

## 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, August 24, 2021.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, September 1, 2021, 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 IN ATTENDANCE:** Lorenzo Ball, Dick Campbell, Tracy Corr, Tracy Edgerton, Cristy Joy and Cindy Ryman Yost; Dennis Scheer absent; 8<sup>th</sup> and 9<sup>th</sup> Seats Vacant; Steve Henrichsen, Tom Cajka, Stephanie Rouse, Geri Rorabaugh and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

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

Edgerton requested a motion approving the minutes for the regular meeting held August 18, 2021. Motion for approval made by Campbell, seconded by Joy and carried 6-0: Ball, Campbell, Corr, Joy Ryman Yost and Edgerton voting 'yes'; Scheer absent.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

**SEPTEMBER 1, 2021**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

**The Consent Agenda consisted of the following items: Change of Zone 21030, Change of Zone 21031, Comprehensive Plan Conformance 21017 and Special Permit 21033.**

Item 1.1 – Change of Zone 21030, was removed from the Consent Agenda for a separate hearing and action.

Joy declared a conflict of interest on Special Permit 21033.

There were no ex-parte communications disclosed.

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

Campbell moved approval of the remaining Consent Agenda items, seconded by Ball and carried 5-0: Ball, Campbell, Corr, Ryman Yost and Edgerton voting 'yes'; Joy declaring a conflict of interest; Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 21033** unless appealed by filing a letter in the Office of the **City Clerk within 14 days.**

Chair Edgerton called for **Request for Deferral.**

**SPECIAL PERMIT 21032**  
**TO ALLOW FOR AN ADU (ACCESSORY DWELLING UNIT), ON PROPERTY GENERALLY LOCATED**  
**AT 15525 SOUTH 176TH STREET**  
**BEFORE PLANNING COMMISSION:** **SEPTEMBER 1, 2021**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

Staff Recommendation: Two-week deferral

Clerk stated that Item 2.1, Special Permit 21032, should have been advertised as final action by the Planning Commission and staff is recommending a deferral for public hearing and action on September 15, 2021, in order to appropriately re-advertise the public hearing notice as final action.

Corr moved to grant the request for a 2-week deferral for public hearing and action on September 15, 2021, seconded by Joy and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**CHANGE OF ZONE 21030**  
**FROM O-2 (SUBURBAN OFFICE DISTRICT) TO B-3 (BUSINESS DISTRICT), ON PROPERTY**  
**GENERALLY LOCATED AT 4821 LOWELL AVENUE**  
**PUBLIC HEARING:** **SEPTEMBER 1, 2021**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

Staff Recommendation: Approval

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

**Staff Presentation:** **Stephanie Rouse, Planning Department, 555 South 10<sup>th</sup> Street,** came forward and stated that this is a request for a change of zone from O-2 Suburban Office District to B-3 Business District. To bring the portion of the parking lot on the O-2 zoned lot into

compliance, the change of zone to B-3 is requested. To the north of this site is a church and parking lot, multi-family is to the south, and O-2 zoning is to the east. If approved, one O-2-zoned lot would remain to buffer the residential district to the east from the newly zoned B-3 lot. The B-3 zoning at this location is adjacent to existing B-3 zoning along S. 48th Street and would allow for continued use of the existing buildings without negatively impacting the surrounding neighborhood.

Corr asked if the existing house was located on the lot. Rouse stated that it is a part of the same parcel and that there are two lots. Corr stated that this is a house and not an office or an office building and asked if any other zoning like RT (Residential Transitional) was considered for this. Rouse shared that she was unsure if parking lots could be used as a primary use and that B-3 seems the most logical choice given that there is B-3 adjacent to it. Corr stated that going from O-2 to B-3 is a big transition for the neighbors and she would like to find a way to lessen the impact by putting rules on the B-3. Corr stated that this has happened because the parking lot was created without having permission first and she would like to try to meet in the middle on this. Rouse stated that a conditional zoning agreement for B-3 zoning could be done and they would need a 2-week deferral to research and come up with a conclusion. She stated that they could also do a special permit for the parking lot as a primary use, because it is not an allowed use in the O-2 without a special permit.

Campbell asked if a special permit for the parking lot would leave the zoning as O-2. Rouse said yes. Corr stated that she would want to protect the house on this lot because if the business moves in the future, the house could revert back to a dwelling unit. Campbell inquired if a dwelling unit could be in an O-2 zone property. Rouse said yes but not on B-3 zoned property.

Joy asked if there was a reason that a special permit for this O-2 zone area was not considered. Rouse stated that B-3 is a long-term solution and would allow the property owner to do an expansion in the future.

**Applicant:**

**Lorele Lesoing, 4800 Bridle Lane,** came forward and stated that they applied for a building permit to update the small parcel behind the loft, which is when they found out that the lots were zoned differently. Lesoing stated she wanted to correct a statement that was made earlier and explained that when she applied for a building permit for the loft, she was told she needed to pour the parking lot in order to comply with that building permit. Lesoing stated that she was informed by Building & Safety that the only way to get this fixed would be to apply for a zoning change. Lesoing stated that she only did what she was told to do by Building & Safety.

Campbell asked if the applicant would be willing to get a special permit to allow for the parking lot. Lesoing said yes and that she is just trying to get this resolved so that she can move forward. Lesoing stated that her only objection would be to delay this project from moving forward.

Corr asked Ms. Lesoing if she would be open to a 2-week delay on this, because she is unable to support this application as is and it would take the Planning Department time to come up with conditions. Lesoing stated that she could live with a 2-week delay but would rather not.

**Proponents:**

No one came forward in support.

**Opponents:**

1. **John Cartier, attorney, 6715 Bethany Park Drive**, came forward and stated that he is representing his brother who owns the two adjoining properties in the O-2 District. He stated that going from O-2 to B-3 would seriously impact the residential character of this district. The biggest issue that would impact the surrounding properties is the zero setback. In the future, the property could be sold and the new owner could build on the property line. Having a zero setback would also harm property values in the neighborhood. Cartier explained that there could be a reallocation for parking in the area to include that building. He stated that they are willing to work with the current owner.

Campbell asked if Mr. Cartier would be against a special permit. Cartier said that they would not be against it and they want to work with the owner to continue their good relationship.

**Staff Questions:**

Corr stated that she wanted to verify that the side setbacks for B-3 were zero. Rouse said correct. Corr asked if they could do parking agreements with stalls that are close to the building. Rouse said yes, but the applicant would need to remove the concrete from the O-2-zoned property because those stalls could not be used for the business. The Planning Department would then need to look at the existing businesses and the stalls that they are required to have and see if there were any additional stalls. Corr stated that the applicant could have shared parking with another business if the stalls were available. Rouse said yes.

Ryman Yost stated that the applicant would still need to tear up the parking lot and the neighbors do not seem to have a problem with the parking lot; she asked if that was correct. Rouse said correct.

Corr stated that the applicant only did the parking lot because Building & Safety told her to. Rouse said correct and that it was part of the building permit for the renovation of the loft, which is the primary building, and that is when the original stalls were poured for that use. **Steve Henrichsen, Planning Department, 555 South 10<sup>th</sup> Street**, came forward and asked the board not to speculate on what Building & Safety did or did not do unless they are here to answer questions. Corr stated that she brought this up because someone from the city had told the applicant to do this.

Corr stated that they need to think outside the box and not just convert this to B-3 when there are several other options available. She stated that this should have been addressed before the concrete was ever put in. Campbell asked what would be required to change this to a special permit. Rouse stated that it would be a 4-week delay and a new application for a special permit. Corr stated that they could also delay this for just two weeks and do a conditional zoning agreement with conditions that are O-2 in nature but for B-3. Rouse said correct.

Ball asked if they do the conditional zoning agreement, how this would affect future uses and if they would need to apply for a change of zone in the future. Rouse stated that if it was B-3, it would be limited to whatever uses were allowed in that zoning and if they wanted to do a single-family dwelling, they would need to go back in for another zoning change. Corr stated that it would be the best of both worlds because with the B-3 zoning with conditions, the applicant could have the parking lot and this would also protect the neighbors because they could add conditions like the setbacks that an O-2 would have.

Edgerton stated that this board needs to take action on what is before them today and the applicant can work with the city on what they think is the best next step.

**David Cary, Planning Director, 555 South 10<sup>th</sup> Street**, came forward and stated that if the commissioners feel like a 2-week delay is appropriate to discuss further what could be part of a zoning agreement, that is something that could be done today and the board would not need to approve or deny the change of zone today. As mentioned by Ms. Rouse, the special permit would be another application and a 4-week delay, but it is a viable option as well.

**Applicant Rebuttal:**

Lesoing stated that she wanted to be clear on the surrounding parking and that she has had discussions with DaVinci's on renting stalls from them and they have no interest in renting out any of their stalls. She stated that she wanted to be the neighbors that DaVinci's wanted them to be. They put up a "Parking in the Back" sign and planted trees to discourage patrons from parking in DaVinci's stalls. Lesoing stated that they do currently lease stalls from one of their tenants. Lesoing asked if a setback could be added into the agreement. Corr said that is what they have been discussing. Lesoing shared that she would not be in opposition to conditions being added so that she could keep the parking lot. Corr thanked Ms. Lesoing for sharing information on the current parking for the area.

Campbell moved to close the public hearing, seconded by Joy and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**CHANGE OF ZONE 21030**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 1, 2021**

Campbell moved to defer for two weeks, seconded by Corr.

Campbell stated that the board needs to give the Planning Department time to construct something that will meet the needs of everyone involved.

Corr stated that she appreciates the applicant sharing about the current situation and how it has evolved. Corr also thanked the neighbors for coming forward and sharing with the board. Corr stated that the goal is to find something that works for all involved.

Motion carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting ‘yes’; Scheer absent.

**CHANGE OF ZONE 21028  
FROM H-1 (INTERSTATE COMMERCIAL) TO H-4 (GENERAL COMMERCIAL), ON PROPERTY  
GENERALLY LOCATED AT 4800 WEST O STREET  
AND  
SPECIAL PERMIT 21029  
FOR PLANNED SERVICE COMMERCIAL WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY  
LOCATED AT 4800 WEST O STREET**

**PUBLIC HEARING:** **SEPTEMBER 1, 2021**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

<b><u>Staff Recommendation:</u></b>	Change of Zone	Conditional Approval
	Special Permit	Conditional Approval

There were no ex-parte communications disclosed.

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

**Staff Presentation:** Tom Cajka, Planning Department, 555 South 10<sup>th</sup> Street, came forward and stated that this request is for a change of zone from H-1 Interstate Commercial District to H-4 General Commercial District, and a special permit for Planned Service Commercial to develop up to 130,000 feet of commercial floor area on 23.48 acres. The project is located northwest of the intersection of NW 48th and West O Streets. The site plan does show that NW 52<sup>nd</sup> Street and a private road would access West O Street. The private road would be limited to a right-in and right-out access. Only 52<sup>nd</sup> Street would be allowed to have full turning movements with a traffic signal required in the future. The applicant is requesting waivers to reduce the internal setbacks to zero and allow shared parking across lot lines, which are typical requests. The Planning Department does approve of these waivers.

Ball asked why waivers like this are typical. Cajka stated that typically this type of commercial center is self-contained and a lot of the time they want the building closer to the lot line, which allows for greater flexibility when placing the buildings.

Edgerton inquired about the zoning that surrounds this location. Cajka stated that there is H-4 on both the east and west sides and H-3 to the south.

Corr asked for some examples of a Planned Service Commercial District. Edgerton asked if the Planned Service Commercial District is only allowed in an H-4 District. Cajka said yes. Corr inquired if there were more of these districts located in the city and is unsure of what it means. Cajka stated that they had the option under the H-4 to do a preliminary plat but with a preliminary plat, the applicant cannot ask for waivers and they are required to abide by the strict zoning code of the H-4 District. The Planned Service Commercial District does eliminate some of the uses that would be allowed under H-4, but it does give the applicant the flexibility to ask for waivers. **Steve Henrichsen, Planning Department, 555 South 10<sup>th</sup> Street**, came forward and shared that the H-4 zoning district was not part of the 1979 zoning ordinance but was created later specifically for the "Trade Center" located at 56<sup>th</sup> Street and Highway 2. Instead of having a use permit like the other districts, they could ask for a special permit Planned Service Commercial, which allowed the applicant to ask for waivers in H-4 that otherwise would not have been allowed. Henrichsen stated that if this is approved then there would only be two small areas left that are H-1. Corr stated that a Planned Service Commercial in an H-4 is like having a special permit in an H-4 District. Henrichsen said yes; it is just a tool to allow for more creativity in the design or to address specific site conditions that a straight H-3 and H-4 cannot do.

Campbell asked if the owner could make changes to the original site plan. Henrichsen stated they could do an Administrative Amendment to their special permit.

Corr asked if Lincoln Transportation & Utilities (LTU) has responded to the deviation request on the intersection that is closer. Cajka stated that LTU works directly with the applicant. Corr stated the applicant's letter asked for another waiver on street frontage. Cajka stated that waiver was not included because all the lots have street frontage.

**Applicant:**

**Erin Bright, Olsson Associates, 601 P Street, Suite 200**, came forward on behalf of Crete Carrier Corporation. Bright stated that they have been working on this for quite some time with the Planning Department and LTU. They have been working on potential access point modifications to the existing site to make the area truck driver friendly. The applicant is wanting to create NW 52<sup>nd</sup> Street to use as a primary entrance to the adjoining parking lot, which is not part of this application. Bright shared that they are looking at different options for different users for this site and the Planned Service Commercial will give the applicant a lot of flexibility on their layout and the potential uses. Bright stated that they have had conversations with LTU regarding traffic and it was decided that they needed to reduce the points of access into this area and they needed to have a right-in, right-out on West O Street and a full access interchange at NW 52<sup>nd</sup> Street. A deviation request was submitted as part of a traffic study, which they have not received formal approval on yet from LTU.

Corr stated that the waiver is for the right-in, and right-out. Bright said yes.

Campbell asked if some of the access points on the Crete Carrier property would be eliminated. Bright said yes.

No one came forward in support or opposition.

Campbell moved to close the public hearing, seconded by Corr and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**CHANGE OF ZONE 21028**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 1, 2021**

Campbell moved approval, seconded by Joy.

Campbell stated that it looks like a good project and it is a positive use for this corner, which previously had a service station on it.

Corr stated that the change to H-4 makes sense because there is a lot of H-4 surrounding that area with some H-3. It will be a good fit for the area and the special permit looks like a good plan.

Edgerton stated that she agrees with her fellow commissioners, and this is a good project for the area.

Motion carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**SPECIAL PERMIT 21029**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 1, 2021**

Campbell moved approval, seconded by Corr and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**MISCELLANEOUS 21010**

**TO REVIEW THE PROPOSED DETERMINATION THAT THE SOUTH 48TH STREET CORRIDOR REDEVELOPMENT AREA BE DECLARED BLIGHTED AND SUBSTANDARD AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW. THE STUDY AREA IS APPROXIMATELY 55 ACRES AND IS GENERALLY LOCATED IN CENTRAL LINCOLN ENCOMPASSING ALL PROPERTIES ALONG SOUTH 48TH STREET BETWEEN 'L' AND 'A' STREETS ALONG WITH THE TABITHA SENIOR CARE CAMPUS AND SURROUNDING PROPERTIES**

**PUBLIC HEARING:**

**SEPTEMBER 1, 2021**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer absent.

Staff Recommendation: Finding of Substandard and Blighted Conditions

There were ex-parte communications disclosed.

Corr stated that she attended a meeting hosted by Tabitha to discuss the blight study and their project with the 40<sup>th</sup> & A Street Neighborhood Association.

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

**Staff Presentation:**

**Dallas McGee, Urban Development, 555 South 10<sup>th</sup> Street**, came forward and stated that the South 48th Street Corridor Redevelopment Area encompasses all the properties along South 48th Street between 'A' and 'L' Streets along with the entire Tabitha Senior Care Campus. This request is to determine whether the area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, Nebraska Revised Statute 18-2103, as determined by the South 48th Street Corridor Redevelopment Area Blight & Substandard Determination Study. The study looked at 12 different factors that are identified in the State Statute and they found that there was a significance presence of 7 factors identified. The study concluded that there are sufficient conditions and factors present to meet the criteria of substandard and blighted.

Campbell stated that there is an area that is not highlighted on the site map located on the third block down and asked what is in that area. Corr shared that it is a small development of townhomes that are individually owned. McGee stated that most of the area is residential.

Corr asked how the boundary for the study was determined. McGee explained that a large area around Tabitha was looked at using the specific conditions listed in State Statute. It was determined that the corridor along 48<sup>th</sup> Street has the largest percentage of those conditions present. Corr inquired why the boundary goes down to A Street. McGee stated he was unsure.

Edgerton asked Mr. McGee to explain why this determination is necessary to move forward in this process for the record. McGee stated that this is the first step in the process for a redevelopment project to qualify for Tax Increment Financing (TIF) and for that area to qualify, it must be declared substandard and blighted. This board would make a recommendation to City Council, and they would decide if the area met those conditions. If City Council does approve, then there would be discussions with Tabitha on a redevelopment plan on an area within the substandard and blighted area. Edgerton asked what the ramifications would be for the private homeowners if they are within the area that is determined to be blighted. McGee stated that he does not think that there would be any immediate ramifications other than technically being in an area that had been deemed blighted and substandard. This is a determination that needs to be made to allow TIF to assist with improvements in the area. Edgerton stated that 7 out of 12 factors were present and asked if there was a threshold of how many factors needed to be present or if it was more flexible. McGee stated that there is some flexibility, and the statute does say if a single factor is determined to be present in a significant amount, the area could be declared substandard and blighted.

Campbell stated that Tabitha is a nonprofit organization and asked if they would still be allowed to use TIF funding. McGee stated that because they are nonprofit and do not pay taxes Tabitha would need to declare an LLC or another entity that would be paying taxes, which would determine the amount of TIF funding that would be available to them.

Corr stated that recently TIF had opened some possibilities that homeowners could get certain financing through TIF for projects that they could do in addition to what a large corporation would apply for and asked if that was correct. McGee stated that there is a program for homeowners with a \$5,000 incentive to assist with their property but he does not have those details. Corr stated that someone in this area that might want to do some improvement could be eligible for TIF funding. McGee stated that he believes that to be true. **Tim Sieh, City Attorney's Office, 555 South 10<sup>th</sup> Street**, came forward and stated that the TIF funding for private homeowners only applies for extremely blighted areas, and this property has not applied to be declared as extremely blighted. Sieh stated that TIF funding would not be available for private homeowners in this case, and he did not want to create a misimpression with this. Corr thanked Mr. Sieh for the clarification and stated that only homeowners in an extremely blighted area could take advantage of TIF funding and this is not one of those areas. Sieh said correct.

#### **Proponents:**

1. **Andrew Willis, Cline Williams, 233 South 13<sup>th</sup> Street**, came forward on behalf of Tabitha and stated that this is the first step in an exciting project to come, which is not part of today's discussion. This area being declared substandard and blighted would allow for the use of TIF funding. With this study, part of the thought process was to include the Tabitha campus but also concentrating on the 48<sup>th</sup> Street corridor where there is the potential of using TIF funds. Tabitha has tried to engage the neighborhoods and the neighborhood associations by holding several meetings regarding this. Willis stated that neighbors in an area on 46<sup>th</sup> Street between Randolph Street and L Street asked why they were included in the study. Willis stated that this area was meant as a possible buffer around Tabitha and those neighbors were not satisfied with this answer. Tabitha wanting to be good neighbors said that they did not care if that area was included or not. Willis submitted several documents to the Clerk (see Exhibit "1") regarding a proposed revision to the blight and substandard area by removing ten parcels, which would not impact the study's outcome. Willis shared that they have submitted a letter that states the removal of these parcels will not change the blight and substandard study because the conditions were well dispersed over the area. The total area for these parcels is about 2.5 acres.

#### **Opponents:**

No one came forward in opposition.

**Staff questions:**

Ball inquired if the removal of the ten homes would change the criteria for TIF. McGee stated that TIF funds could not be used in that area and TIF could not be generated by those homes.

Campbell moved to close the public hearing, seconded by Joy and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**MISCELLANEOUS 21010**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 1, 2021**

Campbell moved approval, of the "Finding of Substandard and Blighted Conditions" on Miscellaneous 21010, as amended, removing ten (10) residential properties along the west side of the street of 46<sup>th</sup> Street, J to Randolph Streets, seconded by Ball.

Campbell stated that this will help Tabitha pull their campus together because areas to the north have been added to the campus and they are trying to unify the campus.

Corr thanked Mr. Willis and staff at Tabitha for working with the neighborhood and listening to their concerns and trying to adapt to some of their request. Corr stated that she wanted to be on record when explaining that so often blight has a negative connotation to it and that is not necessarily true and just because a house is over 40-years old, does not mean that it is unlivable, uninhabitable, or even undesirable because some people want that and it is not a bad connotation.

Edgerton stated that this study does lay out the factors that have been met for the area and appreciates the concessions that have been made to accommodate the neighborhood. Tabitha is wanting to be a great neighbor going forward.

Motion carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**SPECIAL PERMIT 21020**

**TO ALLOW FOR A CUP (COMMUNITY UNIT PLAN), FOR 21 LOTS WITH ASSOCIATED WAIVERS, ON PROPERTY GENERALLY LOCATED AT SW 42ND STREET AND WEST MARTELL ROAD**

**PUBLIC HEARING:**

**SEPTEMBER 1, 2021**

Members present: Ball, Campbell, Corr, Edgerton, Joy and Ryman Yost; Scheer 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:** Tom Cajka, Planning Department, 555 South 10<sup>th</sup> Street, came forward and stated that this is a request for a Community Unit Plan (CUP) to develop 21 lots on approximately 342 acres and 261 acres will remain as open space. The lots are proposed to have wells and individual wastewater systems. All lots will take access off interior public roads. Direct access to Martell Road and SW 42<sup>nd</sup> Street from these lots would be relinquished.

Corr asked if the existing farm access would remain and asked their location. Cajka stated that he is unsure, but the applicant would know.

Campbell asked why the applicant did not plot more lots. Cajka stated that with the density calculations 21 lots was all that would be allowed.

Edgerton stated that the letter in opposition referred to Highway 33 and concerns on a turn lane and asked if Highway 33 was West Martell Road. Cajka said no that it is Roca Road. Edgerton asked if West Martell Road was gravel and Roca Road was paved. Cajka said correct.

Cajka stated that this was reviewed by the County Engineer and they did not have any concerns. Cajka stated that there could be more traffic on Martell Road with this project. Corr stated that she drives that road everyday and there was a couple of days when cars pulled out in front of her on 42<sup>nd</sup> and Roca Road. The cars should have waited for her to pass. She stated that it might be because of a business that is located on the corner of SW 42<sup>nd</sup> and Roca Road, which is dangerous.

**Applicant:**

**Dan Rosenthal, REGA Engineering Group, 601 Old Cheney Road, Ste. A,** came forward and showed the board the existing farm entrances in the area. Corr stated that two of the accesses are where streets will be in the future. Rosenthal said yes and that they would be relinquishing direct access to the street in the future.

**Proponents:**

No one came forward in support.

**Neutral:**

1. **Robert Deschaine, 4560 West Blue Stem Road, Martell,** came forward and stated that he is also the President of the Blue Stem Heights Neighborhood Association, which is located to the south of this area. He stated that they have concerns with SW 42<sup>nd</sup> Street which can become almost impassable because of mud issues, and they are requesting that the developer be required to pave this street. West Martell has increased traffic because of the mud problems on SW 42<sup>nd</sup> Street and this project would just increase the traffic even more. Deschaine stated that they were relieved to hear that the impact study said that the wells in the area would not be affected, but sanitation is also a problem in the area and they would like their concerns addressed by the developer.

Edgerton asked if the acreages located to the west also exits onto West Martell Road directly. Deschaine stated that there are a couple of new homes in that area and they do.

**Opponents:**

1. **Gary Hinkley, 15901 SW 42<sup>nd</sup> Street**, came forward and stated that he is located about a mile behind this proposed development and is in opposition. He stated that this proposal is not in the interest of landowners in the vicinity. Multiple dwellings in such a small area are contrary to the character of this agricultural community. The primary concerns are increased traffic on a dangerous highway with no turn lanes in place, impingement of the water table, and they are saying that there would not be a problem with the wells, but how long will that last. Hinkley stated that they would like to see this land stay as agricultural and sold off in smaller parcels if someone could not afford the entire area.

**Staff questions:**

Corr asked if a turn lane would be justified by a high enough traffic count. Cajka said that he is unsure because it would be up to the county and stated with it being a state highway.

Campbell asked if the same would be true for a flashing warning light at that intersection. Cajka said yes that would be up to the county and the state.

**Applicant Rebuttal:**

Rosenthal stated that the average peak a.m. traffic would be about 26 vehicles and 13 vehicles an hour which would not warrant a turn lane. With this type of project, the developer never pays for the road system because that would fall on to the County Engineer. Rosenthal stated that there is nothing out of the ordinary with this project and it should be allowed to be built by right.

Corr stated that it is up to the County Engineer and the traffic volumes when it comes to improving the road. Rosenthal said correct because they cannot control the weather or road conditions from truck traffic.

Edgerton said that SW 42<sup>nd</sup> Street runs through this development and asked if that was correct. Rosenthal said correct. Edgerton asked if it is their intention is to leave the gravel roads the way they are even through the construction. Rosenthal said yes.

Campbell moved to close the public hearing, seconded by Corr and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**SPECIAL PERMIT 21020**

**ACTION BY PLANNING COMMISSION:**

**SEPTEMBER 1, 2021**

Campbell moved approval, seconded by Corr.

Campbell stated that it was well pointed out by the applicant that this is well within their rights. They have answered the water concerns for this area and even noted that there is an upper and lower aquifer in the area. Campbell stated with the already existing CUPs around this proposed site there is no reason that this should not be approved.

Corr stated that she can understand the neighbors request for this to remain AG, but the owner has the right to develop their land. Corr stated that the board has to evaluate this by what is being proposed and the owner is wanting to develop their land.

Joy stated that she also appreciates the rural concern with this being AG, but this does protect the majority of the land. Joy stated that potentially the residents could drive towards the town that is to the east and use that paved road to get to Highway 33. From the development standpoint, it seems like the engineer did a great job of trying to protect the area and created a large open area.

Corr stated that is the benefit of the bonus density, which leaves as much open space as possible with clusters of development. The best of both worlds.

Edgerton stated that she agrees with her fellow commissioners. This is allowed within the current zoning. The waivers that have been requested make sense especially in a rural environment with more than 70 percent of that land being kept as undeveloped.

Motion carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

**Note: This is FINAL ACTION on Special Permit 21020 unless appealed by filing a letter in the Office of the County Clerk within 14 days.**

Chair Edgerton stated that anyone wishing to speak on an item not on the agenda may come forward and do so; no one came forward.

Joy moved to adjourn the Planning Commission Meeting of September 1, 2021, seconded by Corr and carried 6-0: Ball, Campbell, Corr, Joy, Ryman Yost and Edgerton voting 'yes'; Scheer absent.

The meeting was adjourned at 2:41 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, September 15, 2021.

**HANNA:KEELAN ASSOCIATES, P.C.**  
**COMMUNITY PLANNING & RESEARCH**

PRINCIPALS:

Becky J. Hanna  
Timothy M. Keelan

SEPTEMBER 1, 2021

ANDREW R. WILLIS  
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER, L.L.P.  
233 South 13th Street  
1900 US Bank Bldg.  
Lincoln, NE 68508

**Re: Removal of 10 Residential Properties for the proposed  
South 48<sup>th</sup> Street Corridor Redevelopment Area.**

**Andrew:**

As per your request, I have reviewed the effects of removing 10 residential properties, located along the west street side of 46th Street, J to Randolph Streets, on the blight and substandard status of the proposed South 48<sup>th</sup> Street Corridor Redevelopment Area and I have determined there would be none.

Attached is a revised Context Map for the proposed South 48<sup>th</sup> Street Corridor Redevelopment Area, excluding the before referenced residential properties.

Sincerely,



Timothy M. Keelan  
Principal Partner  
HANNA:KEELAN ASSOCIATES, P.C.

*COMPREHENSIVE PLANNING & ZONING • STRATEGIC PLANNING • HOUSING MARKET STUDIES • HOUSING DEVELOPMENT  
ECONOMIC DEVELOPMENT RESEARCH & ANALYSIS • PUBLIC FACILITY PLANNING & IMPLEMENTATION  
HUMAN RESOURCE PLANNING • STATE & FEDERAL GRANT WRITING & ADMINISTRATION*

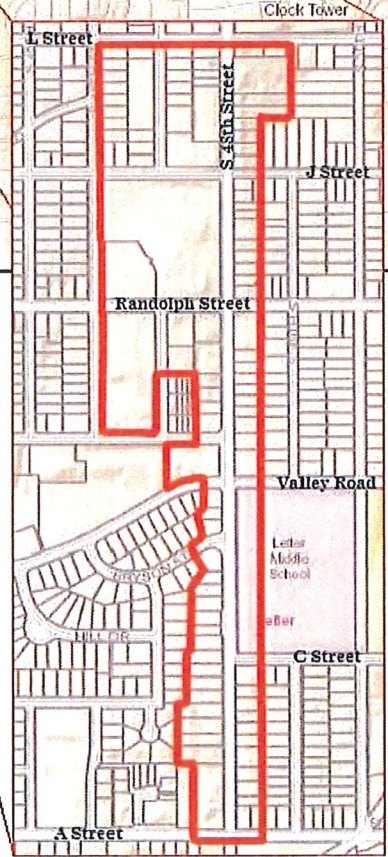
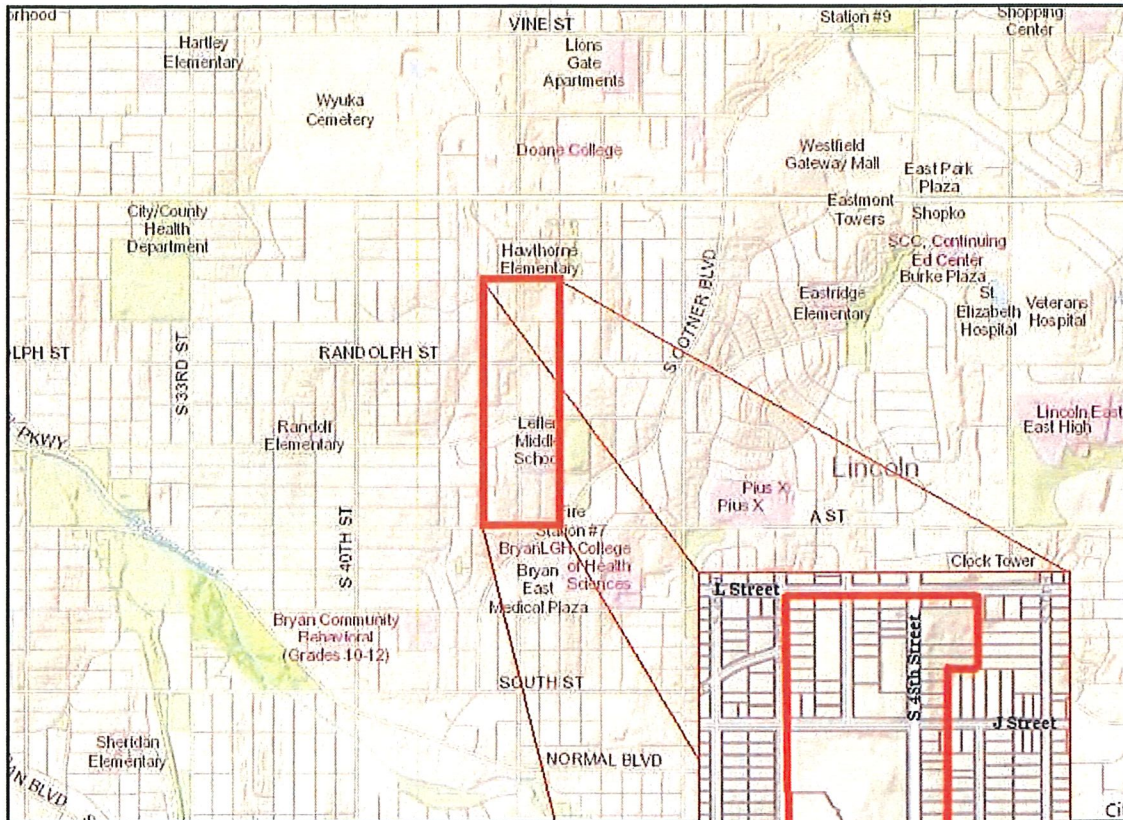
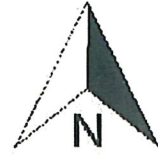
3275 HOLDREGE STREET • P.O. BOX 30552 • LINCOLN, NE 68503-0552  
(402) 464-5383 • FAX (402) 464-5856 • website: [www.hannakeelan.com](http://www.hannakeelan.com)

# CONTEXT MAP – ILLUSTRATION 1

## SOUTH 48<sup>TH</sup> STREET CORRIDOR

### REDEVELOPMENT AREA

### LINCOLN, NEBRASKA



### LEGEND

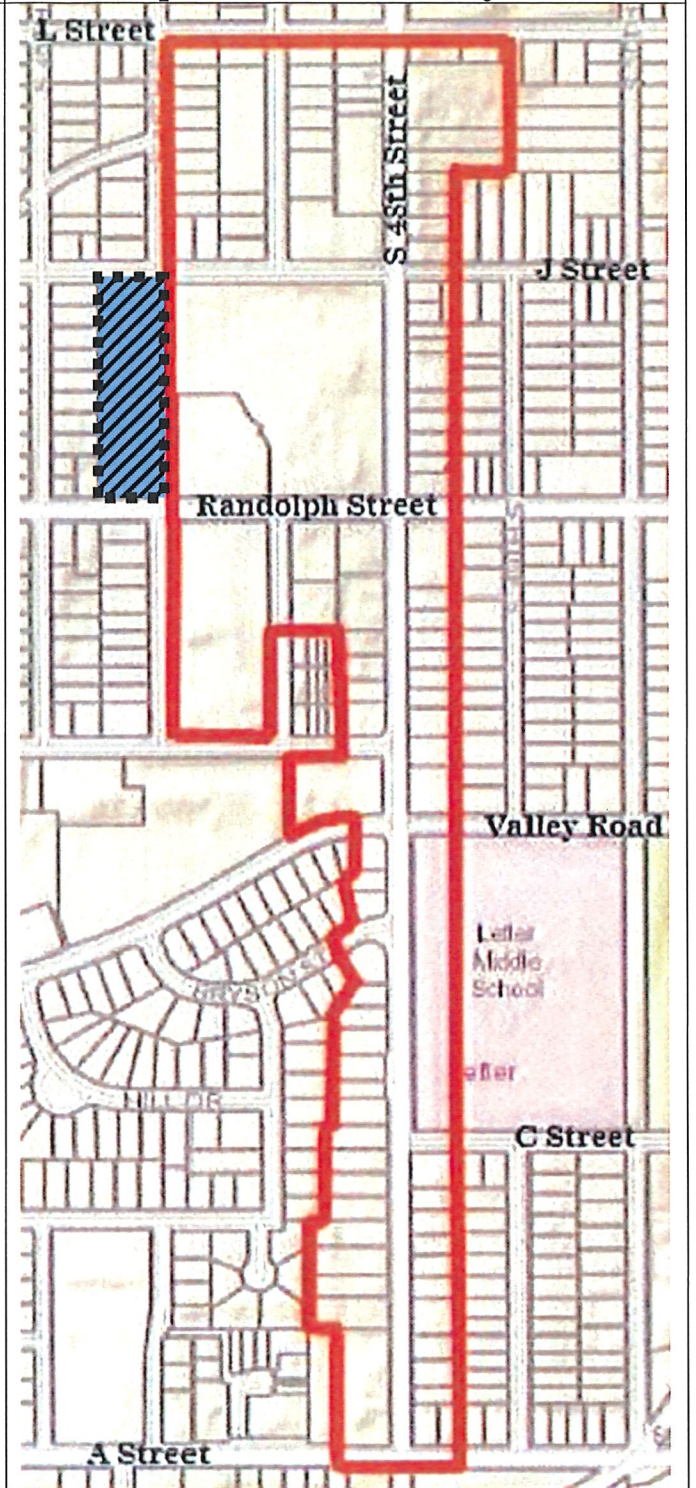
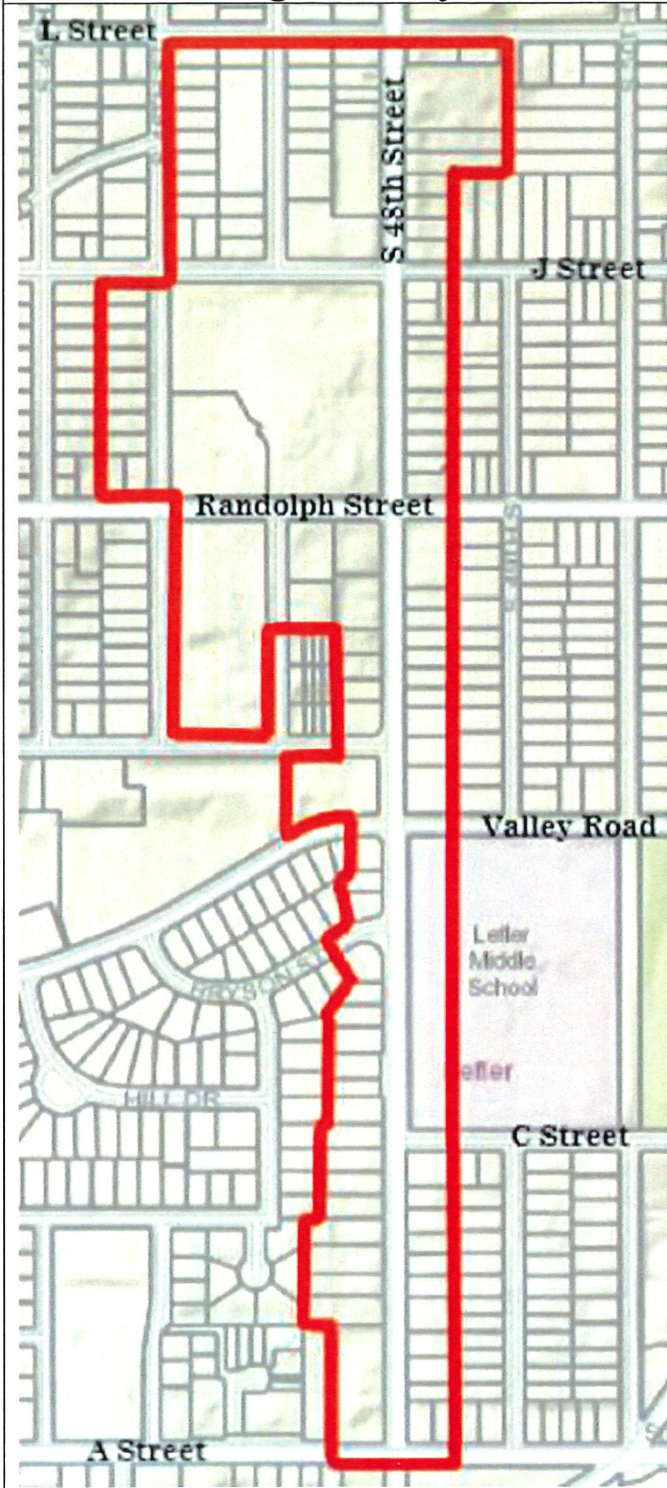
 REDEVELOPMENT AREA

**HANNA:KEELAN ASSOCIATES, P.C.**  
**COMMUNITY PLANNING & RESEARCH**

\* Lincoln, Nebraska \* 402.464.5383 \*

**Original Study Area**

**Proposed Revised Study Area**



# BLIGHT & SUBSTANDARD DETERMINATION STUDY

## EXECUTIVE SUMMARY

### Purpose of Study

The purpose of this **Blight and Substandard Determination Study** is to apply the criteria set forth in the **Nebraska Community Development Law, Section 18-2103**, to the designated **Tabitha Redevelopment Area** in the City of Lincoln, Nebraska. The results of this **Study** will assist the City in declaring the **Redevelopment Area** as both **blighted and substandard**.

### Location

The referenced **Tabitha Redevelopment Area** includes the listed parcels of record on file with the Lancaster County Assessor's Office, presented below.

In general, the **Tabitha Redevelopment Area** is located in central Lincoln and encompasses all properties adjacent South 48<sup>th</sup> Street between 'L' and 'A' Streets. The **Area** includes the Tabitha Senior Care Campus and surrounding properties. The **Redevelopment Area** is comprised primarily of residential uses, both single family and multifamily. Commercial uses in the **Area** include a variety of offices, a convenience store and a medical clinic. Additionally, the **Area** includes a portion of the parcel occupied by Lefler Middle School, adjacent South 48<sup>th</sup> Street.

**Illustration 1, Context Map, Page 2**, identifies the location of the **Redevelopment Area** in relation to the City of Lincoln. The **Area** equals an estimated 55 acres.

1729121001000	<del>1729131015000</del>	1729212015000	1729300050000	1729400005000
1729121002000	<del>1729131016000</del>	1729212033000	1729300051000	1729400006000
1729121003000	<del>1729131017000</del>	1729212034000	1729300052000	1729400007000
1729121004000	<del>1729131018000</del>	1729212035000	1729307003000	1729400008000
1729121005000	<del>1729131019000</del>	1729218001000	1729307004000	1729400009000
1729121006000	<del>1729131020000</del>	1729218002000	1729307005000	1729400010000
1729121007000	<del>1729131021000</del>	1729218003000	1729307006000	1729400011000
1729121011000	<del>1729131022000</del>	1729218004000	1729307007000	1729400012000
1729122001000	1729133001000	1729218005000	1729307008000	1729400013000
1729122002000	1729133002000	1729218008000	1729319001000	1729400024000
1729122003000	1729133003000	1729218009000	1729319019000	1729408001000
1729122004000	1729133004000	1729218012000	1729319020000	1729413001000
1729122005000	1729133008000	1729218024000	1729324001000	1729413009000
1729122017000	1729133009000	1729218025000	1729324002000	1729413010000
1729122018000	1729133010000	1729218026000	1729324003000	1729413011000
1729122019000	1729140001000	1729300001000	1729324004000	1729413012000
1729122020000	1729140002000	1729300002000	1729324005000	1729413013000
1729122022000	1729212010000	1729300003000	1729338001000	1729425009000
1729122023000	1729212011000	1729300046000	1729338002000	1729425010000
1729122024000	1729212012000	1729300047000	1729338003000	1729425011000
<del>1729131013000</del>	1729212013000	1729300048000	1729338004000	1729425012000
<del>1729131014000</del>	1729212014000	1729300049000	1729343001000	1729425013000
				1729425014000

**Proposed Revisions to the Blight and Substandard Study Area  
South 48th Street Redevelopment Area**

10 parcels to be removed:

1729131022000

1729131021000

1729131020000

1729131019000

1729131018000

1729131017000

1729131016000

1729131015000

1729131014000

1729131013000

Total Area to be removed (approx.) 2.3 acres

**Land Use Chart from Blight and Substandard Study:**

Land Use	Existing		Revised	
	Acres	Percent	Acres	Percent
Single Family/Duplex Residential	18.2	33.1%	15.9	30.2%
Multifamily Residential	4.7	8.6%	4.7	8.9%
Special Housing	11.9	21.6%	11.9	22.6%
Commercial	4.8	8.7%	4.8	9.1%
Public/Utility	2.1	3.8%	2.1	4.0%
Vacant/Undeveloped	1.8	3.3%	1.8	3.4%
Public Streets	11.5	20.9%	11.5	21.8%
Totals	55	100.0%	52.7	100.0%