

# **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

## **July 23, 2025**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, July 23, 2025, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**\*\*PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of **\*FINAL ACTION\***. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission. The Planning Commission action on all other items is a recommendation to the City Council or County Board.

**AGENDA**  
**WEDNESDAY, July 23, 2025**

Approval of minutes of the regular meeting held [July 9, 2025](#).

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

**CHANGE OF ZONE AND ASSOCIATED ITEM**

- 1.1a CHANGE OF ZONE 25012, to designate a historic landmark on property at 1821 S Pershing Road.  
[Page 22](#) **Staff recommendation: Approval**  
**Staff Planner:** Jill Dolberg, (402) 441-6373, [jdolberg@lincoln.ne.gov](mailto:jdolberg@lincoln.ne.gov)
- 1.1b SPECIAL PERMIT 25027, for historic preservation with a waiver to build a garage in the front yard setback of the double frontage on Calvert Street, on property at 1821 S Pershing Road.  
[Page 34](#) **Staff recommendation: Approval**  
**Staff Planner:** Jill Dolberg, (402) 441-6373, [jdolberg@lincoln.ne.gov](mailto:jdolberg@lincoln.ne.gov)

**CHANGE OF ZONE**

- [Page 43](#) CHANGE OF ZONE 25015, from AGR (Agricultural Residential) to O-3 (Office Park District) for approximately 2.7 acres on property generally located southeast of Nebraska Parkway and Pine Lake Road.  
**Staff recommendation: Approval**  
**Staff Planner:** Jacob Schlange, (402) 441-6362, [jschlange@lincoln.ne.gov](mailto:jschlange@lincoln.ne.gov)

**2. REQUESTS FOR DEFERRAL**

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

## 4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

### COMPREHENSIVE PLAN AMENDMENT

- Page 49 4.1 COMPREHENSIVE PLAN AMENDMENT 25002, to amend the Lincoln Lancaster County 2050 Comprehensive Plan, to change approximately 113 acres from Tier I Priority C to Tier I Priority B on the Priority Growth Areas map, move approximately 42 acres into the Future Service Limit and change from Tier II to Tier I Priority B on the Priority Growth Areas map, and change the same 42 acres from Agriculture to Urban Residential on the Future Land Use Map, on property generally located at the northeast corner of S 98th & Pine Lake Road.

**Staff recommendation: Conditional Approval**

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

### TEXT AMENDMENT

- Page 60 4.2 TEXT AMENDMENT 25009, amending the Lancaster County Zoning Regulations, Article 2, 2.003 to add a definition for Battery Energy Storage System, Article 4, 4.007 to add Battery Energy Storage System as use allowed in the AG District by Special Permit, and Article 13 by adding a new Special Permit with conditions for said use.

**Staff recommendation: Approval**

**Staff Planner:** George Wesselhoft, (402) 441-6366, gwesselhoft@lincoln.ne.gov

### SPECIAL PERMIT

- Page 68 4.3 SPECIAL PERMIT 25029, to allow an Early Childhood Care Facility for up to 85 children and associated waivers to the minimum parking requirement and to allow the facility to be located on a local street, on a property generally located at 2325 South 24th Street.

**Staff recommendation: Conditional Approval**

**Staff Planner:** Benjamin Callahan, (402) 441-6360, bcallahan@lincoln.ne.gov

### MISCELLANEOUS

- Page 77 4.4 MISCELLANEOUS 25008, to review the proposed determination that the Lincoln Cornhusker Redevelopment Area be declared blighted and substandard as defined in the Nebraska Community Development Law. The study area is approximately 2,065 acres, generally located between N 56th Street on the east, Colfax Avenue on the north, N 27th Street on the west, and Holdrege Street on the south.

**Staff recommendation: Finding of Substandard and Blighted Conditions**

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

4.5 MISCELLANEOUS 25009, to review the proposed determination that the Lincoln Cornhusker Blight Area meets the statutory definition of Extremely Blighted as defined in the Nebraska Community Development Law. The study area is approximately 2,065 acres, generally located between N 56th Street on the east, Colfax Avenue on the north, N 27th Street on the west, and Holdrege Street on the south.

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**Staff recommendation: Finding of Extremely Blighted Conditions**

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

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

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

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**Adjournment**

**PENDING LIST:** No items

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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, July 01, 2025.*

<b>NAME OF GROUP:</b>	PLANNING COMMISSION
<b>DATE, TIME, AND PLACE OF MEETING:</b>	Wednesday, July 09, 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>	Brett Ebert, Dick Campbell, Maribel Cruz, Gloria Eddins, Bailey Feit, and Cristy Joy; Paul Barnes, David Cary, Jill Dolberg, Steve Henrichsen, Shelli Reid, Jacob Schlange, and Laura Tinnerstet of the Planning Department, media, and other interested citizens.
<b>STATED PURPOSE OF MEETING:</b>	Regular Planning Commission Hearing

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

Chair Joy requested a motion approving the minutes for the regular meeting held June 25, 2025.

Motion for approval of the minutes made by Campbell, seconded Eddins.

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

Chair Joy asked the Clerk to call for the Consent Agenda Items.

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

**July 09, 2025**

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

**The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 25506, Special Permit 13048C and Change of Zone 07018B.**

**There were no ex parte communications disclosed.**

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

Campbell moved approval of the Consent Agenda; seconded by Eddins.

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

**Note:** This is **Final Action** on the following items: **Special Permit 13048C and Special Permit 1423M unless** appealed by filing a Notice of Appeal with the **City Council** or the **County Board** **within 14 days.**

**SPECIAL PERMIT 1423M, AN AMENDMENT TO THE EXISTING SPECIAL PERMIT FOR HIMARK ESTATES COMMUNITY UNIT PLAN (CUP) TO ADD 9 LOTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND HIMARK LANE.**  
**CONTINUED PUBLIC HEARING AND ACTION:**

**JULY 09, 2025**

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

**Jacob Schlange, Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE,** came forward and addressed the commission ~~to provide~~ an update regarding an amendment to a special permit. Schlange explained that the amendment would allow for the addition of nine new lots—four along Highmark Lane and five along South 89th Street. He stated that, since his last appearance before the Commission four weeks prior, the applicant had submitted a grading and drainage plan in response to earlier requests. Schlange noted that the applicant worked with Watershed Management staff both before and during the development of this plan. The most significant update, as highlighted in the amended staff report, was the addition of a condition requiring that, before final plat approval, the applicant must submit a grading certificate verifying that the grading and drainage plan has been properly executed.

**Applicant-**

**Tim Gergen- Clark and Enersen, at 1010 Lincoln Mall, Suite 200, Lincoln, NE,** came forward and addressed the Commission. Gergen began by confirming Schlange’s statements and added that his team began collaborating with the Watershed Management Division within a week of the previous meeting. Gergen stated that they worked together to develop a revised grading and drainage plan and noted that Tim Zach, from Watershed, was present and available to answer any technical questions. Gergen then provided updates to the site plan, noting that community feedback—particularly from townhome owners, had influenced recent

changes. Gergen acknowledged the challenge of reaching consensus with neighboring residents and explained that the updated plan reflected a more refined layout. Specifically, he indicated that while cart paths remained in the design, only those shown in black would be paved.

Gergen also discussed the removal of two proposed chip-and-putt holes due to concerns from residents on Lammie Circle regarding maintenance and usage. Only one such area was retained, based on what he believed to be the best compromise given the mixed feedback. Gergen then reviewed the revised grading and drainage strategy, explaining that all new lots would be graded so water from the backyards would flow toward the street, rather than toward the neighboring townhomes. Water runoff would then drain into storm inlets and flow into a detention pond located east of the site, further directing drainage away from adjacent properties. Gergen acknowledged the existing drainage issues affecting the townhomes but emphasized that the proposed development would not exacerbate those problems. Gergen concluded by expressing support for the additional condition discussed by Schlange, agreeing that the grading certificate requirement was both logical and appropriate. He clarified that, under this condition, the engineer would certify that grading had been completed according to the approved plan. Gergen closed by offering to answer any further questions from the Commission.

#### **Staff Questions-**

Campbell noted that it was very difficult to see the grading elevations in the detention cell area on the current plan and asked what the specific elevations were at that point.

Gergen explained that each line on the plan represents a one-foot contour interval. Gergen identified the elevations ranging from approximately 1,568 down to 1,561 feet. He confirmed that the project involves cutting down the hill in that area.

Campbell referenced a retaining wall near the driveway and asked about its removal. Gergen confirmed that the wall would be removed, and that the area would be graded to drain toward the street. He added that a cut bank would be created to prevent water from backing up into the grading area.

Campbell asked if the drainage from the detention cell ultimately flows to the street. Gergen clarified that runoff from all the lots drains to the street, entering storm inlets at a low point before flowing into the detention cell. Campbell asked for further clarification on the direction of flow. Gergen explained that the detention cell discharges through piping that passes through the adjacent golf course and flows away from nearby homes. Campbell confirmed the presence of homes along the drainage path. Gergen acknowledged the homes but reiterated that drainage flows away from them.

Joy asked for confirmation that a drainage way ran through a particular area shown on the plan, noting it also included a cart path. Gergen confirmed that the area was both a drainage way and a cart path visible from the street.

Campbell inquired whether the remainder of the path was already paved.

Gergen explained that some parts of the path were paved while others consisted of rock aggregate, resulting in a combination of surfaces. Campbell clarified that the portion under discussion would be paved. Gergen confirmed that the specific section would be paved but added that the applicant wished to maintain flexibility regarding the surfacing of other path segments.

Campbell acknowledged that the remaining areas were currently gravel and accepted the desire to keep options open. Gergen concurred, noting that some segments might remain gravel while others could be paved.

Campbell responded, indicating his understanding.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

**Jerry Elfring, 4901 Glen Ridge Court, Lincoln, NE**, came forward and expressed concerns about the rapid progress of the project. He noted that although the Watershed Management Department had received the plan approximately one week prior, the townhome association was not notified until June 25 via the City's website, where the posted plan lacked visible grade levels.

Elfring explained that he contacted Tim Zach to arrange a meeting, but due to Zach's vacation, they could not meet until July 2. During that meeting, Zach visited their area to review drainage concerns and brought a plan showing elevation. Elfring expressed difficulty visualizing how the grading would function, noting that the four new lots were at an elevation like that of their townhome lots, approximately 1,370 feet. He questioned whether a proposed four-foot cut would be sufficient to ensure proper drainage toward Highmark Lane.

Elfring stated that he and another partner met with the project owners on July 3, following a suggestion from the Planning Department, to discuss concerns and request concessions. He sent a document outlining these concessions on July 6, before a meeting scheduled for July 7; however, as of the hearing date, the document had not been signed by the owners. He presented the document to the Commission, highlighting that it contained approximately twelve items, including conditions such as paving the cart paths and addressing drainage concerns related to the removal of the chip-and-putt area. Elfring emphasized that the association had tried to be good neighbors and reach a favorable solution but felt that the project should be suspended until grading issues were fully resolved.

Elfring further expressed concern about the grading certificate process, asking who is responsible for verifying that grading is completed according to plan after the contractor finishes the work. Citing prior experience with the Planning and Watershed Departments, where contractors did not follow approved drainage plans, he voiced frustration about the lack of enforcement or recourse, which forced neighbors to correct drainage issues themselves. He requested clarification on how the grading certificate is determined and who conducts the follow-up survey once grading is complete.

Campbell requested to see additional items from the document presented, noting that only items one through six had been initially shown.

Elfring concluded by thanking the Planning and Watershed Departments for their involvement and efforts to address concerns. He acknowledged that staff and owners were working toward a satisfactory resolution but reiterated the need for caution and thoroughness.

#### **Staff Questions:**

Following public comment, during staff questions, Campbell noted that a representative from Watershed Management was present and asked if they could respond to the questions raised by Mr. Elfring. Schlange indicated that Tim Zach would address them.

**Tim Zach, Watershed Management at 555 South 10th Street, Lincoln, NE**, came forward and addressed concerns raised during public testimony regarding the grading certificate process. Zach explained that under standard procedures, once a grading and drainage plan is approved, developers may begin grading the site accordingly. In most developments, further construction, such as paving roads and installing water, sewer, and stormwater infrastructure cannot proceed until a grading certificate is submitted to the city. This certificate must be prepared and submitted by a licensed surveyor or engineer, verifying that the ground has been graded according to the approved plan. An as-built grading plan is also required to support the certification.

However, Zach noted that this development is unique because the streets, water, and sewer infrastructure already exist. As a result, there would typically be no triggering requirement for a grading certificate. To ensure grading compliance, staff proposed an additional condition requiring submission of a grading certificate for review. This would allow Watershed Management to verify that grading has been completed per the approved plan. Zach stated that the applicant, represented by Tim Gergen, agrees to this condition, and the applicant's engineering team would likely fulfill it.

Zach further explained that once lots are sold to builders, each builder will conduct additional grading to install basements and complete construction. Builders must obtain permits, which prompt inspections primarily focused on erosion and sediment control to prevent runoff, such as mud or debris, from entering streets or adjacent properties. He clarified that the City does not routinely re-check grading on each lot during construction unless issues arise.

Zach concluded by noting that Watershed Management can coordinate with the Building and Safety Department to request notice when home construction begins, allowing city staff to verify that final grading continues to meet the approved grading and drainage plan.

Campbell asked whether an amendment to the special permit would be necessary to ensure formal enforcement of the grading certificate requirement and follow-up inspection. Zach responded that Watershed Management can work directly with the Building and Safety Department without an amendment, but noted that if the Commission wished, an additional condition requiring a grading check at the building permit stage could be added. He cautioned that the Building and Safety Department may need to be consulted first to confirm their agreement.

Feit asked what a neighbor should do if they observe drainage issues or suspect grading does not match the approved plan. She inquired about the process for submitting concerns and who should be contacted.

Zach replied that concerns should be submitted directly to the Watershed Management office. He noted that he had already met with Elfring and provided his contact information as well as that of the department's inspector. Zach emphasized that while Watershed staff cannot be on-site continuously during construction, they rely on communication from residents and can respond and initiate enforcement if necessary.

Chair Joy asked if there were any further questions. There were none.

#### **Applicant Rebuttal-**

Gergen, speaking on behalf of the applicant, provided a rebuttal to address concerns raised by neighbors regarding the timeline and process of the project.

Gergen stated that while some projects may proceed quickly, this project—limited to just nine lots—had moved at an unusually slow pace. A neighborhood meeting was held on April 29, and the application was officially submitted on May 14. Although the standard delay at the Planning Commission is typically two weeks, the applicant agreed to a four-week delay to allow additional time for development and coordination.

Gergen emphasized that the project was ready to move forward and that the current hearing represented only the first of many steps. He noted that grading still needed to be completed, followed by submission of a grading certificate and the final plat process, which typically takes three to four months. Based on that timeline, he indicated that construction may not begin until October, potentially missing the 2025 construction season altogether. He characterized the pace of the project as “a snail’s pace,” not something being rushed.

Gergen also clarified the procedural requirements, explaining that the special permit must be approved before the developer can receive city approval to begin grading. Without the special permit, the grading and drainage plans cannot be formally accepted. Once the special permit is granted, the grading plans can be finalized, and the grading certificate prepared. He emphasized that grading cannot occur before special permit approval.

### **Staff Questions-**

Campbell asked Gergen to identify on the map where neighbors had requested the construction of a four-foot berm. Gergen responded that he was not entirely sure of the berms exact location but explained that creating a mowable four-foot berm would require significant space—approximately 30 feet in width—to accommodate proper slopes and a maintenance strip. He expressed concern that introducing a berm in the proposed area, which includes low-lying terrain and existing drainage issues, would not be advisable. Gergen noted that while a berm might not be feasible, the applicant would be open to providing privacy screening through landscaping such as tall grasses or trees.

Gergen summarized responses to several key items:

- The applicant agreed that roof heights would comply with the zoning code, though they did not want to limit future builders to only one-story homes. Regardless of building height, rooflines would remain within allowed limits.
- Grading and drainage concerns would be addressed in cooperation with Watershed Management and certified through the required grading certificate process.
- Erosion control measures would be installed as required during grading and by the building department through its permitting process.
- The applicant agreed to pave a cart path around the drainage concern, as previously discussed.
- Regarding the berm request, while a berm was not considered advisable, landscaping alternatives would be provided.
- The applicant declined to build a retaining wall on a neighboring property due to liability concerns, stating that existing drainage issues should be addressed by the neighboring owner.
- The applicant agreed to remove unused cart paths, backfill, reseed those areas, and to replant a tree that had previously been removed, though without guaranteeing its long-term survival.
- The applicant was open to conveying part of an outlot to the Homeowner's Association at no cost for the land itself, though any costs associated with deed transfer and amending covenants would need to be shared.
- Existing trees outside the construction area would be preserved.
- The applicant agreed to maintain the golf course property and provide a best-guess construction schedule.

Campbell then raised a concern about builders spreading excavated basement soil across lots, potentially altering the approved grading. He asked whether a covenant could be placed on the lots requiring that the original grading be maintained, and that excess soil be hauled away. Gergen responded affirmatively, stating that such a condition could be included. He reiterated that neighbors or staff could report any observed deviations from the approved grading, and that Watershed Management or Building and Safety could inspect the site and require



corrective action. When asked if Newmark Properties would be willing to include that condition upon selling the lots, Gergen confirmed that it would not be an issue.

Campbell then asked whether the applicant had consulted with the HiMark owners about the list of 12 concessions submitted by neighbors. Gergen stated that he had briefly reviewed the list on Tuesday, after receiving it the previous night, and had discussed it with Newmark Properties.

**SPECIAL PERMIT 1423M**

**ACTION BY PLANNING COMMISSION:**

**JULY 09, 2025**

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

Campbell moved to approve Special Permit 1423M; seconded by Eddins.

Campbell stated that he believes the applicant has done a good job in revising the project. He noted that the detention cell, which was previously located at the top of the hill, is now being lowered and relocated to the south. This change, he explained, would redirect water flow and prevent it from passing down toward the previously constructed townhomes. He added that the adjustment may also help reduce the amount of water going behind those units, as the lots now slope toward the street, helping to capture runoff that previously flowed from the golf course area.

Campbell commended the applicant for the improvements made, particularly their efforts in working with Watershed Management, and concluded by stating that he would be supporting the motion.

Ebert asked for clarification regarding the motion, specifically whether the phrase “with noted conditions” referred only to the conditions outlined in the staff report. Eddins, who seconded the motion, hesitated and sought clarification. Campbell, who made the motion, responded, “Correct,” confirming that the motion referred solely to the conditions in the staff report.

Chair Joy then asked whether that included the C-Plan certification requirement, which Building Safety would review as part of the approval process. Campbell confirmed that it did. Chair Joy concluded the exchange by affirming that the motion, as stated, includes only the conditions in the staff report, including the C-Plan certification.

Feit said she agreed with the prior discussion and expressed her appreciation for the applicant’s ability to navigate both the neighbors’ concerns and the developer’s interests. She acknowledged their efforts in working through the list of 12 items one by one during the hearing. Feit emphasized the importance of continued communication, encouraging neighbors to keep engaging with the developer, and Watershed Management to ensure that the commitments made today are followed through.

Chair Joy asked if there were any other comments. After hearing none, she thanked Gergen and his team for their efforts during the four-week deferral. Joy expressed appreciation for

everyone's hard work and commended all the commissioners for their thoughtful comments during the hearing.

Motion for approval of Special Permit 1423M carried 6-0: Campbell, Cruz, Ebert, Eddins, Feit, and Joy, voting 'yes'. Ball, Rodenburg and Ryman Yost absent.

**MISCELLANEOUS 25007, A REQUEST FOR REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACT AND CHAPTER 1.28 OF THE LINCOLN MUNICIPAL CODE TO THE ZONING CODE DEFINITION OF 'FAMILY' TO ALLOW NINE UNRELATED PERSONS TO RESIDE TOGETHER AS A FAMILY ON PROPERTY GENERALLY LOCATED AT 6010 S 81ST STREET.**

**PUBLIC HEARING:**

**JULY 09, 2025**

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

**An ex parte communication was disclosed.**

Chair Joy stated that all Planning Commissioners had the opportunity to speak with the City Attorney's Office regarding this case and noted that for the record.

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

**Staff Presentation-**

**David Cary, Director of the Planning Department, 555 S. 10<sup>th</sup> Street, Lincoln, NE,** came forward and introduced the item, explaining the hearing process. Cary stated that staff would first review the main points of the staff report, followed by the applicant's presentation, and then the public hearing.

Cary explained that this request, Miscellaneous 25007, is for reasonable accommodation under Chapter 1.28 of the Lincoln Municipal Code, as well as the Nebraska and Federal Fair Housing Acts. The accommodation sought is to modify the definition of "family" in Chapter 27 of the Lincoln Municipal Code to allow nine unrelated individuals with disabilities to live together in a dwelling known as Oxford House at Hannah Point, located at 6010 South 81st Street.

Cary located the site on a map, identifying its position in the northeast quadrant of the area bounded by Old Cheney Road, Pine Lake Road, 84th Street, and 70th Street. He noted that the property is zoned R3 and is adjacent to Lincoln Christian School to the east. Cary outlined that the Fair Housing Act requires cities to make reasonable accommodations to zoning codes to ensure equal housing opportunities for individuals with disabilities. He described the Oxford House concept as providing a supportive sober living environment for recovering alcoholics and addicts, without onsite services or treatment. He emphasized that individuals recovering from addiction are recognized as disabled under the Fair Housing Act, making discrimination unlawful.

Cary clarified relevant zoning definitions, noting that a collaborative living facility is allowed in R3 zones for up to four unrelated individuals with disabilities living together under certain conditions. However, he added that the Oxford House does not qualify as a group home or transitional living facility. The requested accommodation could be granted either under the family definition or as a collaborative living facility, but the applicant is pursuing it under the family definition.

Cary explained the role of the Planning Commission in reviewing the zoning aspects of this request, while final approval authority rests with the City Council.

Cary then reviewed key facts and criteria from the staff report. He stated that the residents assert they are disabled individuals recovering from substance addiction and described the communal sober living arrangement as necessary. He noted that alternative accommodations, such as approval as a collaborative living facility with up to four residents, could provide similar benefits.

Cary stated that the area's Comprehensive Plan designates the site as urban residential and supports a variety of housing types. He added that the accommodation would not substantially alter the physical property nor impose undue financial or administrative burdens on the City.

Regarding safety concerns, Cary noted that the Lincoln Police Department reported 18 calls for service at the property since 2022, while several nearby properties had similar or higher call volumes. Police representatives were available to provide additional information if needed.

Finally, Cary explained that the requested accommodation would not require fundamental changes to zoning, building, or fire safety codes. He noted that collaborative living facilities in R3 zones require a 1,000-foot separation, and there are currently no such facilities nearby.

Cary concluded by summarizing these points and offered to answer questions from the Commission.

#### **Staff Questions-**

Campbell asked Cary whether a motion would need to be made to amend the request from family living to collaborative living. Cary responded that whatever motion is made, it should specify what the requested action entails. He explained that the Commission could make a motion regarding the definition of family, collaborative living, or neither, but emphasized the importance of clarity about what the motion is addressing.

Feit clarified for the benefit of everyone listening that the Planning Commission's actions that today's actions were recommendations to the City Council, not final decisions. Cary confirmed this, stating that the City Council would make the final decision on the matter.

#### **Applicant-**

**Mark Fahleson, Attorney at Rembolt Ludtke LLP, 1128 Lincoln Mall, Suite 300, Lincoln, NE,**

came forward and stated that he was present on behalf of the applicant, Oxford House, and Oxford House Hannah Pointe, along with his colleague, Nicole Miller. Fahleson began by acknowledging the Planning Director's thorough overview and stated that he would focus on a few additional key points. He explained that Oxford Houses are democratically self-run and financially self-supporting. He noted that the nine women currently residing at the Oxford House Hannah Pointe location were all gainfully employed and paid the full costs of housing and living expenses.

Fahleson noted that the request was not unprecedented. In 2022, the Planning Commission and City Council approved a similar reasonable accommodation request for Oxford House Lion Crest, located at 1923 B Street. He highlighted several facts outlined in the staff report: that the residents are recognized as disabled under the Federal Fair Housing Act; that the necessity of communal sober living had been demonstrated; that granting the accommodation was consistent with the Comprehensive Plan; and that housing nine individuals at the site would not exceed any building code limitations.

Fahleson introduced Dan Hahn, a regional manager for Oxford House, who is also a resident of an Oxford House and a personal success story of the program. Hahn would provide additional details on daily operations and address neighborhood concerns. Fahleson also noted the presence of Jackie Alba, Oxford House's outreach coordinator for Nebraska, who was available to answer questions.

Before turning the presentation over to Hahn, Fahleson made two final points. First, the applicant was amenable to the staff's recommendation that the property be designated as a collaborative living facility with a reasonable accommodation for up to eight unrelated individuals. Fahleson explained that although other Oxford House locations may accommodate nine or more residents, eight was a reasonable compromise that still supported therapeutic peer recovery.

Second, Fahleson addressed public concerns regarding police calls to the property. He asserted that many of the complaints were either unfounded or anonymous, and stated that the residents had experienced ongoing harassment since moving in. Fahleson described incidents including the use of a drone to surveil the house from outside bedroom and bathroom windows, prompting residents to black out their windows; multiple police calls without merit; and a recent case of cable service vandalism confirmed by the provider. Fahleson emphasized that the residents wished to be good neighbors and live quietly and noted that steps had already been taken to address concerns, including those related to parking.

Fahleson concluded by affirming the applicant's willingness to work cooperatively with the Planning Commission, City staff, and the City Council to ensure a resolution that met both the needs of the residents and the broader community. He then invited Dan Hahn to speak.

**Daniel Hahn, 1404 Pioneer Road, Ponca City, Oklahoma 74604,** came forward and provided background on Oxford House. He explained that the organization was founded in 1975 and operates as an evidence-based model for sober living. Hahn noted that extensive research

supports the Oxford House approach, including studies by DePaul University and references in the 2018 U.S. Surgeon General's report. He added that Oxford House has been featured in national media, including *60 Minutes*, and currently operates over 4,000 houses nationwide. Hahn shared his personal experience as a long-term member of the Oxford House community, stating he was approaching 18 years of sobriety. He described himself as a "success story" and expressed dedication to the organization and the individuals it serves. He highlighted significant growth of Oxford House in Nebraska, noting that in the past seven to eight years, the number of houses in the state increased from 38 to nearly 100, driven in part by rising substance use rates, including opioids and alcohol.

Hahn stated that he resides in Oklahoma and oversees Oxford House operations across multiple states. Specifically, he supervises eight staff members in Oklahoma, three in Missouri, and five in Nebraska. His role includes ensuring accountability to the Nebraska Department of Health and Human Services (DHHS), particularly in demonstrating who is being served and how the homes function as supportive sober environments. He reiterated the organization's right to operate as single-family households under fair housing laws and expressed a desire to live peacefully in neighborhoods as part of the broader community. Addressing neighborhood concerns, Hahn acknowledged that parking had initially been a challenge at the Hannah Pointe location. He stated that when the house opened, he had not anticipated exceeding available parking spaces. In response, the house limited the number of vehicles and required residents to park only in the driveway or directly in front of the home. Additionally, residents voluntarily committed to hiring a professional lawn care service to maintain the property and be good neighbors.

Hahn concluded by welcoming questions from the Commission and reaffirming Oxford House's commitment to accountability, community engagement, and maintaining a respectful presence in Lincoln neighborhoods.

### **Staff Questions -**

Ebert asked Hahn what he meant when he stated that part of his job involved accountability to DHHS and what that accountability entails.

Hahn responded that Oxford House is recognized as an evidence-based recovery model and that accountability typically involves reporting to DHHS as required. He explained that specific data requests may vary but generally focus on demographic information about residents and their primary substance of use. He also noted that SAMHSA—the federal agency overseeing recovery services—distributes funding and supports programs like Oxford House. Hahn emphasized that DHHS's primary guidance to Oxford House in Nebraska has been to serve as many individuals as possible and to do so ethically, which he believes Oxford House has consistently demonstrated across the state.

Feit asked what kind of accountability exists within the Oxford House model, particularly in situations where peer governance may fail, or where there are safety concerns or residents not meeting expectations. She expressed concern for the residents, noting it was upsetting to hear about the harassment they had experienced.

Hahn responded that Oxford House is designed to be a democratically self-governed and financially self-sustaining recovery model, with accountability built into its structure. Each house must apply for a conditional charter, which requires residents to: (1) live democratically, (2) pay all bills in full and on time, and (3) immediately evict anyone who uses drugs or alcohol. He emphasized that while staff are available to assist, primary oversight comes from the residents themselves and Oxford House's peer network. In Nebraska, there are currently around 97 houses with only five staff members overseeing them, made possible by a strong peer accountability system.

Each house is also part of a local chapter—Hannah Pointe belongs to Chapter 5—where house presidents meet monthly to review performance and provide mutual oversight. Chapters can intervene if a house begins to falter; however, Hahn noted that Hannah Pointe has not required intervention during its three years of operation. He explained that the peer model is not only effective but central to Oxford House's philosophy of recovery, empowering residents to take ownership and build long-term stability.

Cruz noted that Oxford Houses are self-policing and self-governing, with each functioning almost like its own entity, particularly in this case, a women-only home. She expressed concern about what accountability exists at the house level if problems are not reported or escalated to the chapter level.

Hahn responded that the chapter remains aware of the condition of each house through ongoing peer monitoring. Each chapter typically includes six to twelve houses and contains elected committees that provide oversight. One such group is the Housing Services Committee, whose purpose is to monitor and ensure that houses are functioning properly. These committees meet regularly and are composed of members elected by their peers. Hahn emphasized that the Oxford House model is self-sufficient from top to bottom and functions as a broader community beyond individual homes. He added that members also fundraise and organize attendance at national conventions, demonstrating a high level of ownership and accountability. Hahn encouraged commissioners to explore the model further online, noting that a full explanation of the governance structure would take all day due to its complexity.

Fahleson returned to the podium and stated he would be available to answer questions from the Commission at any point during the proceedings.

Chair Joy thanked him for his willingness to be available.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

### **Staff Questions-**

Campbell asked Captain Ben Kopsa from the Lincoln Police Department to provide background on the 18 calls for service to the Oxford House residence and whether there were any outcomes from those calls.

**Captain Ben Kopsa, Lincoln Police Department, Southeast Team Captain, 575 S. 10th Street, Lincoln, NE,** came forward and addressed the Commission. Captain Kopsa reviewed call data within a 750-foot radius of the Oxford House property dating back to January 2022. Of 114 total calls in the area, he examined those tied directly to the residence at 6010 South 81st Street. He reported that seven calls involved parking issues, four involved disturbances or trespassing, and eight were categorized as miscellaneous.

Examples included residents reporting a former resident refusing to leave, a report of three females yelling outside the residence, and a trespassing incident involving a male who left without issue. One assault was reported with no arrests made. A missing person report was quickly resolved, with the individual transferred to another facility. Additional reports included a vehicle accident (not at the residence), a neglect concern, complaints about neighbors pointing cameras at the house, a broken vehicle window, and a minor collision due to icy road conditions. Captain Kopsa confirmed that no criminal arrests were made in connection with any incidents at the 6010 address and that several calls were initiated by the residents themselves.

Eddins asked if, aside from reasonable accommodations at this house, the police department tracks “unruly properties” that generate numerous calls for service, and if so, how the police respond.

Captain Kopsa responded that the Lincoln Police Department does track nuisance properties. If a property generates a high volume of calls over time, it may be flagged for follow-up by the community services team, which works with property owners or managers to address ongoing issues. He emphasized that the type and frequency of calls matter—repeated criminal activity or verified disturbances warrant different action than calls not resulting in police reports or arrests.

Eddins asked for confirmation that no incidents at 6010 South 81st Street had qualified it as unruly.

Captain Kopsa confirmed that none of the incidents at this address rose to that level. Eddins thanked him for the clarification.

Feit expressed concern that the women living in the house might feel unsafe due to tensions with neighbors and asked whether city or county resources are available to assist with neighborhood conflicts or improve understanding.

Captain Kopsa responded that there are no formal city or county programs specifically for neighborhood mediation. However, police officers attempt to mediate conflicts when called, such as disputes involving neighbors pointing cameras at the residence. Officers work to maintain peace and ensure neighborhood safety and take enforcement action if violations occur. He encouraged residents to report any unsafe conditions or suspicious activity, noting that increased reporting helps allocate police resources effectively. He explained that patrols cannot cover every area constantly, making community communication essential.

Feit thanked Captain Kopsa for his response.

### **Applicant Rebuttal-**

Campbell asked about the apparent conflict between the house opening with nine individuals and the three-year delay before the matter came before the Commission, despite clear standards in the Lincoln Municipal Code. He inquired why inspections or code enforcement were not conducted before the house was occupied.

Fahleson responded that he did not know the answer and deferred any legal interpretation to the City Council. He stated that the federal Fair Housing Act may preempt local regulations in this area, potentially making the typical local review process inapplicable. Fahleson noted that this matter was proceeding as a reasonable accommodation request and said he would ask Mr. Hahn to provide further information.

Hahn approached and stated that, based on his 17 years of experience, this was only the third hearing he had attended related to an Oxford House, and the first time a hearing had been held after a house had already been open for an extended period. He explained that typically, hearings are held shortly after a house opens, and issues are addressed as they arise.

Hahn further explained that Oxford Houses are generally opened based on their classification under existing regulations, and efforts are made to be good neighbors. While no living arrangement is without challenges, he noted that Oxford Houses tend to have fewer issues—such as drinking—compared to surrounding homes. He stated that most of the time, the opening of a house does not generate complaints. In this case, Hahn was unsure why it had taken so long for the matter to come before the Commission, but believed the first complaint about the property was received about a year ago. He said it had simply taken time for the issue to reach this stage. Hahn emphasized that the house had been opened in accordance with its classification.

Fahleson asked Hahn whether, in other cities or states, Oxford House typically seeks formal approval before moving residents into a home.

Hahn responded emphatically, stating that formal approval is not typically required before residents move in. He said he had never, in his experience, been involved in a process where such approval was obtained in advance and confirmed that this answered the question.



Campbell thanked the speakers.

Fahleson asked if there were any additional questions from the Commission, and there were none.

**MISCELLANEOUS 25007**

**ACTION BY PLANNING COMMISSION:**

**JULY 09, 2025**

Campbell moved to close the public hearing; seconded by Eddins

Campbell moved to approve Miscellaneous 25007, a Request for Reasonable Accommodation under the Fair Housing Act, Chapter 1.28 of the Lincoln Municipal Code to the zoning code definition of a "Collaborative Living Facility" to allow eight unrelated persons to reside as a family at 6010 South 81<sup>st</sup> Street; seconded by Eddins

Campbell stated that after reviewing the letters, emails, and other input, he had a clearer understanding of some of the opposition. Campbell noted that many of the calls referenced by Captain Kopsa originated from the house itself. Campbell questioned whether the neighborhood had taken the time to get to know the residents and suggested that the lack of connection might be contributing to the concerns.

Campbell acknowledged a report of three women shouting outside but said similar situations could happen in any household. While he believed that a supervised living environment would be preferable, he noted that this operation does not function in that way. However, Campbell stated that similar operations have been successful across the country, and for that reason, he would be voting in favor.

Eddins stated that the law is clear in allowing individuals to request a reasonable accommodation, without specifying when or how the request must be made. She expressed appreciation that the applicant reduced the number of residents to eight in a six-bedroom house, noting that in other cases, there have been concerns about overcrowding.

Eddins commented that the neighborhood appears to be a nice one and that dividing the mortgage among eight people makes the cost more reasonable. She stated that the request meets the intent of the law regarding reasonable accommodation for individuals with disabilities and affirmed her support for such efforts. Eddins concluded by stating that she will always be a champion for people with disabilities and noted that the law recognizes individuals in recovery as qualifying.

Feit stated that she agreed with her fellow commissioners. She expressed appreciation for the applicant's attendance and for addressing concerns related to parking and lawn care.

Feit noted the effort to find solutions and to be good neighbors, as stated by the applicant. She said she appreciated that the women were working to improve their lives and to be as neighborly as possible. Feit added that she hopes the surrounding neighbors can also be neighborly and find a way to live together peacefully.

Chair Joy stated that she appreciated everything that was shared during the meeting. She agreed with her fellow commissioners and said she would be supporting the motion.

Motion for approval of Miscellaneous 25007 carried 6-0: Campbell, Cruz, Eddins, Ebert, Feit, and Joy, voting 'yes'. Ball, Rodenburg and Ryman Yost absent.

Campbell moved to adjourn the Planning Commission meeting of June 25, 2025, seconded Eddins.

Motion to adjourn carried 6-0: Campbell, Cruz, Ebert, Eddins, Feit, Joy, Rodenburg and Ryman Yost voted "yes." Ball, Rodenburg and Ryman Yost absent.

There being no further business, the meeting was adjourned at 2:20 pm.



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Change of Zone #25012

FINAL ACTION?  
No

OWNER  
Rochelle Mallett and Phillip Romberg

PLANNING COMMISSION HEARING DATE  
July 23, 2025

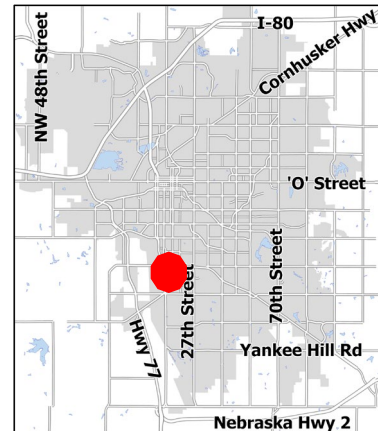
RELATED APPLICATIONS  
SP25027

PROPERTY ADDRESS/LOCATION  
1821 South Pershing Road

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-2 Residential District to R-2 Landmark (Historic Overlay). The proposed historic overlay would create an individual local landmark known as the Henry H Foster Local Landmark at 1821 South Pershing Road. The purpose of the landmark is to highlight the history of this property as well as to enable the property owner to obtain a Special Permit for Historic Preservation to build a garage in the secondary front yard of a dual frontage lot.



#### JUSTIFICATION FOR RECOMMENDATION

The protection of a Lincoln landmark designation supports the retention of a significant historic structure in Lincoln. Landmark designation is a requirement for seeking a Special Permit for Historic Preservation, which provides incentives for the continued use of prior investment in neighborhood infrastructure and the building, as is strongly encouraged by the Lincoln/Lancaster County 2050 Comprehensive Plan.

#### APPLICATION CONTACT

##### STAFF CONTACT

Jill Dolberg, (402) 441-6373 or  
jdolberg@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designating a wide variety of the community's historic places and utilization of incentives to encourage their preservation.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

### Goals Section

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the country. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

### Elements Section

#### E1: Complete Neighborhoods and Housing

The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live. New construction in existing neighborhoods should continue the architectural variety, but in a manner that is sympathetic to the character of existing neighborhoods.

#### E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character - its sense of place - through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

The Historic Preservation Commission (HPC) works with neighborhood groups, preservation advocates, property owners, and the Nebraska State Historical Society to discover, protect, and share the community's heritage. The zoning code provides protection for the designated historic property and incentives for creative uses that maintain the vitality of historic places. The Commission has a key role in providing on-going guidance in the revitalization of areas such as the Haymarket, residential historic districts, and Havelock Avenue.

### Policies Section

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

#### Action Steps

5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

P37: Historic Preservation - The community's distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

#### Action Steps

5. Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

## ANALYSIS

1. This is a request for designating .27 acres of the Woodsshire neighborhood as a local landmark, while retaining the

underlying R2 zoning designation.

2. The landmark is generally located at 1821 South Pershing Road and includes a single building.
3. The Henry H Foster House is significant in the areas of Architecture, Education and Law. The period of significance is 1918-1945, beginning with the construction the house, and ending with the year the Foster family moved from the property.
4. A site, structure, discontiguous collection of structures, or contiguous area may be designated as a landmark or landmark district if it is of historical, cultural, architectural, or archeological importance as evidenced by meeting one or more of the following standards for designation:
  - a. Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
  - b. Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
  - c. Represents archeological value in that it yields or may be likely to yield information pertaining to prehistory or history.

The Henry H Foster House is significant for its association with events that have made a significant contribution to the history, heritage, and culture of the City of Lincoln, as well as representing a distinctive architectural style or innovation. Henry Foster was a lawyer and educator who was the Dean of the University of Nebraska Law College between 1926 and 1945. The house is built in the Colonial Revival style, designed by well known Lincoln architect, N. Bruce Hazen.

5. Additional details regarding the historic significance are found in the attached application for Landmark designation.

The house is associated with Henry H Foster, who was the Dean of the University of Nebraska's College of Law from 1926 through his retirement in 1945. He was a well-known expert in property or real estate law and contributed articles to the newly founded Nebraska Law Bulletin. He served as interim chancellor during the Great Depression and represented the University of Nebraska Board of Regents in numerous capacities, including representing them in the Nebraska Supreme Court. The house is a Colonial Revival style house built in 1928, designed by prolific Lincoln architect, N. Bruce Hazen. It is an excellent example of the style, and the property is significant in the areas of Architecture, Law and Education.

N. Bruce Hazen was the most popular architect for properties in this neighborhood, having designed 10 houses in Woodshire. He also, over the course of an almost 50-year career in Lincoln, designed or rehabilitated over 500 houses in Lincoln. He worked with Architects Davis & Wilson until establishing his own firm.

6. Per Chapter 27.57.120 "Whenever possible, the Preservation Commission shall secure the written consent of the owner or owners before proceeding to secure designation as a landmark.... A landmark district shall not be designated if written protests are made by owners of at least fifty-one percent of the included property, excluding public right-of-way, at or prior to public hearing on the designating ordinance." This proposed landmark was requested by the property owner.
7. Upon being designated as a landmark, the property will be required to adhere to the Historic Preservation Design Standards when completing exterior alterations. An application will be made to the Planning Department that outlines the planned alteration, including drawings, cutsheets, and photographs. A project that meets design standards may be approved administratively. Larger projects or those that veer from the standards will be presented to the Historic Preservation Commission for review. Upon approval, the project may move forward with appropriate permits as necessary. HPC also reviews proposals for demolition, as well as plans for building new construction within the district.
8. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on July 10, 2025 (excerpt from meeting record attached).

#### **EXISTING LAND USE & ZONING: R-2 Residential District**

## **SURROUNDING LAND USE & ZONING**

The area around this property is largely zoned R-1 or R-2 Residential

## **APPLICATION HISTORY:**

2011 - The property was listed in the National Register of Historic Places as a contributing property in the Woodsshire Residential Historic District.

July 10, 2025 - The Historic Preservation Commission unanimously recommended approval of the Local Landmark application.

**APPROXIMATE LAND AREA:** .27 acres

**LEGAL DESCRIPTION:** WOODSSHIRE, BLOCK 5, Lot 29 W ½ & Lot 30 and WOODSSHIRE ADD REPLAT (OF BLOCK 5 LOTS 31-34) LOT A

Prepared by Jill Dolberg, Historic Preservation Planner  
(402) 441-6373 or [jdolberg@lincoln.ne.gov](mailto:jdolberg@lincoln.ne.gov)

Owner/Applicant:

Contact: Jill Dolberg  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508  
(402) 441-6373

## LANDMARK OR LANDMARK DISTRICT NOMINATION

### 1. NAME

Historic:

Henry H. and Emma Foster House

(and/or) Common:

NeHBS Site:

**LC13:D04- 0279**

### 2. LOCATION

Address:

**1821 South Pershing Road**

### 3. CLASSIFICATION

#### Proposed Designation

☐ Landmark District

☒ Landmark

#### Category

☐ District

☒ Building(s)

☐ Structure

☐ Site

☐ Object

#### Present Use

☐ Agriculture

☐ Commercial

☐ Educational

☐ Entertainment

☐ Government

☐ Industrial

☐ Military

☐ Museum

☐ Park

☒ Private Residence

☐ Religious

☐ Scientific

☐ Transportation

☐ Other (vacant)

### 4. OWNER OF PROPERTY

Name:

Address:

### 5. GEOGRAPHICAL DATA

Legal Description:

**Woodsshire, Block 5, W ½ Lot 29 & Lot 30**

Property ID Number:

**0901131023000**

Number of Acres or Square Feet:

**\_\_\_.27\_acres\_\_\_\_\_** (more or less)

### 6. REPRESENTATION IN EXISTING SURVEYS

Title: **Historic & Architectural Survey of Lincoln, NE**

Date: **on-going**

☐ State

☐ County

☒ Local

Depository for Survey Records: **Lincoln/Lancaster County Planning Dept.**

City: **Lincoln**

State: **Nebraska**

Is the proposed Landmark or Landmark District listed in the National Register?

☒ Yes, Date Listed: **2011**

☐ No

### 7. DESCRIPTION AND HISTORY

#### Condition

☒ Excellent

☐ Deteriorated

☒ Unaltered

☒ Original Site

☐ Good

☐ Ruins

☐ Altered

☐ Moved, Date:

☐ Fair

☐ Unexposed

## 7. DESCRIPTION AND HISTORY, CONT.

### DESCRIPTION:

The house at 1821 South Pershing is located within Woodsshire, a National Register listed historic district made up of 131 houses built on 40 acres of elevated land in the south-central part of Lincoln, Nebraska. The 1925 subdivision is a square parcel, with steep terrain on the north and south sides. The land slopes from a high point at the southeast corner towards a low point near the northwest



*Figure 1 Foster House, view southeast*

corner, losing about 40 feet in elevation. Ernst Herminghaus, landscape architect for the Woods Brothers Corporation and resident of the neighborhood, followed the topography in designing the streets, drainage and flow of sewer. The houses are all single-family residences, and most of the houses built during the first decade or so of development would be categorized as a period revival in style, with fifty of the 131 homes displaying a Colonial Revival style.<sup>1</sup>

The Henry H. and Emma Foster House is a limestone veneer, Colonial Revival style house located on South Pershing Road along the southernmost border of the neighborhood along Calvert Street. The house is a two-story, three-bay, symmetrical design under a side gable roof. The most prominent feature is the centered entrance which is ornamented with a decorative crown supported by pilasters and extended forward with slender Tuscan columns to form the shallow front entry portico. The roof of the portico is curved with returns, and the door is embellished with a carved wooden demilune detail above. A cast iron mail slot is located to the right of the door.

The majority of the windows are double-hung with multi-light sashes, although they do appear to be replacement windows. The windows have limestone sills and/or lintels. There are decorative windows on the gable ends. On the west façade the observer finds an attic-level demilune window, and a small, rectangular fixed window on the



*Figure 2 Foster House, view southeast*

<sup>1</sup> "Woodsshire Residential Historic District" National Register of Historic Places Nomination. 2011.





Figure 3 Foster House, view southwest

second floor. The east gable end, which is dominated by a hearty limestone chimney, splits the demilune motif in half with quarter round windows on each side at the attic level. The east also has a one-story frame wing with a flat roof and cross hatched iron rail. A door leads from the second story onto the roof of the wing. The wing itself features a large picture window.

In 1946, the second owner, Neil B Dieterich Jr and Lillian Dieterich, hired Meginnis and Schaumberg to design a 30' by 36' addition to the house, which resulted in a partial two-story frame addition under a projecting gable on the rear of the house. It is scarcely visible from the front façade.<sup>2</sup>

The property includes one and a half rectangular lots. While the front of the house sits on South Pershing Road, the south property line lays on Calvert Street, which technically gives this property a dual frontage.

When the house was initially built, the contract included a frame garage, located to the west and behind the house.<sup>3</sup> It is no longer extant, having deteriorated beyond repair since it was built in 1928.

## HISTORY:

In August 1920, an article in the *Lincoln Star* announced that Henry H. Foster, a professor of law at the University of Oklahoma, was hired to join the faculty of the college of law at the University of Nebraska by the Board of Regents.<sup>4</sup> The college of law was in the process of reorganizing their instructional system according to the vision of the Board of Regents and Dean Warren A. Seavey, the newly chosen dean of the college. Professor Foster had helped organize the Oklahoma school of law and had experience in education and was considered an excellent addition to the faculty.

Professor Foster held degrees in education and psychology from Cornell University in 1899. Foster worked as the principal of the Franklin School in Peoria, IL and later an associate professor of education at the New Jersey State Normal School in Trenton.<sup>5</sup> He then earned his law degree from Harvard Law School in 1908, and practiced law for two years in Peoria. After ten years at the University of Oklahoma school of law, he was called to Lincoln to join the faculty at the University of

<sup>2</sup> Building Permit No 43925, dated 23 November 1946.

<sup>3</sup> Building Permit No 17913, dated 31 August 1928.

<sup>4</sup> *Lincoln Star*, 20 August 1920, p. 2.

<sup>5</sup> *Lincoln Star*, 22 August 1920, p. 6.

Nebraska. In September 1920, his wife and three children joined him in Lincoln, purchasing a house at 1749 Prospect.<sup>6</sup>

In May 1921, Foster was admitted to the Nebraska Bar Association and began to represent the Board of Regents as their attorney.<sup>7</sup> He was responsible for drafting the articles of incorporation for the University Foundation, the University of Nebraska dormitories, the Student Union, and the athletic department. He also successfully argued before the Nebraska Supreme Court that a governor could not veto a budget item for state institutions which had been increased over the governor's budget recommendation by a proper vote of the legislature.<sup>8</sup>

During his early tenure, the law school started a quarterly publication called the *Nebraska Law Bulletin*, which quickly attained high standing in the legal profession because of the wide scope covered in articles. Professor Foster often wrote articles, particularly regarding real estate and property law.<sup>9</sup> He was a renowned expert in the area and was concerned that some of Nebraska's property laws were based in the laws of Feudal England, a system incompatible with modern life. He traveled throughout the state giving speeches about property law, urging innovative legislation from senators. He was instrumental in the passage of the Uniform Property Act of 1941, which modernized and simplified state laws on real estate.<sup>10</sup> He also helped with the standardization of land titles, which has clarified questions of title to real property. In 1926, he was made the new dean of the college.<sup>11</sup>

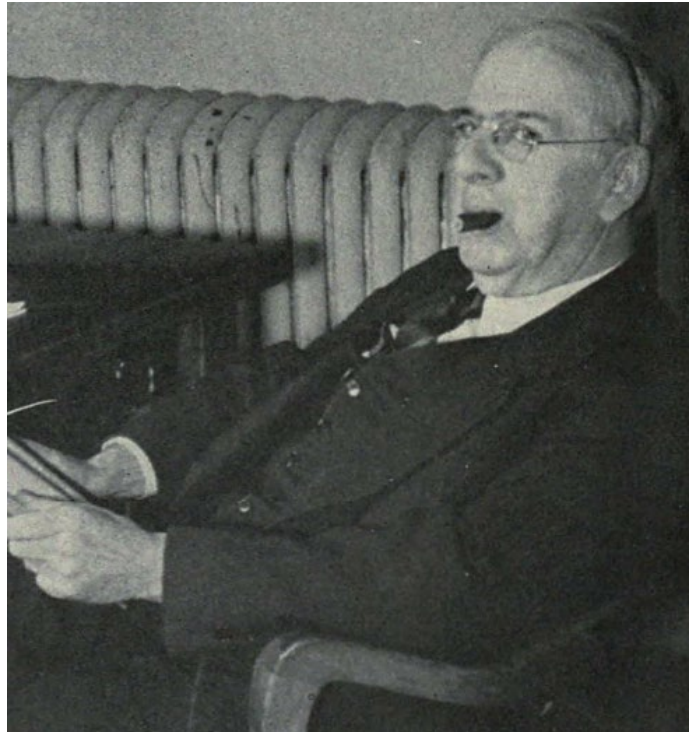


Figure 4 Dean Henry H Foster, 1942 Cornhusker Yearbook

The *Lincoln Journal Star* reported on August 1, 1928, that Henry and Emma Foster had purchased Lot 30, Block 5 in Woodsshire Addition from Woods Bros for \$1,650.<sup>12</sup> One month later, he applied for a building permit to build a stone veneer residence for approximately \$7,000 on the lot.<sup>13</sup> The house was designed by Nathan Bruce Hazen, who was one of the most popular architects in Woodsshire, eventually designing ten homes in the area.<sup>14</sup> Hazen acquired his early professional experience as a

<sup>6</sup> *Lincoln Journal Star*, 5 October 1920, p. 7.

<sup>7</sup> *Lincoln Journal Star*, 18 August 1921, p. 3.

<sup>8</sup> *The Daily Reporter*, 26 February 1947, p. 1.

<sup>9</sup> *Lincoln Journal Star*, 17 September 1922, p. 24.

<sup>10</sup> *The Daily Reporter*, 26 February 1947, p. 1.

<sup>11</sup> *Cornhusker* (University of Nebraska Yearbook), 1927.

<sup>12</sup> *Lincoln Journal Star*, 1 August 1928.

<sup>13</sup> *Lincoln Journal Star*, 1 September 1928.

<sup>14</sup> "Woodsshire Residential Historic District" National Register of Historic Places Nomination. 2011.

draftsman and superintendent at Urbana and Peoria, IL after World War I. He moved to Lincoln in 1926, when he entered extended employment with Davis & Wilson. He eventually practiced for twenty years as the senior partner in Hazen & Robinson. Throughout his long career, from 1922 through at least 1979, Hazen designed or remodeled as many as 500 Lincoln houses, of which 1821 South Pershing is one.<sup>15</sup> The house was constructed by George J. Ostenmiller.

The 1929 City Directory continued to list the Foster family's home as being on Prospect, but by the next year they were well established at 1821 South Pershing Road. Dean Foster continued to serve the university as dean of the law college throughout the Great Depression and into World War II. In 1936, he examined a pending PWA funding agreement for the construction of the UNL Student Union to assure students that the scheme was legal.<sup>16</sup> Students actively raised the matching funds to build the Union, and as acting chancellor in 1936 during the declining health and passing of Chancellor Burnett, Foster was very involved in the project.<sup>17</sup> He also joined the Lincoln Chamber of Commerce after the Chamber promised to provide the furnishings for the Student Union.<sup>18</sup>

In early days of World War II, while attending a conference of college educators, Henry H. Foster signed a petition advocating for compulsory military service in the US. Other signatories included the presidents of Princeton, Dartmouth, Yale, and Harvard.<sup>19</sup> The war ended up being extremely disruptive to the law college: in 1944, the law school ceased to hold classes through the duration of the war. Foster was described in the 1944 *Cornhusker* yearbook as being "a dean without a college."<sup>20</sup> Seven or eight American colleges and universities discontinued legal education during the war years. Dean Foster retired when the Law College reopened in 1945, due more to the age requirements for faculty retirements than a desire for rest.<sup>21</sup> Upon his retirement, the *Lincoln Journal Star* described Foster:

Cheery of disposition, he mixed his instruction in one of the driest of studies with a wit and humor that, taken with his friendly and kindly interest in his students, made him the idol of the many who studied under him. He believes there was a time when the well-trained lawyer was in a position to be of greater service to the people than the present, and his particular genius for imparting his knowledge made his work at the university exceedingly fruitful.<sup>22</sup>

*Cornhusker* yearbook entries over the years described Foster as "a bundle of practical and executive advice – a favorite of all aspiring barristers and of his colleagues."<sup>23</sup> The 1941 *Cornhusker* Yearbook asserted that "without him law school wouldn't be the same." In what was described as an "unusual gesture of affection," the alumni association of the college of law presented Dean Henry H. Foster

<sup>15</sup> D. Murphy & E. F. Zimmer, "Nathan Bruce Hazen (1897-1985), Architect," in David Murphy, Edward F. Zimmer, and Lynn Meyer, comps. *Place Makers of Nebraska: The Architects*. Lincoln: Nebraska State Historical Society, July 2, 2025. [http://www.e-nebraskahistory.org/index.php?title=Place\\_Makers\\_of\\_Nebraska:\\_The\\_Architects](http://www.e-nebraskahistory.org/index.php?title=Place_Makers_of_Nebraska:_The_Architects) Accessed, July 2, 2025.

<sup>16</sup> *Lincoln Journal Star*, 1 May 1936, p. 10.

<sup>17</sup> *Lincoln Star*, 23 October 1936, p. 20.

<sup>18</sup> *Lincoln Star*, 10 March 1937, p. 17.

<sup>19</sup> *Lincoln Star*, 14 July 1940.

<sup>20</sup> *Cornhusker* (University of Nebraska Yearbook), 1944.

<sup>21</sup> *Lincoln Journal Star*, 19 November 1946, p. 1.

<sup>22</sup> *Lincoln Journal Star*, 9 October 1945, p. 6.

<sup>23</sup> *Cornhusker* (University of Nebraska Yearbook), 1943.

with a diamond-studded gold medal to celebrate twenty years of devoted and loyal service.<sup>24</sup> The medal was inscribed with the words, "He hath wrought well."<sup>25</sup>

The *Lincoln Journal Star* had cause again to sing his praises fifteen months later when he died unexpectedly in his home at the age of 70.

His administration was marked by a great advance in the standing of the college among the universities of the nation, with a steady increase of its enrollment until the second World War forced suspension of its activities. A national authority on real estate law, Dean Foster contributed notably to its modernization and simplification in Nebraska and had many invitations to contribute of his learning to law publications in many parts of the country. As legal adviser to the university board of regents he was very helpful in the solution of the many legal problems connected with the growth of the institution; and as acting chancellor he held the helm in a year of transition.<sup>26</sup>

In April 1945, Henry and Emma Foster sold the South Pershing house to Lillian Field Dieterich, wife of Neil B. Dieterich Jr, for \$10,500.<sup>27</sup>

<sup>24</sup> *Lincoln Star*, 28 December 1940, p. 4.

<sup>25</sup> *Lincoln Journal Star*, 25 February 1947, p. 3.

<sup>26</sup> *Lincoln Journal Star*, 24 February 1947, p. 6.

<sup>27</sup> *Lincoln Journal Star*, 4 April 1945, p. 4.

## 8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance (check and justify)</u>	
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Archeology (Prehistoric)	<input type="checkbox"/> Landscape Architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> Archeology (Historic)	<input checked="" type="checkbox"/> Law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> Art	<input type="checkbox"/> Music
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/Government
	<input type="checkbox"/> Community Planning	<input type="checkbox"/> Religion
	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science
	<input type="checkbox"/> Economics	<input type="checkbox"/> Sculpture
	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Social/Humanitarian
	<input type="checkbox"/> Engineering	<input type="checkbox"/> Theater
	<input type="checkbox"/> Exploration/Settlement	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)
	<input type="checkbox"/> Invention	

Specific dates: **1928-1945**

Builder/Architect: Nathan Bruce Hazen, George Ostermiller

Statement of Significance: The Henry H and Emma Foster House is a fine example of a substantial Colonial Revival style house with its symmetry and its elaborate central entry. Dean Henry Foster was recognized for his experience in real estate law that led to improvements in Nebraska's property law, his influence as an educator at the college of law for over 25 years, and his leadership at the University of Nebraska.

## 9. STANDARDS FOR DESIGNATION (check one(s) that apply)

- ☒ Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- ☒ Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- ☐ Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

## 10. MAJOR BIBLIOGRAPHICAL REFERENCES

Building Permits: 17913 and 43925

*Daily Reporter* newspaper, 26 February 1947

*Lincoln Journal Star*, various dates

*Lincoln Star*, various dates

*University of Nebraska Yearbook*

"Woodshire Residential Historic District" National Register of Historic Places Nomination, 2011.

11. FORM PREPARED BY:

Name/Title: **Jill Dolberg, Historic Preservation Planner**

Organization: **Lincoln/Lancaster County Planning Dept**

Street & Number: **555 South 10<sup>th</sup> Street**

City or Town: **Lincoln**

Date Submitted: **June 30, 2025**

Telephone: **(402) 441-6373**

State: **Nebraska**

FOR HISTORIC PRESERVATION COMMISSION USE ONLY

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED: [Click here to enter text.](#)

LANDMARK/LANDMARK DISTRICT NUMBER: [Click here to enter text.](#)

F:\LongRange\Historic\Landmarks\LMARKS\BLANK.docx



## 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 #25027

FINAL ACTION?  
No

OWNER  
Rochelle Mallett and Phillip Romberg

PLANNING COMMISSION HEARING DATE  
July 23, 2025

RELATED APPLICATIONS  
CZ25012

PROPERTY ADDRESS/LOCATION  
1821 South Pershing Road

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

The property at 1821 South Pershing Road is a double frontage lot with front yards on South Pershing Road and Calvert Street. The property owners are requesting a special permit for historic preservation in order to build a garage within the front yard on Calvert Street.



#### JUSTIFICATION FOR RECOMMENDATION

The protection of a Lincoln landmark designation supports the retention of a significant historic structure in Lincoln. Landmark designation is a requirement for seeking a Special Permit for Historic Preservation, which provides incentives for the continued use of prior investment in neighborhood infrastructure and the building, as is strongly encouraged by the Lincoln/Lancaster County 2050 Comprehensive Plan. The requested waivers to allow for the construction of an accessory building in the same location as their former garage, which is technically in a front yard of a dual frontage property, will not negatively impact this pending local landmark.

#### APPLICATION CONTACT

##### STAFF CONTACT

Jill Dolberg, (402) 441-6373 or  
jdolberg@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

#### WAIVERS

1. Allow the construction of an accessory building in a secondary front yard of a dual frontage lot. (Recommend Approval)



## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

### Goals Section

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the country. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

### Elements Section

#### E1: Complete Neighborhoods and Housing

The diversity of architecture, housing types and sizes are central to what makes existing neighborhoods great places to live. New construction in existing neighborhoods should continue the architectural variety, but in a manner that is sympathetic to the character of existing neighborhoods.

#### E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character - its sense of place - through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

The Historic Preservation Commission (HPC) works with neighborhood groups, preservation advocates, property owners, and the Nebraska State Historical Society to discover, protect, and share the community's heritage. The zoning code provides protection for the designated historic property and incentives for creative uses that maintain the vitality of historic places. The Commission has a key role in providing on-going guidance in the revitalization of areas such as the Haymarket, residential historic districts, and Havelock Avenue.

### Policies Section

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

#### Action Steps

5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

P37: Historic Preservation - The community's distinctive character and desirable quality of life should be supported by exercising stewardship of historic resources throughout the County.

#### Action Steps

5. Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.

## ANALYSIS

1. This is a request for a Special Permit for Historic Preservation to allow the construction of a garage at 1821 South



Pershing. The original 1928 garage had become dilapidated and was demolished. Given that the property is bordered on the north by South Pershing Road and on the south by Calvert Street, the property has dual frontages and is considered to have two front yards. The construction of accessory buildings in front yards is not permitted. The property owners were advised to pursue landmark status in order to be eligible for a Special Permit for Historic Preservation to allow the construction of the new garage.

2. According to [27.72.120](#), accessory buildings may be located in the required front yard on double-frontage lots where at least one frontage is along a major street in R-1, R-2, and R-3. However, the accessory buildings cannot be located within the front yard. The special permit would allow for the new garage to be built in the Calvert Street front yard, in approximately the same location as the previous garage.
3. The construction of a garage in roughly the same location as the previous garage building will not substantially change the setting and feeling of the neighborhood as it was originally designed. The secondary front yard along Calvert Street is screened with fences along the length of the lots with dual frontages. The garage will continue to be accessed only from South Pershing Road. The garage will be fifteen feet or less in height at the ridgeline, and the design of the garage will adhere to the Design Standards for Historic Preservation. The owners will seek a Certificate of Appropriateness for the new design at the August HPC meeting on August 14, 2025.
4. The waiver to the side and rear setback requirements are requested because the original garage lay on the property line and formed part of the fence line between 1821 South Pershing Road and its neighbor. As an accessory building only, the garage is typically allowed reduced setbacks of two feet to the side and rear based on various conditions of 27.72.120.
5. The Historic Preservation Commission (HPC) reviewed the request at their regular July 10, 2025, meeting and unanimously recommended approval.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** R-2 Residential

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

The area around this property is largely zoned R-1 or R-2 Residential

#### **APPLICATION HISTORY**

2011 - The property was listed in the National Register of Historic Places as a contributing property in the Woodsshire Residential Historic District in 2011.

July 10, 2025 - The Historic Preservation Commission unanimously recommended approval of the special permit request.

**APPROXIMATE LAND AREA:** 0.27 acres

**LEGAL DESCRIPTION:** WOODSSHIRE, BLOCK 5, Lot 29 W ½ & Lot 30 and WOODSSHIRE ADD REPLAT (OF BLOCK 5 LOTS 31-34) LOT A

Prepared by Jill Dolberg, Historic Preservation Planner  
(402) 441-6373 or [jdolberg@lincoln.ne.gov](mailto:jdolberg@lincoln.ne.gov)

Date: July 11, 2025

Applicant:

Owner: Same

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #25027

Per Section 27.63.400 this approval permits a Special Permit for Historic Preservation to allow a waiver for the construction of an accessory building in the front yard of a dual frontage lot, which will be located roughly in the same location as the former garage.

### Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including two copies.
2. Add a note to the site plan that states, "No physical changes to the site or structures shall be allowed without prior review and approval by the Planning Department and/or the Historic Preservation Commission."
3. The new garage design must be approved by the Planning Department and/or the Historic Preservation Commission, prior to issuance of a building permit.
4. The new garage shall not have direct vehicular access to Calvert Street.

### Standard Conditions:

2. The following conditions are applicable to all requests.
  - 2.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 2.4 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

**June 9, 2025**

**Historic Preservation Commission**

**Subject: Request for Special Permit and Historic Landmark Designation**

Dear Members of the Historic Preservation Commission,

I am writing to formally request the Commission's consideration of a historic landmark status and a special permit for historic preservation for our property located at 1821 S Pershing Road.

Our home, built in 1937, is a contributing structure in the Woodsshire neighborhood. In the spirit of preserving and enhancing this historic asset, we are seeking approval to construct a detached garage building that will both complement the character of the property and meet contemporary residential needs.

However, due to the unusual nature of our lot — specifically, its status as a double frontage lot — we are facing a zoning restriction that limits our ability to place the garage in a functional location. Under current zoning regulations, the garage would have to be placed in a location where it could not be safely or practically accessed by two vehicles. This would compromise both the utility of the garage and the visual integrity of the property, potentially leading to incongruent additions or less historically sensitive alternatives.

Accordingly, we are requesting:

1. **A special permit** that would allow us to deviate from the standard setback or placement requirements, in recognition of the hardship imposed by the double frontage.
2. **Support for landmark designation**, which we are seeking in earnest, as it aligns with our long-term commitment to preserving the historical significance of the home and ensuring any future improvements meet the highest standards.

Thank you for your time, and for the Commission's ongoing efforts to protect and promote our community's architectural heritage.


Respectfully submitted,  
Rochelle Mallett

**CITY OF LINCOLN**  
Design Review Application Form  
Planning Department / 555 S 10th St, Ste 213 / Lincoln, NE 68508  
Phone 402-441-7491 / Fax 401-441-6377  
[plan@lincoln.ne.gov](mailto:plan@lincoln.ne.gov)

### Project Information

Project Address:

PID:

Design Committee:  

### Contact Information

**Property Owner Name:**

Address:

Email:

Phone:

**Primary Contact Name:**

Address:

Email:

Phone:

**Project Architect  
(required for any UDC  
or TIF related projects):**

Address:

Email:

Phone:

### Submission Materials

1. **LETTER** stating purpose of application. This statement should include information concerning the reason for the request, scope of the project, and anticipated start and end to the work. The letter should include any deviations requested from the design standards and how the request meets the intent of the standards.
2. **PHOTOGRAPHS** of the existing conditions or location of work to be completed. Include an image taken from adjacent streets to show the impact from the public.
3. **SITE PLAN, FLOOR PLANS, ELEVATIONS, AND/OR RENDERINGS.** Enough detail needs to be included to show how the project will be carried out. For example, a porch replacement would need a detailed drawing or sketch to show the height of railings, how the railings will be assembled, design of columns (tapered, square, rounded, with or without cap and base), type of flooring material, location on the building, etc.
4. **SUPPORTING INFORMATION** such as cut sheets or product samples for proposed materials that describe the product make up and its design. This is not necessary for review of signs.

*Some projects may require additional information to what is listed above for the commission to fully review and make a determination on the project request. Applicants should consult with the Planning Department on specific projects.*



The diagram features several overlapping geometric shapes. A large, light blue semi-circle is positioned on the left side. To its right is a large, light grey rectangular block. Overlapping the top right of the grey block is an orange square containing the text 'New garage'. To the right of the orange square is a green rectangular block. In the foreground, there is a complex shape composed of light blue and light grey blocks, with the light blue blocks forming a stepped, cross-like structure.

**New  
garage**





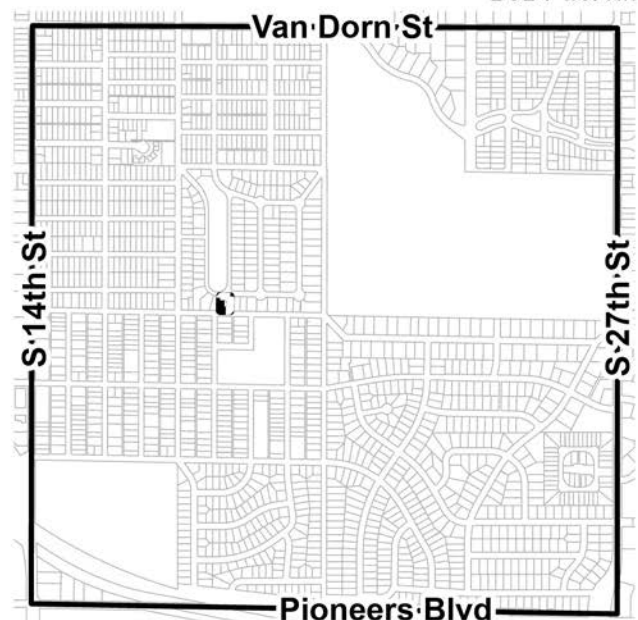
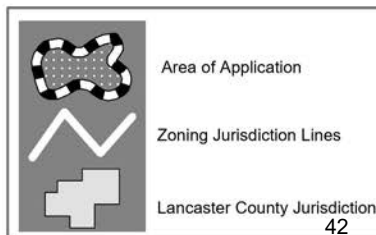
**Special Permit #: SP25027 and  
Change of Zone # CZ25012  
Woodsshire Pkwy & S Pershing Rd**



**Zoning:**

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

One Square Mile:  
Sec.01 T09N R06E





## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Change of Zone #25015

FINAL ACTION?  
No

DEVELOPER/OWNER  
3814 Farnam LLC.

PLANNING COMMISSION HEARING DATE  
July 23, 2025

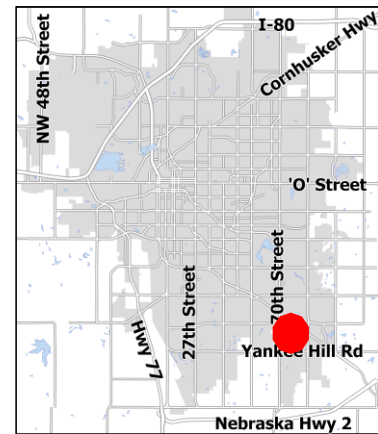
RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
Archer Place & S 75<sup>th</sup> Street

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AGR Agricultural Residential District to O-3 Office Park District. The subject property is a triangular parcel of approximately 2.7 acres with frontage on Nebraska Parkway, Pine Lake Road, and Archer Place. The O-3 zoning district requires a Use Permit, which would have to be approved prior to development.



#### JUSTIFICATION FOR RECOMMENDATION

The Comprehensive Plan designates the subject property for future commercial land uses. The O-3 zoning district is appropriate for this location, as it can serve as a buffer between the B-2 commercial zoning immediately to the west and the residential areas to the south, which have a Future Land Use Designation of urban density residential and low density residential.

**APPLICATION CONTACT**  
Spencer Huff, U.S. Property

**STAFF CONTACT**  
Jacob Schlange, (402) 441-6362 or  
jschlange@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the subject property for future commercial land use, and rezoning from AGR to O-3 is consistent with this designation. The Comprehensive Plan encourages all new commercial zoning to be within the Lincoln city limits, on underdeveloped properties with access to city services and adequate road capacity, all of which apply to this property.



## 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. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

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

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

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.

### 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

##### **Commercial and Industrial Development**

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.
- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

### Policies Section

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.

#### ANALYSIS

1. This is a Change of Zone request from AGR Agricultural Residential to O-3 Office Park District for property located immediately south of the intersection of Pine Lake Road and Nebraska Parkway, on Archer Place. O-3 zoning requires a total land area of at least two acres. This property is approximately 2.7 acres.
2. The subject property has a future land use designation of commercial use in the Comprehensive Plan, and O-3 zoning would support this designation. The property is surrounded by a mix of zoning districts, including commercial B-2 zoning to the west, R-4 to the north across Nebraska Parkway, R-3 to the southeast and southwest, and AGR on the single-family acreage properties to the south. The O-3 zoning is appropriate in this location as it would provide a buffer between the single-family residential uses to the south and Nebraska Parkway and the commercial uses to the northwest in the B-2 zoning district.
3. City services, including infrastructure for water, sanitary sewer, and storm sewer, are available to serve this property. Access to the property would be off Archer Place.
4. Any development, including building and open land uses, is prohibited in the O-3 Office Park District prior to the approval of a use permit. Prior to issuing a building permit, a use permit will be required and must be approved by the Planning Commission.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Vacant; Zoned AGR Agricultural Residential

#### SURROUNDING LAND USE & ZONING

North: Multifamily Housing north of Nebraska Parkway	R-4
South: Single-family housing & Residential Healthcare Facility	AGR & R-3
East: Open space and single-family housing east of Nebraska Parkway	AGR
West: Commercial	B-2

#### APPLICATION HISTORY:

Feb. 2009	Annexation #08010, which included a portion of the subject property, was denied by the City Council.
July 2016	Annexation #16006 was approved by the City Council to annex the subject property
May 2025	Street & Alley Vacation #24003 was approved by the City Council to vacate excess right of way adjacent to Pine Lake Road and Archer Place

**APPROXIMATE LAND AREA:** 2.7 acres, more or less

**LEGAL DESCRIPTION:** Lot 56 I.T. and Lots 93-96 I.T. in the SW ¼ of Section 15, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., and Lot 76 I.T. in the NW ¼ of Section 22, Township 9 North, Range 7 East of the 6<sup>th</sup>

P.M., all located in Lincoln, Lancaster County, Nebraska.

Prepared by Jacob Schlange, Planner  
(402) 441-6362 or [jschlange@lincoln.ne.gov](mailto:jschlange@lincoln.ne.gov)

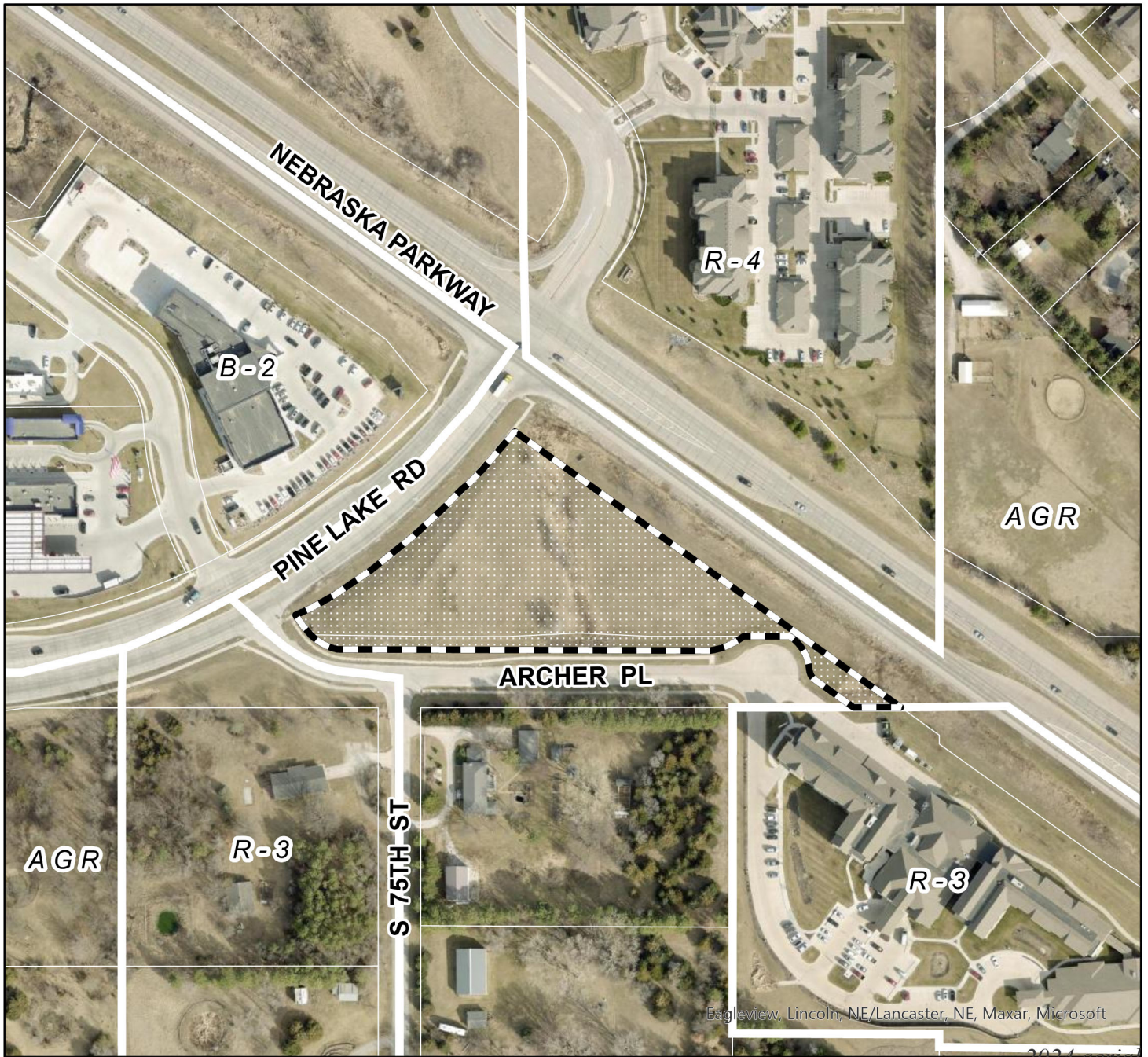
Date: July 10, 2025

Applicant/  
Contact: Spencer Huff, U.S. Property  
Rob Otte, U.S. Property

Owner: 3814 Farnam LLC

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/25000/CZ25015 staff report.jrs.docx>

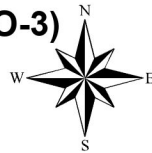




Eagleview, Lincoln, NE/Lancaster, NE, Maxar, Microsoft

2024 aerial

## Change of Zone #: CZ25015 (AGR to O-3) Nebraska Pkwy & Pine Lake Rd



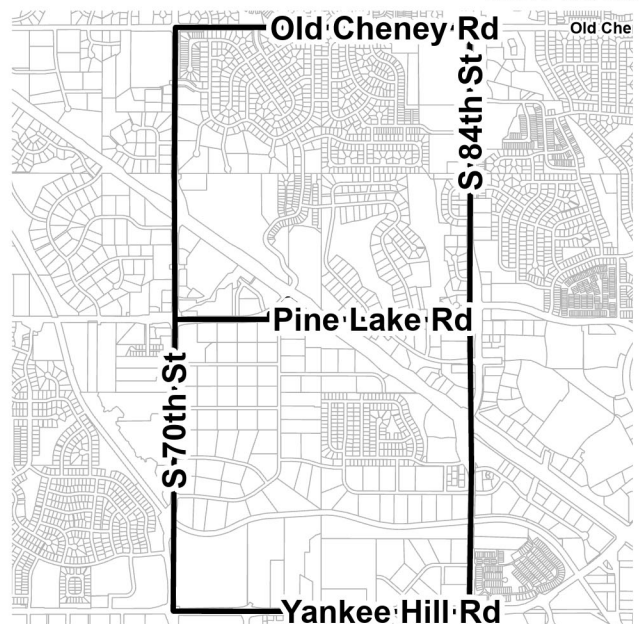
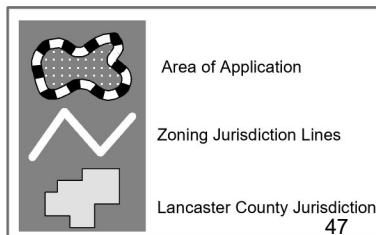
### Zoning:

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

Two Square Miles:

Sec.22 T09N R07E

Sec.15 T09N R07E





June 23, 2025

**Jacob Schlange**

Development Review

Lincoln-Lancaster County Planning Department

555 S 10th St, Ste 213

Lincoln, NE 68508

Dear Mr. Schlange:

Please consider this letter and the attached Application Form, the formal application of 3814 Farnam, LLC., for a change of zone on the property we refer to as Archer Place, Parcel ID: 1615300009000, Legal Description: S15, T9, R7, 6th Principal Meridian, LOTS 56, 93 & 94 SW. We are requesting the current zoning of AGR be changed to O-3 as defined in the LMC. We concur with your thoughts that an O-3 zoning designation is the best for this property.

It was our thought that we would use the pre-application service, but we would not quite be ready to submit a draft of the Use Permit, so we decided to make the application directly. We have shared with you a potential use of the property which would require a Use Permit, but we are very early in the process with that use. On the other hand, we are convinced that at this time the O-3 zoning change could go forward even if the current proposed to us fell through.

In addition to the Application Form attached, we have submitted a check in the amount of \$1142.00.

After the submittal it is our understanding that you will set us up on ProjectDox and then we will then need to submit a site plan electronically. The Application Form has the name of a ProjectDox Contact and that person's email address.

Thank you for your consideration. Please advise as soon as possible if you find this Application needs anything further.

My Best,

*Rob Otte*

[Electronically signed]

Rob Otte, Senior Legal Counsel

U.S. Property, Inc

rob.otte@usproperty.biz

m-402-770-9379

129 N 10th St, Suite 313, Lincoln, NE 68508





## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Comprehensive Plan Amendment 25002  
98<sup>th</sup> & Pine Lake Growth Tier and FLU  
Amendment

FINAL ACTION?  
No

DEVELOPER  
Matodol, LLC

PLANNING COMMISSION HEARING DATE  
July 23, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
98<sup>th</sup> & Pine Lake

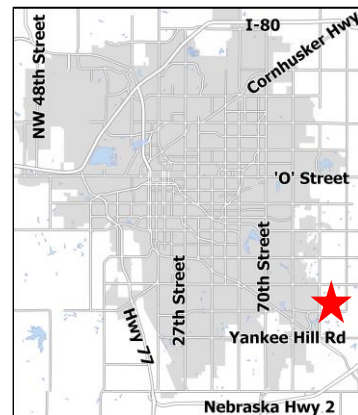
### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request to adjust the Priority Growth Areas Map, Future Service Limit, and Future Land Use Map.

A summary of the changes is below:

- Revise the Priority Growth Areas Map to change the area from Tier I Priority C and Tier II to Tier I Priority B. A temporary pump station will be needed to supply sewer to this area within the Tier I Priority B timeframe.
- Revise the 2050 Future Service Limit boundary to include the entire area.
- Revise the Future Land Use Map to show Urban Residential in place of the Agriculture land use currently shown for a portion of the area. Following the change, the entire area would be designated Urban Residential.



#### JUSTIFICATION FOR RECOMMENDATION

This approval recommendation is contingent on the City's update of the temporary pump station policy. City Council action on this application will not occur until a decision has been made about updating the policy. Note that the updated temporary pump station policy will be reviewed separately by City Council, and it is not a part of this review or recommendation.

The applicant has demonstrated that a pump station to serve this area would not impact sewer or water service capacity in existing Tier I growth areas. Additionally, any development on this site will need to demonstrate enhanced design and/or specific uses that further the goals of the Comprehensive Plan. The site could develop within the first half of the planning period (by 2036), so the Tier I, Priority B designation is appropriate. The Future Land Use Map change is consistent with the expected and desired uses in this area.

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan allows for the Future Land Use and Priority Growth Area maps to be flexible and responsive to development needs and further refinements.

#### STAFF CONTACT

Andrew Thierolf, Planning Department  
(402) 441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

## COMPREHENSIVE PLAN SPECIFICATIONS:

### Introduction Section: Growth Framework

#### Land Use Plan

##### [Figure GF.b: 2050 Future Land Use](#)

**Agricultural.** Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silvaculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

**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.

#### Future Growth Tier Map

##### *Tier I*

Tier I reflects the “Future Service Limit,” approximately 50 square miles of developing areas and beyond the existing city limits where urban services and inclusion in the city limits are anticipated within the 30-year planning period. This area should remain in its current use in order to permit future urbanization by the City.

##### *Priority A of Tier I – 18.1 square miles*

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

##### *Priority B of Tier I – 16.8 square miles*

Areas designated for development in the first half of the planning period (to 2036) are generally contiguous to existing development and should be provided with basic infrastructure as they develop. Some of the infrastructure required for development may already be in place. Some infrastructure improvements may be made in the near term while others, such as road improvements that are generally more costly, may take longer to complete. In certain cases, areas in Priority B have special agreements that include some level of commitment to build future infrastructure. These areas move into Priority A upon approval of development plans.

##### *Priority C of Tier I – 18.8 square miles*

The next areas for development, after 2036, are those which currently lack almost all infrastructure required to support urban development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City’s Capital Improvement Program (CIP), but will be actively planned for in the longer term capital improvement planning of the various city and county departments.

## *Tier II*

Tier II is an area of approximately 19 square miles that defines the geographic area the city is assumed to grow into immediately beyond Tier I. It shows areas where long term utility planning is occurring today and acts as a secondary reserve should Tier I develop faster than anticipated. Tier II should remain in its current use in order to allow for future urban development.

### *Guidelines for Amending Priority Areas*

- Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- The community should only approve development proposals that can be adequately served by initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads, and by all urban improvements and services in the long term. Initially, roads may not be built to the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant. Public safety services and schools may be provided to an area by facilities that are more distant and new facilities phased in over time.
- Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.
- It is anticipated that there may be unique circumstances that may warrant consideration of development of land in Priority B prior to the full completion of improvements in Priority A. In addition it is expected that there will be proposals to change land from Priority C to B. Proposals for growth tier changes should be evaluated and considered through a review process that should consider the following items:
  - The project is contiguous to the City and proposed for immediate annexation (for Priority A), and is consistent with principles of the Comprehensive Plan.
  - The developer provides information demonstrating how the necessary infrastructure improvements to serve the area would be provided and financed. The City should contact other public agencies to obtain their report on the infrastructure necessary to serve the area, including utilities, roads, fire service, public safety, parks, trails, schools and library needs.
  - The impacts that development in the area will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs are addressed, including impact of financing, utility rates and other revenue sources and to what degree the developer is willing to finance improvements. In order to maintain a fiscally constrained plan, acceleration of one project may mean other planned projects must be removed from the list of future facilities.
  - There is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.
- Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas.

### **Element 1: Complete Neighborhoods and Housing**

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place. A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities... Fundamental elements of a complete neighborhood include a mix of housing options, open spaces, schools and childcare, access to food, and commercial goods and services.

### **Policy 18: Conservation Design - Promote conservation design principles with both new growth and redevelopment projects.**

Conservation design is a type of development where buildings are grouped together on part of the site while permanently protecting the remainder of the site from development. This type of development provides great



flexibility of design to fit site-specific resource protection needs. Conservation design creates the same number of residences under current zoning and subdivision regulations or may offer incentives, such as a density bonus, to encourage this type of development. There is a savings in development and maintenance costs due to less road surface, shorter utility runs, less grading and other site preparation costs. The preserved land may be owned and managed by a homeowners association, a land trust, or the City.

Conservation-focused design can help to reduce the heat island effect, increase shade, protect habitat, slow stormwater runoff, and improve mental health. Site designs that are compatible with the natural characteristics of the site, conservation design for new subdivisions, clustering development, minimizing grading and impervious surfaces, and preserving site hydrology to the maximum extent possible are encouraged.

**Policy 53: Gravity Flow Collection System** - The City's wastewater collection system, in general, will continue to be a gravity flow system that is designed to use gravity as the main energy source to convey wastewater from the community to the water resource recovery facilities.

A gravity flow wastewater collection system encourages orderly growth within the natural drainage basin boundaries and is an efficient and reliable way to serve urban areas. This policy encourages urban growth from the lower portion of the drainage basin to the upper and discourages pumping of wastewater across basin boundaries.

## ANALYSIS

1. This request is to add approximately 155 acres to the Tier I Priority B growth tier and show the area as Urban Residential. Elements of the proposed change include:
  - a. Priority Growth Areas Map: Approximately 113 acres from Tier I Priority C to Tier I Priority B. Approximately 42 acres from Tier II to Tier I Priority B. Tier I Priority B areas are expected to be developed in the first half of the planning period (by 2036).
  - b. Future Land Use Map: Approximately 42 acres from Agriculture to Urban Residential (the existing Tier II area). The remaining 113 acres is already Urban Residential (the existing Tier I Priority C area).
2. All Tier I land is within the 2050 Future Service Limit. There are currently approximately 16.8 square miles (10,752 acres) of land in Tier 1 Priority B, and 53.7 square miles (34,368 acres) in the overall Tier I growth area. Lincoln typically adds approximately one square mile to the City per year.
3. Proposed changes to the Future Service Limit and growth tiers such as Tier II to Tier I are uncommon. Tier II is reserved for development beyond 30 years. Typically, the separations between growth tiers or the Future Service Limit are upheld due to insurmountable circumstances such as grading for gravity flow sewer, natural features, water pressure districts, or other man-made obstacles. However, on a case-by-case basis, some areas may be able to demonstrate that a revision of growth tiers is appropriate based on adherence to city development policies, workable terrain, and potentially available services.
4. This application is dependent on the City approving an update to the temporary pump station policy. Currently, growth areas are primarily based on drainage basins and the availability of gravity sewer. Temporary pump stations are allowed in extremely limited circumstances. The proposed policy update would expand opportunities for temporary pump stations if demonstrated that the additional growth area would serve a compelling community need and help achieve certain goals of the Comprehensive Plan. Discussions regarding an updated temporary pump station policy are ongoing between City officials and the development community.

The application letter states that this area would include a variety of housing types with a mix of land uses. It also notes that conservation design principles would be incorporated into the site layout. Details related to site layout and development requirements will be considered at a future date when development plans are submitted. Approval of annexation, change of zone, and development plan applications will be needed prior to development of the site.

5. The applicant has demonstrated that the site could be served by utilities, including sewer with a force main and temporary pump station. Water is directly adjacent and available to serve the property. 98<sup>th</sup> Street in this location is a three-lane paved roadway, and Pine Lake is a two-lane paved roadway. Development of this site will not impact the availability of public infrastructure for other areas already within the Tier I growth boundary.
6. It will be many years before gravity sewer is available in this location. Per the existing Priority Growth Areas map, most of the site is currently Tier 1 Priority C and is expected to have gravity sewer available between 2036-2050; the Tier II portion of this site is not expected to have gravity sewer until after 2050. A temporary pump station would provide for accelerated development of the site, with a future connection to gravity sewer occurring when it is available.
7. This request is consistent with the “Guidelines for Amending Priority Areas” in the Growth Framework of the Comprehensive Plan. Relevant guidelines are listed below.

***The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term.***

The applicant has demonstrated the ability to adequately serve the property with sewer and water service, provided that a temporary pump station is allowed for sewer service. Detailed layouts of future infrastructure will be determined when development plans are submitted.

***Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.***

This application does not approve a specific development plan for the site. The site’s proposed designation of Tier I, Priority B indicates that it may be developed in the first half of the planning period (by 2036), generally after Priority A areas have been developed.

***Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas.***

The applicant has demonstrated that infrastructure can reasonably be provided to the site, which makes it appropriate for Priority B.

8. The area that is currently Tier II is shown as Agriculture on the Future Land Use Map. Tier I areas are designated for urban development by 2050, so the Future Land Use Map should be updated to show urban uses in this area. The applicant has requested Urban Residential in this location.

***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.***

This area is appropriate for urban residential uses, and a majority of the site is already shown as Urban Residential on the Future Land Use Map. Detailed development plans will be determined at a future date.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USES:** Agriculture

## PROPOSED AMENDMENT

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

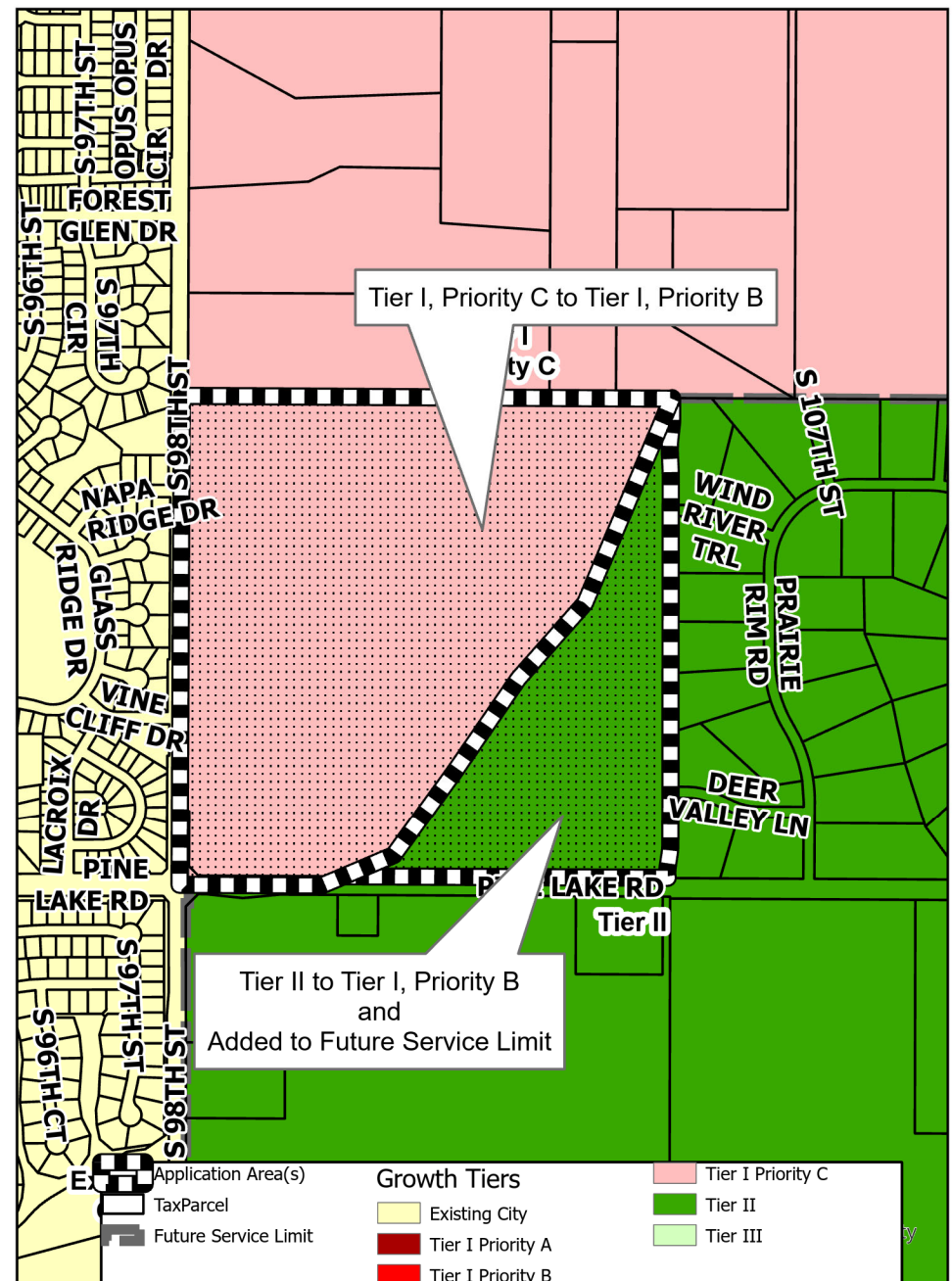
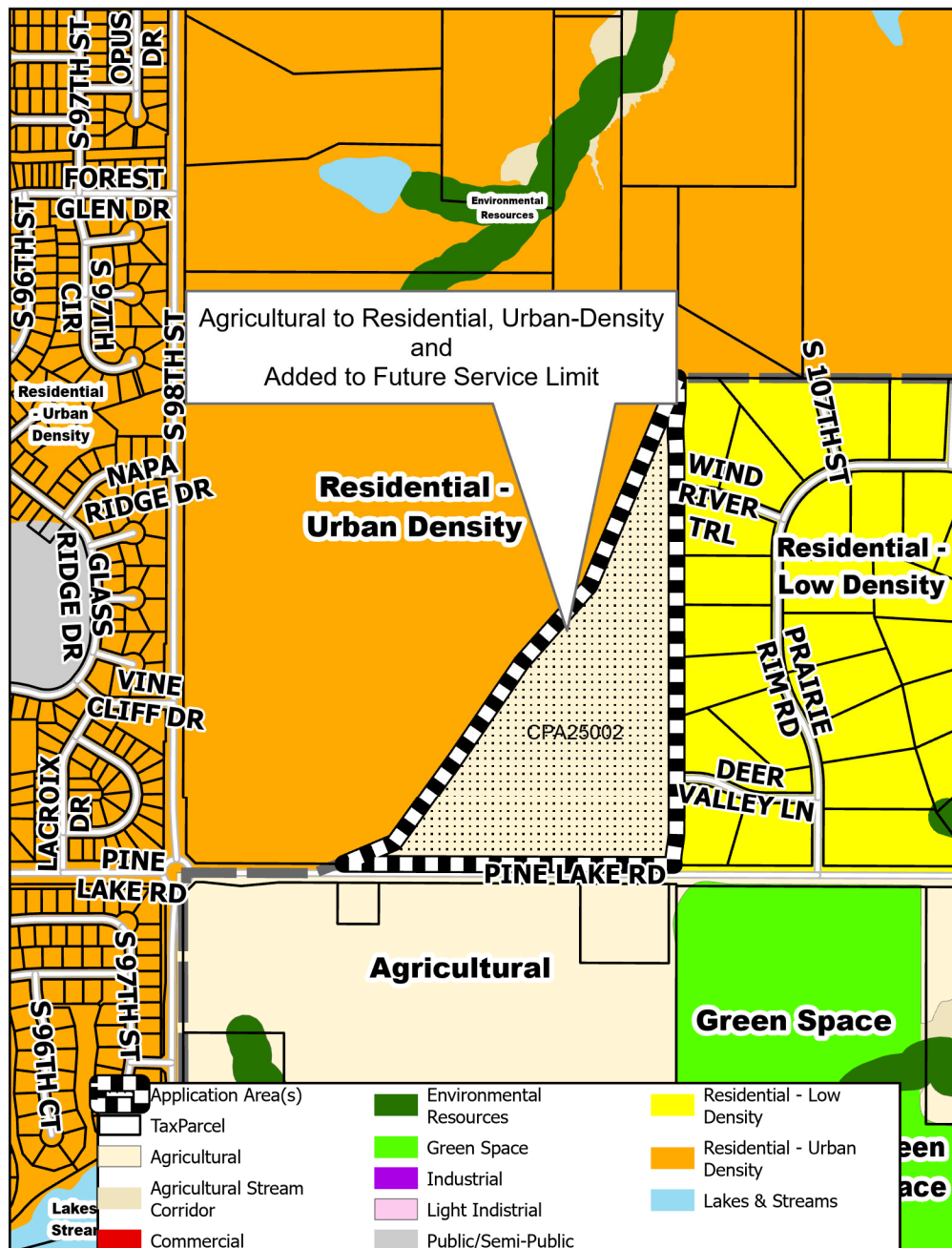
1. Figure GF.b: 2050 Future Land Use: updates as shown on the attached figure
2. Figure GF.c: 2050 Priority Growth Areas: updates as shown on the attached figure
3. Update Future Service Limit on the following maps:
  - a. Introduction Section: Gf.a
  - b. Goals Section: G5.a, G5.c, G6.a
  - c. Elements Section: E1.c, E2.d, E3.e, E4.b, E5.a, E5.f, E6.a, E6.b, E6.c, E7.a, E7.b, E8.d, E8.e, E8.g, E9.a
4. Update area listed in text for the “Priority B of Tier I”, “Priority C of Tier I”, and “Tier II” sections of the Growth Framework

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

July 9, 2025

Applicant/      Mark Palmer, Olsson  
Contact:        601 P Street, Suite 200  
                     Lincoln, NE 68521  
                     (402) 474-6311, [mpalmer@olsson.com](mailto:mpalmer@olsson.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPA/25000/CPA25002 98th & Pine Lake.adt.docx>



**CPA # 25002 - S 98th St & Pine Lake Rd**  
**Proposed Future Land Use,**  
**Growth Tier & Future Service Limit Changes**



LINCOLN - LANCASTER COUNTY  
PLANNING DEPARTMENT

 Information Technology Services  
555 South 10th Street  
Lincoln, Nebraska 68508  
Ph: 402.441.7491 Fax: 402.441.6377





June 25, 2025

David Cary  
Lincoln Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Re: NE Corner of 98<sup>th</sup> & Pine Lake - Amendments to the 2050 Comprehensive Plan

Dear Mr. Cary,

Matodol, LLC, the developer of Wandering Creek, has a contract interest in Lot 24, Irregular Tract located in the Southwest Quarter of Section 13, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska (the "Property"), which consists of 150+ acres located at the NE corner of S. 98<sup>th</sup> Street and Pine Lake Road. Matodol is requesting the following amendments to the 2050 Comprehensive Plan: (i) change the designation of the Property from Tier 1 Priority C and Tier 2, to Tier 1 Priority B on Figure GF.c.: 2050 Priority Growth Area; and (ii) designate the southeastern portion of the Property not currently designed as Residential – Urban Density to match the remainder of the Property on Figure GF.b.: 2050 Future Land Use Map.

The Property is uniquely situated from a development standpoint. It is served by water and paved roadways. A 16" watermain is stubbed to the northeast corner of the intersection of S. 98<sup>th</sup> and Pine Lake Road and is available to serve the Property. S. 98<sup>th</sup> Street adjacent to the Property is a three lane urban roadway with a sidewalk on the west side of the street, and Pine Lake Road is a two lane asphalt roadway. There is an urban roundabout at the intersection of S. 98<sup>th</sup> Street and Pine Lake Road. The Property is also located with proximity to schools, hospitals, shopping centers and transportation corridors.

Matodol is proposing to provide sanitary sewer service to the Property through the construction of a force main and pump station that will convey sanitary sewer from the Property north to connect into the Stevens Creek trunk line at S. 98<sup>th</sup> and Pioneers, which has capacity to serve the Property. Matodol is currently working with the City on a proposal to amend the Policy on Temporary Pump Stations & Force Mains. Utilization of a force main and pump station to provide sanitary sewer service to this Property would provide a substantial public benefit to our community. It would permit the utilization of already existing infrastructure and add new and unique housing types that will serve many segments of our community, which can then serve as a catalyst for similar development in other areas of our community.

Matodol plans to develop the Property for a mixture of housing types from small homes to larger lots abutting the acreages to the east. There are numerous wooded drainage ways on the Property that Matodol plans to preserve and create "pods" of development space which will allow for a diverse range of housing types. Neighborhood commercial uses may also be incorporated in the future plans at the corner of S. 98<sup>th</sup> Street & Pine Lake Road. A Planned Unit Development will be the next phase of the development after the Comp Plan amendments are approved.

Enclosed please find the following:

1. City of Lincoln Application;
2. Application fee in the amount of \$476; and
3. Exhibits showing the Comp Plan Amendments.

We look forward to working with the City on the enclosed application and changes to the Temporary Pump Policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C Palmer', with a stylized flourish at the end.

Mark C Palmer P.E.

Enclosures

PROJECT NO: 024-05048  
DRAWN BY: GKE  
DATE: 06.18.2025

S 98th/ STREET AND PINE LAKE ROAD -  
COMP PLAN AMENDMENT TO FIGURE GF.C:  
2050 PRIORITY GROWTH AREAS



601 P Street, Suite 200  
P.O. Box 84608  
Lincoln, NE 68508  
olsson.com  
TEL 402.474.6311  
Olsson - Engineering  
Nebraska COA #CA-0638

EXHIBIT  
1





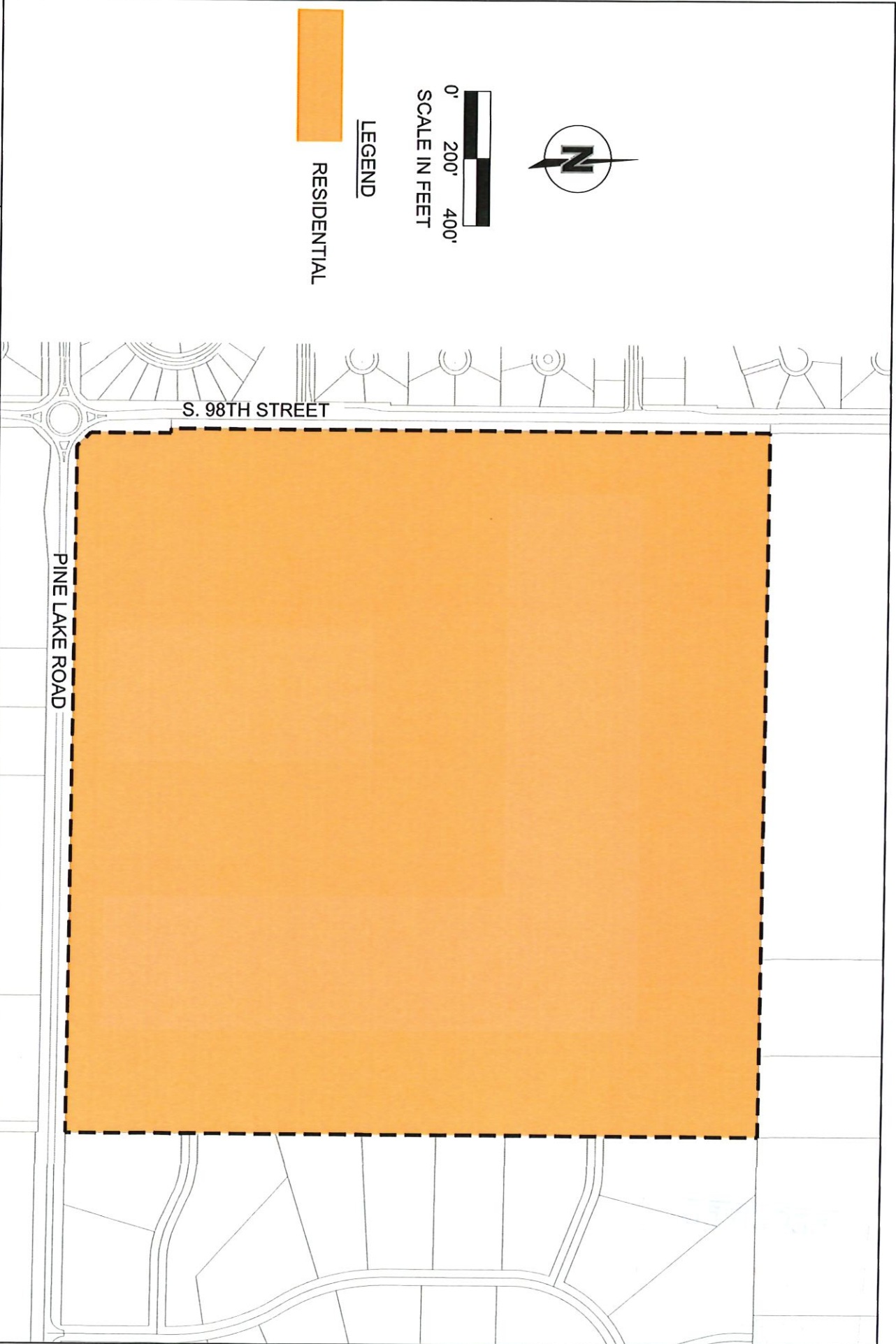
PROJECT NO: 024-05048  
DRAWN BY: GKE  
DATE: 06.25.2025

S 98th/ STREET AND PINE LAKE ROAD -  
COMP PLAN AMENDMENT TO FIGURE GF.b:  
2050 FUTURE LAND USE MAP

**olsson**  
601 P Street, Suite 200  
P.O. Box 84608  
Lincoln, NE 68508  
olsson.com  
TEL. 402.474.6311  
Olsson - Engineering  
Nebraska COA #CA-0638

EXHIBIT

2







## 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  
Text Amendment #25009

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
July 23, 2025

RELATED APPLICATIONS  
TX25006

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

The proposed application is to amend the Lancaster County Zoning Regulations, Article 2 Definitions, 2.003 to add a definition for Battery Energy Storage System (BESS), Article 4 Agricultural District, 4.007 Permitted Special Uses to add Battery Energy Storage System owned by a private entity, and Article 13 Special Permit to add said use by Special Permit with specific conditions. The applicant previously submitted TX25006 which is the related City version adding Battery Energy Storage System to the Lincoln Municipal Code. This amendment pertains to private energy facilities. If public utilities, such as Norris PPD, were to build a BESS they are exempt from zoning.

#### JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment defines and allows Battery Energy Storage System by Special Permit in the AG District as a use. This amendment adapts the regulations to allow a new use that has come about due to changes in the electrical energy system. Without this amendment the use is not allowed at all under the Lancaster County Zoning Regulations.

#### APPLICATION CONTACT

BairdHolm Law Firm, David Levy, (402) 213-9063

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposed text is compatible with the Comprehensive Plan as it updates the Zoning Regulations to add a new use that supports energy and utilities, adapting to the needs of the energy sector.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

##### 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

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

##### Elements Section

E8: Energy and Utilities

Energy use, supply and conservation are topics of global as well as local concern. This element includes an assessment of energy use, evaluates the utilization of renewable energy sources, and describes efforts to conserve energy in the community. The relationship between land use patterns and energy consumption has been widely researched and is a topic of national conversation. As Lincoln and Lancaster County continue to plan for the future, the need to consider the impacts of energy supply and demand is increasing in importance.

To remain competitive as the global economy expands and puts greater strain on traditional fuel supplies, energy costs rise, and supplies remain unpredictable, Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy, and modern energy technologies.

## **Goals Section**

### **G7: Environmental Stewardship and Sustainability**

Electricity generation and use are currently some of the most impactful drivers of greenhouse gas emissions nationally. In 2018, the electricity sector accounted for 27% of the total U.S. greenhouse gas emissions, second only to the transportation sector. The energy sector will be a crucial component of Lincoln's climate progress. By working together across sectors and with a combination of policy, market-driven and voluntary efforts, the residents of Lincoln can achieve their ambitious goal of reducing net emissions 80% by 2050.

## **ANALYSIS**

1. This is a request to amend the Lancaster County Zoning Regulations to specifically define and permit by Special Permit in the AG Zoning District a Battery Energy Storage System (BESS). Article 2 Definitions, 2.003 B is proposed to be amended to add a definition for BESS. Article 4 Agricultural District, 4.007 Permitted Special Uses would be amended to specifically allow the use by Special Permit in the AG Zoning District. Article 13 Special Permit is proposed to be amended to include the use with specific criteria as a Special Permit in the AG Zoning District.
2. This text amendment proposed definition for battery energy storage system (BESS) is as follows:

Battery energy storage system (BESS) means any device capable of storing at least 600 kilowatt hours of energy to supply electrical energy to the grid at future time. BESS shall not include a stand-alone 12-volt car battery or an electric motor vehicle.
3. It should be noted that public utilities such as Norris PPD are exempt from zoning. A public utility would not have to follow the conditions proposed as they would pertain to a private utility or entity. Therefore, the proposed text amendment only affects private entities.
4. Battery energy storage systems are a recent land use type that have come about as part of changes in the electrical energy system. They often will take the shape of a shipping container or small storage building in appearance. They are utilized as part of energy transmission, substations and/or solar or wind energy projects. They may include multiple BESS structures and may include a few or multiple acres.
5. TX25006 is the related City text amendment adding BESS as a specific use and allowing this use by Special Permit in the AG zoning district and permitted as a conditional use in the H-3, H-4 and I-1, I-2, and I-3 zoning districts. The City text amendment includes conditions for emergency action plan and safety data sheet information along with Special Permit conditions where the Planning Commission may add additional requirements for setbacks, screening or other modifications to address any land use impacts. The City Council approved TX25006 on July 14, 2025.
6. The applicant worked with various departments including Building and Safety, Health, Lincoln Fire and Rescue and Planning to adjust the proposed City text amendment from their original submittal. The County text amendment proposal is similar to the City version but only affects the AG District and adds additional sound criteria at the recommendation of the Health Department since there are no noise standards in the County like there are for the City and Lincoln 3 Mile.
7. If a BESS were proposed today under the Lincoln Zoning Regulations it would be classified under "All Other Uses in this Use Group" under Table 27.06.090 Utilities Use Group where it is permitted in the I1, I2 and I3 Zoning Districts. Under Lancaster County Zoning Regulations, however, there is no corresponding "All Other Uses", and a BESS as a

standalone, private use is not currently allowed.

8. The specific proposed conditions for the Special Permit include the following:

- i) It is used in association with energy transmission, substations, and/or solar or wind energy conversion systems.
- ii) Meets the setback and height requirements of the district unless adjusted by the Planning Commission.
- iii) The Planning Commission may require additional screening to address site related impacts of the Battery Energy Storage System.
- iv) The system has an emergency action plan approved by the Lincoln Bureau of Fire Prevention or Rural Fire District as applicable that includes pertinent information in case of fire or other emergency on site, including but not limited to, 24-hour contact information, access to lock boxes, access points, the location of shut offs and circulation patterns.
- v) Safety data sheet information is provided to the Health Department for the battery chiller systems.
- vi) The Battery Energy Storage System complies with the following sound requirements:

- A. All battery energy storage systems (BESS) shall be located and constructed in such a manner that noise levels do not exceed the sound level limits established in Table 1 below:

Table 1. Sound Level Limits by Receiving Land Use		
Receiving Land-Use Category	Time of Day Limit Applies	Sound Level Limit, in dBA Maximum Ten $L_{eq}$ Level
Residential (includes all R-zoned areas)	7:00 a.m. to 10:00 p.m.	65
	10:00 p.m. to 7:00 a.m.	55
Noise-sensitive zone, or agricultural residential (AGR)	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	50
Agricultural (AG)	6:00 a.m. to 10:00 p.m.	75
	10:00 p.m. to 6:00 a.m.	50
Commercial (includes all B-zoned areas)	At all times	70
Industrial (includes all I-zoned areas)	At all times	75

- B. If a noise level limit has been established by another ordinance, resolution, or other city/village requirement that is different from an applicable limit in Table 1, that limit shall be used to determine compliance with sound level requirements. Measurements performed to determine compliance with limits other than those established in Table 1 shall be performed as prescribed in the underlying requirement, or as prescribed in 'C' below.
- C. Measurements performed to determine compliance with the limits in Table 1 shall be made at or within the property boundary of the receiving land use. The measurements shall be made with a sound level meter meeting the standards of the American National Standards Institute (ANSI), or its successor body, for a minimum of a Type II meter. Measurements shall be performed using 'slow' meter response or a sound level meter with  $L_{eq}$  function.
- D. For the purposes of these provisions, the following definitions shall apply:
  - i.  $L_{eq}$  shall mean 'equivalent A-weighted sound level', or the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound.
  - ii. Noise-sensitive zone shall mean any area designated by the Director of the Lincoln-Lancaster County Health Department for the purpose of ensuring exceptional quiet. The following have been designated as noise sensitive zones: churches, except residential dwelling units, synagogues, mosques; libraries; public and private schools, day care centers, preschools; health care facilities;

housing for the elderly; mobile home courts; auditoriums, concert halls, and music shells; except that this designation shall apply only to structures constructed after October 29, 1979.

- iii. Property boundary shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
- iv. Sound level meter shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.

- vii) The Planning Commission may impose such other conditions as are appropriate and necessary to protect the health, safety, and general welfare of the public.

- 9. The Special Permit conditions are appropriate in that they address both the safety aspects with emergency action plan and safety data sheet requirements and also land use impacts with the ability of the Planning Commission to add setback, landscaping or other modifications as needed depending upon the circumstances to the Special Permit.
- 10. The proposed text amendment is compatible with the Comprehensive Plan and is an appropriate update to address changes in the energy sector.

Prepared by George Wesselhoft, Planner  
(402) 441-6366 or [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)

Date: July 10, 2025

Applicant/ David Levy  
Contact: BairdHolm Law Firm

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/25000/TX25009 Battery Energy Storage Systems.gjw.docx>

**MEMORANDUM**

TO: Lancaster County  
FROM: David C. Levy  
DATE: June 25, 2025  
RE: **Proposed Lancaster County Zoning Regulations Amendment**

---

Add within Section 2.003 as follows:

Battery energy storage system (BESS) means any device capable of storing at least 600 kilowatt hours of energy to supply electrical energy to the grid at a future time. BESS shall not include a stand-alone 12-volt car battery or an electric motor vehicle.

Add subsection 4.007ag as follows:

Battery energy storage system owned by a private entity.

Add section 13.053 as follows:

A Battery Energy Storage System may be allowed in the AG zoning district by special permit under the following conditions:

- i. It is used in association with energy transmission, substations, and/or solar or wind energy conversion systems.
- ii. Meets setback and height requirements of the district unless adjusted by the Planning Commission.
- iii. The Planning Commission may require additional screening to address site related impacts of the Battery Energy Storage System.
- iv. The system has an emergency action plan approved by the Lincoln Bureau of Fire Prevention or Rural Fire District as applicable that includes pertinent information in case of fire or other emergency on site, including but not limited to, 24-hour contact information, access to lock boxes, access points, the location of shut offs and circulation patterns.

- v. Safety data sheet information is provided to the Health Department for the battery chiller systems.
- vi. The Battery Energy Storage System complies with the following sound requirements:
- vii. Sound Level Requirements.
  - a. All battery energy storage systems (BESS) shall be located and constructed in such a manner that noise levels do not exceed the sound level limits established in Table 1 below:

Table 1. Sound Level Limits by Receiving Land Use		
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	10:00 p.m. to 7:00 a.m.	55
Noise-sensitive zone, or agricultural residential (AGR)	7:00 a.m. to 10:00 p.m.	60
	10:00 p.m. to 7:00 a.m.	50
Agricultural (AG)	6:00 a.m. to 10:00 p.m.	75
	10:00 p.m. to 6:00 a.m.	50
Commercial (includes all B-, H-, and O-zoned areas)	At all times	70
Industrial (includes all I-zoned areas)	At all times	75

- b. If a noise level limit has been established by another ordinance, resolution, or other city/village requirement that is different from an applicable limit in Table 1, that limit shall be used to determine compliance with sound level requirements. Measurements performed to determine compliance with limits other than those established in Table 1 shall be performed as prescribed in the underlying requirement, or as prescribed in 'C' below.
- c. Measurements performed to determine compliance with the limits in Table 1 shall be made at or within the property boundary of the receiving land use. The measurements shall be made with a sound level meter meeting the standards of the American National Standards Institute (ANSI), or its successor body, for a minimum of a Type II meter. Measurements shall be performed

using 'slow' meter response or a sound level meter with  $L_{eq}$  function.

- d. For the purposes of these provisions, the following definitions shall apply:
- i.  $L_{eq}$  shall mean 'equivalent A-weighted sound level', or the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound.
  - ii. Noise-sensitive zone shall mean any area designated by the Director of the Lincoln-Lancaster County Health Department for the purpose of ensuring exceptional quiet. The following have been designated as noise sensitive zones: churches, except residential dwelling units, synagogues, mosques; libraries; public and private schools, day care centers, preschools; health care facilities; housing for the elderly; mobile home courts; auditoriums, concert halls, and music shells; except that this designation shall apply only to structures constructed after October 29, 1979.
  - iii. Property boundary shall mean an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
  - iv. Sound level meter shall mean an instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels.
  - viii. The Planning Commission may impose such other conditions as are appropriate and necessary to protect the health, safety, and general welfare of the public.

David C. Levy

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Also admitted in California, Iowa and  
Kansas

June 25, 2025

Planning Department  
Lancaster County  
555 South 10th Street  
Lincoln, Nebraska 68508

**Re: Application to Amend Articles 2, 4 and 13 of the Lancaster County  
Zoning Regulations**

To Whom it May Concern:

On behalf of our client, Eolian, LP, we respectfully submit this request to amend the Lancaster County Zoning Regulations. The proposed amendment would add language to allow privately-developed battery energy storage systems that serve the general public, and are thus fundamentally public utility structures. These facilities are typically adjunct to a utility substation. They provide grid reliability and support, and they help moderate peak energy prices. If a private-entity develops, owns and operates one of these facilities, it typically operates it in conjunction with a public utility and for the benefit of that utility's ratepayers.

Our proposed amendment mirrors the amendment to the City of Lincoln Zoning Ordinance that the Lincoln-Lancaster County Planning Commission recently recommended to the City Council for approval. A battery storage facility would also have to comply with applicable building, fire and electrical codes.

\* \* \*

Thank you for considering this request. Please let us know if you have questions or comments on the proposed amendment. If possible, please place this on the July 23, 2025 Planning Commission agenda.

Very truly yours,



David C. Levy

Enclosures





## 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 #25029

FINAL ACTION?  
No

DEVELOPER/OWNER  
St. Matthews Church

PLANNING COMMISSION HEARING DATE  
July 23, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
2325 S 24<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 2325 S 24<sup>th</sup> Street. The property is zoned R-2 Residential and totals approximately 38,519 square feet. Today the property is owned and used by the St. Matthews Church. The proposed special permit would allow an early childhood care facility within the existing facility for up to 85 children. The church will remain in operation with the childcare facility operating the southern portion of the facility in space once constructed for educational classrooms. With this request the applicant has included associated waivers to the required minimum parking and to allow the facility with 31 or more children to be located on a local street.



#### JUSTIFICATION FOR RECOMMENDATION

The request for an early childhood care facility is compatible with utilizing an existing religious facility in the existing residential neighborhood. The south portion of St. Matthews Church was construction originally for a private elementary school with classroom space. A fenced outdoor playground is located on the east side of the building. The applicant is proposing a waiver to eliminate the required parking on site, which is compatible with this existing site as there is no onsite parking available, but ample street parking along the larger site which has frontage on Park Avenue, S 24<sup>th</sup> Street and Sewell Street. Since all three abutting streets are classified as local streets, a waiver is needed since the facility will have more than 31 children. This proposal is compatible with utilizing an existing educational space and providing needed daycare services within an existing neighborhood.

#### APPLICATION CONTACT

John Badami, (402) 314-6964

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Special Permit for an Early Childhood Care Facility is compatible with the 2050 Comprehensive Plan, which encourages childcare centers to be located within neighborhoods and near schools and parks when possible. This site is located approximately one quarter mile from Prescott Elementary and Irving Middle School, and a half mile from Sheridan Elementary with the site firmly located in an established residential neighborhood.

#### WAIVERS

1. To reduce the required on site parking to zero. (Recommend Approval)
2. To allow a facility with 31 or more children to be located on a local 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 - 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 2325 S 24<sup>th</sup> Street, within a portion of the existing St. Matthews Church. The property is zoned R-2 Residential and approximately 38,519 square feet with an existing 19,000 square foot church located on the property. The applicant is requesting the special permit to allow a facility for up to 85 children which would be located within the existing educational classrooms within the church which are accessed on Park Avenue. The facility will have a maximum of 10 staff members on the largest shift.
2. The property is surrounded by R-2 Residential in all directions. The larger site spans one block, with frontage on

Park Avenue, S 24<sup>th</sup> Street and Sewell Street. The property is surrounded by R-2 single family residential.

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. The applicant is proposing a maximum of 85 children within the facility which will occupy an existing space inside the church. The daycare will have the main entrance on Park Avenue. Detailed in the applicant letter, St. Matthews Church will continue operation within the structure but lease out the existing educational space to a daycare provider for use. In 2023, the church was granted a waiver by City Council to the parking requirement for the use of a private school, as it was the initial intent to lease this space for a new private school location. Since 2023 the private school use at this location was never started, now focused as an early childhood care facility.

4. 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 85 children with a total of 10 staff.

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 existing building and playground location. The facility will continue to use the existing site and is not proposing any expansion to the building. Loading and unloading of children will occur on the south side of the structure into the main entrance of the childcare facility on Park Avenue. The fenced play area is located on the east side of the building with direct access into the building.

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.**

The facility will have more than 21 children but is utilizing existing space within a church which is still in active use today. If the daycare was to cease operation in the future, the space would continue to be part of the larger St. Matthews Church building.

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

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

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

The existing church is located on three local residential streets. The applicant has requested a waiver from this requirement. The property is located two blocks south of South Street and one block west of Sheridan Boulevard, both classified as minor arterials in this location. The requested waiver is necessary as the facility will have more than 31 children. The waiver is compatible as the site is within close proximity to two minor arterials and has operated as a church within the existing residential neighborhood since 1924.

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

The site has an existing play area that is surrounded by a 5-foot-tall iron fence on the east side of the property, connecting to the daycare space.

- (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 applicant is requesting a waiver to the parking requirement at this location as the existing St. Matthews

Church site does not have any on-site parking today. The required parking for an early childhood care facility in a residential district is one space for each employee on the largest shift, plus off-street loading/unloading area for one automobile per ten care receivers. This would require 19 parking stalls to be provided. The St. Matthews Church has been in operation since 1924 and still operates with no on-site parking today. With the daycare operating Monday through Friday, it is not expected the activity of the church and daycare will have a negative impact with parking availability. The larger site has approximately 600 feet of uninterrupted street parking along its three sides of public street frontage. The existing street parking will remain open to the public and will not be designated for the daycare use.

5. The proposed special permit is in conformance with the 2050 Comprehensive Plan by providing a needed use of early childhood care within an existing neighborhood and the joint use of an existing building. The daycare will collocate within an existing church and operate in an area of the facility that was constructed for early childhood education. This proposal meets goals in the comprehensive plan to encourage childcare facilities within existing neighborhoods and will utilize existing building space while not compromising the availability of a residential dwelling. This site is located near minor arterial roadways with a wide connection of pedestrian access along the residential streets in this neighborhood.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** St. Matthews Church R-2 Residential

**SURROUNDING LAND USE & ZONING**

North:	Single Family Residential	R-2 Residential
South:	Single Family Residential	R-2 Residential
East:	Single Family Residential	R-2 Residential
West:	Single Family Residential	R-2 Residential

**APPROXIMATE LAND AREA:** 38,519 square feet, more or less

**LEGAL DESCRIPTION:** Lots 1-6, Block 1, Chase & Beardsleys Park Hill Addition, and abutting vacated north-south alleyway, Lincoln, Lancaster County, Nebraska.

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

Date: July 10, 2025

**Applicant/**

Contact: John Badami  
Cadre Architecture  
(402) 314-6964

Owner: The Wardens & Vestrymen of St Matthews Church  
2325 S 24<sup>th</sup> Street  
Lincoln, NE 68502

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/25000/SP25029 St Matthews Early Childhood Care.bmc.docx>

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #25029

Per Section 27.63.070 this approval permits an early childhood care facility for up to 85 children with the following waivers:

1. To LMC 27.67.040 to reduce the required parking to zero.
2. To allow a facility with 31 or children to be located on a local residential street.

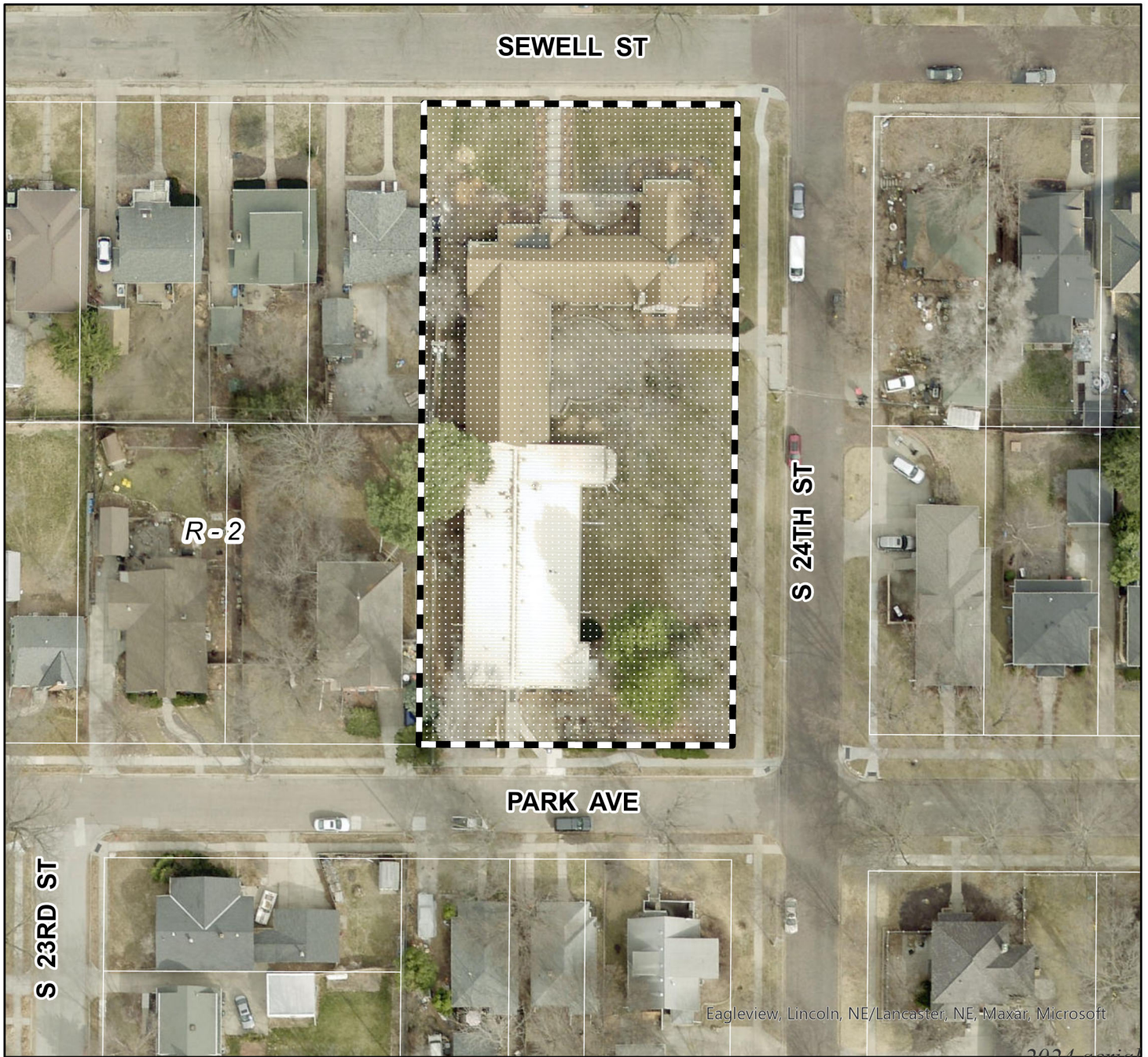
### **Site Specific Conditions:**

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 1.1 Clearly identify which parts of the church on the site plan will be used for childhood care.
  - 1.2 Add a North directional arrow on the site plan.
  - 1.3 Label the street "Park Avenue" on the main entry drop off side of the building.
  - 1.4 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 occupying the building or starting the operation all development and construction shall substantially comply with the approved plans.
  - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

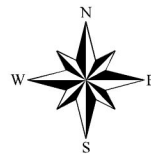




Eagleview, Lincoln, NE/Lancaster, NE, Maxar, Microsoft

2024 aerial

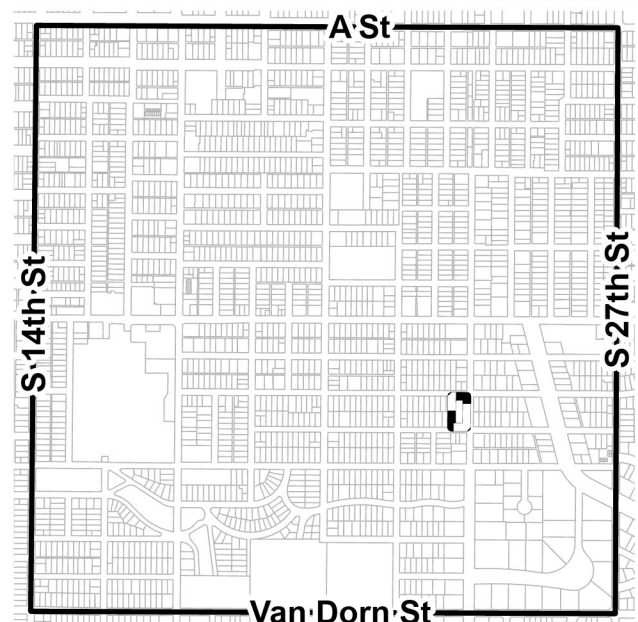
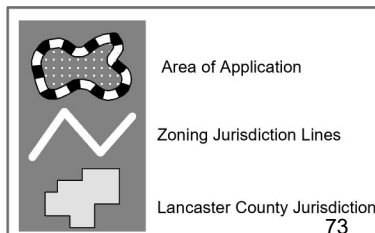
## Special Permit #: SP25029 S 24th St & Park Av



### 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.36 T10N R06E





# ST. MATTHEW'S CHURCH RENOVATION

ST. MATTHEW'S EPISCOPAL CHURCH

2325 S 24TH STREET, LINCOLN, NE 68502

A. GENERAL NOTES APPLY TO ALL SHEETS.

B. DIMENSIONS ARE ACTUAL, AND ARE TO FACE OF STUDS, FACE OF INTERIOR WALLS, FACE OF EXTERIOR FACE OF FRAMES, OR CENTERLINE OF COLUMNS, UNLESS NOTED OTHERWISE.

C. ALL INTERIOR CMU WALLS SHALL BE 8" NOMINAL THICKNESS.

D. STUDS NOTED OTHER THAN 2" SHALL BE 2" MINIMUM.

E. WALLS SHADED ON THE FLOOR PLANS INDICATE GROUND FRAME MASONRY STUDS (GFCMU). EXTEND GFCMU TO 4 INCHES MINIMUM TO FINISH CEILING AND CONTINUE WITH CMU OF SAME THICKNESS.

F. WALL TYPES SHALL BE DESIGNATED ON FLOOR PLANS THUS:

1. SEE SHEET AT FLOOR WALL TYPES.

2. MASONRY WALLS AND INTERIOR STUD WALLS SHALL BE NOTED OTHERWISE. FLOOR ROOF DECK ABOVE UNLESS NOTED OTHERWISE. SEE REFLECTED CEILING PLAN NOTES.

G. INTERIOR STUDS SHALL BE MADE AT 1'x1' FULL HEIGHT NON-BEARING WALLS FOR 1-INCH VERTICAL MOVEMENT OF THE BUILDING STRUCTURE WITHOUT TRANSFER OF LOADS TO THE STUDS. FULL HEIGHT STUDS SHALL BE BETWEEN TOP OF WALL AND DECK ABOVE TO BE FIRE SAFING INSULATION OR FIRE STOPPING MATERIALS AS REQUIRED TO MEET FIRE RATING OF RESPECTIVE WALLS.

H. SEE SHEET AT FOR LOCATION OF WALLS OF FIRE-RESISTIVE CONSTRUCTION. ALL WALLS OF FIRE-RESISTIVE CONSTRUCTION SHALL EXTEND TO UNDERSIDE OF FLOOR OR ROOF DECK ABOVE.

I. ALL PENETRATIONS THROUGH WALLS SHALL BE SEALED WITH THRU-WALL FIRE STOPPING MATERIALS AS REQUIRED TO ACHIEVE THE RESPECTIVE FIRE-RESISTIVE RATING AND SMOKE STOPPING. SEE SPECIFICATIONS FOR DETAILS.

J. SEE STRUCTURAL DRAWINGS FOR BRACING OF NON-LOAD BEARING MASONRY WALLS.

K. TURNOUTS AND INSTALL FIRE TREATED WOOD BLOCKING OR METAL BACKING PLATE IN METAL STUD PARTITIONS FOR THE PROPER ANCHORAGE OF ALL WALL ATTACHED ITEMS. I.E. MOUNTED CLOSET DOORS, CLOSET DOOR CLOSERS, HANGERS AND MOUNTED FIXTURES, MARKER BOARDS, TACK BOARDS, DOWR STOPS, ADJO VISUAL BRACKETS, ETC.

L. TURNOUTS AND PLATE WALLS SHALL BE ISOLATED WITH CONTROL JOINTS WHERE SHOWN ON DRAWINGS AND AS NOTED IN THE SPECIFICATIONS.

M. TURNOUTS AND PLATE WALLS CONTROL JOINTS ABOVE (CJA) SHALL BE LOCATED AS SHOWN ON THE FLOOR PLAN AND BUILDING ELEVATIONS. TURNOUTS AND PLATE WALLS SHALL BE LOCATED IN SINGLE WYTHE MASONRY WALLS WHERE MASONRY WALLS BEARING ON THE CONCRETE FLOOR SHALL BE TURNOUT WALLS. TURNOUTS AND PLATE WALLS SHALL BE LOCATED AS INDICATED ON DRAWINGS.

N. FOOTINGS ALL OWNER FURNISHED AND INSTALLED ITEMS SHALL BE TURNOUTS AND PLATE WALLS SHALL BE LOCATED IN THE CONSTRUCTION SCHEDULE, AND SHALL COORDINATE WITH THE OWNER TO ACCOMMODATE THESE ITEMS.

O. COORDINATE ALL MECHANICAL CHASE SIZES WITH THE MECHANICAL CONTRACTOR.

P. COORDINATE WITH MECHANICAL AND ELECTRICAL CONTRACTORS FOR THE SIZE LENGTH OF EQUIPMENT PADS SHOWN ON PLANS.

Q. "MB" AND "TBD" INDICATE MARKER BOARDS AND TACK BOARDS ON PLANS.

R. "MB" INDICATES THE SIZE LENGTH OF EQUIPMENT PADS DESIGNATION (EXAMPLE 16 MB). ALL BOARDS ARE 4'-0" TALL. SEE WALL ELEVATIONS OR SPECIFICATIONS FOR MOUNTING HEIGHT.

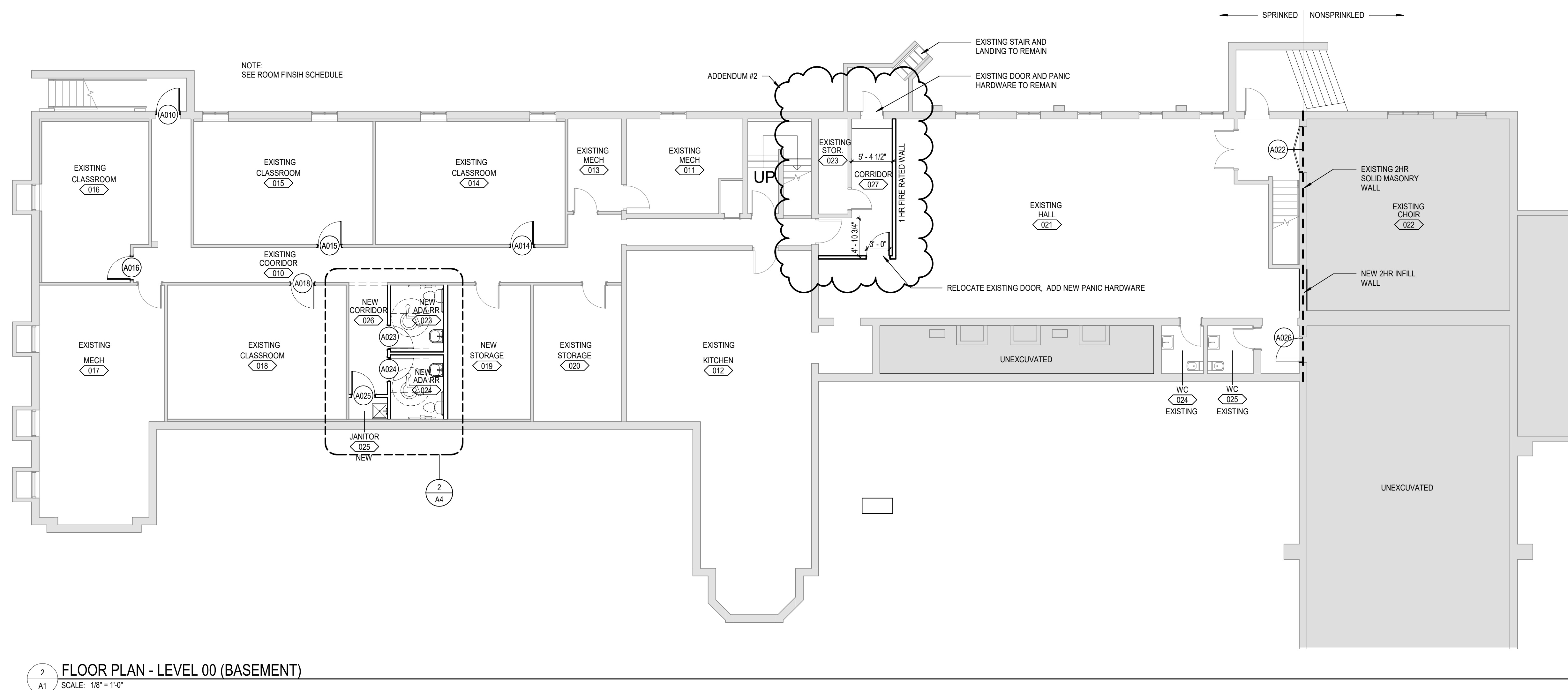
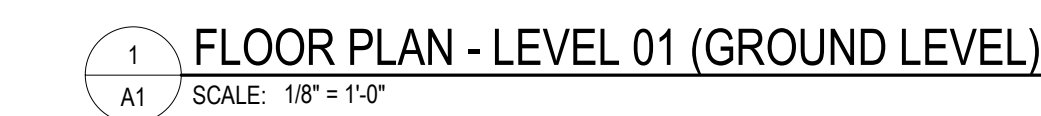
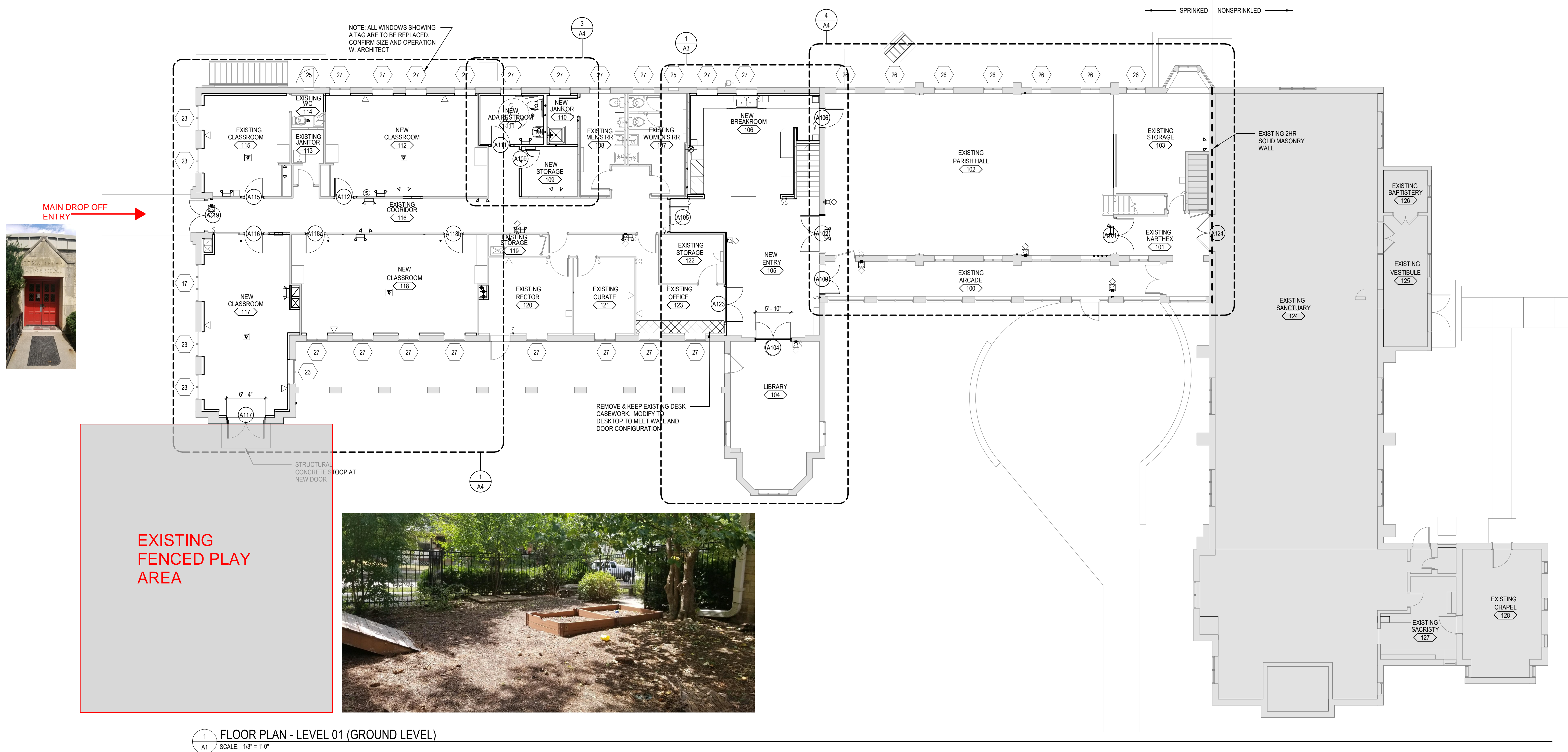
S. ARCHITECTURAL FINISH FLOOR ELEVATION 100'-0" REFERENCES THE EXISTING FLOOR AT GRADE.

T. EXISTING FURNITURE AND EQUIPMENT SHALL BE REMOVED UP 4 INCHES ABOVE FINISHED CEILING ON CMU WALLS.

U. FIRE RATED ENCLOSURES AROUND ALL STEEL COLUMNS SHALL BE CONSIDERED 1 HOUR FIRE RATED ENCLOSURES ON FLOOR OR ROOF DECK ABOVE FOR EACH LEVEL.

V. TURNOUTS AND PLATE WALLS SHALL BE PARTITIONS TO IRREGULARITIES OF DECK ABOVE. SLANT TIGHTLY AROUND ALL PENETRATIONS.

W. TURNOUTS AND PLATE WALLS FOR SUSPENDED CEILINGS OR AS SHOWN ON THE DRAWINGS.







**June 23, 2025**

City of Lincoln Planning Commission  
Planning Department  
555 S. 10th Street, Ste 213  
Lincoln, NE 68508

**Subject:** Request for Special Permit – Early Childhood Care Facility at 2325 S. 24th Street

Dear City Planning Commission,

I am writing on behalf of St. Matthew's Episcopal Church to respectfully request a Special Permit to allow the operation of an Early Childhood Care Facility for up to 85 children at 2325 S. 24th Street, along with a waiver of the standard off-street parking requirements. The church is in the process of leasing a portion of the building to a childcare provider, but due to limited site space, there is no dedicated off-street parking available.

Approximately one year ago, the church pursued a similar arrangement with Bluestem Montessori School and was granted a special permit for up to 25 students with a waiver of the parking requirement. Although Bluestem ultimately chose a different location, our search for a suitable childcare tenant has continued. Our goal remains to more fully utilize the church's space while supporting our mission to increase access to affordable childcare in the community. Strict compliance with the standard off-street parking requirements would present a significant barrier and could jeopardize the viability of this initiative.

To facilitate this effort, we retained Greenleaf Commercial Real Estate to assist in identifying a qualified tenant. While we've received interest from several parties, concerns about the parking requirement have been a recurring issue. As such, we are requesting a waiver of the off-street parking requirement and approval to operate a childcare facility serving up to 85 children. Based on the required staff-to-child ratios, we anticipate the need for 8 to 10 staff members.

On May 18, we hosted a neighborhood open house at the church to present our proposal and answer any questions. Councilwoman Sandra Washington and a representative from Lincoln Littles also attended to provide additional context and address concerns. We received no significant opposition from attendees and appreciated the community's thoughtful engagement.

This proposed use is intended to help meet the growing demand for childcare in Lincoln and aligns with the city's broader goals of supporting families and making efficient use of existing community spaces. In support of our request, we offer the following considerations:

- **Historic Use:** St. Matthew's has been a fixture in the neighborhood since 1925 and has operated throughout that time without dedicated off-street parking. We have engaged with our neighbors and received no objections, reinforcing our role as a respectful and contributing member of the community.
- **Parking Availability:** There is adequate on-street and shared parking nearby. Daily parking demand will be limited primarily to staff vehicles, with families utilizing a designated drop-off/pick-up area.



- **Facility Readiness:** The church building is well-suited for childcare operations, offering recently upgraded amenities, a secure outdoor play area, and a safe and convenient drop-off zone.

We are committed to ensuring that this project aligns with neighborhood standards and contributes positively to the community. Please let us know if any additional information or steps are needed to complete the review of this request.

Thank you for your time and consideration. I would be glad to provide further documentation or participate in any required meetings.

Sincerely,

**John P. Badami**

Junior Warden, St. Matthew's Episcopal Church

Email: jbadami@cadre-arch.com

Phone: 402.314.6964



## 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  
Miscellaneous 25008  
*Lincoln Cornhusker Area Blight &  
Substandard Determination Study*

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
July 23, 2025

RELATED APPLICATIONS  
[MISC25009](#)

LOCATION  
Generally N. 48<sup>th</sup> & Adams

### RECOMMENDATION: FINDING OF SUBSTANDARD AND BLIGHTED CONDITIONS

#### BRIEF SUMMARY OF REQUEST

The Lincoln Cornhusker Area is generally bounded by Colfax Avenue on the North, N 56<sup>th</sup> Street on the East, Holdrege Street on the South, and N 27<sup>th</sup> Street on the West. The study area includes most of the University Place neighborhood and the N. 33<sup>rd</sup> & Cornhusker Highway corridor, along with a portion of Clinton neighborhood. The area includes a mix of residential, commercial, and industrial uses. A map of the study area is attached.

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](#).

The complete Blight & Substandard Study is on file with the Urban Development Department and the Planning Department. The Study can also be found online on the Planning Application Tracking System (PATs): [MISC25008](#).



#### JUSTIFICATION FOR RECOMMENDATION

The Lincoln Cornhusker 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 Lincoln Cornhusker Area Blight & Substandard Determination Study.

Nebraska Community Development Law, Nebraska Revised Statute [18-2109](#) requires the Planning Commission to review whether an area is substandard and blighted. A recommendation of the Planning Commission is required to be provided to the City Council prior to an area being declared blighted and substandard.

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan identifies blight designations as part of the strategy to facilitate infill development and revitalization.

#### APPLICATION/STAFF CONTACT

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

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Elements Section

#### E2: Infill and Redevelopment

##### **Redevelopment Incentives**

Facilitating infill and redevelopment in the existing city requires both a nuanced understanding of the challenges associated with redevelopment projects and a well-thought out set of strategies to overcome them. Commonly cited challenges to infill and redevelopment include land cost and assembly, access to financing, and zoning requirements.

Tax Increment Financing (TIF), facilitated by redevelopment plans in blighted areas, has been the city's most common tool for incentivizing infill redevelopment. TIF is authorized by Nebraska Community Development Law and has been utilized by the City of Lincoln since 1982. TIF uses the added tax revenue created by the redevelopment to finance project-related costs such as land acquisition, core and shell rehabilitation, and public improvements. Traditionally, the developer takes on the debt of the project, pays their full tax burden, and then is allocated back the increment to pay down the debt on the pre-identified project-related costs.

In 2019 the State legislature revised Nebraska Community Development Law to include an "extremely blighted" designation. Areas meeting the criteria of being extremely blighted are eligible for additional Housing Trust Fund dollars and state tax credits for owner-occupied home purchases.

There are many existing and potential redevelopment incentives beyond blighting and TIF (i.e. tax abatement, land value tax, impact fee exclusions).

### Policies Section

#### P8: Infill and Redevelopment

Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

## ANALYSIS

1. This is a request to determine whether the Lincoln Cornhusker Area should be declared substandard and blighted per [18-2103](#) (11) Nebraska Revised Statutes. After an area is declared substandard and blighted, the City has the option to proceed with the preparation and approval of a Redevelopment Plan. Redevelopment activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements.
2. This Blight Study was originally submitted in March as [MISC25004](#). That application was withdrawn prior to the Planning Commission hearing to allow for additional public outreach. Outreach was previously completed for the University Place and 33<sup>rd</sup> & Cornhusker areas within the blight boundary, but residents within the Clinton neighborhood area had not been engaged. On June 2<sup>nd</sup> City staff attended a neighborhood association meeting in Clinton to provide additional information and answer questions about the blight and extreme blight study.
3. This current Blight Study is the same document that was submitted with [MISC25004](#). There were three public comments received with that application, and they can be viewed at the link above or by searching [PATS](#) for MISC25004. One comment was neutral and two were in opposition. Additional public hearing notices were sent with this new application, per state statutes.

4. This Blight Study and associated Extreme Blight Study ([MISC25009](#)) are part of a broader redevelopment effort in the University Place neighborhood. The University Place Subarea Plan was reviewed by Planning Commission at the April 16 hearing ([CPA25001](#)) and unanimously recommended for approval. The Plan was unanimously approved by City Council on May 5. The Subarea Plan presents a strategic vision for the University Place neighborhood and provides a framework for achieving that vision. Items from the Subarea Plan that involve TIF expenditures are given more details in the Redevelopment Plan, which will be submitted for Planning Commission and City Council review in the near future.
5. The Urban Development Department hired a consultant who conducted the study to determine whether there was a presence of substandard or blighting conditions in the study area per [18-2103](#) Nebraska Revised Statutes.
6. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
7. The Lincoln Cornhusker Area includes approximately 2,065 acres. According to the land use categories identified in the Blight Study, approximately 27.2% of the land (561.9 acres) is residential, 22.3% (459.6 acres) is public/institutional, 15.1% (311.0 acres) is industrial, 14.4% (296.7 acres) is public streets/alleys, 10.0% (206.9 acres) is commercial, and 4.1% (78.6 acres) is parks and recreation (page 5).
8. A **substandard** area is defined in the Nebraska Revised Statutes as containing a predominance of buildings or improvements with at least one of four conditions present:
  1. Dilapidation/deterioration
  2. Age or obsolescence
  3. Inadequate provision for ventilation, light, air, sanitation or open spaces
  4.
    - a) High density of population and overcrowding; or
    - b) The existence of conditions which endanger life or property by fire and other causes; or
    - c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.
9. The area qualifies as **substandard** because according to the Blight study **two substandard** factors were found to have a strong presence in the study area. The strong factors are summarized below (Page 55).
  - A) Dilapidation/deterioration. Based on data from the Lancaster County Assessor, 841 structures are rated below “good” condition (32.4%), 2,243 “good” condition or worse (86.3%), and only 354 “very good” or better (13.6%).
  - B) Age or obsolescence. Based on data from the Lancaster County Assessor, 2,830 (91.7%) structures are 40 years of age or older. The average age of structures is 67.8 years.
10. A **blighted** area is defined in the Nebraska Revised Statutes as having the presence of one or more of the twelve following conditions:
  1. A substantial number of deteriorated or deteriorating structures;
  2. Existence of defective or inadequate street layout;
  3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
  4. Insanitary or unsafe conditions;
  5. Deterioration of site or other improvements;
  6. Diversity of ownership;
  7. Tax or special assessment delinquency exceeding the fair value of the land;
  8. Defective or unusual conditions of title;
  9. Improper subdivision or obsolete platting;
  10. The existence of conditions which endanger life or property by fire or other causes;
  11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;
  12. Is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:

- a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
- b) The average age of the residential or commercial units in the area is at least 40 years;
- c) More than half of the plotted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;
- d) The per capita income of the designated blighted area is lower than the average per capita income of the city or City in which the area is designated; or
- e) The area has had either stable or decreasing population based on the last two decennial censuses.

11. The study found **seven blighting** factors to be present to a strong extent in the study area. The strong factors are listed below (Page 54):

- A) A substantial number of deteriorated or deteriorating structures. 841 structures are rated below “good” condition (32.4%).
- B) Insanitary or unsafe conditions. Trees and large foliage are at the end of their natural life.
- C) Deterioration of site or other improvements. Majority (87.9%) of sidewalk in an “average” to “poor or missing” condition, majority (82.2%) of the street network in an “average to poor” condition, majority (86.3%) of curb and gutter in an “average” to “poor” condition, drainage is an issue during large storm events, standing water remains after storm events in certain areas, there are a considerable number of deteriorating parking lots including some that are not hard-surfaced, there is a substantial amount of utility lines that are over 40 year old and deemed inadequate.
- D) Diversity of ownership. The area contains over three thousand different Property Identification Numbers (“PIN”); within the area ownership includes many public entities.
- E) The existence of conditions which endanger life or property by fire or other causes. Standing water in parts of the area.
- F) Combination of factors which are impairing and/or arresting sound growth. US Highway 6/Cornhusker Highway splits the area and due to its control by State and Federal departments, and the volume of vehicles, impairs the development and redevelopment of the area.

12. The study finds there are two strong factors (out of four) that constitute an area as substandard within the study area, and out of 12 possible factors that constitute an area blighted, seven are strongly present in the area. Therefore, it is the conclusion of the study that sufficient conditions and factors meet the criteria of substandard and blight as evidenced in the Blight Study. These factors present a serious barrier to the planned and coordinated development of the area, have created an environment that negatively impacts private sector investment in the area, and serve as a detriment to the overall healthy economic growth and physical development of the community.

**EXISTING ZONING:** R-4, R-5, R-6 Residential, B-1 Local Business, B-3 Commercial, O-2 Suburban Office, O-3 Office Park, H-3 Heavy Commercial, I-1 Industrial, P Public

**APPROXIMATE LAND AREA:** 2,065 acres

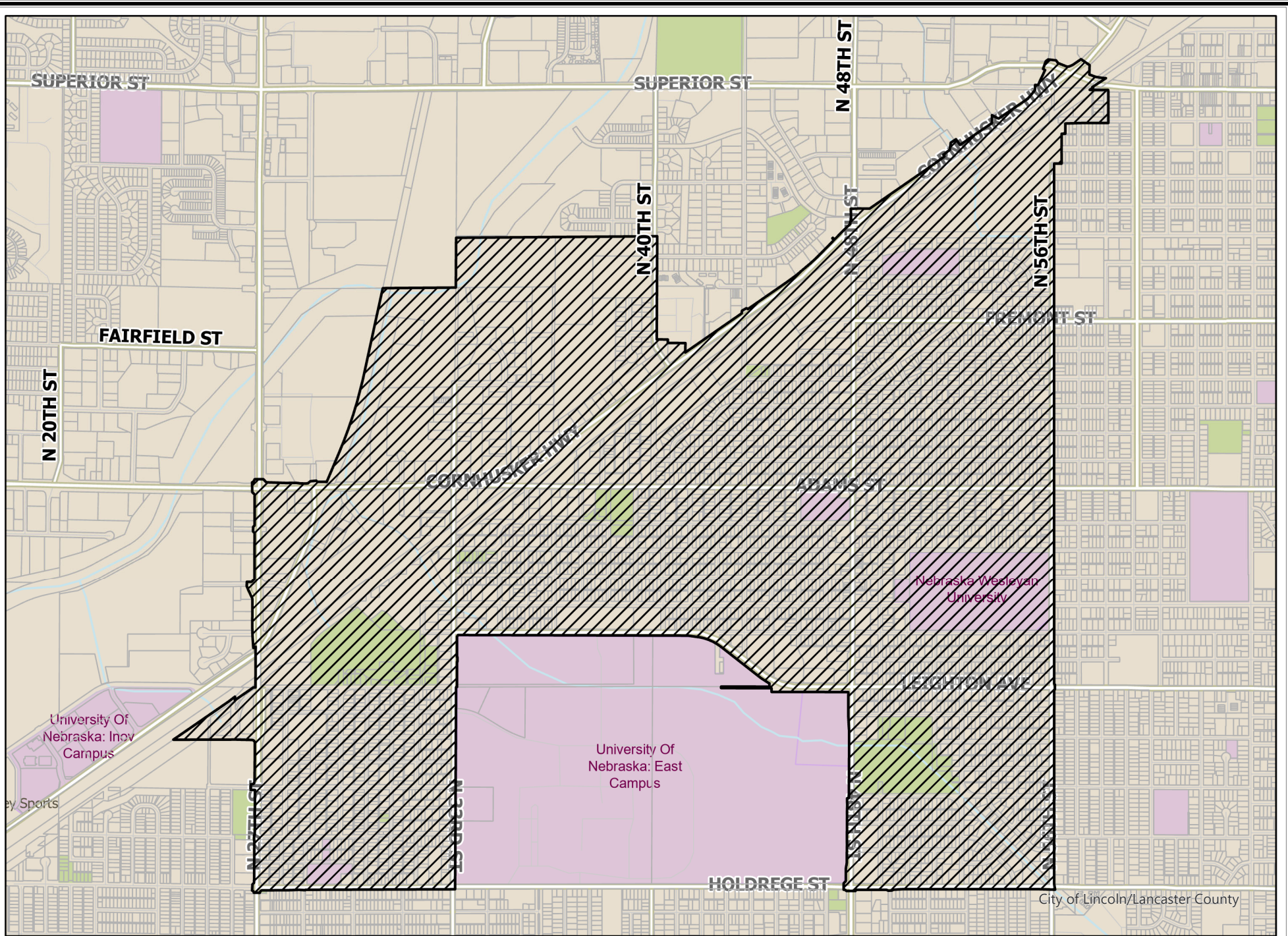
Prepared by Andrew Thierolf, AICP  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov), (402) 441-6371

July 9, 2025

Contact: Hallie Salem  
 City of Lincoln Urban Development Dept  
 (402) 441-7866 or [hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/25000/MISC25008 Lincoln Cornhusker Area Blight & Substandard Determination Study.adt.docx>





**MISC25008 & MISC25009**  
**Lincoln Cornhusker Area Blight and Substandard Study &**  
**Lincoln Cornhusker Area Extreme Blight Study**



June 25, 2025

Andrew Thierolf, Planning Department  
City of Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Dear Andrew:

Enclosed is a copy of the Lincoln Cornhusker Area Blight and Substandard Study. This study reviews the area encompassing the University Area Subarea Plan as well as the 33<sup>rd</sup> Street and Cornhusker Highway corridor.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration for Comprehensive Plan compliance at the July 23, 2025 public hearing. We request that the redevelopment plan also be scheduled at City Council for introduction on August 11, 2025 and public hearing on August 18, 2025.

If you have questions or need additional information, please contact me at 402-441-7857 or [jhiatt@lincoln.ne.gov](mailto:jhiatt@lincoln.ne.gov).

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Hiatt". The signature is written in a cursive, flowing style.

Jennifer Hiatt  
Planner II | Economic Opportunity  
Urban Development





## 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**

Miscellaneous 25009  
*Lincoln Cornhusker Area Extremely  
Blighted Study*

**FINAL ACTION?**

No

**PLANNING COMMISSION HEARING DATE**

July 23, 2025

**RELATED APPLICATIONS**

[MISC25008](#)

**LOCATION**

Generally N. 48<sup>th</sup> & Adams

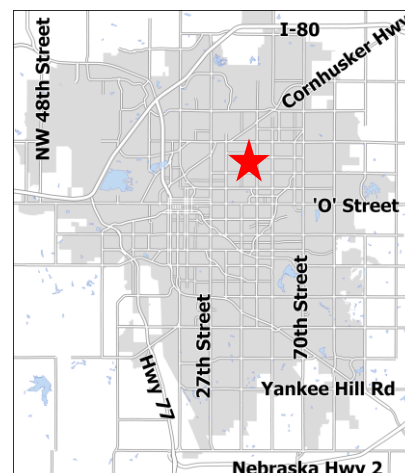
### RECOMMENDATION: FINDING OF EXTREMELY BLIGHTED CONDITIONS

#### BRIEF SUMMARY OF REQUEST

Nebraska State Statutes [18-2101](#) to [18-2154](#), Community Development Law, allows for the designation of Blighted and Substandard areas, and in 2019 added a provision for Extremely Blighted areas. An Extremely Blighted Determination Study is used to identify areas within Lincoln that meet the criteria for Extreme Blight. Properties within the Extreme Blight designation are eligible for additional Housing Trust Fund dollars and a state tax credit for home buyers.

Per State Statute, designation of Extreme Blight requires action by the City Council with recommendation from the Planning Commission.

The Lincoln Cornhusker Area Extremely Blighted Determination Study is on file with the Urban Development Department and the Planning Department. The project documents can also be found online on the Planning Application Tracking System (PATs): [MISC25009](#).



#### JUSTIFICATION FOR RECOMMENDATION

The area identified in the study meets the statutory requirements for Extreme Blight.

#### APPLICATION/STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan encourages infill development and preserving and improving housing in existing neighborhoods.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Elements Section

#### E2: Infill and Redevelopment

##### **Redevelopment Incentives**

Facilitating infill and redevelopment in the existing city requires both a nuanced understanding of the challenges associated with redevelopment projects and a well-thought out set of strategies to overcome them. Commonly cited challenges to infill and redevelopment include land cost and assembly, access to financing, and zoning requirements.

Tax Increment Financing (TIF), facilitated by redevelopment plans in blighted areas, has been the city's most common tool for incentivizing infill redevelopment. TIF is authorized by Nebraska Community Development Law and has been utilized by the City of Lincoln since 1982. TIF uses the added tax revenue created by the redevelopment to finance project-related costs such as land acquisition, core and shell rehabilitation, and public improvements. Traditionally, the developer takes on the debt of the project, pays their full tax burden, and then is allocated back the increment to pay down the debt on the pre-identified project-related costs.

In 2019 the State legislature revised Nebraska Community Development Law to include an "extremely blighted" designation. Areas meeting the criteria of being extremely blighted are eligible for additional Housing Trust Fund dollars and state tax credits for owner-occupied home purchases.

There are many existing and potential redevelopment incentives beyond blighting and TIF (i.e. tax abatement, land value tax, impact fee exclusions).

### Policies Section

#### P8: Infill and Redevelopment

Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

#### ANALYSIS

1. Nebraska State Statutes [18-2101](#) to [18-2154](#), Community Development Law, allows for the designation of Blighted and Substandard areas, and in 2019 added a provision for Extremely Blighted areas. To be designated Extremely Blighted, an area must meet three criteria:
  - Declared blighted and substandard;
  - The unemployment rate average is at least 200% of the average state unemployment rate; and
  - Average poverty rate exceeds 20%.
2. State statute requires the completion of a study to determine if an area meets the criteria to be declared Extremely Blighted. Designation of Extreme Blight requires action by the City Council with recommendation from the Planning Commission.
3. Areas designated as Extremely Blighted are eligible for additional Housing Trust Fund dollars, and owner-occupied homes purchased in the designated areas are eligible for a \$5,000 Nebraska income tax credit.
4. The Lincoln Cornhusker Area meets the three criteria for extreme blight:
  - The area is proposed for designation as Blighted & Substandard with application [MISC25008](#);
  - The area unemployment rate is 6.18%, more than 200% of the average state unemployment rate of 2.99%; and
  - The area average poverty rate is 24.29%, exceeding the extremely blighted requirement of 20%.

5. This Extremely Blighted Study was originally submitted in March as [MISC25005](#). That application was withdrawn prior to the Planning Commission hearing to allow for additional public outreach. Outreach was previously completed for the University Place and 33<sup>rd</sup> & Cornhusker areas within the blight boundary, but residents within the Clinton neighborhood area had not been engaged. On June 2<sup>nd</sup> City staff attended a neighborhood association meeting in Clinton to provide additional information and answer questions about the blight and extreme blight study.
6. This Extremely Blighted Study is the same document that was submitted with [MISC25005](#). There were three public comments received with that application and they can be viewed at the link above or by searching [PATS](#) for MISC25005. One comment was neutral and two were in opposition. Additional public hearing notices were sent with this new application, per state statutes.

**APPROXIMATE LAND AREA:** 2,065 acres

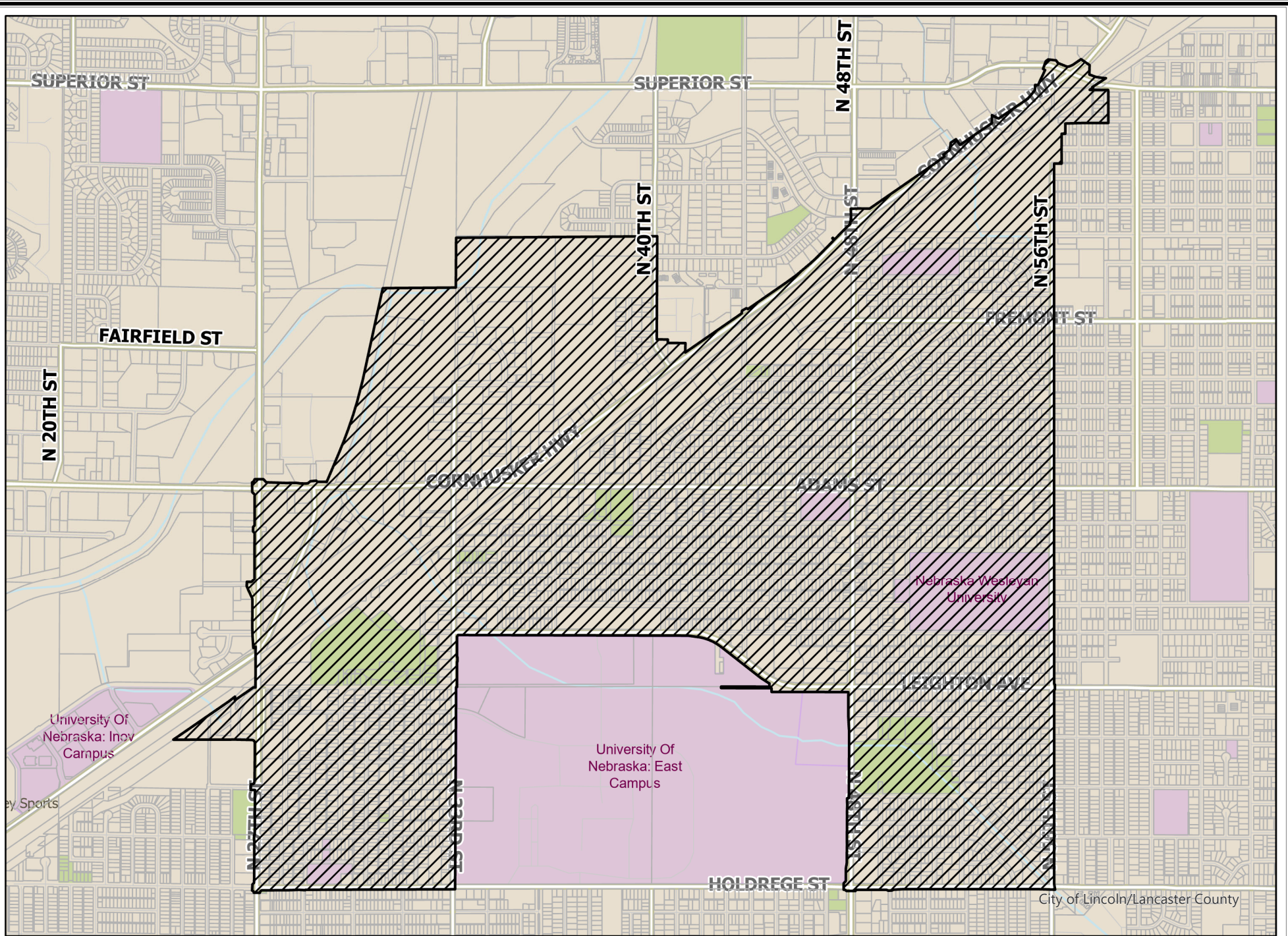
Prepared by Andrew Thierolf, AICP  
[athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov), (402) 441-6371

July 9, 2025

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

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/25000/MISC25009 Lincoln Cornhusker Area Extremely Blighted Study.adt.docx>





**MISC25008 & MISC25009**  
**Lincoln Cornhusker Area Blight and Substandard Study &**  
**Lincoln Cornhusker Area Extreme Blight Study**



June 25, 2025

Andrew Thierolf, Planning Department  
City of Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Dear Andrew:

Enclosed is a copy of the Lincoln Cornhusker Area Extreme Blight Study. This study reviews the area encompassing the University Area Subarea Plan as well as the 33<sup>rd</sup> Street and Cornhusker Highway corridor.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration for Comprehensive Plan compliance at the July 23, 2025 public hearing. We request that the redevelopment plan also be scheduled at City Council for introduction on August 11, 2025 and public hearing on August 18, 2025.

If you have questions or need additional information, please contact me at 402-441-7857 or [jhiatt@lincoln.ne.gov](mailto:jhiatt@lincoln.ne.gov).

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Hiatt".

Jennifer Hiatt  
Planner II | Economic Opportunity  
Urban Development