

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cristy Joy: Chair

Maribel Cruz : Vice Chair

Lorenzo Ball

Dick Campbell

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

Cindy Ryman Yost

PLANNING & DEVELOPMENT SERVICES STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Laura Tinnerstet: Admin. Aide

June 10, 2026

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, June 10, 2026, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10th 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, June 10, 2026**

Approval of minutes of the regular meeting held [May 27, 2026](#).

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

ANNEXATION AND ASSOCIATED ITEM

1.1a ANNEXATION 26007, East Dominion Estates 4th Addition, annexation of property generally located at N 112th Street and O Street.

Page 4

Staff Recommendation: Approval

Staff Planner: Jacob Schlange, (402) 441-6362, jschlange@lincoln.ne.gov

1.1b CHANGE OF ZONE 26011, East Dominion Estates 4th Addition, for a change of zone from AG Agricultural to H-4 General Commercial, and from AG Agricultural to R-3 Residential, on property generally located at N 112th Square and O Street.

Page 4

Staff Recommendation: Approval

Staff Planner: Jacob Schlange, (402) 441-6362, jschlange@lincoln.ne.gov

SPECIAL PERMIT

1.2 SPECIAL PERMIT 26027, Tonkinson Borrow Pit, to allow for soil excavation, on property generally located to the northeast of NW 98th Street and W Superior Street.

Page 19

Staff Recommendation: Conditional Approval

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

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

ANNEXATION

4.1 ANNEXATION 26006, annexation of property generally located at S 88th Street and Taliesin Drive including land north of Pioneers Boulevard.

Page 30

Staff Recommendation: Approval

Staff Planner: Jacob Schlange, (402) 441-6362, jschlange@lincoln.ne.gov

CHANGE OF ZONE

4.2 CHANGE OF ZONE 26010, 48th & Pioneers Planned Unit Development (PUD), for a change of zone on approximately 10 acres from B-1 to B-3 PUD, B-3 to B-3 PUD, R-2 to B-3 PUD, R-6 to B-3 PUD, O-2 & B-1 to O-2 PUD, and R-2 to O-2 PUD, generally located between S 47th Street & S 49th Street and Meredeth Street & Linden Street. The Planned Unit Development includes associated waivers to allowed height, setbacks, parking, allowed uses, and Design Standards.

Page 38

Staff Recommendation: Conditional Approval

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

SPECIAL PERMIT

4.3 SPECIAL PERMIT 26026, Oak Grove Personal Wireless Tower, for Personal Wireless Facilities to allow a 199-foot self-supporting tower, on property generally located at 18242 NW 140th Street. **FINAL ACTION**

Page 57

Staff Recommendation: Conditional Approval

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

TEXT AMENDMENT

4.4 TEXT AMENDMENT 26007, to amend the Lancaster County Zoning Regulations, Article 2 Definitions, to expand the definition of Recreational Facilities to include passive recreational uses, including observatories or telescopes, and to amend Article 13 Special Permit for Recreational Facilities to allow the Planning Commission to authorize area or yard requirement reductions.

Page 73

Staff Recommendation: Approval

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

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

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

Adjournment

Planning and Development Services Department Staff Contacts:

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Mia Haschenburger, <i>Transportation Planner</i>	402-441-6334	Mia.Haschenburger@lincoln.ne.gov
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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>



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 203, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #26007 and Change of Zone #26011	FINAL ACTION? No	DEVELOPER/OWNER White Holdings, LLC
PLANNING COMMISSION HEARING DATE June 10, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION N. 112 th Street & 'O' Street

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a combined request for annexation and a change of zone from AG Agricultural to H-4 General Commercial and AG Agricultural to R-3 Residential for property located in the vicinity of N. 112th Street and Legends Lane. The change of zone request includes 18.87 acres to be zoned as H-4 for future commercial development and 2.21 acres to be zoned as R-3. The annexation request also includes 10.71 acres of right-of-way located northwest of the intersection of 'O' Street and N. 112th Street, Annexation of this right-of-way will allow the developer to install improvements in and near the intersection.



JUSTIFICATION FOR RECOMMENDATION

The request for annexation is supported as the property is contiguous with existing city limits on the north and west. The change of zone to R-3 is compatible as the adjacent developing property within city limits to the north and west is currently zoned as R-3. The change of zone to H-4 is also compatible as there is an existing H-4 zoning district abutting the property to the south. The proposed annexation and change of zone comply with the approved Preliminary Plat for East Dominion Estates, and the approved East Dominion Special Permit for Planned Service Commercial.

APPLICATION CONTACT

Lizzy Potter, (402) 423-6811,
epotter@olson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The subject property is designated for future urban residential and commercial land uses on the Future Land Use Map. These designations allow for residential uses with varying densities and areas of retail, office, service and residential mixed uses, respectively. The location is shown as Tier 1, Priority A on the 2050 Growth Tier Map. These requests comply with the requirements of the Zoning Ordinance and Comprehensive Plan.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan – Urban Residential. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

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.

[Figure GF.c](#) - This site is shown in Tier 1, Priority A on the 2050 Priority Growth Area Map.

Fundamentals of Growth in Lancaster County

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

Concurrency

The key to a successful community is the concurrent development of infrastructure proportionate to the development and need of the community — a balance between the need for infrastructure and the need to conserve resources.

Policies Section

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

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

Action Steps

1. Regularly evaluate for potential annexation all property along the city’s edge for which basic infrastructure is generally available or planned for in the near term. The City should annex land in Tier 1 Priorities A and B that is contiguous to city limits and generally urban in character. All land that is engulfed by the City should be annexed.

2. Provide advance notice to properties that may be subject to city-initiated annexation.
3. Properties within the Tier 1 Priority A growth area should be annexed upon approval of final plat.
4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

UTILITIES & SERVICES

- A. Sanitary Sewer: All parcels proposed for annexation can be served by public sanitary sewer.
- B. Water: Public water is currently available along Legends Lane to serve all parcels.
- C. Roads: Developer will make improvements to the 'O' Street and to N 112th Street. Legends Lane will eventually be extended east to N. 112th Street.
- D. Parks and Trails: There are no parks or trails in the proposed application area.
- E. Fire Protection: The subject properties are currently in the Southeast Rural Fire District. Following annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR) with an estimated response time of 1 minute and 12 seconds.

ANALYSIS

1. This is a combined request for annexation and a change of zone from AG Agricultural to H-4 General Commercial for 18.87 acres and AG Agricultural to R-3 for 2.21 acres of property located in the vicinity of N. 112th Street and Legends Lane. The annexation request also includes 10.71 acres of right of way located north of 'O' Street and west of N. 112th Street to facilitate the developer to install improvements to the intersection.
2. The application area includes right-of-way for N 112th Street, as state statute requires that adjacent right-of-way be included in annexation. The original application letter did not include the portion of right-of-way that is to be annexed in 'O' Street. The 10.71 acres of land along 'O' Street is included in the application to help facilitate the applicant to make improvements to the intersection as approved for Lincoln on the Move funding. O Street is part of the Nebraska Department of Transportation state system.
3. The area proposed for annexation is located within Tier 1, Priority A on the 2050 Growth Tier Map. This includes 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.
4. The subject properties are designated as both Commercial and Urban Residential within the Future Land Use Plan. Areas selected as Commercial are meant to be used for retail, office, service and residential mixed uses, which can vary widely in intensity and impact, but may not be appropriate for all commercial zoning districts. Urban Residential areas are selected for residential uses of varying densities, with all types of housing being appropriate. Areas of undeveloped Urban Residential areas may also include neighborhood-scale commercial and other compatible uses.
5. The proposed R-3 zoning for future residential lots is compatible with both the Future Land Use designation and the adjacent land uses, as there are existing R-3 districts located to the west and immediately to the north. This property is part of the approved Preliminary Plat for East Dominion Estates, and the proposed R-3 zoning aligns with the Final Approved Plan.
6. The proposed H-4 zoning is compatible with the Future Land Use designation and adjacent land uses, as there is an existing H-4 district abutting the subject property to the south and west. This property is part of the approved East Dominion Special Permit #24012 for Planned Service Commercial, which calls for H-4 General Commercial zoning.
7. The property is in the Southeast Rural Fire District. The City calculated that no contribution to the Rural Fire District is necessary as a result of the annexation. Lincoln Fire and Rescue indicates that this property can be

served by Fire Station #16 at N 98th & “O” Street with an estimated response time of 1 minute and 12 seconds.

- 8. The property is currently located within the Waverly school district but will be served by Lincoln Public Schools upon annexation.

LEGAL DESCRIPTION: See Attached

EXISTING LAND USE & ZONING: Vacant/Undeveloped Land; AG Agriculture

SURROUNDING LAND USE & ZONING

North: Developing single-family residential; R-3 Residential

South: Undeveloped land; H-4 General Commercial

East: Agricultural production; AG Agriculture

West: Single-family residential; R-4 Residential

APPLICATION HISTORY

December 2022 Preliminary Plat #22003 for East Dominion Estates was approved by the Lincoln-Lancaster County Planning Commission.

February 2023 Comprehensive Plan Amendment #22006 to amend the Future Land Use Plan and to designate a portion of East Dominion Estates as Commercial was approved by City Council.

November 2024 Special Permit #24012 for Planned Service Commercial to allow up to 418,000 sq. ft. of commercial uses was approved with conditions by City Council.

APPROXIMATE LAND AREA: Annexation 31.79 acres, more or less; Change of Zone 21.08 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: Council District #1

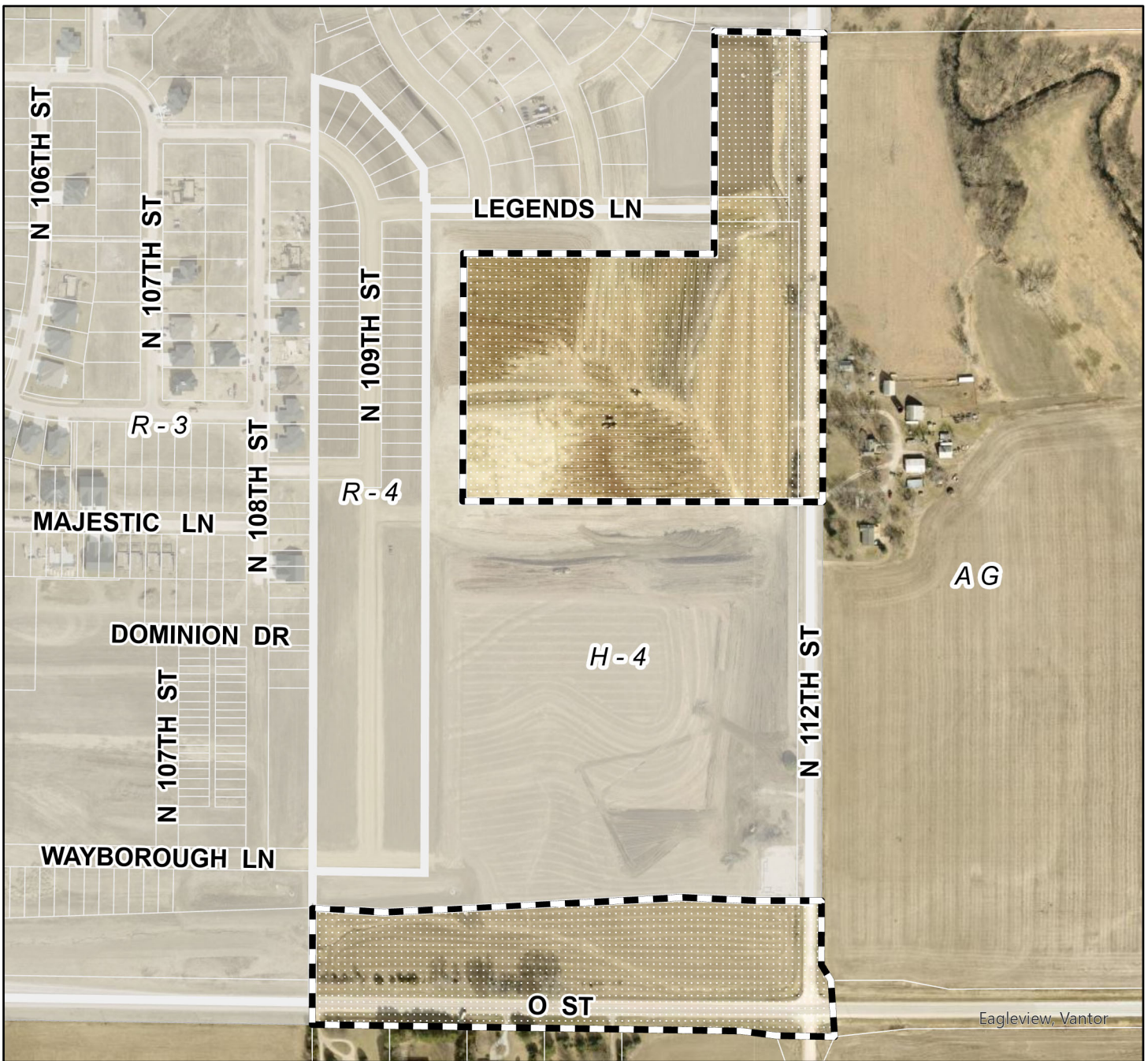
LEGAL DESCRIPTION: See attached.

Prepared by Tanner Hiemer, Planner
(402) 441-6369 or thiemer@lincoln.ne.gov

Date: May 28, 2026

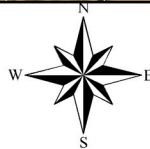
Applicant/Owner: White Holdings, LLC

Contact: Lizzy Potter, Olsson



Eagleview, Vantor

Annexation #: AN26007
112th St & O St



2024 aerial

Zoning:

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

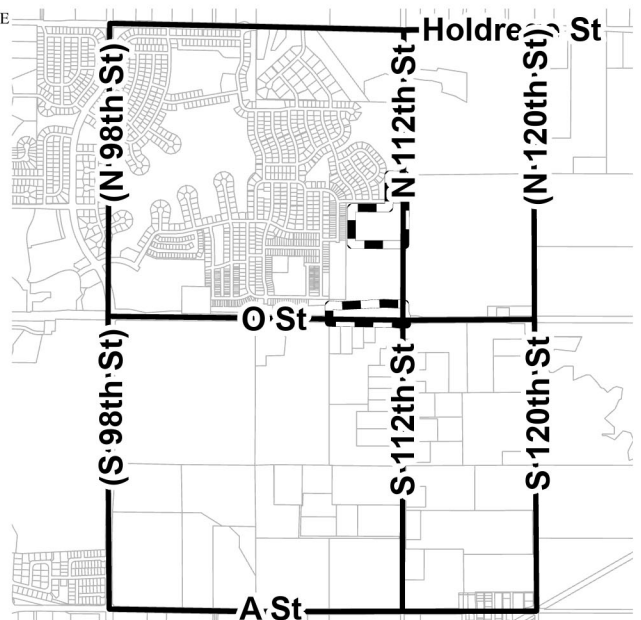
Four Square Miles:

- Sec.25 T10N R07E
- Sec.30 T10N R08E
- Sec.24 T10N R07E
- Sec.19 T10N R08E

Area of Application

Zoning Jurisdiction Lines

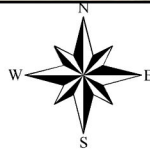
Existing Lincoln City Limits





Eagleview, Microsoft, Vantor

Change of Zone #: CZ26011
N 112th St & O St



2024 aerial

One Square Mile:
Sec.24 T10N R07E

Zoning:

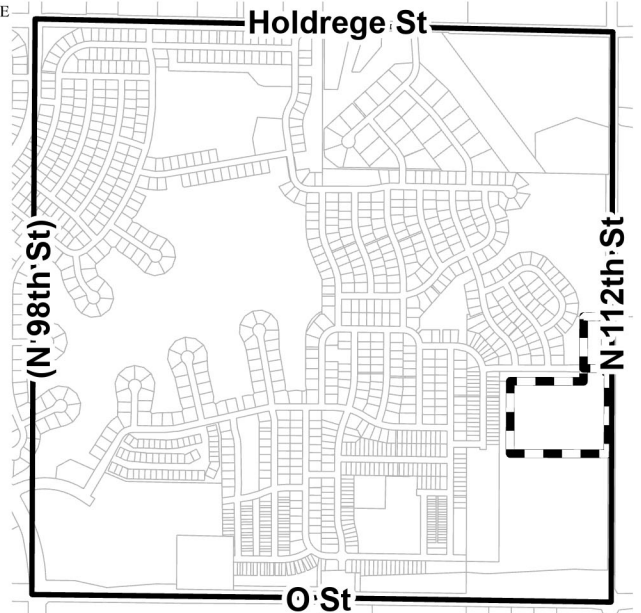
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

Area of Application

Zoning Jurisdiction Lines

Existing Lincoln City Limits

9

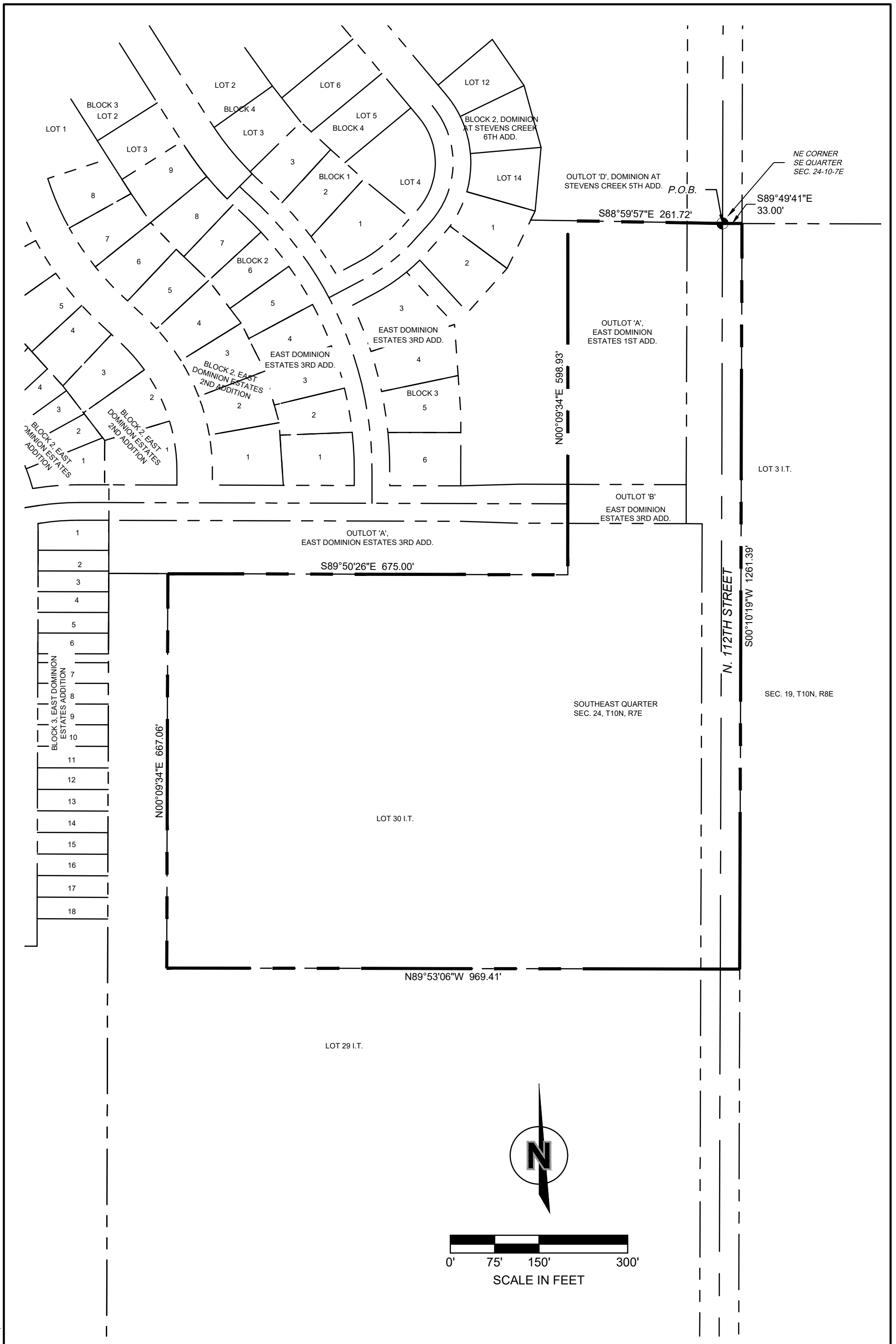


LEGAL DESCRIPTION

ANNEXATION

A TRACT OF LAND COMPOSED OF LOT 30 I.T., OUTLOT 'B', EAST DOMINION ESTATES 3RD ADDITION, A PORTION OF OUTLOT 'A', EAST DOMINION ESTATES 1ST ADDITION, AND A PORTION OF 112TH STREET RIGHT OF WAY, ALL IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., AND A PORTION OF LOT 3 I.T. IN THE SOUTH HALF OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 8 EAST OF THE 6TH P.M., LANCASTER COUNTY NEBRASKA,

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24, THENCE, EASTERLY, ON AN ASSUMED BEARING OF S89°49'41"E, A DISTANCE 33.00' TO A POINT, THENCE S00°10'19"W, ON A LINE THAT IS 33.00' EAST OF AND PARALLEL TO THE WEST LINE OF SAID SOUTH HALF OF SAID SECTION 19, A DISTANCE OF 1,261.39' TO A POINT; THENCE N89°53'06"W ON THE EXTENSION OF THE SOUTH LINE OF SAID LOT 30 I.T. AND ON THE SOUTH LINE OF SAID LOT 30 I.T., A DISTANCE OF 969.41 TO A POINT; THENCE N00°09'34"E, ON A WEST LINE OF SAID LOT 30 I.T., A DISTANCE OF 667.06' TO A POINT; THENCE S89°50'26"E, ON A NORTH LINE OF SAID LOT 30 I.T., A DISTANCE OF 675.00' TO A POINT; THENCE N00°09'34"E, A DISTANCE OF 598.93' TO A POINT; THENCE S88°59'57"E, ON A NORTH LINE OF SAID OUTLOT 'A', SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 261.72' TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 822,169.67 SQUARE FEET OR 18.87 ACRES, MORE OR LESS



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PROJECT NO: 026-02066
 DRAWN BY: ALB
 DATE: 4-16-2026

ANNEXATION



601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 olsson.com
 TEL 402.474.6311
 Olsson - Survey
 Nebraska COA #000127

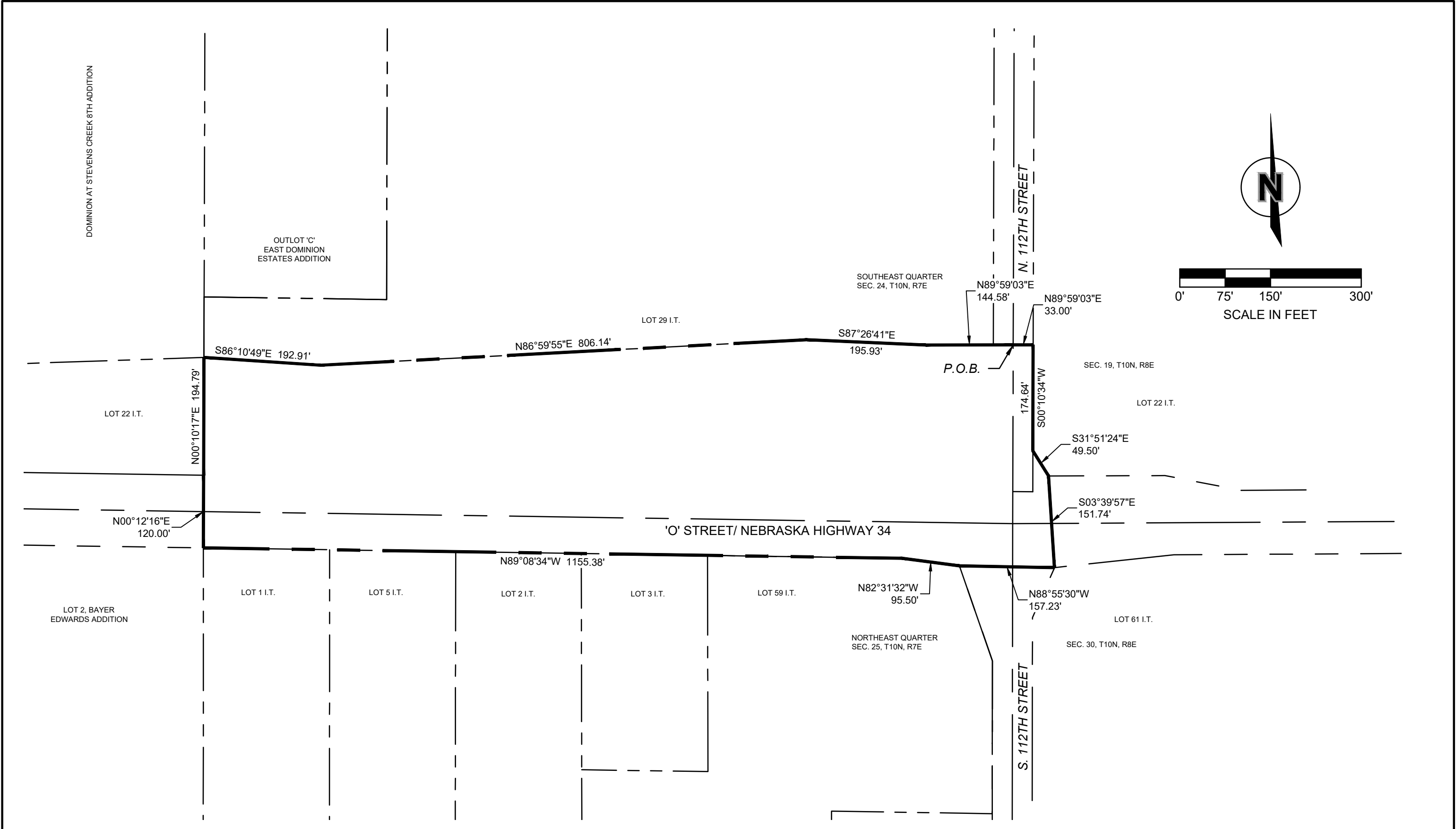
EXHIBIT
A

LEGAL DESCRIPTION
ANNEXATION 'O' STREET
EAST DOMINION ESTATES

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 22 I.T., A PORTION OF N. 112TH STREET RIGHT OF WAY AND A PORTION OF 'O' STREET RIGHT OF WAY, LOCATED IN THE SOUTH HALF OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 8 EAST, A PORTION OF 'O' STREET RIGHT OF WAY, LOCATED IN THE NORTH HALF OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 8 EAST, A PORTION OF 'O' STREET RIGHT OF WAY, LOCATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 10 NORTH, RANGE 7 EAST, AND A PORTION OF 'O' STREET RIGHT OF WAY, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST ALL OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 29 I.T., OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST, SAID POINT BEING ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 24; THENCE, EASTERLY, ON AN ASSUMED BEARING OF N89°59'03"E, ON AN EXTENSION OF A SOUTH LINE OF SAID LOT 29 I.T., A DISTANCE OF 33.00' TO A POINT; THENCE S00°10'34"W, ON A LINE 33.00' EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTH HALF OF SAID SECTION 19, A DISTANCE OF 174.64' TO A POINT; THENCE S31°51'24"E, ON A NORTHEAST LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 49.50' TO A POINT; THENCE S03°39'57"E, A DISTANCE OF 151.74' TO A POINT ON THE SOUTH LINE OF SAID 'O' STREET RIGHT OF WAY LINE IN THE NORTH HALF OF SAID SECTION 30; THENCE N88°55'30"W, A DISTANCE OF 157.23' TO A POINT ON THE SOUTH LINE OF SAID 'O' STREET RIGHT OF WAY IN THE NORTHEAST QUARTER OF SAID SECTION 25; THENCE N82°31'32"W, ON A SOUTH LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 95.50' TO A POINT; THENCE N89°08'34"W, ON SOUTH LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 1,155.38' TO A POINT AT THE NORTHWEST CORNER OF LOT 1 I.T. IN SAID SECTION 25; THENCE N00°12'16"E, A DISTANCE OF 120.00' TO THE SOUTHEAST CORNER OF LOT 22 I.T. IN SAID SECTION 24; THENCE N00°10'17"E, ON AN EAST LINE OF SAID LOT 22 I.T., SAID LINE BEING A WEST LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 194.79' TO A POINT; THENCE S86°10'49"E, ON A NORTH LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 192.91' TO A POINT; THENCE N86°59'55"E, ON A NORTH LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 806.14' TO A POINT; THENCE S87°26'41"E, ON A NORTH LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 195.93' TO A POINT; THENCE N89°59'03"E, ON A NORTH LINE OF SAID 'O' STREET RIGHT OF WAY, A DISTANCE OF 144.58' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 466,687.26 SQUARE FEET OR 10.71 ACRES, MORE OR LESS.

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DATE: 5-14-2026

ANNEXATION 'O' STREET RIGHT OF WAY



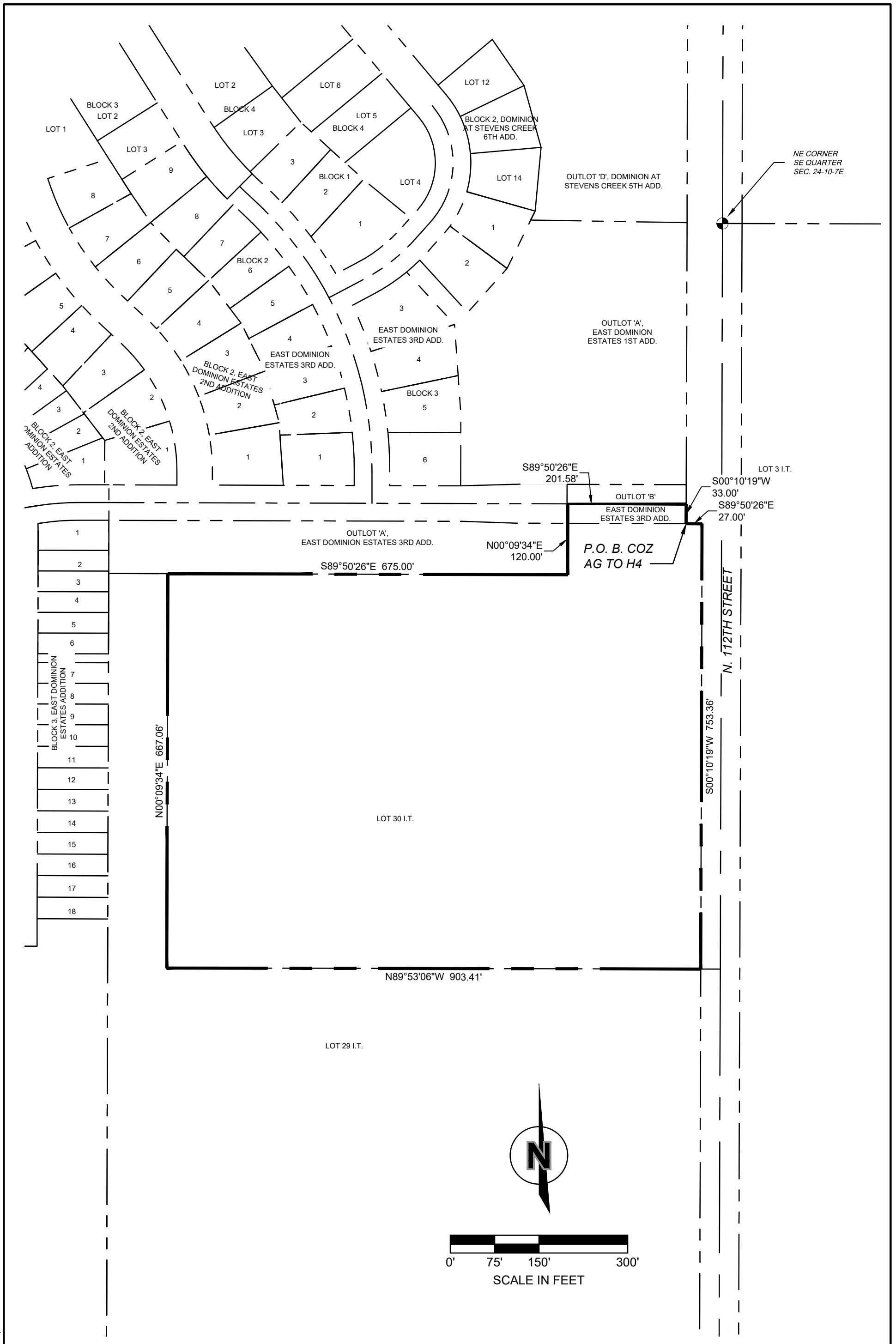
601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
olsson.com
TEL 402.474.6311
Olsson - Survey
Nebraska COA #000127

EXHIBIT
D

LEGAL DESCRIPTION
CHANGE OF ZONE AG TO H4

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 30 I.T., AND A PORTION OF OUTLOT 'B', EAST DOMINION ESTATES 3RD ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID OUTLOT 'B'; THENCE, EASTERLY, ON A NORTH LINE OF SAID LOT 30 I.T., ON AN ASSUMED BEARING OF S89°50'26"E, A DISTANCE OF 27.00' TO A POINT; THENCE S00°10'19"W, ON A LINE 33.00' EAST OF AND PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 753.36' TO A POINT; THENCE N89°53'06"W, ON THE SOUTH LINE OF SAID LOT 30 I.T., A DISTANCE OF 903.41' TO A POINT; THENCE N00°09'34"E, ON A WEST LINE OF SAID LOT 30 I.T., A DISTANCE OF 667.06' TO A POINT; THENCE S89°50'26"E, ON A NORTH LINE OF SAID LOT 30 I.T., A DISTANCE OF 675.00' TO A POINT; THENCE N00°09'34"E, A DISTANCE OF 120.00' TO A POINT; THENCE S89°50'26"E, A DISTANCE OF 201.58' TO A POINT; THENCE S00°10'19"W, ON AN EAST LINE OF SAID OUTLOT 'B', A DISTANCE OF 33.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 628,732.68 SQUARE FEET OR 14.43 ACRES, MORE OR LESS.



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 DATE: 5-5-26

CHANGE OF ZONE AG TO H4



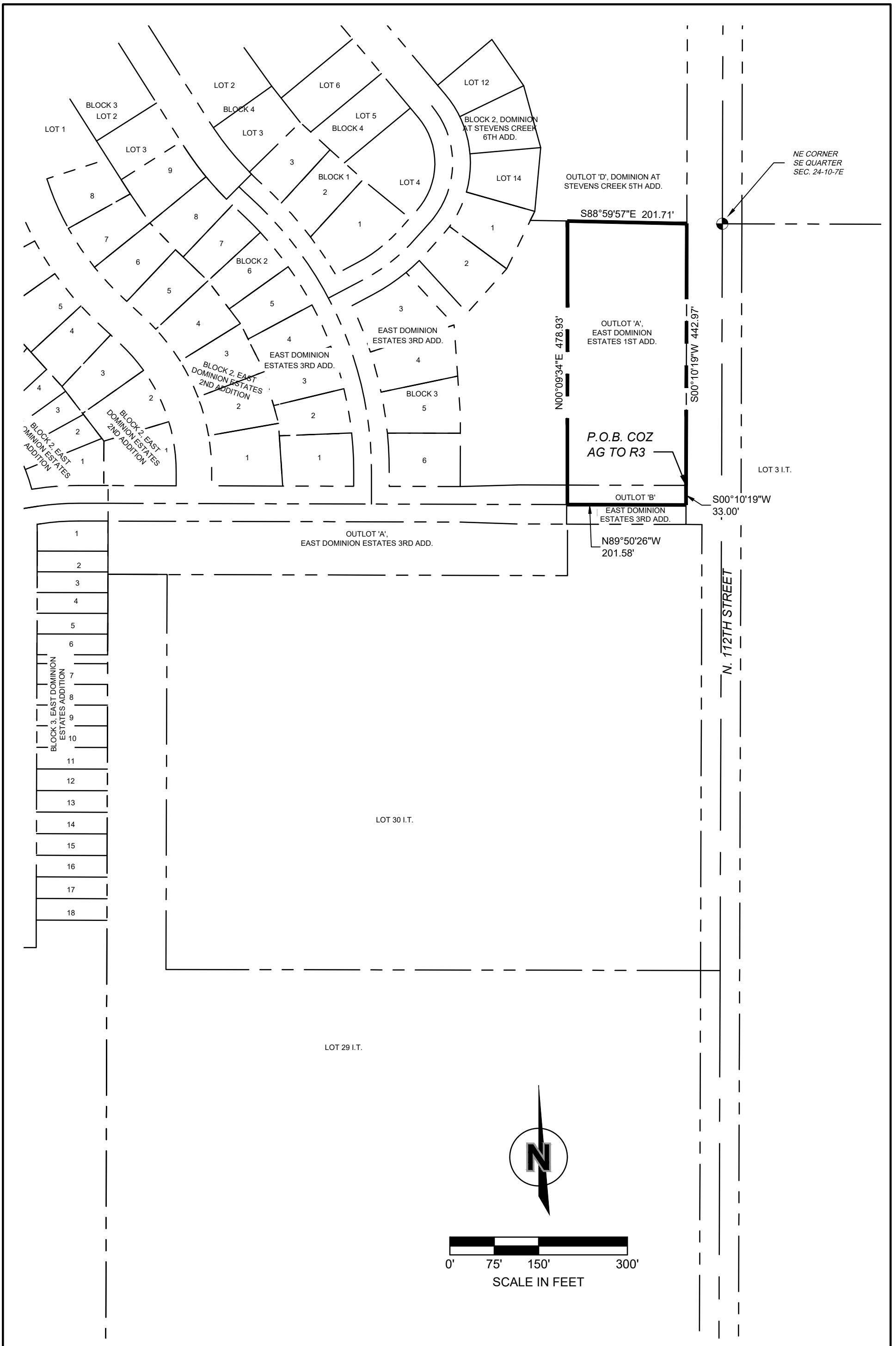
EXHIBIT
 B

601 P Street, Suite 200
 P.O. Box 84608
 Lincoln, NE 68508
 olsson.com
 TEL 402.474.6311
 Olsson - Survey
 Nebraska COA #000127

LEGAL DESCRIPTION
CHANGE OF ZONE AG TO R3

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT 'B', EAST DOMINION ESTATES 3RD ADDITION, AND A PORTION OF OUTLOT 'A', EAST DOMINION ESTATES 1ST ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT 'B', SAID POINT BEING A SOUTHEAST CORNER OF SAID OUTLOT 'A' THENCE, SOUTH, ON AN EAST LINE OF SAID OUTLOT B' SAID LINE BEING THE WEST RIGHT OF WAY LINE OF N. 112TH STEET ON AN ASSUMED BEARING OF S00°10'19"W, A DISTANCE OF 33.00' TO A POINT; THENCE N89°50'26"W, A DISTANCE OF 201.58' TO A POINT; THENCE N00°09'34"E, A DISTANCE OF 478.93' TO A POINT; THENCE S88°59'57"E, ON A NORTH LINE OF SAID OUTLOT 'A', SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 201.71' TO A POINT; THENCE S00°10'19"W, ON AN EAST LINE OF SAID OUTLOT 'A', SAID LINE BEING A WEST RIGHT OF WAY LINE OF SAID N. 112TH STREET , A DISTANCE OF 442.97' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 96,270.31 SQUARE FEET OR 2.21 ACRES, MORE OR LESS.



F:\2026\02001-02500\0206-02066\40-Design\Survey\SRVY\Sheets\IV_ANNEX_COZ_02602066.dwg
DATE: May 07, 2026 5:18pm USER: abroeker

PROJECT NO: 026-02066
DRAWN BY: ALB
DATE: 5-5-26

CHANGE OF ZONE AG TO R3



601 P Street, Suite 200
P.O. Box 84608
Lincoln, NE 68508
olsson.com
TEL 402.474.6311
Olsson - Survey
Nebraska COA #000127

EXHIBIT
C



May 11, 2026

Mr. David Cary
Lincoln/Lancaster County Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: East Dominion Estates 4th Addition
Change of Zone & Annexation
Olsson Project No. 026-02066

Dear Mr. Cary,

White Holdings, LLC ("Developer") is the developer for the East Dominion Estates Preliminary Plat #22003 (AA24038) and Special Permit #24012 (AA26023), located in the northwest corner of N. 112th Street & 'O' Street.

On the Developer's behalf, I'm submitting the attached application for two Change of Zones: AG to H-4 for 14.43 acres and AG to R3 for 2.21 acres, along with the associated annexation request.

With this application, please find the following items:

1. City of Lincoln application for Change of Zone and Annexation
2. Application fees in the amount of \$1,176.00.

Plans and legal descriptions will be uploaded Via Project Dox upon receipt.

Please let me know if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Lizzy Potter". The signature is fluid and cursive.

Lizzy Potter
531-365-4608
epotter@olsson.com



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

APPLICATION NUMBER Special Permit #26027	FINAL ACTION? Yes	DEVELOPER/OWNER Land Excavating and Demolition, LLC/Tonkinson Farms, LLC
PLANNING COMMISSION HEARING DATE June 10, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION NW 98 th St and W Superior St

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit for excavation. The site is in the Lincoln 3-mile jurisdiction generally to the northeast of NW 98th Street and W Superior Street. The property is zoned AG-Agricultural and includes 25.25 acres. Excavation will consist of two phases with a total of 551,653 cubic yards of soil excavated for development use in and around Lincoln.



JUSTIFICATION FOR RECOMMENDATION

This application, with the conditions of approval, meets the requirements for an Excavation special permit. There are few houses nearby. There should be no significant impact on adjacent properties with proposed conditions.

APPLICATION CONTACT

Matt Langston, (402) 525-9963 or
mlangston@olsson.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for excavation of soil is in conformance with the 2050 Comprehensive Plan. It does not negatively impact future growth or agricultural use as only 20 acres are used at a time. It helps support road and development projects that support growth of the community.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

P. 12.3 - This site is shown primarily as future agriculture on the 2050 Lincoln Area Future Land Use Plan.

P. 12.9 – This site is in Tier III of the Growth Tiers. Tier III provides an approximately 131 square mile area for Lincoln’s longer term growth potential—beyond 50 years. Little active planning of utilities is likely to occur in the near term in Tier III.

ANALYSIS

1. This request is for a special permit for soil excavation on approximately 25.25 acres under the provisions of Chapter 27.63.160 Excavation. The property is generally located to the northeast of NW 98th Street and W Superior Road with the proposed access approximately ¼ mile to the east of said intersection. The zoning for the property and surrounding area is AG Agriculture. The proposed excavation includes two phases. The first phase will include 14.2 acres with 304,196 cubic yards to be excavated. The second phase will include 10.0 acres with 247,457 cubic yards to be excavated. A total of 551,653 cubic yards of soil will be excavated for use with development in and around Lincoln. The excavation phases are approximate, but no more than 20 acres will be open for operations at any one time as required. The special permit is for three years. After three years a new special permit will be required.
2. Prior to excavation of the fill, topsoil will be collected and stored for redistribution at the conclusion of mining activities or the termination of each phase. It is expected that the topsoil moved on site will be mostly done with scrapers to strip and stockpile 5,000-8,000 cubic yards at a time and then redistribute the topsoil as they process across the site.
3. The site plan shows proposed access off W Superior Street through the lot directly to the south of the proposed excavation along the east side of the property at an existing field entrance. Most of the trucks leaving the site it is anticipated would head east on W Superior Street, avoiding most traffic in front of the residence on the south side of the street.
4. A water report was not submitted. Rather than submit a water report, the applicant will not do any excavation within 1,000 feet from any off-site private well. A water report is required if there is to be any excavation within 1,000 feet of a private well or 2,000 feet of a community well or designated to result in an excavated area that does not drain to a lower area. They do not meet any of these criteria, therefore a water report is not required.
5. There are eight houses less than ½ mile from the excavation area. The nearest home is to the southeast at 8990 W Superior Street and is approximately 1,300 feet away. Three homes to the north are over 1,500 feet away, and four homes to the south and west are at least 1,500 feet away, three of the latter are on the south side of W Superior Street.
6. Operating hours are limited to daylight hours, Monday through Saturday.
7. The County Engineer requires a Road Maintenance Agreement and Truck Haul Route map for adjacent county roads. The County Engineer also requires that warning signs be posted along the adjacent roads warning traffic of entering/exiting trucks. In addition, since the proposed access road goes through Lot 52 I.T., a different lot, an access easement will be required before commencement of the excavation operation.
8. Lincoln Transportation and Utilities Watershed Management had no concerns. They recommended approval.
9. During the soil mining process, the landowner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agriculture Farm ground

SURROUNDING LAND USE & ZONING

North:	AG Agriculture	Farm ground
South:	AG Agriculture	Farm ground
East:	AG Agriculture	Pasture/Grassland
West:	AG Agriculture	Farm ground

APPROXIMATE LAND AREA: 25.25 acres, more or less

LEGAL DESCRIPTION:

Lot 53 Irregular Tract located in the SW 1/4 of Section 3, Township 10 North, Range 5, Lancaster County, NE.

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

Date: May 28, 2026

Owner: Tonkinson Farms, LLC

Applicant: Land Excavating and Demolition, LLC

Contact: Matt Langston, Olsson

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/26000/SP26027 Tomkinson Borrow Pit.gjw.docx>

CONDITIONS OF APPROVAL – SPECIAL PERMIT #26027

Per Section 27.63.160 this approval permits soil excavation for a period of three (3) years from the date of approval of this special permit.

Site Specific Conditions:

1. Before initiating excavation operations, the permittee shall cause to be prepared and submitted to the Planning and Development Services Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:
 - 1.1 Add bearings and distance information to the site boundary.
 - 1.2 Provide a site detail showing the stabilized construction entrance.
 - 1.3 Renumber the general notes and add the following notes:
 - a) Contractor shall post warning signs during hauling operations along W. Superior Street warning traffic of trucks entering the site. (a permit is needed to place signs in Right of way).
 - b) Contractor shall enter into a road Maintenance agreement with Lancaster County throughout the operation of the permit.
 - c) Any work done within Lancaster County right-of-way will be completed in accordance with Lancaster County Design Standards.
 - d) Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety and general welfare of the public
 - 1.4 Provide a Truck Haul Route map that includes anticipated traffic impacts to County roads.
 - 1.5 Provide an erosion and sediment control plan. Include areas in which best management practices, such as silt fence, will be used for erosion control to protect Lancaster County culverts.
 - 1.6 Label Lot 52 SW (Not Part of Special Permit).
2. Before beginning the excavation operation,
 - 2.1 The Permittee shall have
 - 2.1.1 Create and file an access easement for the proposed access road through Lot 52.
 - 2.1.2 Received review and permits, in required for the Federal NPDES and 404 Permits.
 - 2.1.3 Post performance bond in the amount of \$10,500.00 (\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.

- 2.1.4 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Planning and Development Services Department to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
- 2.1.5 Applicant shall enter into a Road Maintenance Agreement with Lancaster County for adjacent County roads throughout the operation of the permit.
- 2.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 2.1.6.1 Clearly visible from the adjacent road;
 - 2.1.6.2 At least 32 square feet in area;
 - 2.1.6.3 Lettering shall be at least two inches in heights, black on a white background;
 - 2.1.6.4 The sign shall list:
 - (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;
 - (d) The Planning and Development Services Department contact number.
- 3.1 After beginning the excavation operations, the Permittee shall have
 - 3.1.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
 - 3.1.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
 - 3.1.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
 - 3.1.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control Program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
 - 3.1.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berming and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
 - 3.1.6 Operating hours shall be limited to daylight hours, Monday through Saturday.

- 3.1.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
- 3.1.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 3.1.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 3.1.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- 3.1.11 Permittee shall prepare and submit an annual report to the Director of Planning and Development Services Department addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 3.1.12 Permittee shall be subject to an annual site inspection by the Director of Planning and Development Services Department. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department’s hourly rate in effect on the date of the application. The Planning and Development Services Department shall:
 - 3.1.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and
 - 3.1.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.
- 3.1.13 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.
- 3.1.14 The construction plans shall generally comply with the approved plans.

4. At the conclusion of the operation, the permittee shall provide to the Planning and Development Services Department a certificate from an engineer stating that the final grading substantially reflects the finish contours shown on the approved site plan and request a release of the performance bond.

Standard Conditions:

- 5. The following conditions are applicable to all requests:
 - 5.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.
 - 5.2 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.

5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

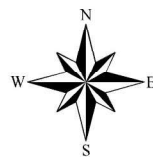


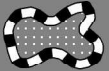


Special Permit #: SP26027
NW 98th St & W Superior St

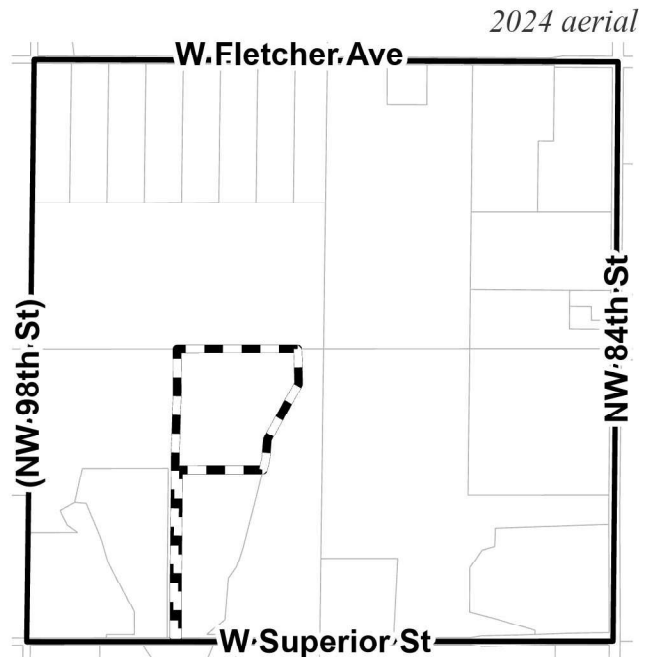
Zoning:

- 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.03 T10N R05E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
	26





May 12, 2026

David Cary – Director
Lincoln/Lancaster County Planning
555 S. 10th Street
Ste. 203
Lincoln, NE 68508

RE: Tonkinson Borrow Pit – Special Permit

Mr. Cary:

On behalf of the property owner, Tonkinson Farms LLC, and the applicant, Land Excavating and Demolition, LLC, Olsson is submitting an application for a Special Permit for Excavation, on a 25.25 acre parcel of land located Northeast of Northwest 98th and West Superior Streets and zoned AG.

The Special Permit proposes the excavation and removal of up to 551,653 CY of soil in two phases for use in the continued development in and around the City of Lincoln.

The site would access West Superior Street through the lot directly to the south of the proposed excavation along the east side of the property at an existing field entrance. It is anticipated that the majority of trucks leaving the site would head east on West Superior Street, so locating the access in the proposed location avoids additional traffic in front of the residence to the south.

There are no private wells within 1,000 feet nor any community wells within 2,000 feet of the proposed excavation area. Grading activities will be conducted in a matter to provide positive stormwater drainage during and after excavating activities.

Enclosed please find the following documents for the above-mentioned project:

1. City of Lincoln Application for Special Use Permit Form.
2. Letter from Land Excavating and Demolition
3. Application fees in the amount of \$1,176.00
4. Grading Plan.

We appreciate your consideration of the above request and look forward to continuing to work with you on this development. If you require further information or have any questions, please do not hesitate to contact me at 402.525.9963 or mclangston@olsson.com

Regards,

A handwritten signature in blue ink that reads "Matt Langston". The signature is fluid and cursive.

Matt Langston

LAND **Excavating** **and** **Demolition, LLC**



May 11, 2026

City of Lincoln – Planning Commission
555 South 10th Street
Lincoln, NE 68508

Re: Special Permit Request – Soil Extraction near NW 84th and West Superior Streets

To: All Concerned Parties,

The purpose of this letter is to provide additional information for the proposed borrow pit located approximately ¼ mile west of the intersection of West Superior and Northwest 84th Streets, and is owned by Mr. Randy Tonkinson.

Once the site has all SWPPP installations in place we will grade an access road and driveway as shown on the plans, which will result in keeping all traffic south of the proposed excavated site, along the east side of the property to West Superior Street.

We expect that the topsoil moved on site will be mostly done with scrapers to strip and stockpile 5,000 -8,000 cubic yards at a time, and then redistributing the topsoil as we proceed across the site. Excavating the borrow soils will primarily be done with a large excavator or at times with a track loader.

We understand that there may be dust concerns, we have two water trucks that would be available to minimize airborne dust on any haul routes to existing pavement. We also have a motor grader to ensure safer haul routes on and off the permitted site.

Respectfully submitted.

Sincerely,



Gary T. Varley
Land Excavating and Demolition, LLC
President



Lincoln-Lancaster County
**PLANNING AND
 DEVELOPMENT**

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
 FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
 555 S. 10TH STREET, SUITE 203, LINCOLN, NE 68508

APPLICATION NUMBER Annexation #26006	FINAL ACTION? No	DEVELOPER/OWNER Winston & Amanda Ostergard
PLANNING COMMISSION HEARING DATE June 10, 2026	RELATED APPLICATIONS NONE	PROPERTY ADDRESS/LOCATION S 88 th & Pioneers Blvd.

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This application is a proposed annexation of approximately 20 acres generally located at S 88th Street and Pioneers Boulevard. The initial request for annexation of a single lot located at 4010 Taliesin Drive. However, in keeping with the City’s annexation policy, the area of annexation has been expanded to include the nearby properties that are not within the City limits at this time.



JUSTIFICATION FOR RECOMMENDATION

The area proposed for annexation is currently surrounded on three sides by the Lincoln city limits. The area is already within the Lincoln Public Schools district, and access to all properties is only possible via City right-of-way. Annexation of the entire application area will allow for continued growth of Lincoln in an efficient and orderly fashion, clarity of service areas for maintenance and emergency response, and equity for taxpayers.

APPLICATION CONTACT

Brian Lang, Olsson, (402) 458-5691

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The area proposed for annexation is consistent with the City’s policy for annexation. The location is shown as Tier 1, Priority B on the 2050 Growth Tier Map. The Comprehensive Plan calls for annexation to be utilized to provide municipal services in a fair and efficient manner, and states that City annexation should occur before any property is provided with City services. In some cases, it is necessary for the City to initiate annexation of adjacent properties that are already developed and require a minimal public investment to serve.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Land Use Plan –Urban Residential. Residential Uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

Figure GF.c - This site is shown in Tier 1, Priority B on the 2050 Priority Growth Area Map.

Fundamentals of Growth in Lancaster County

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

Urban infrastructure availability. The City of Lincoln will provide water and wastewater service only to properties located within the corporate limits of the city.

One public school district. Lincoln Public Schools is the only public school district within the City of Lincoln, and the Lincoln Public School boundary will continue to expand as the city limits of Lincoln expand.

Policies Section

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

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

Action Steps

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

4. Coordinate the provision of services for areas considered for annexation with the Capital Improvement Program.

UTILITIES & SERVICES

- A. Sanitary Sewer: Sanitary sewer is generally available in the area. However, not all of the proposed annexation area is adjacent to a sanitary sewer line at this time. Analysis by Lincoln Wastewater System suggests that properties could be served by sanitary sewer in the future, but a line would need to traverse Firethorn golf course to do so. Some properties may be able to be served by an existing sewer near 88th and Pioneers Blvd. Two houses on the northern end may be able to be served by an existing sewer line to the north. There is also a sewer force main running along the S 88th Street right-of-way
- B. Water: Water service is available along Pioneers Boulevard and S 88th Street and is proposed to be extended to the end of Taliesin Drive at the applicant's cost.
- C. Roads: The proposed area of annexation includes an unimproved portion of Pioneers Boulevard, which is classified as a Minor Arterial. All but one of the properties within the annexation area can only be accessed via S 88th Street, the majority of which has already been annexed by the City. The annexation area also includes all of the right-of-way for Taliesin Drive. Lincoln Transportation & Utilities (LTU) has noted the poor condition of Taliesin Drive, which is significantly below city standards. The street could be improved in the future if the adjacent property owners were interested in funding the street costs.
- D. Parks and Trails: There are no parks or trails adjacent to the subject property.
- E. Fire Protection: The property is currently in the Southeast Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR), and police protection by the Lincoln Police Department. The area proposed for annexation would be served by Lincoln Fire & Rescue Station #12 at S 84th Street and Pioneers Boulevard, a distance of 0.55 miles away, with an estimated response time of 57 seconds.

ANALYSIS

1. This application is a proposed annexation of approximately 20 acres generally located at S 88th and Pioneers. The annexation area includes nine single-family detached residential lots, as well as right-of-way for Taliesin Drive and portions of S 88th Street and Pioneers Boulevard. The initial request submitted to the City by the applicant was to annex only one lot located at 4010 Taliesin Drive. Based on the City's annexation policies, however, the annexation was expanded to include the surrounding properties. This expanded annexation area will allow the City to grow in a more orderly and efficient fashion, while providing clarity of service areas for maintenance and emergency response, and equity for taxpayers.
2. The proposed annexation area is surrounded on the west, north, and east by the existing city limits. The properties, except for one lot, within the annexation area can only be accessed by traversing on City right-of-way. The area is located within Tier 1, Priority B on the 2050 Growth Tier Map. This includes areas designated for development in the first half of the planning period and which are generally contiguous to existing development and should be provided with basic infrastructure as they develop.
3. Existing municipal services, including water and sanitary sewer, are present in adjacent neighborhoods and could be extended to these properties. The applicants have stated an intention to extend water service to their property at 4010 Taliesin Drive at their own cost. Property owners are not required to connect to City water upon annexation, so there would be no obligation to other residents of the annexation to connect to the City's water system.
4. The properties cannot currently be served by sanitary sewer services. The applicants have made private

West: Single-family residential; St. Marks United Methodist Church

R-1 Residential, AGR

APPROXIMATE LAND AREA: 20.25 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: City Council District #2

LEGAL DESCRIPTION: See Attached

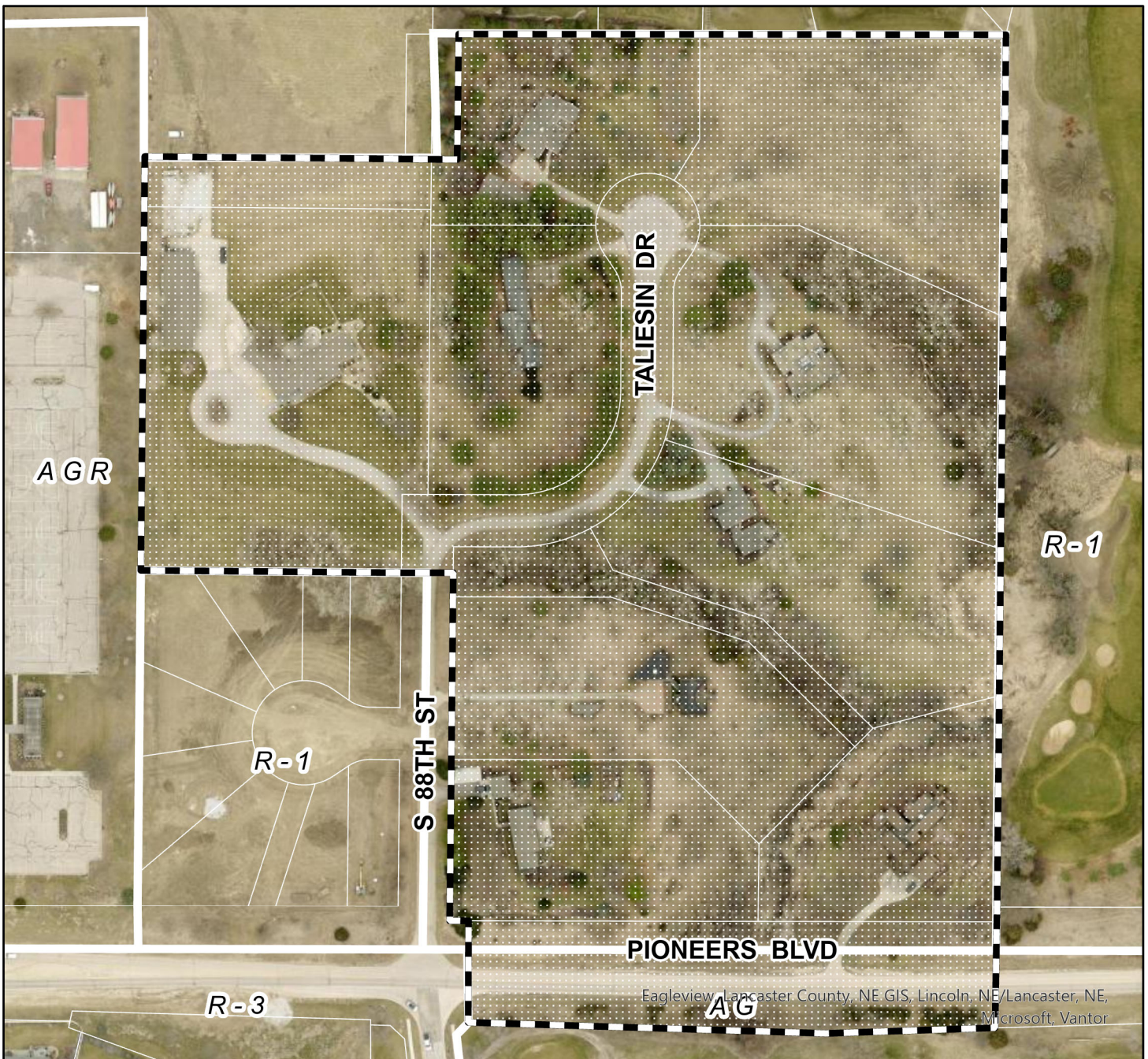
Prepared by Jacob Schlange, Planner
(402) 441-6362 or jschlange@lincoln.ne.gov

Date: May 28, 2026

Applicant: Winston & Amanda Ostergard,

Contact: Brian Lang, Olsson

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/AN/26000/AN26006 88th & Pioneers.jrs.docx>



Eagleview, Lancaster County, NE GIS, Lincoln, NE/Lancaster, NE, Microsoft, Vantor

Annexation #: AN26006
S 88th St & Pioneers Blvd

2024 aerial

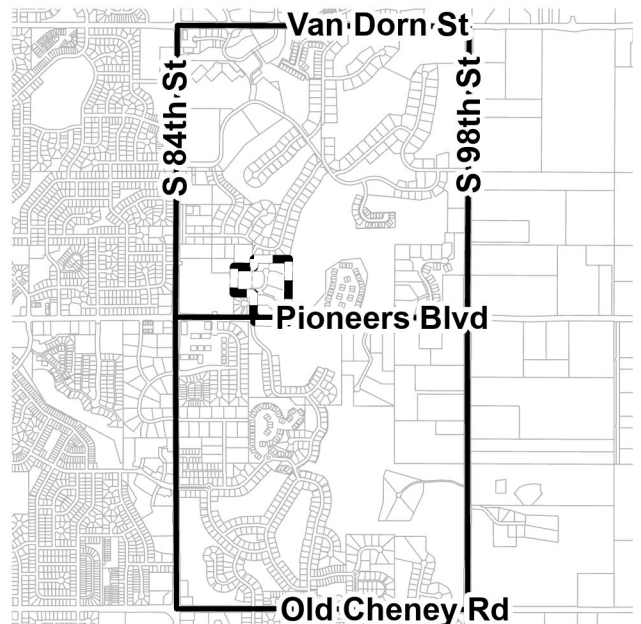


Zoning:

- 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
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- H-1 Interstate Commercial District
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- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Two Square Miles:
 Sec.11 T09N R07E
 Sec.02 T09N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
	35



Annexation #26006

Legal Description

LOT 1, HUNTER ADDITION, AND THAT PORTION OF OUTLOT A, HUNTER ADDITION IN TAX DISTRICT 35 NOT PREVIOUSLY ANNEXED BY CITY COUNCIL ORDINANCE NO. 18937; LOTS 1-8 & OUTLOT A, IKIRU EAST; THAT PORTION OF LOT 43 NOT PREVIOUSLY ANNEXED BY CITY COUNCIL ORDINANCE NO. 18937; LOT 44 I.T.; ALL RIGHT-OF-WAY FOR TALIESIN DRIVE; ALL UNANNEXED RIGHT-OF-WAY FOR S 88TH STREET NORTH OF A LINE DUE EAST FROM THE SOUTHEAST CORNER OF LOT 1, HUNTER ADDITION; AND ALL UNANNEXED RIGHT-OF-WAY FOR PIONEERS BOULEVARD BETWEEN LOTS 7 & 8, IKIRU EAST AND OUTLOT C OF HIMARK ESTATES 20TH ADDITION; ALL LOCATED IN THE SW $\frac{1}{4}$ OF SECTION 02, TOWNSHIP 9 NORTH, RANGE 7 EAST, LANCASTER COUNTY, NEBASKA.



April 29, 2026

Mr. David Cary
Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Ostergard Property
Annexation
Olsson Project No. 025-00787

Dear Mr. Cary,

On behalf of Winston and Amanda Ostergard, the owner of the real property legally described as, **IKIRU EAST, Lot 2** Lancaster County, Nebraska ("the Property") we are proposing the City annex the Property. The Property is currently adjacent to city limits along its northern and eastern property lines. The Property is currently served with sanitary sewer through the Firethorn private system. Water service is currently being reviewed for extension to the Property at the Ostergard's private cost.

The application and this letter will be submitted to ProjectDox upon notification from the Planning Staff. We appreciate your consideration of the above request and look forward to working with the City staff on this proposed annexation. If you require further information or have any questions, please do not hesitate to contact me at blang@olsson.com or (402) 458-5691.

Sincerely,

A handwritten signature in blue ink that reads "Brian Lang". The signature is fluid and cursive.

Brian Lang



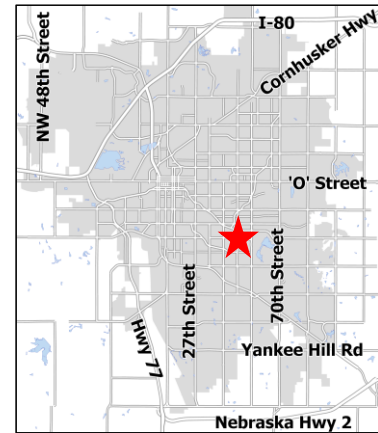
LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 203, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #26010	FINAL ACTION? No	DEVELOPER/OWNER Colorshow LLC
PLANNING COMMISSION HEARING DATE June 10, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally S 47 th to S 49 th Street, Meredeth to Linden Street.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone for a proposed Planned Unit Development (PUD) in the area of South 48th Street and Pioneers Boulevard. The PUD is approximately 10.10 acres and stretches from S 47th to S 49th Street, and from Meredeth to Linden Street. The change of zone is from B-1, B-3, R-2 & R-6 all to B-3 PUD, and for O-1, B-1 & R-2 to O-2 PUD. The PUD has approximately 17 properties with a mix of exiting B-3, B-1, R-2, R-6, and O-2 zoning which will be within the PUD. Of the 17 properties, 16 will be changed to B-3 PUD with one remaining as O-2 PUD. The PUD will follow uses within the B-3 and O-2 zoning uses, including additional uses, reduction of the front yard setbacks, reduced parking standards, increased height allowance and modified sign provisions.



JUSTIFICATION FOR RECOMMENDATION

The PUD intends to rezone an existing and primarily commercial area to allow a mix of future commercial and residential uses. The PUD will include additional waivers adding flexibility with height, setbacks and parking supporting existing and future infill projects within this established area.

APPLICATION CONTACT

Jeff Bonsall, (402) 450-1482

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan designates this area primarily as future commercial with areas on the edge of the PUD as future urban residential. The change is consistent as the PUD will still keep a mix of both consistent commercial and residential allowed uses and requirements within this existing and heavily traveled area.

WAIVERS

1. LMC 27.72.030 – Increase the maximum height from 35 to 55 feet in B-3 PUD zoning. (Recommend Approval)
2. LMC 27.72.030 – Reduce the front yard setback to 10 feet when the block has a split of commercial and residential zoning in B-3 PUD zoning. (Recommend Approval)
3. To LMC 27.67.020 – To reduce the minimum parking required to zero for nonresidential uses in the B-3 PUD zoning. (Recommend Approval)
4. To LMC 27.60.020 – To reduce the minimum parking to .5 spaces per dwelling unit in B-3 PUD zoning. (Recommend Approval)
5. To LMC 27.06.130 – To allow for off-sale of alcoholic beverage in B-3 PUD zoning without restriction on spacing and other conditions for local businesses. (Recommend Approval)
6. To LMC 27.06.140 – To allow for on-sale alcoholic beverages in B-3 PUD zoning without restriction on spacing and other conditions. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future commercial and urban residential 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.

Residential- to provide a stable area of gross density in the range of three to five dwelling units per acre. It is anticipated that some redevelopment will occur in this district. The use of the district includes single- and two-family dwellings, plus support facilities, such as schools, parks, community buildings, and places of religious assembly.

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.

The Community in 2050

The following assumptions provide the framework for growth in the 2050 plan.

Lancaster County is projected to add approximately 53,000 households by 2050, with 48,000 of those new households in Lincoln (roughly 1,600 new households per year).

25 percent of all new dwelling units in Lincoln will be infill, meaning they will be located within the existing city. This equates to roughly 12,000 infill units over the next 30 years.

Benefits of Well-Planned Growth

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

Goals Section

G2: Complete Neighborhoods. Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln. A complete neighborhood is one where residents are able to get the goods and services to meet daily needs within 15 minutes of their residence including a variety of housing options, grocery stores and other commercial services, quality public schools, public open spaces and recreational facilities, affordable active transportation options, and civic amenities. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

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

E1: 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.

Existing Neighborhoods

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

Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side.

The City’s primary strategy for residential infill and redevelopment outside of the Greater Downtown is to encourage the redevelopment and reuse of sites and buildings in commercial areas in order to create new mixed use centers that are compatible and complementary to adjacent neighborhoods.

Modest opportunities for redevelopment may also be appropriate along “neighborhood edges.”

Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

E2: Infill and Redevelopment

Mixed Use Redevelopment Nodes and Corridors

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

Location Criteria

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

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.
- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.

Figure E2.b: Design Strategies for Mixed Use Nodes and Corridors

1. Maintain existing vehicular access, relocate drives as needed, share access where possible, and discourage additional vehicular access to an arterial street.
2. Encourage a higher Floor Area Ratio for commercial redevelopment.
3. Encourage a wide variety of commercial tenants.
5. Align commercial driveways with existing streets where possible.
6. Discourage commercial driveways that interrupt the blockface of a residential street, especially when residences face the street.
7. Encourage shared driveways and interconnected parking lots where possible.
8. Orient buildings to the street, especially corners.
9. Maintain or adaptively reuse existing structures (especially historic structures) where possible.
10. Incorporate a variety of residential price ranges and use types such as rowhouses, apartment buildings, apartments in mixed use buildings, live-work units, and group housing. These buildings could also serve as a transition to the existing neighborhood.
11. Encourage a vertical mix of residential and commercial use types.
12. Encourage shared parking between land uses with different peak demand periods.
13. Create public/semi-public green or open spaces such as parks, plazas, or community gardens.
14. Establish or re-establish an internal public or private street network within the node that has substantial connectivity to adjacent neighborhoods to maximize access and mobility options.
15. Encourage public/semi-public uses.
16. Encourage supermarkets or specialty grocery stores to locate within nodes.
17. Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from nearby residential areas.
18. Promote activities of daily living within walking distance, and provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

E3: Business, Economy, and Workforce

Commercial Infill

Figure E3.f: Commercial Infill Design Strategies

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

Policies Section

P6: Nodes and Corridors - Facilitate the redevelopment of prioritized Nodes and Corridors to create high-quality mobility-focused neighborhoods. Focus efforts on supporting additional jobs and residential development, including a variety of housing types and price points.

Action Steps

1. Develop design standards to be utilized across all Mixed Use Redevelopment Nodes and Corridors. Design standards should be clearly written and allow for an efficient, expeditious review process, while especially focusing on the interface with residential neighborhoods, attractive streetscapes, and safe and comfortable movement of people – whatever their mode of travel.
2. Implement nodes and corridor principles as discussed in the Infill and Redevelopment element.

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

Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.
4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 11 Key Initiative – Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.
- p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.
- Continue to encourage mixed-use development in the Comprehensive Plan.
 - Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

ANALYSIS

1. This is a request for the 48th & Pioneers PUD (Planned Unit Development), located primarily at S 48th Street & Pioneers Boulevard. The approximately 10.10 acres PUD includes a mix of existing B-1, B-3, R-2, R-6 & O-2 zoning districts which will be changed mainly to B-3 PUD and a small area left as O-2 PUD. The boundary of this PUD is approximately 3 blocks south of Union Adventist University. The applicant is requesting the PUD to provide additional flexibility for redevelopment within the existing commercial area and opportunities for mixed-use development along the S 48th Street corridor.
2. The PUD boundary will abut a mix of zoning within the existing neighborhood. Along the north is R-4 Residential and B-3 Commercial along S 48th Street leading up to Union Adventist University. To the east is both R-2 & R-4 Residential with a mix of single and two-family dwellings. To the south is R-2 & R-6 Residential consisting of both single family and multifamily dwellings along S 48th Street. To the west is a mix of residential, including R-2, R-4 & R-5 zoning with single, two-family, and multifamily family residential all in close proximity to the PUD boundary.
3. As noted in the applicant letter, the PUD is being requested, to reduce barriers with redevelopment within this existing commercial area and offer a mix of uses along this busy corridor. This area was originally platted in the early 1890s and has become an established commercial corridor along S 48th Street. The PUD aims to create a unified zoning district for this area, allowing the properties to follow the same development standards and allowed uses for existing properties and future infill development.
4. The area within the PUD boundary consists of, two busy streets which are classified as minor arterial roadways. Of the 17 properties included in the PUD many of them serve as multitenant commercial buildings, consisting of office space, restaurants, personal services such as beauty salons and massage & spa services, automotive repair and a self-service carwash. The area is well situated for additional infill and redevelopment of mixed use commercial and residential with proximity to key transportation routes on two arterial roadways, a StarTran bus route and connectivity for both pedestrian and bicycle routes.
5. Within the PUD 16 of the 17 properties will be changed to B-3 PUD and one existing O-2 property with associated parking zoned R-2 both going to O-2 PUD. This will simplify much of the area allowing a majority of the PUD to follow the B-3 zoning standards and then remaining O-2 area zoning standards. Within the B-3 area additional uses would be added as permitted uses including residential healthcare facilities, private schools, the sale of both on and off-sale alcohol, and social halls. Outdoor sales will be permitted as an accessory use to businesses within the B-3 district.
6. The applicant has requested waivers which would be for all properties within the new B-3 PUD zoning district. The waivers are being added to provide additional flexibility for the continued use of the existing commercial properties but will also aid in the future for possible redevelopment or infill projects within this area. The PUD will include the following waivers:
 - a. LMC 27.72.030 – Increase the maximum height from 35 to 55 feet in B-3 PUD zoning and 35 feet when

abutting residential zoning.

This waiver is consistent within the B-3 PUD area as this area would be encourage for future infill opportunities and offer mixed-used commercial and residential options within this zoning. Working with existing sites, the increased height can help with future infill projects to minimize the building footprint and still provide parking on site. The increase in the height will be compatible with the exiting areas of B-3 zoning along S 48th Street today as the maximum height is 45 feet. This waiver would be permitted on properties that are not abutting residential zoning. Properties abutting residential within the B-3 PUD would still be limited to 35 feet. To the south of the PUD on s 48th Street is existing R-6 Residential which allows a maximum height of 55' for multifamily.

- b. LMC 27.72.030 – Reduce the front yard setback to 10 feet in B-3 PUD zoning when on a split zoned residential block.

This waiver is consistent as the B-3 front yard setback is normally zero unless the property is on a block that is partially zoned residential, in which it must follow the residential front yard setback. With properties along S 46th Street sharing the same block as R-6 zoning, this waiver will still require the 10 foot setback but allow more flexibility with the commercial nature of S 46th Street and two busy arterial streets. In addition, a note will be added to the PUD requiring a minimum 20' setback along S 47th Street, south of Pioneers Boulevard where the existing parking lot is today. Since this block face is R-3 Residential today, the 20' greenspace will be maintained along this block.

- c. To LMC 27.67.020 – To reduce the minimum parking required to zero for nonresidential uses in the B-3 & O-2 PUD zoning.

This waiver is justified by providing flexibility for new or additional infill on the existing sites. This waiver will be only for nonresidential uses as residential dwellings will still require a reduced parking requirement. The area has extensive connection options with the arterial roadway, bus route, and sidewalk connections within the neighborhood, allowing for additional transportation options.

- d. To LMC 27.60.020 – To reduce the minimum parking to .5 spaces per dwelling unit in B-3 & O-2 PUD zoning.

Similar to the reduction for nonresidential uses, in an effort to work with existing properties, residential uses would require .5 spaces per unit. This waiver will still require parking for residential dwellings but allow flexibility in working with existing sites and mixed-use infill opportunities. The reduction is compatible as this location has numerous transit options including a StarTran bus route and extensive connectivity for both pedestrians and bicycles.

- e. To LMC 27.06.130 – To allow for off-sale of alcoholic beverage in B-3 PUD zoning without restriction on spacing and other conditions for local businesses.

The waiver to allow alcohol to be sold on site within the B-3 area as a permitted use is compatible as the commercial locations are located along busy arterial roadways with an existing commercial area. With the character of the established neighborhoods, some of the B-3 sites abut residential zoning at the rear of their property, which makes it difficult for alcohol sales to meet distance requirements even if the business is located and accessed from the arterial roadway. This additional permitted use provides more flexibility with the commercial uses in this area.

- f. To LMC 27.06.140 – To allow for on-sale alcoholic beverages in B-3 PUD zoning without restriction on spacing and other conditions.

Similar to allowing alcohol to be sold on site as a permitted use, this wavier would permit the sale of alcohol off site within the B-3 PUD area. As mentioned, many of the property abut residential zoning on the rear property lines but have frontage along S 46th Street or Pioneers Boulevard. This waiver will eliminate the distance requirement which many of the commercial properties would not be able to meet and be

restricted from selling alcohol within this commercially zoned area.

7. In addition to the listed waivers, the PUD will also add language related to signage for the district, allowing district identification signs to be installed in the right-of-way along arterial frontages within the PUD upon approval by the Director of Planning & Development Services. This would also allow district identification banners provided they do not advertise business names. These waivers are consistent in effort to establish a cohesive mixed use district within the PUD which all properties would benefit from the shared district signage.
8. The PUD includes language related to the Design Standards and the layout of properties, including:
 - Allowing drive-through lanes to be behind or beside buildings, but not located between the building and the street.
 - Requiring parking to be setback at least 5 feet from the property line.
 - Prohibiting parking and driveways between a building and the street with the exception of buildings on properties occupying an entire block face offering parking on the side of the building if screened.

These added provisions are supported as they will ensure additional spacing and site layout is reviewed and required for future drive-through lanes and parking areas, helping the commercial uses blend with the nearby residential neighborhoods and visual appearance along the street.

9. The proposed PUD is consistent with the LMC and Comprehensive Plan as it will provide additional development and land use options within an existing commercial area. This area is considered a mixed-use development node, which would encourage a variety of land uses, both commercial and residential, with varying densities of residential and housing styles. This PUD meets goals within the Comprehensive Plan by encouraging infill development within the existing neighborhoods and with a mix of both commercial and residential uses. The associated waivers within the PUD will provide additional flexibility on standards that can often be difficult to meet in established and built neighborhoods relating to overall site space, greater setbacks or parking requirements.
10. The PUD is consistent with the surrounding neighborhood as this area has operated with both commercial and residential uses for numerous decades but consists of a mix of different zoning within the 10-acre boundary. The PUD will bring the area into one larger boundary allowing the properties to share the same zoning standards for development and allowed uses.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial & Office, B-1 & B-3 Commercial, O-2 Office, R-2 & R-6 Residential.

SURROUNDING LAND USE & ZONING

North: Various Commercial Uses	B-3 Commercial
South: Single & Multifamily Dwellings	R-2 & R-6 Residential
East: Single & Two-Family Dwellings	R-2 & R-4 Residential
West: Single, Two & Multifamily Residential	R-2, R-4 & R-5 Residential

APPROXIMATE LAND AREA: 10.10 acres, more or less

LEGAL DESCRIPTION: See Attached

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

Date: May 28, 2026

Applicant/
Contact: Jeff Bonsall
(402) 450-1482

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/26000/CZ26010 48th & Pioneers PUD.bmc.docx>

CONDITIONS OF APPROVAL – CHANGE OF ZONE #26010

This approval permits the S 48th & Pioneers PUD Change of Zone to amend LMC Chapter 27.06 Use Group, 27.67 Parking, 27.69 Signs, and 27.72 Height and Lot to allow for new uses, reduce parking requirements and adjust setbacks within the PUD with the following waivers:

- a. Revision to LMC Chapter 27.06.130 for Retail Sales and Services to allow for off-sale of alcoholic beverages in the B-3 PUD zoning as a permitted use.
- b. Revision to LMC Chapter 27.06.140 for Food and Drink Establishments to allow for on-sale alcoholic beverages in the B-3 PUD zoning as a permitted use.
- c. Revision to LMC Chapter 27.06 to permit multi-family dwellings, townhomes, residential healthcare facilities, private schools, parking lots, service and repair facilities, and social halls as permitted uses, and outdoor retail sales as an accessory use, rather than conditional or special permitted uses in the B-3 PUD zoning.
- d. Waiver to LMC Chapter 27.72.020 for Height and Lot Regulations to allow for a reduced minimum front yard setback in B-3 to 10 feet within a split zoned residential block face.
- e. Revision to 27.72.030 to allow a 55 foot height limit, or 35 feet when abutting residential for all lots in the B-3 PUD zoning.
- f. Revision to LMC 27.67.020 for Parking to allow for reduced parking minimum to .5 stall per dwelling unit in the PUD.
- g. Revision to LMC 27.67.020 for Parking to eliminate the parking requirements for non-residential uses in the PUD.
- h. Revision to LMC 27.69 to permit revisions to the signage requirements for district identification signs as per administrative approval of the Director of Planning.

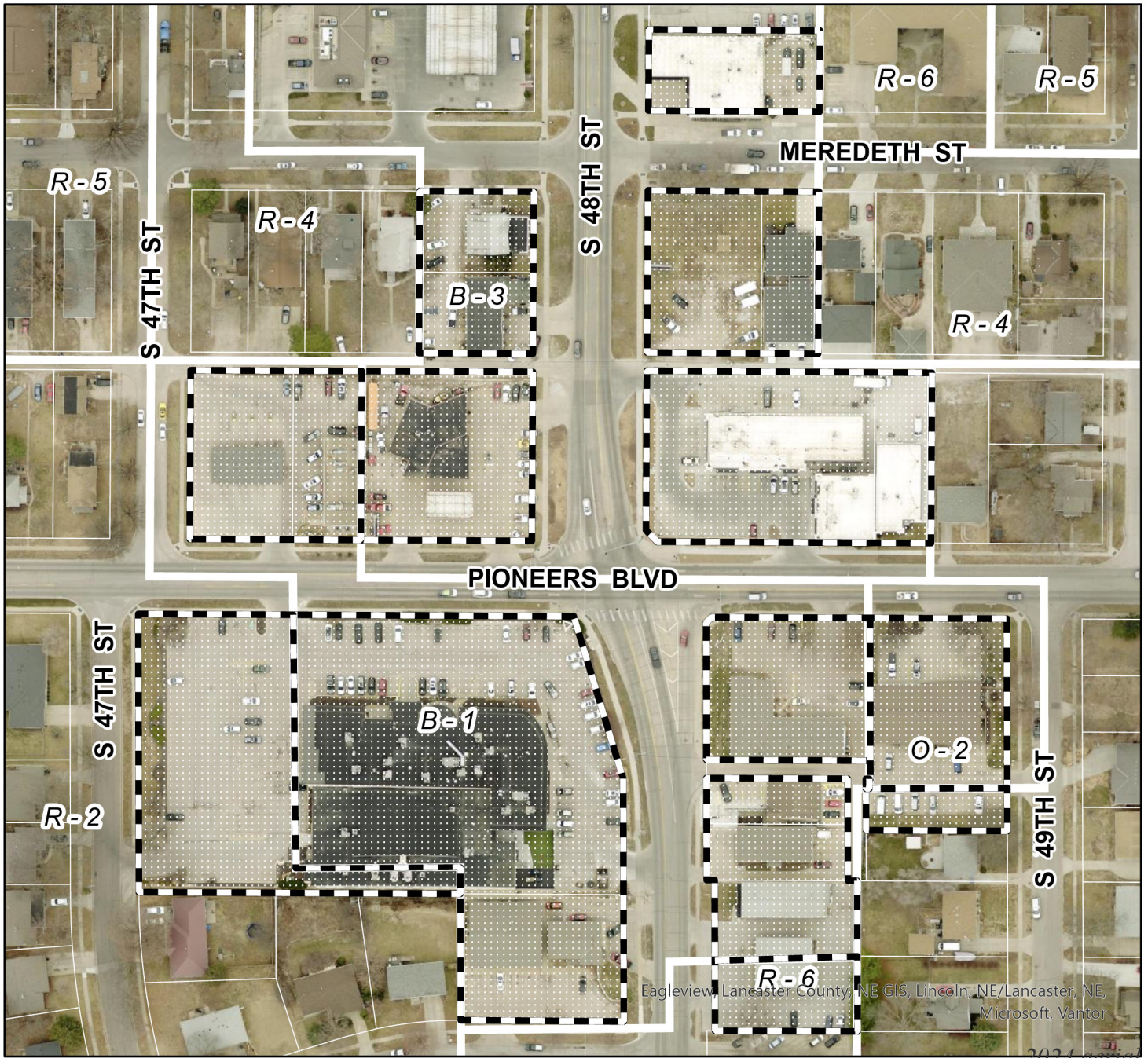
Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
 - 1.1 Add text under (b)ii - "A 20-foot greenspace shall be maintained with the B-3 PUD area along S 47th Street, south of Pioneers Boulevard.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the dwelling units/buildings 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 must 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 the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 2.4 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.



Eagleview, Lancaster County, NE GIS, Lincoln, NE/Lancaster, NE, Microsoft, Vantor

2024 aerial

Change of Zone #: CZ26010
48th & Pioneers PUD
S 48th St & Pioneers Blvd

Zoning:

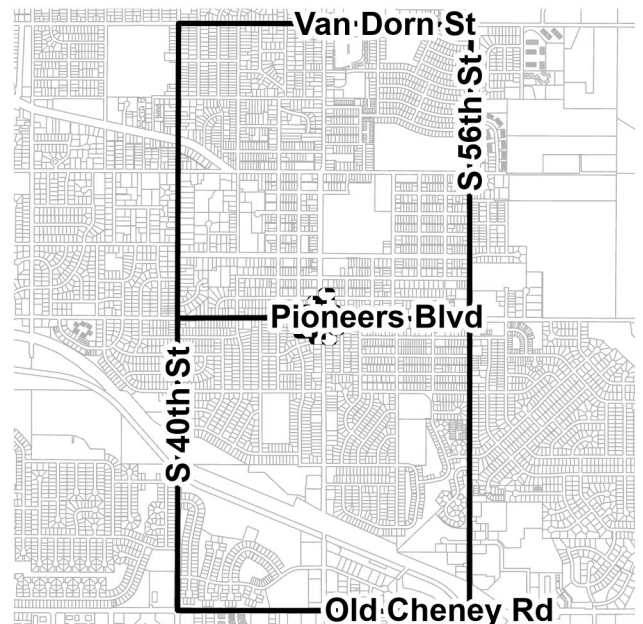
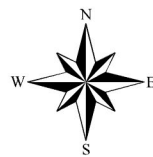
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 Sec.08 T09N R07E
 Sec.05 T09N R07E

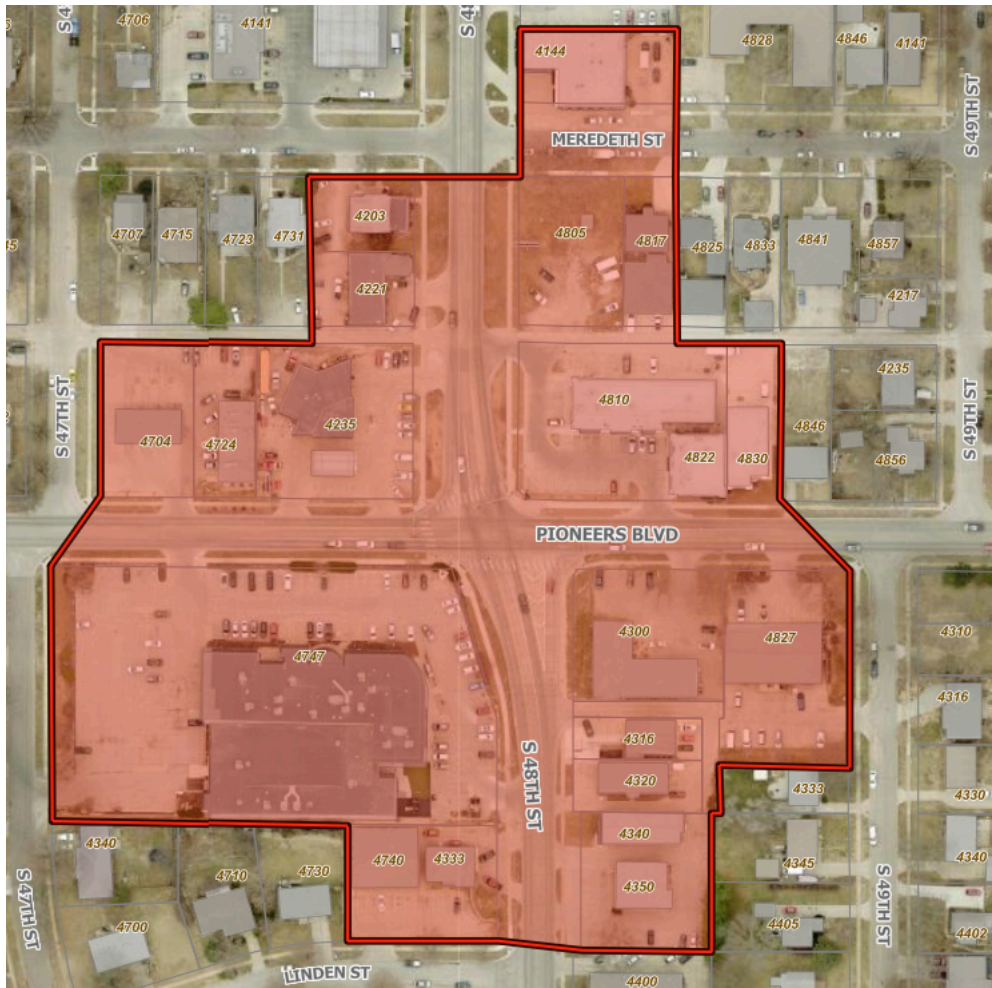
Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



48th & Pioneers Planned Unit Development



Legal Description:

Lots 1 & 2, College View 5th Addition, Lots 1-2 & Lots 10-12, Block 46, College View, all in the southwest $\frac{1}{4}$ of Section 05, Township 09, Range 07; Lot 1, Block 1, Pound Heights, and the south 112.5' of the north 357' within the east 150' of Lot 44, Union Addition to College View, both in the northwest $\frac{1}{4}$ of Section 08, Township 09, Range 07; the south $\frac{1}{2}$ of Lots 9-11, Block 40, College View, Lots 6-8, Lot 9 excluding 50 square feet in the southwest for road, Lots 10-12, and Lot 13, Block 45, College View, all in the southeast $\frac{1}{4}$ of Section 05, Township 09, Range 07; the west $\frac{1}{2}$ of Lot 8 excluding the west 7', Second Addition to College View, Lots 1-5, Lot 6 excluding 12 square feet in the northwest corner for road, Lots 7-8, and Lot 10, Hentons Subdivision, and the adjacent portion of vacated east-west alley, all located in the northeast $\frac{1}{4}$ of Section 08, Township 09, Range 07; all located in Lincoln, Lancaster County, Nebraska.

Waivers Requested:

- LMC 27.72.030 Height and Lot Regulations Commercial Zoning Districts: to increase the maximum height from 35 to 55 feet in the B-3 zoning district;
- To reduce setbacks to the front and side setbacks as provided in the development notes.
- LMC 27.67 Parking: To remove required parking in B-1, B-3, and O-2 zoning districts for commercial uses, and to reduce the required parking for residential uses from 1 to 0.5 stalls per dwelling unit.

General Notes

All properties within the boundaries of the Planned Unit Development (PUD) shall conform with the underlying zoning, except where modified by this Planned Unit Development {PUD} as follows:

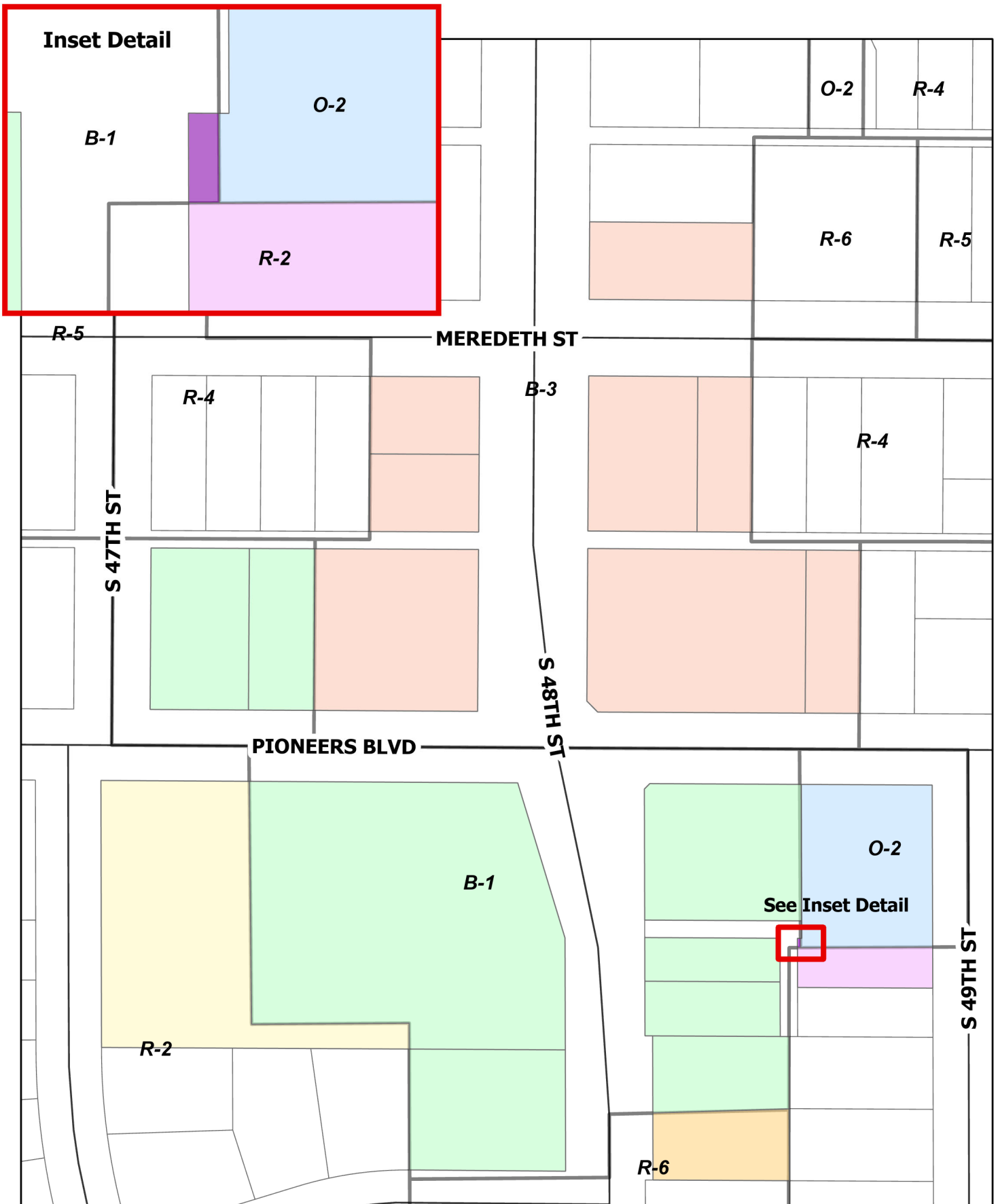
- a. Parking
 - i. No parking is required for commercial and other non-residential uses.
 - ii. Parking reduced from 1.0 to 0.5 stalls per dwelling unit.
- b. Setbacks
 - i. Front yard setbacks for B-3 within a split zoned block face is reduced to 10 feet.
- c. Uses
 - i. The following conditional or special permit uses in the B-3 district are permitted by right within the PUD
 - a. Multi-family dwellings, townhomes, residential healthcare facilities, private schools, off-sale alcoholic beverages, parking lots, service and repair facilities, on-sale alcoholic beverages, and social halls are permitted uses,
 - b. The following additional uses are permitted by right in the B-3 district: , outdoor retail sales
- d. Height
 - i. Maximum height allowed shall be 55 feet or 35' when abutting a residential zoning district.
- e. Signs
 - i. District identification signage can be installed in the right-of-way along arterial frontages within in the PUD. However, District identification signage shall be approved by the Planning Director administratively in consultation with LTU and LES
 - ii. District identification banners are allowed for district specific signage, but commercial advertisement and business names cannot be displayed on banners.
- f. Design Standards

i. Drive-through lanes, if used, must be located behind or besides buildings, and are prohibited between the building and street.

ii. Parking shall be setback from the property line and shall also be 5' from the right-of-way.

iii. Parking and driveways between a building and the street are prohibited except that:

a. Buildings situated on a parcel occupying an entire block face may be built to one corner (fronting two streets) and may offer screened parking behind and/or besides the building



Proposed CZ26010
48th & Pioneers PUD

- | | |
|---|--|
|  B1 to B3 PUD |  R6 to B3 PUD |
|  B3 to B3 PUD |  R2 to O2 PUD |
|  O2 to O2 PUD |  B1 to O2 PUD |
|  R2 to B3 PUD | |



PUD Legal Description

Lots 1 & 2, College View 5th Addition, Lots 1-2 & Lots 10-12, Block 46, College View, all in the southwest $\frac{1}{4}$ of Section 05, Township 09, Range 07; Lot 1, Block 1, Pound Heights, and the south 112.5' of the north 357' within the east 150' of Lot 44, Union Addition to College View, both in the northwest $\frac{1}{4}$ of Section 08, Township 09, Range 07; the south $\frac{1}{2}$ of Lots 9-11, Block 40, College View, Lots 6-8, Lot 9 excluding 50 square feet in the southwest for road, Lots 10-12, and Lot 13, Block 45, College View, all in the southeast $\frac{1}{4}$ of Section 05, Township 09, Range 07; the west $\frac{1}{2}$ of Lot 8 excluding the west 7', Second Addition to College View, Lots 1-5, Lot 6 excluding 12 square feet in the northwest corner for road, Lots 7-8, and Lot 10, Hentons Subdivision, and the adjacent portion of vacated east-west alley, all located in the northeast $\frac{1}{4}$ of Section 08, Township 09, Range 07; all located in Lincoln, Lancaster County, Nebraska.

May 11, 2026

Application Letter

To the Planning Commission and City Council,

We are submitting this application for the 48th & Pioneers Planned Unit Development (PUD) to outline the project's intent and necessary modifications to the zoning regulations.

Purpose of the PUD

The PUD is utilized as a zoning mechanism, as defined by the Lincoln Municipal Code 27.60 (LMC), to provide regulatory flexibility, encourage innovation in land use, and promote efficiency. This flexibility allows us to implement the City of Lincoln Comprehensive Plan goals. The core goal of the 48th & Pioneers PUD is to create an enhanced "sense of place" by:

- Attracting and enabling redevelopment and investment into the area.
- Reducing barriers to allow a greater mix of commercial and residential uses.
- Prioritizing neighborhood-serving and pedestrian-friendly designs and businesses.

The PUD is also intended to promote missing middle housing density, aligning with the Comprehensive Plan's support for increasing infill density and creating a central commercial hub for the neighborhood.

Requested Waivers and Rationale

To achieve the goals of this PUD, we are requesting waivers to the current Lincoln Municipal Code (LMC):

1. Height Increase (LMC 27.72.030): We request to increase the maximum building height from 35 feet to 55 feet in the B-3 zoning district.

Rationale: This is necessary to accommodate the development of multi-story buildings, which is key to maximizing the utilization of the available land and achieving the desired infill density supported by the Comprehensive Plan.

2. Setback Reductions: We request to reduce the required front and side setbacks, specifically reducing the front yard setbacks for B-3 within a split zoned block face to 10 feet, as provided in the development notes.

Rationale: Lesser setbacks are required to maximize the building footprint and overall utilization of the sites, enabling the proposed mixed-use development and higher density.

3. Parking Reductions (LMC 27.67): We request to remove required parking for commercial and other non-residential uses in B-1, B-3, and O-2 zoning districts, and to reduce the required parking for residential uses from 1.0 to 0.5 stalls per dwelling unit.

Rationale: The reduction in parking is critical for increasing residential density and floor area, which would be severely limited by the current high parking requirements of the B-3 zoning. This modification helps reduce regulatory barriers and enables the project to move forward with the planned mix of commercial and residential uses.

Neighborhood Meeting Summary

A neighborhood meeting was held on April 20, 2026, where property owners within and near the proposed PUD boundary were invited. The meeting included a presentation to attendees and provided an opportunity for public feedback. The meeting was successful, and we were pleased to receive support from the neighbors for the PUD's intent and goals. The positive outcome confirms the community's general support for moving forward with this project.

We look forward to your review of this application and welcome the opportunity to discuss the proposed PUD further.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 203, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #26026	FINAL ACTION? Yes	DEVELOPER/OWNER Buell Consulting, Inc./Treetop, Inc.
PLANNING COMMISSION HEARING DATE June 10, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 18242 NW 140 th Street

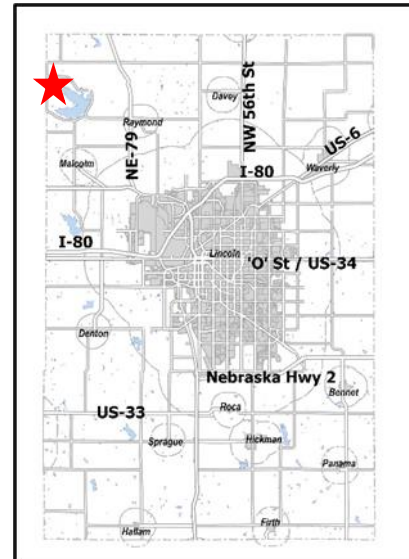
RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit for a personal wireless facility to allow a 190-foot cellular tower with a 9-foot lighting rod, for a total of 199 feet. The proposed 118 acre site is zoned AG Agriculture and is generally located at 18242 NW 140th Street. It is along NW 140th Street which is the Lancaster County line, with Seward County located on the west side of the road. The designated area for the wireless facility will be on the southwest side of the larger property. The proposed 199-foot cellular communication tower is for Verizon Wireless

JUSTIFICATION FOR RECOMMENDATION

. A personal wireless facility is only allowed by special permit in AG zoning. The location meets the condition of being over one-half mile from any existing cellular tower, with the closest privately owned tower being approximately 3.5 miles away.



APPLICATION CONTACT

Buell Consulting, Inc., Woody Krog,
(504) 259-9663

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Personal wireless facilities are allowed by special permit in the AG zoning district and provide service to residents throughout Lancaster County. The proposed location meets the desired separation from existing cellular facilities and will provide additional space for future collocation for other carriers within the area.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Policies Section

P. 3.83 – Placemaking – Current Practice

The community values efficient and effective telecommunications while also desiring to minimize adverse impacts of this rapidly evolving infrastructure on our rural and urban environments. Capitol view corridors, historic landmarks and districts, environmentally sensitive areas, and predominantly residential neighborhoods are not preferred locations. Unobtrusive locations on public property; co-locations on existing towers, buildings, and structures; and commercial and industrial areas with minimal impact on residences are preferred. The City has adopted zoning provisions to state the community's preferences. Combined with guidance from the design review boards, community residents and the telecommunications industry can be well-served.

Information technology

Information technology is subject to rapid and dramatic change. The nature of the industry continues to push the limits of the technology. Various technologies converge to create new, integrated products and services. The concept of telecommuting portends a city where people may be able to work from most any site including their own home. In the economy of the future, information is likely to become the primary product. This product can be manufactured at sites other than traditional factories and offices.

Wireless telecommunication is part of a global information revolution. The need for additional infrastructure to support wireless facilities is expected to increase in response to rising consumer demand and new applications. The City and County understand the importance of these technologies to the world of tomorrow and support the development of the infrastructure needed to further their use. A full range of cellular and wireless services, provided by a variety of carriers, is available in the city and county. See the "Placemaking" chapter for information on how wireless facilities should be located.'

ANALYSIS

1. This proposed personal wireless tower with a maximum height of 199 feet, is zoned AG Agriculture, generally located at 18242 NW 140th Street. As required by the Lancaster County Zoning Regulations, the tower is only allowed by special permit. The special permit will be placed over the entire 118.65-acre property, but the leased space is approximately 10,000 square feet on the west side of the property along NW 140th Street.
2. To the north is AGR zoning and acreage properties, and farmland zoned AG to the east and south including an existing single family home. Northwest 140th Street is the Lancaster County line, with all the properties to the west located within Seward County.
3. Following the Lancaster County Zoning Regulations Article 10, a personal wireless facility can be allowed by a special permit in AG zoning. The facility will be a self-supporting tower that will accommodate antennas for Verizon Wireless but will have additional provisions for future carriers for collocation on the tower. Within the special permit provisions there is a list of conditions including the effort to buffer any new towers from existing towers by more than a half mile. In this application, the closest privately owned wireless tower is approximately 3.5 miles away within Lancaster County at 9201 W Agnes Road.

4. In addition to setbacks in the AG zoning district, personal wireless facilities are required to provide a fall-zone setback. The fall-zone setback from the property lines to the base of the tower equal to one-half of the height of the tower. At 199' in height, the fall-zone for this facility would be 99.5 feet. The proposed site plan shows this tower to be approximately 290.5 feet from the west property line along NW 140th Street and 230 feet from the south property line. Due to the size of the property, the tower is approximately 2,365 feet to the north property line and 1,560 feet to the east property line. Lighting will not be required as the Federal Aviation Administration requires lighting at 200' and above. As part of the submittal the applicant has submitted the proposed construction plans including the site plan and structural details. As required by the zoning regulations, the applicant has also included a decommissioning proposal and removal bond which was reviewed and accepted by the Lancaster County Attorney's Office.
5. The 10,000 square foot lease area will include the access drive from NW 140th Street and the 75' x 75' compound area for the tower and ground equipment which will be fenced and gated with controlled access. The compound area will be accessed by 30' wide gravel drive with an access and utility easement. The gravel drive will continue to use the existing property access point on NW 140th Street. The location of the tower and facility compound will meet the required 50' front yard setback and 60' side yard setback required by AG zoning.
6. The proposed tower location meets the required separation requirements from any existing personal wireless facilities. The additional space on the tower will provide additional colocation opportunities for additional carries within the area, meeting goals within the Lincoln Municipal Code requirements and the 2050 Comprehensive Plan. The request height is compatible with existing personal wireless facilities approved around Lancaster County, meeting all AG setbacks and additional fall zone spacing requirements to surrounding the properties.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Farmland, AG Agriculture

SURROUNDING LAND USE & ZONING

North: Single Family Acreages	AGR, Agriculture Residential
South: Single Family Acreage / Farmland	AG, Agriculture
East: Farmland	AG, Agriculture
West: Single Family Acreage / Farmland	Within Seward County

APPROXIMATE LAND AREA: 118.65 acres, more or less

LEGAL DESCRIPTION: Lots 3, 18, & 19, all Irregular Tracts, located in the southwest ¼ of Section 19, Township 12, Range 5, Lancaster County, Nebraska.

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

Date: May 28, 2026

Applicant/
 Contact: Buell Consulting, Inc.
 Woody Krog

(504) 259-9663

Owner: Treetop, Inc.
(402) 202-4240

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/26000/SP26026 Oak Grove Personal Wireless Tower.bmc.docx>

CONDITIONS OF APPROVAL – SPECIAL PERMIT #26026

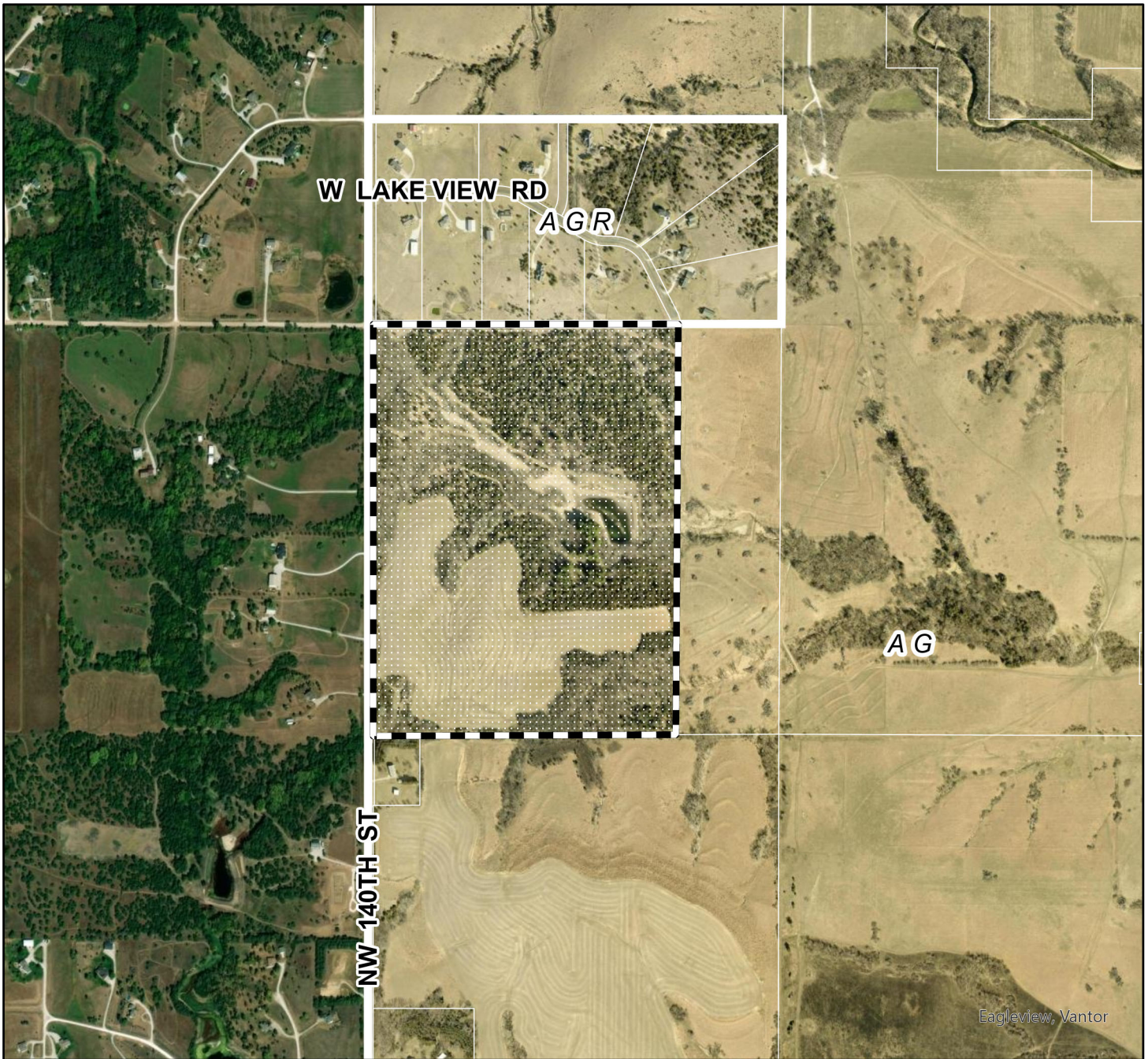
Per Article 13.017 this approval permits a personal wireless facility with an allowed height of 199 feet.

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 Provide a sight distance profile for NW 140th Street on each side of the proposed access driveway.
 - 1.2 Include the Irregular Tract numbers within the legal description on all documents noting the legal.
 - 1.3 Revise the legal description of the lease space to correct the missing distance.
 - 1.4 Provide a roadway profile for the proposed drive.
 - 1.5 Provide a surety in an amount sufficient to guarantee the removal of the facility to run for the life of the special permit to be held by Lancaster County.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying the buildings 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.

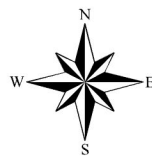


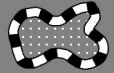


Special Permit #: SP26026
NW 140th St & W Rock Creek Rd

Zoning:

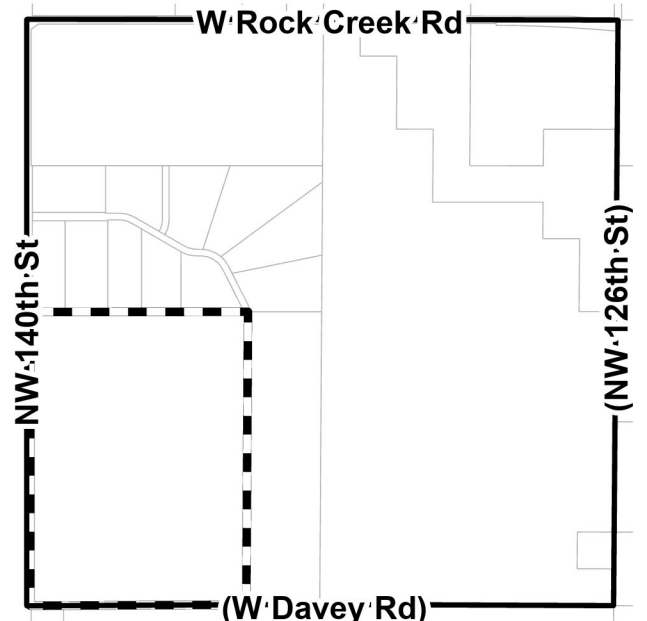
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

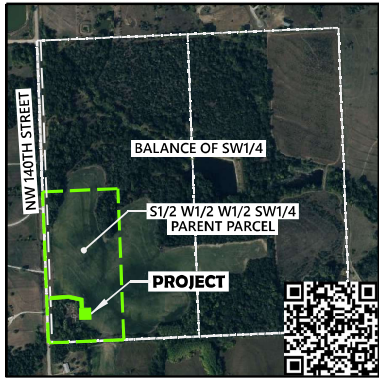
One Square Mile:
 Sec. 19 T12N R05E



	Area of Application
	Zoning Jurisdiction Lines
	City of Lincoln Jurisdiction
	62

2024 aerial





VICINITY MAP
 SEC. 19, T.12 N, R.5 W, 6th P.M.
 NO SCALE

LEGEND

- ✦ SECTION CORNER FOUND (TYPE NOTED)
- △ CALCULATED CORNER
- (C) CALCULATED DISTANCE
- R.O.W. RIGHT-OF-WAY
- ⊞ POWER HAND HOLE
- ⊙ POWER POLE
- ⊞ WATER WELL
- OP- OVERHEAD POWERLINE
- W- UNDERGROUND WATER LINE

NOTE: SYMBOLS SHOWN ON THIS MAP IDENTIFYING TOPOGRAPHIC FEATURES MAY NOT BE TO ACTUAL SIZE. SYMBOLS MAY BE ENLARGED FOR VISUAL PURPOSES.

LINE TABLE

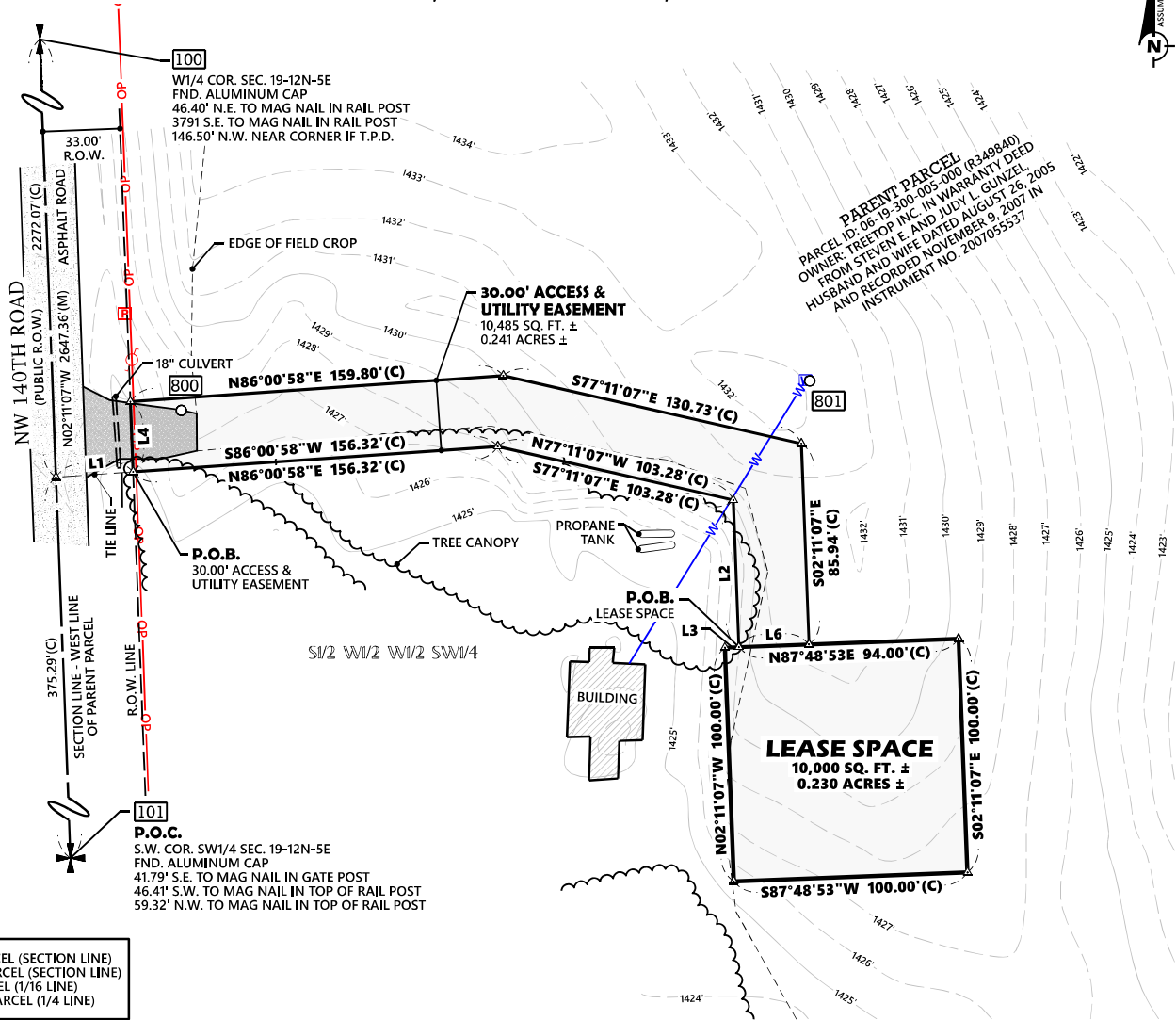
LINE NUMBER	BEARING	LENGTH (C)
L1	N86°00'58"E	33.02'
L2	S02°11'07"E	62.92'
L2	N02°11'07"W	62.92'
L3	N87°48'53"E	6.00'
L4	N02°11'07"W	30.01'
L5	S87°48'53"W	30.00'

TOWER PROXIMITY

333'± FROM TOWER CENTER TO WEST LINE OF PARENT PARCEL (SECTION LINE)
 240'± FROM TOWER CENTER TO SOUTH LINE OF PARENT PARCEL (SECTION LINE)
 988'± FROM TOWER CENTER TO EAST LINE OF PARENT PARCEL (1/16 LINE)
 2407'± FROM TOWER CENTER TO NORTH LINE OF PARENT PARCEL (1/4 LINE)

TOWER SURVEY
 OF
US-NE-5311 OAK GROVE
 IN THE SOUTH-HALF OF THE WEST-HALF OF THE WEST-HALF OF THE
 SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 12 NORTH,
 RANGE 5 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

THIS DOCUMENT AND ALL REPRODUCIBLE COPIES OF THIS DOCUMENT ARE THE PROPERTY OF 3TEN SURVEYING, LLC. REPRODUCTION OF THIS DOCUMENT IS NOT PERMITTED WITHOUT WRITTEN CONSENT OF 3TEN SURVEYING, LLC. UNLESS THIS DOCUMENT BECOMES A MATTER OF PUBLIC RECORD, ALTERATIONS TO THIS DOCUMENT ARE NOT PERMITTED.



100
 W1/4 COR. SEC. 19-12N-5E
 FND. ALUMINUM CAP
 46.40' N.E. TO MAG NAIL IN RAIL POST
 3791' S.E. TO MAG NAIL IN RAIL POST
 146.50' N.W. NEAR CORNER IF T.P.D.

PARENT PARCEL
 PARCEL ID: 06-19-200-005-000 (34-98840)
 OWNER: TREETOP INC. IN WARRANTY DEED
 FROM STEVEN E. AND JUDY L. GUNZEL, 2005
 HUSBAND AND WIFE DATED AUGUST 26, 2005
 AND RECORDED NOVEMBER 9, 2007 IN
 INSTRUMENT NO. 2007055537

101
 P.O.C.
 S.W. COR. SW1/4 SEC. 19-12N-5E
 FND. ALUMINUM CAP
 41.79' S.E. TO MAG NAIL IN GATE POST
 46.41' S.W. TO MAG NAIL IN TOP OF RAIL POST
 59.32' N.W. TO MAG NAIL IN TOP OF RAIL POST

3TEN SURVEYING
 CONSULTING PLANNING MAPPING
 (712) 258-6844 3TENLS.COM
 ESTABLISHED IN 1908

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARIES AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, ITS LEADERS, AND ADMINISTRATIVE AGENTS AND EACH OF THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, AND TOWER TITLE, LLC, THAT THIS SURVEY DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

Douglas J. Mordhorst
 DOUGLAS J. MORDHORST
 NEBRASKA LICENSE NUMBER 460
 DATE OF SIGNATURE: MARCH 21, 2026



TYPE OF SURVEY:
TOWER SURVEY

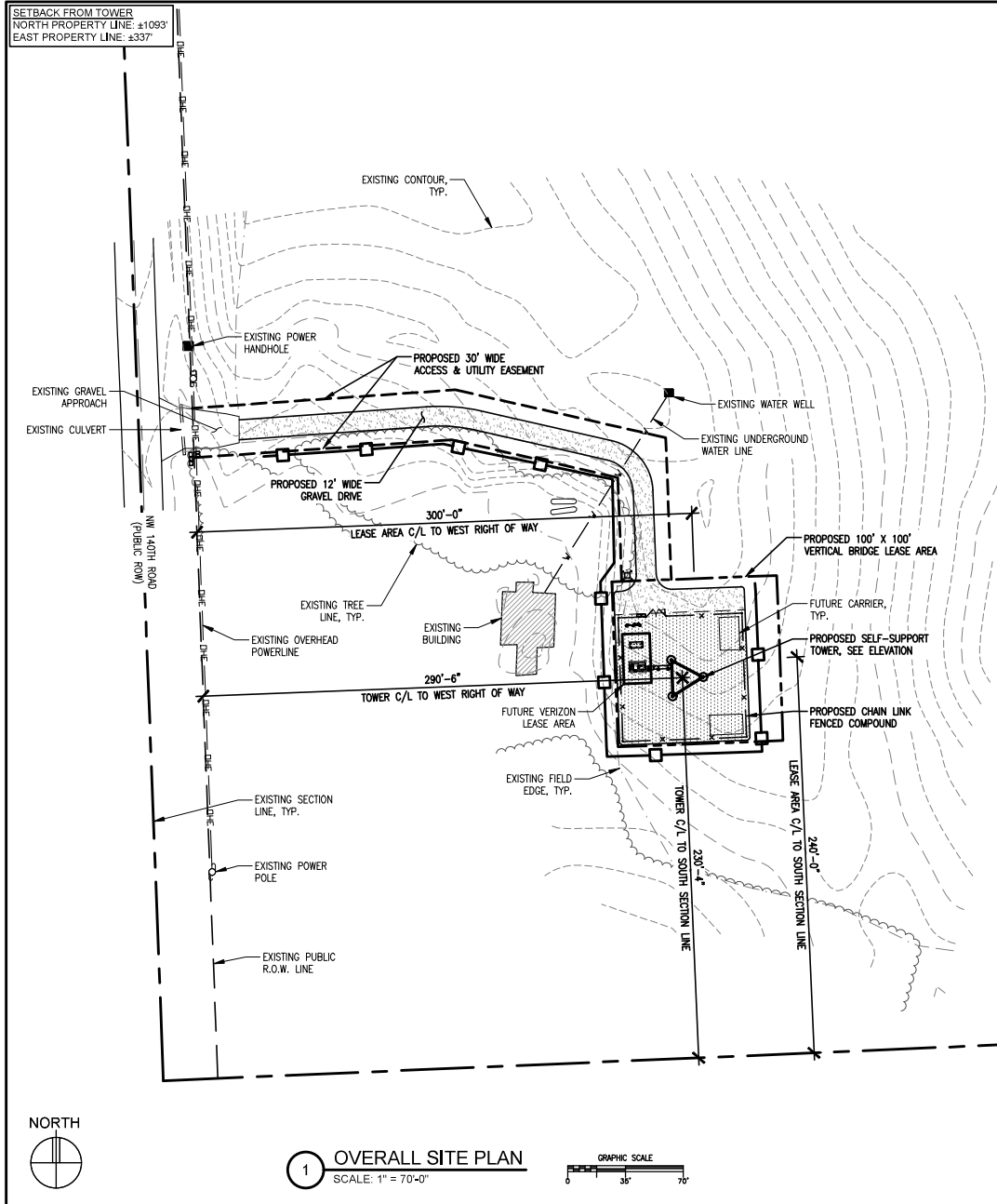
SITE ADDRESS:
 18242 NW 140TH ROAD
 RAYMOND, NE 68428
 LANCASTER COUNTY

TOWER CENTER:
 DEGREES MINUTES SECONDS (NAD83)
 40°59'18.68511"N
 96°54'34.27041"W
 DECIMAL DEGREES (NAD83)
 40.988523642
 -96.909519558
 GROUND ELEVATION (NAVD88)
 1428.9'

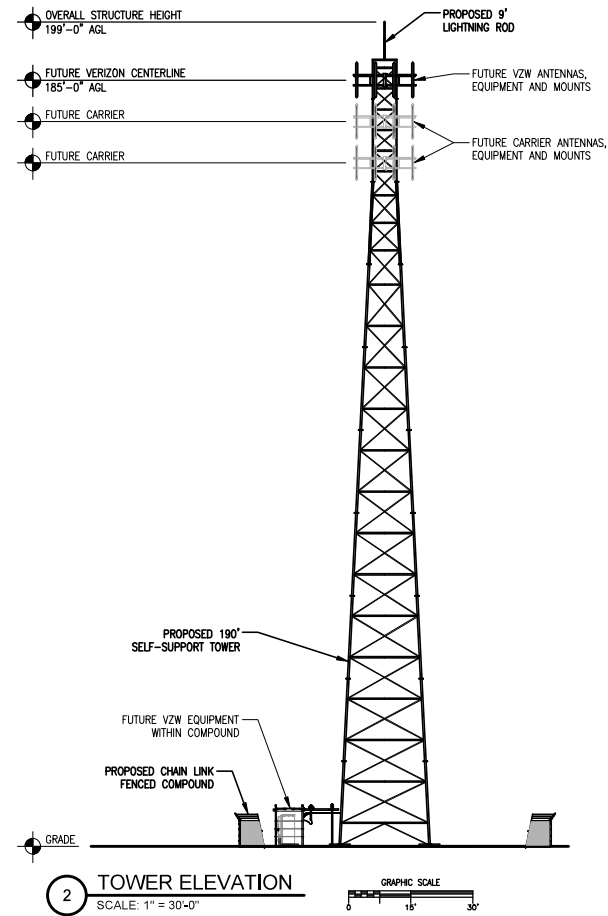
CLIENT:
THE TOWERS, LLC

CALL ME BEFORE YOU DIG
811
 SAFE DIGGING PARTNER

SURVEY DATE: 3/6/2026
 PROJECT: 5C26-0027
 DRAWN BY: JIL
 PAPER: 11" x 17"
 SHEET 1 OF 2
 PLOT DATE: 4/3/26
 SCALE: 1" = 50'



- NOTES:
1. THESE DRAWINGS DO NOT CONSTITUTE A WARRANTY, EXPRESSED OR IMPLIED, OF THE ACCURACY OF THE STRUCTURAL ANALYSES AND THE PERFORMANCE OF THE COMPLETED CONSTRUCTION AS SHOWN ON THESE DOCUMENTS AND THE STRUCTURAL ANALYSES.
 2. NO STRUCTURAL ANALYSIS FOR THE TOWER OR FOUNDATION HAVE BEEN PERFORMED AS PART OF THESE DRAWINGS. THE STRUCTURAL ANALYSIS FOR THE TOWER AND FOUNDATION ARE BY THE TOWER SUPPLIER AND SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE OF THE PROJECT.
 3. PLEASE COORDINATE ANY STRUCTURAL CONCERNS/MATTERS OR ANY LOADING MODIFICATIONS TO THE CONSULTANT WHO AUTHORED THE ANALYSIS AND NOTIFY DESIGN 1 IMMEDIATELY OF THE ISSUE.
 4. TOWER FOUNDATION AND THE ACCESS DRIVE TO BE EXCAVATED AND CONSTRUCTED IN ACCORDANCE WITH RECOMMENDATIONS AND SPECIFICATIONS OF THE GEOTECHNICAL REPORT WHICH IS NOT INCLUDED IN THIS PACKAGE. DISCREPANCIES BETWEEN THE REPORT AND THE OTHER DOCUMENTS TO BE IMMEDIATELY REPORTED TO THE DESIGNER.
 5. TOWER TO BE ERECTED AND INSTALLED IN ACCORDANCE WITH TOWER MANUFACTURER'S DRAWINGS NOT INCLUDED WITH THIS PACKAGE. DISCREPANCIES BETWEEN TOWER DRAWINGS AND DESIGNER DRAWINGS TO BE REPORTED THE DESIGNER IMMEDIATELY.
 6. CONTRACTOR TO ENSURE TIP OF ANTENNAS DO NOT EXCEED TOWER HEIGHT.
 7. ELEVATION IS SHOWN FOR GENERAL DIAGRAMMATIC PURPOSES ONLY, DO NOT SCALE.
 8. NO TOWER CLIMBING DEVICE TO BE INSTALLED ON TOWER WITHIN 20' ABOVE GRADE



PREPARED FOR:

vertical bridge

THE TOWERS, LLC
22 WEST ATLANTIC AVENUE, SUITE 310
DELRAY BEACH, FL 33444

NOT FOR CONSTRUCTION

DESIGN 1

9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-8299
WWW.DESIGN1EP.COM

PROJECT
US-NE-5311
FUZE ID: 17029270

US-NE-5311
OAK GROVE

NW 140TH ST
RAYMOND, NE 68428

SHEET CONTENTS:
OVERALL SITE PLAN
TOWER ELEVATION

DRAWN BY:	TLS
CHECKED BY:	SJD
REV. A	04-10-26
REV. B	04-17-26
REV. C	05-01-26

A-1



BU=LL CONSULTING, INC.
9973 Valley View Road
Eden Prairie, MN 55344
www.buellconsulting.com

May 8, 2026

Benjamin Callahan
Planner II, Lincoln-Lancaster County
Planning & Development Services
555 S. 10th Street, Room 203
Lincoln, NE 68508

Re: OAK GROVE PERSONAL WIRELESS TELECOMMUNICATIONS FACILITY
Address: near 18242 NW 140TH NE St
Parcel #: 0619300005000
Site Name: Oak Grove
Site ID: US-NE-5311

Dear Mr. Callahan:

This letter is submitted in conjunction with the Special Permit Application being submitted for the referenced project.

The purpose of the application is to request approval of a new wireless telecommunications tower project on the referenced property.

The applicant in this application is The Towers, LLC which is a build to suit partner with Verizon Wireless in this project.

Due to high seasonal demand for service around the Branched Oak State Recreation Area, Verizon is proposing this site be built to improve its network coverage and capacity. The two existing Verizon cell sites in the vicinity of Branched Oak are not able to meet those seasonal capacity demands as well as the other demands in the areas of the existing cell sites. The proposed new site will increase Verizon's capacity, thus improving service and dependability to the users of Branched Oak as well as the residents, visitors and first responders in the area.

Being the base of the tower site will be screened from view by existing trees and topography as well as being located in cropland, any landscaping requirement is requested to be waived.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Woody Krog", is written over a blue scribble.

Woody Krog
Site Development Agent



May 7, 2026

Benjamin Callahan
Planner II, Lincoln-Lancaster County
Planning & Development Services
555 S. 10th Street, Room 203
Lincoln, NE 68508

Re: Lincoln-Lancaster County Zoning Requirements Article 10 Application Requirements

Address: 18242 NW 140TH NE St
Parcel #: 0619300005000
Site Name: Oak Grove
Site ID: US-NE-5311

Dear Mr. Callahan:

Lancaster County Zoning Regulations Article 10.009.b.3 requires *“A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to design, unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial light and coloring provisions.”*

Measures utilized to minimize adverse visual effects in this location include:

- 1) exceeding the minimum setbacks in all directions
- 2) placing the site behind existing mature trees that prevent sight of the base of the site from the roadway and the vast majority of surrounding residences
- 3) not placing the tower on the highest part of the tract
- 4) requesting the minimum height needed for Verizon to efficiently maximize coverage area and meet capacity needs for its network
- 5) the height of the tower is below the height where aviation lighting is required and no aviation painting will be required—no aviation lighting and no aviation markings

Respectfully,

John Stevens
Vice President, Development

Zoning Narrative

Special Permit Application for Personal Wireless Telecommunications Facility

Lancaster County SP26026 Application

Lancaster County parcel number: 0619300005000

Property address: 18242 NW 140TH NE St

Applicant: The Towers, LLC

This zoning narrative is submitted for inclusion in the Application submittal to detail how the Application complies with the applicable sections and requirements of Lancaster County Zoning ordinance Article 10 Personal Wireless Telecommunications Facilities (cited ordinance language is in *blue italics*, responses are in normal/**bold** font).

Personal Wireless Telecommunications Facility Use:

The proposed use is located in cropland on an AG zoned parcel. The proposed facility is comprised of a 190' monopole tower (plus 9' lightning rod) within a 75'X75' fenced ground space within a 100'X100' lease area. The applicant is a build-to-suit partner with Verizon Wireless in this Application.

Section 10.003.c. Permits Required: This section of the zoning ordinance states in part, "*...Installation of personal wireless service facilities requires...review of a special permit by the Planning Commission and approval by the County Board...*" and Article 4 "AG" Agricultural District Section 4.007.aa. lists Personal Wireless Service Facility as a Permitted Special Use. Also, Section 10.014 Zoning Districts Allowed states, "*Personal wireless services facilities may be allowed by administrative or special permit in any zoning district.*" **Therefore, the applicant is requesting that the County approve a Special Permit for the proposed tower as described in the Application submittal documents.**

Tower-specific standards:

Section 10.008.c.: "*Sensitive Location Sites. Sites located in areas with residential uses, environmentally sensitive areas, Capitol View Corridors, the Capitol Environs District, entryway corridors, downtown, landmarks or landmark districts, properties listed or eligible to be listed on the National Register of Historic Places, the Airport Environs, and other sensitive areas.*" **Of the properties within the applicant's one mile radius search area and within 0.5 mile of the proposed tower location, all of them would be considered sensitive areas based on the first item listed in the above ordinance language; that being "Sites located in areas with residential uses."** The applicant submitted a Zoning Code RF Statement, which in part details the reasoning for the location of the proposed site; that reasoning applies here. Briefly, in order to efficiently address the high level of Verizon's customer demand for service in the area, a new tower is needed in the vicinity of the proposed site.

Section 10.009.b.: "*Applications for either an administrative permit or a special permit for a personal wireless facility shall be filed with the Planning Director and shall include the following:*

- 1. Provide copies of any environmental documents required by any federal agency.*
- 2. Provide a description of the anticipated maintenance and monitoring program for the antennae and back up equipment, including frequency of maintenance services.*
- 3. A statement indicating proposed measures designed to minimize potentially adverse visual effects on adjacent properties with consideration given to design, unobtrusiveness, minimum height necessary to accommodate antenna, avoidance of artificial light and coloring provisions;*
- 4. A description of the security barrier surrounding the base of the tower and accessory equipment. The description should include the method of fencing, finished color and, if applicable, the method of camouflage and illumination. Access shall be through a locked gate. The tower shall either have no climbing devices attached to the lower twenty feet of the tower or shall be fitted with anti-climbing devices.*

5. A statement identifying which location preference, identified in Section 10.008, the proposed facility is meeting. If the proposed location is not a preferred site location, describe:

i. Whether any preferred location sites are located within the service area of the proposed personal wireless facility;

ii. What good faith efforts and measures were taken to investigate each of these preferred location sites and why such efforts were unsuccessful;

iii. What good faith efforts and measures were taken to secure each of these preferred location sites and why such efforts were unsuccessful;

iv. Demonstrate why each such site was not technologically, legally or economically feasible;

v. How and why the proposed site is required to meet service demands for the geographic service area and citywide network; and

vi. The distance between the proposed facility and the nearest residential unit and residentially zoned properties.

6. A plot plan of the lot and the proposed uses drawn to an accurate scale and showing all pertinent information. The application material shall provide sufficient information, as determined by the Planning Director, to allow a complete review of the proposal. The application material shall also include sufficient detail to indicate compliance with design standards. Failure to provide adequate information may result in the rejection of the application.” **All of the above applicable items are addressed in either the submitted Construction Drawings, applicant statements or other documentation.**

Section 10.010.b & c.: “b. An application to construct new facilities may be denied if the applicant has not shown by substantial evidence that it has made a good faith effort to mount the facilities on an existing structure and/or tower;

c. Locations in sensitive location sites shall be considered only if the applicant:

1. Provides evidence showing what good faith efforts and measures were taken to secure a preferred location site or limited preference site within one-half mile of the proposed facility; and

2. Demonstrates with engineering evidence why each such preferred location site or limited preference site was not technologically, legally or economically feasible.” **There are no existing suitable structures within half a mile. The previously noted “Zoning Code RF Statement” addresses this item in more detail. Also, all of the surrounding potentially zoning viable landowners with property within a half mile of the proposed site with reasonable access from the public right of way and no topographic, wetland or other issues, whether in Lancaster or Seward Counties, were sent letters by the applicant in March of 2025 to inquire if they had interest in a potential tower site. The only Lancaster County landowner who expressed interest is the one who is party to this Application. One landowner in Seward County responded but eventually decided to not proceed after initial discussions.**

Section 10.011.: “a. Equipment Structures used primarily for personal wireless service facilities: Ground level equipment, buildings, and the tower base shall be screened from public view. The standards for the equipment buildings are as follows:

1. The maximum floor area is 450 square feet and the maximum height is twelve feet. The Planning Commission may increase the maximum area to accommodate co-location.

2. Ground level buildings shall be screened from view by landscape plantings, fencing, or other appropriate means, as specified herein or in the Design Standards for Zoning.

3. Equipment buildings mounted on a roof shall have a color, and texture similar to the exterior building walls.

4. Equipment buildings which are located in residential zones shall be designed so as to conform in appearance with residential structures.

5. Equipment buildings, antenna, and related equipment shall occupy no more than twenty-five percent (25%) of the total roof area of a building, which may vary in the County’s sole discretion if co-location and an adequate penthouse type structure are used.

6. All base equipment and structures shall be located no closer to the property line than the minimum setback for the zone in which it is located.

- b. Security Fencing: A well-constructed fence not less than six feet in height from the finished grade shall be provided around each personal wireless service facility. Access to the tower shall be through a locked gate. Screening shall be in conformance with design standards.*
- c. Color\Finish\Lights: The tower shall have a galvanized finish. It shall not be painted in alternate bands of distinctive orange and white colors or equipped with lights unless specifically required for safety reasons by a governmental agency having jurisdiction thereof. If so required, such lights shall not exceed the necessary minimum standards therefor. The color, finish and lighting of the facility shall be specified at the time of application review. No signals, lights, or signs shall be permitted on towers unless required by the FCC or the FAA. Options on lighting shall be indicated on the application.*
- d. Antenna Accommodations. In order to reduce the number of antenna support structures needed in the County in the future, any new proposed support structure shall be designed to accommodate antenna for at least one additional provider. Area shall be reserved for other providers' equipment near the base of the applicant's tower, unless co-location is shown to be infeasible. The site plan for towers in excess of 100 feet in height must propose space for two comparable providers, while the site plan for towers up to 100 feet in height must propose space for one comparable provider, unless co-location is shown to be infeasible.*
- e. Antenna Criteria: Antenna on or above a structure shall be subject to the following:*
- 1. The proposal shall demonstrate that the antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris. All support structures shall be fitted with anti-climbing devices as required in Section 10.009(b)(3).*
 - 2. Antenna attached to the wall of an existing building shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is attached, unless adequately screened.*
 - 3. The antenna shall be architecturally compatible with the building and /or wall on which it is mounted, and designed and located so as to minimize any adverse aesthetic impact. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.*
 - 4. The antenna may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than that allowed in the applicable zoning district.*
 - 5. If an accessory equipment shelter is present, it must blend with the surrounding buildings in architectural character and color.*
 - 6. Roof mounted antenna and related base stations shall be completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.*
 - 7. Rooftop mounts and related base stations shall be screened and integrated with the design of the building.*
 - 8. Antenna attached to the roof of a building, an existing tower, a water tank, or a similar structure must be either:*
 - i. Omnidirectional or whip antenna no more than seven inches in diameter; or*
 - ii. Panel antenna no more than two feet wide and eight feet long.*
 - 9. Antenna, antenna arrays, and support structures shall not extend more than the permitted height in the applicable zoning district. The antenna, antenna array, and their support structure shall be mounted so as to blend with the structure to which the antenna is attached. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires. The antenna, antenna array, and their support structure shall be a color that blends with the structure on which they are mounted.*
- f. Free-standing roof-top antenna support structures: The roof-top structure must be architecturally and visually (color, size, bulk) compatible with surrounding existing buildings, structures, vegetation, and/or uses. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facility.*
- Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the*

surrounding area. The effectiveness of visual mitigation techniques must be evaluated by the County, in the County's sole discretion.

g. *Fall Zone.* Towers and other camouflaged support structures shall be set back a distance no less than half than the height of the structure. The County Board may grant a reduction in the required fall zone when it finds that such reduction will not adversely impact adjacent properties, and is consistent with the intent of this Article to promote the public health, safety and welfare. However in no instance shall the setback be less than that required by the underlying zoning district.” **All of the above applicable items are met or exceeded as demonstrated in the submitted Construction Drawings and other submitted documentation.**

Section 10.012.: “*The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.*

a. *Building Codes; Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable County building codes and the applicable standards for towers that are published by the Electronic Industries Association ("EIA"), as amended from time to time. If, upon inspection, the County concludes that a tower fails to comply with such codes and standards, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring the tower into compliance with such standards. If the owner fails to bring its tower into compliance within thirty (30) days, the County may remove the tower at the owner's expense.

b. *Structural Design.* Towers shall be constructed to the EIA Standards, which may be amended from time to time, and all applicable construction/building codes. Further, any improvements and/or additions to existing towers shall comply with the requirements of this Article and shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the EIA Standards and all other good industry practices. The plans shall be submitted and reviewed at the time building permits are requested.

c. *Required Parking.* Parking shall be required as per ARTICLE 13 of the Zoning Regulations and the specific requirements of the zoning district of which the tower is located.

d. *Tower Separation.* An applicant will be required to demonstrate why it is necessary from a technical standpoint to have a tower within one-half (½) mile of a tower whether it is owned or utilized by applicant or another provider.

e. *Surety and Indemnity Requirements.*

1. *Prior to issuance of a building permit, the applicant shall post a surety, approved by the County Attorney, with the County in the minimum amount necessary, as determined by the County to guarantee the future removal of the facilities. The surety may not be revoked or terminated during the life of the permit. The County may use the surety for any expenses it incurs in removing any of the provider's facilities.*

2. *A provider shall at its sole cost and expense, indemnify and hold harmless the County, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgments for damage arising out of, resulting from, or alleged to arise out of or resulting from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suits and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the County Attorney's office and any employees of the County and any consultants retained by the County.*

Safety Inspection Requirements. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.” **Regarding subsection “b”, the applicant will provide tower and foundation drawings to meet this requirement at time of building permit application. Regarding subsection “e”, a bond has been submitted to the County. The rest of the above items are either not applicable or are addressed in the submitted Construction Drawings or other submitted documentation.**

Section 10.013.: “*Abandonment: No less than thirty (30) days prior to the date that a personal wireless service provider plans to abandon, partially abandon or discontinue operation of a facility, the provider must notify the*

County by certified U.S. mail of the proposed date of abandonment, partial abandonment or discontinuation of operation. In the event that a provider fails to give notice, the facility shall be considered abandoned upon the County's discovery of discontinuation of operation for more than 90 and 180 days, as the case may be, on all or part of such facility.

a. Upon such abandonment, the provider shall have sixty (60) days or such additional period of time determined in the reasonable discretion of the County within which to:

1. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

2. Dismantle and remove facility. If the facility or portion thereof is not removed within the sixty (60) days time period or additional period of time allowed by the County, the County may remove such tower or portion thereof or antenna at the provider's expense. If there are two or more providers colocating on a facility, then this provision shall not become effective until all providers cease using the facility or until a portion of the antenna support structure is no longer used.

At the earlier of sixty (60) days from the date of abandonment without reactivation or upon completion of dismantling and removal, County approval for the facility or a portion thereof shall automatically expire.

b. If ownership of a facility is transferred from one provider to another, the previous provider and the new provider shall be required to notify the County of the change of ownership within thirty days of the change of ownership or transfer of the facility. The new provider shall be required to make amendments to the application that is on file with the County, in order to provide current information. The new provider shall also provide a surety in accordance with section 10.012 (e)(1)." **The applicant will abide by the above and has submitted a Tower Compound Decom Proposal along with a bond.**

submitted a Tower Compound Decom Proposal along with a bond.

Thank you for your consideration and support of this Special Permit Application and submittal package for The Towers' proposed Personal Wireless Telecommunications Facility for Verizon Wireless. We believe we satisfy or exceed the requirements for the proposed Facility and we welcome any questions or comments.

Sincerely,

Woody Krog, Site Development Agent on behalf of The Towers, LLC

Buell Consulting, Inc.

wkrog@buellconsulting.com

Direct: 504.259.9663



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

APPLICATION NUMBER	FINAL ACTION?
Text Amendment #26007	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
June 10, 2026	None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The application is to amend the Lancaster County Zoning Regulations Article 2 Definitions and Article 13 Special Permit for Recreation Facilities. The amendment proposes to expand the definition of Recreational Facilities to include passive or observational activities such as nature walks, bird watching, or astronomy. The amendment also proposes to modify the Special Permit provisions for Recreational Facilities to allow the Planning Commission to adjust the minimum area or yard requirements of the district. The text amendment is being proposed by the Branched Oak Observatory, which it was discovered is not allowed as a use under the Zoning Regulations. Their property is located approximately 1/2 mile south of W Raymond Road at 14300 NW 98th Street and is zoned AG Agricultural

JUSTIFICATION FOR RECOMMENDATION

The proposed amendment will allow passive recreation uses under the definition of Recreational Facilities. Presently the definition of Recreational Facilities is geared toward active recreational uses such as athletic activities. This allows greater flexibility for passive uses which may take place outdoors, but which are not currently allowed.

APPLICATION CONTACT

Ann Post, (402) 475-5100

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment is in conformance with the Comprehensive Plan by broadening the definition of Recreational Facilities to allow more flexibility for uses.

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.

ANALYSIS

1. This is a text amendment to the Lancaster County Zoning Regulations (LCZR) to revise Article 2 Definitions, 2.019 R and Article 13 Special Permit, 13.026 Recreational Facilities. The amendment is proposed by the Branched Oak Observatory which was founded in 2015 and includes telescope facilities and regular events to promote stargazing in eastern Nebraska. They are located on a 5.28-acre property approximately ½ mile south of W Raymond Rd at 14300 NW 98th Street to the southeast of Branched Oak Lake. Recently in 2025 it was discovered that the use in question is not an allowed use under the LCZR. The zoning for their property is AG Agricultural.
2. The amendment proposes adding passive or observational activities such as nature walks, bird watching, or astronomy and include observatories and telescopes within the scope of allowable facilities under the definition of Recreational Facilities. In addition, the amendment proposes adding provisions to the Special Permit provisions to permit the Planning Commission to modify the area and lot requirements for Recreational Facilities.
3. The current text for special permit under LCZR 13.026 allows recreational facilities in the AG and AGR zoning districts under the following conditions.
 - A. The application for such special permit shall include the following information:
 1. The maximum proposed occupancy and event frequency for the recreation facility. Limits to the number of participants per event and limits to the maximum number of events over a certain time period may be imposed.
 2. A statement describing all proposed accessory uses and accessory buildings to be included as part of the recreation facility.
 - B. Yard requirements in excess of those required in the district may be imposed.
 - C. Parking requirements may be established based on a determination of the parking needs and operation of the proposed uses; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.
 - D. Outdoor lighting of the recreation facility may be permitted with the following conditions:
 1. No illumination source shall exceed initial output of 4050 lumens unless it is within a cutoff or full cutoff luminaire, except for luminous tube lighting such as neon, cold cathode, and fiber optic cable.
 2. All fixtures greater than 4050 lumens shall be cutoff or full cutoff and mounted level in the horizontal and vertical axis with the central part of the beam directed vertically downward.
 3. The installation of any mercury vapor luminaries for use as outdoor lighting is prohibited.
 4. No more than 2.0 foot-candles are allowed. Foot-candles are measured on a vertical plane located at the property line of the adjacent property.
 - E. The Planning Commission, and if appealed, the County Board may authorize structures which exceed the maximum height requirements of the district in which they are located upon a finding by the Planning Commission or County Board that there is sufficient justification for such an adjustment and that there will be no significant adverse effect on existing or reasonably anticipated future uses in the surrounding area.

4. The Branched Oak Observatory includes facilities open to the public. These include observatories and a multipurpose center. There are also supporting accessory buildings including sheds. Several of these existing buildings do not meet the required setbacks requirements for the AG Zoning District. Thus, the applicant is including the specific amendment to Article 13 Special Permit that would allow the Planning Commission to reduce the setback requirements. A reduction in the minimum lot size from 20 acres to 5 acres will also be needed as the use would otherwise need 20 acres to meet the general AG minimum lot size requirement.
5. The applicant will be submitting a special permit application for Recreational Facilities in the future that will include site plan information, including building and parking and information pertaining to the scope of uses on the property. In this case, for the text amendment the property owners within 1 mile were notified. This is because even though this is not required for a text amendment, the proposal is tailored to the observatory use. The property owners will be notified again for the special permit public hearing at which time if they have specific site plan concerns, those can be addressed.
6. The amendment is compatible with the Comprehensive Plan which supports amendments which streamline and improve zoning regulations. The proposal will allow different types of recreational facilities besides active or athletic type facilities. Current allowed uses could include a range of active uses such as baseball, football or soccer fields. These uses could include leagues or tournaments that have a substantial number of people that attend. The range of proposed passive uses could potentially have a similar level of impact. In the case of the applicant, the scope of the use includes more than just observatory or telescope buildings for astronomy but also public attendance for events including schools, civic groups, individuals, businesses and others that come with various buildings on the site. Recreational uses, in general, are viewed as desirable, often needing to be in the County. The impacts of the use will be addressed at the time of special permit, including addressing the number of people, traffic, and parking. Therefore, both active and passive recreation in the County are appropriate uses to allow by special permit.

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

Date: May 28, 2026

Applicant/

Contact: Ann Post
(402) 475-5100

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/26000/TX26007 Recreational Facilities Text Amendment.gjw.docx>



Ann K. Post
Partner
+1.402.473.4392
apost@remboltlawfirm.com

April 28, 2026

Planning & Development Services
c/o George Wesselhoft, Planner II
555 S 10th Street, Ste 203
Lincoln, NE 68508

RE: Application for Text Amendment

Mr. Wesselhoft:

Rembolt Ludtke LLP represents Branched Oak Observatory, a Nebraska nonprofit corporation, regarding the enclosed application for text amendment to the Lancaster County Zoning Code.

The Branched Oak Observatory was founded in 2015 in Lancaster County with a mission to share the wonders of the night sky with eastern Nebraska. It has strived to meet this mission through establishment of its facility at 14300 NW 98th Street in Raymond Nebraska. At this facility it makes its telescope facilities open to the public and hosts regular events aimed at building community and cultivating a shared appreciation for astronomy.

Recently, the Branched Oak Observatory has become aware that because this is a unique use, the Lancaster County Zoning Code does not accommodate an observatory as a primary use in any zoning district. Therefore, the Branched Oak Observatory is requesting the enclosed text amendment to define this use as a Recreational Facility allowed by special permit in the AG zoning district. Therefore, please find enclosed:

- Application Form – Text Amendment
- Application Fee – Text Amendment: \$490
- Proposed Text Amendment

Rembolt Ludtke LLP

3 Landmark Centre • 1128 Lincoln Mall, Suite 300 • Lincoln, NE 68508
Phone: +1.402.475.5100 • Fax: +1.402.475.5087



April 28, 2026

Page 2

Please let me know if you have any questions or require any additional information related to this request

Sincerely,

A handwritten signature in black ink that reads "Ann K. Post". The signature is written in a cursive, flowing style.

Ann K. Post

apost@remboltlawfirm.com

4915-2094-7878, v. 2

COUNTY ZONING REGULATIONS

ARTICLE 2 DEFINITIONS

2.019. R

Recreational Facilities shall mean facilities primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming, golf, outdoor shooting or archery ranges; ~~and~~ passive or observational activities such as nature walks, bird watching, or astronomy. –Recreational facilities shall include observatories, telescopes, country clubs, and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guests, nor shall it include arenas or stadia used primarily for spectators to watch athletic events. (Resolution No. R-17-0040, May 30, 2017; Resolution No. R-18-0078, November 20, 2018; Resolution No. _____, _____, 2026).

COUNTY ZONING REGULATIONS

ARTICLE 13 SPECIAL PERMIT

13.026. Recreation Facilities

Recreation facilities may be allowed by special permit in the AG and AGR zoning districts under the following conditions:

- A. The application for such special permit shall include the following information:
 - 1. The maximum proposed occupancy and event frequency for the recreation facility. Limits to the number of participants per event and limits to the maximum number of events over a certain time period may be imposed.
 - 2. A statement describing all proposed accessory uses and accessory buildings to be included as part of the recreation facility.
- B. Yard requirements in excess of those required in the district may be imposed.
- C. Parking requirements may be established based on a determination of the parking needs and operation of the proposed uses; no parking shall be permitted in any required yard. The application shall include the applicant's estimate of parking needed for the proposed facility.
- D. Outdoor lighting of the recreation facility may be permitted with the following conditions:
 - 1. No illumination source shall exceed initial output of 4050 lumens unless it is within a cutoff or full cutoff luminaire, except for luminous tube lighting such as neon, cold cathode, and fiber optic cable.
 - 2. All fixtures greater than 4050 lumens shall be cutoff or full cutoff and mounted level in the horizontal and vertical axis with the central part of the beam directed vertically downward.
 - 3. The installation of any mercury vapor luminaries for use as outdoor lighting is prohibited.
 - 4. No more than 2.0 foot-candles are allowed. Foot-candles are measured on a vertical plane located at the property line of the adjacent property.
- E. The Planning Commission, and if appealed, the County Board may authorize structures which exceed the maximum height requirements or do not meet minimum area or yard requirements of the district in which they are located upon a finding by the Planning Commission or County Board that there is sufficient justification for such an adjustment and that there will be no significant adverse effect on existing or reasonably anticipated future uses in the surrounding area.

(Resolution No. R-17-0040, May 30, 2017; Resolution No. R-22-0022, March 22, 2022; Resolution No. _____, 2026).