

# **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 27, 2024**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 27, 2024, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> 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 27, 2024

Approval of minutes of the regular meeting held [March 13, 2024](#).

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

#### COMPREHENSIVE PLAN CONFORMANCE

*Page 7* 1.1 COMPREHENSIVE PLAN CONFORMANCE 24003, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the "East Gateway Mall Redevelopment Plan", a proposed guide for redevelopment activities within the Redevelopment Area, consisting of approximately 58 acres generally bounded by O Street to the south, N 66th Street to the east, Dead Man's Run Creek to the north, and North 63rd Street to the west, generally located at N 66th and Q Streets.  
**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner:** Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

*Page 14* 1.2 COMPREHENSIVE PLAN CONFORMANCE 24004, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a request to declare City property as surplus, on property generally located at 10th & N Streets.  
**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner:** Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

#### PERMITS

*Page 20* 1.3 SPECIAL PERMIT 24003, to allow the sale of alcohol for consumption on the premises on property generally located at 2301 Northwest 12th Street.  
**\*FINAL ACTION\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

1.4 SPECIAL PERMIT 24004, to allow for the sale of alcohol for consumption, on

*Page 29* property legally generally located at 2949 North 27th Street. **\*FINAL ACTION\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

1.5 SPECIAL PERMIT 24006, to allow for an early childhood care facility, on  
*Page 37* property generally located at 4530 A Street. **\*FINAL ACTION\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner:** Emma Martin, 402-441-6369, [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

**2. REQUESTS FOR DEFERRAL**

**CHANGE OF ZONE AND ASSOCIATED ITEM**

2.1a COUNTY CHANGE OF ZONE 24002, from AG (Agricultural District) to I  
(Industrial District) for D.C. Addition, on property generally located at the SW  
corner of the intersection of Mill Road & North 162nd Street.  
**Staff recommendation: Deferral of application requested by applicant**  
**Staff Planner:** George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

2.1b COUNTY PRELIMINARY PLAT 24001, to plat 10 lots along with outlots as part  
of D.C. Addition, a proposed industrial subdivision, on property generally located  
at the SW corner of the intersection of Mill Road and North 162nd Street.  
**\*FINAL ACTION\***  
**Staff recommendation: Deferral of application requested by applicant**  
**Staff Planner:** George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

**3. ITEMS REMOVED FROM CONSENT AGENDA**  
**(Public Hearing and Administrative Action)**

**4. PUBLIC HEARING AND ADMINISTRATIVE ACTION**

**COMPREHENSIVE PLAN AMENDMENT AND ASSOCIATED ITEMS**

*Page 45* 4.1a COMPREHENSIVE PLAN AMENDMENT 24002, to amend the Lincoln-  
Lancaster County 2050 Comprehensive Plan to revise the Priority Growth Areas  
Map, to change from Tier III and Tier I Priority B to Tier I Priority A on property  
generally located near the intersection of North 70th Street and Interstate 80.  
**Staff recommendation: Approval**  
**Staff Planner:** Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

*Page 51* 4.1b COMPREHENSIVE PLAN CONFORMANCE 24005, to declare surplus City-  
owned property generally located near the intersection of North 70th Street and  
Interstate 80.  
**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner:** Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

*Page 59* 4.1c ANNEXATION 24002, to annex approximately 448 acres, including 314 acres for  
the future State of Nebraska correctional facility, on property generally located  
near the intersection of North 70th Street and Interstate 80.

**Staff recommendation: Approval**

**Staff Planner:** Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

- 4.1d CHANGE OF ZONE 24004, from AG (Agricultural District) to P (Public), on property generally located between Highway 77 and N 84th Street from Interstate 80 to Bluff Road.

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**Staff recommendation: Approval**

**Staff Planner:** Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

- 4.1e STREET AND ALLEY VACATION 24004, vacating McKelvie Road east of North 70th Street adjacent to property generally located at McKelvie Road east of North 70th Street.

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**Staff recommendation: Conforms to the Comprehensive Plan**

**Staff Planner:** Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION**

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

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**Adjournment**

**PENDING LIST:** No items

**Planning Department Staff Contacts:**

David Cary, <i>Director</i>	402-441-6364	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
Benjamin Callahan, <i>Planner</i>	402-441-6360	<a href="mailto:bcallahan@lincoln.ne.gov">bcallahan@lincoln.ne.gov</a>
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Steve Dush, <i>Planner</i>	402-441-5662	<a href="mailto:sdush@lincoln.ne.gov">sdush@lincoln.ne.gov</a>
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Stephanie Rouse, <i>Planner</i>	402-441-6373	<a href="mailto:srouse@lincoln.ne.gov">srouse@lincoln.ne.gov</a>
Andrew Thierolf, <i>Planner</i>	402-441-6371	<a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>
George Wesselhoft, <i>County Planner</i>	402-441-6366	<a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>
Brian Will, <i>Planner</i>	402-441-6362	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>

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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>**

## MEETING RECORD

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, March 5, 2024.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, March 13, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS AND OTHERS IN ATTENDANCE:** Maribel Cruz, Gloria Eddins, Cristy Joy, Rich Rodenburg, and Cindy Ryman Yost; Lorenzo Ball, Dick Campbell, Brett Ebert and Bailey Feit absent. Steve Henrichsen, Shelli Reid, Jennifer McDonald, George Wesselhoft and Andrew Thierolf 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: **County Special Permit 24002**, unless appealed by filing a Notice of Appeal with the **County Clerk within 14 days**.

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held February 14, 2024, with the exception of the minutes that appear in the full agenda packet which inadvertently left out some information of the regular meeting held on February 14, 2024.

Motion for approval of the minutes made by Joy; seconded Eddins. Minutes approved 5-0: Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting "yes"; Ball, Campbell, Ebert and Feit absent.

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

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**March 13, 2024**

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

**The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 24002, Comprehensive Plan Conformance 24001, and County Special Permit 24002.**

Clerk noted that Comprehensive Plan Conformance 24001 is a recommendation to the Natural Resources District.

There were no ex-parte communications disclosed.

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

A request was made to that Item 1.2 – Comprehensive Plan Conformance 24001 to be removed from the Consent Agenda and moved to public hearing.

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

Motion carried 5-0: Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball, Campbell, Ebert, and Feit absent.

**COMPREHENSIVE PLAN CONFORMANCE 24001**  
**TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN LANCASTER COUNTY**  
**COMPREHENSIVE PLAN, AS 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.**  
**BEFORE PLANNING COMMISSION:** **March 13, 2024**

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

**Staff Recommendation:** In Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

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

**Staff Presentation:**

**Andrew Thierolf, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated that this conservation easement is in southwest Lancaster County. As noted per State Statue, this needs to be reviewed for the Comprehensive Plan Conformance and will not go to the City Council or County Board. This will be accepted by Lower Platte South Natural Resource District. Thierolf stated that this is for recommendation only for a conservation easement.

**Applicant:**

**Will Inselman, Lower Platte South Natural Resource District, 3125 Portia Street, Lincoln, NE** approached and stated that they are a partner in this effort with the City of Lincoln. Inselman stated that the Natural Resource District is proactive in preserving the natural habitat in the area.

**Proponents:**

**Adam Hintz, Friends of Wilderness Park, 1919 Prospect Street, Lincoln, NE** came forward and stated that the conservation easement is very important and wants to thank everyone involved that has made this happen.

**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 5-0: Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball, Campbell, Ebert and Feit absent.

**COMPREHENSIVE PLAN CONFORMANCE 24001**  
**ACTION BY PLANNING COMMISSION**

**March 13, 2024**

Joy moved to approve Comprehensive Plan Conformance 24001; second Eddins.

Joy stated that this is a fantastic opportunity for Lancaster County and is in full support.

Rodenburg stated that this is a wonderful thing and to preserve it is wonderful.

Cruz is in support of this and stated that it is wonderful to preserve this piece of Nebraska.

Motion carried 5-0: Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball, Campbell, Ebert and Feit absent.

Ryman Yost asked if anyone wishing to speak on an item not on the agenda, may do so.

Adam Hintz approached and stated that a current map of Wilderness Park is available and presented one to each Commissioner. Hintz stated that guided hikes are available to be scheduled if anyone would be interested.

Joy moved to adjourn the Planning Commission meeting of March 13, 2024; seconded by Eddins.

Motion to adjourn carried 5-0: Cruz, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”; Ball, Campbell, Ebert and Feit absent.

There being no further business, the meeting was adjourned at 1:13 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 24003  
*East Gateway Mall Redevelopment Plan*

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
March 27, 2024

RELATED APPLICATIONS  
None

LOCATION  
N 66<sup>th</sup> & O Streets

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the East Gateway Redevelopment Plan. The Plan includes approximately 58 acres and is generally located on the east side of the Gateway shopping area including the former Sears site and nearby parking and businesses.

Included within the Plan are two redevelopment projects:

- Shops at Lincoln Redevelopment Project, renovating the former Sears building to include multiple retail and service tenants.
- Former Meginnis Ford Redevelopment Project, to include a mix of residential and commercial uses.

The Redevelopment Plan is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATS): [CPC24003](https://pats.lincoln.ne.gov/CPC24003).



**JUSTIFICATION FOR RECOMMENDATION**

The Redevelopment Plan is consistent with the Comprehensive Plan. It will remove blighted and substandard conditions, utilize existing infrastructure, and help meet the Comprehensive Plan goal of 12,000 new infill units by 2050. This Plan supports the Climate Action Plan by redeveloping underutilized commercial space into a new mixed-use area.

APPLICATION CONTACT  
Ernie Castillo, (402) 441-7855 or  
[ecastillo@lincoln.ne.gov](mailto:ecastillo@lincoln.ne.gov)

STAFF CONTACT  
Andrew Thierolf, (402) 441-6371 or  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

In the Comprehensive Plan, Gateway Mall is identified as a Primary Mixed Use Redevelopment Node, and O Street is identified as a Primary Redevelopment Corridor. The site is considered a prime candidate for large-scale mixed-use redevelopment. This Redevelopment Plan provides the framework for both immediate and long-term redevelopment for a portion of the Gateway shopping area.

## COMPREHENSIVE PLAN SPECIFICATIONS:

### Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - The area is shown as Commercial on the 2050 Future Land Use Plan. The Commercial land use category includes mixed-use residential.

### 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.

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

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

### Elements Section

#### E2: Infill and Redevelopment

##### Infill and Redevelopment Approach

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

##### Mixed Use Redevelopment Nodes and Corridors

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

##### *Redevelopment Nodes*

Nodes may include a broad range of land use types including civic, residential, group housing, retail, office, and service. Potential node locations are shown on the Future Land Use map as commercial or industrial and are typically over five acres. Nodes should have access to arterial streets, public transportation, and proximity to community facilities such as parks and schools. Examples of redeveloped nodes in recent years include 35th & Holdrege/Idylwild, 48th & Holdrege, and 48th & Leighton.

As the foundation of a great neighborhood, nodes should provide services and retail goods oriented to the residents in and adjacent to the development, with significant pedestrian orientation and access. The adaptive reuse of historic or other existing structures into mixed uses is encouraged.

The size, scope, and spacing of a node will depend on available land area and the surrounding context. In some cases node redevelopment includes complete redevelopment of a site, with removal of existing structures and development of a new site plan. In other cases node redevelopment includes adding new residential or mixed use structures to underutilized areas of a center, such as a rarely-used parking lot, while maintaining some existing commercial structures and uses.

Nodes should provide adequate facilities for multi-modal transportation including a complete sidewalk network, transit stops, automobile parking and circulation, and storage of bicycles. This concept is designed and intended to be mutually beneficial for existing adjacent neighborhoods and the new mixed use neighborhood created by the redeveloped center. Newer commercial centers that are not yet fully developed

are encouraged to utilize this concept as a guide for amending their approved plans to develop as mixed use centers.

### *Redevelopment Corridors*

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

### *Primary Mixed Use Redevelopment Nodes and Corridors*

Primary Mixed Use Redevelopment Nodes and Corridors provide the opportunity for large-scale infill **redevelopment, and the creation of new urban neighborhoods that function as “villages within the city”** with a mix of uses and amenities that are accessible through multiple modes of transportation.

Existing Regional Centers, discussed in the Business, Economy, and Workforce Element, are identified as Primary Mixed Use Redevelopment Nodes. They present unique opportunities for large-scale mixed-use redevelopment given their size, prominent location, and shared B-5 Planned Regional Business zoning district.

**O Street is a Primary Mixed Use Redevelopment Corridor. It is Lincoln’s “main street” and a key transportation route that provides connections through the heart of the community.** The O Street corridor includes a mix of residential and commercial uses and features prosperous commercial areas alongside underutilized commercial properties that present strong opportunities for redevelopment.

**O Street is also expected to be Lincoln’s first candidate for an enhanced mass transit option, such as Bus Rapid Transit (BRT).** Dense concentrations of jobs and housing are necessary for BRT or other enhanced transit options to be effective. Focusing efforts on the O Street corridor, and the nodes along the corridor, will help to **extend Lincoln’s high-density urban core beyond Downtown.**

An example of a Primary Mixed Use Redevelopment opportunity is the Gateway Mall area. A long-term implementation of the nodes and corridors concept could transform the area into a mixed-use neighborhood with higher density residential that supports a variety of commercial uses, high-quality transit options, and pedestrian and bicycle connectivity.

## Policies Section

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

### Action Steps

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

P6: Nodes and Corridors

### Action Steps

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

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

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.

CLIMATE ACTION PLAN SPECIFICATIONS:

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

ANALYSIS

1. This is a request to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan (PlanForward 2050), the East Gateway Mall Redevelopment Plan. The redevelopment area boundary includes approximately 58 acres and is generally located on the east side of Gateway shopping area including the former Sears site and nearby parking and businesses.
2. Redevelopment activities are guided by the Nebraska Community Development Law (§ 18-2101, et. seq.) which requires that the governing body must first declare the project area substandard and blighted in order to prepare a redevelopment plan. The Redevelopment Area was determined as blighted and substandard with the Former Sears and Environs Blight and Substandard Study ([MISC23011](#)).
3. The designation of blight and substandard for the redevelopment area, along with creation of this Redevelopment Plan, makes projects within the redevelopment area potentially eligible for Tax Increment Financing (TIF) that can be applied to public improvements.
4. The East Gateway Mall Redevelopment Plan uses policies and concepts from PlanForward 2050 as a guide for potential redevelopment activities in the area. **The “Primary Mixed Use Redevelopment Nodes and Corridors”** concept in PlanForward 2050 is specifically identified as one of the Guiding Principles of the Redevelopment Plan.
5. The Redevelopment Plan includes two defined projects: Shops at Lincoln Redevelopment Project and Former Meginnis Ford Redevelopment Project. The Shops at Lincoln Redevelopment Project includes renovation of the former Sears building to include multiple retail and service tenants. Tenants may include three retail stores, an electric vehicle service facility, and a potential medical care facility - all within the existing Sears building shell. The Project also includes improved pedestrian access with new sidewalks.
6. The Shops at Lincoln Redevelopment Project was presented at the January 9 Urban Design Committee meeting and recommended for conditional approval. The Urban Design Committee may need to conduct additional review once more tenants and their associated improvements (such as façade) are determined.

[Shops at Lincoln - January 9 UDC Minutes and Staff Report](#)

7. The Shops at Lincoln Redevelopment Project includes the creation of an Enhanced Employment Area (EEA). The EEA will enable the levy of a 0.5% occupation tax on the businesses located within the Shops at Lincoln Project Site. The occupation tax would be similar to a sales tax on purchases and rental goods but would exclude: (i) wholesalers of alcohol beverages, (ii) motor fuel, (iii) cigarettes and tobacco products, and (iv) food (except for prepared food). The 0.5% occupation tax would be applied to the EEA for up to twenty (20) years to help provide funding for public improvements within the Shops at Lincoln Project Site. The EEA boundary only includes the Shops at Lincoln site and does not extend elsewhere in Gateway Mall or to the Former Meginnis Ford site.
8. Construction costs for Shops at Lincoln are estimated to be \$36 million, with \$7.5 million in public improvements (including approximately \$4.5 million TIF funds, \$3.0 million occupation tax funds). Public improvements may include acquisition assistance, site preparation, closure of an O Street access, sidewalk improvements, exterior façade and energy enhancements, utility improvements, streetscape, landscape, street trees and irrigation
9. The Former Meginnis Ford Redevelopment Project includes redevelopment of the former Meginnis Ford site, which has been vacant since 2011. In 2018 development plans for the site were approved with an amendment to the Gateway Mall Use Permit ([PEUP3AH](#)). The approved plans include up to 300 dwelling units and 70,000 square feet of commercial space. The Redevelopment Project includes implementation of the existing approved plans. Haven at Uptown (nearby at Cotner and P) is presented as a model for the residential portion of the site.
10. Construction costs for the Former Meginnis Ford Redevelopment Project are estimated to be \$35 - 68.4 million, with public improvements and TIF amounts to be determined, but could range from \$5.5 - 12.1 million. Public improvements may include acquisition assistance, grading, environmental remediation, site preparation, stormwater enhancements, public sidewalks, façade and energy enhancements, affordable housing assistance, closure of a N. 66th Street access, utility improvements, streetscape, landscape, street trees and irrigation.
11. The Former Meginnis Ford Redevelopment Project will be scheduled at Urban Development Committee once design details are determined.

EXISTING LAND USE & ZONING:

Commercial, Vacant, Parking Lot

B-5 Planned Regional Business District (subject to Pre-Existing Use Permit [PEUP3AI](#))

APPROXIMATE LAND AREA: 58 acres

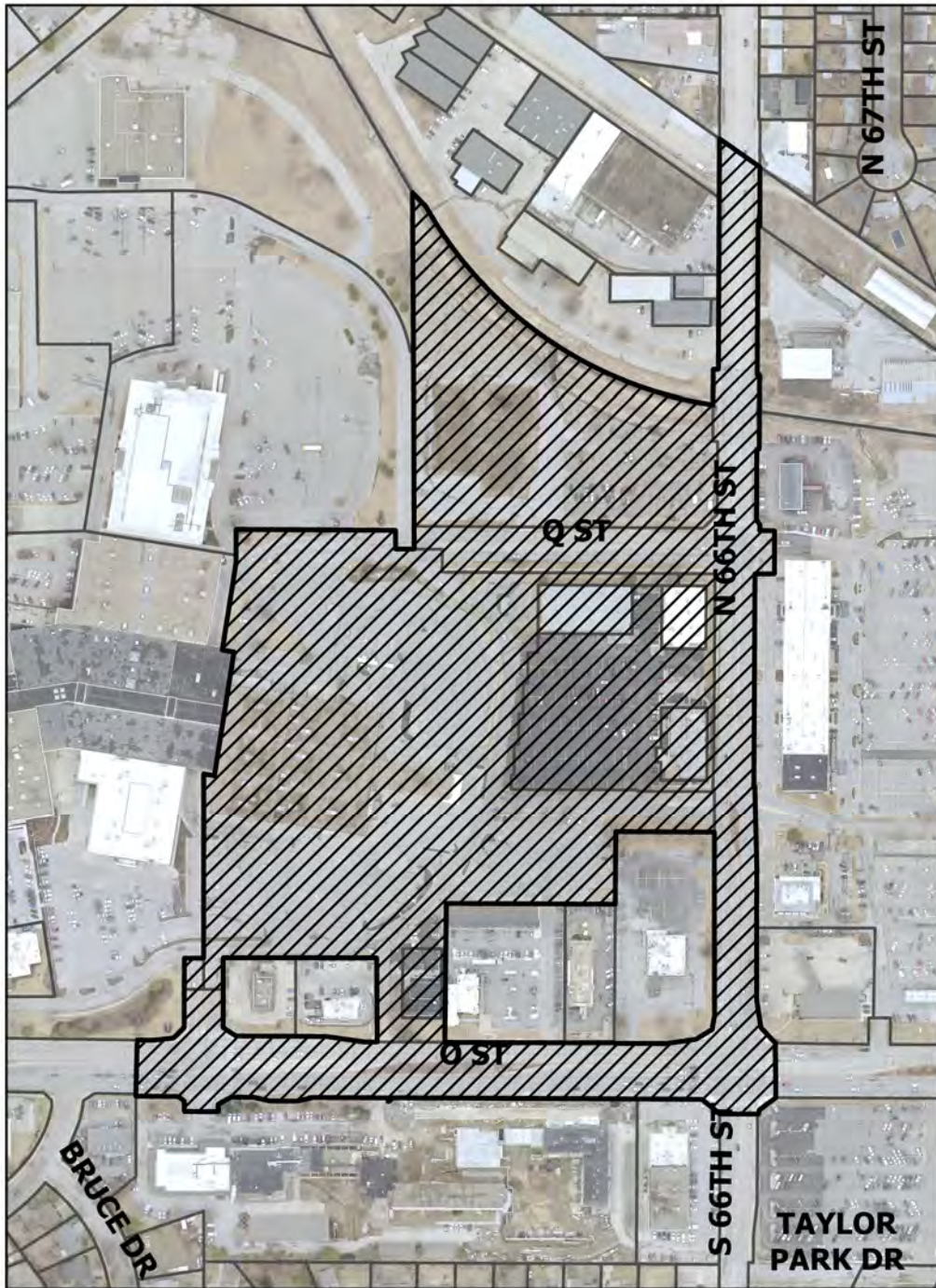
Prepared by Andrew Thierolf, AICP

March 13, 2024

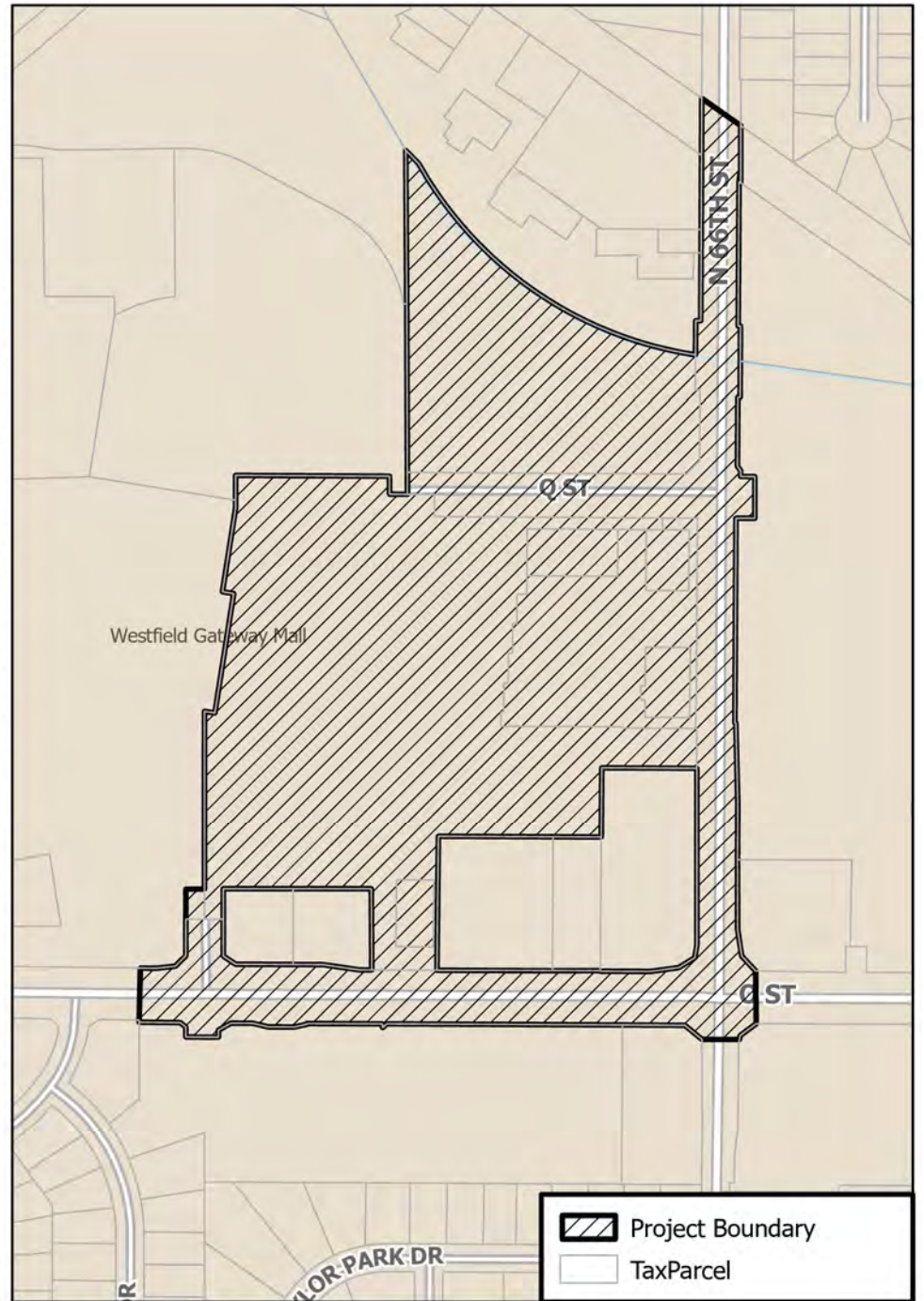
Applicant: Urban Development Department, City of Lincoln  
555 S. 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508



Contact: Ernie Castillo  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 441-7855  
[ecastillo@lincoln.ne.gov](mailto:ecastillo@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/24000/CPC24003 East Gateway Redevelopment Plan.adt.docx>



2022 aerial



	Project Boundary
	TaxParcel

## Comprehensive Plan Conformance #: CPC24003

### East Gateway Mall Redevelopment Plan





URBAN DEVELOPMENT  
555 South 10th Street, Suite 205 | Lincoln, NE 68508  
Ph: 402-441-7606 | F: 402-441-8711 | [urbandev@lincoln.ne.gov](mailto:urbandev@lincoln.ne.gov)

February 27, 2024

Andrew Thierolf, Planner II  
City of Lincoln-Lancaster County - Planning Department  
555 S. 10<sup>th</sup> St, Lincoln, NE 68508

Dear Andrew:

Enclosed is the *East Gateway Mall Redevelopment Plan*, which follows the recently approved *Former Sears and Environs (Shops at Lincoln) Blight & Substandard Determination Study*.

Please forward the Study to the Planning Commission for their earliest consideration and review for conformity with the Comprehensive Plan. My understanding is that it should be on the March 27, 2024, Planning Commission Agenda.

If you have questions, or need additional information, please contact me at 402-441-7855 or by e-mail at [ecastillo@lincoln.ne.gov](mailto:ecastillo@lincoln.ne.gov).

Sincerely,

A handwritten signature in black ink that reads "Ernie Castillo".

Ernie Castillo  
Urban Development Department

cc: Peter Hind (Director), Urban Development  
Hallie Salem, Urban Development  
Steve Henrichsen, Planning Department  
Paul Barnes, Planning Department

**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**

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

APPLICATION NUMBER Comprehensive Plan Conformance #24004	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located on the east side of S. 10 <sup>th</sup> Street, between N & O Streets

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This is a request to surplus the City-owned property located on the east side of South 10<sup>th</sup> Street, between N and O Streets, south of the existing alleyway. The property is legally described as Lot A of the County Clerks Subdivision of Lots 13-15, Block 55, Lincoln Original Plat. The property abuts the recently demolished south portion of the **Gold's Building site**. Lot A is approximately 4,265 square feet and is currently vacant.



**JUSTIFICATION FOR RECOMMENDATION**

The property is currently undeveloped and visually appears as part of a larger alleyway. The existing alley will not be affected as it is not included in this application. With the ongoing and proposed **redevelopment of the Gold's Building, Urban Development has been** working with the developer on acquiring Lot A for potential use within the project. There has been no opposition to the sale of the property by any department or public agencies subject to retention of appropriate easements.

**APPLICATION CONTACT**  
Michelle Backemeyer  
Urban Development Dept  
(402) 441-8617 or  
[mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This surplus will help facilitate redevelopment of this property under private ownership either with commercial use or residential use consistent with the Comprehensive Plan for neighborhood compatibility.

## COMPREHENSIVE PLAN SPECIFICATIONS:

### 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 is intended for areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

### Fundamentals of Growth in Lancaster County

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

### Existing Neighborhoods

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

### Elements Section

#### E2: Infill and Redevelopment

##### Infill and Redevelopment Approach

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

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

##### *Location Criteria*

Mixed Use Redevelopment Nodes and Corridors should be located based on the following criteria:

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.
- Outside of areas with existing or potential industrial use to avoid conflicts with health and safety.
- In areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment; projects that receive public assistance should meet a higher standard to preserve flood storage. This criterion encourages redevelopment while protecting sensitive environmental areas. Preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas should be encouraged.

## E3: Business, Economy, and Workforce

### Commercial Infill

#### Figure E3.f: Commercial Infill Design Strategies

1. Encourage additional vehicular access to an arterial street.
2. Encourage a Floor Area Ratio that exceeds existing/previous commercial uses on the site.
3. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
4. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
5. Encourage shared driveways and interconnected parking lots where possible.
6. Orient buildings to the street, especially corners.
7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.
8. Encourage a vertical mix of residential and commercial use types.
9. Encourage shared parking between land uses with different peak demand periods.
10. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

## ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of City-owned property described as Lot A, located on the east side of S. 10<sup>th</sup> Street, south of the existing alleyway. The property is approximately .09-acre, or 4,265 square feet. The existing site is vacant today with no building or current use. The City owns this property and is intending to surplus it and allow the property to be sold in the near future.
2. The property is currently zoned B-4, Lincoln Center Business District which allows for a range of uses within the downtown area including commercial, office, and residential. The property is surrounded by B-4, Commercial zoning and is not located within the floodplain.
3. Abutting the subject property to the south is the recently demolished southern portion of **the Gold's Building**. Stated in the applicant letter, the Urban Development Department has been working with the developer of the **Gold's Building** redevelopment project. The surplus of this property would then allow for the potential to include this site within the future project.
4. The Urban Development Department distributed a memo to public agencies on February 8, 2024, asking if there was any opposition to the sale or desire for retaining easements. Multiple departments reviewed the request and did not have any opposition to the request. Lincoln Electric System has requested an easement to be retained over a portion of the property for continued access to the existing utility location within Lot A.
5. This request is to declare a City-owned property that is unused as surplus. The request is consistent with the Comprehensive Plan and will allow the City to sell a property that is no longer needed for future development and infill within the downtown area.

EXISTING LAND USE & ZONING: Vacant property, B-4, Lincoln Center Business District

SURROUNDING LAND USE AND ZONING:

North: Commercial space / Residential	B-4, Lincoln Center Business District
South: Demolished <b>Gold's Building</b>	B-4, Lincoln Center Business District
East: <b>Demolished Gold's Building</b>	B-4, Lincoln Center Business District

West: S 10<sup>th</sup> Street / Terminal Building

B-4, Lincoln Center Business District

APPROXIMATE LAND AREA: .09 acres, or 3,825 square feet

LEGAL DESCRIPTION: Portion of Lot A, County Clerks Subdivision of Lots 13-15, Block 55, Lincoln Original Plat, except for the south 3 feet, located in the NE ¼ of Section 26-10-06, Lincoln, Lancaster County, Nebraska, generally located on the northeast corner of S. 10<sup>th</sup> Street and N Street.

APPROXIMATE LAND AREA: .09 acres or 4,265 square feet, more or less

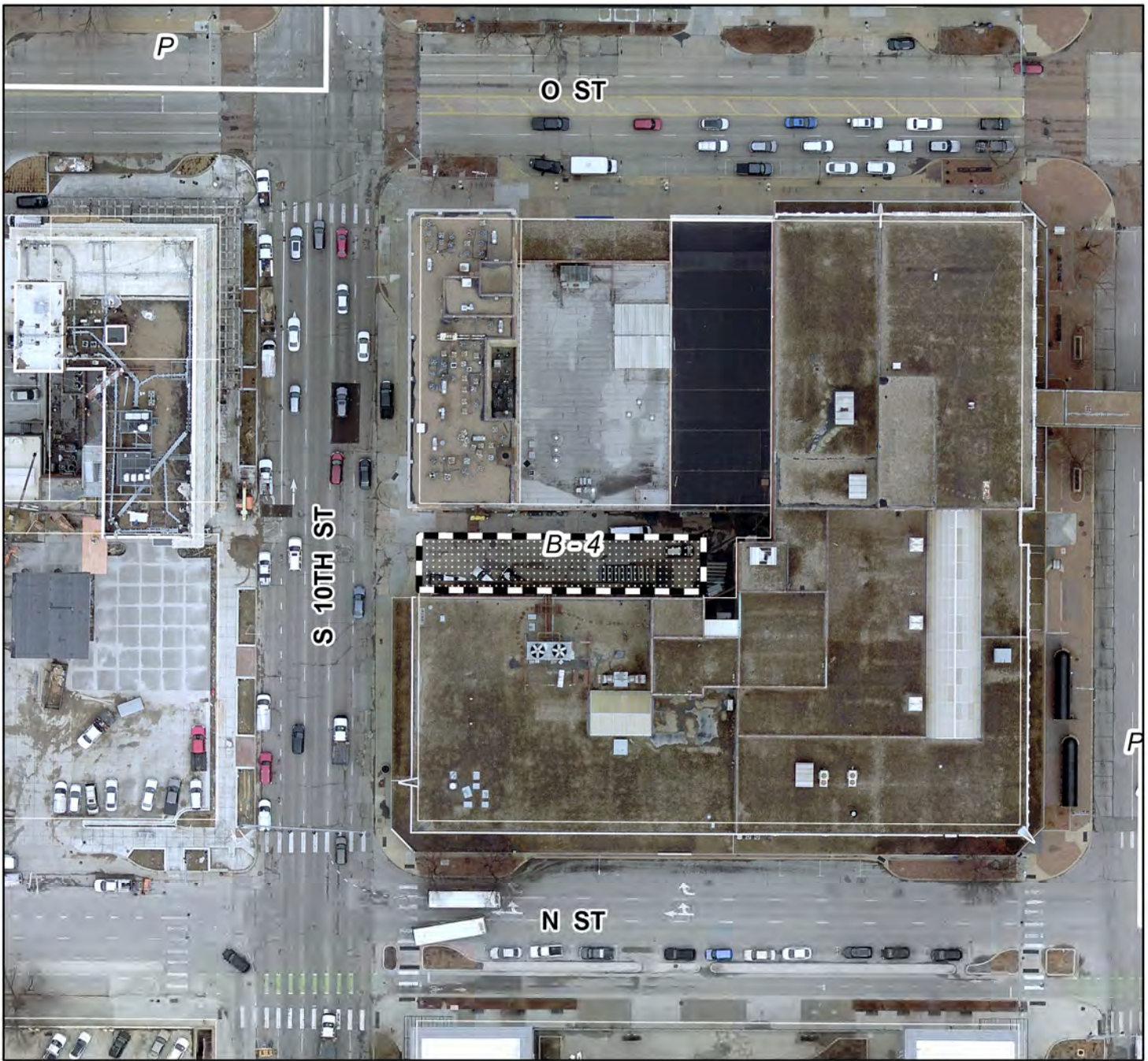
Prepared by Ben Callahan, Planner  
(402) 441-6360 or [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)

Date: March 14, 2024

Applicant: Michelle Backemeyer  
Contact: Urban Development Department  
555 S 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508  
(402) 441-8617 or  
[mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov)

Owner: City of Lincoln

F:\DevReview\CPC\ \CPC1 Redevelopment Plan Amendment.XXX.docx



2020 aerial




**Comp Plan Conformance #: CPC24004**  
**S 10th St & O St**

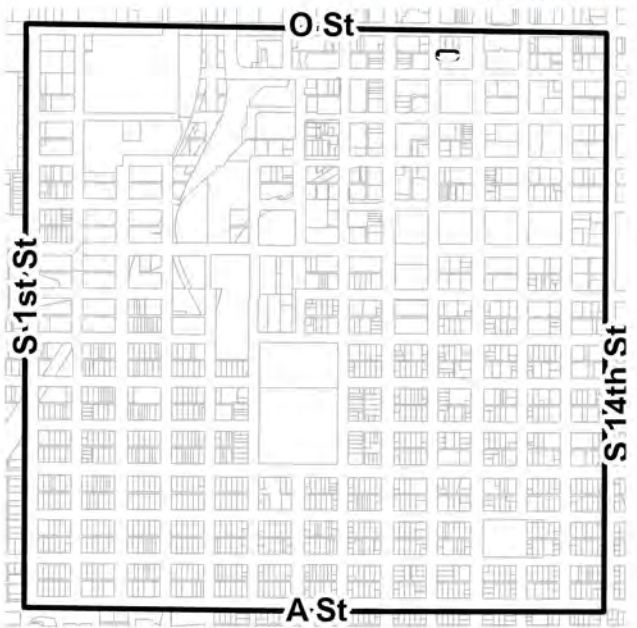


**One Square Mile:**  
**Sec.26 T10N R06E**

**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
18	



May 11, 2022

David Cary, Director  
Lincoln-Lancaster County  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus the City property located south of and adjacent to the east-west alley on the east side of 10<sup>th</sup> Street between "O" and "N" Streets. It is legally described as Lot A, County Clerk's Subdivision of Lots 13-15, Block 55, Original Plat. The Urban Development Department is working with the developer on a project on the south half of the block, and this property may be needed for their project. Our only response was from Lincoln Electric System who has multiple conditions that will need to be retained if there is transfer of the ownership of the property. No other City departments or governmental agencies have expressed any interest in the property or have responded with any other requests so the property can move forward with the surplus process.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the March 27, 2024, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at [mbackemeyer@lincoln.ne.gov](mailto:mbackemeyer@lincoln.ne.gov). Thank you.

Sincerely,



Michelle R. Backemeyer  
Real Estate and Relocation  
Assistance Agent

Attachments

**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 #24003	FINAL ACTION? Yes	DEVELOPER/OWNER B & J Partnership
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2301 NW 12 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a special permit to allow the consumption of alcohol on the premises. The proposed premises is the Diamond Palace which occupies a portion of a multi-tenant building located at 2301 NW12th Street. The subject property is zoned H-3.

In addition to a State liquor license, a special permit for the sale of alcohol is also required. The sale of alcohol is allowed by special permit in the H-3 zoning district by special permit by Lincoln Municipal Code (LMC) Section 27.63.680.



**JUSTIFICATION FOR RECOMMENDATION**

This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on the premises.

**APPLICATION CONTACT**  
Arzu Hadi  
(402)-310-6533  
[arzuhadi@gmail.com](mailto:arzuhadi@gmail.com)

**STAFF CONTACT**  
Brian Will  
(402)-441-6362  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This allows a banquet hall tenant to re-use a portion of an existing building in an older, well-established commercial area. The ability to serve alcohol at a banquet hall, which hosts weddings and other receptions, as part of a full-service menu, is a typical expectation of customers. Re-use of buildings in older commercial areas helps these areas remain viable so they can continue to serve the community and nearby residents with the goods and services they expect and is consistent with the goals of the Comprehensive Plan.

## KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Pg 1.9 - The Future Land Use Map of the Comprehensive Plan designates commercial land uses for this site.

Pg. 5.14 - Strategies for Commercial Infill

-Develop infill commercial areas to be compatible with the character of the area.

-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of commercial structures should be explored.

## ANALYSIS

1. This is a request for a special permit for the sale of alcohol for consumption on the premises. It is the re-use of a portion of a multi-tenant building which also contains office users. The specific requirements of LMC 27.63.680 are addressed below.

2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680: The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

Title 27 Zoning has been amended eliminating the off-street parking requirement for the H-3 zoning district. As a result, there is no required parking. The owner and tenants will determine how the existing parking spaces are **allocated among the building's tenants**. The parking shown complies with Title 27 Zoning.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without the issuance of a permit under LMC Section 27.63.685 of this code.

This is a request for the sale of alcohol for consumption on the premises and does not include the sale of alcohol for consumption off the premises.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

The proposed licensed premises is on a local street which serves properties with either commercial or public zoning. It is surrounded on all sides by commercial buildings housing a variety of commercial uses. None of the **sensitive uses specified above are within 100' of the business. The nearest of any of these is R-4 Residential zoning approximately 1,000' away on the east side of Cornhusker Highway.**

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

The building is existing, and the site is already developed, however all lighting is reviewed at the time of building permits for compliance with the lighting Design Standards.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not a part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

There is no residential zoning district within 150' of the business.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is off NW 12<sup>th</sup> Street which is not considered a residential street in this area.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
- (2) Repeated violations related to the operation of the permittee's business.
- (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. Subject to the conditions of approval, this request complies with all the criteria for the sale of alcohol for consumption on the premises. This request complies with the Zoning Ordinance and the Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial H-3

SURROUNDING LAND USE & ZONING

North: Commercial	H-3
South: Commercial	H-3
East: Commercial	H-3
West: Interstate 80	

LEGAL DESCRIPTION: Lot 1, Las Brisas Heights, aka 2301 NW 12th Street Condominium Unit 2, located in the NE 1/4 of section 16-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by Brian Will  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov) or at 402-441-6362  
March 13, 2024

Owner: B&J Partnership, LTD  
340 Victory Lane  
Lincoln, NE 68528

Applicant/  
Contact: Arzu Hadi  
7800 Portsche Lane  
Lincoln, NE 68520  
[imelda.onate@gmail.com](mailto:imelda.onate@gmail.com)  
402-316-6533

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #24003

This approval permits the sale of alcohol for consumption on the premises per LMC Section 27.63.680.

### Conditions:

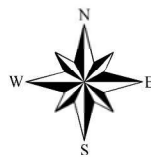
Standard:

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.
2. The following conditions are applicable to all requests:
  - 2.1 Before the sale of alcohol for consumption on the premises, all development and construction is to substantially comply with the approved plans.
  - 2.2 The physical location of setbacks, yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 This resolution's terms, conditions, and requirements bind and obligate 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, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.



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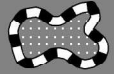


**Special Permit #: SP24003**  
**NW 12th St & Cornhusker Hwy**

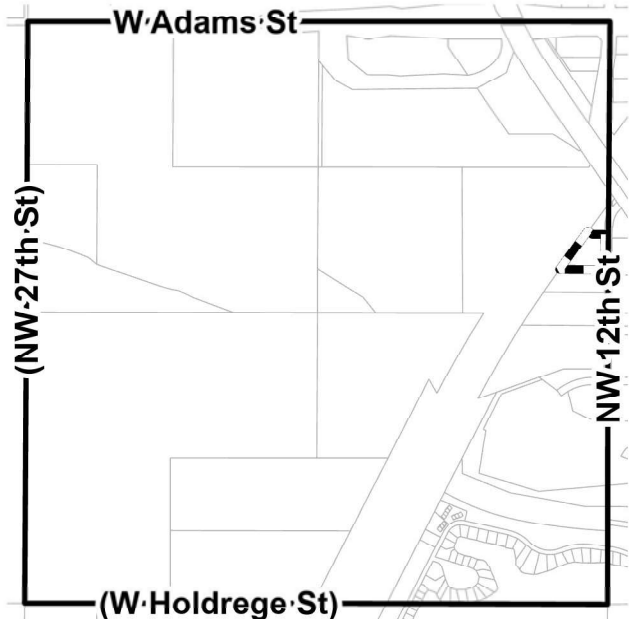


**One Square Mile:**  
**Sec. 16 T10N R06E**

**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
25	



# DIAMOND PALACE-WEDDING HALL

## LOCATION:

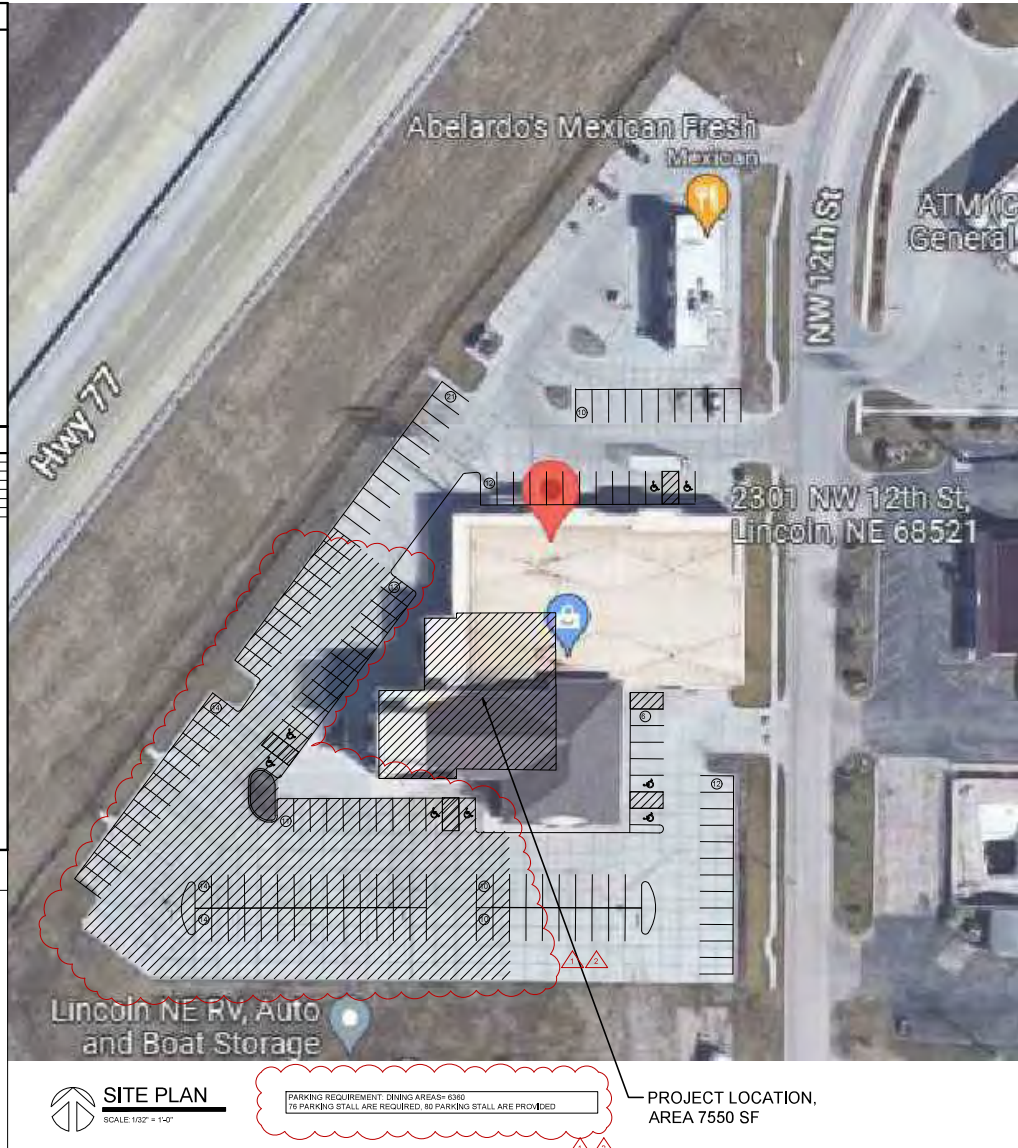
2301 NW 12TH STREET, LINCOLN, NE

LEGAL DESCRIPTION: Lot 1, Las Brisas Heights Addition

GENERAL NOTES	SYMBOL LEGEND
<p>1. REASONABLE EFFORTS HAVE BEEN MADE TO CONFIRM AND VERIFY BUILDING CONDITIONS WHICH WILL AFFECT THE QUALITY, NATURE, AND PERFORMANCE OF THE WORK. THE EXISTING INFORMATION ON THE DRAWINGS IS AS EXACT AS COULD BE SECURED INsofar AS EXISTING CONDITIONS ARE CONCERNED. EXTREME ACCURACY IS NOT GUARANTEED. THE DRAWINGS, SCHEDULES, AND SPECIFICATIONS ARE INTENDED FOR THE ASSISTANCE OF THE CONTRACTOR IN ACHIEVING THE END RESULT. EXACT LOCATIONS, LEVELS, MEASUREMENTS, DISTANCES, ETC., WILL BE GOVERNED BY CONDITIONS AT THE JOB SITE. CONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS WHICH AFFECT WORK TO BE PERFORMED AS PART OF THE PROJECT. UNUSUAL CONDITIONS OR DISCREPANCIES ENCOUNTERED DURING DEMOLITION SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO BRING TO THE ATTENTION OF THE ARCHITECT ANY CONDITIONS WHICH WILL NOT PERMIT CONSTRUCTION ACCORDING TO THE INTENTIONS OF THESE DOCUMENTS. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE DETAILS AND/OR DIRECTIONS REGARDING DESIGN INTENT WHERE IT IS ALTERED BY EXISTING CONDITIONS.</p> <p>2. ALL CONSTRUCTION SHALL COMPLY WITH ALL NATIONAL, STATE, AND LOCAL LAWS, CODES, AND ORDINANCES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SECURE ALL BUILDING CONSTRUCTION PERMITS, PAY ALL APPLICABLE FEES, AND TO NOTIFY LOCAL CODE DEPT. PERSONNEL OF ALL INSPECTIONS REQUIRED DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL ALSO SECURE FINAL BUILDING INSPECTIONS AND OCCUPANCY PERMITS.</p> <p>3. CONTRACTOR SHALL ENSURE SAFE PASSAGE OF PERSONS AREAS OF DEMOLITION, CONDUCT OPERATIONS TO PREVENT DAMAGE TO EXISTING MATERIALS WHICH ARE TO REMAIN, AND CONDUCT DEMOLITION OPERATIONS AND REMOVAL OF DEBRIS TO ENSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, AND OTHER ADJACENT FACILITIES.</p> <p>4. MAINTAIN EXISTING UTILITIES IN SERVICE AND PROTECT AGAINST DAMAGE DURING CONSTRUCTION.</p>	<p><b>1</b> TITLE SHEET TITLE</p> <p><b>SCALE</b></p> <p><b>A</b> BUILDING SECTION SECTION NUMBER SHEET NUMBER</p> <p><b>1</b> COLUMN GRID</p> <p><b>A1</b> DETAIL CALLOUT DETAIL NUMBER SHEET NUMBER</p> <p><b>FLOOR LINE</b> FLOOR ELEVATION MARKER</p> <p><b>TOILET ACCESSORY OR EQUIP. NO.</b></p> <p><b>EXTERIOR ELEVATION</b> SECTION NUMBER SHEET NUMBER</p> <p><b>DEMOLITION NOTES/ CONSTRUCTION NOTES</b></p> <p><b>NORTH ARROW</b></p> <p><b>ROOM NAME ROOM NUMBER</b></p> <p><b>REVISION NUMBER</b></p> <p><b>DOOR OPENING</b></p> <p><b>WALL PARTITION TYPE</b></p> <p><b>WINDOW OPENING</b></p>

VICINITY MAP	DRAWING LEGEND
	<p><b>COVER SHEET, SITE PLAN</b></p> <p><b>LAND SURVEY</b></p> <p><b>EXISTING FLOOR PLAN</b></p> <p><b>NEW FLOOR PLANS, DETAILS</b></p> <p><b>CEILING DETAILS</b></p> <p><b>REFLECTED CEILING PLAN</b></p>
<p><b>NOTE</b> DEBRIS ARE NOT ALLOWED UNDER THIS BUILDING PERMIT.</p>	<p><b>PROJECT LOCATION</b></p>

HEALTH DEPARTMENT NOTES
<ol style="list-style-type: none"> <li>ALL FOODSERVICE EQUIPMENT, FABRICATED ITEMS, AND THEIR INSTALLATION SHALL MEET NATIONAL SANITATION FOUNDATION (N.S.F.) REQUIREMENTS.</li> <li>ALL STATIONARY EQUIPMENT AND FIXTURES TO BE SEALED TO THE WALL OR ADJACENT EQUIPMENT. USE WHITE COLOR AT STAINLESS STEEL AND CLEAR AT ALL OTHERS.</li> <li>ALL SINKS IN THE FOOD FACILITY MUST BE PROVIDED WITH HOT WATER (MIN. 120 DEGF.) AND COLD RUNNING WATER UNDER PRESSURE AND WILL HAVE A PREMIUM FAUCET CAPABLE OF SUPPLYING WARM WATER FOR A MINIMUM OF 10 SECONDS.</li> <li>A HAND SINK IS PROVIDED IN EACH FOOD PREPARATION AREA WITH SINGLE SERVICE TOWEL AND SOAP DISPENSER.</li> <li>2-COMPARTMENT SINKS ARE PROVIDED WITH MIXING VALVE FAUCETS CAPABLE OF REACHING EACH COMPARTMENT.</li> <li>A MIN. OF 20 FOOT CANDLES (215 LUX) OF LIGHT, MEASURED 30" OFF THE FLOOR IS PROVIDED IN ALL FOOD AND UTENSIL STORAGE ALL FOOD PREPARATION ROOMS, TOILET, DRESSING ROOMS, AND PROCESSING AREAS AND WHERE UTENSILS ARE CLEANED.</li> <li>A MIN. OF 20 CANDLES (215 LUX) OF LIGHT, MEASURED 30" OFF THE FLOOR IS PROVIDED IN ALL AREAS DURING GENERAL CLEAN-UP ACTIVITIES.</li> <li>ALL SHELVING OVER WET AREAS (SINKS, MOP SINKS, ETC.) WILL BE STAINLESS STEEL.</li> <li>FLOOR SINKS UNDER EQUIPMENT MUST BE 100% EXPOSED AND EASILY ACCESSIBLE FOR CLEANING AND SERVICING.</li> <li>SHATTERSHIELDS OR SHATTERPROOF LIGHT BULBS TO BE PROVIDED FOR ALL LIGHTS ABOVE FOOD PREPARATION, WORK AND STORAGE AREAS.</li> <li>ALL PLUMBING, ELECTRICAL, AND GAS LINES SHALL BE CONCEALED WITHIN THE BUILDING STRUCTURE, ALL LINES SHALL TERMINATE AT LEAST 1" ABOVE THE OVERFLOW RIM OF THE FLOOR SINK.</li> <li>ACCEPTABLE FLOORING MATERIAL IS DURABLE, LIGHT-COLORED, WATERPROOF, GREASE-RESISTANT AND EASILY CLEANABLE MATERIAL. SURFACES SHALL BE MAINTAINED IN GOOD REPAIR.</li> <li>ALL 3-COMPARTMENT SINKS TO HAVE A MIN. COMPARTMENT SIZE OF 18" X 18" X 12" DEEP, WITH A MIN. 18" DRAINBOARD ON EACH END, PROVIDE WITH 8" HIGH INTEGRAL BACKSPASH AT ALL WALLS.</li> <li>WALLS IN FOOD OVERVEGE HANDLING AND PREPARATION AREAS: OIL-BASED EPOXY PAINTS ARE APPROPRIATE IN FOOD PREPARATION AREAS. HIGH-GLOSS ENAMEL PAINTS WORK WELL IN MOST OTHER AREAS WHEN PAINTING. DRYWALL MUST HAVE PRIMER AND AT LEAST TWO COATS OF ENAMEL PAINT WITH A SEMI-GLOSS OR HIGHER FINISH.</li> <li>CEILING FINISHES SHALL BE CONSTRUCTED OF SMOOTH, NON-ABSORBENT AND EASILY CLEANABLE MATERIALS THAT ARE DURABLE AND LIGHT IN COLOR. ACCEPTABLE CEILING FINISHES INCLUDE, BUT ARE NOT LIMITED TO: SMOOTH NON-ABSORBENT VINYL-CED AND GYPSUM BOARD FOR SUSPENDED CEILING, OR SMOOTH PAINTED DRYWALL WITH A WASHABLE EPOXY OR ENAMEL FINISH.</li> </ol>



**SITE PLAN**  
SCALE: 1/32" = 1'-0"

PARKING REQUIREMENT: DINING AREAS- 6380  
16 PARKING STALL ARE REQUIRED, 80 PARKING STALL ARE PROVIDED

PROJECT LOCATION, AREA 7550 SF

**Method DESIGN STUDIO**  
402-3141789  
alshenmarahmad@gmail.com  
REGISTERED ARCHITECT  
ARCHITECT LICENSE # 712120222

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Note: Original drawing format is 22" x 34". Any other sheet size will affect drawing scale.



### DIAMOND PALACE-WEDDING HALL

LOCATION:  
2301 NW 12TH STREET,  
LINCOLN, NE

NO.	DATE
1	8/20/2022
2	7/19/2022
3	7/27/2022
4	
5	
6	
7	
8	

DATE: 8/2/2022

COVER SHEET

G1.0



**Purpose letter.**

I, Arzu Hadi the owner of Diamond Palace banquet hall at 2301 NW 12<sup>th</sup> street this letter regarding a special permit needed to operate my bar at my banquet hall.

I would like to talk about my business that is Solly built based on the great struggle and problems that other ethnic groups face in Nebraska. Before I decided to open this business, I was a wedding planner/decorator and I have been doing that for the past fifteen years. Every event I planned struggled with catering for their own ethnic food for their events. Some group of people like, Afghans, Arabs, Turks, Kurds, Indians, and Pakistani people change clothing multiple times during their ceremony. There was never an appropriate setting or environment for these people.

Diamond Palace is built such that all those needs and necessities are satisfied. I allow any ethnic food if it is catered by a licensed caterer. I have a bridal lounge, where the families can change clothes and do their prayers. I provided all the decor and design in my halls complimentary. Not a single bride will have to go to rental place or buy used stuff for her wedding.

I emigrated to USA in 1999 from Afghanistan while it was under Taliban regime. This country and Americans have given me another chance to live and thrive. Now that I have found my way in this State, it's time to return the favor back to this very community. I could not only dedicate my business to Muslims only. I have dedicated my business equally to all non-Muslims. I have respect for all groups of people and religions. I have learned over the years that Muslims enjoy their happy time with tea and dates. But non-Muslims enjoy their happy gathering time with alcoholic beverages. I decided not to allow my religion to interfere with my profession/business. I have built TWO bars for my clients that like to have alcoholic beverages at their events.

I would like to request this special permit to be granted to me so I can run this business for all who I care and who I serve.

Arzu Hadi

Diamond Palace banquet Hall

2301 NW 12<sup>th</sup> Street

Lincoln NE, 68521

(402)310-6533

**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 #24004	FINAL ACTION? Yes	DEVELOPER/OWNER Hui Guo, ACG Real Estate, LLC
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2949 North 27 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a special permit to allow the consumption of alcohol on the premises. The proposed premises is **Tia Lety's** Restaurant which occupies a portion of a multi-tenant building located at 2949 North 27<sup>th</sup> Street. The subject property is zoned H-3.

In addition to a State liquor license, a special permit for the sale of alcohol is also required. The sale of alcohol is allowed by special permit in the H-3 zoning district by special permit by Lincoln Municipal Code (LMC) Section 27.63.680.



**JUSTIFICATION FOR RECOMMENDATION**

This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on the premises.

**APPLICATION CONTACT**  
Yeldy Marroquin  
917-288-2009  
[yzmarroquin@hotmail.com](mailto:yzmarroquin@hotmail.com)

**STAFF CONTACT**  
Brian Will  
402-441-6362  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This allows a restaurant tenant to re-use a portion of an existing building in an older, well-established commercial area. The ability to serve alcohol as part of a restaurant with a full-service menu provides something customers expect and accept as normal and customary. Re-use of buildings in older commercial areas helps these areas remain viable so they can continue to serve nearby residents with the goods and services they expect and is consistent with the goals of the Comprehensive Plan.

**KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN**

Pg 1.9 - The Future Land Use Map of the Comprehensive Plan designates commercial land uses for this site.

Pg. 5.14 - Strategies for Commercial Infill

- Develop infill commercial areas to be compatible with the character of the area.
- Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.

-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.

-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of commercial structures should be explored.

## ANALYSIS

1. This is a request for a special permit for the sale of alcohol for consumption on the premises. It is the re-use of a portion of a multi-tenant building which also contains commercial tenants. The subject area for re-use was previously a restaurant as well. The specific requirements of LMC 27.63.680 are addressed below.

2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680: The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

Title 27 Zoning has been amended eliminating the off-street parking requirement for the H-3 zoning district. As a result, there is no required parking. The owner and tenants will determine how the existing parking spaces are **allocated among the building's tenants**. The parking shown complies with Title 27 Zoning.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without the issuance of a permit under LMC Section 27.63.685 of this code.

This is a request for the sale of alcohol for consumption on the premises and does not include the sale of alcohol for consumption off the premise.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

The proposed licensed premises is located at the intersection of North 27<sup>th</sup> Street and Cornhusker Highway which serve a much larger commercial area in this part of the city. It is surrounded on all sides by commercial buildings **housing a variety of commercial uses. None of the sensitive uses specified above are within 100' of the business.** The nearest of any of these is R-2 Residential zoning approximately one-half mile away northwest of the site, and a mobile home park approximately one-quarter of a mile away to the south.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

The building is existing, and the site is already developed, however all lighting is reviewed at the time of building permits for compliance with the lighting Design Standards.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not a part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are shown as part of this application.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

There is no residential zoning district within 150' of the business.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access to the site is off both North 27<sup>th</sup> Street and Cornhusker Highway, neither of which is considered a residential street in this area.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

- (1) Revocation or cancellation of the liquor license for the specially permitted premises; or
- (2) Repeated violations related to the operation of the permittee's business.
- (3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

2. Subject to the conditions of approval, this request complies with all the criteria for the sale of alcohol for consumption on the premises. This request complies with the Zoning Ordinance and the Comprehensive Plan and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial H-3

SURROUNDING LAND USE & ZONING

North: Commercial	B-2
South: Commercial	H-3
East: Commercial	H-3
West: Commercial	H-3

LEGAL DESCRIPTION: Lot 216, located in the NE 1/4 of Section 13-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by Brian Will  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov) or at 402-441-6362  
March 13, 2024

Owner: Hui Guo  
ACG Real Estate, LLC  
2949 North 27<sup>th</sup> Street  
Lincoln, NE 68521  
917-288-2009  
[Guohui1114@gmail.com](mailto:Guohui1114@gmail.com)

Applicant/  
Contact: Yeldi Marroquin  
1900 Independence Ct  
Lincoln, NE 68521  
917-288-2009  
[yzmarrquin@hotmail.com](mailto:yzmarrquin@hotmail.com)

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #24004

This approval permits the sale of alcohol for consumption on the premises per LMC Section 27.63.680.

### Conditions:

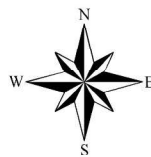
Standard:

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 changes.
2. The following conditions are applicable to all requests:
  - 2.1 Before the sale of alcohol for consumption on the premises, all development and construction is to substantially comply with the approved plans.
  - 2.2 The physical location of setbacks, yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 This resolution's terms, conditions, and requirements bind and obligate 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 therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.



2020 aerial

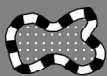


**Special Permit #: SP24004**  
**N 27th St & Cornhusker Hwy**

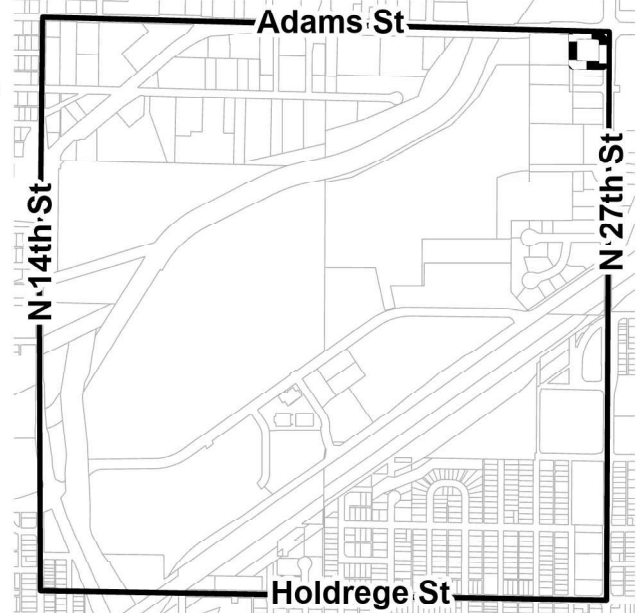


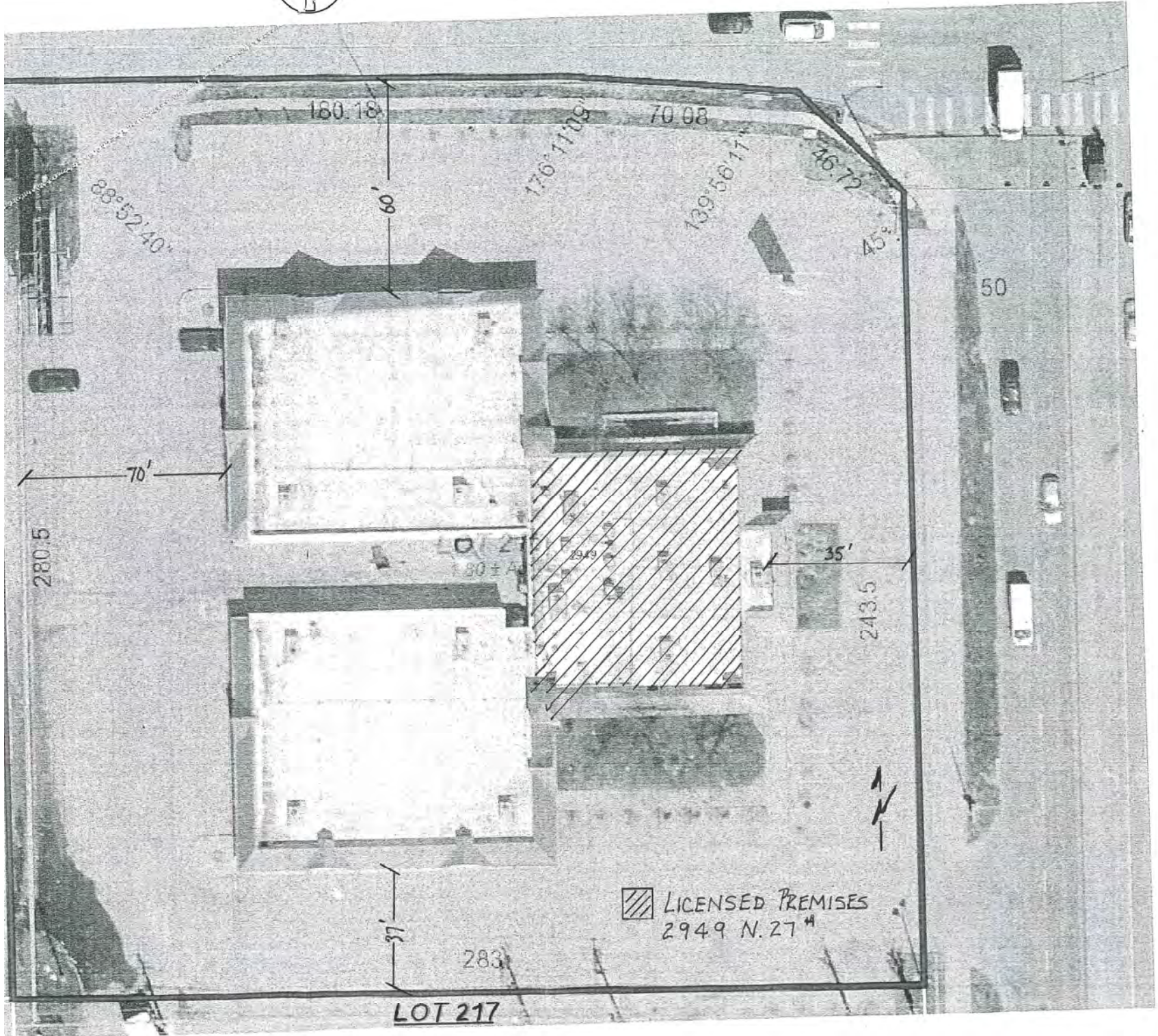
One Square Mile:  
 Sec. 13 T10N R06E

**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
34	





February 26<sup>th</sup>, 2024

To Whom It May Concern:

My name is Leticia and I am applying for a special permit for on sale alcohol for the new location. And wanted to tell you a little bit about my restaurant named Tia Lety's. we moved to the building located on 2949 N 27<sup>th</sup> St, Lincoln NE. the restaurant is doing well, but I know that we are losing business because we don't have the liquor license yet. We have been in business in Lincoln for years now and have had a liquor license for years. And our customers enjoy having a drink occasionally. We have lost business because of it. We have had big groups make a reservation and cancelled it after finding out that we can't sell alcohol yet.

Our restaurant is a family-oriented restaurant where our customers know that they will eat great food while with they are there, and also know that when they get together with friends and family they can enjoy an alcoholic drink to accompany their meals. I understand that the alcohol is not the biggest part of the restaurant our food is, but it does make a difference and it helps us to keep our customers and it will bring in new customers.

Please let me know if there is anything else we need to do to get our license. If you need to get ahold of me please call me at 402-430-8312

Thank you.

Leticia Martinez

**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 #24006	FINAL ACTION? Yes	DEVELOPER/OWNER Christ United Methodist Church
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 4500 A Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit to allow an Early Childhood Care Facility with a maximum of 60 children at 4500 A Street. The property is approximately 3.7 acres and zoned R-2, Residential. A Special Permit is required in R-2 zoning when the Early Childhood Care facility has 16 or more children.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed Special Permit for up to 60 children is appropriate for this location. The Early Childhood Care Facility will occupy the existing church. The building is located on A Street, a minor arterial, and has ample off-street parking on the northern portion of the site. The site provides access from both South 45<sup>th</sup> Street and South 46<sup>th</sup> Street. There is a separate exit onto S 46<sup>th</sup> Street for the drop-off area.

**APPLICATION CONTACT**  
Matt Langston, (402) 525-9963 or [mlangston@olsson.com](mailto:mlangston@olsson.com)

**STAFF CONTACT**  
Emma Martin, (402) 441-6369 or [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This proposal is compatible with the 2050 Comprehensive Plan, which encourages childcare centers to be located within neighborhoods and near schools and parks when possible. The church is less than one mile away from both Lefler Middle School and Piedmont Park, and is firmly within an existing neighborhood.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

### 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. Section 27.63.070 provides that early childhood care facilities with sixteen or more children be allowed upon approval of a special permit. This proposal is for an early childhood care facility located at the northeast corner of A Street and South 45<sup>th</sup> Street. The facility would be housed within the existing place of religious assembly. The facility will have 10 employees on the largest shift, with a maximum of 60 children. The Malone Center has been in operation since 1955.
2. The facility will use an existing childcare area on the upper level within Christ United Methodist Church. The site also includes an existing fenced playground area on the southern side of the building. The applicant is not proposing any exterior alterations or expansion of the existing buildings.
3. The site currently has 117 parking spaces with access from S 45<sup>th</sup> and S 46<sup>th</sup> Street. The proposed hours of operation are Monday through Friday from 7:30 am to 6:00 pm and will not conflict with weekend and evening use of the

church property. Vehicles will be able to enter the site from both S 45<sup>th</sup> and S 46<sup>th</sup> Street. The drop-off and pick-up area is along the east side of the building, and vehicles will then exit the site on to S 46<sup>th</sup> Street.

4. The Special Permit criteria pursuant to Lincoln Municipal Code 27.63.070 includes 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 will serve up to 60 children, with 10 employees on the largest shift.

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 provided a site plan that shows the existing buildings, entrances, parking layout, and the playground location. The facility will use the existing parking lot with access to S 45<sup>th</sup> and S 46<sup>th</sup> Street. Loading and unloading of children will occur on the east side of the buildings. The existing play area is on the southern 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 with complies with the design standards for early childhood care facilities.

The applicant submitted a site plan showing that the building being used for the early childhood care facility is an existing church. If the childcare facility were to relocate, the structure would remain as a place of religious assembly.

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 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, which will serve up to 60 children, is located on A Street, a minor arterial street. The facility is existing and provides sufficient space for staff parking and loading/unloading of children.

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

The site plan has an existing play area that is fenced in on the south side of the property which will continue to be maintained.

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 childhood care facilities.

The required parking at this site is sufficient with 122 parking stalls. 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. This would require 10 stalls for the maximum number of employees, along with 6 loading/unloading stalls for the 60 children the organization is allowed to license. The standard also allows for joint parking with another use that does not have conflicting parking demands. The childcare facility will be within the existing church and use the parking lot on site but will not be open for childcare on the weekends or past 6:00 pm on weekdays.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Christ United Methodist Church R-2 Residential

SURROUNDING LAND USE & ZONING

North:	Single-family residential	R-2 Residential
South:	Single-family residential	R-2 Residential
East:	Single-family residential	R-2 Residential
West:	Single-family residential	R-2 Residential

APPROXIMATE LAND AREA: 3.70 acres, more or less

LEGAL DESCRIPTION: Lots 1-22, Block; Lots 1-22, Block 4; Vacated B Street; and Vacated B Street & Vacated Alleys Adjacent

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

Date: March 13, 2024

Contact: Matt Langston  
601 P Street, Suite 200  
Lincoln, NE 68508  
[MLangston@olsson.com](mailto:MLangston@olsson.com)

Owner: Christ United Methodist Church  
4530 A Street  
Lincoln, NE 68510

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24006 Malone Community Center Early Childhood Care.edm.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #24006

Per Section 27.63.070 this approval permits an early childhood care facility for up to 60 children at 4530 A 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 indicate how the church use and early childhood care use will provide their required parking simultaneously.
  - 1.2 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by the Building & Safety Department prior to installation".

### 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 therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2020 aerial



**Special Permit #: SP24006**  
**S 45th St & A St**

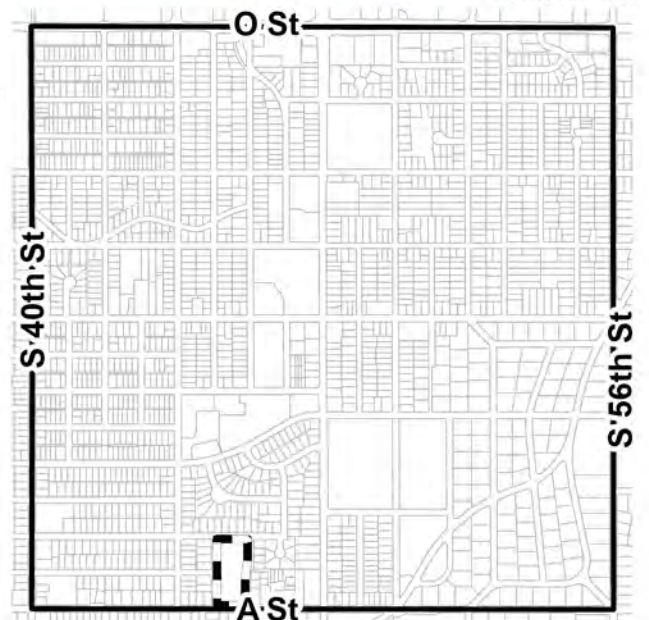


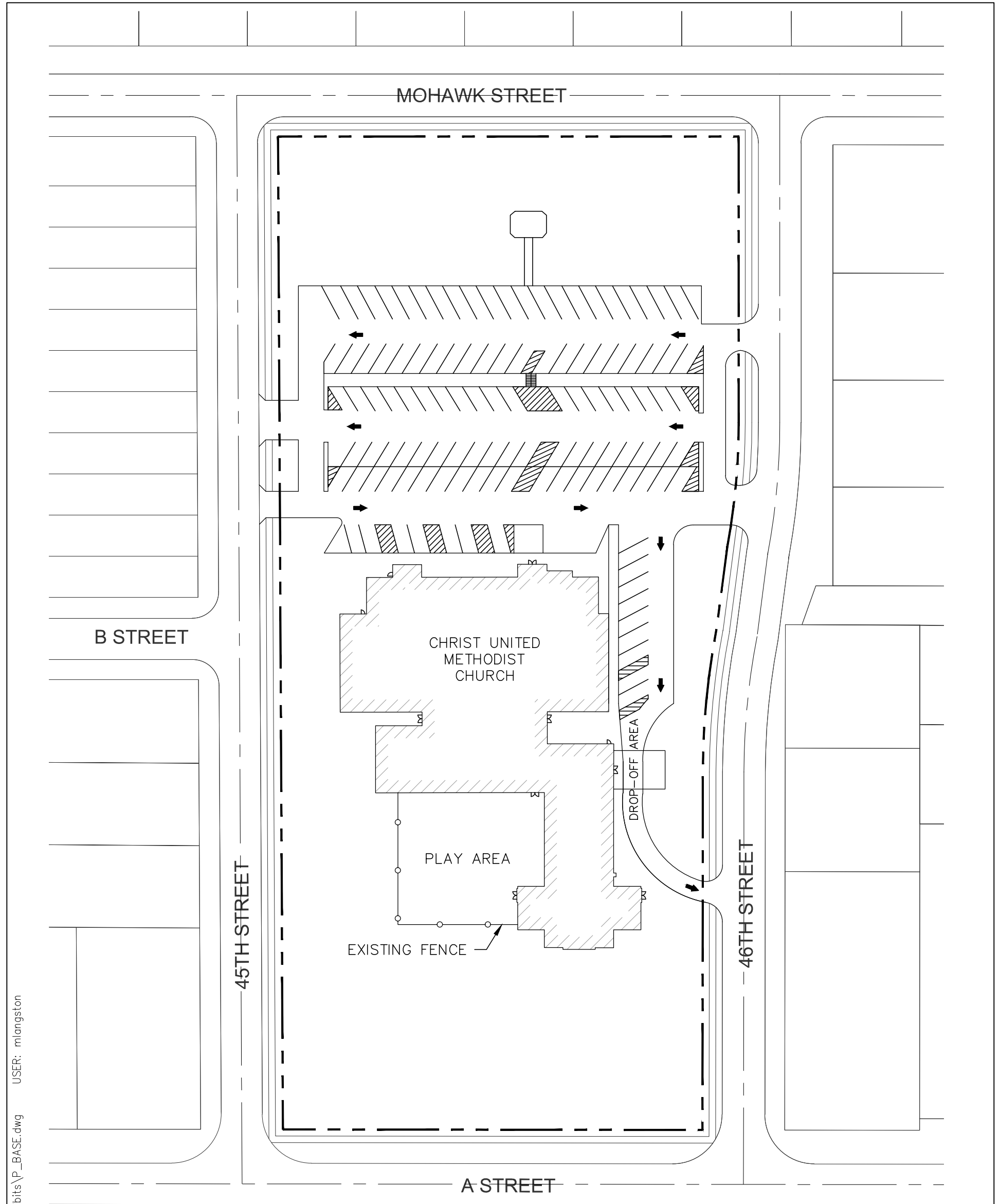
**One Square Mile:**  
**Sec.29 T10N R07E**

**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

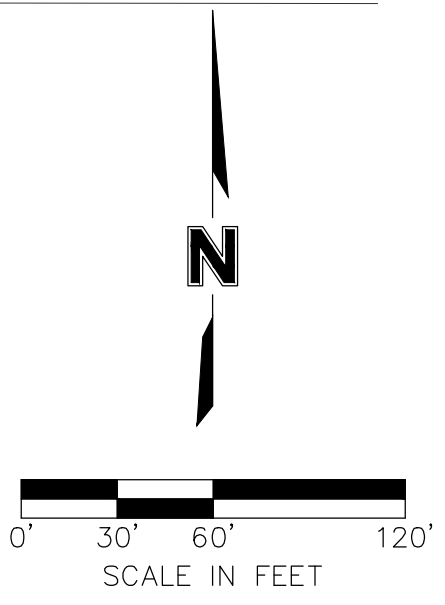
	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
42	





DWG: F:\2022\06001-06500\022-06276\40-Design\Exhibits\P\_BASE.dwg  
 USER: mlangston  
 DATE: Mar 04, 2024 3:29pm  
 XREFS:

SITE INFORMATION	
LEGAL DESCRIPTION:	JOHNSONS (F S) SUBDIVISION - SWSESW 29-10-7, BLOCK 1, LOT 1-22, & BLOCK 4 LOTS 1-22 & VAC B ST & VAC ALLEYS ADJ VAC BY ORD #5142
ZONING:	R-2
TOTAL PARKING PROVIDED	117 PARKING STALLS
SPECIAL USE PERMIT USAGE:	EARLY CHILDCARE CARE FACILITIES
NUMBER OF PERMITTED CHILDREN:	60
NUMBER OF STAFF ON THE LARGEST SHIFT:	10



PROJECT NO:	022-06276
DRAWN BY:	ML
DATE:	03-04-2024

**CHRIST UNITED METHODIST CHURCH SPECIAL PERMIT**  
**SITE LAYOUT EXHIBIT**

601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311

EXHIBIT	1
---------	---



March 4, 2024

Lincoln/Lancaster County Planning Department  
Emma Martin  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Re: Christ United Methodist Church Special Permit

Mrs. Martin:

On behalf of Christ United Methodist Church (owner), and the Ciyde Malone Community Center (client), I am requesting a Special Permit for the use of Early Childhood Care Facility at 4500 and 4530 A Street, Lincoln, Nebraska (both addresses are for the same church building).

The proposed Early Childhood Care Facility shall be within the existing church and permit up to 60 children and 10 staff members on the largest shift. There are 117 existing parking stalls on site and a covered drop-off area on the east side of the building. There are two parking lot accesses to S. 45<sup>th</sup> Street and three accesses to S. 46<sup>th</sup> Street. The property is zoned R-2.

Sincerely,

A handwritten signature in blue ink that reads "Matt Langston".

Matt Langston  
Olsson  
402.525.9963  
mlangston@olsson.com

**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 Amendment 24002  
*Interstate Corrections Site - Growth Tiers*

FINAL ACTION?  
No

OWNER  
City of Lincoln

PLANNING COMMISSION HEARING DATE  
March 27, 2024

RELATED APPLICATIONS  
[AN24002](#), [CZ24004](#), [CPC24005](#),  
[SAV24004](#)

PROPERTY ADDRESS/LOCATION  
N 70<sup>th</sup> & Interstate 80

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to revise the Growth Tiers map in the vicinity of N 70<sup>th</sup> Street and Interstate 80 to reflect the location of the planned State of Nebraska correctional facility. The correctional facility site is currently shown as Tier III on the Growth Tiers Map. This proposed amendment will change the site and the adjacent area to Tier I, Priority A, reflecting the planned near-term provision of city infrastructure for the site.



**JUSTIFICATION FOR RECOMMENDATION**

This area can be served by utilities within the timeframe specified in the Growth Tier changes.

**STAFF CONTACT**

Tim Sieh, Law Department  
(402) 441-7281, [tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan allows for the Growth Tier map to be flexible and responsive to development needs and new information, and these changes align with the overall PlanForward 2050 growth framework.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Benefits of Well-Planned Growth

**Predictable and efficient provision of new infrastructure.** The City’s policy of contiguous growth anchored by a gravity-flow wastewater system provides a cost-effective, predictable, and efficient way to construct and maintain urban infrastructure and services necessary to serve new growth areas.

Future Growth Tier Map

[Figure GF.c: 2050 Priority Growth Areas](#)

*Tier I*

**Tier I reflects the “Future Service Limit,” approximately 52 square miles of developing areas and beyond the existing city limits where urban services and inclusion in the city limits are anticipated within the 30-year planning period.**

Priority A of Tier I

Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments, or areas outside city limits that will have immediate infrastructure access upon annexation.

Priority B of Tier 1

Areas designated for development in the first half of the planning period (to 2036) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority C of Tier I

The next areas for development, after 2036, are those which currently lack almost all infrastructure required to support urban development.

Tier II

Tier II is an area of approximately 21.2 square miles that defines the geographic area the city is assumed to grow into immediately beyond Tier I. It shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier I develop faster than anticipated. Tier II should remain in its current use in order to allow for future urban development.

Tier III

**Tier III provides an approximately 129.6 square mile area for Lincoln’s longer term growth potential** – beyond 50 years. This area is based upon the drainage basins located within the 3-mile extraterritorial jurisdiction, excluding the area identified as Salt Creek Tiger Beetle habitat. Little active planning of utilities or service delivery is likely to occur in the near term in Tier III. However, it should also remain in its present use in order to provide for future urban development.

Guidelines for Amending Priority Areas:

- Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- The community should only approve development proposals that can be adequately served by initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads, and by all urban

improvements and services in the long term. Initially, roads may not be built to the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant. Public safety services and schools may be provided to an area by facilities that are more distant and new facilities phased in over time.

- Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.
- It is anticipated that there may be unique circumstances that may warrant consideration of development of land in Priority B prior to the full completion of improvements in Priority A. In addition it is expected that there will be proposals to change land from Priority C to B. Proposals for changes from Priority C to B should be evaluated and considered through a review process that should consider the following items:
  - The project is contiguous to the City and proposed for immediate annexation (for Priority A), and is consistent with principles of the Comprehensive Plan.
  - The developer provides information demonstrating how the necessary infrastructure improvements to serve the area would be provided and financed. The City should contact other public agencies to obtain their report on the infrastructure necessary to serve the area, including utilities, roads, fire service, public safety, parks, trails, schools and library needs.
  - The impacts that development in the area will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs are addressed, including impact of financing, utility rates and other revenue sources and to what degree the developer is willing to finance improvements. In order to maintain a fiscally constrained plan, acceleration of one project may mean other planned projects must be removed from the list of future facilities.
  - There is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.

## ANALYSIS

1. This application is for a Growth Tiers Map amendment near N 70<sup>th</sup> Street & Interstate 80. The Growth Tiers map is meant to guide growth and development over the 30-year planning period. In some cases, it is appropriate to update and refine the map to reflect new information and be responsive to development interest.
2. The area of this amendment was recently selected as the site for the planned State of Nebraska correctional facility, with construction beginning in the near future. The facility will utilize city utilities and be annexed into Lincoln. It is expected that **Lincoln's** upcoming FY 2024/25 - 2029/30 Capital Improvements Program (CIP) will show sewer and water reaching the site within the 6-year CIP planning window.
3. The future correctional facility site is currently shown as Tier III on the Growth Tiers Map, which indicates that urban infrastructure and annexation is not expected for at least 50 years. The development timeline for the site has been significantly moved forward to accommodate the correctional facility, and the Tier III designation is no longer accurate.
4. Tier I, Priority A is intended for areas that have approved plans and can be served by utilities following annexation. With the package of applications associated with this application, along with the expected CIP infrastructure timeline, this area meets the criteria for Growth Tier 1, Priority A.
5. The other changes shown on the Growth Tier exhibit are clean-up items that involve interstate right-of-way and a small sliver to Tier III land. These changes are meant to improve readability and accuracy of the map.

EXISTING LAND USES: Agriculture

PROPOSED AMENDMENT

Amend the 2050 Lincoln-Lancaster County Comprehensive Plan as follows:

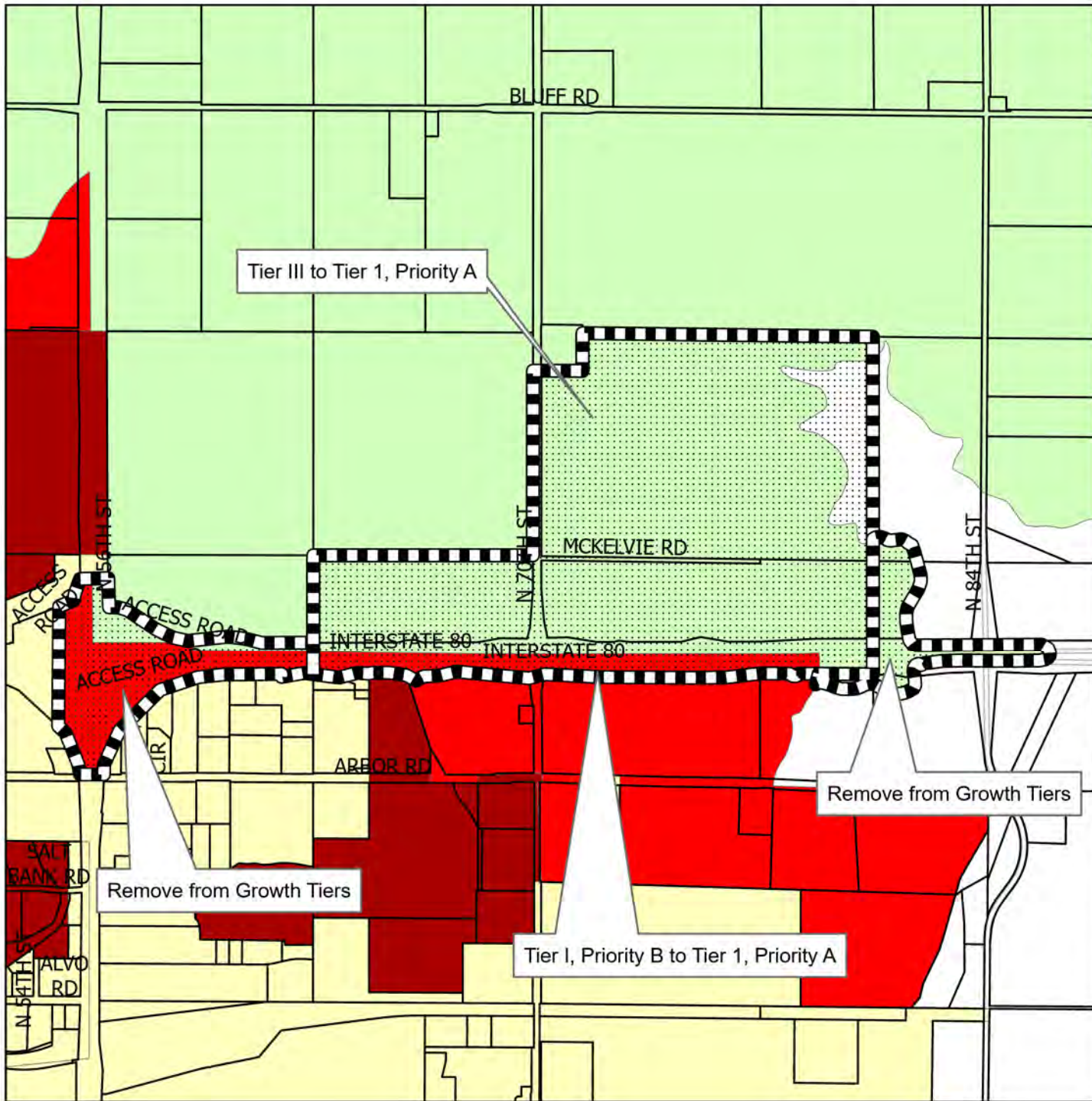
1. Figure GF.c: 2050 Priority Growth Areas: updates as shown on the attached figure

Prepared by Andrew Thierolf, AICP  
(402) 441-6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)  
March 13, 2024

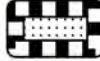







Applicant: City of Lincoln  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68504

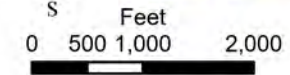
<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPA/24000/CPA24002 Interstate Corrections Site Growth Tiers.adt.docx>

# Proposed Growth Tier Changes



## Legend

-  Application Area(s)
-  TaxParcel
- Tier**
-  Existing City
-  Tier I Priority A
-  Tier I Priority B
-  Tier I Priority C
-  Tier II
-  Tier III



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# MEMORANDUM

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**TO:** File

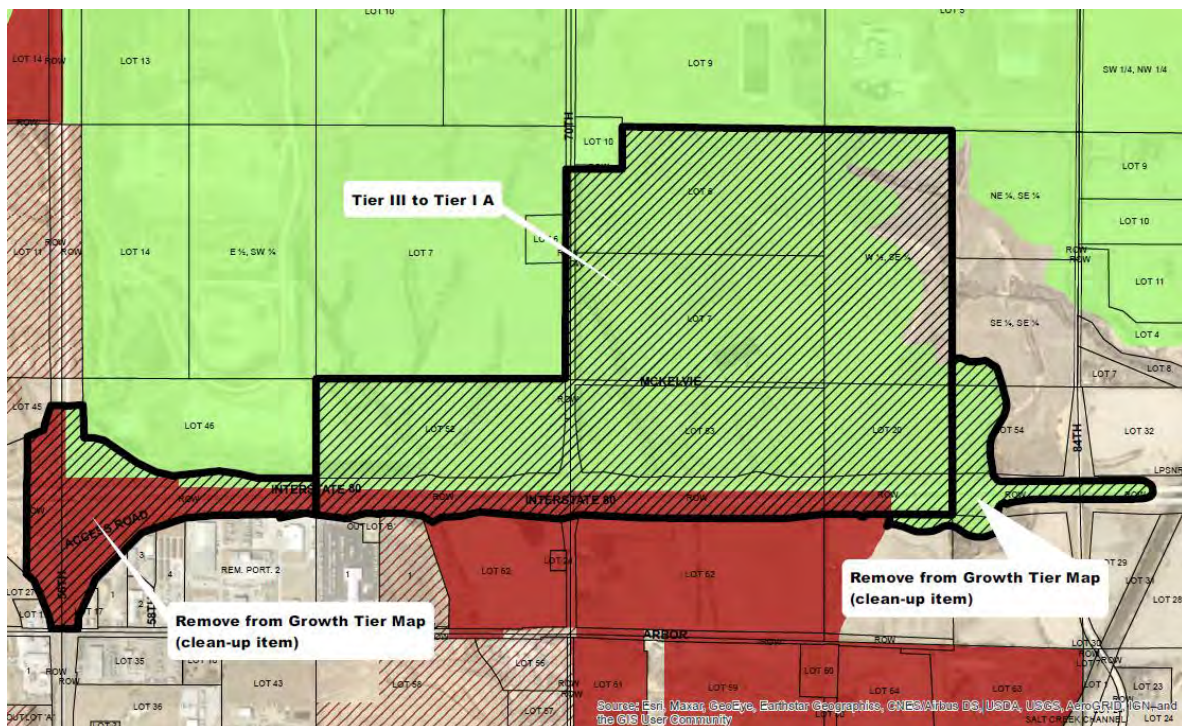
**FROM:** Lincoln-Lancaster County Planning Department

**SUBJECT:** Priority Growth Areas Map

**DATE:** February 28, 2024

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This is a Comprehensive Plan Amendment application to amend the Priority Growth Areas Map in the Lincoln-Lancaster County 2050 Comprehensive Plan. This amendment acknowledges the near-term infrastructure upgrades and annexation that will be occurring on this site to serve the future State correctional facility.



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Lincoln City-Lancaster County Planning Department  
555 S. 10th St., Rm. #213 • Lincoln NE 68508  
Phone: (402) 441-7491 • Fax: (402) 441-6377

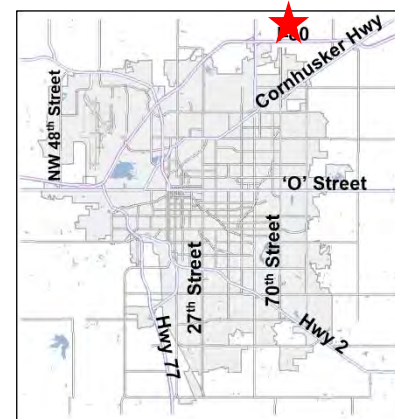
**LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT**  
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Comprehensive Plan Conformance #24005	FINAL ACTION? No	OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS AN24002, CPA24002, CZ24004, SAV24004	PROPERTY ADDRESS/LOCATION North 70 <sup>th</sup> Street and Interstate 80

**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

This is a request to make a finding of conformance with the Comprehensive Plan for the surplus of approximately 315 acres of land northeast of the intersection of North 70<sup>th</sup> Street and Interstate 80. It is related to four other applications associated with the planned Interstate Corrections Site: AN#24002, CPA24002, CZ24004, and SAV24004.



**JUSTIFICATION FOR RECOMMENDATION**

The subject property is entirely owned by the City of Lincoln. The Comprehensive Plan designates the subject area for Public and Semi-Public Uses. No City Department has indicated the property is needed for their purposes. The future intended use is for public uses.

**APPLICATION/STAFF CONTACT**

Tim Sieh  
**City Attorney's Office**  
402-441-7281 or  
[tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

**The Comprehensive Plan's Future Land Use Map designates the subject 315 acres for future public and semi-public uses.** The planned future use is a public or semi-public use, and no City Department has indicated any need or use for the subject tract. A declaration of Surplus Property is consistent with the goals of the Comprehensive Plan.

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future Public and Semi-Public uses on the 2050 Future Land Use Plan.

Public and Semi-Public. Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan. Highways and interstates are also included in this category.

#### ANALYSIS

1. This is a request to make a finding of conformance with the Comprehensive Plan for the surplus of approximately 315 acres of land northeast of the intersection of North 70<sup>th</sup> Street and Interstate 80. The land is entirely owned by the City of Lincoln and mostly undeveloped except for two items described below.
2. LES has two wind turbines in this area, where one of them is one on the west side of North 70<sup>th</sup> Street, and the other is on east side of North 70<sup>th</sup> street in the subject surplus property. Both turbines are decades old. The east turbine is on the planned corrections site and LES intends to remove it later this year.
3. The subject property has been used for the past 40+ years as a farm field that included a holding lagoon and an in-ground liquid bio-**solids system installed in the 1980's. The liquid bio-**solids were generated as part of our wastewater treatment facilities. Currently, Theresa Street and Northeast Wastewater Treatment facilities employ better and newer technologies. The City is now using de-watering machinery that creates dry bio-solids we sell as fertilizer. The City plans to remove old lagoon system.
4. The land is designated for future Public and Semi-Public Land Uses by the Future Land Use Map of the 2050 Comprehensive Plan. The application submitted states the area is the planned site for a correctional facility to ultimately be owned by **the State of Nebraska's** Department of Correctional Services. Considered a public use, the land use designation is consistent with the proposed use.
5. Multiple City Departments, County and State agencies were requested to review this application. No City Department indicated it had any future use for the subject property.
6. The Lincoln Electric System (LES) also reviewed the request. LES is requesting that if the property is found to **be surplus and transferred to a new owner that 15' utility easements be retained** along the lot lines adjacent to North 70<sup>th</sup> Street and Interstate 80 for utility service.
7. The City also has two gray-water lines crossing the site. The lines run to the LES facility from the Northeast Treatment plant. Treated wastewater is piped across this parcel to the LES Bundy power station. The LES station uses the water to cool the power plant. After use, the water is cooled in an on-site lagoon and then sent back to Northeast treatment plant for discharge. Those lines will continue to be used by LES under a permanent easement with the State. An easement will be retained on both lines.
8. Declaring the subject land as surplus complies with the goals of the Comprehensive Plan as the land is designated in the Comprehensive Plan for public use and it will remain in public use once transferred to the State of Nebraska.

EXISTING USE: Vacant/Agriculture

APPROXIMATE LAND AREA: Approximately 314.51 acres, more or less

LEGAL DESCRIPTION: **Lots 6 and 7 I.T.'s located in the SW1/4, and the W1/2 of the SE1/4, all located in Section 22-11-7 of the 6th PM; and Lot 20 I.T. located in the NE1/4 and Lot 53 I.T. located in the NW1/4, all located in Section 27-11-7 of the 6th PM, all located in Lancaster County, Nebraska generally located northeast of the intersection of North 70th Street and Interstate 80.**

Prepared by:

Brian Will  
March 14, 2024  
402-441-6362  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

Applicant/  
Contact: Tim Sieh  
**City Attorney's Office**  
555 S 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508  
402-441-7281  
[tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

Owner: City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

CPC24005 - Interstate Correction Site

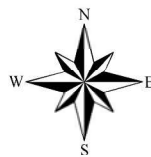
Conditions of Approval

1. Retain the utility easements as requested by the Lincoln Electric System including those easements needed for the treated wastewater lines serving the Terry Bundy Generating station prior to conveying the property to the new owner.



2020 aerial

**Comp Plan Conformance #: CPC24005**  
**N 70th St & McKelvie Rd**



**Two Square Miles:**  
 Sec.27 T11N R07E  
 Sec.22 T11N R07E

**Zoning:**

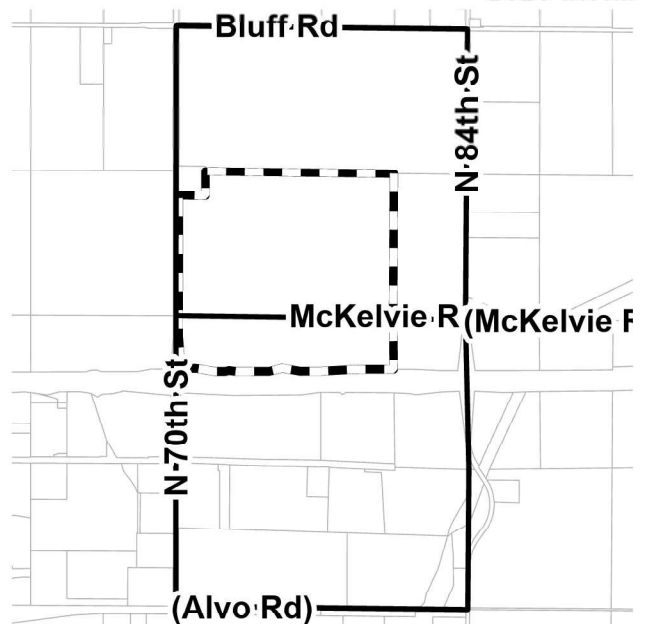
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Lancaster County Jurisdiction

55





**Legal Description**

**For CPC24005 Interstate Corrections Site**

**Declaration of Surplus Property**

For a tract of land legally described as: Lots 6 and 7 I.T.'s located in the SW1/4, and the W1/2 of the SE1/4, all located in Section 22-11-7 of the 6<sup>th</sup> PM; and

Lot 20 I.T. located in the NE1/4 and Lot 53 I.T. located in the NW1/4, all located in Section 27-11-7 of the 6<sup>th</sup> PM;

All located in Lancaster County, Nebraska.



**CITY ATTORNEY**

555 South 10th Street, Suite 300 | Lincoln, NE 68508  
402-441-7281 | F: 402-441-8812

February 28, 2024

Planning Director  
City of Lincoln, Nebraska  
555 S. 10th Street  
Lincoln, Nebraska 68508

**RE: 9440 N. 70th Street**

Dear Mr. Cary:

With this letter, please find an application filed on behalf of the City of Lincoln requesting three approvals from the City of Lincoln. The requested approvals are as follows:

1. Annexation by the City of Lincoln of the area described in the application;
2. Change of the zoning designation for the area described in the application from AG-Agricultural District to P-Public;
3. Declaration by the City Council for the City of Lincoln that the area described in the application is surplus and that it is no longer required for the City's purposes.

The site in question is being considered as the future location of a newly constructed correctional facility to ultimately be owned and operated by the Nebraska Department of Correctional Services.

Please have this matter scheduled for public hearing before the Lincoln-Lancaster County Planning Commission and subsequent consideration by the City Council. A map of the area under consideration is attached hereto as Exhibit "A".

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "T.S. Sieh".

Timothy S. Sieh  
Assistant City Attorney

**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  
Annexation 24002  
*Interstate Corrections Site*

FINAL ACTION?  
No

OWNER  
City of Lincoln

PLANNING COMMISSION HEARING DATE  
March 27, 2024

RELATED APPLICATIONS  
[CPA24002](#), [CZ24004](#), [CPC24005](#),  
[SAV24004](#)

PROPERTY ADDRESS/LOCATION  
N 70<sup>th</sup> & Interstate 80

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to annex approximately 448 acres near N 70<sup>th</sup> Street and Interstate 80, including 314 acres to accommodate the planned State of Nebraska correctional facility. The correctional facility will utilize city utilities, thus requiring annexation into the City of Lincoln.



**JUSTIFICATION FOR RECOMMENDATION**

This area can be served by city utilities and is contiguous to Lincoln city limits.

**STAFF CONTACT**

Tim Sieh, Law Department  
(402) 441-7281, [tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This proposal meets the criteria of the Annexation Policy in PlanForward 2050, the Comprehensive Plan.

## COMPREHENSIVE PLAN SPECIFICATIONS:

### Introduction Section: Growth Framework

Fundamentals of Growth in Lancaster County

**Multi-directional contiguous growth.** Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth, including strengthening **our Downtown core.** Lincoln's sense of community has been based on incremental, compact growth built on the foundations of established neighborhoods. Future growth will continue this traditional pattern and be linked to both the level of demand in the market and to the orderly extension of public improvements and services.

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

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

### Policies Section

P80: Annexation - Annexation should be utilized to provide municipal services in a fair and efficient manner.

The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services. In most cases this also means that annexation must occur prior to a property receiving an urban zoning designation. The City routinely annexes land at the request of a developer or landowner as part of the regular development process. This allows properties to be supplied with City services when they are needed, and the City benefits from the **property taxes, utilities, and other fees that City residents pay.** **Some properties along the City's edge may not be** interested in further development and thus will not request annexation. In some cases it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

#### Action Steps

1. **Regularly evaluate for potential annexation all property along the city's edge for which basic infrastructure** is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.
2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

## UTILITIES & SERVICES

- A. Sanitary Sewer: City sewer to serve this area is expected to be included in the FY 2024/25 - 2029/30 Capital Improvements Program (CIP). The CIP will receive Planning Commission review in April.
- B. Water: City water to serve this area is expected to be included in the FY 2024/25 - 2029/30 Capital Improvements Program (CIP). The CIP will receive Planning Commission review in April.
- C. Roads: The adjacent rights-of-way of N 70<sup>th</sup> Street (approximately 0.6 miles) and Interstate 80 (approximately 1.25 miles) are included in this annexation. McKelvie Road is proposed to be vacated with associated application [SAV24004](#).
- D. Parks and Trails: There are no current or future trails shown abutting this site.
- E. Fire Protection: The site will be served by the Lincoln Fire Department (LFR). LFR serves the existing Nebraska State Penitentiary at 14<sup>th</sup> & Pioneers and expects a similar call volume once the new facility is operational.

## ANALYSIS

1. This is a proposed annexation of approximately 448 acres near N 70<sup>th</sup> Street & Interstate 80. The area of this annexation was recently selected as the site for the planned State of Nebraska correctional facility, with construction beginning in the near future. The facility will utilize city utilities.
2. **Per the City's Annexation Policy (Policy 80):**  
*The City of Lincoln requires that properties receiving municipal services be located within city limits. City annexation should occur before any property is provided with water, sanitary sewer, or other potential City services.*
3. The annexation boundary is primarily comprised of the planned correctional facility site along with adjacent rights-of-way. The annexation also includes a parcel west of N 70<sup>th</sup> Street that is being included to make the site contiguous to existing city limits. All parcels in the proposed annexation boundary are currently owned by the City of Lincoln. The future correctional facility parcels east of N 70<sup>th</sup> Street will be transferred to the State of Nebraska.
4. Upon annexation the area will switch from Waverly Fire & Rescue to Lincoln Fire & Rescue. Per State Statute the City is required to compensate rural fire districts that lose area as a result of annexation. This payment is based on a calculation of the assessed value of the annexed area as a proportion of the net debt of the fire district. Based on the calculation there is no payment due to Waverly Fire & Rescue as part of this annexation.

EXISTING LAND USE & ZONING: Agriculture/Open Space, AG Agriculture

## SURROUNDING LAND USE & ZONING

North:	LES Facility	AG Agriculture
South:	Interstate 80	AG
East:	Agriculture	AG
West:	Agriculture	AG

APPROXIMATE LAND AREA: 448 acres

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District 1

LEGAL DESCRIPTION: See Attached

Prepared by Andrew Thierolf, AICP  
(402) 441-6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)  
March 13, 2024

Applicant: City of Lincoln  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68504

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/AN/24000/AN24002 Interstate Corrections Site Annexation.adt.docx>

LEGAL DESCRIPTION

Lots 6 & 7 I.T. located in the SW  $\frac{1}{4}$  of Section 22, Township 11 North, Range 7 East of the 6th Principal Meridian; and  
The West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 22, Township 11 North, Range 7 East of the 6th Principal Meridian; and  
Lot 53 I.T. located in the NW  $\frac{1}{4}$  of Section 27, Township 11 North, Range 7 East of the 6th Principal Meridian; and  
Lot 20 I.T. located in the NE  $\frac{1}{4}$  of Section 27, Township 11 North, Range 7 East of the 6th Principal Meridian; and  
Lot 52 I.T. located in the NE  $\frac{1}{4}$  of Section 28, Township 11 North, Range 7 East of the 6<sup>th</sup> Principal Meridian;  
all of said parcels located in Lancaster County, Nebraska,  
also including the adjacent rights-of-way for Interstate 80, N 70<sup>th</sup> Street, and McKelvie Road.



2020 aerial

**Annexation #: AN24002**  
**N 70th St & McKelvie Rd**

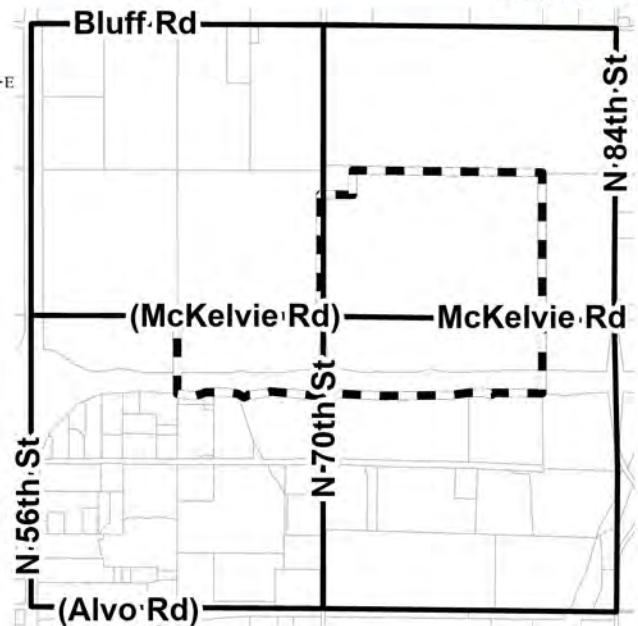
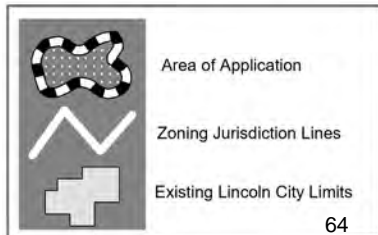


Four Square Miles:

- Sec.27 T11N R07E
- Sec.22 T11N R07E
- Sec.28 T11N R07E
- Sec.21 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





**CITY ATTORNEY**

555 South 10th Street, Suite 300 | Lincoln, NE 68501  
402-441-7281 | F 402-441-8812

February 28, 2024

Planning Director  
City of Lincoln, Nebraska  
555 S. 10th Street  
Lincoln, Nebraska 68508

**RE: 9440 N. 70th Street**

Dear Mr. Cary:

With this letter, please find an application filed on behalf of the City of Lincoln requesting three approvals from the City of Lincoln. The requested approvals are as follows:

1. Annexation by the City of Lincoln of the area described in the application;
2. Change of the zoning designation for the area described in the application from AG-Agricultural District to P-Public;
3. Declaration by the City Council for the City of Lincoln that the area described in the application is surplus and that it is no longer required for the City's purposes.

The site in question is being considered as the future location of a newly constructed correctional facility to ultimately be owned and operated by the Nebraska Department of Correctional Services.

Please have this matter scheduled for public hearing before the Lincoln-Lancaster County Planning Commission and subsequent consideration by the City Council. A map of the area under consideration is attached hereto as Exhibit "A".

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. S. Sieh".

Timothy S. Sieh  
Assistant City Attorney

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

APPLICATION NUMBER Change of Zone #24004	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS AN24002, CPA24002, CPC24005, SAV24004	PROPERTY ADDRESS/LOCATION North 70 <sup>th</sup> Street and Interstate 80

RECOMMENDATION: APPROVAL

**BRIEF SUMMARY OF REQUEST**

This is a request for a change of zone from AG Agriculture to P Public for approximately 1,449.71 acres. The area encompasses all publicly owned land between North 56<sup>th</sup> and North 84<sup>th</sup> Streets, from Interstate 80 to Bluff Road. All of the land to be rezoned is currently owned by the City of Lincoln or its subsidiary, the Lincoln Electric System.

The area between North 56<sup>th</sup> and North 70<sup>th</sup> Streets is the location of the **City of Lincoln's** Bluff Road Waste Management Facility. The approximate north one-half of the area between North 70<sup>th</sup> and North 84<sup>th</sup> Streets is the site of the Terry Bundy Generating Station which is owned and operated by the Lincoln Electric System. The approximate south one-half of this area is undeveloped and currently in agricultural land use.



**JUSTIFICATION FOR RECOMMENDATION**

All of the land subject to this request is under public ownership and intended to remain in public use in the future. The Comprehensive Plan supports zoning such lands as P Public designating such ownership and use.

**APPLICATION CONTACT**

Tim Sieh, 402-441-7281  
[tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

**STAFF CONTACT**

Brian Will, 402-441-6362  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan supports designating land under public ownership and under public use being designated and zoned P Public. The current and planned future ownership of all the land involved in this request is for continued public ownership and public uses. This request is consistent with the goals of the Comprehensive Plan.

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is designated for future public land use in the 2050 Future Land Use Plan.

ANALYSIS

1. This is a change of zone request to rezone approximately 1,449.71 acres of land from AG Agriculture to P Public. The area to be rezoned lies between North 56<sup>th</sup> and North 70<sup>th</sup> Street, from Interstate 80 to Bluff Road. All of the land is owned by the City of Lincoln or its subsidiary, Lincoln Electric System.
2. **The land is currently occupied by the City of Lincoln’s Bluff Road landfill, the Terry Bundy Generating Station**, and vacant land currently in agricultural use. The approximately 314.51 acres northeast of the intersection of North 70<sup>th</sup> Street and Interstate 80 is the planned site of the State of **Nebraska’s** Correctional Facility.
3. Regarding P Public zoning, Title 27 Zoning states: This district is intended to provide a district essentially for mapping purposes which will identify real property presently owned and used by any governmental entity, including local, state, or federal governmental units, and put to some form of public use. This district is not intended to be applied to land that is used by governmental entities on an easement or leased basis if title to the land is in private ownership.
4. **The comprehensive Plan’s Future Land Use Map designates all the land** in this request for P Public land uses. That land use designation in the Plan describes such uses as follows: Public and Semi-Public - Areas of public or semi-public land use and/or structures that serve the general public. Only the largest facilities are shown on the land use plan. Highways and interstates are also included in this category.
5. This request is associated with four related requests: AN24002, CPA24002, CPC24005, and SAV24004. Those requests, including this one, anticipate continued public land uses for the subject lands involved.
6. This change of zone complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

EXISTING LAND USE & ZONING: Landfill, Generating Station, Agriculture AG

SURROUNDING LAND USE & ZONING

North:	Agriculture, Agricultural Residential	AG
South:	Agriculture, Interstate 80, Commercial	AG, H-4, I-1
East:	Agriculture, Agricultural Residential	AG
West:	Vacant, Agriculture	AG, I-3

APPROXIMATE LAND AREA: Approximately 1,449.71 acres, more or less.

LEGAL DESCRIPTION: **Lots 2, 8, 9, and 10 I.T.’s located in the NE1/4, and Lots 11, 12, and 13 I.T.’s located in the NW1/4, and Lot 14 I.T. located in the SW1/4, and Lots 6 and 7 I.T.’s located in the SE1/4, and the E1/2 of the SW1/4, all located in Section 21-11-7 of the 6th PM; and**

**Lots 4 and 5 I.T.’s located in the NE1/4, Lots 8 and 9 I.T.’s located in the NW1/4, Lots 6 and 7 I.T.’s located in the SW1/4, and the W1/2 of the SE1/4 , the NE1/4 of the SE1/4, and the SE1/4 of the SE1/4 , all located in Section 22-11-7 of the 6th PM; and**

**Lots 20 and 54 I.T.’s located in the NE1/4, and Lot 53 I.T. located in the NW1/4, all located in Section 27-11-7 of the 6th PM; and**

Lot 52 I.T. located in the NE1/4, and Lot 46 I.T. located in the NW1/4, all located in Section 28-11-7 of the 6th PM, Lancaster County, Nebraska.

Prepared by Brian Will,  
402-441-6362 or [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Date: March 13, 2024

Applicant/  
Owner: City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508  
402-441-7281  
[tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

Contact: Tim Sieh  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508  
402-441-7281  
[tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)



2020 aerial

**Change of Zone #: CZ24004 (AG to P)  
N 70th St & McKelvie Rd**



**Zoning:**

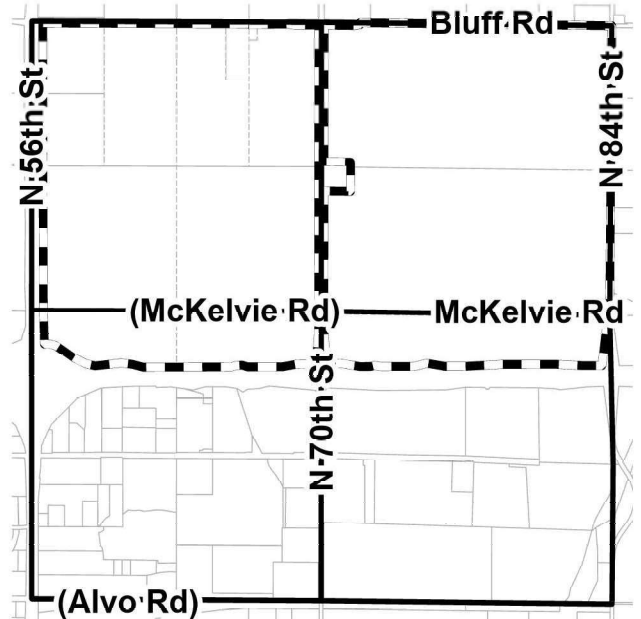
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

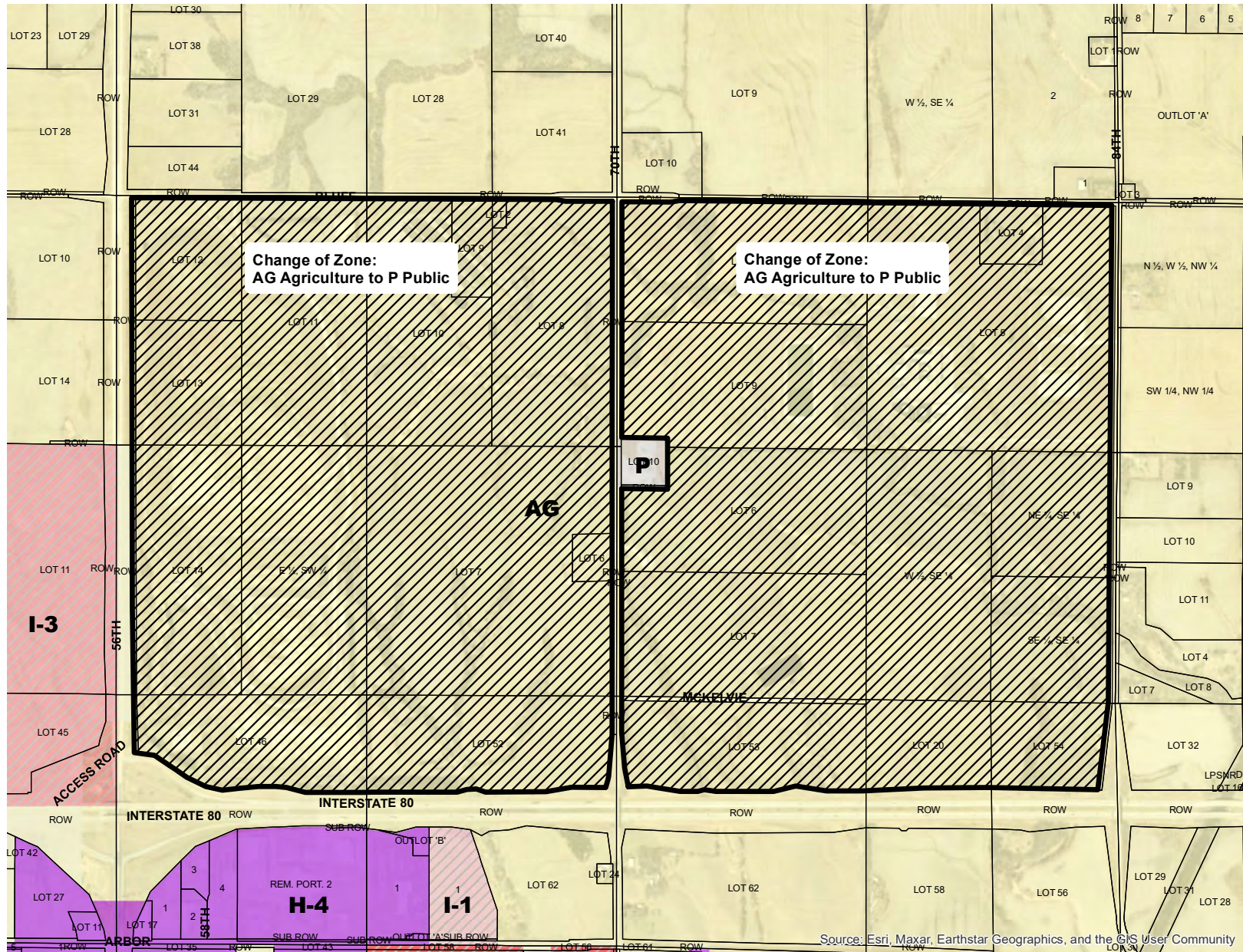
Four Square Miles:  
 Sec.27 T11N R07E  
 Sec.22 T11N R07E  
 Sec.28 T11N R07E  
 Sec.21 T11N R07E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction





## **Legal Description CZ24004**

### **Interstate Corrections Site Change of Zone from AG to P**

A tract of land legally described as: Lots 2, 8, 9, and 10 I.T.'s located in the NE1/4, and Lots 11, 12, and 13 I.T.'s located in the NW1/4, and Lot 14 I.T. located in the SW1/4, and Lots 6 and 7 I.T.'s located in the SE1/4, and the E1/2 of the SW1/4, all located in Section 21-11-7 of the 6<sup>th</sup> PM; and

Lots 4 and 5 I.T.'s located in the NE1/4, Lots 8 and 9 I.T.'s located in the NW1/4, Lots 6 and 7 I.T.'s located in the SW1/4, and the W1/2 of the SE1/4, the NE1/4 of the SE1/4, and the SE1/4 of the SE1/4, all located in Section 22-11-7 of the 6<sup>th</sup> PM; and

Lots 20 and 54 I.T.'s located in the NE1/4, and Lot 53 I.T. located in the NW1/4, all located in Section 27-11-7 of the 6<sup>th</sup> PM; and

Lot 52 I.T. located in the NE1/4, and Lot 46 I.T. located in the NW1/4, all located in Section 28-11-7 of the 6<sup>th</sup> PM, Lancaster County, Nebraska.



**CITY ATTORNEY**

555 South 10th Street, Suite 300 | Lincoln, NE 68508  
402-441-7281 | F: 402-441-8812

February 28, 2024

Planning Director  
City of Lincoln, Nebraska  
555 S. 10th Street  
Lincoln, Nebraska 68508

**RE: 9440 N. 70th Street**

Dear Mr. Cary:

With this letter, please find an application filed on behalf of the City of Lincoln requesting three approvals from the City of Lincoln. The requested approvals are as follows:

1. Annexation by the City of Lincoln of the area described in the application;
2. Change of the zoning designation for the area described in the application from AG-Agricultural District to P-Public;
3. Declaration by the City Council for the City of Lincoln that the area described in the application is surplus and that it is no longer required for the City's purposes.

The site in question is being considered as the future location of a newly constructed correctional facility to ultimately be owned and operated by the Nebraska Department of Correctional Services.

Please have this matter scheduled for public hearing before the Lincoln-Lancaster County Planning Commission and subsequent consideration by the City Council. A map of the area under consideration is attached hereto as Exhibit "A".

Should you have any questions, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Sieh".

Timothy S. Sieh  
Assistant City Attorney

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

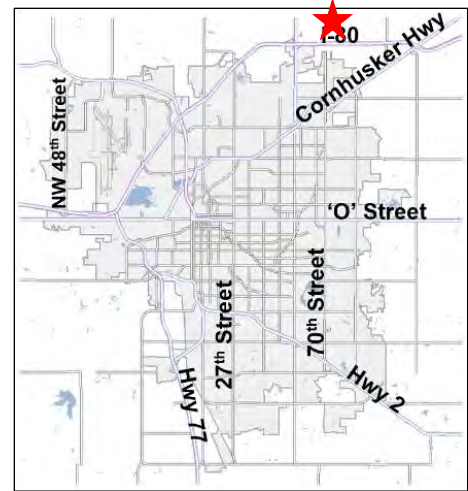
APPLICATION NUMBER Street and Alley Vacation #24004 McKelvie Road	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE March 27, 2024	RELATED APPLICATIONS AN24002, CPA24002, CZ24004, and CPC24005	PROPERTY ADDRESS/LOCATION One-quarter mile north of the intersection of North 70 <sup>th</sup> Street and Interstate 80

RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

This is a request initiated by the City of Lincoln to vacate the remnant right-of-way for McKelvie Road. The right-of-way segment is located approximately one-eighth of a mile north of the intersection of North 70<sup>th</sup> Street and Interstate 80 on the east side of North 70<sup>th</sup> Street.

The City of Lincoln owns all the land adjacent to the subject right-of-way. If vacated the City of Lincoln will retain the title to the area of the vacated right-of-way with the intent that it will be conveyed to the future owner to use in the creation of a single, unified property.



JUSTIFICATION FOR RECOMMENDATION

The subject right-of-way is not needed to serve any adjacent properties, which are all publicly owned and planned for future public uses. The City of Lincoln desires to be relieved of any maintenance responsibilities for the unneeded right-of-way which no longer serves a public purpose, and to allow the excess right-of-way to be put to a higher and better use.

APPLICATION CONTACT

Tim Sieh, 402-441-7281  
[tsieh@lincoln.ne.gov](mailto:tsieh@lincoln.ne.gov)

STAFF CONTACT

Brian Will, 402-441-6362 or  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The subject right-of-way is not required for a public street and is therefore not needed for its intended purpose. Vacating it will allow the land to be put to higher and better use. Vacating excess right-of-way is consistent with the goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Elements Section

Transportation Element

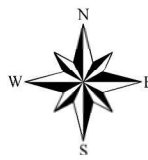
McKelvie Road is not shown on the Existing Functional Classification Map of the 2050 Long Range Transportation Plan.





2020 aerial

**Street and Alley Vacation #: SAV24004**  
**N 70th St & McKelvie Rd**



**One Square Mile:**  
**Sec.27 T11N R07E**

**Zoning:**

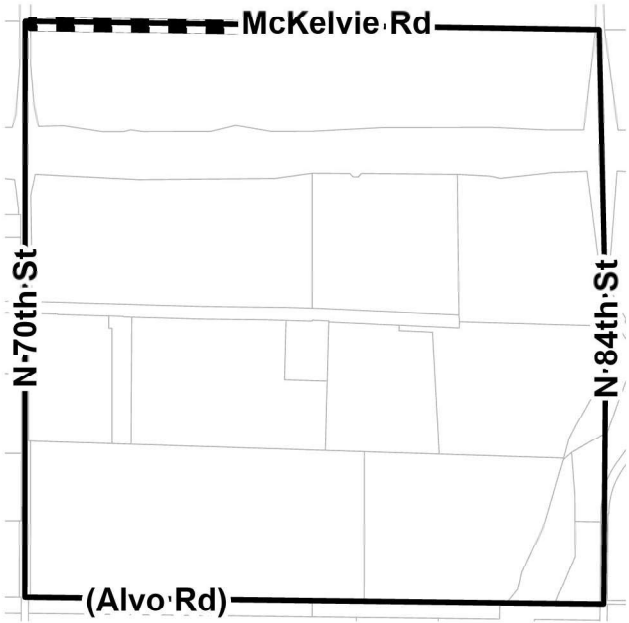
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
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- H-3 Highway Commercial District
- H-4 General Commercial District
- 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

75





Source: Esri, Maxar, Earth

MEMORANDUM

TO: David Cary, Planning Director  
FROM: Tim Sieh, Assistant City Attorney  
DATE: March 5, 2024  
RE: Vacation of McKelvie Road east of 70<sup>th</sup> Street

Along with the Annexation, Comprehensive Plan Amendment, Change of Zone and Surplus Declaration previously requested for the parcel of real property located north of Interstate 80 and east of N. 70<sup>th</sup> Street as described in an application currently under consideration, I am requesting today that you also ask the Planning Commission to consider that portion of McKelvie Road located between N. 70<sup>th</sup> Street and N. 84<sup>th</sup> Street. This stretch of right-of-way is located between Sections 27 and 22 in Township 11 North in Lancaster County.

It is the intent of the ultimate owner of the parcel to be annexed to create a single, unified campus thereby making McKelvie Road unnecessary as a public street. Vacating the right-of-way as requested will allow the ultimate owner of the property to implement its plan and will relieve the City of the responsibility to maintain a public street that no longer serves a public purpose.