

# **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  
Laura Tinnerstet: Admin. Aide

## **March 5, 2025**

**\*\*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.

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other  
Wednesday**

**will be available for viewing on LNK City TV at**

**<https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>**

**The Planning Commission agenda may be accessed on the Internet at**

**<https://www.lincoln.ne.gov/City/Departments/Planning-Department/Boards-and-Commissions/Planning-Commission>**



## MEETING RECORD

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, February 11, 2025.*

<b>NAME OF GROUP:</b>	PLANNING COMMISSION
<b>DATE, TIME AND PLACE OF MEETING:</b>	Wednesday, February 19, 2025, 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.
<b>MEMBERS AND OTHERS IN ATTENDANCE:</b>	Dick Campbell, Maribel Cruz, Brett Ebert, Bailey Feit, Cristy Joy and Cindy Ryman Yost. Lorenzo Ball, Gloria Eddins, and Rich Rodenburg absent. David Cary, Steve Henrichsen, Paul Barnes, Shelli Reid, Clara McCully, Jacob Schlange, and George Wesselhoft of the Planning Department; media, and other interested citizens.
<b>STATED PURPOSE OF MEETING:</b>	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 items **Special Permit 20047A, Special Permit 19021B, Special Permit 25004 and Special Permit 25005 unless** appealed by filing a Notice of Appeal with the **City Council** or the **County Board within 14 days.**

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held February 5, 2025.

Motion for approval of the minutes made by Campbell; seconded by Joy.

Minutes approved 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

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

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

**February 5, 2025**

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

**The Consent Agenda consisted of the following items: Text Amendment 25001, Annexation 25001, Change of Zone 25004, Annexation 25002, Change of Zone 25005, Special Permit 20047A, Street and Alley Vacation 25001, Change Of Zone 25002, Pre-Existing Special Permit 23K, Special Permit 19021B, Special Permit 25004 and Special Permit 25005**

There were no ex-parte communications disclosed.

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

Campbell requested to remove SP25004 for public hearing.

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

Consent agenda approved 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

**SP25004 TO ALLOW FOR THE STANHULL SUBDIVISION CUP (COMMUNITY UNIT PLAN) FOR 3 DWELLING UNITS AND ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT 10500 S. 56TH STREET.**  
**PUBLIC HEARING:**

**February 19, 2025**

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation**

**George Wesselhoft, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated location is 10500 S 56<sup>th</sup> Street. This proposal is for an AGR CUP (Community Unit Plan) on approximately 14.5 acres.

The CUP includes one existing dwelling unit on South 56th Street, which is one of three proposed dwelling units. The other two new dwelling units would be located on lots off an extension of Aubree Avenue from the east. The CUP includes a concept for future urban buildout for the property once it is annexed and urban services become available.

The maximum density allowed for this AGR CUP based on the 14.5 acres is three dwelling units. This property falls within growth tier one, priority C, of the 2020-2050 Comprehensive Plan. This area is slated for development after 2036. The existing zoning is AGR, and since urban services and associated urban density zoning are not anticipated for at least another decade, it is appropriate to have an AGR CUP with provisions for future urban buildout.

The applicant requested five waivers, primarily related to height and lot requirements, such as setbacks and minimum lot sizes, as well as waivers concerning drainage and stormwater management. These requirements would be deferred until the area is urbanized—at which point city water and sewer services will be available, allowing for redevelopment to proceed.

Campbell asked, the future plan shows Millenium Lane will extend back to 56<sup>th</sup> street, why is it not required to be put in now for the two lots? His biggest concern is the additional traffic through their development by adding these lots. Is there some way to require that Millennium be installed as it becomes accessible?

Wesselhoft responded that street extension is conceptual, not proposed, if and when it would be urbanized. Currently, only two single-family dwellings will be added to the area to the east, which would minimally affect traffic.

Campbell asked if it could be required at this time or if it is conceptual.

Wesselhoft stated it is not proposed or required.

Campbell asked if the Planning Commission could request it in the future when this area comes back.

Wesselhoft stated the Commission can consider it again.

Feit asked if Aubree Avenue already comes through the area or if it would be an addition.

Wesselhoft stated it would be an addition.

**Applicant:**

**Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, on behalf of Heidi Hull,** came forward and stated the mailing that went out to the neighbors was confusing. It involved both the AGR plan and the future build-through plan, leading to some misunderstanding about the potential for multiple lots and a connection. They are extending Aubree to accommodate just two lots. They will go through the process of connecting to city sewer and water when those services become available,

Campbell stated he noticed the existing drive would disappear.

Eckert stated the driveway would be removed, and the property would get access to Millennium Drive. They will maintain their driveway access for now. When the owner decides to pursue further subdivision and city sewer and water become available, the existing driveway will be removed. The plan may change, but they would go through the public hearing process.

Campbell asked what direction the property drains, and where sewer and water would come from.

Eckert stated it mostly drains to the northwest. The sewer will come from Salt Creek and flow in that direction.

Joy asked when the property would be annexed, and what Tier. Wesselhoft stated it is Tier 1 Priority C and may be 10 years.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Joy.

Campbell stated, based on public comments, it is important to emphasize that these two lots are intended for family members, as indicated by the applicant. It makes sense to add two lots in this context.

Joy stated her concern was with increased traffic when more lots are added in the future, but that is part of the future plan and not required at this time. Any changes



would go through the public hearing process. She is content with the two lots being accessed through Aubree Lane.

Ryman Yost state she is pleased the Commission took a moment to review this, ensuring everyone understood the situation. Ryman Yost stated that she is in support based on the fact it meets land use requirements.

Campbell moved to approve, seconded by Joy. Motion carried 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

**TEXT AMENDMENT 25002, AMENDING LINCOLN MUNICIPAL CODE TO MODIFY THE H-2 ZONING DISTRICT TO BECOME A MIXED-USE DISTRICT SUPPORTIVE OF HIGH QUALITY DEVELOPMENT, INCLUDING AMENDMENTS TO 27.41 H-2 HIGHWAY COMMERCIAL DISTRICT, 27.06 USE GROUPS, 27.72 HEIGHT AND LOT REGULATIONS, AND THE CREATION OF A NEW DESIGN STANDARD FOR SIDEWALKS IN H-2 WITH ASSOCIATED UPDATES TO OTHER SECTIONS OF LINCOLN MUNICIPAL CODE THAT REFERENCE SIDEWALKS; ALONG WITH OTHER CHANGES WITHIN THE H (HEAVY COMMERCIAL) AND I (INDUSTRIAL) ZONING DISTRICTS TO PROVIDE MORE FLEXIBILITY AND STREAMLINE THE ORDINANCE; AMENDING 27.39 H-1 INTERSTATE COMMERCIAL DISTRICT TO REMOVE THE H-1 DISTRICT FROM THE ZONING ORDINANCE WHILE ALSO AMENDING ANY REFERENCE TO H-1 IN TITLE 27 AND OTHER SECTIONS OF LINCOLN MUNICIPAL CODE AND DESIGN STANDARDS; AMENDING 27.43 H-3 COMMERCIAL DISTRICT TO PROVIDE A NEW NAME AND DESCRIPTION WITH ASSOCIATED CHANGES TO 27.06 USE GROUPS AND 27.72 HEIGHT AND LOT REGULATIONS; AMENDING 27.45 H-4 GENERAL COMMERCIAL DISTRICT TO UPDATE THE DISTRICT DESCRIPTION, AND UPDATING 27.63 SPECIAL PERMITS TO STREAMLINE THE LIST OF USES IN THE PLANNED SERVICE COMMERCIAL SPECIAL PERMIT; AMENDING 27.51 I-3 EMPLOYMENT CENTER DISTRICT TO REVISE THE MINIMUM DISTRICT SIZE.**

**PUBLIC HEARING:**

**February 19, 2025**

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

### **Staff Presentation**

**David Cary, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE** came forward and stated this is a package of changes considered in the Planning Department for a

while. They identified the 48th and O area as an opportunity for more diverse investments, development, and redevelopment. The main goal is to allow for residential uses to occur in a true mixed-use fashion. This is the primary impetus behind our proposal, and additional related changes will accompany this plan.

**Tom Beckius, City Council Office, 555 S 10<sup>th</sup> Street, Lincoln, NE** came forward and stated this text amendment update will allow for increased density and create a more walkable, vibrant mixed-use environment in the district. Enhancing housing opportunities is a priority for the community, as highlighted in the Comprehensive Plan. The continuous review of the code by the Planning Department is essential for this initiative. Please reach out to Director Cary or himself with suggestions for adjustments.

**Paul Barnes, Planning Dept, 555 S 10<sup>th</sup> Street, Lincoln, NE** came forward and stated, the intent of this proposal is to create a mixed-use district that supports high-quality development by introducing residential uses. The goal is to ensure that this area features walkable, pleasant, and safe spaces for pedestrians.

They are incorporating residential uses into the H-2 district and removing some incompatible uses that are not in use in the H-2 district and are not compatible with residential areas. New streetscape design standards will be implemented in the H-2 district to enhance safety and walkability. They are revising the current alcohol separation requirements to align more closely with those of the B-2 and B-5 districts. The area in question is located at 48th and O Street. To the west, it is bounded by 40th Street, and to the east by O Street, extending south to Holdrege. They would be removing uses such as sexually oriented live entertainment, truck wash facilities, recycling, salvage operations, bottling works, and grinding shops. Currently, these uses are not present in the H-2 district, thus avoiding any potential legal non-conforming situations. New sidewalk design standards will be enforced during the redevelopment of properties or when the city undertakes major street projects. These standards will dictate that sidewalks be positioned at least 10 feet from the back of the curb, enhancing safety for pedestrians, cyclists, and drivers. This setback will also provide space for planting trees to beautify the area. In instances where space is limited, public access easements will allow for the sidewalk to extend partially or fully onto private property. The Urban Design Committee has reviewed this aspect of the project and unanimously supports its approval. They are updating the alcohol separation requirements to reflect those for the B-2 and B-5 districts. This change pertains to how to measure separation distances from residential areas or other protected uses, such as churches, daycare centers, and parks. One example: Fresh International Market on O Street is currently unable to sell alcohol, while the Hy-Vee grocery store across the street can. The proposed change will redefine how the alcohol setback is measured—from the door of the establishment rather than the building

edge—thereby allowing opportunities for businesses like Fresh International Market to sell alcohol. Another example is the True Hotel, which currently has restrictions on serving alcohol due to its proximity to a daycare. They are updating the name to better reflect its current use and treatment in the community, as it is no longer solely adjacent to highways. There will also be minor setbacks and use updates for the H3 district to make it more flexible, except when it borders residential uses. The H1 district will be deleted as it no longer exists in the community, while H4 will undergo minor text updates for the plan service commercial special permit—mainly a cleanup to align the uses listed in the code with those in the use tables, without changing the intended uses. This proposal aims to enhance the livability and functionality of the area while ensuring it meets modern community needs.

Campbell stated they allowed alcohol as permitted use anywhere in Village Gardens. Could they propose an amendment permitting alcohol use throughout the district? It would be difficult for housing to be near, on the 2<sup>nd</sup> or 3<sup>rd</sup> floor with restaurants below.

Barnes stated since residential uses are allowable within this H2- District, they would not need to impose a separation from alcohol sales near residential properties within H-2. Alcohol sales would be permitted in this new H-2 District, and the established protection and distance requirements would apply to other uses.

Feit asked if any businesses at 48<sup>th</sup> and O were involved in the discussion.

Barnes stated they did do outreach and held an open house at Culler Middle School last September. They notified all properties zoned H-2, as well as those proposed to be rezoned to H-2. The open house was held in the evening, from 5 to 7 p.m. Only one person attended, and they were not opposed to the proposals. They provided them with further information, and to his knowledge, they have not received any other opposition to date.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Joy.

Campbell moved to approve Text Amendment 25002; seconded by Joy. Motion carried 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

Campbell stated the Planning Department did a great job on this. Former Planning Commissioner and now City Councilman, Tom Beckius has strongly advocated for this type of initiative. The residential-commercial model has proven to be popular. People enjoy walking to restaurants and various stores, making it beneficial for the larger neighborhood.

Joy agrees with Campbell and loves the hard work. She will support it.

Feit agrees. Feit appreciates the ability to enhance neighborhoods, provide infill, and create more housing options. This encourages residents to walk rather than rely on vehicles, which aligns beautifully with our city's goals. Great job to the Planning Department.

**CHANGE OF ZONE 25001, TO REQUEST A CHANGE OF ZONE FOR PROPERTY SPLIT BETWEEN H-2, H-3 AND R-2 TO BE REZONED TO R-T (RESIDENTIAL TRANSITION) ON PROPERTY GENERALLY LOCATED AT 1045 N 35TH STREET.**

**PUBLIC HEARING:**

**February 19, 2025**

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation**

**Jacob Schlange, Planning Department, 555 S. 10th Street, Lincoln, NE** came forward and stated this is related to the H-2 package. A review was done of other properties outside of the 48<sup>th</sup> and O. There were two, and this is one of them. This specific property is approximately 0.72 acres and is split-zoned between H-2, R-2, and H-3. The proposed zoning change will convert it to Residential Transition (RT) zoning. Historically, this property was located north of a railroad that ran through the area. There has been an industrial presence here for some time, with a lumber yard operation to the south in the H-3 zoning district. The H-2 zoning is a remnant of this more intensive commercial use. Previously, a printing shop operated on this site, but to his knowledge, there is currently no business operating there. The RT zoning is proposed to provide a buffer between the heavier commercial activities to the south

and the surrounding neighborhood, which is zoned R-2 to the northwest and east of this property. RT zoning would still permit some commercial activities, office uses, and personal services, while also allowing for low-density residential housing.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Joy

Campbell moved to approve Change of Zone 25001; seconded by Joy. Motion carried 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

Campbell stated this change brings things into better compliance and creates a clearer understanding, as having three different zoning classifications on one property does not make sense.

Ryman Yost stated she appreciates the Planning Department's comprehensive approach to reviewing these areas in our community. Ryman Yost enjoys driving around the city and witnessing vibrant businesses and thriving residential communities, thanks to the efforts of the Planning Department and city government. Ryman Yost fully supports this, along with the rest of the package.

**CHANGE OF ZONE 25003, TO CHANGE THE ZONE FROM B-1 & B-3 TO H-2 FOR VARIOUS PROPERTIES GENERALLY LOCATED ALONG 48TH & O STREET, IN THE AREA BETWEEN N 44TH STREET AND N 52ND STREET AND BOUNDED ON THE NORTH SIDE OF N 48TH STREET BY Y STREET AND ON THE SOUTH BY S 48TH AND M STREET; AND TO CHANGE THE ZONE FROM B-3 TO P PUBLIC ON THE PROPERTY LEGALLY DESCRIBED AS OUTLOT B, PHOENIX ADDITION.**

**PUBLIC HEARING**

**February 19, 2025**

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

### **Staff Presentation**

**Jacob Schlange, Planning Department, 555 S. 10th Street, Lincoln, NE** came forward and stated this proposal involves a change of zone from B-1 and B-3 to H-2 for multiple properties in the area roughly bounded by 44th Street to the west, 52nd Street to the east, Y Street to the north, and M Street to the south. One property currently zoned B-3 will be rezoned to P (Public) and is overseen by the Parks Department. In total, this area is approximately 31.4 acres. Four of these areas are currently zoned B-3, and three are zoned B-1. All of these are commercial areas. The proposed change of zone will not alter how businesses in this area currently operate. It will facilitate future development in residential uses while creating a more cohesive H-2 district by unifying all these areas. Many of the B-1 and B-3 zones were previously changed from H-2 to reduce the parking requirements, but the parking requirement for H-2 was removed last year. Currently, neighboring areas are subject to different parking requirements, which this change will simplify.

### **Proponents:**

No one approached in support.

### **Neutral:**

No one approached in a neutral capacity.

### **Opposition:**

No one approached in opposition.

Campbell moved to close the public hearing; seconded by Joy.

Campbell moved to approve Change of Zone 25003; second Joy. Motion carried 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

Campbell stated he credits the Planning Department for pulling this together and making it more cohesive.

Campbell moved to adjourn the Planning Commission meeting of February 19, 2025; seconded by Joy. Motion carried 6-0: Campbell, Cruz, Ebert, Feit, Joy and Ryman Yost voting 'yes'. Ball, Eddins, and Rodenburg absent.

There being no further business, the meeting was adjourned at 1:57 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  
Special Permit #25008

FINAL ACTION?  
No

DEVELOPER/OWNER  
TMCO Investments, Inc.

PLANNING COMMISSION HEARING DATE  
March 5, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
921 S. 6<sup>th</sup> Street

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit to allow an Early Childhood Care Facility at 921 S. 6<sup>th</sup> Street. The site is zoned R-4 Residential and totals approximately 30,280 square feet. The applicant, TMCO Investments Inc., located on to the north of this site, has submitted this request to allow a daycare facility for up to 30 children, which will be limited to children of TMCO employees. With this request the applicant has included associated waivers to required setbacks for the buildings on site.



#### JUSTIFICATION FOR RECOMMENDATION

The request for an early childhood daycare facility is compatible with the conditions allowing the occupancy to be in relation to TMCO, Inc. The site will be located near the TMCO location with a permit time limit of 5 years. The site will consist of three buildings, with the structures for daycare and playground be located on the eastern edge to increase the distance from the existing railroad line. The requested waivers related to setbacks are compatible as it will allow flexibility with the site layout and for the buildings to align with the existing structures in the neighborhood along the street. A waiver to allow more than 21 children while located on a local street is justified as the site is near a larger employer, middle school and city park.

#### APPLICATION CONTACT

Cristy Joy, (402) 429-7150 or  
[cjoy@archi-etc.com](mailto:cjoy@archi-etc.com)

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

#### WAIVERS

1. To LMC 27.72.020(a) to reduce the front yard setback from 25 feet to 10 feet on F Street. (Recommend Approval)
2. To facilities with thirty-one or more children shall be located on a collector or arterial street. (Recommend Approval)

## 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. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

### Policies Section

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

#### Action Steps

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

## ANALYSIS

1. This is a request for a special permit to allow an early childhood daycare facility located at 921 S. 6<sup>th</sup> Street. The site is approximately 30,280 square feet and zoned R-4 Residential. The special permit will allow a maximum of 30 children approved for a period of five years. After five years from the approval date has passed, the use would no longer be allowed unless a new application as submitted for review, or the daycare facility was relocated and the temporary buildings were removed.
2. The property is surrounded by a mix of uses, with the existing TMCO site zoned I-1 Industrial to the north. Park Middle School and Cooper Park are located to the east, zoned P Public. To the south is single family residential



zoned R-4 Residential. To the west is a vacant R-4 Residential property owned by TMC0 which abuts the railroad line along the west side.

3. The Lincoln Municipal Code Chapter 27.63.070 allows for a special permit for early childhood care facilities in the R-1 through R-8 Residential zoning districts when the number of children exceeds 16 or more. Shown on the site plan, TMC0 has purchased the property within the special permit boundary where they will operate a childhood care facility for up to 30 children which will be limited to the children of TMC0 employees. This is being provided as an additional benefit for the employees of TMC0 to assist with accessible childhood care that is close to the parent's workplace. With this restriction, this will not allow outside individuals not associated with TMC0 to utilize the daycare facility.
4. The site currently has an existing single family dwelling located at the southwest corner of S. 6<sup>th</sup> Street and F Street. The dwelling will be demolished to allow the new layout of the site which includes three temporary structures to be moved on site. Of the three structures, two located on the eastern side of the site will serve for childcare space shown as Buildings 1 & 2 on the site plan. The third structure titled Building #3 located to the west will serve as a kitchen for food preparation and office space for staff. A fenced outdoor play area will be added between the childcare building #1 and building #3 serving as kitchen and office space. As part of the application the applicant requested a waiver to the Neighborhood Design Standards. It was determined during the review of the application this waiver would not be needed as the facility layout and renderings provided were sufficient to meet the Neighborhood Design Standards at the time of building permit. The applicant is requesting the following waivers as part of the special permit and site layout:
  - a. LMC 27.62.020(a) to reduce the front yard setback from 25 feet to 10 feet along F Street.

This waiver is justified as it will allow flexibility with the structures on site to move east, closer to F Street, matching the 10-foot setback along S. 6<sup>th</sup> Street. This flexibility allows for more buildable area with the goal to increase the distance from the railroad tracks to the west which is supported by the Lincoln/ Lancaster County Health Department. On this block, there are no existing homes facing F Street between S. 5<sup>th</sup> & S. 6<sup>th</sup> Street on both the north and south side of F. Street. This reduction is compatible with the surrounding neighborhood as many of the existing dwellings have a 10-foot front yard setback and front porch extending out to the front property line. The site will meet all other R-4 setbacks including a 10' corner front yard along S. 6<sup>th</sup> Street, 5' side yard along the south property line, and 30' rear yard setback on the west property line.
5. With the review for a childhood care facility, the Lincoln-Lancaster County Health Department has been part of the initial application process as the location is within 300 feet to both the I-1 Industrial zoning district to the north and an active railroad line along S. 5<sup>th</sup> Street to the west. The Comprehensive Plan encourages uses which are considered to be vulnerable, such as a daycare facility, should be located no less than 300 feet from I-1 zoning, railroad tracks and pipeline areas. With this layout, the closest building allowed for childcare, Building #1 shown on the site plan will be approximately 285 feet and playground at 261 feet from the railroad tracks to the west. Both Buildings 1&2 will be located approximal 282 feet from the existing I-1 Industrial zoning to the north where TMC0 is located today. Within this review the Health Department has worked with the applicant regarding additional conditions that will be required in order to support this request including locating the structures which will be occupied by children on the east side of the property, creating a larger distance to the railroad line. The applicant will be required to provide an Emergency Response Plan and an emergency shut off switch for the HVAC system before gaining approval for occupancy at the time of building permit. Additionally, with the facility being owned and operated by TMC0, the restriction that only children of TMC0 employees will ensure parents are within close proximity to the daycare site to assist in evacuation if needed and is aware of the active uses on the TMC0 property and railroad tracks.
6. The Special Permit criteria pursuant to 27.63.070 include the following:
  - (a) **The application shall be accompanied by the following information:**
    1. **The number of children and number of staff members on the largest shift.**

The organization is requesting a maximum occupancy of 30 children with a total of 6 staff. The site will have a total of three buildings, two which will be occupied by children during the daycare hours of operation.
    2. **A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.**

The applicant did provide a site plan showing the proposed buildings which will brought to the site, parking

layout, and playground location. The facility will utilize a new parking area on site with access from F Street. The loading and unloading of children will occur on the west side of the structures into the main entrance of the childcare facility. The play area will be located in the middle of the facility, between the childcare facilities and structure used for a kitchen and staff office space.

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

This location is within the R-4 Residential district. A conversion plan is not being required with this application as the special permit will have a time limit of five years as the buildings are proposed to be temporary structures. Once the five-year period is done, the buildings would need to be removed, or a new special permit applied for if a permanent structure was going to be constructed.

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

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

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

The applicant is requesting a waiver to this requirement as the permit would allow up to 30 children, with the site accessed off of F Street which is a local residential street. This request is supported as the site will be utilized by TMC O employees already on site north of F Street, along with close proximity to Park Middle School and Cooper Park.

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

The site will provide a 1,508 square foot play area surrounded by a 6-foot-high fence. No waivers are being requested or required for the existing playground space. In addition, the Conditions of Approval include the requirement for installation of a 6-foot-high opaque fence along the south of the site on the property line shared with the existing residence at 925 S. 6<sup>th</sup> Street. This addition screening will provide an addition visual buffer between the exiting home and daycare structures and playground.

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

The required parking at this location is sufficient as the site will provide 10 parking spaces. The proposed maximum occupancy is 30 children with 6 staff members. 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 the site to provide nine spaces which will be met with 10 total spaces being shown.

- 7. The request is compatible with the existing neighborhood including a mix of residential, industrial and public uses, along with goals within the 2050 Comprehensive Plan as the site is shown for future urban residential. This designation allows a mix of both residential and compatible uses, such as an early childhood care facility. The location will be adding an additional benefit to an employer and associated employees within the neighborhood by providing childhood care which is accessible and within close proximity to the place of employment. This request meets initiatives of the Comprehensive Plan by encouraging growth of new childhood care facilities with continued education for daycare providers related to the health and safety of at the facility including climate related health emergencies, heat events, air pollution events, floods, and evacuation plans.**

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single Family Residence, R-4 Residential

**SURROUNDING LAND USE & ZONING**

North: TMCO	I-1 Industrial
South: Single Family Dwelling	R-4 Residential
East: Park Middle School / Cooper Park	P Public
West: Vacant / Railroad Tracks	R-4 Residential

**APPROXIMATE LAND AREA:** 30,280 square feet, more or less

**LEGAL DESCRIPTION:** Lots A & B North 94' & Lot C, Wiederspans Subdivision, and Lots 7-8, Block 174, Lincoln Original, Lincoln, Lancaster County, Nebraska.

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

Date: February 20, 2025

Contact: Cristy Joy  
Architectural Etc.  
2436 N. 48<sup>th</sup> Street  
Lincoln, NE 68504  
(402) 429-7150  
[cjoy@archi-etc.com](mailto:cjoy@archi-etc.com)

Applicant/  
Owner: TMCO Investments, Inc.  
Anwar Rida  
701 S. 6<sup>th</sup> Street  
Lincoln, NE 68508  
(402) 742-8101  
[arida@tmcoinc.com](mailto:arida@tmcoinc.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/25000/SP25008 TMCO Early Childhood Care.bmc.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #25008

Per Section 27.63.070 this approval permits an early childhood care facility for up to 30 children for a period of 5 years from date of approval with the following waivers:

1. To LMC 27.72.020(a) to allow a 10-foot front yard setback along S. 6<sup>th</sup> Street.
2. To allow a facility with more than 21 students to be located on local residential street.

### Site Specific Conditions:

1. Before receiving building permits (if no final plat is required) or before a final plat is approved (if final plat is required) the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 Add the following notes to Sheet 1:
    1. Special permit for early childhood care facility expires five years from date of approval.
    2. Maximum of 30 students permitted. Parking is based on six staff on site, including staff in the kitchen and office space.
    3. Front yard along S. 6<sup>th</sup> Street reduced to 10 feet to increase the distance from railroad tracks to the west.
    4. Required conversion plan: If the early childhood care facility ceases to operate for a period of twelve months or more, all buildings and the parking lot will be removed within six months. Site will then be available for a residential use.
    5. City Council waives requirement that facility with 21 to 30 children be located on a collector or arterial street.
    6. A 6-foot opaque fence shall be installed along the south property line abutting the neighboring residence at 925 S. 6<sup>th</sup> Street.
  - 1.2 Clearly identify the boundary of the special permit on Sheet 1.
  - 1.3 List the two approved waivers for a reduced front yard and facility with more than 21 children on the cover sheet.
  - 1.4 Identify the 10-foot front yard and corner front yard setback on site plan.
  - 1.5 Delete Sheet A2.00, A3.10, from the submittal.
  - 1.6 Renumber Sheets 1, 2, 3, etc.
  - 1.7 Submit an Emergency Response Plan for review and approval to the satisfaction of Lincoln-Lancaster County Health Department.
  - 1.8 Add a general note, "if grading on site disturbs more than one acre of land, Water Quality Requirements will be required at the time of building permit."
  - 1.9 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 Building & Safety Department prior to installation".

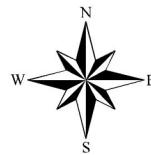
### Standard Conditions:

2. The following conditions are applicable to all requests:
  - 2.1 Before a building permit can be approved on site, a consolidation final plat is required to be approved and filed with the Register of Deeds.
  - 2.2 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.
  - 2.3 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.
  - 2.4 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.
  - 2.5 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 2.6 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



2024 aerial

**Special Permit #: SP25008**  
**S 6th St & F St**



## Zoning:

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

One Square Mile:  
 Sec.26 T10N R06E

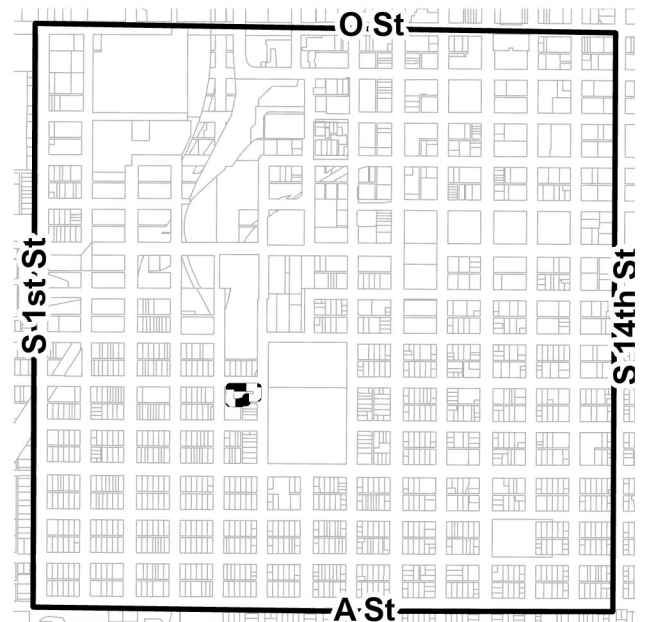
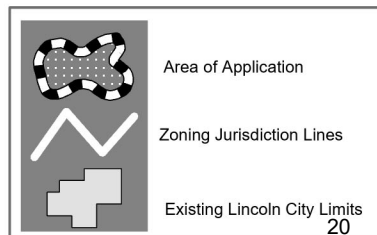




Figure 27.67.020 PARKING MATRIX								
Parking Spaces Required								
Zoning Districts	Single- and Two-Family Dwellings			Multiple Family Dwellings (c)		Office/Retail/Commercial Uses		
	1 per dwelling unit	1.75 per dwelling unit	2 per dwelling unit	1 per dwelling unit	1.5 per dwelling unit	1 per 600 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.
R-2			•		•			
R-3			•		•			
R-4			•		•			
R-5		•			•			
R-6		•			•			
R-7	•			•				
R-8	•			•			•	
R-T	R-T District: There is no required parking in the R-T District.							
O-1	O-1 District: There is no required parking in the O-1 District.							
O-2	•			•				•
O-3	O-3 District: There is no required parking in the O-3 District.							
B-1	•			•				within 300'
B-2	B-2 District: There is no required parking in the B-2 District.							
B-3	within 300'			within 300'		within 300'		
B-4	B-4 District: There is no required parking in the B-4 District.							
B-5	B-5 District: There is no required parking in the B-5 District.							
H-1	H-1 District: There is no required parking in the H-1 District.							
H-2	H-2 District: There is no required parking in the H-2 District.							
H-3	H-3 District: There is no required parking in the H-3 District.							
H-4	H-4 District: There is no required parking in the H-4 District.							
I-1	I-1 District: There is no required parking in the I-1 District.							
I-2	I-2 District: There is no required parking in the I-2 District.							
I-3	I-3 District: There is no required parking in the I-3 District.							

a. Refer to Figure 27.67.040 of the Lincoln Municipal Code for a list of uses with special parking requirements.  
Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number as per Section 27.67.030(e) of the Lincoln Municipal Code.

b. In zoning districts that allow parking within a certain separation distance, the separation distance shall be measured from the nearest point of the parking lot that contains the required parking stalls.

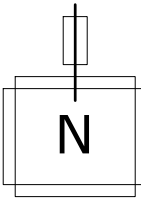
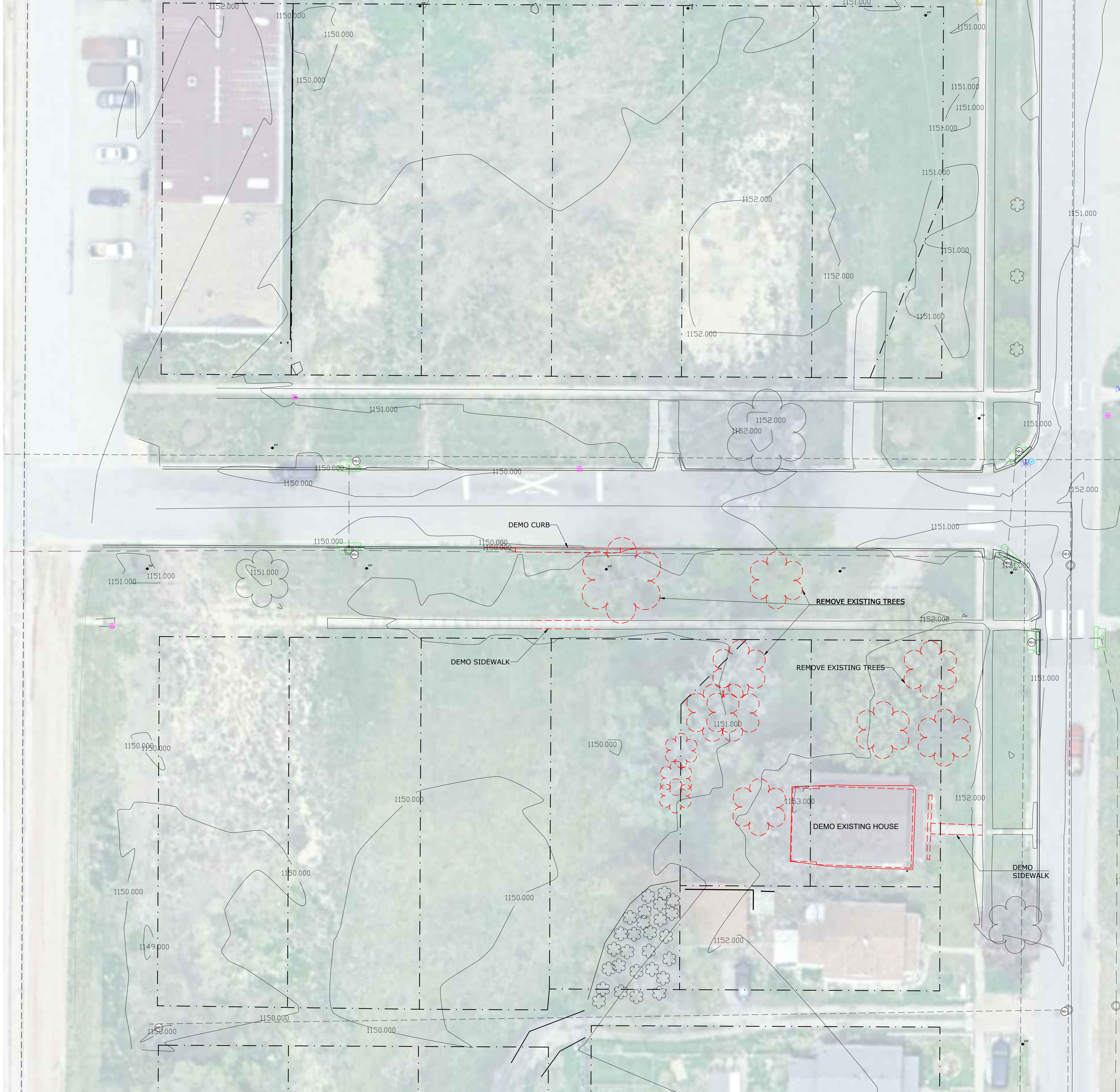
c. Multiple Family Dwellings does not include any use already addressed in 27.67.040 Parking Requirements; Special Conditions.

a. See Section 27.72.070 (c).

SCALE: 1"=100'-0"

A1.01





A 1  
A1.00

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

Preliminary  
not for  
construction

24-143

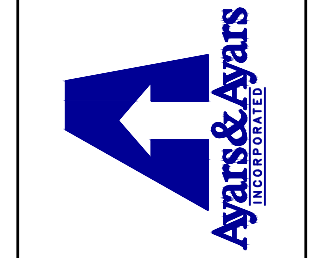
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A1.00

NEW BUILDING  
TMCO DAYCARE/PRE-SCHOOL  
921 S. 6TH STREET  
LINCOLN, NE 68508  
DEMO SITE PLAN

Date Started:  
12/10/24

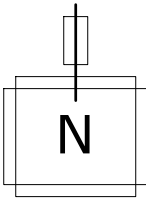
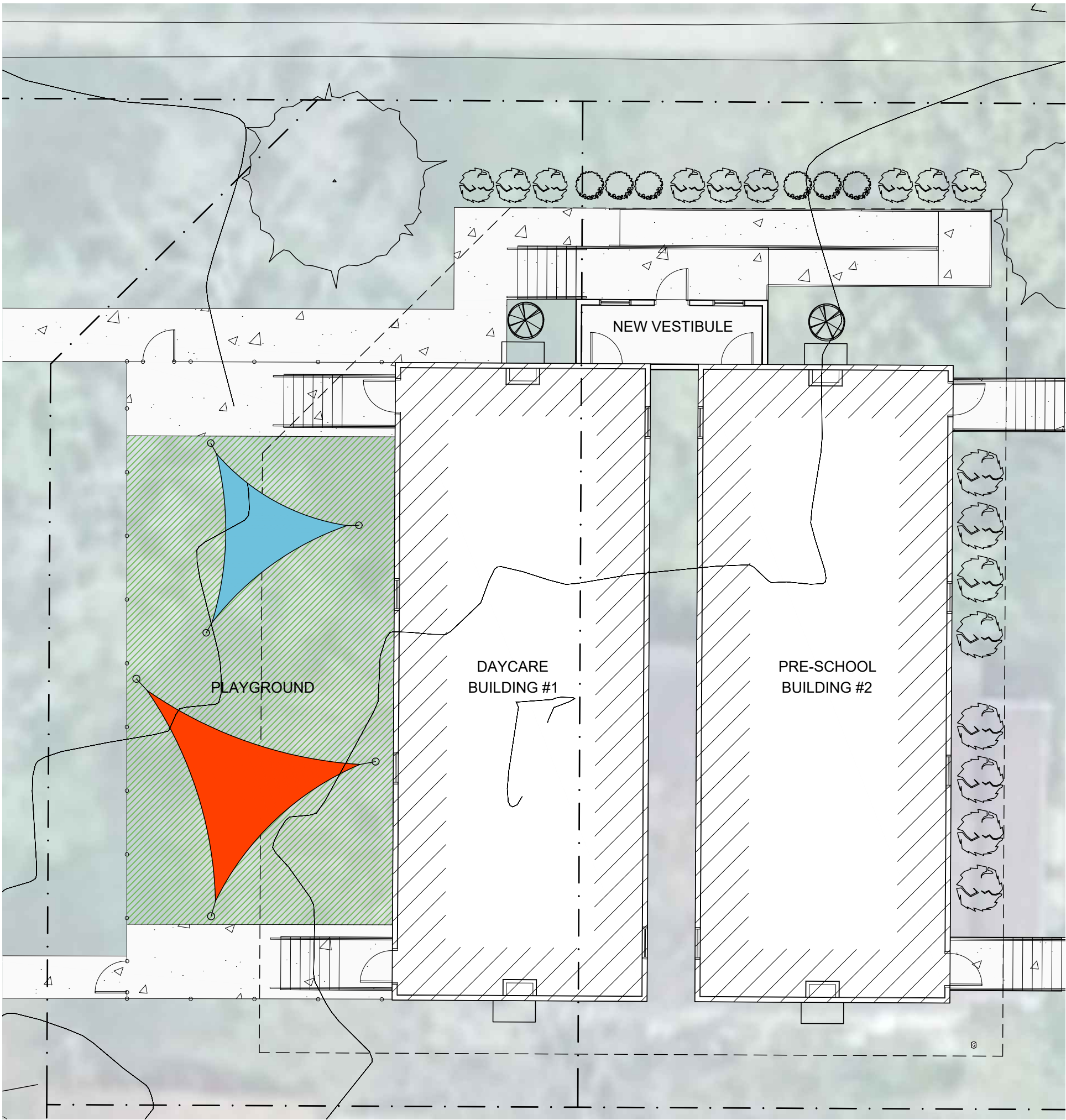
Ayars & Ayars, Inc.  
2436 N 48th Street  
Lincoln, NE 68504  
PH: 402.464.6604  
FX: 402.464.6810  
www.ayarsayars.com



ARCHITECTURE ETCETERA  
2436 N 48th Street  
Lincoln, NE 68504  
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FX: 402.464.6810  
www.etceteraarch.com

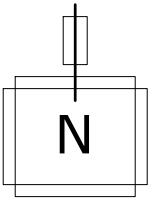
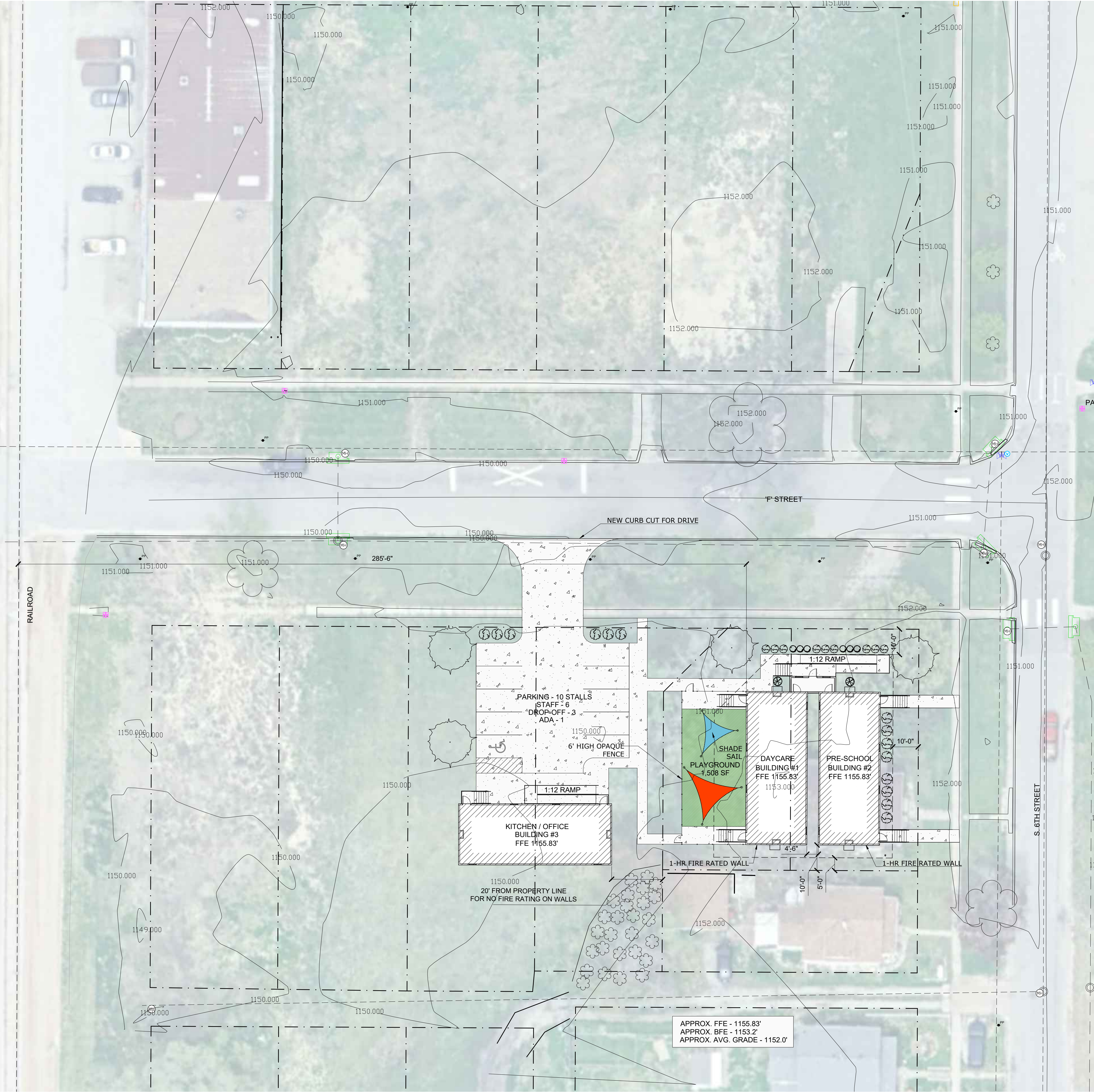
ARCHI + ETC. LLC  
ARCHITECTURE ETCETERA  
ARCHITECTURE ETCETERA  
CERTIFICATE OF  
AUTHORIZATION:  
CA1716





A 1  
A1.01

ENLARGED PLAN  
SCALE: 1"=10'-0"

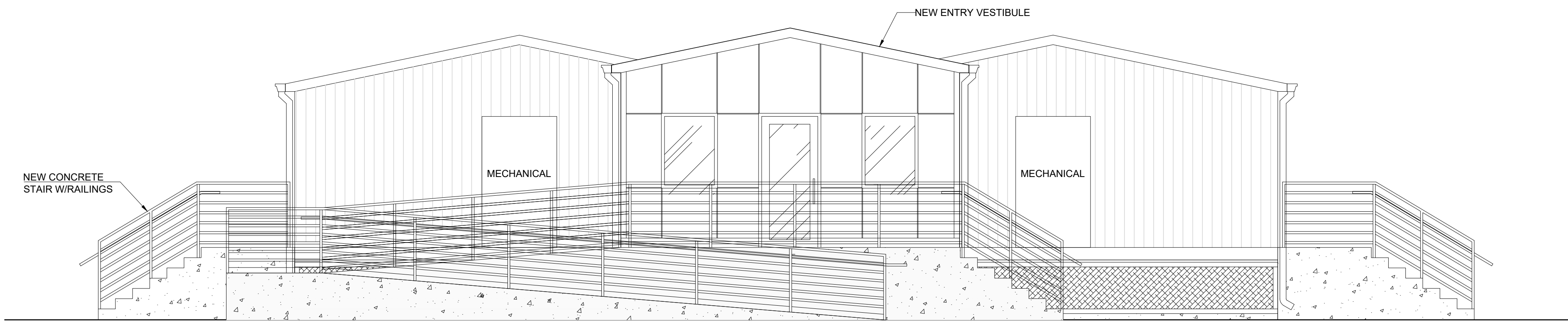


A 1  
A1.01

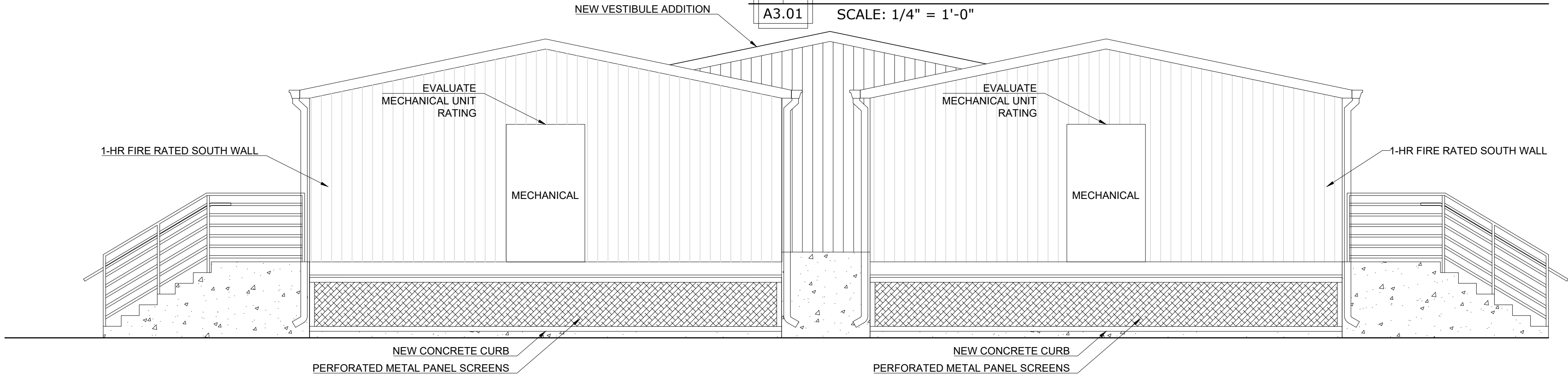
SITE PLAN  
SCALE: 1"=20'-0"

Preliminary  
not for  
construction

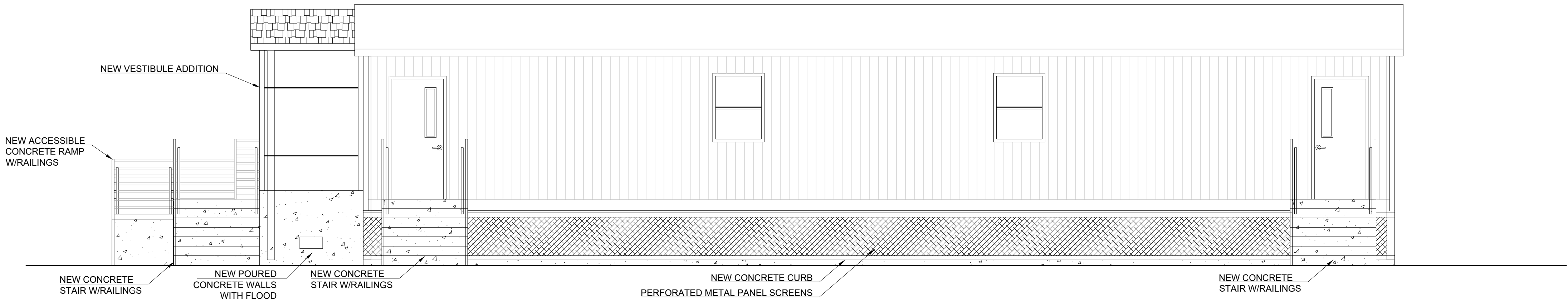




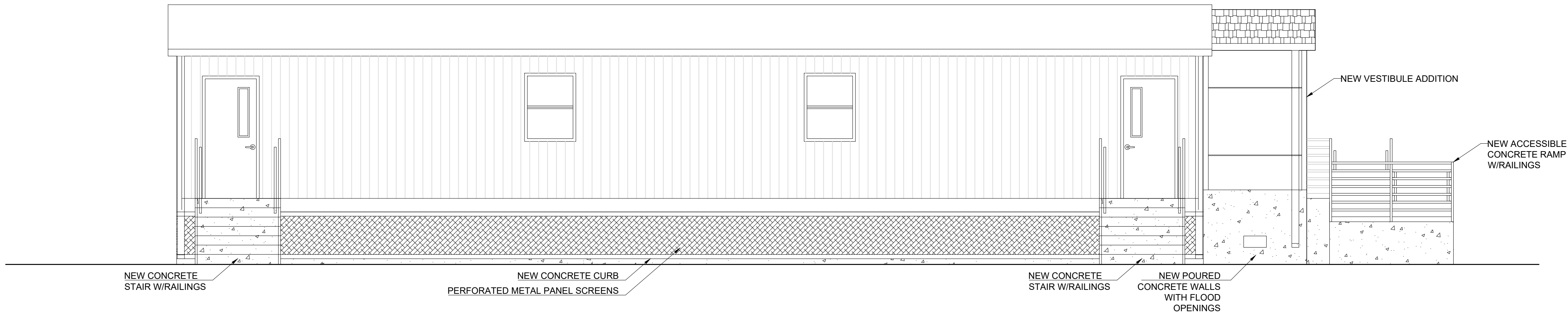
**NEW NORTH ELEVATION - BUILDING #1 & #2**  
SCALE: 1/4" = 1'-0"



**NEW SOUTH ELEVATION - BUILDING #1 & #2**  
SCALE: 1/4" = 1'-0"



**NEW WEST ELEVATION - BUILDING #1 & #2**  
SCALE: 1/4" = 1'-0"



**NEW EAST ELEVATION - BUILDING #1 & #2**  
SCALE: 1/4" = 1'-0"

February 5, 2025

Mr. David Cary, Planning Director  
Attn: Mr. Ben Callahan, Planner  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

RE: Special Permit for Early Childhood Care Facility

Dear David,

On behalf of TMCO INVESTMENTS LLC, we are submitting this application for a special permit to allow for an Early Childhood Care Facility to be generally located at 921 S. 6<sup>th</sup> Street (Parcel ID: 1026310011000). The purpose of this facility is to serve children of TMCO employees creating a safe and more convenient environment for TMCO families. TMCO has served as a great community partner over the years, and this project will be yet another enhancement to TMCO's already great relationship with the neighborhood. An acquisition of additional property (PARCEL ID: 1026310012000) and consolidation of lots will occur for the development of this project. Existing Lots A & B to be consolidated with Lots 7, 8 & C for this project. The total size of this combined property will be +/- 0.7 acres. Below are the requests that the client is asking for this special permit:

- 5 Year Limit on Special Permit
- Maximum for up to 30 Students/Children and 6 staff at the licensed facility
- Request a front yard setback reduction along S. 6<sup>th</sup> street from 25' to 10' in order to match the existing neighboring buildings in the R-4 zone
- Request to waive the Neighborhood Design Standards for this facility
- Allow the facility to be located closer than 300' from the existing railroad tracks
- Allow the facility to be located closer than 300' from an Industrial Zone

Thank you for taking the time to review and consider this request for a special permit. Please feel free to contact me or our team with any questions or comments.

Best Regards,



Cristy K. Joy, AIA NCARB LEEP AP  
Architect of Record: NE A-2535  
Coordinating Professional: NE-2535  
Cell: (402) 429-7150  
Email: cjoy@archi-etc.com