

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Maribel Cruz

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

PLANNING STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Jennifer McDonald: Administrative Aide

March 13, 2024

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 13, 2024, 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, MARCH 13, 2024

Approval of minutes of the regular meeting held [February 14, 2024](#).

1. CONSENT AGENDA (Public Hearing and Administrative Action)

COMPREHENSIVE PLAN CONFORMANCE

Page 8 1.1 COMPREHENSIVE PLAN CONFORMANCE 24002, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan and South of Downtown Redevelopment & Strategic Plan to add the League of Nebraska Municipalities Redevelopment Project, including construction of a two-story office building and the demolition of existing buildings, on property generally located at the southwest corner of 14th & L Streets.
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

Page 16 1.2 COMPREHENSIVE PLAN CONFORMANCE 24001, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, a request for a permanent conservation easement from the National Audubon Society to the Lower Platte South Natural Resources District, to preserve, protect and maintain a corridor of native tallgrass prairie, woodlands, and riparian corridor, on property generally located at SW 98th and Kolbrook Road.
FINAL ACTION
Staff recommendation: In Conformance with the Comprehensive Plan
Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

PERMITS

Page 25 1.3 COUNTY SPECIAL PERMIT 24002, to allow for an ADU (Accessory Dwelling Unit), on property generally located at 10260 Waverly Road. ***FINAL ACTION***
Staff recommendation: Conditional Approval
Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

- 2. **REQUESTS FOR DEFERRAL**
- 3. **ITEMS REMOVED FROM CONSENT AGENDA
(Public Hearing and Administrative Action)**
- 4. **PUBLIC HEARING AND ADMINISTRATIVE ACTION**
- 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: No items

Planning Department Staff Contacts:

David Cary, <i>Director</i>	402-441-6364	dcary@lincoln.ne.gov
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	shenrichsen@lincoln.ne.gov
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372	pbarnes@lincoln.ne.gov
Benjamin Callahan, <i>Planner</i>	402-441-6360	bcallahan@lincoln.ne.gov
Collin Christopher, <i>Planner</i>	402-441-6370	cchristopher@lincoln.ne.gov
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Andrew Thierolf, <i>Planner</i>	402-441-6371	athierolf@lincoln.ne.gov
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Brian Will, <i>Planner</i>	402-441-6362	bwill@lincoln.ne.gov

**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>

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, February 6, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, February 14, 2024, 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: Maribel Cruz, Gloria Eddins, Bailey Feit, Cristy Joy, Rich Rodenburg, and Cindy Ryman Yost; Lorenzo Ball and Dick Campbell absent; one vacant seat. David Cary, Steve Henrichsen, Shelli Reid, Jennifer McDonald, and George Wesselhoft of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Note: This is **Final Action** on the following item: **Special Permit 24001**, unless appealed by filing a Notice of Appeal with the **City Clerk** within **14 days**.

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held January 31, 2024.

Motion for approval of the minutes made by Joy, seconded Eddins. Minutes approved 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting "yes"; Ball and Campbell absent; one vacant seat.

Chair Ryman Yost asked the Clerk to call for the Consent Agenda Items.

Clerk noted that Agenda Item 1.1 Text Amendment 24001 and Item 1.4 Street and Alley Vacation 24002 are being removed from today's Consent Agenda and scheduled for public hearing.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 14, 2024

Members present: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost. Ball and Campbell absent; one vacant seat.

The Consent Agenda consisted of the following items: Special Permit 24001, Street and Alley Vacation 24001 and Street and Alley Vacation 24003.

Clerk noted that Planning Commission members received a Staff Memo dated February 12, 2024, regarding Street and Alley Vacation 24003, identifying revisions to Conditions of Approval, which included a condition to retain a utility easement, which was agreed upon by staff and the applicant.

There were no ex-parte communications disclosed.

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

Joy made a motion for approval of the Consent Agenda items, seconded by Eddins.

Motion carried 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball and Campbell absent, one vacant seat.

TEXT AMENDMENT 24001
TO AMEND THE LINCOLN MUNICIPAL CODE, TABLE 27.06.070 AND 27.62.040 TO ALLOW DWELLINGS, INCLUDING MULTI-FAMILY, SINGLE-FAMILY, TOWNHOUSES AND TWO-FAMILY DWELLINGS, TO BE PERMITTED USES INSTEAD OF CONDITIONAL USES WITHIN THE B-1 ZONING DISTRICTS.

BEFORE PLANNING COMMISSION:

February 14, 2024

Members present: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost. Ball and Campbell absent, one vacant seat.

Staff Recommendation: Approval of Amendment to B-1 Zoning

There were no ex-parte communications disclosed.

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

Staff Presentation:

George Wesselhoft, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this request is to amend the regulations for the B-1 district. The applicant’s concern is only with the B-1 district.

Feit asked Wesselhoft to explain what the B-1 Zoning District means. Wesselhoft stated that there are B-1 districts in the older areas of the city, it wouldn't be a suburban new area, but could be in an established districts and throughout the older part of the city.

Applicant:

Rick Onnen, E & A Consulting group, 701 O Street, Suite 400, Lincoln, NE came forward and stated he is representing the applicant. Onnen stated that the area that the applicant is requesting is in the Capitol Beach area. Onnen stated that the applicant is only requesting this to affect the B-1 Zoning District.

Proponents:

No one approached in support.

Neutral:

No one approached in neutral testimony.

Opposition:

No one came forward in opposition.

Joy moved to close the public hearing, seconded by Eddins.

Motion carried 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting "yes". Ball and Campbell absent, one seat vacant.

TEXT AMENDMENT 24001

ACTION BY PLANNING COMMISSION

February 14, 2024

Joy moved to approve Text Amendment 24001 including the memo, seconded by Eddins.

Joy is in support of this. It seems appropriate for all the housing needs that are throughout the city.

Eddins is in support of this amendment. Eddins stated with current zoning changes, there are areas that have empty storefronts.

Cruz agrees with Joy and Eddins, that it is a fantastic blending that is already occurring in those areas.

Motion carried 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting "yes". Ball and Campbell absent, one seat vacant.

STREET AND ALLEY VACATION 24002
VACATING A 133' PORTION OF THE ALLEY EAST OF SOUTH 13TH STREET, NORTH OF D STREET,
ADJACENT TO PROPERTY GENERALLY LOCATED AT 1000 S. 13TH STREET.
BEFORE PLANNING COMMISSION: **February 14, 2024**

Members present: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost. Ball and Campbell absent; one vacant seat.

Staff Recommendation: Conforms to the Comprehensive Plan

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning Department, 555 S. 10th Street, Lincoln, NE came forward and stated that this is part of the South of downtown PUD that was previously approved. Henrichsen noted that the alley would continue to function fully in the future after the construction process. Henrichsen stated that the Planning Department recommends conditional approval.

Dave Meysenburg, Luxembourg Properties, 3177 Excalibur Ln, Lincoln, NE came forward and stated that Henrichsen answered his questions previously and has no objections.

Applicant:

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, Lincoln, NE came forward and stated that there is a sewer line through the alley that serves the capital that needed to be preserved. Eckert also stated that as part of the agreement, this will be maintained as a public access, utilities easement, and public access easement.

Proponents:

No one testified in support.

Neutral:

No one approached in neutral testimony.

Opposition:

No one came forward in opposition.

Joy moved to close the public hearing, seconded by Eddins.

Motion carried 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting "yes". Ball and Campbell absent, one seat vacant.

STREET AND ALLEY VACATION 24002
ACTION BY PLANNING COMMISSION

February 14, 2024

Joy moved to approve Street and Alley Vacation 24002, seconded by Eddins.

Motion carried 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”. Ball and Campbell absent; one seat vacant.

Joy moved to adjourn the Planning Commission meeting of February 14, 2024, seconded by Eddins.

Motion to adjourn carried 6-0: Cruz, Eddins, Feit, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball and Campbell absent; one vacant seat.

There being no further business, the meeting was adjourned at 1:17 p.m.

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 24002 <i>League of Nebraska Municipalities Redevelopment Project</i>	FINAL ACTION? No	OWNER League of Nebraska Municipalities
PLANNING COMMISSION HEARING DATE March 13, 2024	RELATED APPLICATIONS None	PROPERTY LOCATION 14 th & L 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 two redevelopment plans that adds the League of Nebraska Municipalities Redevelopment Project. The plans to be amended are: 1) Lincoln Center Redevelopment Plan and 2) South of Downtown Redevelopment & Strategic Plan.

The Project includes demolition of the existing structures on the Project Site and construction of a two-story office building with features complementary to the historic State Capitol Building and Capitol Environs District.

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): [CPC24002](https://pats.lincoln.ne.gov/CPC24002).



JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, Lincoln Center Redevelopment Plan, South of Downtown Redevelopment & Strategic Plan, and the Climate Action Plan. It will strengthen the long-term viability of Downtown Lincoln, support Downtown as Lincoln’s employment center, and remove blighted and substandard conditions.

APPLICATION/STAFF CONTACT

Hallie Salem
City of Lincoln Urban Development Dept
(402) 441-7866
hsalem@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

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.

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents.

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.

Preservation and renewal of historic buildings, districts, and landscapes is encouraged. Development and redevelopment should respect historical patterns, precedents, and boundaries in towns, cities and existing neighborhoods.

Land Use Plan

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

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.

Elements Section

E2: Infill and Redevelopment

Downtown and Greater Downtown

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.

E3: Business, Economy, and Workforce

Downtown

Downtown Lincoln stands as a unique community resource. Downtown is the County's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses.

Policies Section

P5: Downtown - Continue to make Greater Downtown a major focus for mixed-use reuse, infill and redevelopment.

Action Steps

2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
3. Maintain the urban environment, including a mix of land uses with a major focus on residential uses, including a variety of types and affordable to diverse income levels.
4. Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.

8. Continue to preserve and enhance downtown's role as the community's major office and employment center.

DOWNTOWN MASTER PLAN SPECIFICATIONS:

- p. 4.4.1 Maintain Downtown as the economic engine and employment hub for the greater Lincoln region.
- p. 4.4.1 Improve Lincoln's ability to attract and retain talented workers by providing high-quality jobs in diverse fields and offering the amenities that appeal to a new generation of workers.
- p. 4.4.1 Downtown should not forget its long-standing strengths. The Downtown economy has been built on the success of the government, higher education, finance, and insurance sectors. Maintaining and supporting these fundamentals, as well as the variety of small businesses and services that support them, will remain important moving forward. Downtown continues to be the largest single concentration of office space and government services. Public sector employees add significantly to the number of employees in Downtown.
- p. 4.4.1 Per the Downtown Market Assessment's Development Forecast, Downtown should establish a goal to grow its workforce by 10% over the next ten years to ensure that Downtown remains the economic engine of the region. In accordance with this job growth, Downtown should aim to absorb at least 533,000 square feet of office space in both existing and new buildings over this same time period.
- p. 4.4.2 Develop a strategy to encourage renovation of existing office space.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.

LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:

- p. III-1 The vision of a revitalized Downtown and the Historic Haymarket District includes specialty retail, cultural, and entertainment core/destination together with office, housing and parking, and is rich with pedestrian activity.
- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Intensify and strengthen Lincoln's central business district as the employment, entertainment, and educational hub of the community;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-8 Provide for expansion and new development of office, commercial, residential, retail, child care, and related service activities which will complement the existing activities in use, scale, and quality of materials and service.
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket.
- p. III-9 Assure that design treatment and development of pedestrian ways will unify the appearance of both existing and new buildings. A variety of pedestrian facilities are possible, including open and enclosed malls, galleries, open spaces, plazas, and widened gathering place sidewalk areas. These should be skillfully combined to create a highly diversified and exciting pedestrian environment and integrated with others such as the Lied Courtyard from 12th to 13th Street on Q Street and the Lincoln Mall from 10th to 14th Street.

SOUTH OF DOWNTOWN REDEVELOPMENT & STRATEGIC PLAN SPECIFICATIONS:

- p. 58 The Plan utilizes redevelopment principles from the Comprehensive Plan, including the support for a diversity of land uses in the neighborhood.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 8 Strategic Vision - Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar “80x50” goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.

ANALYSIS

1. This is an amendment to two redevelopment plans that identifies the League of Nebraska Municipalities Redevelopment Project. The Project boundary intersects both the Lincoln Center Redevelopment Plan and South of Downtown Revitalization & Strategic Plan, so both of those plans are included in this application.
2. The Project includes construction of a two-story office building with features complementary to the historic State Capitol Building and Capitol Environs District. The office building will be owned by the League of Nebraska Municipalities. The Project also includes enhanced streetscape and landscaping that will improve the walkability of the area.
3. There are two buildings on the Project Site that would be demolished: 1317 L Street and 401 S 14th Street. The current League of Nebraska Municipalities building at 1317 L Street is insufficient for their existing needs, including size, energy efficiency, and operations, and it does not meet the standards for Class A office space.
4. The 401 S 14th Street building was completed in 1955 and dedicated as a local landmark in 2000. It was the clubhouse for the Lincoln Woman’s Club, which was formed in 1894 and worked for the betterment of the Lincoln community by raising funds for charities.

The building had fallen into disrepair prior to being sold to the League of Nebraska Municipalities. The building had been unconditioned for over 20 years, resulting in extensive water damage and mold. The League requested a Certificate of Exception from the Historic Preservation Commission to allow the demolition of the Lincoln Woman’s Club for the purpose of constructing a new building. The League was granted the Certificate with specific requirements regarding recordation and preservation of the history of the building and its use.

[Historic Preservation Commission Meeting Materials \(December 21 & January 18\)](#)

5. The Project is within the Capitol Environs District and was reviewed at the January 26th Capitol Environs Commission meeting. The Commission unanimously approved a Certificate of Appropriateness for building demolition, proposed site work, proposed streetscape work, and new building construction. The meeting minutes and associated staff report are below. The staff report includes proposed site and building renderings.

[Meeting Minutes - Capitol Environs Commission January 26](#)
[Capitol Environs Commission Staff Report](#)

6. The overall goals of the Project are to strengthen the Downtown Lincoln business community, remove blighted and substandard conditions, enhance the architectural character of the Capitol Environs District, and make a positive contribution to the continued revitalization of Downtown Lincoln.

7. The site is within the B-4 (Lincoln Center Business District), which allows a mix of uses. The proposed project is in conformance with the existing B-4 zoning. The proposed use fits well with surrounding land uses, which include future office, parking and residential on the same block as the Project Site, as well as the surrounding City blocks.
8. The Project is consistent with PlanForward, the Lincoln- Lancaster County 2050 Comprehensive Plan. One of the overarching goals of the Plan is to enhance Downtown's role as the center of the City's government and employment sectors. PlanForward encourages mixed-use redevelopment, and well-designed and appropriately placed infill development. This project meets the requirement of high-quality, durable design for redevelopment projects that enhances the surrounding neighborhood. The Plan encourages higher density development with parking areas at the rear of buildings.
9. The Project is also consistent with the 2018 Lincoln Downtown Master Plan. The Master Plan encourages the redevelopment of vacant or underutilized spaces as opportunities arise. The Master Plan also encourages the consolidation and maintenance of government and related offices and employment in the Downtown area.
10. The Project is also consistent with the goals of the Lincoln Center Redevelopment Plan. The primary goal of the Redevelopment Plan is to enhance Downtown Lincoln as the dominant mixed-use/multi-use center of activity within the region. The Project meets the redevelopment standards set forth in the Lincoln Center Redevelopment Plan, including, but not limited to: intensifying and strengthening Lincoln's central business district as the employment hub of the community; utilizing underdeveloped lots and removing blight; enhancing the aesthetics of Downtown to improve the pedestrian environment; and, encouraging private development in the project area that supports and enhances the architectural character of both the Capitol Environs District and Capitol view corridor.
11. The Project is also consistent with the South of Downtown Revitalization & Strategic Plan. The Project will help activate a vacant building to help provide for more eyes on the street and encourage more north/south pedestrian circulation with modifications to the streetscape in this area of Downtown.
12. The Project is consistent with the City's Climate Action Plan, in keeping an organization that works directly with State and Local Government Offices in the Downtown area and in the use of TIF to enhance the streetscape to support the walkability of the area and to improve energy efficiencies in a new office building.
13. The 2023 assessed value of the Project Site was approximately \$1.3 million. The final assessed valuation of the Project Site is anticipated to be up to \$4 million. The Project is expected to generate up to \$52,251 in annual TIF revenue to assist with the cost of the construction of public improvements and enhancements related to the Project. The public investment will leverage approximately \$6 million in private sector resources. The TIF funds will be subject to further adjustment as Project costs are defined.
14. Publicly funded redevelopment activities may include the following: demolition and environmental testing and remediation, site preparation, street and streetscape improvements, utilities, energy efficiency enhancements, façade enhancements, and other expenses as permitted under Community Development Law. Specific details for publicly funded improvements for this site will be finalized with the redevelopment agreement.
15. The overall project boundary includes the surrounding right-of-way for L, K, 13th, and 14th streets. These areas are included to allow for streetscape enhancements utilizing TIF. Details of potential streetscape enhancements will be finalized as part of the redevelopment agreement.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USES: League of Nebraska Municipalities, vacant building

SURROUNDING LAND USE AND ZONING:

North: L Street, Commercial	B-4 Lincoln Center Business District
South: Commercial	B-4
East: 14 th Street, Parking Garage	P Public
West: Vacant	B-4

APPROXIMATE LAND AREA: 4.4 acres

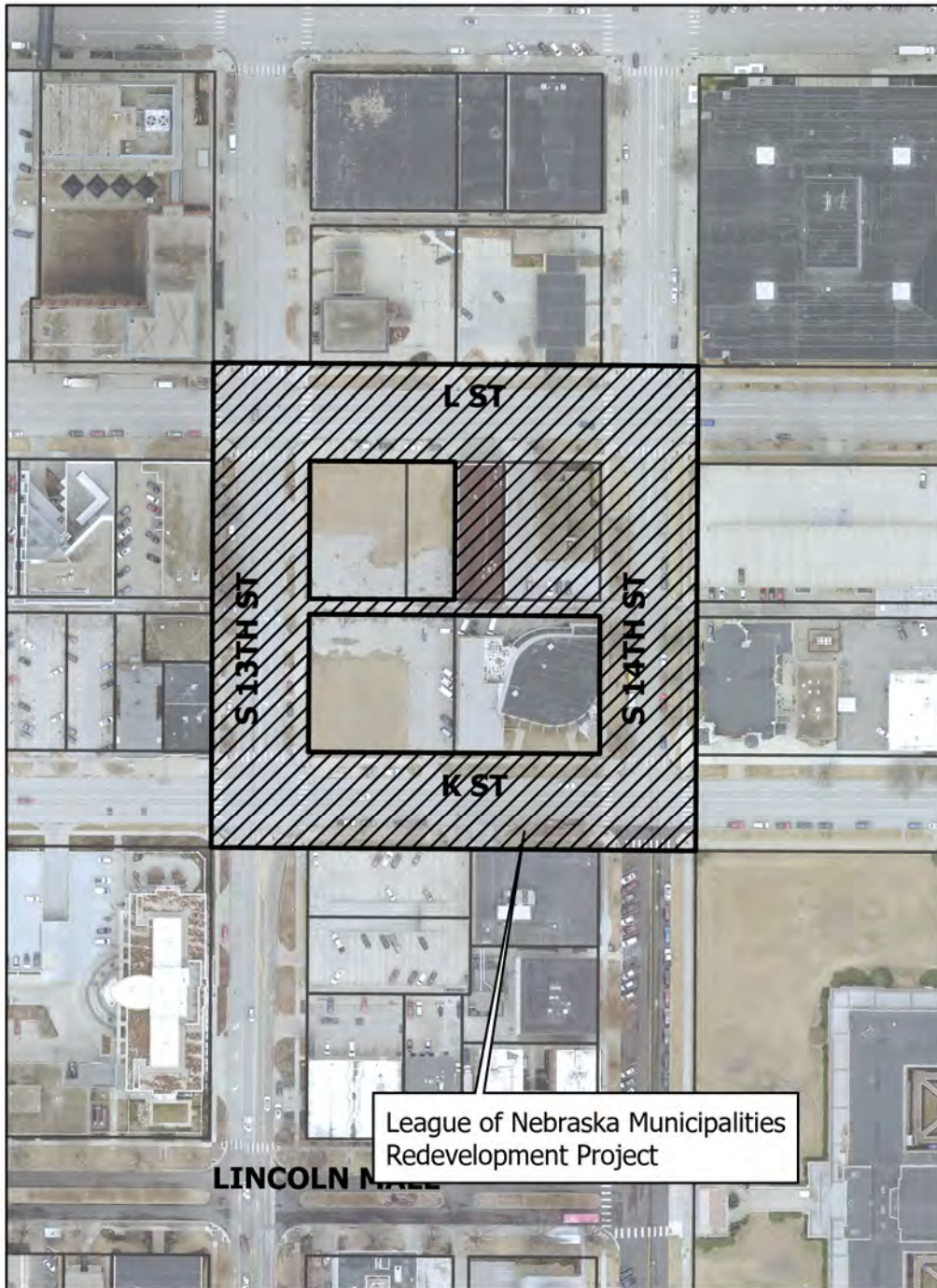
Prepared by Andrew Thierolf, AICP
(402) 441-6371 or athierolf@lincoln.ne.gov

March 4, 2024

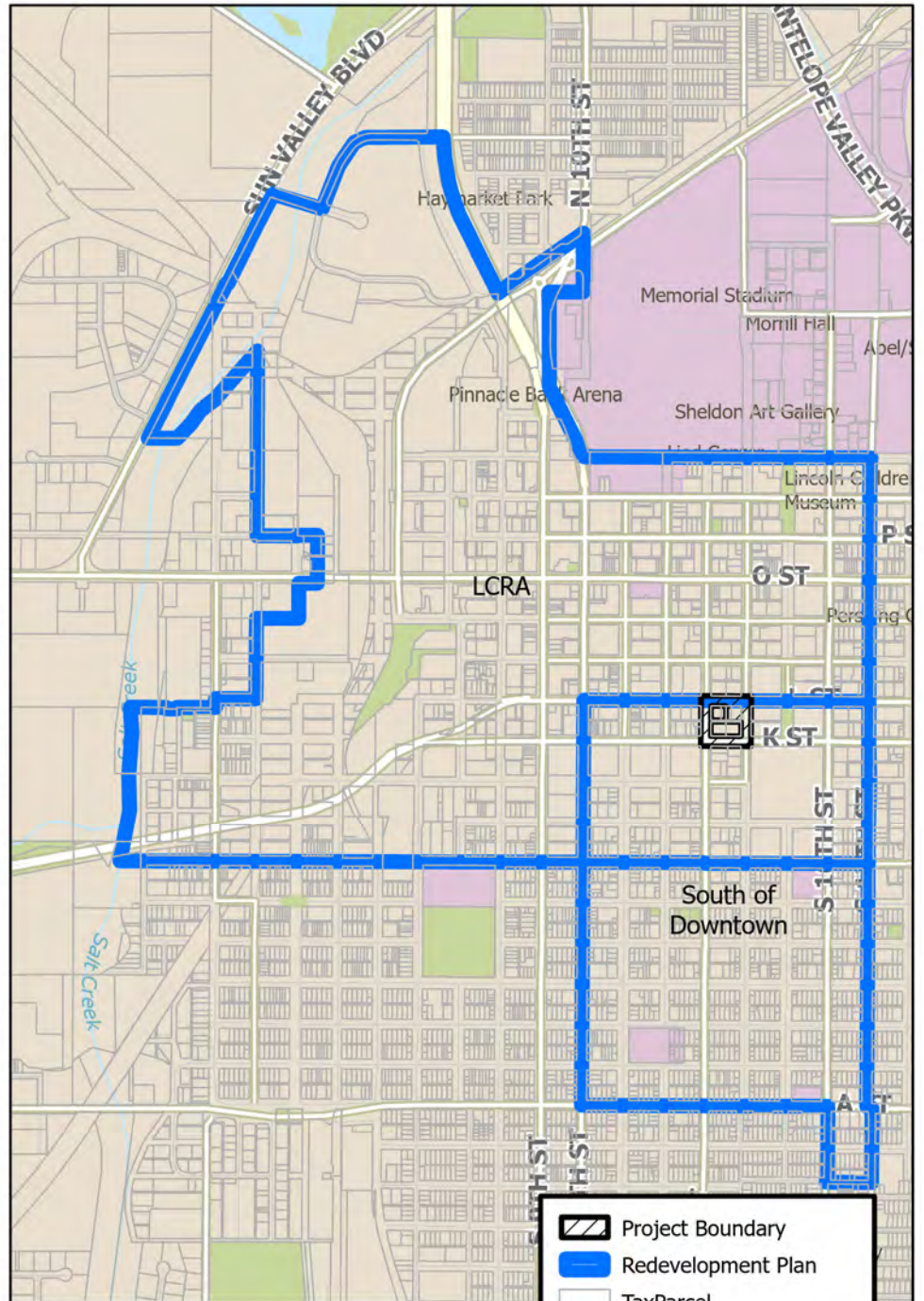
Applicant: Urban Development Department, City of Lincoln
555 S. 10th Street, Suite 205
Lincoln, NE 68508

Contact: Hallie Salem
Urban Development Department, City of Lincoln
(402) 441-7866, hsalem@lincoln.ne.gov

https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24002_League of Nebraska Municipalities Redevelopment Project.adt.docx



2022 aerial



Comprehensive Plan Conformance #: CPC24002
Lincoln Center Redevelopment Area Plan and South of Downtown Redevelopment Plan
League of Nebraska Municipalities Redevelopment Project

February 14, 2024

Andrew Thierolf, AICP
Lincoln Lancaster County Planning Department
City / County Building
555 S 10th Street
Lincoln, NE 68508

Dear Andrew:

Please find the revised League of Nebraska Municipalities Redevelopment Project Amendment to the Lincoln Redevelopment Plan attached.

Once submitted through Project Dox, please forward the revised amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the March 13, 2024 public hearing. We request that the amendment also be scheduled at City Council for introduction on April 1, 2024 and public hearing on April 8, 2024.

If you have any questions about the revised plan amendment or revised schedule, please contact me at 402.441.7866 or hsalem@lincoln.ne.gov.

Best Regards,



Hallie Salem
Redevelopment Manager

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

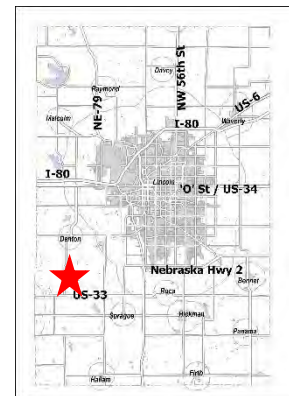
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #24001 <i>National Audubon Society Conservation Easement</i>	FINAL ACTION? Yes	OWNER National Audubon Society
PLANNING COMMISSION HEARING DATE March 13, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 9301 Kolbrook Rd, SW 98 th & W Saltillo

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The purpose of this application is to find that the acquisition of a permanent conservation easement conforms to the 2050 Comprehensive Plan. This easement is being acquired as part of the Prairie Corridor on Haines Branch, a cooperative project between the City of Lincoln, Lower Platte South NRD, and Spring Creek Prairie Audubon Center. The land is owned by the National Audubon Society and the easement is being acquired by the Lower Platte South Natural Resources District (NRD).



JUSTIFICATION FOR RECOMMENDATION

This conservation easement is for the purpose of preserving native tall grass prairie and other natural habitat as part of the Prairie Corridor on Haines Branch project. The proposed easement is not an obstacle to any planned action on the site.

APPLICATION CONTACT

Will Inselman, Lower Platte South NRD
(402) 476-2729, winselman@lpsnrd.org

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan supports preservation of natural habitat, including implementation of the Prairie Corridor on Haines Branch, through land acquisition and conservation easements.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as Agriculture and Environmental Resources on the 2050 Future Land Use Plan.

Goals Section

G7: Environmental Stewardship and Sustainability

PlanForward commits Lincoln and Lancaster County to a sustainable growth framework that will conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised.

Elements Section

E4: Environmental Resources

Maintaining a balance between the natural and human built environment is always delicate. The policies of PlanForward should strive to incorporate such uses in the full range of urban and rural landscapes. As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their ongoing protection and maintenance. Securing the long-term permanence of green space is a basic dilemma in natural resources planning. The use of “green space development incentives” (e.g., setting aside non-buildable areas, creating green space preserves, density bonuses) should be a primary consideration in implementing this plan.

Policies Section

P19: Native Prairie - Protect, restore, and enhance native prairies.

Action Step 3: Identify opportunities to work with property owners, both public and private, to acquire land or conservation easements that can serve as buffer areas around prairies and other natural areas for management and resource protection as well as support use of federal, state, or local conservation programs.

P20: Ecology and Habitat - Protect the natural habitat for threatened and endangered species.

Action Step 4: Continue to investigate incentives allowing land owners to pursue voluntary purchases, conservation easements, transfer of development right (TDR) or other similar preservation options.

P21: Floodplains and Riparian Areas - Protect and preserve floodplains and other riparian areas for flood storage, conveyance and other natural resource benefits.

P23: Salt Valley Greenway and Connecting Green Corridors Concept Implementation - Use the Salt Valley Greenway and Connecting Corridors concept to embody the PlanForward Vision and environmental resource principles.

Action Step 4: Continue to use conservation easements to protect greenway areas where it may be desirable to allow compatible land uses such as row crop farming or pasturing.

P25: Open Space with Development

Action Step 6d: Provide appropriate incentives to encourage landowners to preserve saline and freshwater wetlands. Incentives to be used or considered further include conservation easements with tax incentives.

Action Step 10a: Continue to develop the Prairie Corridor on Haines Branch to connect Pioneers Park Nature

Center with Conestoga Lake and then continue south through the Village of Denton and on to Spring Creek Prairie Audubon Center. This project includes preservation and restoration of over 7,000 acres of tallgrass prairie, wetlands, and wooded riparian corridor wound through by an extension of the City's trail network. Use the Salt Valley Greenway and Prairie Corridor Master Plan and partners to identify unique areas of the County and promote private lands stewardship on land in or adjacent to Prairie Corridor.

ANALYSIS

1. This proposed conservation easement is being acquired as part of a cooperative project between the City of Lincoln, Lower Platte South NRD, and Spring Creek Prairie Audubon Center known as the Prairie Corridor on Haines Branch. The purpose of the overall project is to preserve a corridor of native tall grass prairie stretching from Pioneers Park Nature Center to Spring Creek Prairie Audubon Center to include conservation, habitat development, trail corridor, educational, research, and economic development goals.
2. Investigation of aerial photography, as well as discussion with the long-time owners, indicates the parcel has approximately 100 acres of previously untilled tall grass prairie along with 35 acres of riparian habitat on Spring Creek. Tall grass prairie is one of the most endangered ecosystems in the world with estimates as low as one percent of historic prairie remaining.
3. Major provisions of the easement include:
 - Conservation of the grassland/prairie and riparian corridor area, with a provision that the NRD may develop and maintain a multi-use recreational trail.
 - Preservation of the natural topography and drainage of the property and prevention of mining or dumping on the property.
 - Prevention of uses and practices that are inconsistent with conservation of the natural resources, such as construction of roads, destruction or degradation of habitat, and other inconsistent uses. Buildings or structures are prohibited with the exception of buildings and other structures necessary to carry out and to enhance Audubon's mission.
4. This request if approved would find the potential conservation easement to be in Conformance with the Comprehensive Plan.
5. The Nebraska Conservation and Preservation Easement Act (Nebraska Revised Statute §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties prior to the acquisition. The Planning Commission must provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. (NEB. REV. STAT. §76-2,112).
6. The Lower Platte South NRD can accept or acquire the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan. Since the NRD is the sole beneficiary named in the easement, the easement agreement does not require approval from the County Board or City Council.
7. The County Engineer's office suggested some updates to the easement language related to existing infrastructure easements in the area and potential future needs for street right-of-way. The conservation easement language will be updated as needed to address these concerns prior to acceptance of the easement by Lower Platte South NRD.

EXISTING LAND USE & ZONING: Pasture/Grassland, AG Agriculture

SURROUNDING LAND USE & ZONING

North:	Agriculture, Pasture/Grassland, Natural Areas	AG Agriculture
South:	Pasture/Grassland, Natural Areas	AG Agriculture
East:	Agriculture, Pasture/Grassland	AG Agriculture
West:	Agriculture, Pasture/Grassland	AG Agriculture

APPROXIMATE LAND AREA: 155.84 acres

LEGAL DESCRIPTION: Lots 17 and 18, SW ¼ of Section 34-9-5

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

March 4, 2024

Contact: Will Inselman
Lower Platte South NRD
3125 Portia Street
Lincoln, NE 68521
winselman@lpsnrd.org

Owner: National Audubon Society Inc
225 Varick St
New York, NY 10014

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24001 National Audubon Society Conservation Easement.adt.docx>



2020 aerial


Comp Plan Conformance #: CPC24001
SW 98th St & Kolbrook Rd

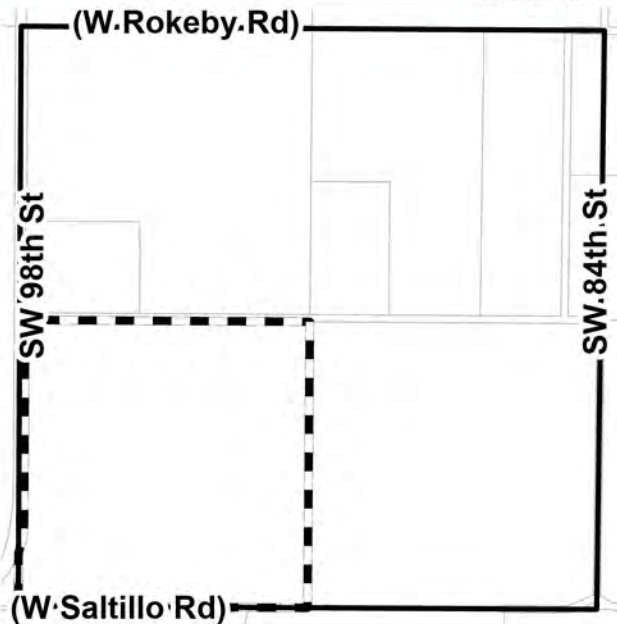


One Square Mile:
Sec.34 T09N R05E

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
	Lincoln City Jurisdiction





LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581 | P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

January 22, 2024

David Cary, Director
Lincoln/Lancaster County Planning Department
555 S. 10th St
Lincoln, NE 68510

Dear Mr. Cary,

This letter is to request a review of the acquisition of a permanent conservation easement from the National Audubon Society, Inc. for conformance with the Comprehensive Plan. The easement to be acquired is comprised of 155.84 acres generally located at SW 98th and Kolbrook Rd., as shown in the attached maps. It is legally described as Lot 17 and 18, I.T. located in the SW Quarter of Section 34-9-5, Lancaster County, NE

The boundaries and landmarks within the easement area are shown on the attached maps. Initial investigation of historical aerial photography, as well as discussion with the long-time owners, indicates this parcel has approximately 100 acres of previously untilled tall grass prairie and approximately 35 acres of riparian habitat on Spring Creek. This easement is being acquired as part of a cooperative project between the City of Lincoln, Lower Platte South NRD, and Spring Creek Prairie Audubon Center known as the Prairie Corridor on Haines Branch. The purpose of the project is to preserve a corridor of native tall grass prairie stretching from Pioneers Park Nature Center to Spring Creek Prairie Audubon Center to include conservation, habitat development, trail corridor, educational, research and economic development goals. Tall grass prairie is one of the most endangered ecosystems in the world with estimates as low as 1% of historic prairie remaining.

Major provisions of the easement include:

- Conservation of the grassland/prairie and riparian corridor area, with a provision that the District may develop and maintain a multi-use recreational trail.
- Preservation of the natural topography and drainage of the property and prevention of mining or dumping on the property.
- Prevention of uses and practices that are inconsistent with conservation of the natural resources, such as construction of buildings, roads, or other structures, destruction or degradation of habitat, and other inconsistent uses.
- Continued use of property for grazing or haying as provided in the agreement.

It is our understanding that this review for Comprehensive Plan Conformity will be final action at the Planning Commission, and we would like to request the item be scheduled for the February 28th Planning Commission agenda.

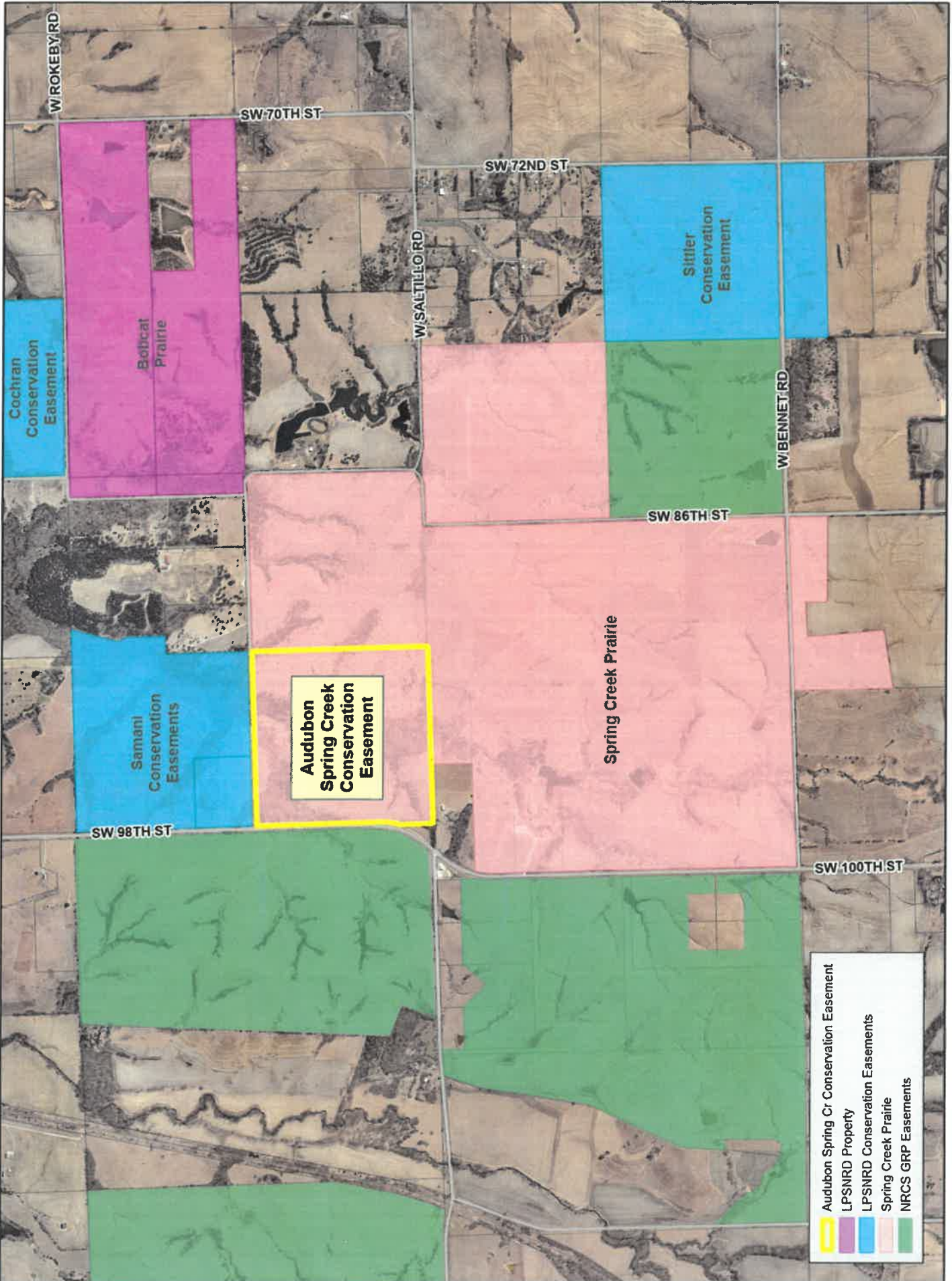
If you have any questions, please feel free to contact me or Will Inselman at 402-476-2729 or mike.sousek@lpsnrd.org or will.inselman@lpsnrd.org.

Sincerely,



Mike Sousek, General Manager

Audubon Spring Creek Conservation Easement Area - Prairie Corridor



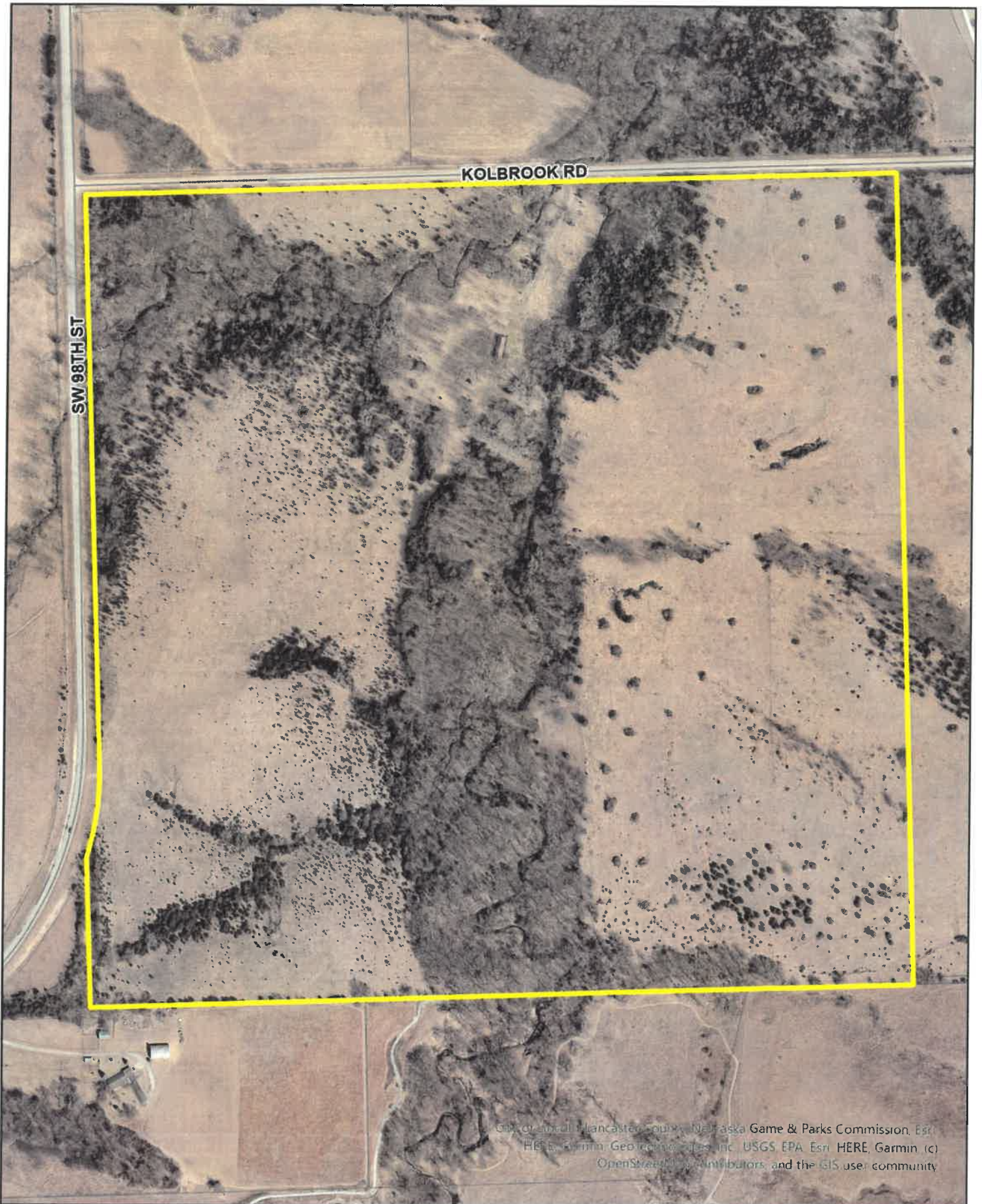
- Audubon Spring Cr Conservation Easement
- LPSNRD Property
- LPSNRD Conservation Easements
- Spring Creek Prairie
- NRCS GRP Easements



Map Created: January 2024 - Lower Platte South NRD



Audubon Spring Creek Conservation Easement - SW S34, T9N-R5E



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 #24002

FINAL ACTION?
Yes

DEVELOPER/OWNER
BLV NE Ventures, LLC

PLANNING COMMISSION HEARING DATE
March 13, 2024

RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
10260 Waverly Road

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for an Accessory Dwelling Unit (ADU) under Article 13.050 of the Lancaster County Zoning Regulations. The property is a 40-acre parcel generally located on the north side of Waverly Road east of N. 98th Street. The zoning is AG Agricultural. The proposed ADU will be located behind the principal dwelling relative to Waverly Road and will be approximately 692 square feet in size.



JUSTIFICATION FOR RECOMMENDATION

The proposed ADU subject to the conditions of approval meets the requirements of Article 13.050. No waivers are requested. The Special Permit approval will allow a small dwelling with one bedroom incidental to the principal dwelling as intended by the ADU requirements.

APPLICATION CONTACT

Luke Burbach, (402) 202-2436
lburbach@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed ADU meets the goals of the Comprehensive Plan for providing alternative housing choices.

KEY QUOTES FROM THE 2050 COMPREHENSIVE 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. 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

P3: Developing Neighborhoods. Action Step #16: encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

ANALYSIS

1. Accessory Dwelling Units (ADU) were added to the Lancaster County Zoning Regulations in December 2018. An ADU is an additional self-contained housing unit that is secondary to the main residence. An ADU can either be attached to the principal dwelling, be part of the principal dwelling, or be a separate building detached from the principal dwelling. The ADU contains its own kitchen, sleeping area and bathroom. ADU's are subordinate in size to the principal dwelling. ADUs are permitted by Special Permit in the AG Agricultural Zoning District in Lancaster County.
2. The following conditions are required for an ADU:
 - A. The lot area shall be 20 acres or larger.
The lot area is 40 acres.
 - B. The total floor area of the ADU shall not exceed the lesser of 1,000 square feet or 40% of the square footage of the principal dwelling, excluding garages, carports and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the special permit is filed.
The proposed ADU is 692 sq. ft. The principal dwelling is 3,868 sq. ft. per the County Assessors site. The ADU is 18% of the square footage of the principal dwelling. The ADU is allowed to be the lesser of 1,000 sq. ft. or 40% of the principal dwelling.
 - C. No more than 2 bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
The floor plan shows that the ADU will have one bedroom.
 - D. The owner of the lot is required to live on the property in either the principal dwelling or the ADU. The owner of the lot shall file with the Register of Deeds, a deed restriction agreement on the property stating that the accessory dwelling cannot be sold separately from the principal dwelling. The deed restriction agreement must be to the satisfaction of the County Attorney. The deed restriction agreement shall be filed prior to any building permit for the ADU.
The owner of the property will live in the principal dwelling. The owner is an LLC. Documentation will need to be provided as a condition of building permit that the owner will reside on the property.
 - E. The ADU must share the same access point to the public or private street as the principal dwelling.
The site plan shows the ADU sharing the driveway with the principal dwelling.
 - F. The ADU must meet the same setback requirements as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling, but be no higher than the principal dwelling.

The ADU meets the required setbacks.

- G. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.

The ADU will be less than 200 feet from the principal dwelling and will not be any closer to the road right of way than the principal dwelling.

- H. The ADU must share utilities with the principal dwelling unless the owner can demonstrate a practical problem with sharing due to the topography or other unique site considerations.

The ADU will share utilities with the principal dwelling.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agricultural, Single-family dwelling

SURROUNDING LAND USE & ZONING

North:	AG-Agricultural	Farm ground
South:	AG-Agricultural	Farm ground
East:	AG-Agricultural	Farm ground
West:	AG-Agricultural	Farm ground

APPROXIMATE LAND AREA: 40 acres, more or less.

LEGAL DESCRIPTION: Lot 20 I.T. located in the SW ¼ of Section 12, Township 11 North, Range 7 East, Lancaster County, NE.

Prepared by
George Wesselhoft, Planner

Date: February 29, 2024

Owner: BLV NE Ventures, LLC
10260 Waverly Road
Waverly, NE 68517

Contact: Luke Burbach
2020 Atlas Avenue
Lincoln, NE 68521
402-202-2436
lburbach@gmail.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24002 10260 Waverly Road ADU.gjw.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24002

Per Article 13.050 this approval permits an Accessory Dwelling Unit (ADU) of up to approximately 700 sq. ft.

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 Add the title, "10260 Waverly Road ADU Special Permit #24002" on the site plan.
 - 1.2 Only include Sheets C100 and A100 for the Final Approved Plan.
 - 1.3 Add the Legal Description " Lot 20 I.T, located in the SW1/4 of Section 12, Township 11 North, Range 7 East"
 - 1.4 Identify the line going around the existing house.
 - 1.5 Submit to the Health Department information on the existing onsite wastewater treatment system by a certified onsite wastewater treatment system contractor to determine if additional capacity exists to accommodate the proposed 1 bedroom ADU to the satisfaction of the Health Department.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard Conditions:

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



2020 aerial

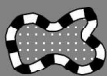


Special Permit #: SP24002
N 98th St & Waverly Rd



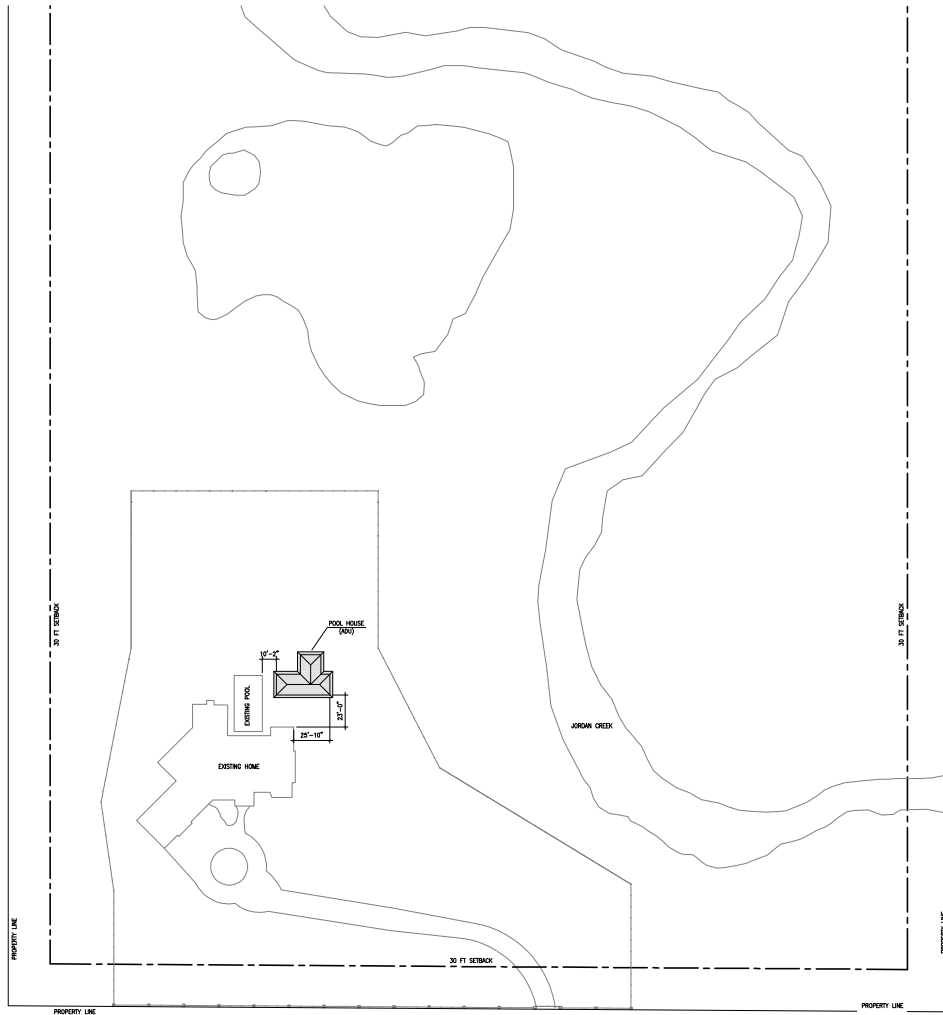
One Square Mile:
Sec. 12 T11N R07E

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
	City of Lincoln Jurisdiction
29	

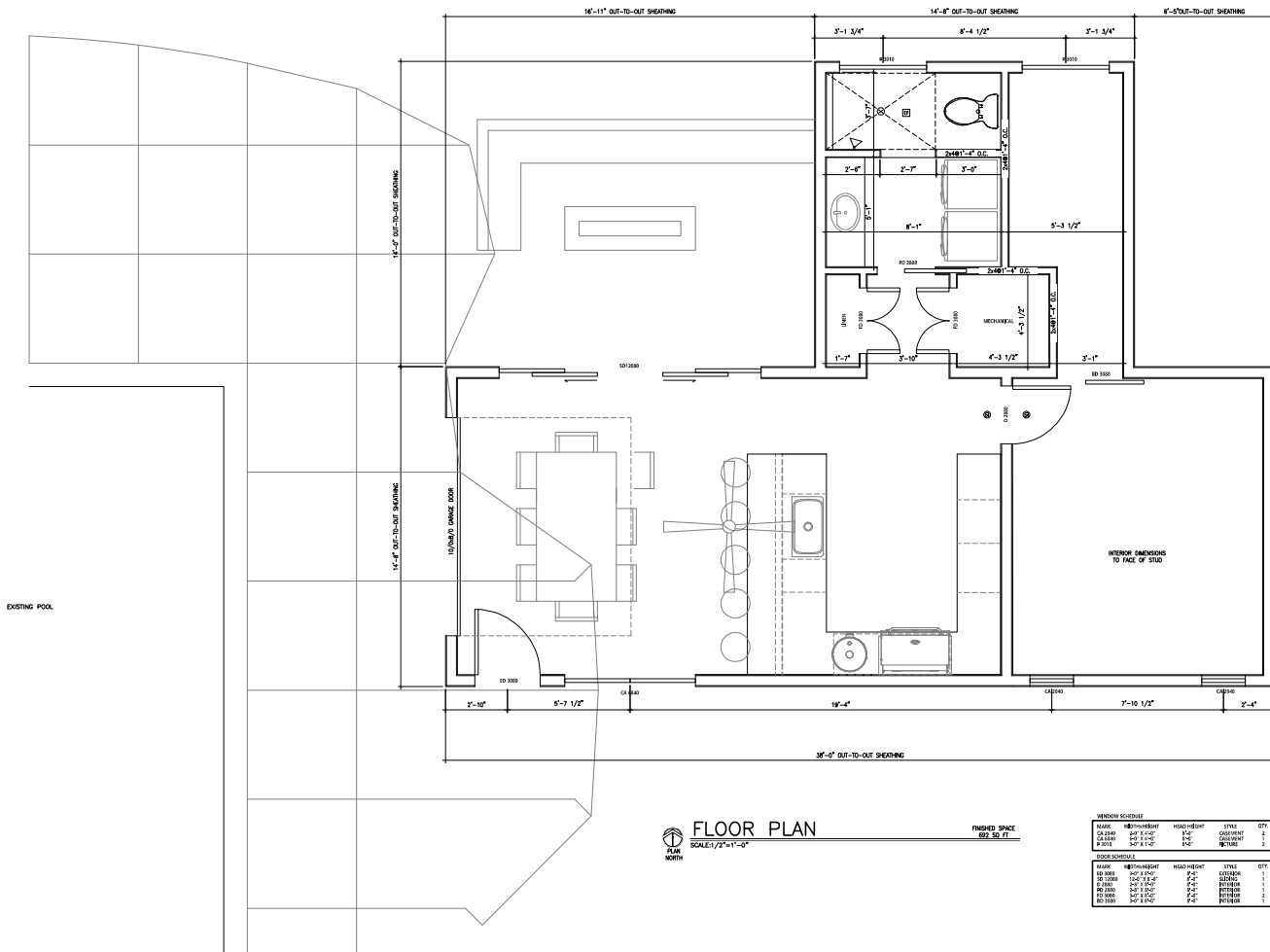




POOL HOUSE
 10260 WAVERLY RD
 WAVERLY, NE 68517

SITE PLAN
 DATE: 2-13-23

C100



POOL HOUSE
10260 WAVERLY RD
WAVERLY, NE 68517

FLOOR PLAN

DATE: 2-13-23

A100

Luke Burbach
2020 Atlas Ave
Lincoln, NE 68521
February 13, 2024

Lancaster County Planning Department
555 S. 10th St., Ste. 213
Lincoln, NE 68508

Lancaster County Planning Department:

The purpose of this application is for an ADU at 10260 Waverly Rd. Waverly, NE 68517. The proposed "ADU" is a pool house that includes a guest(s) room. This "ADU" pool house will not be used as a primary residence by the property owners but serve as an additional guest room for visitors to stay.

Thank you,

A handwritten signature in black ink that reads "Luke Burbach". The signature is written in a cursive, flowing style.

Luke Burbach