Adrienne Agulla

Owner and Executive Director

Hamilton Heights Child Development Center

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Special Permit #23022	FINAL ACTION? Yes	DEVELOPER/OWNER NEBCO / O L & B Railroad
PLANNING COMMISSION HEARING DATE June 28, 2023	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1816 Dudley Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit to allow a proposed cement silo to exceed the maximum height allowance within the I-1, Industrial zoning district. The property is generally located at the northwest corner of North 19th Street and Holdredge Street, located along the east side of the existing railroad tracks.

This request would allow the silo to exceed the 75’ maximum height of the I-1 zoning district by 35’ for a total height of 110 feet. The structure will be used by NEBCO for the storage of cement after it is unloaded from railcars.



JUSTIFICATION FOR RECOMMENDATION

This request is consistent with the existing I-1, Industrial zoning and surrounding uses associated with the prominent railroad presence at this location. The property is abutting I-1 in all directions, along with P, Public zoning to the south for the University of Nebraska Thermal Energy Storage. This would be the second structure to gain approval to exceed the height allowance at this location as a Special Permit was previously approved in 1992 for cement handling equipment over 75’ in height. The location is not within the Captiol View Corridor or Airport Zoning Area.

APPLICATION CONTACT

Kevin Steele, (402) 610-0388 or ksteele@juddsbros.com

STAFF CONTACT

Ben Callahan, (402) 441-6360 or bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This request is compatible with the existing I-1, Industrial zoning district as it is intended for uses including railroads, manufacturing, trucking and transportation. This area has a large presence of I-1 zoning today and continues to be designated as Industrial on the 2050 Future Land Use Map. The proposed location of the silo will be located near existing railroad tracks that serve the I-1 uses in this area.

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.

Goals Section

G3: High-Quality Workforce. Lincoln and Lancaster County will strive to remove barriers to economic stability and mobility in the community by supporting a skilled and educated workforce that is able to adapt to economic, technological, and cultural changes. A high-quality workforce benefits the entire community because it attracts quality employers and entrepreneurs, which helps to grow our population and tax base and facilitates quality of life investments across a variety of sectors, and it ensures that Lincoln and Lancaster County are well-positioned to compete in tomorrow's economy.

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.

ANALYSIS

1. This is a request for a Special Permit to allow a cement storage silo to exceed the 75' maximum height allowed in the I-1, Industrial zoning district. The proposed silo would be 110' tall and serve as a storage facility for NEBCO, holding excess cement mix that arrives by railcar on the adjacent railroad tracks. The site sits generally at the northwest corner of North 19th Street and Holdredge Street, along the existing railroad tracks and south of Salt Creek Roadway.
2. The 75' maximum height of the I-1 zoning district can be exceeded with an approved special permit per Lincoln Municipal Code 27.63.250 for Permitted Use Exceeding the Maximum Height Permitted in a District. The location of the silo will be located in close proximity to the existing railroad tracks for the delivery and storage of concrete by railcar. In 1992, Special Permit #1449 was approved for this use associated with concrete mixing to exceed the 75' height allowance with an existing silo at 90 feet in height. In 1993, Special Permit #1486 was approved on the abutting I-1 property to the east at 1840 Holdredge Street to allow a 113' communication tower.
3. The proposed silo is associated with NEBCO which has operated as a permanent concrete plant at this location since the 1930s. This Special Permit is required due to the height of the storage silo, not the intended use or for chemicals. The silo will hold Portland cement and fly-ash which is unloaded from arriving train cars. It will then be stored until it is moved by truck to the NEBCO site to the south for processing. The subject property and

surrounding area are zoned I-1, which is the most intensive Industrial zoning classification. This request is compatible with the surrounding area as the abutting properties are also zoned I-1, Industrial with a large railroad presence serving this area. The Health Department was included in this application review and was in support of the proposed silo location and use.

- 4. This site is not within the Capitol View Corridor, so it does not need to be reviewed by the Capitol Environs Commission. The site is not located within the Airport Hazard Area and does not require review by the Lincoln Airport Authority.
- 5. The request is compatible with the Comprehensive Plan as the current and future land use designation remains as Industrial on the 2050 Future Land Use Map. This area has numerous properties that are currently operating uses allowed in the I-1 district, along with the area being served by active railroad lines for transport.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: NEBCO & O L & B Railroad Concrete Plant / I-1, Industrial

SURROUNDING LAND USE & ZONING

North:	Railroad Tracks	I-1, Industrial
South:	NEBCO/ UNL Thermal Tanks	I-1, Industrial & P, Public
East:	Auto Sales and Repair	I-1, Industrial
West:	Railroad Tracks	I-1, Industrial

APPROXIMATE LAND AREA: 1.86 acres, more or less

LEGAL DESCRIPTION: Teeters Subdivision, Lots 1-8, and Lot 28 I.T.

Prepared by Ben Callahan, Planner
(402) 441-6360 or bcallahan@lincoln.ne.gov

Date: June 15, 2023

Applicant/
Contact: Judds Brothers Construction
Kevin Steele
3835 N. 68th Street
Lincoln, NE 68507
(402) 610-0388
ksteele@juddsbros.com

Owner: OL & B Railroad / NEBCO
1815 Y Street
Lincoln, NE 68588

<https://linclan.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/23000/SP23022 Nebco Silo Height Increase.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #23022

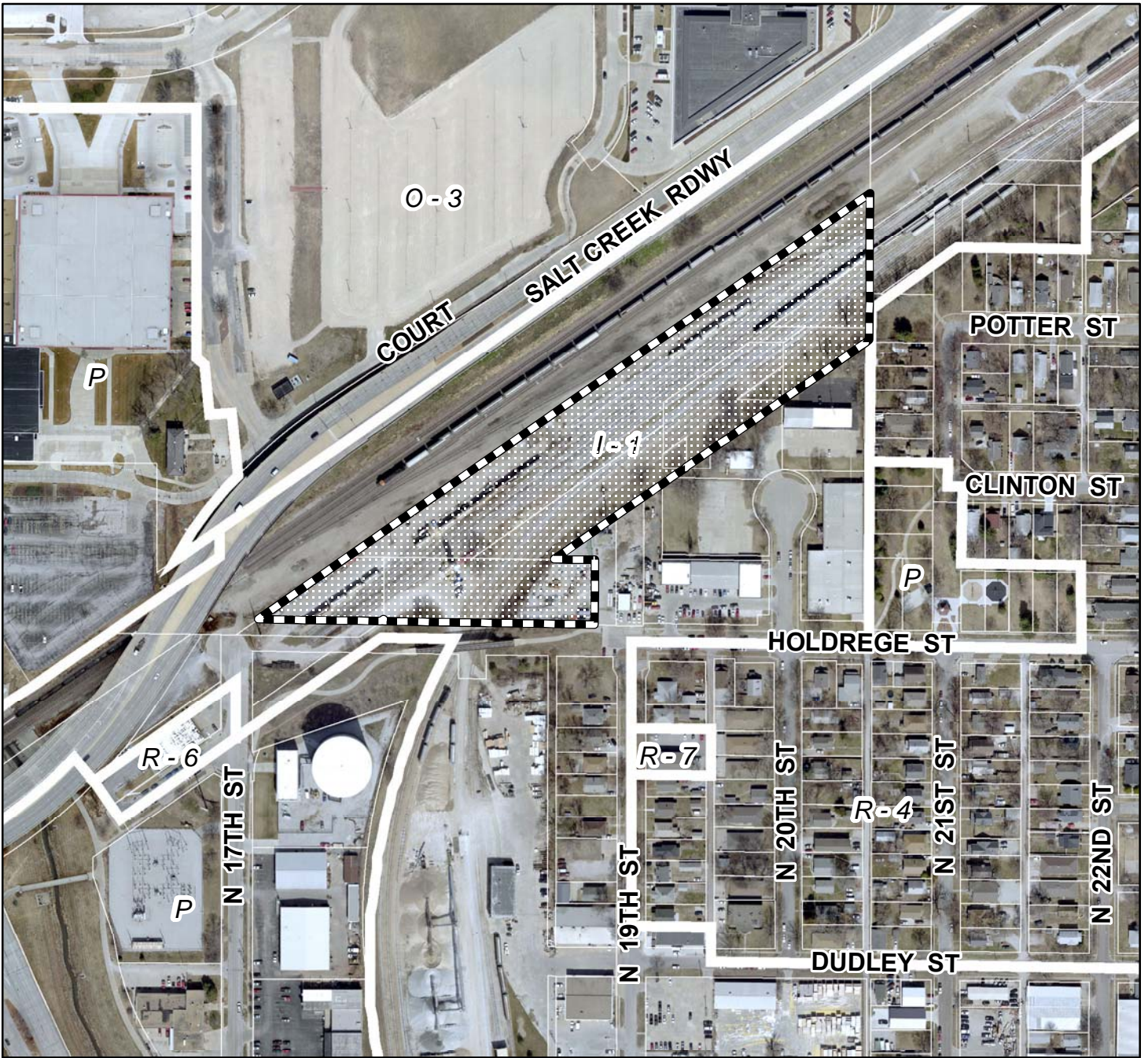
Per Section 27.63.250 for Permitted Use Exceeding the Maximum Height Permitted in District this approval permits a 110-foot tall silo as shown on the site plan which exceeds the 75-foot height limit in the I-1 district.

Site Specific Conditions:

1. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) 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 Provide a legal description detailing the boundary of the project.
 - 1.2 Delete the hatched project location on Sheet 1 associated with storm sewer improvement project as it is not related to this Special Permit.
 - 1.3 Remove Sheet 3 as it is associated with the storm sewer project and not related to this Special Permit.

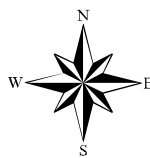
Standard Conditions:

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



2022 aerial

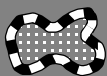


Special Permit #: SP23022
N 19th St & Holdrege St

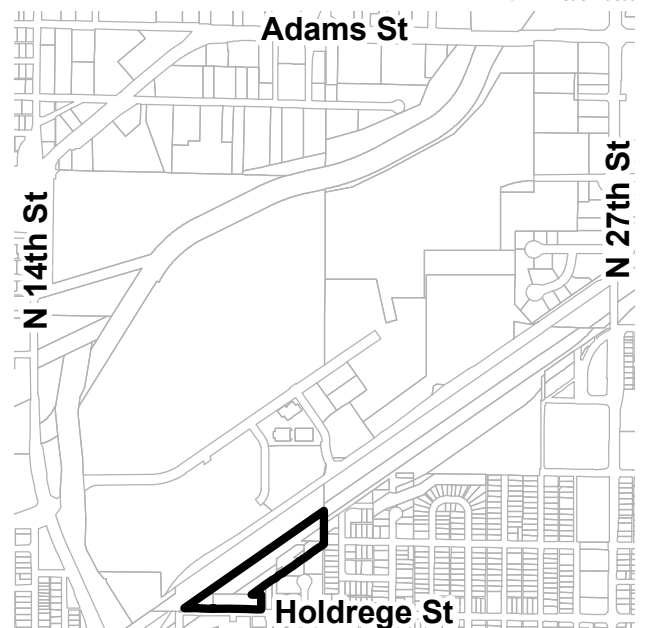


One Square Mile:
Sec.13 T10N R06E

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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
29	



NEBCO TRANSLOAD COVER SHEET

GENERAL NOTES

- PROJECT SITE WORK SHALL BE IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS, CITY OF LINCOLN BUILDING CODE AND APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
- ALL WORK WITHIN CITY OF LINCOLN RIGHT OF WAY SHALL BE COMPLETED IN ACCORDANCE WITH LINCOLN TRANSPORTATION & UTILITIES RIGHT OF WAY CONSTRUCTION MANAGEMENT REQUIREMENTS. CONTRACTOR SHALL OBTAIN RIGHT OF WAY CONSTRUCTION PERMIT AND ADHERE TO STANDARDS AND REQUIREMENTS OF PERMIT.
- CONTRACTOR IS REQUIRED TO OBTAIN NECESSARY PERMITS FOR PROPOSED SITE WORK.
- THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY PIPES AND STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND VISIBLE FEATURES AT THE PROJECT SITE. UNKNOWN UTILITIES OR STRUCTURES COULD BE ENCOUNTERED AT PROJECT SITE. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT ANY EXISTING UTILITIES OR STRUCTURES LOCATED AT THE WORK SITE. EXISTING UTILITY LINES, EITHER OVERHEAD OR UNDERGROUND, AND PERMANENT STRUCTURE WITHIN THE PROPERTY LINES SHALL BE KEPT FREE OF DAMAGE BY CONTRACTOR'S OPERATIONS. IF SUCH UTILITY OR STRUCTURE IS DAMAGED, IT SHALL BE RESTORED AT THE CONTRACTOR'S EXPENSE.
- IN ACCORDANCE WITH STATE LAW, CONTRACTOR SHALL NOTIFY NEBRASKA ONE CALL (NE 811) IN ADVANCE OF ANY SITE EXCAVATION OPERATIONS TO ALLOW UTILITY OPERATORS TO IDENTIFY AND LOCATE UNDERGROUND FACILITIES.
- BEFORE EXCAVATING FOR THIS CONTRACT, THE CONTRACTOR SHALL FIELD VERIFY LOCATION AND ELEVATION OF UNDERGROUND UTILITIES AHEAD OF CONSTRUCTION. EXISTING UTILITY ELEVATION DISCREPANCIES SHALL BE REPORTED TO ENGINEER TO PERMIT REVISIONS TO DESIGN PLAN ELEVATIONS IF REQUIRED.
- ANY ON-SITE FUELING WILL COMPLY WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS.
- THE CONTRACTOR SHALL REPAIR OR REPLACE ALL EROSION CONTROL MEASURES DAMAGED BY CONSTRUCTION ACTIVITIES.
- CONTRACTOR IS RESPONSIBLE FOR ALL TRAFFIC CONTROL & SAFETY MEASURES, WHERE REQUIRED IN CITY OF LINCOLN RIGHT OF WAY TO FACILITATE UTILITY OR PAVEMENT INSTALLATION, TRAFFIC CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH LINCOLN TRAFFIC CONTROL GUIDELINES.
- CONTRACTOR SHALL NOTIFY THE UTILITY PROVIDER TO COORDINATE AND SCHEDULE PROPOSED UTILITY SERVICE CONNECTIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION AND DUST CONTROL, IN ACCORDANCE WITH THE CONSTRUCTION STORMWATER DISCHARGE PERMIT (CSW) FOR THE PROJECT SITE. SEDIMENT AND VEHICLE TRACK OUT FROM FACILITY SHALL BE PROMPTLY CLEANED BY CONTRACTOR. ANY DAMAGE FROM BLOWING DUST OR EROSION AND RUNOFF FROM THE SITE SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF ALL SURVEYED PROPERTY CORNERS.



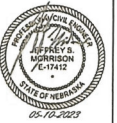
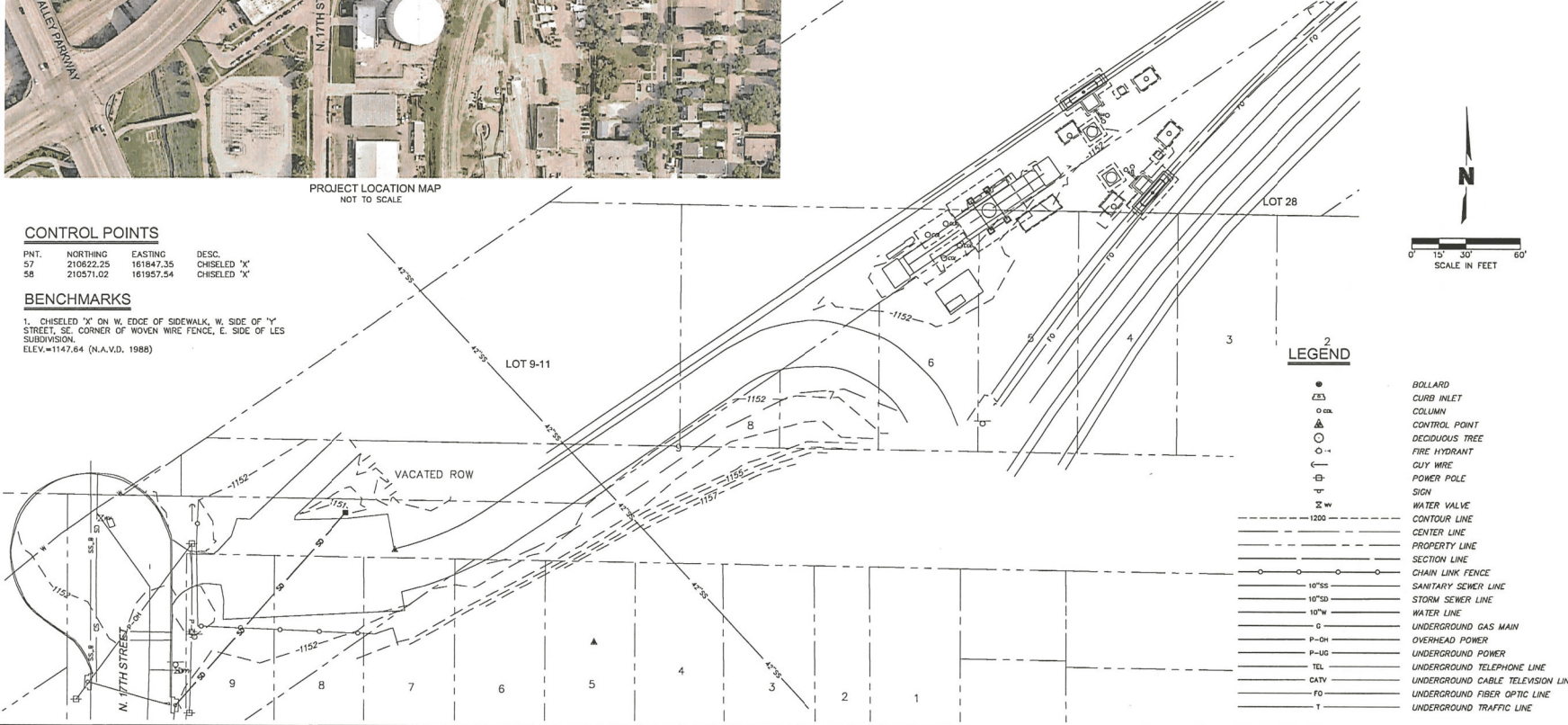
PROJECT LOCATION MAP
NOT TO SCALE

CONTROL POINTS

PNT.	NORTHING	EASTING	DESC.
57	210622.25	161847.35	CHISELED 'X'
58	210571.02	161957.54	CHISELED 'X'

BENCHMARKS

- CHISELED 'X' ON W. EDGE OF SIDEWALK, W. SIDE OF 'Y' STREET, SE. CORNER OF WOVEN WIRE FENCE, E. SIDE OF LES SUBDIVISION.
ELEV.=1147.64 (N.A.V.D. 1988)



REVISED DESCRIPTION	DATE	REVISED BY

REV. NO.	DATE	DESCRIPTION

COVER SHEET	REVISIONS
NEBCO TRANSLOAD	2023
LINCOLN, NE.	

drawn by	
checked by	
approved by	
DATE	
PROJECT NO.	022-06603
DRAWING NO.	2023.05.11
SHEET	1 of 3

NEBCO TRANSLOAD SITE PLAN

LEGEND

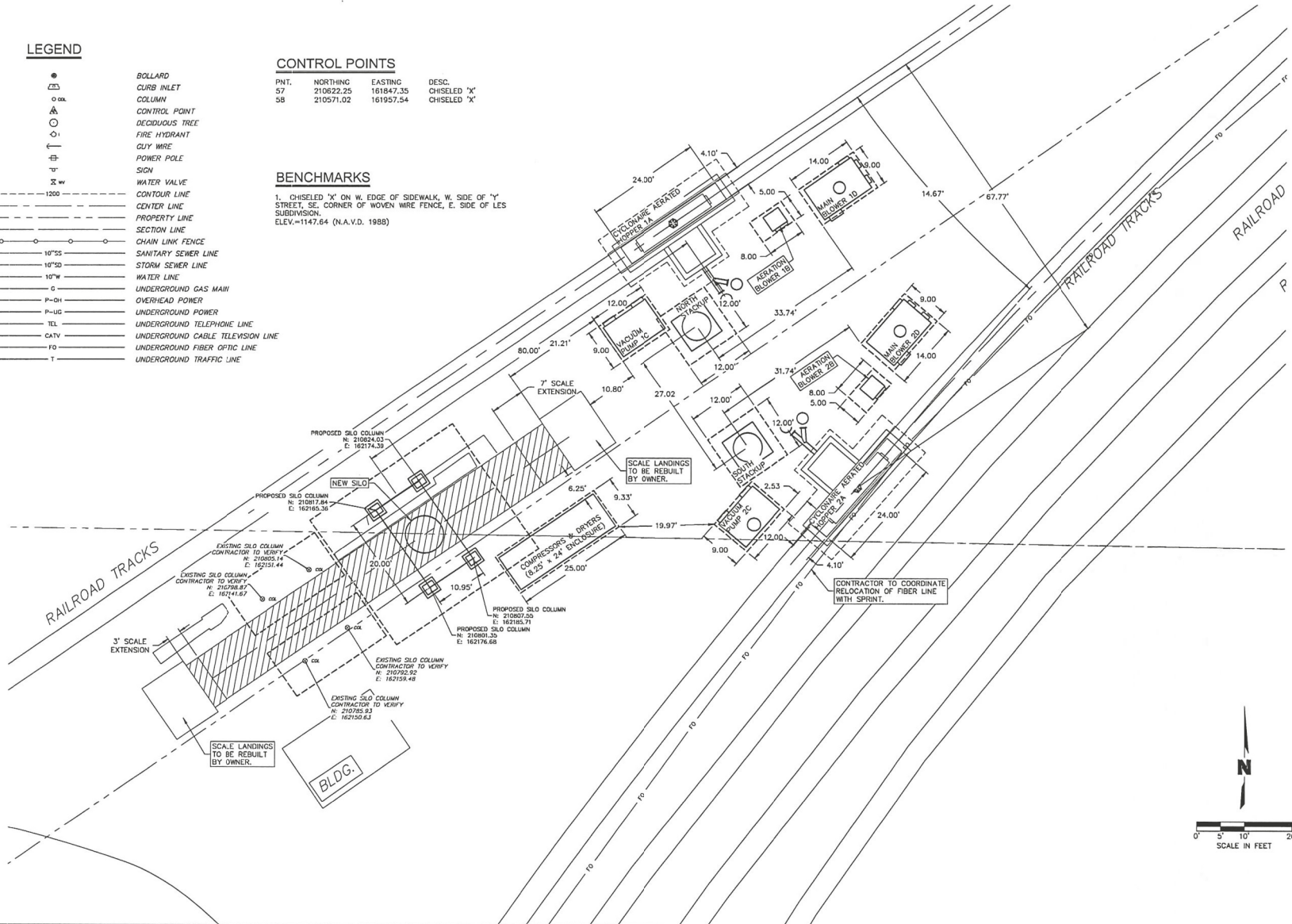
●	BOLLARD
○	CURB INLET
○	COLUMN
○	CONTROL POINT
○	DECIDUOUS TREE
○	FIRE HYDRANT
○	GUY WIRE
○	POWER POLE
○	SIGN
○	WATER VALVE
---	CONTOUR LINE
---	CENTER LINE
---	PROPERTY LINE
---	SECTION LINE
---	CHAIN LINK FENCE
---	SANITARY SEWER LINE
---	STORM SEWER LINE
---	WATER LINE
---	UNDERGROUND GAS MAIN
---	OVERHEAD POWER
---	UNDERGROUND POWER
---	UNDERGROUND TELEPHONE LINE
---	UNDERGROUND CABLE TELEVISION LINE
---	UNDERGROUND FIBER OPTIC LINE
---	UNDERGROUND TRAFFIC LINE

CONTROL POINTS

PNT.	NORTHING	EASTING	DESC.
57	210822.25	161847.35	CHISELED 'X'
58	210571.02	161957.54	CHISELED 'X'

BENCHMARKS

- CHISELED 'X' ON W. EDGE OF SIDEWALK, W. SIDE OF 'Y' STREET, SE. CORNER OF WOVEN WIRE FENCE, E. SIDE OF LES SUBDIVISION, ELEV.=1147.64 (N.A.V.D. 1988)



olsson

Engineering - Nebraska COA #CA-4638
801 P Street, Suite 200
Lincoln, NE 68508
TEL 402.474.6311
www.olson.com



REVISIONS DESCRIPTION

DATE

REV. NO.

REVISIONS

2023

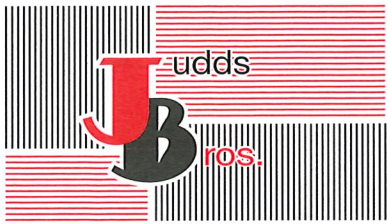
SITE PLAN

NEBCO TRANSLOAD

LINCOLN, NE.

Drawn by: [Signature]
Checked by: [Signature]
Approved by: [Signature]
GAC/C by: [Signature]
Project no.: 022-06831
Drawing no.: 2023.06.11
Date:

SHEET
2 of 3



Judds Bros. Construction Co.

3835 N. 68th Street
P.O. Box 29229
Lincoln, Nebraska 68529

Phone (402) 467-4666
FAX (402) 467-4782
www.juddsbros.com

May 26, 2023

City of Lincoln Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508


RE: Nebco Transload Cement Silo
Zone I-1 Height Variance
Building Permit # B2301383

I hereby submit a Planning Department Application Request Form for Building Permit #B2301383 for a Height Variance above the 75' Height allowed for Zoning I-1. Nebco/O L & B Railroad Company proposes to build a new Cement Silo on their property to serve Ready Mixed Concrete Company. The new Cement Silo will sit approximately 15 Ft from the existing Flyash Silo currently on the property. The new Cement Silo is needed to allow for storage of cement when it is unloaded from railcars delivering the material.

This project will include the installation of the new cement silo (95' Tall/ 110' Tall with storage piping installed), along with two (2) vaults located under railroad tracks for offloading railcars, One (1) Air Compressor Foundation and Eight (8) Equipment Pads. This cement silo is located within the O L & B Railroad yard. There is currently a Cell Tower located within 330 Ft of the proposed location that has received a variance to 113'. This Cell Tower foundation is 8-10' higher than the Cement Silo Foundation. The University of Nebraska has a Thermal Tank located within 335 Ft of the proposed location. The Thermal Tank is above 90'. In the Railyard north of the BNSF Railroad Tracks, LES has Power Towers on the line running East-West that appear to be 80-90'.

The height of the proposed Cement Silo is compatible with the existing structures in the area. I would ask that you approve this request. Please let me know if you should require additional information.

Sincerely,
Judds Brothers Construction Company


Kevin Steele
President

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 23005
*Industrial Avenue & Superior Street
Redevelopment Area Blight & Substandard
Determination Study*

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
June 28, 2023

RELATED APPLICATIONS
None

LOCATION
Generally N. 27th & Superior St

RECOMMENDATION: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS

BRIEF SUMMARY OF REQUEST

The Industrial Avenue & Superior Street Redevelopment Area is generally bounded by Industrial Avenue on the west, Superior Street on the north, and Salt Creek on the east and south. A map of the area is attached.

This request is to determine whether the area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, Nebraska Revised Statutes '[18-2103](#).

The complete Blight & Substandard Study is on file with the Urban Development Department and the Planning Department. The Study can also be found online on the Planning Application Tracking System (PATS): [MISC23005](#).



JUSTIFICATION FOR RECOMMENDATION

The Industrial Avenue & Superior Street Redevelopment Area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, NEB REV STAT '18-2103, as determined by the Industrial Avenue & Superior Street Redevelopment Area Blight & Substandard Determination Study.

Nebraska Community Development Law, NEB REV STAT '18-2109 requires the Planning Commission to review whether an area is substandard and blighted. A recommendation of the Planning Commission is required to be provided to the City Council prior to an area being declared blighted and substandard.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan identifies blight designations as part of the strategy to facilitate infill development and revitalization.

APPLICATION CONTACT

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

STAFF CONTACT

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

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

E2: Infill and Redevelopment

Redevelopment Incentives

Facilitating infill and redevelopment in the existing city requires both a nuanced understanding of the challenges associated with redevelopment projects and a well-thought out set of strategies to overcome them. Commonly cited challenges to infill and redevelopment include land cost and assembly, access to financing, and zoning requirements.

Tax Increment Financing (TIF), facilitated by redevelopment plans in blighted areas, has been the city's most common tool for incentivizing infill redevelopment. TIF is authorized by Nebraska Community Development Law and has been utilized by the City of Lincoln since 1982. TIF uses the added tax revenue created by the redevelopment to finance project-related costs such as land acquisition, core and shell rehabilitation, and public improvements. Traditionally, the developer takes on the debt of the project, pays their full tax burden, and then is allocated back the increment to pay down the debt on the pre-identified project-related costs.

In 2019 the State legislature revised Nebraska Community Development Law to include an "extremely blighted" designation. Areas meeting the criteria of being extremely blighted are eligible for additional Housing Trust Fund dollars and state tax credits for owner-occupied home purchases.

There are many existing and potential redevelopment incentives beyond blighting and TIF (i.e. tax abatement, land value tax, impact fee exclusions).

Policies Section

P8: Infill and Redevelopment

Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

ANALYSIS

1. This is a request to determine whether the Industrial Avenue & Superior Street Redevelopment Area should be declared substandard and blighted per '18-2103 (11) Nebraska Revised Statutes. After an area is declared substandard and blighted, the City has the option to proceed with the preparation and approval of a Redevelopment Plan. Redevelopment activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements. The Redevelopment Plan will be submitted for review at a future date and needs a finding of Comprehensive Plan Conformance by the Planning Commission and City Council.
2. The Urban Development Department hired a consultant who conducted the study to determine whether there was a presence of substandard or blighting conditions in the study area per '[18-2103](#) Nebraska Revised Statutes.
3. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
4. The Industrial Avenue & Superior Street Redevelopment Area includes approximately 152.5 acres. According to the land use categories identified in the Blight Study, approximately 47.3% of the land (72.1 acres) is undeveloped, 34.4% (52.5 acres) is industrial, 10.1% (15.5 acres) is public, and 8.2% (12.4 acres) is streets/right-of-way (page 12).

5. A **standard** area is defined in the Nebraska Revised Statutes as containing a predominance of buildings or improvements with at least one of four conditions present:
 1. Dilapidation/deterioration
 2. Age or obsolescence
 3. Inadequate provision for ventilation, light, air, sanitation or open spaces
 4.
 - a) High density of population and overcrowding; or
 - b) The existence of conditions which endanger life or property by fire and other causes; or
 - c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.

6. The area qualifies as **standard** because according to the Blight study **three standard** factors were found to have a strong presence in the study area. One factor was found to have a reasonable presence. The strong factors are summarized below.
 - A) Based on field evaluation seven of the nine structures (77.7%) are over 40 years of age. The average age of residential structures in the study area is 51 years (Page 20).
 - B) The inadequate provision for ventilation, light, air, sanitation, or open spaces is a strong presence. Six of the nine structures in the area were rated as deteriorating with either “minor” or “major” defects. The deteriorating buildings can pose health, safety, and sanitary problems. Water and sanitary mains are aging and described in condition from “good” “fair” to “poor” (Page 20).
 - C) The combination of deteriorating or dilapidated buildings, advanced age of structures, and aging infrastructure combine to have a detrimental impact to the public health, safety, morals or welfare of the area (Page 21).

7. A **blighted** area is defined in the Nebraska Revised Statutes as having the presence of one or more of the twelve following conditions:
 1. A substantial number of deteriorated or deteriorating structures;
 2. Existence of defective or inadequate street layout;
 3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
 4. Insanitary or unsafe conditions;
 5. Deterioration of site or other improvements;
 6. Diversity of ownership;
 7. Tax or special assessment delinquency exceeding the fair value of the land;
 8. Defective or unusual conditions of title;
 9. Improper subdivision or obsolete platting;
 10. The existence of conditions which endanger life or property by fire or other causes;
 11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;
 12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:
 - a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
 - b) The average age of the residential or commercial units in the area is at least 40 years;
 - c) More than half of the platted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;
 - d) The per capita income of the designated blighted area is lower than the average per capita income of the city or City in which the area is designated; or
 - e) The area has had either stable or decreasing population based on the last two decennial censuses.

8. The study found **seven blighting** factors to be present to a strong extent in the study area. Three factors were demonstrated to have a reasonable presence, one little to no presence, and one factor was not reviewed. The strong factors are listed below:
- A) Faulty Lot Layout - The parcels are irregularly shaped, primarily due to parcels being subdivided on an as-needed basis. A large portion of the area is also within the 100-year floodplain, resulting in parcels being undevelopable by today’s standards (Page 26).
 - B) Insanitary or Unsafe Conditions - A majority of the structures are more than 40 years old and deteriorating with “minor” or “major” defects, and infrastructure is aging (page 27).
 - C) Deterioration of Site or Other Improvements - Ten of eleven parcels have site conditions that are rated “fair” to “poor”, five of eleven parcels lack sidewalks, and a majority of structures are deteriorating and 40+ years of age (page 28).
 - D) Improper Subdivision or Obsolete Platting - Some parcels have a range in size not in conformance with modern planning standards, and two parcels do not have access to a public street network (Page 30).
 - E) Existing of Conditions Which Endanger Life or Property - . Water and sanitary mains are aging and described in condition from “good” to “fair.” A majority of structures are in deteriorating condition and 40+ years old. (Page 31).
 - F) Other Environmental and Blighting Factors - Numerous problems or obstacles exist for comprehensive redevelopment efforts by the private sector; problems that only public financial assistance programs can remedy. These include improvement of some of the oldest segments of the sanitary sewer systems, developing a complete roads and sidewalks/trails system and the rehabilitation of deteriorating buildings/structures (page 32).
 - G) One of the Required Five Additional Blight Factors - Estimated average age of structures in the area is 51 years, exceeding the blight criteria of 40+ years of age (Page 33).
9. The study finds there are three strong factors that constitute an area as substandard within the study area, and out of 12 possible factors that constitute an area blighted, seven are strongly present in the area. Therefore it is the conclusion of the study that sufficient conditions and factors meet the criteria of substandard and blight as evidenced in the Blight Study. These factors present a serious barrier to the planned and coordinated development of the area, have created an environment that negatively impacts private sector investment in the area, and serve as a detriment to the overall healthy economic growth and physical development of the community.

EXISTING LAND USE: Undeveloped, Public, Industrial (page 12)

EXISTING ZONING: I-1 Industrial (page 14)

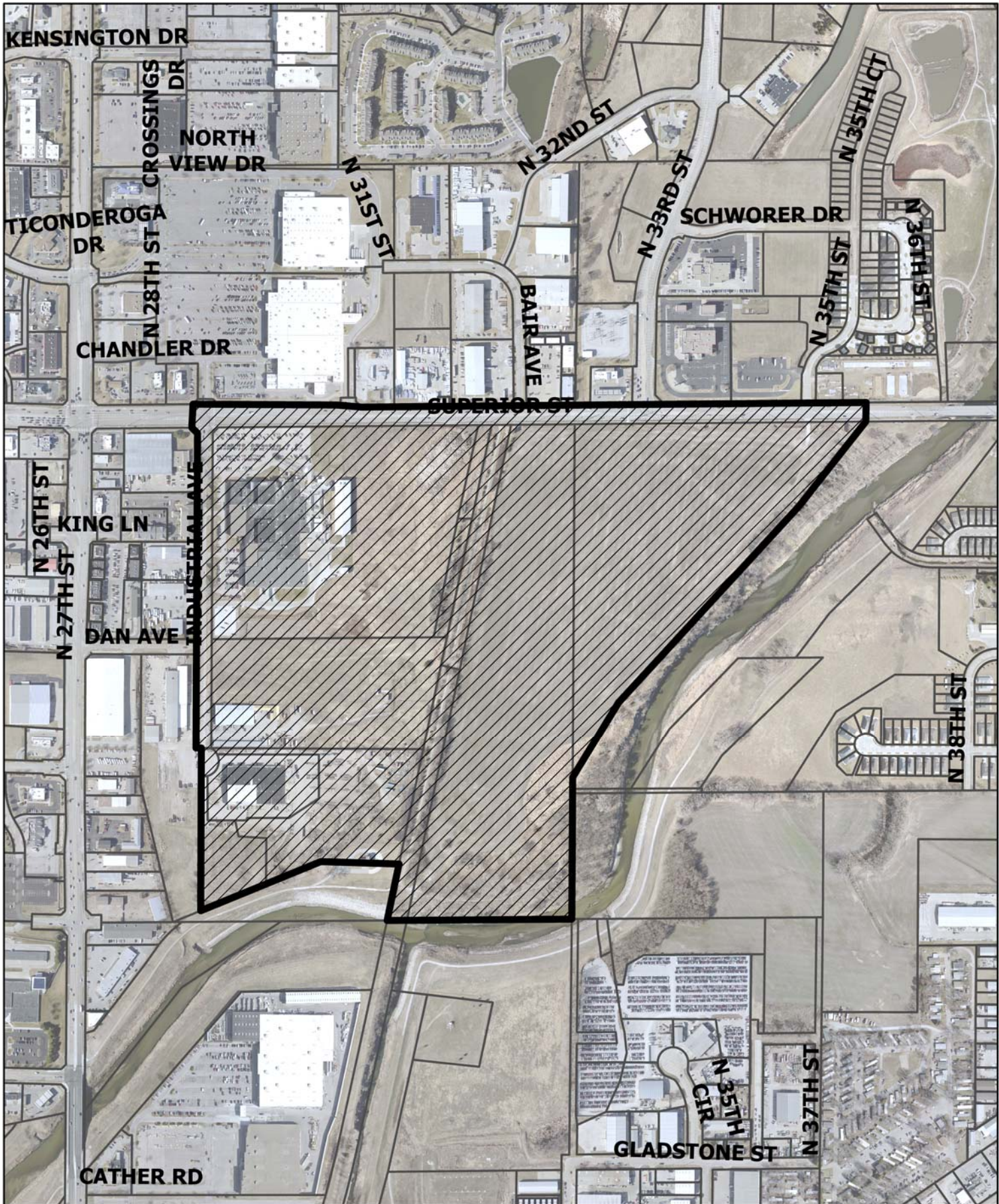
APPROXIMATE LAND AREA: 152.5 acres

Prepared by Andrew Thierolf, AICP
June 20, 2023

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

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

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/23000/MISC23005 Industrial Ave and Superior St Redevelopment Area Blight & Substandard Determination Study.adt.docx>



KENSINGTON DR

CROSSINGS DR

NORTH VIEW DR

TICONDEROGA DR

N 28TH ST

CHANDLER DR

N 31ST ST

N 32ND ST

N 33RD ST

SCHWORER DR

N 35TH LCT

N 35TH ST

N 36TH ST

SUPERIOR ST

N 26TH ST

KING LN

N 27TH ST

DAN AVE

INDUSTRIAL AVE

N 38TH ST

N 35TH CIR

GLADSTONE ST

N 37TH ST

CATHER RD

**MISC23005
Industrial Ave & Superior St Redevelopment Area
Blight & Substandard Study**

2022 aerial



Project: GIS\Projects\DevReview\CPCRedevelopmentAreaDrawings.aprx
PDF: I:\boards\PC\Internet\Out

May 26, 2023

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

Dear David:

Attached is the Industrial Avenue & Superior Street Redevelopment Area – Blight & Substandard Determination Study. The study will assist us in moving forward with a redevelopment plan for the area. A redevelopment agreement will follow, as discussions will begin soon. The study area is generally located at Industrial Avenue and Superior Street.

Please forward this study to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the Blight & Substandard Study should be on the June 28, 2023, agenda.

Sincerely,

Ernie Castillo



Cc: Hallie Salem
Dan Marvin
Steve Henrichsen
Andrew Thierolf