



## 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**

Use Permit #55A  
Change of Zone #25011

PLANNING COMMISSION HEARING DATE  
June 11<sup>th</sup> 2025

**FINAL ACTION?**

No

RELATED APPLICATIONS  
UP55

**DEVELOPER/OWNER**

Joe Renteria Jr.

**PROPERTY ADDRESS/LOCATION**

1916 S. 77<sup>th</sup> Street, Lincoln, NE 68506

### RECOMMENDATION: APPROVAL OF CHANGE OF ZONE AND CONDITIONAL APPROVAL OF USE PERMIT

**BRIEF SUMMARY OF REQUEST**

This is a combined staff report on a request for a change of zone from O-2 Office District to O-3 Office District for approximately 0.32 acres, and an amendment to the existing Use Permit (UP55). This amendment would expand the boundaries of UP55 to include the 0.32 acres. No changes to the existing uses or conditions of UP55 are proposed.

In conjunction with the change of zone and use permit amendment, the applicant is also requesting waivers to the setbacks.

**JUSTIFICATION FOR RECOMMENDATION**

The requested change of zone and from O-2 to O-3 and the associated amendment to Use Permit is in conformance with the City's long-range planning goals and supports anticipated future land use and growth patterns in this area. The transition to O-3 allows for more flexibility in development, which is consistent with surrounding land use and the intent of the Comprehensive Plan.

The requested waivers for reduced setbacks are also appropriate. Given the unique configuration of the lots and their location, strict adherence to the setback requirements would create unnecessary design constraints without offering meaningful benefits to adjacent properties. The proposed waivers allow for a more efficient and functional site layout while maintaining compatibility with surrounding uses.

**APPLICATION CONTACT**

Joe Renteria, JR. (402)-617-2911  
[Jr26858@gmail.com](mailto:Jr26858@gmail.com)

**STAFF CONTACT**

Ayden Johnson, (402) 441-6334 or  
[ayden.johnson@lincoln.ne.gov](mailto:ayden.johnson@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The applications follow the City of Lincoln's Comprehensive Plan by encouraging infill development. This proposal supports the plan's objectives of compact growth, economic development, and sustainable land use patterns.

**WAIVERS**

1. Zoning Ordinance 27.72.030(a) to reduce the frontage, rear, and side yard setbacks for the O-3 area:

- |  |                      |
|--|----------------------|
| a. Reduction of the front yard setback for dwellings from 30' to 20' | (Recommend Approval) |
| b. Reduction of the rear yard setback from 40' to 20'                | (Recommend Approval) |
| c. Reduction of the side yard setback from 15' to 5'                 | (Recommend Approval) |

## **KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

### **Introduction Section:** Growth Framework

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

Land Use Plan - Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

### **Fundamentals of Growth in Lancaster County**

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

### **Benefits of Well-Planned Growth**

Continued investment within the city ensures that our existing neighborhoods and commercial areas remain vibrant and desirable locations. More “rooftops” near existing commercial areas help to support continued commercial investment.

### **Goals Section**

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

### **Elements Section**

E3: Business, Economy, and Workforce

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

1. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
2. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
3. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
4. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

### **Policies Section**

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

#### Action Steps

1. Continue to fund the Lincoln Partnership for Economic Development (LPED) and promote business retention, recruitment, and workforce development strategies and outcomes for the City of Lincoln through this public/private partnership.
2. Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
3. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P14: Commercial Infill - Develop infill commercial areas to be compatible with the character of the area.

#### Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

P15: Infrastructure and Economic Development - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

#### Action Steps

1. Continue to provide adequate sites with associated infrastructure to serve the community's economic development needs.
2. Continue the County's support for road improvements that accommodate commercial and other development within the smaller incorporated areas.

P17: Predictability - Strive for predictability for neighborhoods and developers.

#### Action Steps

1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.
2. Support timely and efficient implementation of the growth tiers framework through the Capitol Improvement Program and other coordinated infrastructure enhancements.

## ANALYSIS

1. The two lots and outlot were originally under a single ownership. During that time, a relocated bungalow home was placed on one of the lots, which is now being converted into a permanent building with a poured foundation.
2. The original owner sold the southernmost lot and the adjacent outlot to the applicant, resulting in two separate property owners.
3. After the transfer, both property owners realized that the current O-2 zoning presented challenges for their intended business or residential uses. Specifically, the O-2 district has parking requirements that would be difficult to accommodate given the small lot sizes and limited site layout options.
4. To address these constraints, the applicants are seeking a change to O-3 zoning, which does not require off-street parking. This zoning designation matches the zoning directly to the north and east and provides greater flexibility

for future development and tenant use.

5. Since O-3 zoning requires property to be governed by a use permit, the applicants are also proposing an amendment to the existing use permit (UP55) to include their parcels. This amendment would bring the properties into compliance with the O-3 zoning requirements without altering any of the existing conditions or use permitted under UP55.
6. Additional ROW is not requested. The adjacent ROW could be vacated south of the driveway. City has no use other than retaining easements for utilities.
7. The combined request represents a logical extension of the existing O-3 district, supports coordinated development between two adjacent property owners, and facilitates infill in a manner consistent with surrounding land use and infrastructure.
8. The proposed reductions in setback requirements are well-founded, given the site's distinctive layout and context. Enforcing the standard setbacks in this case would hinder effective site planning and yield little benefit to nearby properties. The requested waivers provide the flexibility needed to design a more cohesive and functional development with its surroundings.

#### **APPLICATION HISTORY**

October, 1991- Use Permit UP55 was approved for allowing the property at 2145 S. 39<sup>th</sup> Street to utilize an existing house as an office and construct additional parking.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** O-3 Office District, O-2 Office District

#### **SURROUNDING LAND USE & ZONING**

North:	B-1 Business District
South:	R-2 Residential District
East:	O-3 Office District
West:	R-2 Residential District

**APPROXIMATE LAND AREA:** .32 acres

**LEGAL DESCRIPTION:** change of zone from O-2 to O-3, on property legally described as Lot 1, Lot 2, and Outlot A, Woods Bros Half Acres 5th addition, Lincoln, Lancaster County, Nebraska, .

Use Permit Legal: Lot 30, Woods Bros Half Acres, and Lot 1, Lot 2, and Outlot A, Woods Bros Half Acres 5th addition, Lincoln, Lancaster County, Nebraska

Prepared by Ayden Johnson, Planner  
(402) 441-6334 or [ayden.johnson@lincoln.ne.gov](mailto:ayden.johnson@lincoln.ne.gov)

Date: May 29<sup>th</sup> 2025

Applicant/Contact/Owner: Joe Renteria, Jr.

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/UP/25000/UP55A and CZ25011 Mai Place.alj.docx>

## **CONDITIONS OF APPROVAL - USE PERMIT #55A**

This approval amends Use Permit 55 to add 0.32 acres with the following waivers to Chapter 27.72.030(a) to reduce the front, rear, and side yard setbacks:

- a. Reduction of front yard setback from 50' to 20'
- b. Reduction of rear yard setback from 40' to 20'
- c. Reduction of side yard setback from 15' to 5'

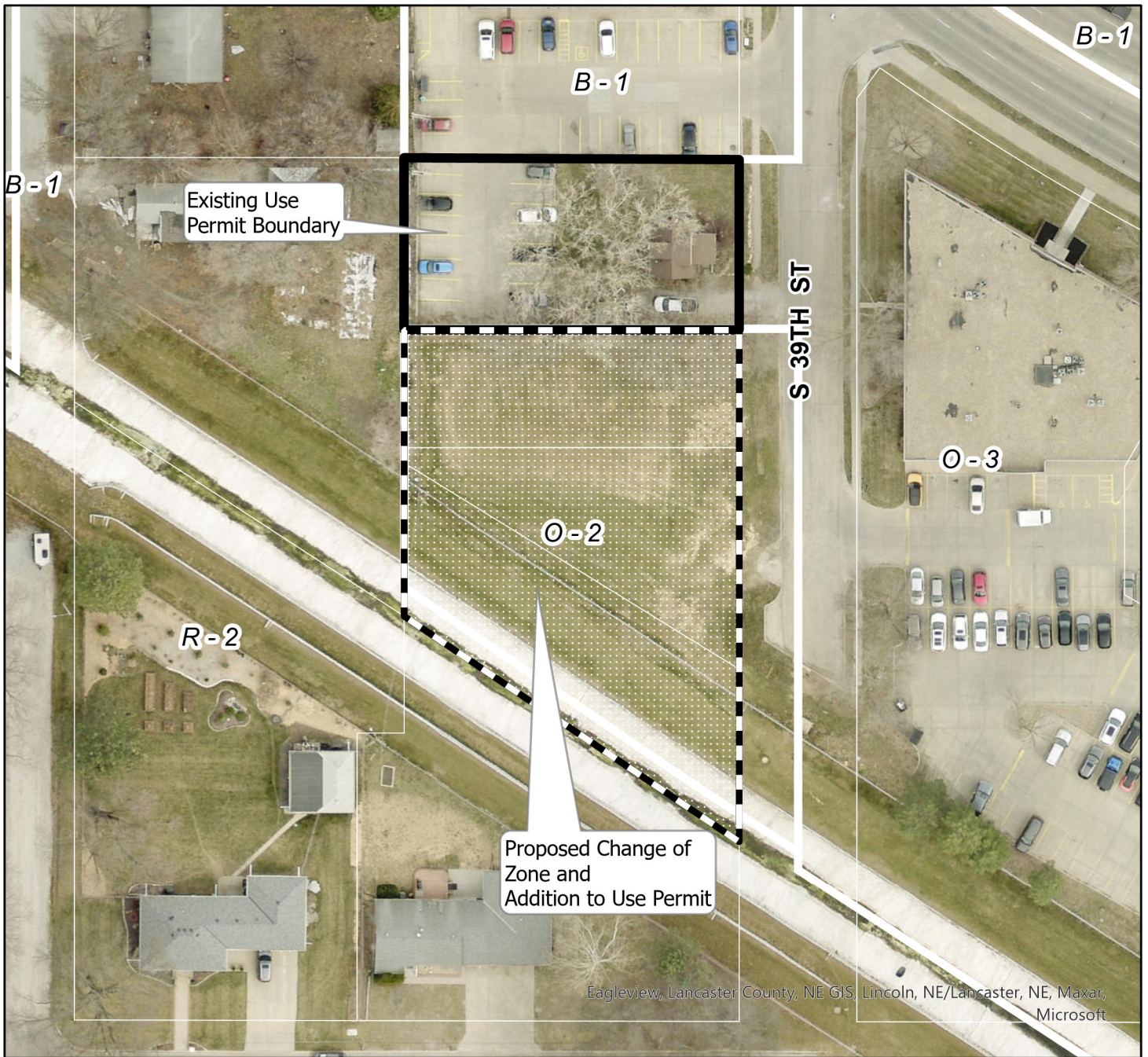
### **Site Specific Conditions:**

1. The City Council approves associated request:
  - 1.1 Change of Zone #25011
2. 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 upon approval before receiving building permits
  - 2.1 Revise boundary to exclude property outside the use permit, relabel with "NOT PART OF USE PERMIT".
  - 2.2 Remove legal description and zoning labels from the buildings and lots on site plan.
  - 2.3 Show setbacks that are requested (20 foot front yard, 20 foot rear yard, and 5 foot side yard). Show the front yard setback measured from the new property line after the right-of-way dedication.
  - 2.4 Update legal for correct boundary.
  - 2.5 Correct proposed parking so that it does not cross over on to the outlot.

### **Standard Conditions:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
  - 3.2 All privately-owned improvements, including landscaping are to be permanently maintained by the Permittee or an appropriately established property association approved by the City.
  - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
  - 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.





2024 aerial

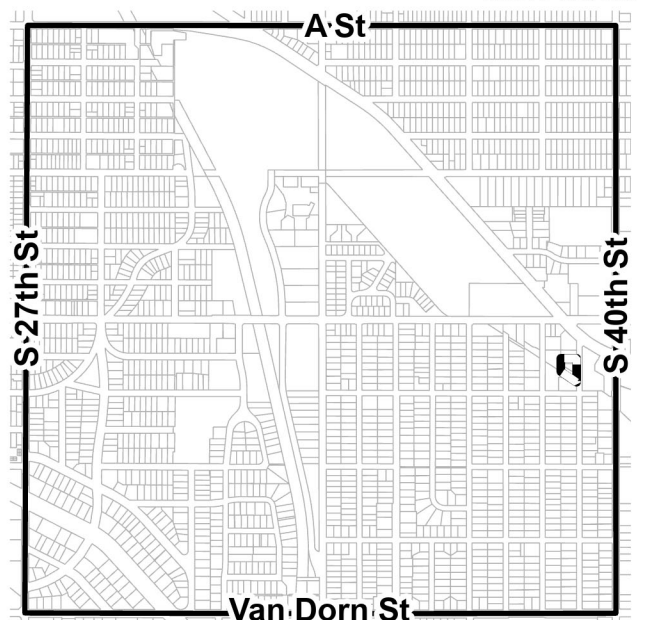
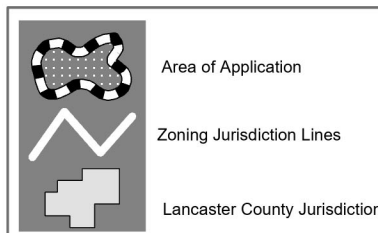
**Change of Zone #: CZ25011 (O-2 to O-3) &  
Use Permit #: UP55A  
Mai Place  
S 39th St & Normal Blvd**



**Zoning:**

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

One Square Mile:  
Sec.31 T10N R07E





SURVEYOR/ENGINEER:

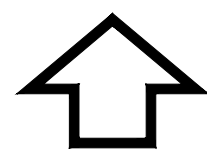
ENGINEERING, SURVEYING, PLANNING  
NATHANIEL P. BURNETT, PE  
601 OLD CHENEY ROAD, SUITE 'A'  
LINCOLN, NE 68512  
(402) 413-1041

OWNER/DEVELOPER:

DONALD KILLEEN  
3524 ANAHEIM CT  
LINCOLN, NE 68503  
(402) 430-4613

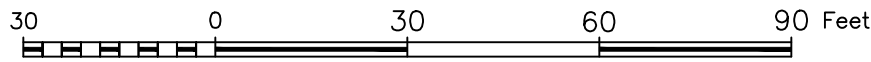
OWNER/DEVELOPER:

JOE RENTERIA, JR  
1916 S. 77TH ST  
LINCOLN, NE 68506  
(402) 617-2911



NORTH

SCALE 1" = 30'



LEGAL DESCRIPTION

A parcel of land being PETERSENS SUBDIVISION, Lot A, EX TRI IN NW CORNER & LOTS B & C & WOODS BROS HALF ACRES S43' LOT 28, WOODS BROS HALF ACRES, Lot 30, EX S49.8', WOODS BROS HALF ACRES 5TH ADDITION, Lot 1, Lot 2, and Outlot A, Located in the Southeast Quarter of Section 31, Township 10 North, Range 07 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.  
More particularly described as follows:  
Beginning at the southeast corner of said Outlot A, Thence on the South line of said Outlot A N56°51'44"W a distance of 167.60';  
Thence N00°05'11"E a distance of 194.53';  
Thence N00°10'49"W a distance of 158.83';  
Thence N47°47'01"E a distance of 43.68' to a point on the southerly right-of-way line of Normal Boulevard;  
Thence on said southerly right-of-way line S46°44'13"E a distance of 148.36' to the intersection of said right-of-way line and the west right-of-way line of South 39th Street;  
Thence on said west right-of-way line for the next 2 (two) calls:  
S00°15'01"E a distance of 86.95';  
S00°02'39"W a distance of 285.71' to the point of beginning.  
Described tract contains an area of 1.24 acres, more or less.

SURVEYOR'S CERTIFICATE

SURVEYORS CERTIFICATE  
I, KYLE E. CATT, NEBRASKA REGISTERED LAND SURVEYOR NO. 609, DULY REGISTERED UNDER THE LAND SURVEYORS REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT, THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION, THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY.

ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED OR WILL BE INSTALLED AND THEIR POSITION IS CORRECTLY SHOWN.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 202\_\_.

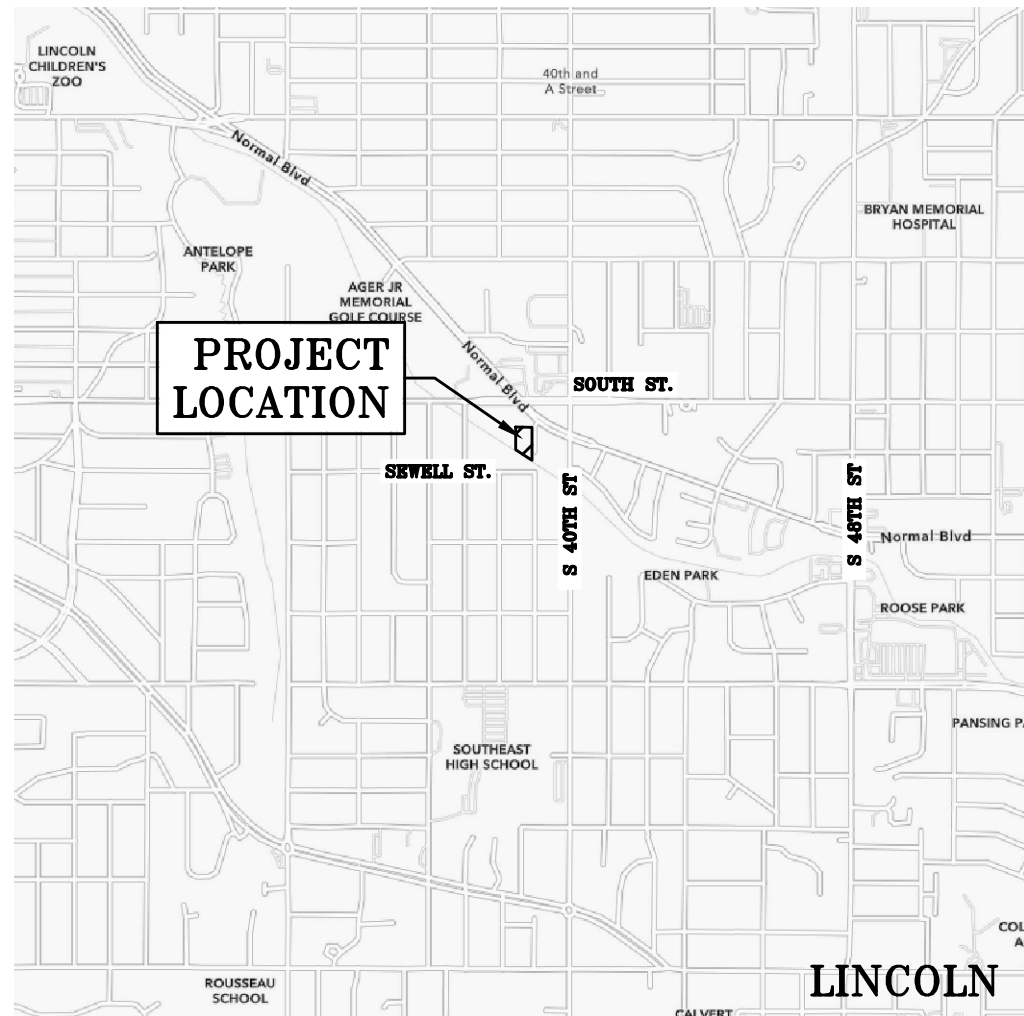
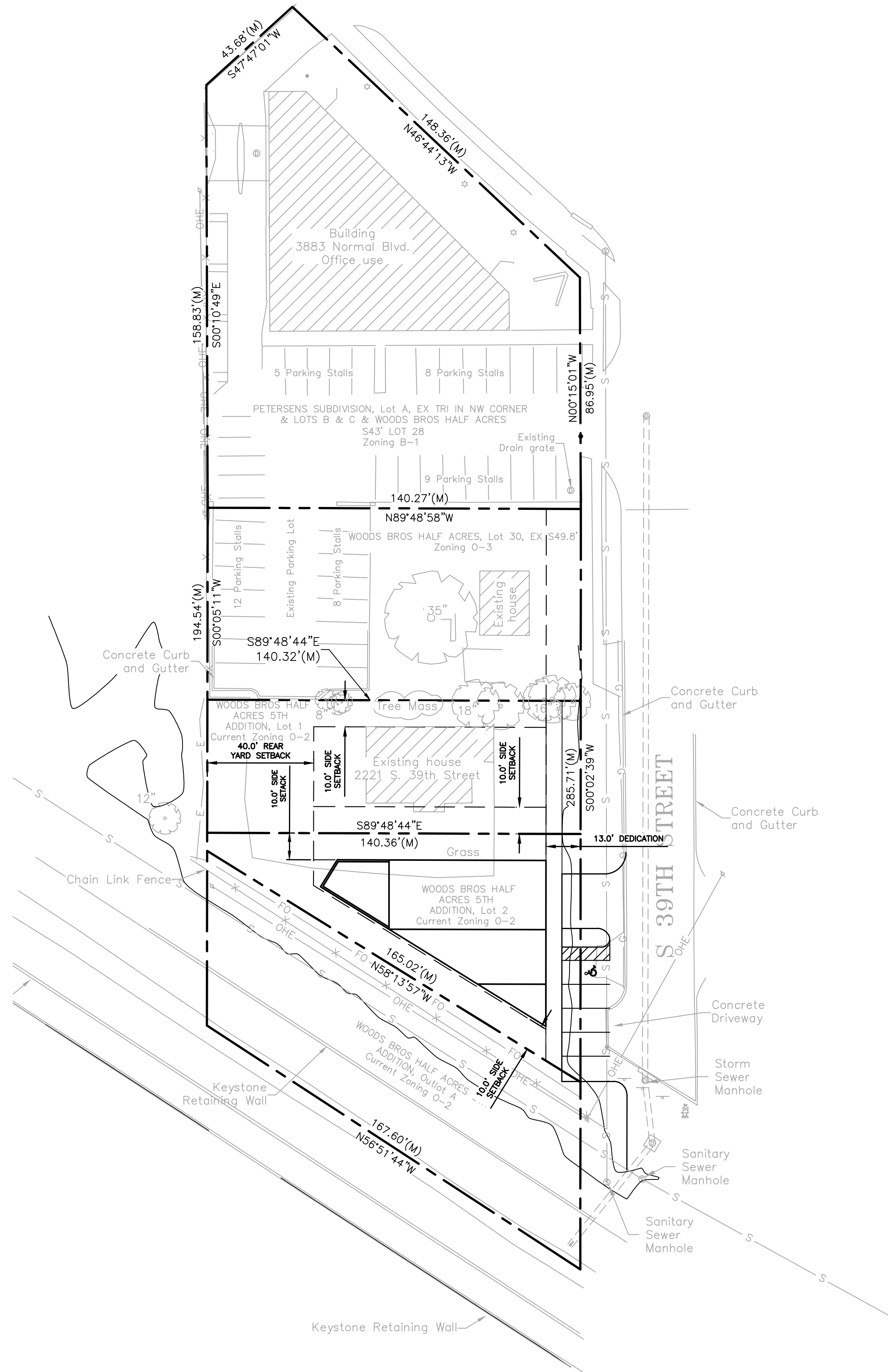
KYLE E. CATT, NEBRASKA L.S. #609  
REGA ENGINEERING GROUP, INC. CA#1678  
601 OLD CHENEY ROAD, SUITE A  
LINCOLN, NE 68512

GENERAL NOTES

- THIS USE PERMIT CONTAINS 1.24 ACRES
- ZONING IS O-2.  
FRONT YARD SETBACK: 20'  
CORNER FRONT YARD SETBACK: 20'  
SIDE YARD/SIDE YARD ABUTTING RESIDENTIAL: 0'  
REAR YARD/REAR YARD ABUTTING RESIDENTIAL: 40'  
MAXIMUM HEIGHT: 55'
- THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE SETBACKS AS PER O-3 ZONING DISTRICT WITH EXCEPTION OF APPROVED WAIVERS.
- TOPOGRAPHIC GRADING CONTOURS AT NAVD 1988
- A LANDSCAPE PLAN SHALL BE SUBMITTED AT TIME OF BUILDING PERMITS WHICH COMPLY WITH CHAPTER 3.5 OF THE CITY OF LINCOLN DESIGN STANDARDS
- THE EXISTING LANDSCAPE SHOWN SHALL REMAIN

SHEET INDEX:

SITE PLAN 1 OF 1



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## Planning Department Application Request

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**From** Joe Renteria <jrenteria@lancaster.ne.gov>

**Date** Fri 5/2/2025 8:31 AM

**To** Ayden L. Johnson <Ayden.Johnson@lincoln.ne.gov>

### Planning Department Application Request

The attached application request is for change of zoning.

**Subject Properties:**

Woods Brothers Half Acers 5<sup>th</sup> Addition Lot 1 and 2. Parcel ID: 17-31-446-002-000;  
17-31-446-001-000; 17-31-446-003-000

**Reason for Request:** To change Zone from O-2 to O-3. Effectively the change is requested to be consistent with the adjoining property to the North.

Joe Renteria, Jr \_\_\_\_\_ Date: \_\_\_\_\_

Joe Renteria, Jr  
[Jr26858@gmail.com](mailto:Jr26858@gmail.com)  
(402) 617-2911