

# **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

# **March 18, 2026**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 18, 2026, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, March 4, 2026, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

**AGENDA  
WEDNESDAY, March 4, 2026**

Approval of minutes of the regular meeting held [February 18, 2026](#).

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

**TEXT AMENDMENT**

1.1 TEXT AMENDMENT 26003, amending the Lincoln Municipal Code 27.62.110 Food and Drink Establishment Use Group to revise the provisions for on premise alcohol sales within the I-1  
[Page 22](#) Industrial zoning district.

**Staff recommendation: Approval**

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

**SPECIAL PERMITS**

1.2 SPECIAL PERMIT 26007, for the Sharon Wilkins ADU for an accessory dwelling unit with associated waivers on property generally located at 3545 NW 126th Street. **FINAL ACTION**  
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**Staff recommendation: Conditional Approval**

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

**SPECIAL PERMIT AND ASSOCIATED ITEM**

1.3a SPECIAL PERMIT 26009, for the Blackhorn Reserve AG CUP (Community Unit Plan) to allow five single-family dwelling units on property generally located on the north side of W Branched  
[Page 38](#) Oak Rd, approximately 1 mile east of NW 140th St. **FINAL ACTION**

**Staff recommendation: Conditional Approval**

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

1.3b MISCELLANEOUS 26002, request to vacate The Preserve at Branched Oak Addition final plat, on property generally located on the north side of W Branched Oak Rd approximately 1 mile east of NW 140th St.

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**Staff recommendation: Approval**

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

## **2. REQUESTS FOR DEFERRAL**

### **TEXT AMENDMENT**

2.1 TEXT AMENDMENT 26004, amending LMC Chapter 14.50 Sidewalk Cafes and LMC Chapter 5.04 Alcoholic Liquor to update regulations for sidewalk cafes in the public right-of-way; and, amending 27.62.110 to remove the requirement that restaurants in O-1 districts be located within a building containing office or residential uses; and, adopting new design standards for sidewalk cafes in B and O-1 zoned districts.

**Staff Planner:** Arvind Gopalakrishnan, (402) 441-6361, [agopalakrishnan@lincoln.ne.gov](mailto:agopalakrishnan@lincoln.ne.gov)

## **3. ITEMS REMOVED FROM CONSENT AGENDA**

**(Public Hearing and Administrative Action)**

## **4. PUBLIC HEARING AND ADMINISTRATIVE ACTION**

### **COMPREHENSIVE PLAN CONFORMANCE**

4.1 COMPREHENSIVE PLAN CONFORMANCE 26001, to review as to conformance with the 2050 Lincoln Lancaster County Comprehensive Plan, the University Place Neighborhood Redevelopment Plan, describing proposed redevelopment activities within the redevelopment area including the Commercial Facade Restoration and Streetscape Enhancement Project, generally bounded by North 33rd Street on the west, Cornhusker Highway on the north, North 56th Street on the east, and Holdrege Street on the south.

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**Staff recommendation: In Conformance with the Comprehensive Plan**

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

### **SPECIAL PERMIT**

4.2 SPECIAL PERMIT 26008, to allow for a Residential Healthcare Facility for up to 12 residents at 929 S Cotner Blvd. **FINAL ACTION**

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**Staff recommendation: Conditional Approval**

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

### **MISCELLANEOUS**

4.3 MISCELLANEOUS 26001, a request for Reasonable Accommodation under the Fair Housing Act and Chapter 1.28 of the Lincoln Municipal Code to the zoning code conditions for Collaborative Living Facility to allow eight unrelated persons to reside together and reduce the parking requirement on property generally located at 1035 S 12th Street.

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

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

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

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**Adjournment**

**PENDING LIST:**           No items

**Planning and Development Services Department Staff Contacts:**

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at**

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

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

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

## MEETING RECORD

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, February 24, 2026.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME, AND PLACE OF MEETING:** Wednesday, March 4, 2026, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**IN ATTENDANCE:** Lorenzo Ball, Dick Campbell, Maribel Cruz, Brett Ebert, Gloria Eddins, Bailey Feit, Cristy Joy, Rich Rodenburg, Ben Callahan, Dávid Cary, Steve Henrichsen, Shelli Reid and Jacob Schlange of the Planning Department, media, and other interested citizens.

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

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

Chair Joy requested a motion approving the minutes for the regular meeting held February 18, 2026.

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

Minutes approved 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg, voting "yes". Ryman Yost absent.

Chair Joy asked the Clerk to call for the consent agenda items.

### **CONSENT AGENDA**

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

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

**March 4, 2026**

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

**The Consent Agenda consists of the following items: Annexation 26003, Change of Zone 26003, Change of Zone 26004, Special Permit 26005, and Street Alley Vacation 26001.**

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

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

The Clerk noted a request to move Item 1.1a, Annexation 26002 and Item 1.1b Change of Zone 26002, from the Consent Agenda to a separate public hearing.

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

Consent Agenda approved 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg, voting “yes”; Ryman Yost absent.

**Note:** This is **Final Action** on **Special Permit 26005** unless appealed by filing a Notice of Appeal with the **City Council or County Board** within **14 days**.

**ANNEXATION 26002, TO ANNEX APPROXIMATELY 39 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S 84<sup>TH</sup> STREET AND SOUTH STREET**

**AND**

**CHANGE OF ZONE 26002, FIRE TRAIL PLANNED UNIT DEVELOPMENT (PUD), FOR A CHANGE OF ZONE ON APPROXIMATELY 19 ACRES FROM AG AGRICULTURAL TO B-2 PUD, R-4 PUD, AND R-T PUD ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S 84TH STREET AND SOUTH STREET, WITH ASSOCIATED WAIVERS.**

**PUBLIC HEARING:**

**March 4,**

**2026**

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

**Staff Recommendation:** Conditional Approval for both Annexation 26002 and Change of Zone 26002

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

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

**Staff Presentation:**

**Jacob Schlange , Planning and Development Services, 555 South 10th Street, Lincoln, NE,** came forward and presented and provided information on a combined application for annexation and a change of zone for a new Planned Unit Development (PUD), which is the Fire Trail PUD. Schlange mentioned that these are differing application areas that are being discussed. The annexation area is essentially two 19-to-20-acre areas. The applicant initially proposed annexation of the northern half, which would have effectively left the lots to the south entirely enclosed by the city limits; the lot to the south is owned by Lincoln Public Schools. Lincoln Public School was notified that the city was going to be initiating annexation on that lot, and they did not voice any opposition to that annexation.

Schlange noted that this property in terms of the annexation, is shown in the Comprehensive Plan as Tier 1, Priority B on the 2050 Growth Tier Map. This is for the areas designated for development in the 1st half of the planning period that are contiguous to the existing development. As part of the annexation agreement on this property the developer will agree to improve the intersection at 84th and South Street, which will include signalization and the construction of both eastbound and westbound left turn lanes and eastbound and westbound right turn lanes, as well as a northbound right turn lane and a restriping of the southbound left turn lane.

Schlange mentioned that the change of zone is, as previously noted, is a different area of application. The proposal is for a new Planned Unit Development, the Fire Trail PUD. The existing property is zoned agricultural and would change to be B-2 Commercial along 84th Street, R-T Residential Transition along the single-family lots to the north and R-4 to allow for a multi-family residential development. This is in line with the Comprehensive Plan in terms of future land use. This lot is shown with a future land use that is a mix of commercial and residential urban density.

Schlange also noted that the pipeline planning area along South 84th Street means that commercial is a more appropriate use along 84th Street than residential use. Schlange noted again that it would be residential transition along the north which is in part to provide a buffer to the residential lots to the north for single family homes, one of which is currently being used as a residential health care facility.

The residential transition zoning has a lower height limit for buildings in the area and the developer is showing medical offices at that location, which will be less intensive use than some of the other uses that are shown in the commercial portion of the development to the south, which includes a fast-food restaurant, a car wash, and some other more intensive uses. Schlange also noted that in terms of impact of surrounding neighbors, the multi-family use on this large lot and in terms of impact on the neighbors to the east, there is a 30' setback that will be required along the east side of the development. There is an outlot that is full of existing tree mask between the single-family houses to the east and the outlot which is between 60 and 90 feet wide as it goes along the north-south axis.

Schlange mentioned one other thing that is on the plan is the existing South Street right-of-way that is to be vacated. The developer will be vacating that existing right-of-way and will be dedicating new right-of-way to realign South Street.

Schlange mentioned that there were some questions that were submitted as comments to the Planning Commission and provided some context on South Street. Schlange mentioned that for much of its length across the city, running east and west, South Street runs along the center point of a section, and it divides the north and south portions of the section that ceases to be the case as South Street hits 70th Street and somewhat arches to the south and then comes back north as it approaches 84th Street. Those neighborhoods that South Street run through were platted in the 1970's, so that has been the case with South Street for over 50 years now. Schlange believes that neighborhood was initially preliminary platted in 1971. The existing South Street right-of-way begins south of the center point of the section. The center for the section would be along the north boundary at this area of annexation which Schlange referenced on the map. The existing South Street right-of-way looks as though it was intended to curve back up and meet the center point of the section, but it doesn't go all the way to that point.

The reason for the South Street alignment that's proposed with the PUD is because in 2018, the Wandering Creek PUD was approved which had a different layout for South Street. Schlange pointed out on a screenshot that he provided of South Street and east of the property that is being talked about and how it curves. The curve provides a little bit of traffic calming along a site that's intended for future Lincoln Public Schools Elementary School. Schlange also noted that there are

two roundabouts approved in the Wandering Creek development. The South Street alignment that's shown by the applicant for this application is meant to curve up so that it can meet the roundabout that is mentioned here today. That was approved in the Wandering Creek PUD back in 2018.

Schlange mentioned that there had been some questions about the location relative to the location of the Messiah Lutheran Church property. In the future if that property develops, South Street would be built with some land being dedicated from that property to complete South Street. That would be the case whether it was aligned on the center point of the section or whether it was an approved plan for South Street. Schlange stated that in doing the rough math, it looks to be that about a half-acre would be dedicated, along the area that Schlange pointed out on the map. The area comes out to about a half-acre with the proposed dedication that would happen in the future. If it were aligned along the center point, it would also be about a half-acre but would run across the length of the entire southern portion of the property. Schlange noted again that it was just some rough math and that it is not precise. Schlange wanted to note that there is not a requirement that Messiah Lutheran to develop this property at this time.

Commissioner Feit asked Schlange if what is currently being shown today is final for how South Street would be developed. Schlange replied that is correct on this piece of property and it will ultimately have to come into Wandering Creek to the east with what's been already approved.

**Applicant:**

**Greg Frayser, 8850 Ranch Gate Road, Lincoln, NE 68520** – Mr. Frayser appeared as attorney representing the applicant. See Mr. Frayser's testimony and comments listed under "Applicant Rebuttal".

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

**John Kunze, Senior Pastor for Messiah Lutheran Church and Messiah Lutheran School, 9237 Dargent Court, Lincoln, NE 68526** - Mr. Kunze came forward and thanked everyone for the opportunity to be able to speak to today and stated that at Messiah they are very interested in being good neighbors and are very supportive to the project that is being proposed to the south, and sees that project as a blessing to the community and the surrounding area . Kunze expressed that they are not opposed to that or even the zoning that is part of this project. The concern is with the layout of South Street as it's been proposed. Kunze mentioned that he just learned from listening to today's meeting that was approved in 2018, and he was not aware of that. Kunze thinks that is kind of indicative of how their approach is today and that they haven't been a part of a conversation, and they would love to sit down and talk about how they can work on this together to best suit, not just their development, but what's going out to the east. Kunze stated that Lincoln is growing, which is a great thing, and he just feels like they haven't had an opportunity to be a part of the conversation.

Kunze mentioned the concern is that it was stated that the way the South Street as plotted right now that there's not an indication that they have to do something immediately, but they have no near-term plans to develop that piece of property, but if they do in the future, then they just don't have the resources to be able to put in a road, which puts them in a position that they would be required to do something at a later date, which would hold up would happen in east Lincoln if there's just one piece of road that happens to be missing. They are concerned about what position that might put them in and for future growth and for future development, should they decide to do something with that piece of property.

Kunze was able to talk with Mr. Chris Kidwell, whose property would also be impacted by this a little bit in that corner, and he, too, just indicated that he would love to come to the table and have a conversation about how this could be beneficial for everybody. Kunze mentioned that they submitted a proposal to put South Street again back in its original right-of-way, that was following the lot line and impacting only half of the property on either side. Kunze mentioned again that they are very supportive of what's happening and not in opposition to that, but they are just concerned about the position that would put them in as a congregation as a church and school ministry.

Kunze stated that they just finished a multimillion-dollar build-out to serve more families of their school and early childhood program and will be working on that debt for the foreseeable future. Kunze mentioned that it doesn't put them in a position to be able to extend that in the near future. Kunze then asked if there were any questions.

Commissioner Campbell stated that looking at this application, the overhead electrical lines go through the same corner, which would prohibit any building in that area and your main objection is the fact that you would end up paying for the whole street in your section versus half of it if it went along the lot line.

Kunze replied, yes, I think that certainly is a majority of it. Kunze believes when they looked at putting the whole road onto Messiah's property, it certainly allows the developer to maximize their building space on theirs, but at the expense of Messiah having to take on the road on and so there's a financial side of it certainly and that brings up the idea that they are also sacrificing a half-acre or three quarters of an acre or whatever that would be, so just want to make it fair in that way.

**Staff Questions:**

Campbell asked Schlange what the reason for the curvature in South Street that goes totally on the Messiah Property. Schange responded that it is his understanding that the curvature of the street to the east was approved when Wandering Creek was and that it was in part to serve as a traffic calming for the future Lincoln Public Schools site. There's an elementary school that will be there to the northeast and the curve allows South Street to come up and intersect with the roundabout is Schlange's understanding.

Feit mentioned that in the staff report she noticed a condition that is recommended denial. Can you explain that? Schlange stated, yes, that his understanding is that it has to do with visibility and site lines. Schlange mentioned that during one of the meetings that took place with LTU and the applicant he believes that there was agreement that LTU was not going to support that and the applicant was going to identify ways to work around that. The reason for recommending denial was based on conversations with LTU Traffic.

### **Applicant Rebuttal:**

**Greg Frayser, 8850 Ranch Gate Road, Lincoln, NE 68520** – Came forward joined by Tim Gergen. Frayser discussed the specifics of the road and how they are constructing it and appreciates Messiah's concern about where the road goes and how it interacts with their property. In terms of fairness, Frayser thinks there's a misconception about the entirety of a portion of the road going on to the Messiah property. If they were to extend that road across the entirety of the property line, he believes both the amount of property taken and the cost of road constructed would be essentially the same. Frayser stated that they are not trying to push cost or lot or dedication of right-of-way onto an adjacent property, but extend just confining it to a portion of the property which as Commissioner Campbell pointed out, is actually not developable otherwise because of the power lines that run through that section and wouldn't be a cost that would need to be incurred by the Messiah property unless, that property was chosen by them to be developed.

**Tim Gergen, 1010 Lincoln Mall, Lincoln, NE 68508** - Gergen pointed out on the map the triangle Mr. Campbell, was speaking of and where that road is coming through. Efficiency wise is a good location for a roadway to be placed because it's in unbuildable area where it's not very conducive for a large building in that triangle. Regarding the comment about the denial, it was a vertical curve length which is what was denial. It's a vertical curve request we are asking for that is approved by the federal standards. Local standards are a little bit tighter. Gergen stated that they are ok with going back to local standards.

The location of South Street is really dictated many years ago before this project came forward. Gergen reiterated what the Planner mentioned earlier that Wandering Creek PUD is really what dictated that location as part of a PUD application they must state the roadways as they continue, past or extend within 300 feet. What they did is they tried to get it off the church property as quickly as possible within current roadway design standards.

Gergen stated that they actually did correspond with the church and will forward Jacob Schlange those e-mails so that they become public record.

Gergen mentioned that there were church members that reached out to him on behalf of the church, and they did send them their current plans and told them their intention and this is what the plan was. Gergen stated that they were in complete correspondence with this project with the church.

Ball asked hypothetically if that portion of the property cannot be developed just given overhead lines, etc. and it had been mentioned it would be a requirement if development does happen, they would have to do something and so what are those conditions that will be required of them to build that road if they want to do some development? Gergen replied that that subdivision regulations that create any roadway would have to build a road that abuts your property that you're developing. Mr. Gergen pointed out the property that the church, Wandering Creek and Mr. Kidwell would be responsible for.

Chair Joy asked Mr. Gergen about the vertical curve length and if the design does show the City of Lincoln Standard now. Gergen responded, yes, this is a horizontal design, and the vertical design is on the grading, and it would not affect the layout.

There were no other questions for the applicant.

**ANNEXATION 26002**  
**ACTION BY PLANNING COMMISSION**

**March 4, 2026**

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

Campbell moved to approve Annexation 26002; seconded by Eddins.

Campbell stated that he understands from the church's perspective the costs that it adds to anything they may want to do, but it appears to be the logical way for South Street to be developed east of 84<sup>th</sup> Street. Campbell is in support of Annexation 26002 and Change of Zone 26002.

Eddins agrees similarly and mentioned that something was missed in 2018, and she hopes as a board and as people listening that they continue to rectify that, that they reach out to our neighbors if it's going to affect them in the future, whether it be 4 years or 40 years that we're reaching out to those people, so that they know this is coming. Eddins stated that because where that road has to be hooked up into, she doesn't see another option at this point. Eddins will be in support of both the Annexation and Change of Zone.

Feit is in support, but her biggest concern is that portion will not be developed for who knows how long. There will be no way to go east on South Street because there'll be a dead-end there. Feit stated that long-term, thoughtful planning maybe could have been better. There's always a struggle with a straight away too, and that you don't want people racing down South Street like people do on 84<sup>th</sup> Street or 98<sup>th</sup> Street. Messiah mostly has the control of how soon South Street goes east and whether people can go all the way from 84<sup>th</sup> to 98<sup>th</sup> Street.

Chair Joy thanked everyone for their testimony and work on this project. Joy stated that it again gives us opportunity to reflect on process and gives them an opportunity to improve as we move forward and again, looking at other possible solutions in the future as we work on South Street.

Motion for approval of Annexation 26002, carried 8-0, with Ball, Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg voting "yes". Ryman Yost absent.

**CHANGE OF ZONE 26002**  
**ACTION BY PLANNING COMMISSION**

**March 4, 2026**

Campbell moved to approve Change of Zone 26002; seconded by Eddins.

Motion for approval of Change of Zone 26002, carried 8-0, with Ball, Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg voting "yes". Ryman Yost absent.

**TEXT AMENDMENT 26002- TO REVISE THE CONDITIONS FOR ACCESSORY DWELLING UNITS IN THE R-1 THROUGH R-4 ZONING DISTRICTS, AND RELATED REVISIONS TO THE LINCOLN MUNICIPAL CODE, INCLUDING AMENDMENTS TO THE FOLLOWING CHAPTERS: 27.02 DEFINITIONS; 27.06 USE GROUPS; 27.60 PLANNED UNIT DEVELOPMENT DISTRICT; 27.62**

**CONDITIONAL USES; 27.64 USE PERMITS; 27.65 COMMUNITY UNIT PLAN, and 27.72 HEIGHT AND LOT REGULATIONS.**

**PUBLIC HEARING:**

**March 4, 2026**

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

**Staff Recommendation:** Conditional Approval

**Ex-parte communications disclosed.**

Commissioner Eddins stated that this item was presented at the Mayor's Roundtable and had a great conversation and there were many of us in the room that disagreed with one another, but it was a good conversation. The item was also talked about at the Clinton Neighborhood Association. Clinton Neighborhood Association did not take a formal one side or another, but again, a good conversation on what this entails and what it looks like in our neighborhood.

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

**Staff Presentation:**

**Jacob Schlange, Planning and Development Services, 555 South 10th Street, Lincoln, NE 68508,** came forward and discussed the proposed Text Amendment for Accessory Dwelling Unit (ADU). Schlange talked about what an Accessory Dwelling Unit is and what the current conditions are in Lincoln and what's proposed regarding this text amendment.

Schlange mentioned for starters, what is an accessory dwelling unit is. Essentially an ADU is a self-contained dwelling unit that is subordinate to a primary building on a lot and so it is a smaller dwelling unit than the primary dwelling going on a lot. It's going to typically share utilities with the main dwelling in the City of Lincoln, that's a requirement. While it is a smaller dwelling, it still is going to have a sleeping area, food preparation area or kitchen area and a bathroom and it's self-contained, so it is separate from the rest of a dwelling.

Schlange stated that he believes a lot of times when people think about an Accessory Dwelling Unit, they just think about one thing, which is a small house in the backyard and there are a lot of different forms that an Accessory Dwelling Unit can take. An ADU can be a detached smaller home on the lot, but it can also be attached to the main dwelling, so you can think about in addition to the back of the house, that has a separate entrance in a separate self-contained area. It could be built above an existing garage, or it could be a conversion of a garage or in the attic or basement into a separate dwelling unit. There's lots of forms that it can take. It's not just one thing. The way that the code is written it does allow an Accessory Dwelling Unit to be either attached or detached.

There are a lot of advantages for communities in building Accessory Dwelling Units and enabling them to be built. One of the great things is that it allows communities to take better advantage of existing housing stock, especially in established neighborhoods that are a little bit older. It creates a greater variety of types of housing, not everyone needs a single-family detached home. Some people have desires for other types of housing and maybe need a smaller space and ADUs allow the community to provide more options. Because ADUs are smaller, they can be more affordable and so it can be a

way to provide more affordable housing in the community as well. One way that it also supports housing affordability is that a homeowner that has an ADU on their property could use the rental income generated from renting out that ADU to support themselves, so it can make home ownership more affordable for a homeowner who has an ADU on their property. In general, it allows for this increase in housing stock with a lesser impact on existing neighborhoods than you might otherwise have with larger structures being built.

Schlange mentioned that there are also some advantages to individual homeowners from having an ADU and there's lots of different reasons why someone might want to build an ADU. One great thing is that it provides an independent living space that could be used for relatives, whether that is an older relative that needs some additional support or maybe it's a younger relative who's moving back home with mom and dad but wants a separate living space. There's lots of different forms that that could take. One really great advantage that at a national level, one of the reasons that the AARP advocates for ADU uses is because it enables aging in place someone who really loves their existing neighborhood, could stay there as they age and downsize potentially into an Accessory Dwelling Unit that is going to be a smaller home for them while still staying that same neighborhood or even on the same lot. It serves a variety of different caretaking needs, so whether that's someone who might have a disability or an illness and needs some additional caretaking that wants to live independently this can provide for a caretaker to live on the same premise, but in a separate dwelling.

Schlange mentioned, the additional rental stream that can provide, but there's also other uses that it could be put to, so an Accessory Dwelling Unit could be used for short-term rental. They can also be a guest house or pool house; there's different forms that it can take. We look at Lincoln's current ADU policy and we do allow ADU as a conditional permitted use right now on lots of single-family dwellings in the R-1 through R-4 residential zoning districts. Most of Lincoln is one of those residential districts, so ADUs are conditionally permitted and must meet 8 conditions that are outlined in the zoning code in order to be built.

Schlange stated that the Comprehensive Plan has supported the construction of ADUs for a long time. The Comprehensive Plan also recommends that we evaluate ways that we could allow for more ADUs to be effectively integrated into the neighborhood. Schlange also mentioned that he wanted everyone to know in terms of existing conditions in Lincoln that there are some newer developments; some Planned Unit Developments that actually allow ADUs in modified circumstances from what the zoning code allows. A couple of examples of that are the Village Gardens Neighborhood at 56th and Pine Lake and the Fallbrook Neighborhood in northwest Lincoln, both have provisions to allow for ADUs and in both cases they allow larger ADUs than what our code allows or would allow as proposed to be amended. As Schlange mentioned previously, it is a conditionally permitted use already, must meet the 8 conditions in order to be approved to build an ADU. Currently, when we start to look at the list of conditions, most lots get held up by Condition 1 and don't make it any further than that. Right now, based on the analysis of all of the parcels in R-1 through R-4 district, only about 24% of parcels in those districts could meet the existing lot area requirements that the City of Lincoln has for ADUs.

Schlange mentioned that most lots are eliminated from the opportunity to build an ADU at that first step, they don't even make it down to the rest of the conditions. So, knowing that is a barrier, but that there are also some other barriers to constructing ADUs, it makes sense why they haven't seen a widespread proliferation of Accessory Dwelling Units being built in Lincoln since these conditions were approved back in 2018. Because of that, we started to look at what can they do to start to address that issue that is identified in a comprehensive plan of making Accessory Dwelling Units

more easily integrated into our neighborhoods. Schlange mentioned that they started by looking at what other cities are doing and doing an analysis of some of peer cities. Schlange did highlight one key finding from that, which was across all the cities that they looked at Lincoln has the most restrictive law area requirement of any city when it comes to conditions for ADUs.

Schlange stated that in looking at potential barriers to constructing ADUs and what we thought made sense as a possible amendment they started to draft the proposal for the amendments that could be made to reduce some of these barriers. Schlange mentioned that they started to have conversations with some neighborhood stakeholders - Realtor Groups, the Mayor's Neighborhood Roundtable, Home Builders Groups, Neighborworks and talking about some of the stakeholders who might have a vested interest in ADUs in the community, but also getting the feedback of neighborhood groups like the Mayor's Neighborhood Roundtable on the impact that they could have in the existing neighborhood. The goal was really to strike a balance, so that minimizing the overall impact on neighborhoods while also allowing for an increase in the number of ADUs that can be built.

The first part of the text amendment that Schlange focused on was the lot area requirement because as he had noted, that is a disqualifier for most of the residential lots right now in R-1 through R-4 district. Currently to build an ADU on your lot, you must meet the lot area requirement for a 2-family home. It's not enough to be on a single-family lot that meets the single-family lot requirement you currently have, you have to have enough lot area to have 2 dwellings on your lot. Schlange mentioned again, that's the most restrictive of any of the cities that they looked at.

The proposal is that we would modify to say you must meet the lot area requirement of a single-family home. If you meet that lot area requirement for the square footage then you would be able to construct an ADU, as long as you met the rest of the conditions. Schlange stated that takes the number of lots that would meet this requirement from 24% to up to about 80% of lots that could meet that first condition. The remaining 20% is largely going to be lots that in most cases were platted prior to the adoption of our current zoning code and do not meet the lot area requirement because they're smaller than what would be permitted today as a lot area requirement. They are allowed to continue existing as a non-standard lot, but this would not help those lots essentially and there are still some lots in the R-1 through R-4 district that this text amendment would not allow to build ADUs based on the lot area.

Schlange discussed the setback requirements and mentioned that the current conditions state that an ADU must meet the setback requirements of the main dwelling. What that means is whether the ADU is attached to the main house or not it has to be treated as though it is part of the main house for setback purposes. What is being proposed is that an attached ADU would still be required to meet the setbacks of the main building, but that a detached ADU could be built within the setbacks in the same way that any other accessory building could be built in the setback. A garage or shed is an accessory building that could be built within your rear yard setback or your side yard setback. Schlange stated that they are proposing to treat an ADU similarly, for the purposes of setbacks; it would still be required to be 60 feet from the front lot line, which means that you wouldn't be building in your front yard setback, but it would allow for construction of an ADU within the rear yard setback or the side yard setback.

Schlange highlighted other things that are proposed to be changed. One is the way that we handle total accessory floor area. As the code is written right now, an ADU counts towards the maximum amount of floor area for accessory floor area that you can have on your lot. A garage, whether it's

attached or detached, also counts towards that accessory floor area. If someone were to have a 3-car garage that is nearly 1000 square feet and you're on a lot that has 1000 square foot maximum floor area for accessory floor area, you would not be able to build an ADU because you don't have the square footage available. Schlange mentioned that with this proposal we wouldn't count the ADU area towards your floor area of your accessory space on your lot.

Schlange stated that they are also looking at adjusting the height requirements. The current requirement is an ADU can't be taller than the primary house. In looking at the height requirement, there's not a really good reason for saying it can't be taller than the primary house and that also precludes some things like building an ADU over a garage or something like that and by saying we're going to require that the ADU meets the requirements of the zoning district. The exception to that would be if you are going to build in the setbacks closer to your lot line, you would need to follow the height requirements of an accessory building and in the zoning districts that would be 15 feet.

Schlange also wanted to clarify short-term rental conditions. The code does already allow for an accessory dwelling unit to be used as a short-term rental, but we wanted to make clear that if you're going to use your accessory dwelling unit as a short-term rental, that is the only space on your lot that would be a short-term rental.

Schlange also mentioned that they also looked at the density calculation in some of the zoning overlay districts are planned unit developments, community unit plans and use permits to say that an ADU constructed on a lot would not count towards the total number of dwellings that are permitted within that zoning overlay district. If a CUP was approved for 500 units and then later residents wanted to build an ADU on their lot they wouldn't be limited by the maximum residential density from doing that.

Schlange stated that there are some things that they are not proposing to change. Schlange quickly highlighted those so that you're clear on what we would not be changing. One of those is the maximum size allowed for the ADU. Schlange mentioned that they have a maximum size currently of 800 square feet or 40% of the primary house, whichever is smaller. They are not proposing to change that, nor are they looking to modify the current requirement that an ADU only have one bedroom. Another requirement that is staying the same, although the language is being changed a little bit, is that the lot owner must live on the property, they can either live in the accessory dwelling unit or in the primary residence, but they must live on the premises. The intent behind that is really to make sure that we're not allowing neighborhoods to have ADUs installed and completely overturning homeowners in the neighborhood with rental properties. There's value that we see in having homeowners living in the neighborhood and on the premises, so that is not proposed to change right now. An ADU would still be required to share utility connections with the main house and we're not proposing to change the parking requirement at this time either.

Schlange stated the last thing is a property with an ADU must have a deed restriction saying you're never going to sell the ADU separately from the house and that's not proposed to change. Schlange mentioned that we're not proposing to change the maximum size at this time. The requirement is that an ADU could have the lesser of 800 square feet or 40% of the primary dwelling and it's limited to one bedroom. The goal behind this is really that an ADU you should be subordinate to the main house. It is not meant to be the primary use on the property, it is an accessory dwelling, so it is an accessory to the primary house. The idea is that by limiting the size we're limiting the impact on neighbors in terms of the size of buildings that would be built and by limiting them to one bedroom then are also limiting the number of residents who would be living there, which would have then follow on a fix for the

impact on the neighborhood and we're not going to increase the number of drivers who need to have a car on the lot by having a bunch of people living in this accessory dwelling unit.

Schlange discussed the parking requirement and stated that after talking to the neighborhood groups this was one of the areas where we heard the most vocal opposition to making any changes to the ADU requirements. The current requirement is that an ADU requires one stall for parking, in addition to, the already required two stalls for the single-family use of the main building. To have an ADU on your lot, you would need to be able to provide 3 parking stalls. In these zoning districts, it is allowed to stack a vehicle, one behind another. What that means is that if you have a 2-car garage with a driveway in front of it, that is 4 parking stalls, so you meet the ADU requirement of providing 3 stalls. Schlange stated that you do need to provide an additional stall, you just need to be able to show that you have 3 stalls on your lot. That does mean that if you have a one car garage with one stall on the driveway in front, that's not going to be the parking requirement and that situation would not allow ADU.

Schlange mentioned that ADUs allow us to meet several community goals that have been outlined in the Comprehensive Plan. The Comprehensive Plan has supported more widespread proliferation of ADUs for years and has already encouraged us to be reevaluating how we can better integrate these into our neighborhoods. Because they're already a conditional use in the R-1 through R-4 district, we're looking to do is to just modify some of those conditions to reduce some of the barriers because currently fewer than one quarter of all lots could possibly qualify for an ADU. The goal behind this amendment is to strike a balance between reducing some barriers, allowing for an increased number of ADUs to be built and increasing the variety of housing stock in our community and recognizing that we're trying to limit the impact that this would have on the surrounding neighborhoods.

#### **Staff Questions:**

Commissioner Campbell mentioned one concern that he didn't see addressed is for the architecture of an ADU to be similar to the existing home.

Schlange responded that they are not proposing to change the design standards for Accessory Dwelling Units. The City of Lincoln already does have design standards in place for Accessory Dwelling Units and one element of that is compatibility with the existing home. There's a variety of factors that play into that, things like materials and roof type. The designs standards do call for compatibility of the main home.

Ball appreciates the education up front around what an ADU would be. Ball mentioned that he did not know attached was one of them. Some people will build in-law or mother-in-law suites as additions and did not consider that as an ADU and so it's somewhat blurry for him regarding when you determine it as an addition to the home when it does have similar requirements of ADU and when it should be classified as an ADU?

Schlange responded that he believes some of this comes down to nomenclature since people often refer to ADUs as a mother-in-law suite or casita in other parts of the country, but if it is a separate self-contained dwelling and it has the components of a kitchen space, a living space, sleeping space and a bathroom, then we would classify that as an ADU in our zoning ordinance. Ball asked if before permitting if anyone is looking to build an addition and it has those requirements and private insurance, would they need a separate meter? Schlange replied that it would be shared utilities and

be on one meter. Ball stated that if it hits those requirements then they would have to make sure for an ADU to make sure that it meets those requirements from a zoning perspective. Schlange replied, yes, that is correct. Ball mentioned that he saw in the report the requirements but not necessarily specific to the ADU. The minimal lot area caps square footage, requirement of owner residing on the lot, height requirements, etc, but doesn't believe that it necessarily call out the features of the ADU. Schlange responded yes, these are conditions for approval of the construction of an ADU, but those are not things that we would look at as a condition for approving an ADU. For the definition of an ADU it doesn't call out specifically a kitchen space, sleeping space, but those are things that would be a signal to a plan reviewer. Ball mentioned that he believes it may be helpful just to have that information somewhere, if possible, just as you build, design and develop for the awareness of what's expected in the requirements around it.

Commissioner Rodenburg mentioned that the County Assessor lists square footage as a finished above grade in the multiple listing service and we're now listing a finished basement also as square footage, so when you're looking at the maximum size for ADU which do you look at.

Schlange answered they would be looking at the total square footage of the primary house. That does not include accessory area like a garage or maintenance area in terms of mechanical areas like a mechanical room with your furnace, but the total square footage of the rest of the house, square footage including the finished basement.

Commissioner Feit stated that it was mentioned you compared our Lincoln requirements to other cities and is curious what some of those cities were. Schlange responded that the cities that were looked at were Omaha, as the other Nebraska city that was looked at and those requirements substantially. Other cities included Boise, Des Moines, Kansas City, Minneapolis, Sioux Falls and Wichita.

Feit stated that Fallbrook already has a set PUD and so their rules and regulations that are under their PUD supersede these requirements.

Schlange answered, yes, the PUD, planned unit development is a zoning overlay that allows modifications to the zoning requirement. A PUD could adopt, as part of its modifications to the zoning requirements, that it would be allowed to have Accessory Dwelling Units on all lots in the PUD. If you think back to a couple weeks ago, we had a PUD application for Redtail Heights and one of the notes in the Redtail Heights PUD is that ADUs are allowed on all lots and they placed a maximum square footage of 60% of the primary dwelling. They're not subject to the conditions that are outlined in the zoning code because they've already said it's allowed of all lots, and it doesn't matter how big the lot is. They've placed a cap of 60% of the primary dwelling, which is different than the cap that would be in the conditions. Schlange mentioned that he was unsure whether it was Fallbrook or Village Gardens, but both allowed ADUs with some different requirements. One allows ADUs up to 1000 square feet and the other allows a maximum of 2 bedrooms, as opposed to one bedroom.

Feit expressed concern about neighborhood requirements, and they can be less stringent and that is ok? Can HOAs do that though, because it's not a PUD? Schlange replied that a HOA can still restrict the presence of ADUs. They can basically say only one dwelling unit would be permitted on a lot and that's a private agreement, so our city laws wouldn't supersede that restriction.

Feit asked about the parking situation and if a homeowner with a one car garage and a driveway and they only have 2 parking stalls and they need a third parking stall and if they want an ADU, how can they go about doing that? Would widening the driveway be ok or would creating a brand-new driveway for the third stall be a better option? What's allowed in that situation for that homeowner?

Schlange replied that it really would depend on the specific circumstances of the lot. One option could be to widen the driveway if it happens to be an ally access lot, there could be a parking spot provided with access off the alley. Which would mostly be the case in older neighborhoods, though, not exclusively, but there would have to be an additional parking stall provided in order to meet the condition.

**Proponents:**

**Kevin Johnson, 3045 Laredo Drive, Lincoln, NE, 68516** - came forward both as a member of the community and has an AARP, Nebraska volunteer. Johnson stated that they stand in strong support of this proposed amendment that will make building Accessory Dwelling Units more feasible for homeowners in the community. The mission at AARP is to empower people to choose how they live as they age. According to the 2025 Vital Voices Survey, 92% of Nebraskans age 45 and older ranked being able to live independently in their own home as they age is extremely or very important. Aging in place isn't a luxury or a trend; it's a deeply held value shared by older adults across our state. For aging in place to be realistic, people need housing options that support changing needs and right now, too many neighborhoods simply don't offer them. That's where ADUs come in, Accessory Dwelling Units are one of the most practical, flexible, family-friendly tools we have to help older adults remain in the homes and communities they love. They allow families to support one another, whether an older adult adds an ADU for a caregiver or family member or a family build one to care for parent, grandparent or other elderly relative. They help people stay connected, reduce social isolation and delay or avoid the need for more expensive, higher levels of care.

Johnson stated that the zoning amendments before you today don't overhaul the character of our neighborhoods. They simply remove barriers that prevent homeowners from creating these much needed housing options. They allow ADUs on single-family lots. Enable the conversion of existing garages or accessory structures. They fix height and floor limitations, and they clarify how short-term rentals apply. These updates give older adults and their families real choices. They make it possible to downsize without leaving a beloved neighborhood. Bring family closer for support or create a private space for caregiving that preserves independence and dignity on both sides. They also provide opportunities for modest rental income helping older adults manage rising costs while staying in their homes longer. As has been said, other communities throughout the country have already modernized their zoning to ADUs because they recognize that our population is aging and our housing needs are evolving. This amendment allows our city to do the same, in which to respond proactively compassionately and responsibility to the needs of our residents. AARP vision is a society in which all people live with dignity and purpose and fulfill their goals and dreams. Supporting the zoning change allows longtime residents to stay rooted in the neighborhoods where they've raised families, built relationships and contributed to the community. It means supporting families, providing stability and is another tool towards staying healthy. On behalf of AARP, Nebraska. Mr. Johnson urges you to recommend approval of this amendment and take an important step toward making our great community even more age friendly, more inclusive and more responsive to the real-world needs of the people that live here.

**Nash Leef, 2445 B Street, Lincoln, NE, 68502** - appeared and came forward and stated that he has lived in Lincoln for the past decade and has been a homeowner in the near south neighborhood for the last 5 years. Leef mentioned that he and his wife serve as board members of the near South Neighborhood Association and are raising their growing family in this community. Leef, however, spoke in a personal capacity in support of the proposed expanded ADU regulations. Leef believes Accessory Dwelling Units offer a path towards a gentle density for some of Lincoln's most in-demand neighborhoods. The increase in housing options by utilizing existing infrastructure, provide opportunities for multigenerational families to support loved ones while allowing them to live independently. Leef and his wife are currently under contract to purchase a property in the near south Mount Emerald Historic District with the intention of developing one of the first ADUs permitted under the proposed regulations as stewards of a century-old home.

Leef believes in expanding access to a new permit allows homeowners to thoughtfully reinvest in existing properties, strengthening both family life and surrounding neighborhoods. The proposed ADU would be intended for his retired mother who no longer wishes to maintain a full-size multilevel home due to mobility and upkeep challenges. The primary goal is for her to remain independent, while continuing to live in a historic neighborhood she values, close to her granddaughter and growing family. For our part as parents with full-time jobs, having a grandmother nearby is extremely helpful for keeping her childcare costs affordable. We believe the property that we're considering presents an ideal use case for an ADU for several reasons; it is a large R-2 zoned property featuring a well-constructed existing 400-foot carriage house at the rear with separate alley access and dedicated parking. The lot already measures 9,060 square feet, which is just a hair under the current 10,000 square-foot requirement. However, under the new regulations there would be a 6,000 square-foot requirement. The carriage house already has an electrical connection and there is sufficient paved area to expand the structure to approximately 750 square feet without additional lot coverage impacts. Furthermore, Leef understands that financing ADUs is a challenge across other cities that have instituted these changes, and my mother is capable of selling her current home to finance the construction of an ADU. In efforts to preserve the local character of the neighborhood, we have engaged a local architect to prepare plans that ensure the design remains historically cohesive within the neighborhood. We look forward to submitting those plans for permitting is seen as proposed regulations would allow. These proposed regulations provided would keep families together and support older adults and those with disabilities and assist with retaining independence all on maintaining neighborhood character. Leef stated that they are excited to work with the city in the coming months as these regulations make their way through the approval process.

**Peter Katt, 6333 Apples Way, Lincoln, Nebraska, 68516**, came forward and mentioned that he is here as a recovering Land Use Development Attorney and as the owner of Nebholdings, which is a company that he is trying to use to develop and focus on affordable housing. Katt mentioned that about 6 to 9 months ago he was focusing on thinking we have a Comprehensive Plan that encourages higher densities in our existing community, and he inquired of staff where we are on ADUs in Lincoln, because he remembers when it passed the last time. Katt said that it would never work, and little did he know no ADUs have been built in the existing city. Nobody can do it, which is exactly what he said. Let's get busy. Let's get them going. Let's make them happen.

Katt stated that he is here as a fan, so what you have is that of improvement. Katt's prediction of ADUs, we won't get very many, can't happen, not going to happen. Why? Because we still have the

impediment of making owners have them is number one and number two is just the problem of getting through building codes and building safety issues. What was put in your packet that he had sent to Commissioners, was a discussion about what he considers two opportunities. We need to pass this, but then we need to work on what are the other impediments to use and make it happen and be serious about it as a great policy for the City of Lincoln. Let's focus on why we think it just needs to be owners. Landlords can be responsible owners. You don't have to own in the neighborhood. Katt's suggestion is that we should be able to create a classification of responsible ADU operators. Katt doesn't know what all the details are, but it shouldn't have to be owner occupied requirement. Let's work on it and let's find a solution.

Katt stated that good property owners are good for neighborhood, and most rentals today are by responsible landlords, just because we have some bad actors doesn't mean you put them all out the pasture. Second issue, building these things, they are expensive. Architects and controls are the issues that we have. AARP has some pre-approved plans and there's stuff going on. Katt mentioned getting some background reading on park models, which are a product that is built according to RV construction standards, and they're built with the idea you move them into an RV park and it's more of a permanent house than a temporary house, but it all has to do with code construction requirements. The current code would treat those as temporary not permanent housing, but there are several communities in the nation that allow those RV standards to be used for ADU purposes. Katt thinks that should be explored. Mr. Katt stated that ADUs are a good opportunity for us that we need to do everything we possibly can do to create more of them than we know what to do with.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

There was no other testimony. Chair Joy thanked everyone for their testimony.

**TEXT AMENDMENT 26002**

**ACTION BY PLANNING COMMISSION**

**March 4, 2026**

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

Campbell moved to approve Text Amendment 26002; seconded by Eddins.

Commissioner Rodenburg mentioned in the south and the west they call these casitas, and he had had the opportunity to stay in his brothers in Scottsdale. Rodenburg thinks he built it for guests and not as a rental, but as his family grew his youngest daughter wanted to get away from her brothers. We talked about the aging population, but this could also be an opportunity for growing families to put their teenage kids in their separate living space.

Rodenburg mentioned that ours is a little bit more restrictive. When he was in Palm Springs couple weeks ago, they rented to a house that had a casita and one of them was housed in casita and there was not an owner living there. We are a little more restrictive as written that you do have to have an owner occupying it. As a realtor, he is painfully aware of our lack of housing and thinks this is a

good opportunity to help people. There are a lot of people that are in their homes and as their assessment goes up, they can't afford to live there anymore to pay the taxes, and this would allow them to possibly have a little extra generated income or, as Mr. Johnson said to live comfortably in place. Rodenburg is all in favor of this.

Commissioner Fiet stated that she is in favor too and really liked the term used of gentle density. This is the first step and change is scary. It's usually slow, so Feit knows there was no one to testify in opposition, but they received a lot of comments in opposition. Feit likes that if a HOA is super passionate about restricting ADUs they still can. But Feit is hopeful that we can move forward with some less restrictions in the future. But again, change is slow, and we just need to take one baby step at a time.

Commissioner Ebert agreed with fellow commissioners and is in full support of this amendment. Ebert would like to not let another 10 years go by if no ADUs are constructed before we revisit this. Ebert thinks it would be interesting to get some data in the next 6 months to a year to find out if anyone's taking advantage of these lessening restrictions and new ordinances. Ebert also mentioned that if there is a hang-up between building codes or safety issues that are making it difficult for people to actually get these built, that needs to be evaluated as well.

Commissioner Cruz expressed that she is struck by how expanding the definition of an ADU and minimizing some of these restrictions that actually hinder building will ultimately open things up for people. Cruz mentioned that when she thinks of adding on to a house, she never thought of that in terms of an ADU. Now just the fact that, hey, if you had this this and this and now all of a sudden its own little space, a little apartment or whatever and how many people when they think of ADUs only think of that detached little casita that is separate from their house and not understanding are realizing that they could, in fact build above their garage or build onto their existing home or build in their basement. Cruz thinks when people realize that those too are ADUs, then we'll see a lot more of them, and a lot more acceptance of them as an option.

Commissioner Eddins agrees with everything that was said. This is the alternative to make more affordable housing in some way, shape or form. Eddins is all about people with disabilities being able to live independently. On a personal note, she has very medically fragile grandchildren and with a single mom and when an emergency happens, seconds matter. If we can get there in 30 seconds compared to a 10-to-15-minute drive that time makes a difference. So she hope we continue to look at broadening the ADU, which won't work for them right now, they're in her basement. That seems to work. It doesn't have its own separate kitchen yet, and they will be looking at codes then and hopefully they align. Eddins stated that she wanted to address the owner occupied, they like that as a neighborhood organization because they feel if you live in the dwelling, you do a little bit better. They do have some bad actors in her neighborhood. They also have a lot of what she would call an ADUs that are not permitted, and a lot of people living in garages and RV's with the power cord ran from the house. So affordable accessible housing is a desperate need in her community. Eddins stated that she is glad we're taking a step in the right direction. Eddins agrees with her fellow commissioner that can we look at this again in the year and access where do we do it wrong and where can we do it right?

Commissioner Ball stated that a lot has been said and appreciates the presentation, which was very comprehensive and educational as well. I have colleagues who have done it in San Jose and in

Florida, one was for aging parents, and it was a tool for them to be close, be supported and be more financially viable for them. In Florida, it was used for accessibility. It can be used for multipurpose, as mentioned, so he does think having that type of unit available can be tremendous for the community and appreciates the work that was done. And then adding to that is just strategically, how do we have to take a step and it's a big step. But we know more work needs to be done. Whether it's, changing on being occupied or changing some of the other restrictions, but being able to sort of see that horizon and putting some dates to that will be very helpful just to hold all of us accountable for the journey we want to go on, even though we're just taking one step today.

Commissioner Campbell mentioned that as one of the two developments in the city that does allow ADUs he would invite anybody to drive through Village Gardens. They have lower level ADUs, we have above ground ADUs, we've got additions to homes that provide ADUs. All of them are working very well, some of them are for mothers-in-law that lived in one and have now passed away, but now they're renting it out to a father and two sons. There's another one that built the ADU because it reduced their mortgage costs by having that they were able to afford the house they wanted. This is a great step forward and I think that my concern was that it follows the architecture of the existing home so that it blended right in and that this happened in Village Gardens.

Feit asked Commissioner Campbell if Village Gardens require the homeowner occupied there and that is only one rental, not both the ADU and home being rentals. Campbell replied that's correct.

Ball stated that was one reason why he asked the original question because he does think there may be more ADUs, but was not necessarily classified as an ADU and how do we get visibility of that? I don't know the answer to maybe use it as a model for someone else now doing an ADU that we have a better understanding of classification of it.

Rodenberg mentioned having to do with owner occupied is in Palm Springs unit that they had rented and there were very strict requirements, for instance, if a neighbor could hear music coming from your property, they had a number to call and there would be fines involved. At least that community allows non-owner rentals with ADUs, but they're regulated, so that would be a good thing to look at, if we came to that.

Chair Joy agreed with fellow commissioners and stated that this is a great advancement forward. Joy does like the opportunities for close proximity owners and other advantages as we look through continued process and continue to develop what we have. There's a lot of great ideas out there and it was fun to hear someone that's going to implement right away.

Motion for approval of Text Amendment 26002, carried 8-0, with Ball, Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg voting "yes". Ryman Yost absent.

Campbell moved to adjourn the Planning Commission meeting of March 4, 2026; seconded by Eddins.

Motion to adjourn carried 8-0: Ball, Campbell, Cruz, Ebert, Eddins, Feit, Joy, and Rodenburg voted "yes." Ryman Yost absent.

There being no further business, the meeting was adjourned at 2:35 pm.



**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	FINAL ACTION?
Text Amendment #26003	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
March 18, 2026	None

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

The application is to amend the Lincoln Municipal Code (LMC) Chapter 27.62.110(d) to for on premise alcohol sales within the I-1 Industrial zoning district. The applicant for this request is planning to open an indoor pickle ball facility at 2600 Kimco Drive. This amendment would remove the I-1 from section (d) and adding it to section (b) allowing I-1 to follow the same provisions as the B-2, B-5, and H-2 zoning district for on premise alcohol sales. This request was prompted due to the pickle ball facility being surrounded by I-1 & H-3 zoning but not allowing on premise alcohol sales due to a neighboring property also zoned I-1 but used as main floor residential, causing the issue with required setbacks.

**JUSTIFICATION FOR RECOMMENDATION**

The proposed text amendment to allow I-1 to follow the existing provisions for B-2, B-5 & H-2 is compatible as it still requires setbacks for alcohol sales to residential districts but removes required setbacks for when a property is zoned commercial or industrial but is used for main floor residential. This is not expected to have negative impact as I-1 zoning is the most intensive zoning district and does not encourage new residential dwellings to be located in I-1.

**APPLICATION CONTACT**

Lucas Bell, (402) 202-7118

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed text is in conformance with the Comprehensive Plan by allowing flexibility within the I-1 zoning district, which permits a wide range of more intensive and industrial uses. The proposed change, while allowing more flexibility for on premise alcohol, acknowledges goals within the Comprehensive Plan to discourage new residential dwellings in I-1 zoning.

**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.

P61: Industrial Zoning and Pipelines - Discourage residential land uses and buildings with vulnerable populations from locating near high-pressure pipelines and industrial zoning districts. Provide adequate separation between vulnerable populations and hazardous materials to protect and promote the public's health.

### Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation's Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
2. Land uses with vulnerable populations should not be located within 300 feet of an industrially-zoned district or heavy industrial use such as a rail line. Even if a given industrial site does not include hazardous materials at present, a hazardous use could be added in the future.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district unless the pipeline is decommissioned, or downzoning is planned for the industrial area.

## **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.

## **ANALYSIS**

1. This is a request to amend the Lincoln Municipal Code (LMC) 27.62.110(d) Food and Drink Establishment Use Group related to the provisions for on premise alcohol sales within the I-1 Industrial zoning district. With this amendment, I-1 would be removed from 27.63.110(d) and added to provisions set by 27.62.110(b) with the B-2, B-5 and H-2 zoning districts. This change would eliminate the requirement for a property zoned I-1 with on premise alcohol sales to be a minimum of 100 feet from a property used as main floor residential.
2. The need for this text amendment began with a building permit for an indoor pickle ball facility at 2600 Kimco Drive. The property is zoned I-1 and the indoor recreational facility is a permitted use in I-1. During the permit review it was noted the site intended to obtain a liquor license in the future to allow on premise alcohol sales in association with the recreation facility. The property is primarily surrounded by I-1 zoning with a portion abutting H-3 Commercial. To the north, this site abuts the Shamrock Mobile Home Court which is zoned I-1.
3. Following the current provisions allowing on premise alcohol sales in I-1, the licensed premise must be a minimum of 100 feet from any property used for first floor residential. This property would not meet the 100-foot setback to the north property line shared with the mobile home court which would be considered main floor residential, prohibiting on premise alcohol sales within the pickle ball facility.

4. The I-1 zoning allows a wide range of commercial and industrial uses within 100 feet of a residential use. There isn't a valid reason to have a 100 foot setback to I-1 zoning for alcohol consumption, when the residential use is in industrial zoning. It was determined the on premise alcohol provisions for I-1 should be modified by adding I-1 to section (b), matching the existing provisions for B-2, B-5 and H-2 zoning districts. The change is not expected to have an adverse impact as the provisions still require setbacks, specifically 100 feet from certain uses such as daycare facilities, place of religious assembly, park, or a residential zoning district, but does not require a setback to a main floor residential use when it is in commercial or industrial zoning. The provisions also remain the same for a required 150-foot minimum distance for exterior door openings facing a residential district.
5. The mobile home park is adjacent to the Theresa Street treatment plant to the north. The best long term use is for the residential uses to be relocated and replaced with commercial or industrial uses. The Comprehensive Plan discourages residential uses from being in such close proximity to industrial uses.
6. Modifying the I-1 on premise alcohol regulations to remove the setback for main floor residential is considered compatible as the I-1 zoning district is the most intensive zoning district in the city, allowing heavier uses such as manufacturing or use and storage of flammable materials. In this case, the abutting mobile home park zoned I-1 has been at this location for numerous years but would now be considered a legal nonconforming use. If the mobile home park was to be redeveloped, it would allow more intensive uses by right being zoned I-1 Industrial.
7. The amendment is compatible with the 2050 Comprehensive Plan as it will still require setbacks for vulnerable uses respective to residential zoning districts. The Comprehensive Plan does not encourage new or additional dwelling units locate in or within 300 feet of I-1 zoning due to the intensive nature of the district. Adding the allowance for reduced on premise alcohol setbacks is not expected to have a negative impact on the surrounding zoning or uses, as it is generally uncommon to find existing residential uses in I-1 zoning around the city and new residential uses are not permitted.

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

Date: March 5, 2026

Applicant/  
Contact: Lucas Bell  
(402) 202-7118

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/26000/TX26003 LMC 27.63. I-1 On Sale Alcohol.bmc.docx>

## 27.62.110 Food and Drink Establishments Use Group

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A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- b. Sale of alcoholic beverages for consumption on the premises is allowed in the B-2, B-5, ~~and~~ H-2, ~~and~~ I-1 zoning districts under the following conditions:
1. Parking shall be in conformance with the provisions of Chapter 27.67, provided that in the B-5 zoning district no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.
  2. Any exterior door opening must meet the following conditions:
    - i. Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, place of religious assembly, state mental health institution, park, or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, place of religious assembly, state mental health institution, park, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, place of religious assembly, state mental health institution, park, or residential district.
    - ii. If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, "exterior door opening" shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licenses premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.
    - iii. Notwithstanding (i) and (ii) above, the premises may be within 100 feet and exterior door(s) openings may be within 150 feet of golf courses and hiker/biker trails, whether publicly or privately owned, if all other conditions described herein are satisfied.
    - iv. For restaurants and hotels in H-2 see 27.62.110(e).
  3. Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.
  4. The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones. This restriction shall not prohibit amplified outside sound or noise within 150 feet of a golf course or hiker/biker trail.
  5. Notwithstanding any contrary provision contained in Section 27.64.010(h), the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.
  6. In addition, in the B-2 zoning district, all exterior door openings of the licensed premises shall be located more than 100 feet away from any parking spaces located in a side or rear yard adjacent to a residential district. For the purpose of this measurement, the side yard shall be 50 feet. In addition, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to any parking spaces located in a side or rear yard adjacent to the residential district. This restriction shall not prohibit exterior doors within 150 feet of parking spaces associated with a golf course or hiker/biker trail.

7. In addition, in the B-5 zoning district when the building containing the licensed premises abuts a residential district, the required yards shall be met. Side yard requirements need not be met when the licensed premises abuts a golf course or hiker/biker trail.

d. The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-3, H-4, ~~I-1~~, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

1. Parking shall be in conformance with Chapter 27.67.
2. The sale of alcoholic beverages for consumption off the premises shall be conditioned upon compliance with the conditions under Section 27.62.100(I).
3. The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility which is not the residence of the childcare provider, park, place of religious assembly, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course, country club, farm winery, or market garden).
4. Vehicle stacking for a drive-through window used as any part of the conditional business operation shall not be located in any required building setback from a residential district.
5. The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as telephones.
6. No access door to the business, not including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.
7. Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.
8. All other regulatory requirements for liquor sale shall apply, including state licensure.

To the Planning Department,

I am submitting this request in connection with my property, which is currently zoned I-1 (Industrial). My intent is to operate a business that includes on-sale liquor service as an accessory component of the primary indoor pickleball facility.

Under the current zoning regulations, the presence of mobile homes located to the north of the property triggers additional restrictions affecting the ability to include on-sale liquor service. As a result, I am requesting a text amendment to allow this use in a manner consistent with the intended operation of the facility.

The proposed use is designed to be a controlled, indoor recreational environment focused on community activity, and the liquor service would be incidental to the primary use. This request is part of the broader project to develop and operate an indoor pickleball facility that serves the local community.

I appreciate the Planning Department's time and consideration and look forward to working cooperatively through the review process.

Sincerely,

Luke Bell  
2600 Kimco Dr Lincoln, NE 68521  
Pickl'N Pickleball Club



**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 #26007	FINAL ACTION? Yes	DEVELOPER/OWNER Sharon Wilkins
PLANNING COMMISSION HEARING DATE March 18, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 3545 NW 126 <sup>th</sup> Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for an Accessory Dwelling Unit (ADU) under Article 13.050 of the Lancaster County Zoning Regulations. The property is a 27.85-acre parcel generally located about a ¼ mile north of W Adams Street on the west side of NW 126<sup>th</sup> Street. The zoning is AG Agricultural. The proposed ADU will be located to the southeast of the principal dwelling in an existing accessory building.



**JUSTIFICATION FOR RECOMMENDATION**

The proposed ADU subject to the conditions of approval meets the requirements of Article 13.050. The Special Permit approval will allow an accessory dwelling unit with one bedroom, incidental to the principal dwelling. The waiver to allow the ADU to be located approximately 100 feet closer to the street right of way than the principal dwelling is justified as the building already exists with only a small part of it intended for the ADU. There should be no negative impact on the neighbors.

**APPLICATION CONTACT**

Sharon Wilkins, (402) 217-3627

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed ADU meets the goals of the Comprehensive Plan for providing alternative housing choices.

**WAIVERS**

- Article 13.050 (7) to allow the accessory building to be located approximately 100 feet closer to the street right-of-way than the principal dwelling. (Recommend Approval)

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Goals Section

G1: Safe, Affordable, and Accessible Housing. Lincoln and Lancaster County will support the development of safe, affordable, and accessible quality housing that meets the diverse needs of the community. PlanForward understands the ongoing need for affordable housing and supports development of 5,000 affordable units by the year 2030.

G2: Complete Neighborhoods. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, **accessory dwelling units**, multi-family development, and even small lot single-family.

### Policies Section

P3: Developing Neighborhoods. Action Step #16: encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, **accessory dwelling units**, multi-family development, and small lot single-family units.

## ANALYSIS

1. Accessory Dwelling Units (ADU) were added to the Lancaster County Zoning Regulations in December 2018. An ADU is an additional self-contained housing unit that is secondary to the main residence. An ADU can either be attached to the principal dwelling, be part of the principal dwelling, or be a separate building detached from the principal dwelling. The ADU contains its own kitchen, sleeping area and bathroom. ADU's are subordinate in size to the principal dwelling. ADUs are permitted by Special Permit in the AG Agricultural Zoning District in Lancaster County.
2. BZA25005 was approved by the County Board of Zoning Appeals for this property in September 2025. The Board approved a Variance to reduce the average lot width from the required 550 feet to 450 feet. The home and accessory building were built in 2014. The Variance for the Average Lot Width was needed because while the lot was created in 2014 and the minimum frontage requirement does not apply, the Average Lot Width still applies. The Variance was identified as a necessary step before submitting the Special Permit application, so the lot is considered buildable.
3. It should be noted that the accessory dwelling is already in place without any approval. It comprises 580 square feet of a total of 7,200 square foot accessory building. The rest of the building is used for farm and personal use. The applicant is applying for the necessary permits, including the special permit and building permit.
4. The following conditions are required for an ADU:
  - A. The lot area shall be 20 acres or larger.  
*The lot area is 27.85 acres.*
  - B. The total floor area of the ADU shall not exceed the lesser of 1,000 square feet or 40% of the square footage of the principal dwelling, excluding garages, carports and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be furnished in the future. The calculation for the principal dwelling shall be based on the floor area as of the date the special permit is filed.

*The proposed ADU is 580 square feet. The principal dwelling is 2,660 square ft. living area with a total basement area of 2,660 square ft. per the County Assessors web site. The ADU is 11% of the total square footage of the principal dwelling. The ADU is allowed to be the lesser of 1,000 sq. ft. or 40% of the principal dwelling.*

- C. No more than 2 bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.

*The floor plan shows 1 bedroom.*

- D. The owner of the lot is required to live on the property in either the principal dwelling or the ADU. The owner of the lot shall file with the Register of Deeds, a deed restriction agreement on the property stating that the accessory dwelling cannot be sold separately from the principal dwelling. The deed restriction agreement must be to the satisfaction of the County Attorney. The deed restriction agreement shall be filed prior to any building permit for the ADU.

*The owner of the property will live in the principal dwelling.*

- E. The ADU must share the same access point to the public or private street as the principal dwelling.

*The site plan shows the ADU sharing the driveway with the principal dwelling.*

- F. The ADU must meet the same setback requirements as the principal dwelling of the district. The height of the ADU must meet the height limit of the district for a dwelling but be no higher than the principal dwelling.

*The ADU meets the required setbacks of the AG district. The height of the ADU will be less than the height of the principal dwelling. The building height for the ADU is 19'6" to the peak compared to the principal dwelling which is 26 feet.*

- G. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.

*The ADU will be within 200 feet of the principal dwelling, approximately 100 feet away. The ADU will be closer to the street right-of-way than the principal dwelling and a waiver is needed for this setback. The ADU structure is approximately 845 feet from NW 126<sup>th</sup> Street compared to the setback from the street for the principal dwelling which is approximately 945 feet.*

- H. The ADU must share utilities with the principal dwelling unless the owner can demonstrate a practical problem with sharing due to the topography or other unique site considerations.

*The ADU will share utilities with the principal dwelling.*

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single Family Home, Farm Ground AG Agricultural District

**SURROUNDING LAND USE & ZONING**

North:	AG-Agricultural	Farm Ground
South:	AG-Agricultural	Farm Ground
East:	AG-Agricultural	Single Family Home, Farm Ground
West:	AG-Agricultural	Farm Ground

**APPROXIMATE LAND AREA:** 27.85 acres, more or less

**LEGAL DESCRIPTION:**

Lot 66 Irregular Tract, SE ¼ of Section 7, Township 10, North, Range 5, East, Lancaster County, NE

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

Date: March 5, 2026

Contact: Sharon Wilkins  
Applicant/  
Owner: Sharon Wilkins

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/26000/SP26007 Sharon Wilkins ADU.gjw.docx>

## CONDITIONS OF APPROVAL – SPECIAL PERMIT #26007

Per Article 13.050 this approval permits an Accessory Dwelling Unit (ADU) of up to 600 sq. ft with waiver to allow the ADU to be setback approximately 100 feet closer to the street right of way than the principal dwelling.

### **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 **3** copies with all required revisions and documents as listed below:
  - 1.1 Add Special Permit 26007 Sharon Wilkins ADU as title to the site plan sheet.
  - 1.2 Add note to the site plan sheet: 600 square foot, 1-bedroom ADU is to be located within the 60' x 120' accessory building.
2. Before receiving building permits provide the following documents to the Planning and Development Services Department:
  - 2.1 Submit information on the existing onsite wastewater treatment system by a certified onsite wastewater treatment system contractor including any necessary alterations to accommodate the additional one bedroom of the ADU to the satisfaction of the Health Department.
  - 2.2 Provide a deed restriction agreement on the property stating that the accessory dwelling cannot be sold separately from the principal dwelling. The deed restriction agreement must be to the satisfaction of the County Attorney. The deed restriction agreement shall be filed prior to any building permit for the ADU.

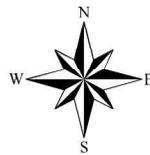
### **Standard Conditions:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the Accessory Dwelling Unit all development and construction shall substantially comply with the approved plans.
  - 3.2 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 3.3 Permittee should obtain a certified copy of this resolution from the County Clerk's Office and file it with the Register of Deeds Office.



2024 aerial

**Special Permit #: SP26007**  
**NW 126th St & W Adams St**



One Square Mile:  
 Sec.07 T10N R05E

**Zoning:**

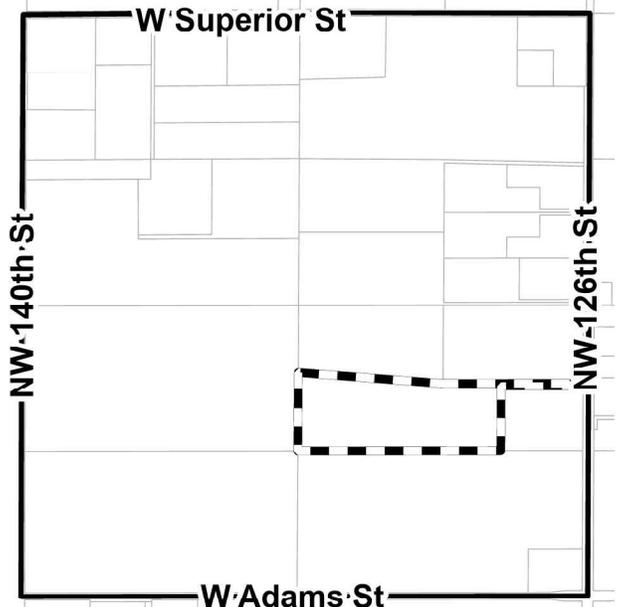
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial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

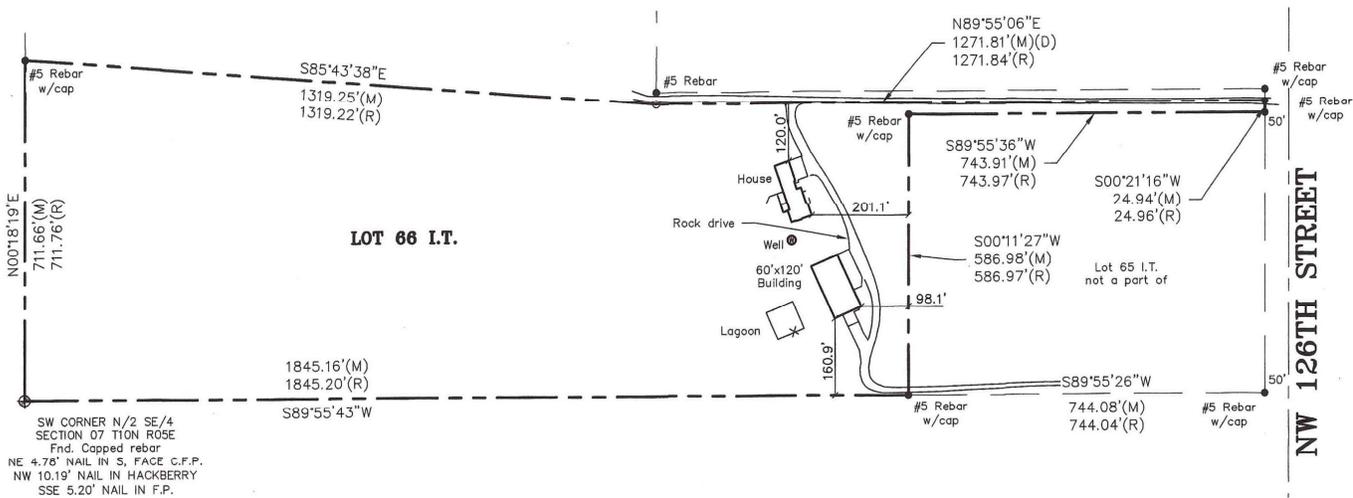
Existing Lincoln City Limits

33



# Official Survey Record

LOT 66 IRREGULAR TRACTS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 07, TOWNSHIP 10 NORTH, RANGE 05 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA

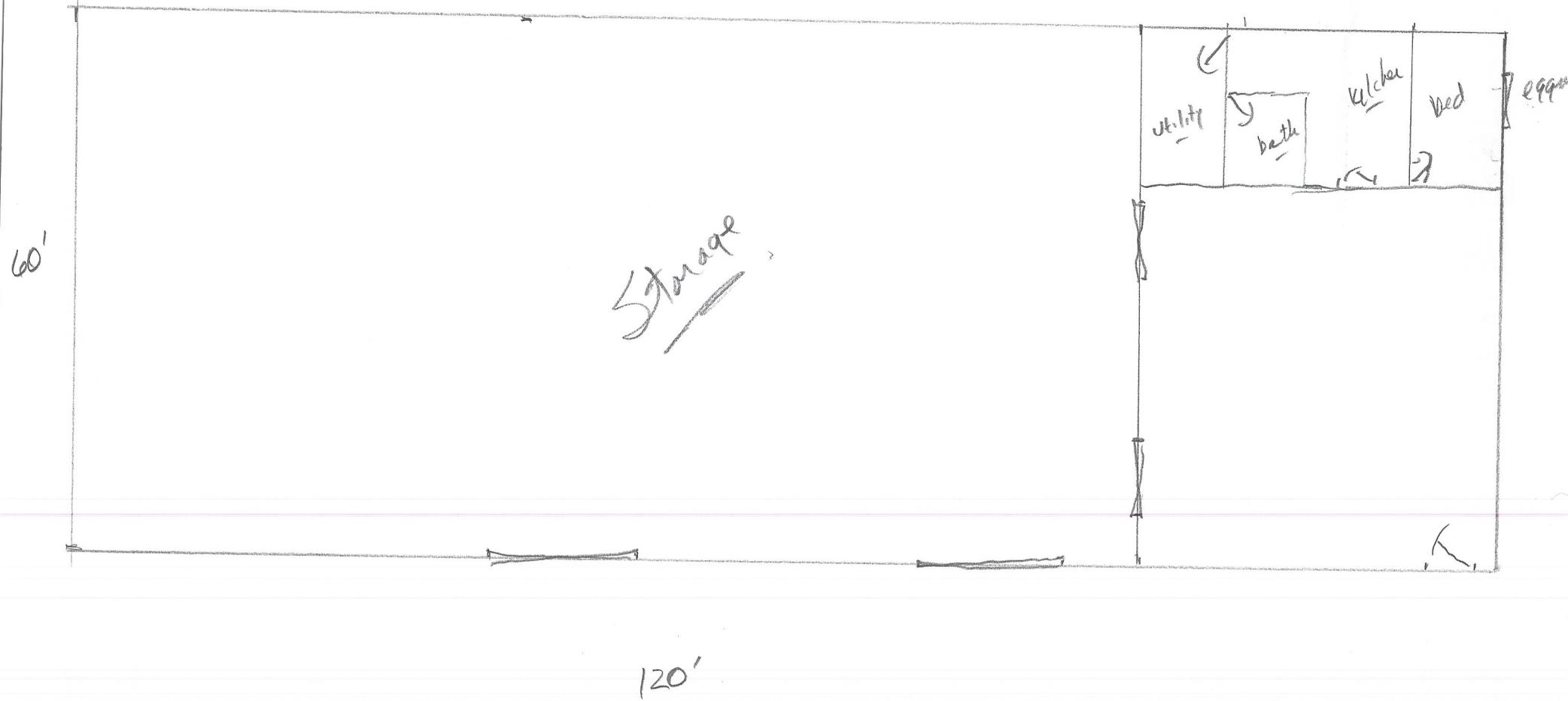


**SURVEYORS CERTIFICATE**  
I, KYLE E. CATT, NEBRASKA REGISTERED LAND SURVEYOR NO. 609, DULY REGISTERED UNDER THE LAND SURVEYORS REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT, THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED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



*Kyle E. Catt* 2/5/2026  
KYLE E. CATT DATE

**REGA ENGINEERING** 601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402) 484.7342  
CA\*1678 JOB: 261014





- 1. ○ \_\_\_\_\_
- 2. ○ \_\_\_\_\_ *MAHER CUSTOM HOMES*
- 3. ○ \_\_\_\_\_
- 4. ○ \_\_\_\_\_ *This application is filed for a*
- 5. ○ \_\_\_\_\_
- 6. ○ \_\_\_\_\_ *wanted to allow the ADU to be*
- 7. ○ \_\_\_\_\_
- 8. ○ \_\_\_\_\_ *closer to the street by approximately*
- 9. ○ \_\_\_\_\_
- 10. ○ \_\_\_\_\_ *100 feet than the principal dwelling.*
- 11. ○ \_\_\_\_\_
- 12. ○ \_\_\_\_\_ *ADU is approx. 845 feet from NW 126<sup>th</sup>*
- 13. ○ \_\_\_\_\_
- 14. ○ \_\_\_\_\_ *principal dwelling is approx. 945 feet*
- 15. ○ \_\_\_\_\_
- 16. ○ \_\_\_\_\_ *Thanks*
- 17. ○ \_\_\_\_\_ *Jerry Maher*
- 18. ○ \_\_\_\_\_
- 19. ○ \_\_\_\_\_
- 20. ○ \_\_\_\_\_
- 21. ○ \_\_\_\_\_
- 22. ○ \_\_\_\_\_
- 23. ○ \_\_\_\_\_
- 24. ○ \_\_\_\_\_

**ACTION PLAN**

To calculate title rates and closing fees, visit our rate calculator tab on our website at [www.charter-title.net](http://www.charter-title.net)



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 Special Permit #26009	FINAL ACTION? Yes	DEVELOPER/OWNER Lucas C Burbach
PLANNING COMMISSION HEARING DATE March 18, 2026	RELATED APPLICATIONS MISC26002	PROPERTY ADDRESS/LOCATION W Branched Oak Rd east of NW 140 <sup>th</sup> St

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit for the Blackhorn Reserve Community Unit Plan (CUP) on approximately 80 acres with a total of five acreage lots between 3 and 5 acres in size. The location is adjacent to Branched Oak State Recreation Area in northwestern Lancaster County along W Branched Oak Road. The zoning is AG Agricultural. The proposed lots will be accessed from a private roadway within the CUP.

MISC26002 is the related plat vacation application to vacate The Preserve at Branched Oak Addition, an AG Preservation plat.



**JUSTIFICATION FOR RECOMMENDATION**

The proposal meets the intent of a rural cluster subdivision under the AG zoning of the Lancaster County Zoning Regulations. The preservation of open space and clustering of lots meet the goals of development in the agricultural area of the County.

**APPLICATION CONTACT**

Noah Chesnut, (402) 413-1038 or  
 noah@regaeng.com

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The special permit for a Community Unit Plan is in conformance with the 2050 Comprehensive Plan. The clustering of lots to preserve open space and agricultural land is a goal of the Comprehensive Plan.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

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

The Rural Environment. Focus on agriculture. Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses. Acknowledge the fundamental "right to farm" in agriculture districts.

## ANALYSIS

1. This request is for a Special Permit for the Blackhorn Reserve Community Unit Plan (CUP) to allow for a total of five acreage lots on approximately 80 acres located adjacent to Branched Oak Lake. This location is approximately one mile east of NW 140<sup>th</sup> Street on the north side of W Branched Oak Road. The zoning is AG Agricultural. Potable water will be provided by individual wells with individual wastewater systems for each lot. The lots will be between 3 and 5 acres in size. Access will be provided by a private roadway that will connect to W Branched Oak Road. The applicant had included a request for a waiver from block length requirement; however, this is not needed as the property abuts the State property of Branched Oak Lake except to the west, and the proposed private street is directly adjacent to the private property to the west.
2. The Community Unit Plan density requirements for Lancaster County is 1 dwelling unit per 20 acres for AG zoning which allows four units, but the CUP qualifies for a 25% bonus for 70% open space preservation for a total of five units maximum density. In this case, 74% of the total CUP area will be open space.
3. Three outlots are proposed. Outlot A which will comprise 59.98 acres for open space and agricultural uses, Outlot B comprising 2.45 acres for blanket access easement for the private roadway and Outlot C consisting of 0.01 acres for development sign.
4. This area is beyond Tier III in the 2050 Comprehensive Plan in northwestern Lancaster County. Tier III is for Lincoln's longer term growth potential, beyond 50 years. No planning of urban utilities or service delivery is anticipated. Therefore, future land uses should be those allowed under AG zoning.
5. Branched Oak State Recreation Area includes 1,800 acres of water, along with campsites, swimming beaches, hiking trails, equestrian campground and marina. The proposed CUP borders the recreation area on the north, east and south side across W Branched Oak Road.
6. Given the site's adjacency to Branched Oak Lake and the recreational uses there, the applicant coordinated with the Nebraska Game and Parks Commission. The developer agreed to a 600-foot non-buildable setback along the north lot line of the property to address adjacent recreational uses with no additional setback beyond the zoning requirements for the east property line. It was noted that there are competitive dog events north and east of the CUP boundary. The developer intends to inform prospective buyers about the

competitive dog events occurring to the north and east. The non-buildable setback along the north lot line overlaps Outot A which is designated for open space and agricultural uses.

7. The application submittal included well data for registered wells that are within the vicinity of the proposed CUP and a groundwater report. This is a requirement of the preliminary plat regulations to have a water study for the AG CUP development. The groundwater data indicates there is adequate groundwater and the proposed five new dwelling lots with the CUP will not negatively affect the existing groundwater supply.
8. The Comprehensive Plan states that proposals for acreage development should be evaluated on factors such as:
  - a. Paved roads: The site is located adjacent to W Branched Oak Road which is a paved county road. All five of the CUP lots will be accessed from an interior private street that is north-south primary street for the CUP. This street is in the same location as the 60' public access and utility easement that was established with the Ag Preservation plat that is to be vacated with MISC26002.
  - b. Adequate water quality and quantity: The ground water analysis report indicates that adequate water quantity should be available to support individual domestic water wells within this proposed development. However, Health Department noted that the proposed lots are not located within a known groundwater reservoir area, so the developer should consider drilling test wells on individual lots to confirm that adequate quantity of water is available to support domestic needs. This is a recommendation for developer consideration and not a requirement.
  - c. Soil conditions for on-site wastewater: LLCHD did not comment regarding any concerns about the soils. The wastewater will be handled by means of individual systems.
  - d. Emergency services: These services are provided by the Lancaster County Sheriff and Malcolm Fire District.
  - e. Pattern of existing acreages: There are only a few homes in the vicinity. This is due to Nebraska Game and Parks Commission ownership of most of the surrounding property for Branched Oak Lake. The nearest existing homes include one home approximately ½ mile to the west on W Branched Oak Lake Rd and one home about ½ mile away to the west on NW 140<sup>th</sup> Street. The adjacent neighboring properties are either State Recreation Area or agricultural use.
10. The proposed development meets the goals of the Comprehensive Plan of clustering lots while preserving agricultural land and grouping acreages together.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Undeveloped Lots, Outlot for Agricultural Use      AG Agricultural

**SURROUNDING LAND USE & ZONING**

North: Open Space (Branched Oak Lake)	AG Agricultural
South: Open Space (Branched Oak Lake)	AG Agricultural
East: Open Space (Branched Oak Lake)	AG Agricultural
West: Agricultural	AG Agricultural

**APPROXIMATE LAND AREA:** 80.0 Acres

**LEGAL DESCRIPTION:**      Lots 1-4, Outlots A and B, The Preserve at Branched Oak Addition, located in the SE ¼ of Section 30-12-05

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

Date: March 5, 2026

Applicant/  
Contact: Noah Chesnut, REGA Engineering

Owner: Lucas C Burbach

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/26000/SP26009 Blackhorn Preserve.gjw.docx>

## CONDITIONS OF APPROVAL – SPECIAL PERMIT #26009

Per Article 14 of the Lancaster County Zoning Regulations this approval permits a Community Unit Plan with 5 dwelling units.

### Site Specific Conditions:

1. The County Board approves associated request:
  - 1.1 Miscellaneous 26002 plat vacation of The Preserve at Branched Oak Addition.
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:
  - 2.1 Revise Special Permit number to SP26009.
  - 2.2 Show building setback lines for all lots.
  - 2.3 Change street name to NW 127<sup>th</sup> and with a cul de sac suffix.
  - 2.4 Remove the one listed waiver.
  - 2.5 Identify use of Outlot C for Development Sign.
  - 2.6 Add 10 ft utility easement to all four property lines of each lot.
  - 2.7 In the General Notes, add a statement, “The existing ditch/drainageway along W Branched Oak Road, previous constructed, will be regraded to meet Lancaster County Design Standards”.
  - 2.8 Rectify survey information for Lot 5 so that it closes.
  - 2.9 Provide additional drainage information per 2/26/2026 County Engineer comments.
  - 2.10 Revise the private roadway profile to show the required -2.00% slope away from Branched Oak Road.
  - 2.11 Show a minimum sight distance of 495 feet west and 250 feet east of the proposed roadway on the West Branched Oak Road profile,
  - 2.12 Clarify proposed grading on Lot 17, which is outside the limits of the CUP.
  - 2.13 Revise plat to show the cul-de-sac at the northern end of the private street entirely within the private roadway outlot.
  - 2.14 Revise the overlapping contours on Sheet 4, just below the circled “B” marked 1330 and 1325.
3. Final plat(s) is/are approved by the County.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the county may require that a new community unit plan be submitted, pursuant to all the provisions of Article 14. A new community unit plan may be required if the

subdivision ordinance or the required improvements have been amended by the county; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the private roadways, land preparation and grading, sediment and erosions control measures and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Lancaster County Subdivision Regulations.

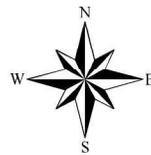
Before the approval of a final plat, the existing ditch that was constructed along the north side of Branched Oak Road as part of the plat “The Preserve at Branched Oak” must be regraded to match the typical Lancaster County roadway cross section.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall substantially comply he approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
  - 4.3 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.
  - 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.5 Permittee should obtain a certified copy of this resolution from the County Clerk’s Office and file it with the Register of Deeds Office.



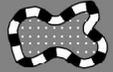
**Special Permit #: SP26009 &  
Miscellaneous #: MISC26002  
NW 140th St & W Branched Oak Rd**

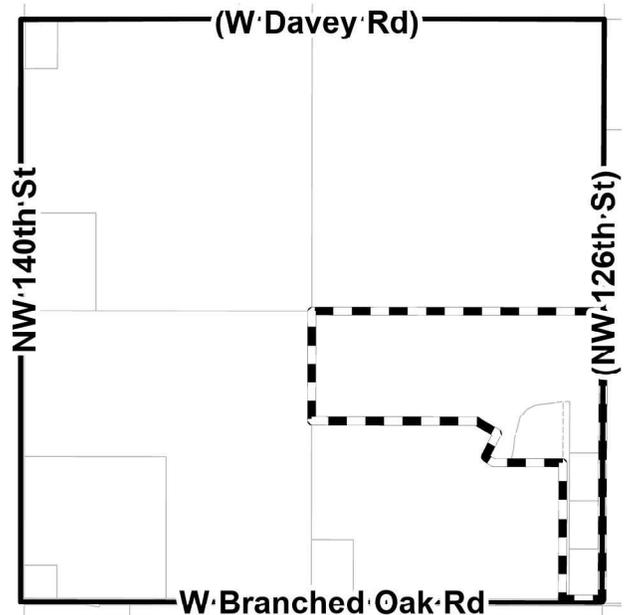


**One Square Mile:  
Sec.30 T12N R05E**

**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
44	



**BLACKHORN PRESERVE**  
COMMUNITY UNIT PLAN / SPECIAL PERMIT #261009  
RAYMOND, NEBRASKA

**SHEET LEGEND:**

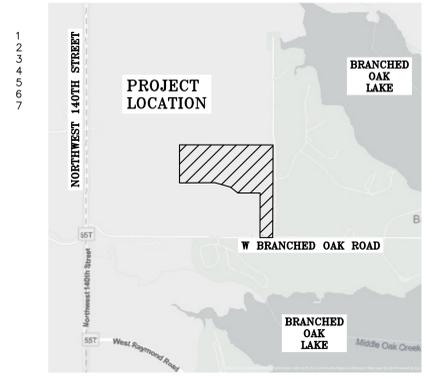
SITE PLAN  
EXISTING GRADING AND DRAINAGE PLAN  
PROPOSED GRADING AND DRAINAGE PLAN NORTH  
PROPOSED GRADING AND DRAINAGE PLAN SOUTH  
EROSION CONTROL PLAN  
EROSION CONTROL NOTES  
PLAN AND PROFILE



SCALE 1" = 120'

**LEGEND**

- C.U.P. BOUNDARY
- SECTION LINE
- SETBACK LINE
- EASEMENT LINE
- ROADWAY CENTERLINE



VICINITY MAP  
SEC.30, TN12N, R5E



**GENERAL NOTES:**

- THIS COMMUNITY UNIT PLAN CONTAINS 80.01 ACRES AND PERMITS 5 SINGLE FAMILY ACREAGE LOTS.
- THE CURRENT ZONING IS AG.
- THE HEIGHT, AREA AND SETBACK REGULATIONS SHALL COMPLY WITH LANCASTER COUNTY AGR DISTRICT ZONING REGULATIONS.
- ALL LOTS SHALL MAKE USE OF INDIVIDUAL WATER WELLS FOR POTABLE WATER SUPPLY. INDIVIDUAL WATER WELLS FOR EACH LOT TO BE CONSTRUCTED IN SUCH A MANNER THAT AN ADEQUATE SUPPLY OF POTABLE WATER MEETING THE CURRENT STANDARDS OF THE DEPARTMENT OF HEALTH OF THE STATE OF NEBRASKA FOR DRINKING PURPOSES IS AVAILABLE TO EVERY LOT WITHIN THE SUBDIVISION AT THE TIME IMPROVEMENTS ARE ERECTED THEREON. ALL WATER WELLS SHALL BE CONSTRUCTED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE HEALTH DEPARTMENT.
- ALL LOTS TO HAVE THEIR OWN INDIVIDUAL SEPTIC SYSTEM TO BE LOCATED ON THE INDIVIDUAL LOTS AND SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT. IF PERCOLATION TEST DOES NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED.
- ALL DRIVEWAY ACCESS APPROACHES TO THE PROPOSED PRIVATE ROADWAY SHALL BE CONSTRUCTED ACCORDING TO LANCASTER COUNTY ENGINEERING DEPARTMENT GUIDELINE STANDARDS.
- INTERSECTION RADII TO BE 30' UNLESS OTHERWISE NOTED.
- ALL INTERSECTION ANGLES SHALL BE 90° ± 10' UNLESS OTHERWISE NOTED.
- ALL ELEVATIONS ARE BASED ON NAVD 1988.
- LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
- LOCATIONS AND DISTANCE OF UTILITY EASEMENTS TO BE DETERMINED AT TIME OF FINAL PLAT.
- EACH LOT SHALL BE LIMITED TO ONE RESIDENTIAL ACCESS AND ONE ACCESSORY DRIVE ONTO THE PROPOSED PRIVATE ROADWAY.
- DIRECT VEHICULAR ACCESS TO WEST BRANCHED OAK ROAD IS HEREBY RELINQUISHED EXCEPT FOR PROPOSED PRIVATE ROADWAY.
- DEVELOPER SHALL INSTALL STREET SIGNS AS REQUIRED BY LANCASTER COUNTY STANDARDS.
- THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PROPOSED PRIVATE ROADWAY PER LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL.
- GRADING SHALL EXTEND AROUND ALL CUL-DE-SACS. THE DEVELOPER SHALL NOTIFY ALL PURCHASERS THAT DITCHES MAY NOT BE FILLED IN.
- ALL CULVERTS SHALL HAVE A FLARED END SECTION. GRADING SHALL BE CONSTRUCTED TO ALLOW FOR PROPER DRAINAGE THROUGH CULVERTS.
- PERMANENT EASEMENTS SHALL BE SHOWN ON FINAL PLAT FOR CULVERTS THAT EXTEND PAST RIGHT-OF-WAY.
- ALL ROADWAYS TO BE PRIVATE, AND MAINTENANCE IS TO BE THE RESPONSIBILITY OF THE DEVELOPER.
- DEVELOPMENT SIGNS NEED NOT BE SHOWN ON THIS PLAN. DEVELOPER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY PLANNING AND DEVELOPMENT DEPARTMENT PRIOR TO INSTALLATION. TRAFFIC SIGNS SHALL BE PROVIDED AND INSTALLED BY DEVELOPER.
- THE DEVELOPER IS REQUIRED TO PROVIDE ALL TESTING RELATED TO IMPROVEMENT INSTALLATION IN COMPLIANCE WITH LANCASTER COUNTY DESIGN STANDARDS AND LANCASTER COUNTY ENGINEERING DEPARTMENT SHALL RECEIVE REPORTS OF ALL TESTS RESULTS FOR GRADE, COMPACTION AND LOAD TICKET REPORTS TO VERIFY QUANTITY OF ROCK AND GRAVEL ROAD SURFACE MATERIAL INSTALLED.
- THE DEVELOPER AGREES TO INSTALL THE NECESSARY EROSION SEDIMENT CONTROL MEASURES AND SHALL CONFORM TO THE LANCASTER COUNTY DESIGN STANDARDS.
- ALL CUT OR FILL SLOPES SHALL BE 3:1 OR FLATTER.

**ENGINEERS CERTIFICATE:**

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF NEBRASKA. THESE PLANS MEET THE REQUIREMENTS OF THE CITY ENGINEERS OFFICE DESIGN REQUIREMENT..

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

NATHANIEL BURNETT E-15612

**SURVEYORS CERTIFICATE:**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

KYLE E. CATT LS 609

**LEGAL DESCRIPTION:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30 TOWNSHIP 12 NORTH RANGE 05 EAST OF THE 6TH / PRINCIPAL MERIDIAN, LANCASTER COUNTY NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER, THENCE ON THE SOUTH LINE OF SAID QUARTER N89° 53' 54"W A DISTANCE OF 360.12' TO A POINT ON THE SAID SOUTH LINE; THENCE N00° 13' 02"E A DISTANCE OF 1271.67'; THENCE N89° 53' 58"W A DISTANCE OF 628.24'; THENCE N57° 48' 36"W A DISTANCE OF 79.53'; THENCE N40° 49' 36"W A DISTANCE OF 14.13'; THENCE N28° 05' 11"E A DISTANCE OF 240.62'; THENCE N61° 24' 35"W A DISTANCE OF 183.85'; THENCE N89° 56' 54"W A DISTANCE OF 31.50'; THENCE N89° 56' 40"W A DISTANCE OF 1426.98' TO A POINT ON THE WEST LINE OF SAID QUARTER; THENCE ON SAID LINE N00° 04' 36"E A DISTANCE OF 1001.76' TO THE NORTHWEST CORNER OF SAID QUARTER; THENCE ON THE NORTH LINE OF SAID QUARTER S89° 56' 07"E A DISTANCE OF 2643.31' TO THE NORTHEAST CORNER OF SAID QUARTER; THENCE ON THE EAST LINE OF SAID QUARTER S00° 12' 49"W A DISTANCE OF 2645.82' TO THE POINT OF BEGINNING. DESCRIBED TRACT CONTAINS 3,485,279 SQ. FEET OR 80.01 ACRES, MORE OR LESS.

**C.U.P. CALCULATIONS:**

AC ZONING  
TOTAL AREA = 80.01 ACRES  
OPEN SPACE = 59.98 ACRES

OPEN SPACE = 74.97% OF TOTAL

25% DWELLING UNIT BONUS

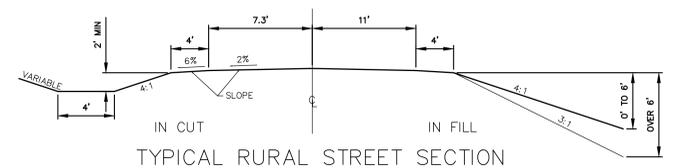
79.59 / 20 = 4 UNITS

4 UNITS \* 25% BONUS = 1 UNIT

4 UNITS + 1 UNIT = 5 DWELLING UNITS

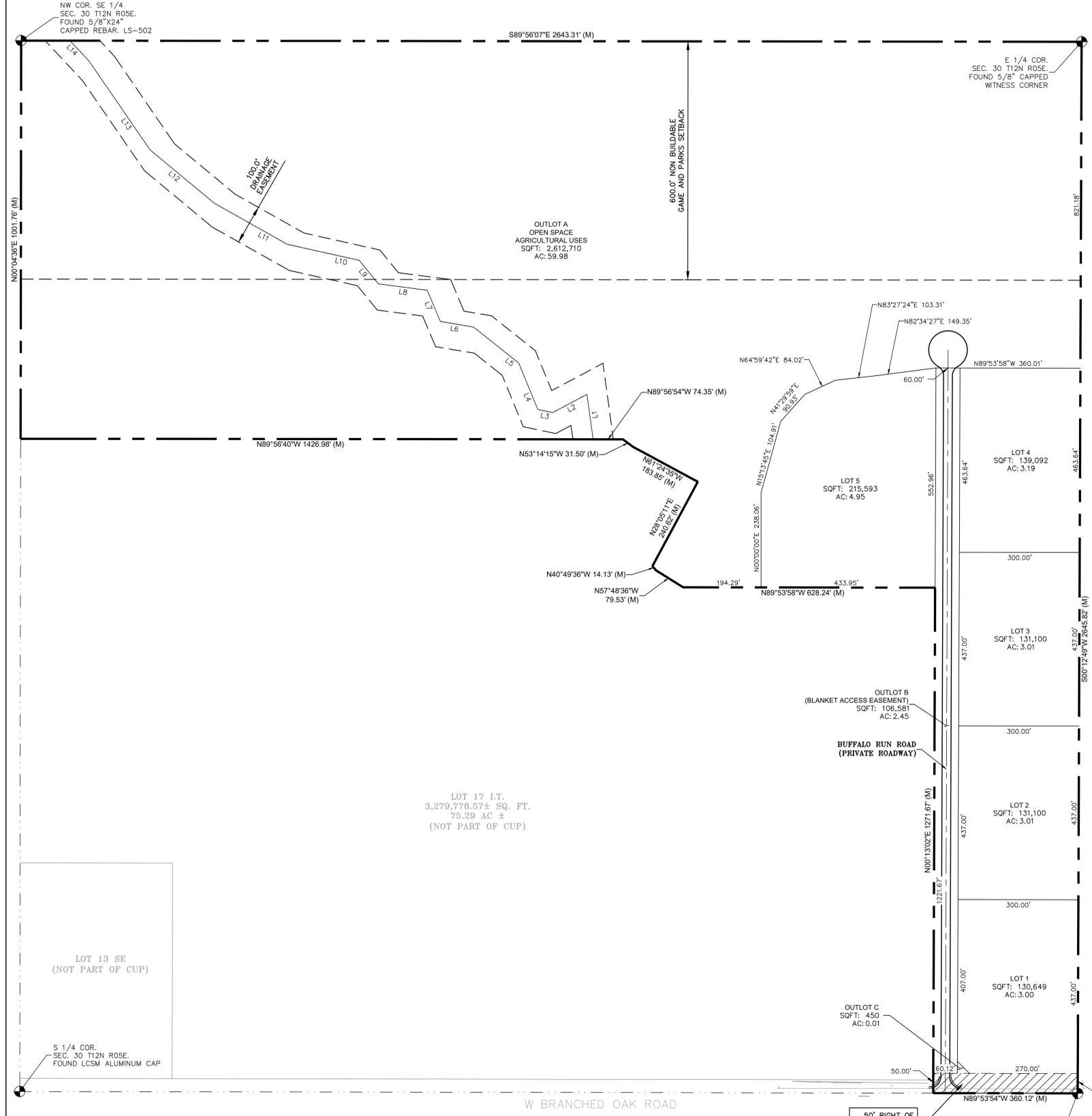
**DRAINAGE EASEMENT METES AND BOUNDS:**

Line #	Direction	Length
L1	N07°42'38"W	114.09'
L2	S61°42'59"W	97.02'
L3	N78°00'46"W	37.88'
L4	N22°08'19"W	126.02'
L5	N51°11'59"W	144.84'
L6	N80°22'12"W	83.66'
L7	N22°45'48"W	85.11'
L8	N82°31'01"W	122.59'
L9	N38°55'12"W	76.14'
L10	N77°16'42"W	183.86'
L11	N60°24'20"W	208.85'
L12	N50°01'48"W	209.49'
L13	N34°14'39"W	270.24'
L14	N42°49'45"W	69.80'



**WAIVERS:**

- BLOCK LENGTH AND CROSS WALK (COUNTY SUBDIVISION REGULATIONS, CHAPTER 4, SECTION 4.07)



**SECTION CORNER INFORMATION**

- |  |  |   |  |
|--|--|---|--|
| <b>E 1/4 COR. SEC-30-T12N-R05E:</b><br>FOUND 5/8" REBAR W/CAP (WITNESS CORNER SOUTH 15.00' OF TRUE POSITION - TIES TO WITNESS)<br>1) N 30.00' TO 5/8" REBAR W/CAP<br>2) NE 100.95' TO 3/4" PIPE W/CAP HYDRANT.<br>3) ESE 104.17' TO 5/8" REBAR | <b>SE COR. SEC-30-T12N-R05E:</b><br>FOUND LCSM ALUM. CAP<br>1) S 32.72' TO 1/2" CAP<br>2) SW 77.15' TO MAG NAIL IN TOP OF CONC. WITNESS MON.<br>3) N 32.79' 5/8" REBAR | <b>S 1/4 COR. SEC-30-T12N-R05E:</b><br>FOUND LCSM ALUM. CAP<br>1) N 32.69' TO MAG NAIL IN TOP OF CONC. WITNESS MON.<br>2) N 32.79' 5/8" REBAR | <b>NW COR. OF SE 1/4 SEC-30-T12N-R05E:</b><br>FOUND 5/8"x24" CAPPED REBAR (LS-502)<br>1) NNW 8.60' TO MAG NAIL IN TOP FF<br>2) SE 10.81' TO NAIL IN 8" DEC. TREE |
|--|--|---|--|

PROJECT  
251347

**REGA ENGINEERING**  
601 OLD CHENEY RD., SUITE A  
LINCOLN, NEBRASKA 68512  
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

ISSUED FOR	DATE
PLANNING SUBMITTAL	02/18/26

BLACKHORN PRESERVE  
COMMUNITY UNIT PLAN / SPECIAL PERMIT #261009  
SITE PLAN  
NORTH 126TH STREET AND WEST BRANCHED OAK ROAD  
RAYMOND, NE

DATE: 02/18/2026  
DESIGNED BY: NBC  
DRAWN BY: NBC  
CHECKED BY: NB

**PRELIMINARY**  
NOT FOR CONSTRUCTION

REGA ENGINEERING GROUP INC.  
NE STATE CERTIFICATE OF AUTHORIZATION CA-1678

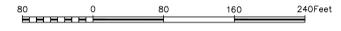
SHEET NO.  
1 of 7



**BLACKHORN PRESERVE**  
 COMMUNITY UNIT PLAN / SPECIAL PERMIT #261009  
 RAYMOND, NEBRASKA

**LEGEND**

- - - - - C.U.P. BOUNDARY
- - - - - EXISTING MAJOR CONTOURS
- - - - - EXISTING MINOR CONTOURS
- 1350 — PROPOSED MAJOR CONTOURS
- 1350 — PROPOSED MINOR CONTOURS
- - - - - DRAINAGE BASIN BOUNDARY
- - - - - FLOW PATH
- - - - - - DIRECTION OF FLOW



PROJECT  
251347

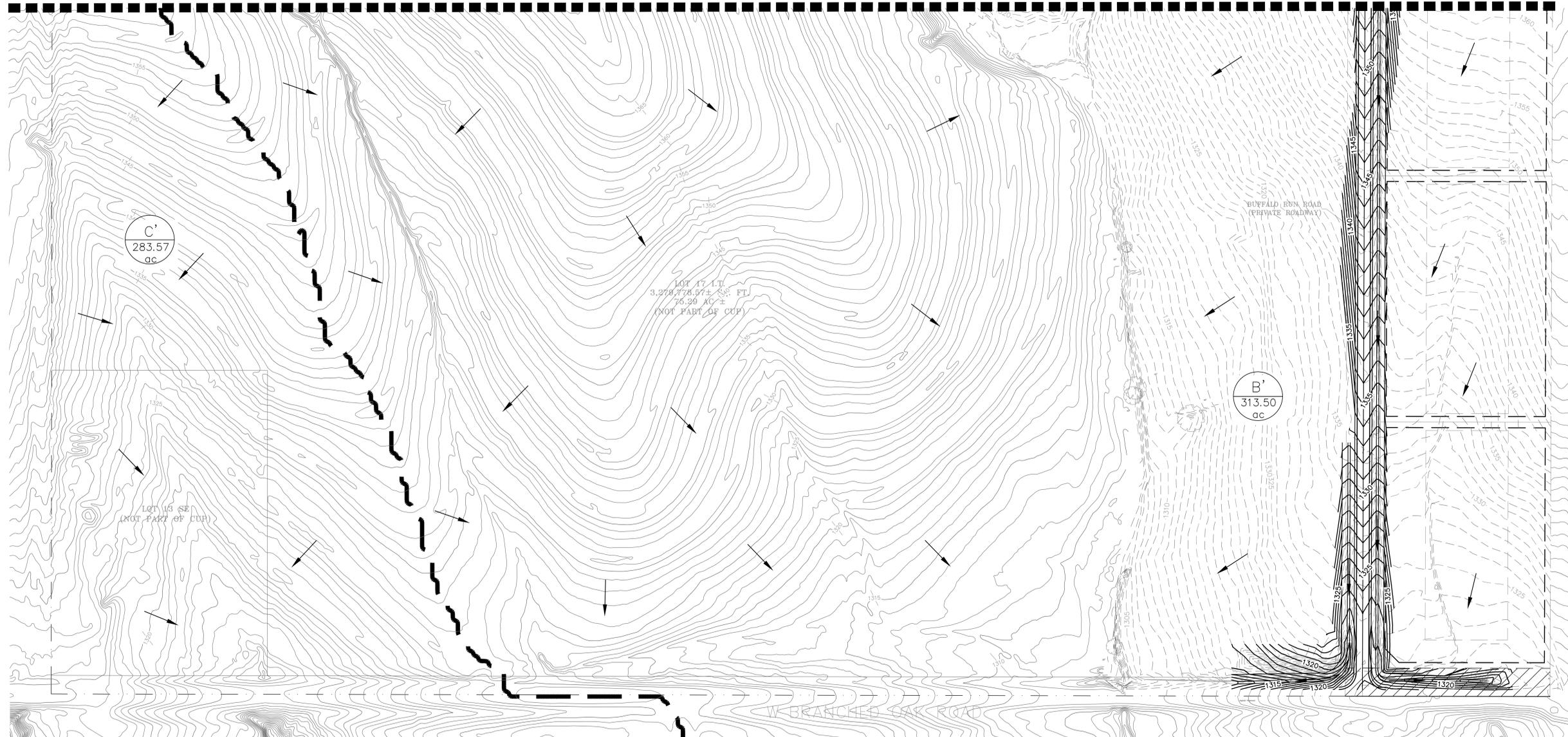
**REGA ENGINEERING**

601 OLD CHENEY RD., SUITE A  
 LINCOLN, NEBRASKA 68512  
 (402) 484.7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING
- IRRIGATION

ISSUED FOR	DATE
PLANNING SUBMITTAL	02/18/26

MATCHLINE SEE SHEET 3



BLACKHORN PRESERVE  
 COMMUNITY UNIT PLAN / SPECIAL PERMIT #261009  
 PROPOSED GRADING & DRAINAGE PLAN SOUTH  
 NORTH 126TH STREET AND WEST BRANCHED OAK ROAD  
 RAYMOND, NE

**EXISTING DRAINAGE CALCULATIONS:**

<b>A</b>	<b>B</b>	<b>C</b>
DRAINAGE AREA = 170.25 ACRES	DRAINAGE AREA = 313.50 ACRES	DRAINAGE AREA = 283.57 ACRES
CN = 73	CN = 77	CN = 76
TC = 110.12 MIN.	TC = 221.06 MIN.	TC = 266.89 MIN.
Q <sub>2</sub> = 47 CFS	Q <sub>2</sub> = 67 CFS	Q <sub>2</sub> = 50 CFS
Q <sub>10</sub> = 107 CFS	Q <sub>10</sub> = 140 CFS	Q <sub>10</sub> = 105 CFS
Q <sub>100</sub> = 252 CFS	Q <sub>100</sub> = 306 CFS	Q <sub>100</sub> = 234 CFS
<b>LAND USE</b>	<b>LAND USE</b>	<b>LAND USE</b>
UNDEVELOPED, GRASSLAND/ HSG C	AGRICULTURAL, CULTIVATED CROPS/ HSG C	AGRICULTURAL, CULTIVATED CROPS/ HSG C
UNDEVELOPED, DECIDUOUS FOREST/ HSG C	UNDEVELOPED, GRASSLAND/ HSG C	UNDEVELOPED, GRASSLAND/ HSG C
OPEN WATER/ HSG C	DEVELOPED, OPEN SPACE/ HSG C	DEVELOPED, OPEN SPACE/ HSG C
	OPEN WATER/ HSG C	OPEN WATER/ HSG C

**PROPOSED DRAINAGE CALCULATIONS:**

<b>A'</b>	<b>B'</b>	<b>C'</b>
DRAINAGE AREA = 170.25 ACRES	DRAINAGE AREA = 313.50 ACRES	DRAINAGE AREA = 283.57 ACRES
CN = 73	CN = 78	CN = 77
TC = 110.12 MIN.	TC = 221.06 MIN.	TC = 266.89 MIN.
Q <sub>2</sub> = 47 CFS	Q <sub>2</sub> = 70 CFS	Q <sub>2</sub> = 50 CFS
Q <sub>10</sub> = 107 CFS	Q <sub>10</sub> = 143 CFS	Q <sub>10</sub> = 105 CFS
Q <sub>100</sub> = 252 CFS	Q <sub>100</sub> = 310 CFS	Q <sub>100</sub> = 234 CFS
<b>LAND USE</b>	<b>LAND USE</b>	<b>LAND USE</b>
UNDEVELOPED, GRASSLAND/ HSG C	AGRICULTURAL, CULTIVATED CROPS/ HSG C	AGRICULTURAL, CULTIVATED CROPS/ HSG C
UNDEVELOPED, DECIDUOUS FOREST/ HSG C	UNDEVELOPED, GRASSLAND/ HSG C	UNDEVELOPED, GRASSLAND/ HSG C
OPEN WATER/ HSG C	DEVELOPED, OPEN SPACE/ HSG C	DEVELOPED, OPEN SPACE/ HSG C
	OPEN WATER/ HSG C	OPEN WATER/ HSG C
	3' ACRE LOTS, 4% IMP. LOTS, HSG C	

DATE: 02/18/2026  
 DESIGNED BY: NBC  
 DRAWN BY: NBC  
 CHECKED BY: NB





February 18, 2026

David Cary  
George Wesselhoft, Planner II  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Reference: Blackhorn Preserve  
REGA Engineering File: 251347

Dear Mr. Cary,

On behalf of Lucas Burbach, we are submitting a AG Community Unit Plan. The site is currently zoned AG (Agricultural), and no rezoning is proposed. Blackhorn Preserve encompasses approximately 80 acres.

The application proposes five single-family acreage lots, each with a minimum of 3 acres, plus three outlots. One outlot is designated for agricultural use, while the other two will support the proposed private roadway and monument sign. Each lot will be served by individual water wells and septic systems.

Existing well information, obtained from the NDNR Groundwater Well Registration – Registered Groundwater Wells Data Retrieval, will be uploaded to ProjectDox. Additionally, a new well has been installed within the proposed development area, and its information will also be included in the upload.

The site currently supports agricultural uses, with continued agricultural uses to the south. To the north and west, the property abuts land owned and managed by the Nebraska Game and Parks Commission for Branched Oak Lake (a state recreation area). The proposed development will not affect access to the farm located south of the site. Access to the development will be maintained via West Branched Oak Road.

Given the site's adjacency to Nebraska Game and Parks Commission property used for recreational purposes (including competitive dog events north and east of the boundary), we have coordinated with the Commission. Through discussions with Pat Molini, Assistant Division Administrator, Nebraska Game & Parks Commission, the parties agreed that a 600-foot non-buildable setback is appropriate along the north lot line of the property to address the adjacent recreational uses. No non-buildable setback is required along the east property line.

To ensure transparency, the developer will inform prospective buyers—both now and in the future—about the competitive dog events occurring north and east of the boundary.

The subject development is part of a 313.50 acres drainage basin and the increase in runoff to the overall basin was negligible. The property consist of a drainage easement towards the northwest portion of the property along the waterway to ensure that future development is not impacted by the water flowing from upstream and is safe from 100-Year event.



In accordance with County Zoning Regulations, Article 14, Section 14.003 this proposed subdivision has been designed per the requirements laid out thereunto. No height or area regulations are being proposed as each lot proposed for residential use is less than 5 acres and thus may adhere to the AGR zoning district requirements. 59.98 acres or 74.97% of the total site will be designated as open space for the purpose of agricultural use and will allow for a 25% dwelling unit bonus. Given these factors we are only proposing 2 waivers.

The Following Waivers are being requested within this application:

1. Block length and Cross Walk (County Subdivision Regulations, Chapter 4, Section 4.07)  
Given that this development is in the country and we will not be having any sidewalks we proposed we be allowed a longer block length than county regulations require without the need to have specified outlots for pedestrian access. There will be no sidewalk so no access is required.

Sincerely,

A handwritten signature in black ink that reads 'Noah Chesnut'.

Noah Chesnut  
Land Development Planner

Cc: Lucas Burbach  
Nathaniel Burnett

Enclosures: County Application Form  
CUP Application Fee of \$2,166.00  
Legal Description



**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	FINAL ACTION?	DEVELOPER/OWNER
Miscellaneous #26002	No	Lucas C Burbach
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	PROPERTY ADDRESS/LOCATION
March 18, 2026	SP26009	W Branched Oak Rd east of NW 140 <sup>th</sup> St

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This request is to vacate the final plat of The Preserve at Branched Oak Addition. The plat vacation will allow the proposed community unit plan of Blackhorn Reserve (SP26009).



**JUSTIFICATION FOR RECOMMENDATION**

Vacating the final plat will allow the owner to do the community unit plan which will add one additional dwelling lot than the current plat.

**APPLICATION CONTACT**

Noah Chesnut, (402) 413-1038 or  
noah@regaeng.com

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The plat vacation is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

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

The Rural Environment. Focus on agriculture. Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses. Acknowledge the fundamental "right to farm" in agriculture districts.

## ANALYSIS

1. This request is to vacate the plat of The Preserve at Branched Oak Addition. The reason for the vacation is to allow the separate SP26009 application for an AG Community Unit Plan (CUP).
2. The Preserve at Branched Oak Addition was approved under the conditions of AG Preservation per Lancaster County Zoning Section 4.016. One condition is that the lot(s) cannot exceed 25% of the total area of the final plat. The overall acres in this plat are 80 acres. There are 4 lots, three of these are 3 acres in size with one 5 acres in size. Outlot A is 63 acres in size.
3. The Preserve at Branched Oak Addition was approved with 4 lots for dwellings. The maximum allowed under the AG Preservation is 1 dwelling unit per 20 acres and there are no density bonuses allowed.
4. The applicant is proposing an AG Community Unit Plan through SP25009. The CUP allows for a density bonus of 25% where the CUP preserves at least 70% of the land for an outlot to be used as open space. In the case of the proposal CUP, 74% of the total area will be open space. Therefore, 1 additional dwelling unit is allowed for a total of 5 dwelling units.
5. An AG Preservation final plat was one option for this property to be able to plat dwelling lots that are less than 20 acres. The AG District requires a minimum lot size of 20 acres. There are three ways under the Lancaster County Zoning Regulations to do lots less than 20 acres, including a farmstead split, AG Preservation or AG Community Unit Plan. In this case, there is no existing house, so a farmstead split was not an option. Though the original developer was made aware and could have done an AG CUP, which requires 75 acres minimum, they chose to do the AG Preservation.
6. The final plat dedicated additional right-of-way along W Branched Oak Road. With the vacation of the final plat, the street right-of-way will also be vacated, unless the Lancaster County Board of Commissioners chooses to retain the right-of-way as a condition of approval. The County Engineering Department did not request this as a condition as the right-of-way will be included with the CUP and final plat.
7. Utility easements are vacated when a final plat is vacated. The easements on this plat include the 60' public access and utility easement and 10' perimeter utility easements for the lots. Norris Public Power District did not object to vacating the utility easements with this plat vacation as they will be provided for in the community unit plan and final plat.
8. The plat vacation will allow for the proposed AG CUP of Blackhorn Reserve, which is also consistent with the

AG zoning and the Comprehensive Plan.

**EXISTING LAND USE & ZONING:** Undeveloped Lots, Outlot for Agricultural Use      AG Agricultural

**SURROUNDING LAND USE & ZONING**

North: Open Space (Branched Oak Lake)	AG Agricultural
South: Open Space (Branched Oak Lake)	AG Agricultural
East: Open Space (Branched Oak Lake)	AG Agricultural
West: Agricultural	AG Agricultural

**APPROXIMATE LAND AREA:** 80.0 Acres

**LEGAL DESCRIPTION:**      Lots 1-4, Outlots A and B, The Preserve at Branched Oak Addition, located in the SE ¼ of Section 30-12-05

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

Date:              March 5, 2026

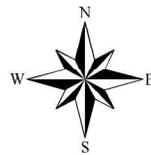
Applicant/  
Contact:          Noah Chesnut, REGA Engineering

Owner:            Lucas C Burbach

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/26000/MISC26002 Plat Vacation.docx>



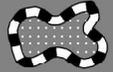
**Special Permit #: SP26009 &  
Miscellaneous #: MISC26002  
NW 140th St & W Branched Oak Rd**

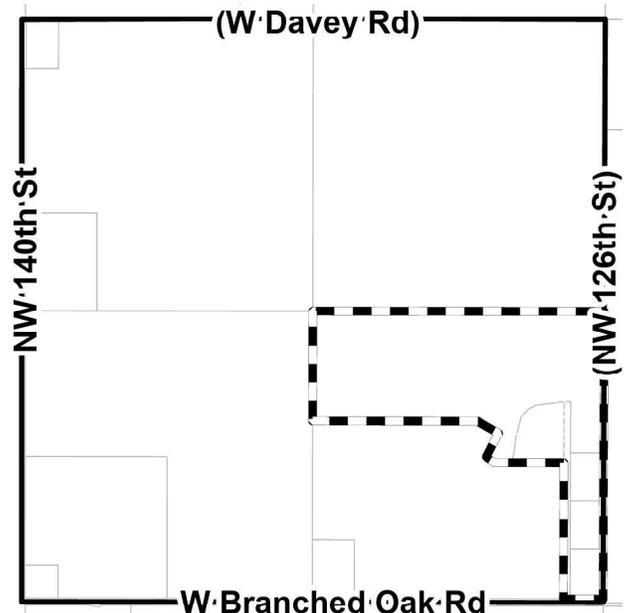


**One Square Mile:  
Sec.30 T12N R05E**

**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
53	



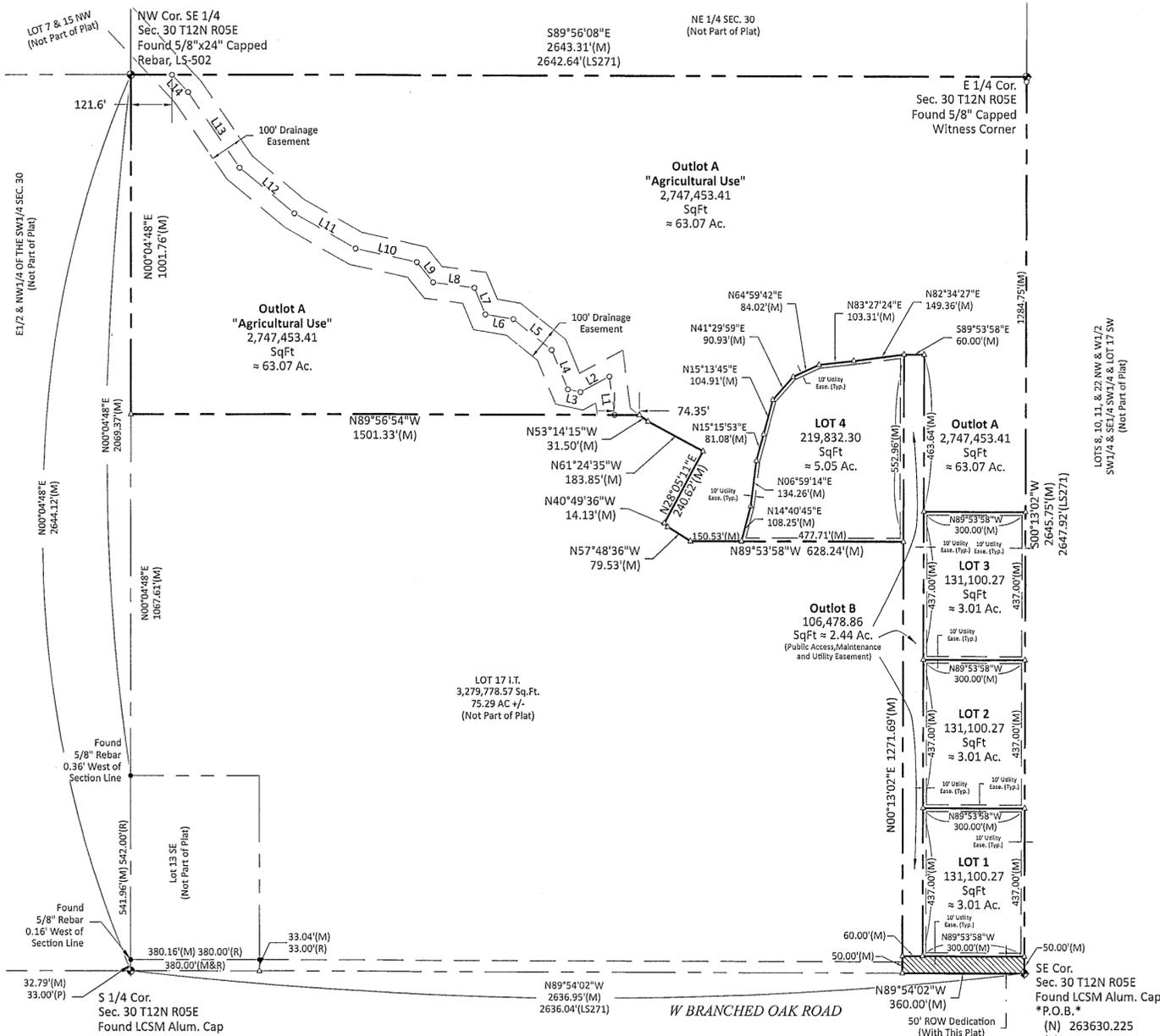
# THE PRESERVE AT BRANCHED OAK ADDITION

## FINAL PLAT

Inst # 2025023236 Fri Jul 18 13:45:10 CDT 2025  
 Filing Fee: \$28.00  
 Lancaster County, NE Assessor/Register of Deeds Office PLAT  
 Pages 1

#6470

TH PR BROA



### FINAL PLAT DEDICATION

THE FOREGOING PLAT, KNOWN AS THE PRESERVE AT BRANCHED OAK ADDITION, AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED, THE SOLE OWNER, AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO LANCASTER COUNTY, NEBRASKA, A MUNICIPAL CORPORATION; WINDSTREAM NEBRASKA, INC.; TIME WARNER CABLE MIDWEST, LLC; BLACK HILLS ENERGY; AND NORRIS PUBLIC POWER DISTRICT, THEIR SUCCESSOR, ASSIGNS AND PERMITS; TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR THE DISTRIBUTION OF ELECTRICITY AND GAS; TELEPHONE AND CABLE TELEVISION; WASTEWATER COLLECTORS; STORM DRAINS; WATER MAINS AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT.

### LIEN HOLDER CONSENT AND SUBORDINATION

THE UNDERSIGNED, HOLDER OF THAT CERTAIN DEED OF TRUST AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS THE PRESERVE AT BRANCHED OAK ADDITION (HEREINAFTER "PLAT"), SAID DEED OF TRUST BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF SARY COUNTY, NEBRASKA AS INSTRUMENT (2024037445) (HEREINAFTER "LIEN"), DOES HEREBY CONSENT TO THE DEDICATION OF AND SUBORDINATE THE LIEN TO ANY UTILITY EASEMENTS, STREETS, ROADS, ACCESS EASEMENTS, AND RELINQUISHMENTS OF ACCESS DEDICATED TO THE PUBLIC, ALL AS SHOWN ON THE PLAT, BUT NOT OTHERWISE. THE UNDERSIGNED CONFIRMS THAT IT IS THE HOLDER OF THE LIEN AND HAS NOT ASSIGNED THE LIEN TO ANY OTHER PERSON.

### Midwest Bank

By: Travis Gunderson

(Printed Name): Travis Gunderson

Title: Vice President

THE CONSTRUCTION OR LOCATION OF ANY FENCE OR OTHER IMPROVEMENT WHICH OBSTRUCTS DRAINAGE SHALL BE PROHIBITED OVER, UPON, OR UNDER ANY STORM DRAIN EASEMENTS OR DRAINAGE EASEMENT SHOWN THEREON.

LANCASTER COUNTY, NEBRASKA, ITS SUCCESSORS, ASSIGNS, AND PERMITEES ARE HEREBY HELD HARMLESS FOR THE COST OF REPLACEMENT OR DAMAGE TO ANY IMPROVEMENT OR VEGETATION OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON.

THE RIGHT-OF-WAY SHOWN THEREON IS HEREBY DEDICATED TO THE PUBLIC.

THE PUBLIC ACCESS, MAINTENANCE AND UTILITY EASEMENT SHOWN HEREON (OUTLOT B) SHALL BE FOR PUBLIC ACCESS AND THE PUBLIC IS HEREBY GRANTED THE RIGHT OF SUCH USE. ALL LOTS AND OUTLOTS WITH ACCESS TO THIS EASEMENT ARE HEREBY GRANTED THE RIGHT TO MAINTAIN, REPAIR, OR REBUILD THE DRIVEWAY WITHIN THIS ACCESS EASEMENT AS NECESSARY.

THE RIGHT OF DIRECT VEHICULAR ACCESS TO WEST BRANCHED OAK ROAD IS HEREBY RELINQUISHED EXCEPT AT THE ENTRANCE POINT OF THE ACCESS AND UTILITY EASEMENT SHOWN HEREON.

EACH LOT IS ALLOWED 2 ACCESS POINTS AND THEY SHALL BE ONTO THE ACCESS AND UTILITY EASEMENT SHOWN HEREON.

WITNESS MY HAND,

Devon Wegner  
 Devon Wegner, (Manager)  
 AG Land Holdings LLC, a Nebraska Limited Liability Company

### ACKNOWLEDGMENT OF NOTARY

State of Nebraska )  
 ) ss  
 Lancaster County )



THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 18 DAY OF July, 2025 BY: Travis Gunderson ON BEHALF OF MIDWEST BANK, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY

Shawn Morrison  
 NOTARY PUBLIC

MY COMMISSION EXPIRES THE 19 DAY OF July, 2029

### ACKNOWLEDGMENT OF NOTARY

State of Nebraska )  
 ) ss  
 Lancaster County )



ON THIS 18 DAY OF July, 2025 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME TO ME, DEVON WEGNER (MANAGER - AG LAND HOLDINGS LLC), KNOWN TO BE THE IDENTICAL PERSON, WHOSE NAME IS FIXED TO THE DEDICATION OF THE FINAL PLAT AND THEY ACKNOWLEDGE THE SAME TO BE THEIR VOLUNTARY ACT AND DEED, ON BEHALF OF AG LAND HOLDINGS LLC.

Shawn Morrison  
 NOTARY PUBLIC

MY COMMISSION EXPIRES THE 19 DAY OF July, 2029

### SURVEYOR'S CERTIFICATE:

I, PAUL A. CATLETT, NEBRASKA REGISTERED LAND SURVEYOR NO. 761, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT; THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION; THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS, MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT, AND IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR SURVEYS IN NEBRASKA IN EFFECT AT THE TIME OF THIS SURVEY.

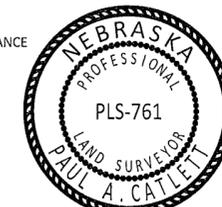
I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED THE FINAL PLAT TO BE KNOWN AS THE PRESERVE AT BRANCHED OAK ADDITION; A TRACT OF LAND CONSISTING OF I.T. LOT 16 SE, LOCATED IN THE SE 1/4 OF SECTION 30, T12N, R05E OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 80.00 ACRE TRACT OF LAND LOCATED IN AND PART OF I.T. LOT 12 SE, LOCATED IN THE SE 1/4 OF SECTION 30, TOWNSHIP 12 NORTH, RANGE 05 EAST, OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID SECTION 30, THENCE ON THE SOUTH LINE OF SAID SECTION 30, N89°54'02"W, FOR A DISTANCE OF 360.00 FEET; THENCE LEAVING SAID SOUTH SECTION LINE, N00°13'02"E, FOR A DISTANCE OF 1271.69 FEET; THENCE N89°53'58"W, FOR A DISTANCE OF 628.24 FEET; THENCE N57°48'36"W, FOR A DISTANCE OF 79.53 FEET; THENCE N40°49'36"W, FOR A DISTANCE OF 14.13 FEET; THENCE N28°05'11"E, FOR A DISTANCE OF 240.62 FEET; THENCE N61°24'35"W, FOR A DISTANCE OF 183.85 FEET; THENCE N53°14'15"W, FOR A DISTANCE OF 31.50 FEET; THENCE N89°56'54"W, FOR A DISTANCE OF 1501.33 FEET TO THE WEST LINE OF THE SE 1/4 OF SAID SECTION 30; THENCE ON THE WEST LINE OF THE SE 1/4 OF SAID SECTION 30, N00°04'48"E, FOR A DISTANCE OF 1001.76 FEET TO THE NW. COR. OF THE SE 1/4 OF SAID SECTION 30; THENCE ON THE NORTH LINE OF THE SE 1/4 OF SAID SECTION 30, S89°56'08"E, FOR A DISTANCE OF 2643.31 FEET TO THE E 1/4 COR. OF SAID SECTION 30; THENCE ON THE EAST LINE OF THE SE 1/4 OF SAID SECTION 30, S00°13'02"W, FOR A DISTANCE OF 2645.75 FEET TO THE SE COR. OF SAID SECTION 30, AND THE POINT OF BEGINNING. SAID TRACT HAS AN AREA OF 3,485,066.45 SQUARE FEET OR 80.00 ACRES MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL BOUNDARY CORNERS AND LOT CORNERS AS SHOWN ON THE FINAL PLAT IN ACCORDANCE WITH THE CITY OF LINCOLN AND LANCASTER COUNTY REGULATIONS. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS OF A FOOT.

SIGNED THIS 11th DAY OF JULY, 2025.

Paul Catlett  
 PAUL A. CATLETT  
 CATLETT SURVEYING  
 13650 S. 150TH COURT  
 BENNET, NE 68317



0 200 400



### LEGEND

- △ SET 5/8"x24" CAPPED REBAR (LS761)
- FOUND 5/8" REBAR UNLESS OTHERWISE NOTED
- ⊕ FOUND SECTION CORNER
- CALCULATED SURVEY POINT
- TP - OPEN TOP PIPE
- CTP - CRIMPED TOP PIPE
- M - MEASURED DISTANCE
- C - CALCULATED DISTANCE
- P - PLAT DISTANCE
- R - RECORDED DISTANCE
- BOUNDARY LINE

### SECTION CORNER INFORMATION

#### E 1/4 Cor. Sec-30-T12N-R05E

- Found 5/8" Rebar w/ Cap (Witness Corner 15.00'  
 South of True Position - TIES ARE TO WITNESS)  
 1)WNW 101.07' to 3/4" Pipe w/ Cap  
 2)NW 74.93' to 3/4" Pipe w/ Cap  
 3)N 30.00' to 5/8" Rebar w/ Cap  
 4)NNE 115.86' to 5/8" Rebar  
 5)NE 100.95' to 3/4" Pipe w/ Cap  
 6)ESE 104.17' to 5/8" Rebar

#### SE Cor. Sec-30-T12N-R05E

- Found LCSM Alum. Cap  
 1)S 32.72' to 1/2" Rebar  
 2)SW 77.15' to Mag Nail in + on Conc. Pad for Hydrant  
 3)NW 45.96' to 5/8" Rebar  
 4)NNE 65.80' to 5/8" Rebar  
 5)NE 108.13' to 5/8" Rebar  
 6)Falls in CL of W. Branched Oak Road, W 57' of CL of Park Service Road

#### S 1/4 Cor. Sec-30-T12N-R05E

- Found LCSM Alum. Cap  
 1)S 41.39' to 3/4" Pipe  
 2)SW 45.39' to 5/8" Rebar  
 3)NW 43.52' to 5/8" Rebar  
 4)N 32.69' to Mag Nail in Top of Conc. Witness Mon.  
 5)N 32.79' to 5/8" Rebar  
 6)NE 37.22' to 3/4" Pipe  
 7)SE 52.80' to 1/2" Rebar

#### NW Cor. of SE 1/4 Sec-30-T12N-R05E

- Found 5/8"x24" Capped Rebar (LS-502)  
 1)NW 1.20' to 3/8" Bar  
 2)NNW 8.60' to Mag Nail in Top FP  
 3)E 16.51' to Mag Nail in Top FP  
 4)SE 10.81' to Nail in 8" Dec. Tree  
 5)W 0.32' to Mag Nail in CFP

LINE	BEARING	DISTANCE
L1	N07°42'38"W	114.09'(M)
L2	S61°42'59"W	97.02'(M)
L3	N78°00'46"W	37.88'(M)
L4	N22°08'19"W	126.02'(M)
L5	N51°11'59"W	144.84'(M)
L6	N80°22'12"W	83.66'(M)
L7	N22°45'48"W	85.11'(M)
L8	N82°31'01"W	122.59'(M)
L9	N38°55'12"W	76.14'(M)
L10	N77°16'42"W	183.86'(M)
L11	N60°24'20"W	208.85'(M)
L12	N50°01'48"W	209.49'(M)
L13	N34°14'39"W	270.24'(M)
L14	N42°49'45"W	69.80'(M)

### PLANNING DIRECTOR'S APPROVAL

THE PLANNING DIRECTOR, PURSUANT TO SECTION 3.16 OF THE LANCASTER COUNTY, NEBRASKA, LAND SUBDIVISION REGULATIONS, HEREBY APPROVES THIS FINAL PLAT.

Stephen Henricks July 18, 2025  
 PLANNING DIRECTOR DATE



February 18, 2026

David Cary  
George Wesselhoft, Planner II  
City of Lincoln Planning and Development Services  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Reference: The Preserve at Branched Oak Addition  
REGA Engineering File: 251347

Dear Mr. Cary,

On behalf of Lucas Burbach, we are submitting this application for the vacation of the existing Ag Preservation Plat, The Preserve at Branched Oak Addition. The intent of this application is allowing the site to transition to an AG-Community Unit Plan via a separate application.

Sincerely,

A handwritten signature in cursive script that reads 'Noah Chesnut'.

Noah Chesnut  
Land Development Planner

Cc: Lucas Burbach  
Nathaniel Burnett

Enclosures: County Application Form  
Vacation Application Fee of \$490.00

**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  
Comprehensive Plan Conformance 26001  
*University Place Neighborhood Redevelopment Plan*

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
March 18, 2026

RELATED APPLICATIONS  
None

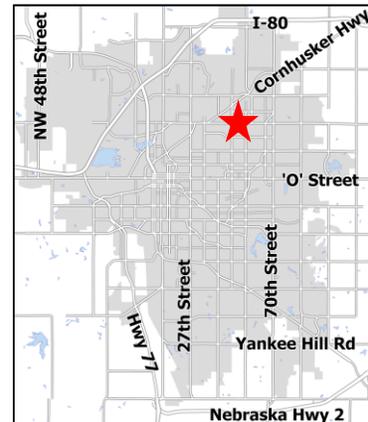
**RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

**BRIEF SUMMARY OF REQUEST**

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, the University Place Neighborhood Redevelopment Plan.

Included within the Redevelopment Plan is the University Place Commercial Corridor Façade Restoration and Streetscape Enhancement Project, which is focused on improvements to the N 48<sup>th</sup> Street corridor within the University Place Neighborhood.

The Redevelopment Project amendment is on file with the Urban Development Department and the Planning and Development Services Department. The Redevelopment Plan can also be found online on the Planning Application Tracking System (PATS): [CPC26001](#).



**JUSTIFICATION FOR RECOMMENDATION**

This Redevelopment Plan is the next step in an integrated neighborhood revitalization effort that has included the University Place Subarea Plan and Lincoln Cornhusker Area Blight and Extreme Blight Studies.

**APPLICATION/STAFF CONTACT**

Jennifer Hiatt  
Urban Development Dept  
(402) 441-7857  
[jhiatt@lincoln.ne.gov](mailto:jhiatt@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This Redevelopment Plan identifies implementation strategies for the University Place Subarea Plan, which was adopted as part of the Comprehensive Plan in 2025. Mixed use redevelopment, adaptive reuse, and well-designed and appropriately-placed infill development, including residential, commercial and retail uses, are encouraged throughout the Comprehensive Plan. The Comprehensive Plan also supports the preservation and stewardship of the unique character found in Lincoln’s historic neighborhoods such as University Place.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

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

#### **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.

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development.

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

#### **Land Use Plan**

[Figure GF.b: 2050](#) – The land use recommendations of the Subarea Plan align with the Future Land Use Map in the Comprehensive Plan.

### **Goals Section**

G2: Complete Neighborhoods - Lincoln and Lancaster County will support complete neighborhoods within both developing and redeveloping areas of Lincoln.

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

G12: History and Culture - Lincoln and Lancaster County will celebrate the community’s history and diverse cultures and build upon the benefits they provide to civic health, economic vitality, and quality of life.

G13: Community Appearance - Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride.

To achieve this goal, PlanForward addresses community appearance in a variety of topic areas, including:

- Preservation and re-use of historic structures, including both designated landmarks and non-designated buildings.
- Preservation and re-use of historic structures, including both designated landmarks and non-designated buildings.

### **Elements Section**

#### **E2: Infill and Redevelopment**

##### **Infill and Redevelopment Approach**

The Infill and Redevelopment Approach seeks to fulfill the following objectives:

1. To provide flexibility to the marketplace in siting future redevelopment locations;
2. To offer existing neighborhoods, present and future residents, developers, other businesses, and infrastructure providers a level of predictability as to where such redevelopment concentrations might be located;
3. To promote high-quality, durable design for redevelopment projects, including TIF projects, that enhances the surrounding neighborhood;
4. To encourage and provide incentives for residential mixed use in redeveloping commercial and industrial areas.

### **Existing Neighborhoods**

Infill of housing in existing neighborhoods should respect the existing pattern of development. Infill redevelopment should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.

Examples of infill redevelopment in existing neighborhoods includes:

- Replacement of blighted and deteriorating structures.
- Conversion of single-family homes, or vacant single-family parcels, to duplexes or other low-to-moderate density options when allowed by zoning.
- Adding an accessory dwelling unit (ADU) to a single family home.
- Redevelopment of large parcels, including former school sites, church sites, and acreage homes.
- Residential conversion of small-scale legacy commercial uses.

### **Policies Section**

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

#### Action Steps

1. Promote the preservation, maintenance, and renovation of existing housing and supporting neighborhood uses throughout the City, with special emphasis on low and moderate income neighborhoods.
2. Maintain and enhance infrastructure and services, commensurate with needs, in existing neighborhoods.
3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.
4. Recognize that broad economic diversity within existing neighborhoods encourages reinvestment and improves quality of life for all residents while acknowledging the need for affordable housing.
5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
6. Promote the continued use of residential dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
7. Implement the housing and neighborhood strategies as embodied in the Affordable Housing Coordinated Action Plan, City of Lincoln Consolidated, Annual Action Plans, and subsequent housing

and neighborhood plans. These plans provide the core for affordable housing and neighborhood preservation actions for public and private agencies.

8. Retain and encourage a mix of housing in existing and new neighborhoods in order to provide a mix of housing types at a variety of price points.
11. Encourage public and private investment in neighborhood infrastructure and services to support economic diversity that improves the quality of life for all residents.
12. Balance expanding housing options and neighborhood character. Infill development should include housing for a variety of incomes and households and should complement the character of the existing neighborhood by including appropriate transitions, scale, and context.
13. Preserve areas designated for multi-family and group living housing in approved plans to support a distributed choice in affordable housing.
17. Promote neighborhood and community design that supports healthy and active lifestyles.
19. Encourage creation of rental rehab programs to improve the quality of affordable rental housing and support the City's Lead Hazard Control and Healthy Homes programs.
20. Examine current residential zoning districts and propose modifications to encourage 'missing middle' units (single-family attached, cottage courts, townhomes, live-work, and a variety of three- and four-plex configurations), including affordable units, to people with a range of incomes. Neighborhood edges in particular present an opportunity for missing middle housing.
21. Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.
24. Explore economic development incentives to attract grocery stores to neighborhoods lacking access to fresh food.

P7: Redevelopment Incentives - Develop incentives and other methods to reduce the cost and risk of infill and redevelopment.

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.

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

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

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

#### **AFFORDABLE HOUSING COORDINATED ACTION PLAN SPECIFICATIONS:**

p. 87 Urban living opportunities, including downtown, mixed-use centers, and revitalization of older commercial corridors can be very appealing options for empty-nesters and newly retired professionals. Lincoln has seen some of this in the downtown condo market, but the vast majority of these units are not affordable to moderate-income households. Low-maintenance units close to services and entertainment allow individuals to live more active lifestyles. The demand for this type of unit by the nation's aging Baby Boomers is only growing. Adding these units to downtown, commercial centers like Havelock, or corridors like South 48th Street would mix housing with services already available to residents.

## CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 8 Strategic Vision – Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar “80x50” goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.
- 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 to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan (PlanForward 2050), the University Place Neighborhood Redevelopment Plan. The Redevelopment Area includes approximately 950 acres, covering a majority of the University Place Neighborhood.
2. This Redevelopment Plan is the next step in an integrated neighborhood revitalization effort for the University Place Neighborhood.
  - a. May 2025: The University Place Subarea Plan is approved as an amendment to the Comprehensive Plan ([CPA25001](#)). The Subarea Plan presents a strategic vision for the University Place neighborhood and provides a framework for achieving that vision. It addresses a variety of topics including land use, housing, transportation, economic development, appearance and placemaking, and other community enhancements. More about the Subarea Plan process, including significant public outreach efforts that informed both the Subarea Plan and this Redevelopment Plan, can be found in the [CPA25001](#) staff report.
  - b. November 2025: Lincoln Cornhusker Area Blight and Extreme Blight Studies are approved with a finding of blighted and substandard conditions for the University Place neighborhood ([MISC25013](#), [MISC25014](#)).
  - c. This Redevelopment Plan includes financial tools and strategies to implement recommendations from the University Place Subarea Plan, with a focus on projects that will eliminate blight and substandard conditions. Approval of this Redevelopment Plan, along with the finding of blighted and substandard conditions, makes projects within the redevelopment area potentially eligible for Tax Increment Financing (TIF) that can be applied to public improvements.
3. Potential redevelopment activities identified in this Redevelopment Plan include:
  - a. Restoring and enhancing the commercial facades along the N 48<sup>th</sup> Street commercial corridor, utilizing historic preservation standards whenever possible;
  - b. Streetscape enhancement activities along North 48<sup>th</sup> Street, St Paul Avenue, and Baldwin Avenue;
  - c. Creation of a public festival and activities space, including safety features such as street bollards and placemaking enhancements such as street art and signage;
  - d. Improvements to parking lots;
  - e. Increased public lighting;
  - f. Placemaking activities including entryway features, public art and supporting structures, and signage;

- g. Park enhancements;
  - h. Sidewalk repair; and
  - i. Existing residential support.
4. The Redevelopment Plan includes one specific project: the University Place Commercial Corridor Façade Restoration and Streetscape Enhancement Project. The goals of the Project are to restore and enhance the commercial facades of the University Place commercial corridor along with enhancing the streetscape. The Project has three phases.
    - a. Phase 1: Commercial Corridor Façade Restoration. This phase will assist in the restoration and enhancement of commercial facades along the North 48<sup>th</sup> Street commercial corridor, roughly bounded by Leighton Avenue on the south, Adams Street on the north, 46<sup>th</sup> Street on the west, and 50<sup>th</sup> Street on the east.
    - b. Phase 2: Streetscape and Festival Space on St Paul and Madison Avenues. Includes upgrades to the streetscape on St Paul and Madison Avenues, plus upgrades to the nearby public parking lots to make them more usable as neighborhood event spaces.
    - c. Phase 3: Streetscape and Lane Realignment for North 48<sup>th</sup> Street. Re-configuration of lanes on North 48<sup>th</sup> Street to include two through lanes, a middle turn lane, and on-street parallel parking. This would likely occur after 2031 when the 33<sup>rd</sup> & Cornhusker overpass project is expected to be completed. The goal of this lane realignment is to cultivate a vibrant commercial district that is safe and welcoming for pedestrians while continuing to support traffic flow along North 48<sup>th</sup> Street as an arterial street.
  5. The 2025 estimated valuation of the Project Area is \$198.5 million. Over the next 20 years the estimated valuation is expected to increase to \$358.6 million. This would yield over \$26.9 million in TIF collections for the district, or up to \$1.3 million in annual TIF revenue to assist with the construction of public improvements and enhancements with the Project.
  6. Additional projects may be added through future amendments to the Redevelopment Plan.
  7. This Redevelopment Plan overlaps in area with two previous redevelopment plans: University Place Redevelopment Plan (1998) and University Place South Redevelopment Plan (2016). Once adopted, this Redevelopment Plan will become the primary guiding document for redevelopment in University Place. The existing 1998 and 2016 Redevelopment Plans are included in the appendix of this new Plan.

The 1998/2016 Redevelopment Plans include three Redevelopment Projects that are either completed or underway: North 48<sup>th</sup> Street streetscape enhancements, 48<sup>th</sup> & Leighton Mixed Use Redevelopment Project, and the 48<sup>th</sup> & Madison Mixed Use Redevelopment Project. This new Redevelopment Plan does not impact those existing projects.

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

March 9, 2026

Applicant/ Jennifer Hiatt, City of Lincoln Urban Development Department  
Contact: 555 S. 10<sup>th</sup> Street, Suite 205  
(402) 441-7857 or [jhiatt@lincoln.ne.gov](mailto:jhiatt@lincoln.ne.gov)

[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/26000/CPC26001 University Place Neighborhood Redevelopment Plan.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/CPC/26000/CPC26001%20University%20Place%20Neighborhood%20Redevelopment%20Plan.docx)



City of Lincoln  
**URBAN  
DEVELOPMENT**

February 18, 2026

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

Dear Andrew:

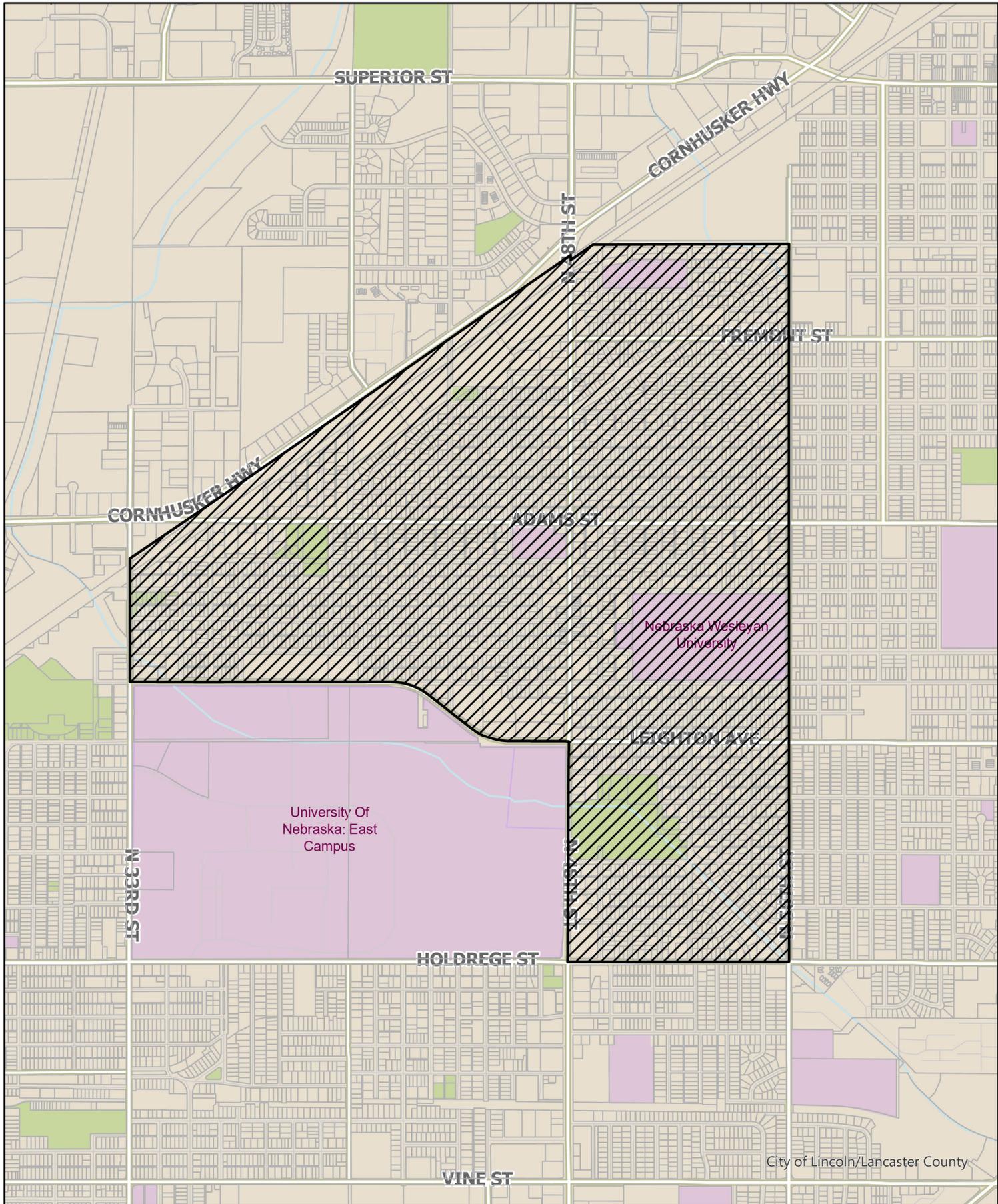
Enclosed is a copy of University Place Neighborhood Redevelopment Plan. This redevelopment plan lays out the redevelopment priorities for the University Place redevelopment area and includes the University Place Commercial Corridor Façade Restoration and Streetscape Enhancement Project.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration for Comprehensive Plan compliance at the March 18, 2026 public hearing. We request that the redevelopment plan also be scheduled at City Council for introduction on April 6, 2026 and public hearing on April 13, 2026.

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

Sincerely,

Jennifer Hiatt  
Planner II | Economic Opportunity  
Urban Development



**CPC26001**  
**University Place Neighborhood Redevelopment Plan**



**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 #26008	FINAL ACTION? Yes	DEVELOPER/OWNER Kindred Oaks LLC / Keven Crable & Mary Kathleen Revocable Trust
PLANNING COMMISSION HEARING DATE March 18, 2026	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 929 S Cotner Boulevard

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit to allow a Residential Healthcare Facility serving up to 12 persons for assisted living. The use would occupy an existing single family residential dwelling located at 929 S Cotner Boulevard. The property is zoned R-1 Residential and the applicant proposes utilizing the existing home with a future addition, along with minor changes on site to provide the required parking.



**JUSTIFICATION FOR RECOMMENDATION**

Residential healthcare facilities are allowed by special permit in the R-1 zoning district. The Lincoln Municipal Code (LMC) limits the density of residential healthcare facilities to one person per 3,000 square feet of lot area within R-1. The property is approximately 25,253 square feet, which would allow 8 individuals. The applicant is requesting a 50% increase in allowed residents, allowed by the LMC if the site meets the barrier-free standards within the Design Standards. This would allow a maximum of 12 residents on site.

**APPLICATION CONTACT**

Travis Klein, (402)-830-1942

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The special permit for a Residential Healthcare Facility is in conformance with the 2050 Comprehensive Plan. The property is shown to continue as future urban residential on the 2050 Future Land Use Map. The Comprehensive Plan includes goals for providing safe and decent affordable and special needs housing, along with continued development of a variety of new housing options, including senior living. The existing home will continue to be used, allowing it to remain visually compatible with the existing character of the residential neighborhood.

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

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

Figure GF.b: 2050 - This site is designated for future Residential – Urban Density land uses on the 2050 Future Land Use Plan.

Land Use Plan – Urban Residential is defined as 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.

### **Goals Section**

#### G2: Complete Neighborhoods

Housing variety, both in housing type and lot size, provides for interesting neighborhoods and accommodates changing household preferences, but, more importantly, provides affordable housing options. Housing variety should include townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and even small lot single-family.

### **Elements Section**

#### E1: Complete Neighborhoods and Housing

During the planning period, there will continue to be a need to accommodate group living which generally includes, but is not limited to: senior housing, assisted living facilities, group homes, domestic shelters, and children’s homes.

### **Policies Section**

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

Action Step 21: Encourage a variety of housing types including townhomes, senior living facilities, low/no maintenance condominiums, accessory dwelling units, multi-family development, and small lot single-family units.

### **Appendix E: 2050 Demographic Projections**

While those age 20 to 24 remain the largest Lancaster County population segment out to 2050, aging represents a central element of future population change. Growth occurs across all age groups, but the projections show the highest percentage gains happen as “baby boomers” born from 1946 to 1964 age into older age categories.

Specific examples of aging include:

- Those age 65 and older doubling from 31,000 in 2010 to 61,000 in 2030 and rising to 75,000 by 2050
- Those age 75 and older exceeding children under age 5 by 2025, likely for the first time in history
- Households headed by a person age 85 or older, of which 70% currently live alone and often with a disability or special needs, tripling from 3,500 in 2010 to nearly 11,500 in 2050

### **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. 19 Key Initiative – Improve Protections for and with Lincoln Residents

- Continue to encourage installation of green infrastructure strategies where appropriate, to include grants and incentives. Examples of green infrastructure strategies include rain gardens, bioswales, and permeable pavement to reduce stormwater runoff.

**ANALYSIS**

1. This is a request for a special permit for a Residential Healthcare Facility per Lincoln Municipal Code Section 27.63.530. The proposed use is allowed by an approved special permit in the R-1 zoning district. The property is located at 929 S Cotner Boulevard with an existing single family home on site. This property is generally located southwest of S 56<sup>th</sup> Street and Randolph Street and surrounded by single family homes, zoned R-1 in all directions.
2. According to Section 27.02.090 of the Zoning Ordinance, the definition of a Residential Healthcare Facility is “a building or structure that is to be used in a residential nature, licensed or approved by the state or an appropriate agency, if required. Residential health care facility could include but would not be limited to the following types of facilities: Assisted Living, Nursing Care, Memory Care, Convalescent Home, Hospice Home, Group home for 16 or more people and Intermediate Care, and may include independent living units.”
3. The request is to operate an assisted living facility, Kindred Oaks, within an existing 2,702 square foot residential dwelling with a future addition. The applicant stated the facility will specialize in memory care for a requested maximum of 12 residents. The special permit includes a ratio for calculating the total number of residents allowed on site. The R-1 district allows one person per 3,000 square feet of lot area. This lot is larger than a standard R-1 lot at 25,253 square feet which would allow up to 8 residents. The applicant is requesting an increase from 8 to 12 residents maximum provided the site meets the barrier free standards.
4. Depending on the character of the development and impacts on adjacent land uses, the Planning Commission may grant an increase in the number of residents, not to exceed fifty percent, where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. The Barrier Free Standards for Elderly or Retirement Housing and Domiciliary Care Facilities accommodate persons with loss of mobility and include requirements such as handicap accessible ramps, curb cuts and sidewalks, minimum corridor and doorway dimensions, and other accommodations for individual units and common areas. These standards would be reviewed at the time of building permit for the modification of the home and occupancy.
5. Serving a maximum of 12 residents, the site would have up to three daytime staff members and two staff members at night. Similar to other residential healthcare facilities within the community, the site will provide residential care, specializing in memory care, in a smaller home-like environment with residents receiving 24/7 assisted care. Residential healthcare facilities shall be licensed to comply with all state requirements. The applicant will be required to obtain an Assisted Living Facility license through the Nebraska Department of Health and Human Services (DHHS).
6. With residential healthcare facilities of this nature, utilizing an existing single family home, it is expected the traffic impact will be minimal on the surrounding properties. The property is located on S Cotner Boulevard with one existing driveway access. South Cotner Boulevard is designated as a minor arterial roadway at this location. Comparing the existing lot size with R-1 permitted uses, the lot is large enough to serve a two-family unit which is estimated to have 20 trips per day, 10 per dwelling unit. This use is expected to be very similar to that of a standard single to two family home as the 12 residents within this home will not have cars on site. This leaves the traffic generated on the site to the staff members during a shift change, small-scale deliveries of groceries or household supplies as needed, occasional visiting medical services and guests for residents, all



<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/26000/SP26008 929 S Cotner Blvd Kindred Oaks Res Healthcare.bmc.docx>

## CONDITIONS OF APPROVAL – SPECIAL PERMIT #26008

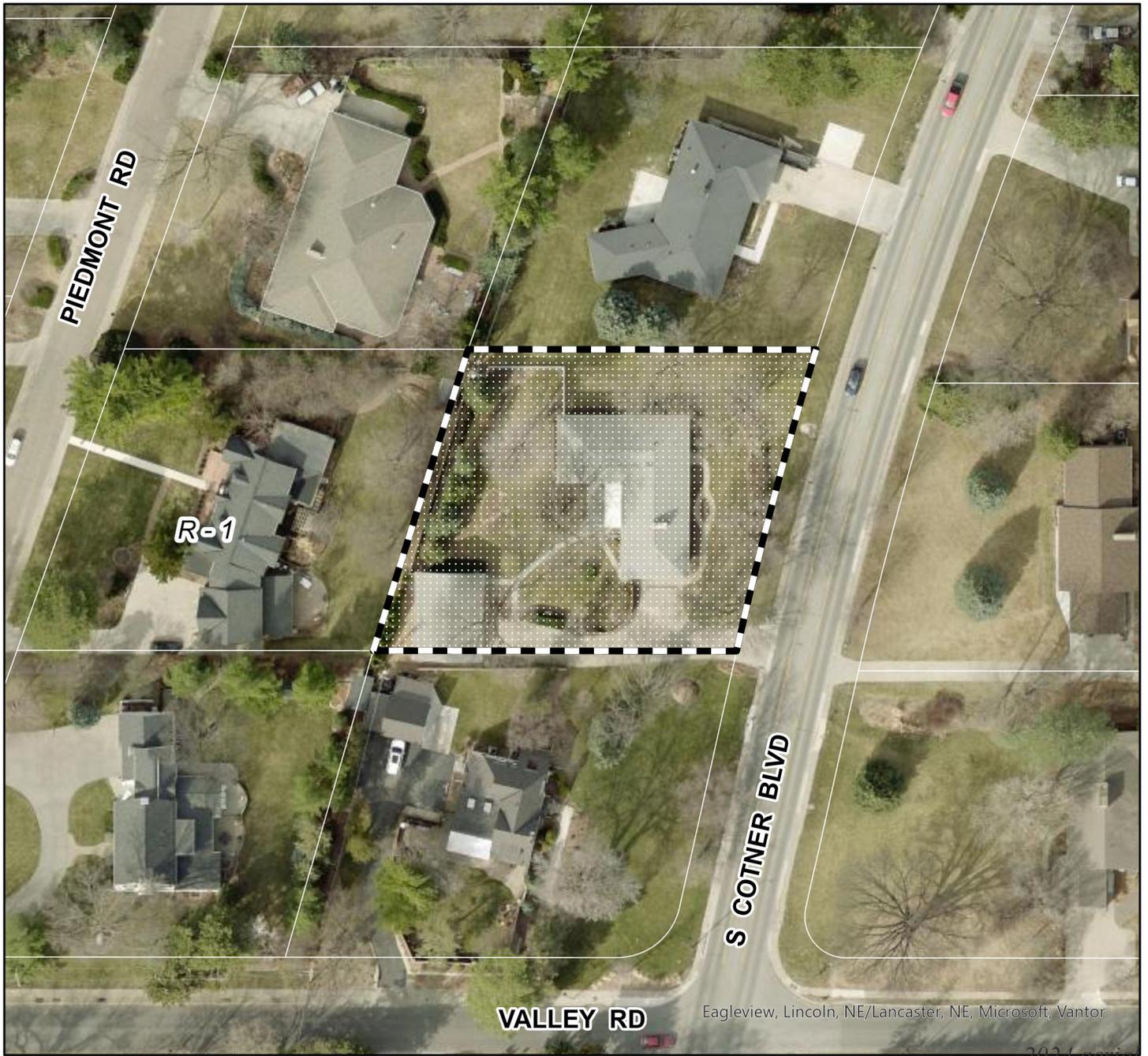
Per Section 27.63.530 this approval permits a Residential Healthcare Facility with up to 12 residents.

### **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 Delete Assessor's information from the site plan.
  - 1.2 Delete building coverage calculations from the site plan.
  - 1.3 Remove copyright text on the site plan.
  - 1.4 Remove the parking space shown on the south portion of the detached garage. (This area can be shown and used for storage.) Mark as "Storage"
  - 1.5 Add Note #4 stating "The number of residents is increased from 8 to 12 people provided the site plan and building plans comply with the barrier free standards in Section 2 of Chapter 3.40 Design Standards for Density Bonus.
  - 1.6 Show a minimum of one parking space meeting ADA van accessible standards.
  - 1.7 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

### **Standard Conditions:**

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



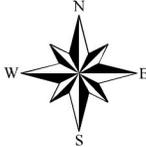
Eagleview, Lincoln, NE/Lancaster, NE, Microsoft, Vantor

2024 aerial

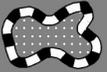
**Special Permit #: SP26008**

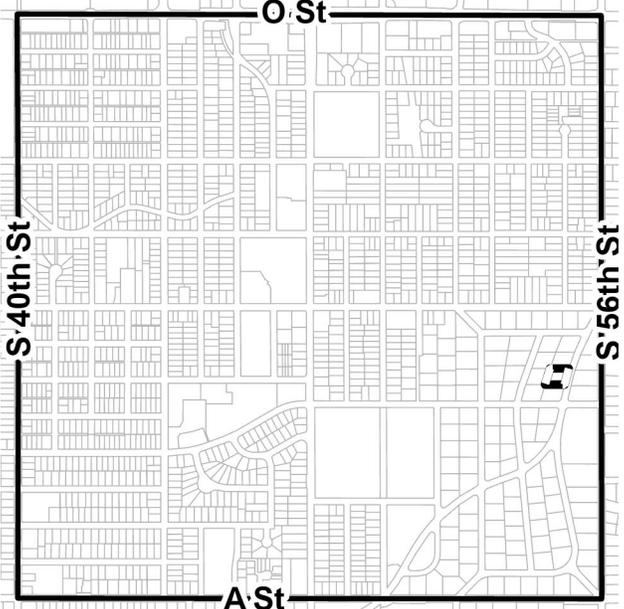
**Zoning:**

- 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.29 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction
71	

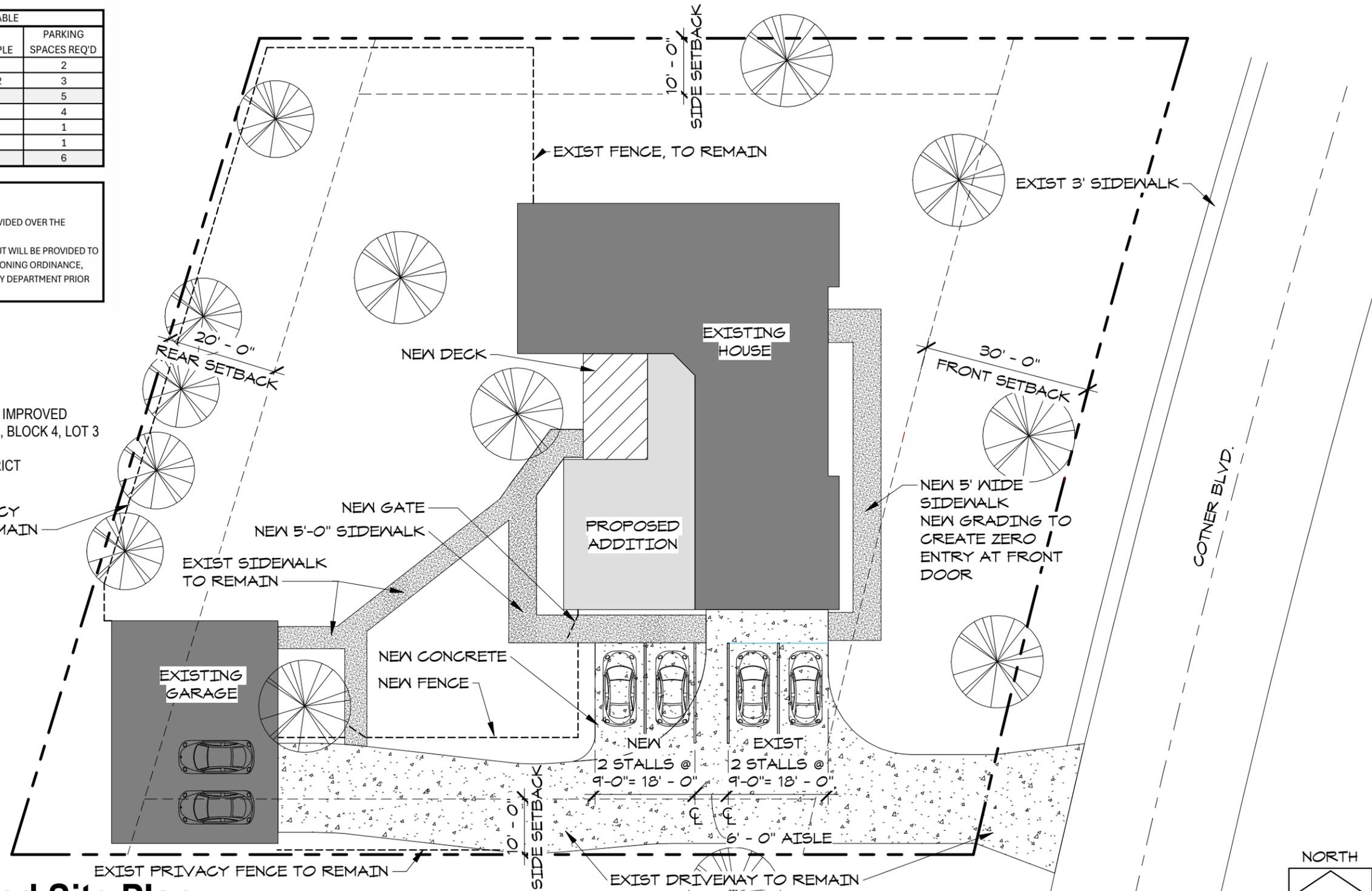


PARKING REQUIREMENT TABLE		
	PEOPLE	PARKING SPACES REQ'D
NUMBER OF EMPLOYEES	3	2
NUMBER OF RESIDENTS/CLIENTS	12	3
# OF PARKING SPOTS REQUIRED		5
EXISTING PARKING SPOTS		4
ADDITIONAL REQUIRED SPOT		1
ADDITIONAL SPOT		1
TOTAL SPOTS PROVIDED		6

NOTES:  
 1. Parking Counts as per 27.67.040  
 2. ONE ADDITIONAL PARKING SPOT IS BEING PROVIDED OVER THE MINIMUM REQUIRED AMOUNT.  
 3. SIGNS ARE NOT SHOWN ON THIS SITE PLAN, BUT WILL BE PROVIDED TO COMPLY WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE, AND MUST BE APPROVED BY BUILDING AND SAFETY DEPARTMENT PRIOR TO INSTALLATION.

**PROJECT ADDRESS**  
 929 S. COTNER BLVD  
 LINCOLN, NE 68510

**PROPERTY ID:** 17-29-406-006-000  
**PROPERTY CLASS:** RESIDENTIAL IMPROVED  
**LEGAL DESCRIPTION:** PIEDMONT, BLOCK 4, LOT 3  
**NEIGHBORHOOD:** PIEDMONT  
**ZONING:** R-1 RESIDENTIAL DISTRICT



# 1 Proposed Site Plan

1" = 20'-0"

**SITE AREA CALCULATIONS:**

TOTAL SITE AREA	25,253 SF	TOTAL BUILDING COVERAGE	4,702 SF
EXISTING HOUSE	2,702 SF	CONCRETE COVERAGE	4,366 SF
EXISTING DETACHED GARAGE	1,200 SF	TOTAL IMPERVIOUS COVERAGE	9,068 SF
NEW ADDITION TO HOUSE	800 SF	BUILDING COVERAGE	18.6%
TOTAL BUILDING	4,702 SF	IMPERVIOUS COVERAGE	35.9%

FEB 12, 2026  
 26-02  
 AC-2

PROPOSED SITE PLAN  
 KINDRED OAKS ASSISTED LIVING - MEMORY CARE  
 929 S COTNER BLVD  
 LINCOLN, NEBRASKA

**dip**  
**PETERS & ASSOCIATES**  
**ARCHITECTS, P.C.**

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**FOR REVIEW ONLY  
 NOT FOR CONSTRUCTION**



**Feb 12, 2026**

City of Lincoln  
Planning Department  
Attn: Ben Callahan  
555 S 10th Street, Suite 213  
Lincoln, NE 68508

**Re: Request for Special Use Permit – 929 S Cotner Blvd, Lincoln, NE 68510**

Dear Planning Department,

On behalf of Kindred Oaks LLC, we respectfully submit this letter in support of our request for approval for the residential dwelling located at 929 S Cotner Blvd, Lincoln, Nebraska, to apply for a Special Use Permit to operate a residential health care facility serving individuals living with dementia.

The subject property is situated on a lot measuring approximately 25,265 sq ft (.58 acres), and is well suited for a small-scale, residential care setting that aligns with the surrounding neighborhood character. The proposed use is designed to function as a single dwelling unit, prioritizing safety, dignity, and quality of life for residents while maintaining compatibility with adjacent residential properties.

Kindred Oaks LLC is proud to be a franchisee of Legato Living, an Omaha-based company specializing in residential memory care. Legato Living is known for its commitment to high-quality, relationship-centered care for individuals living with dementia and their families, and for operating homes that blend seamlessly into residential neighborhoods just as we are all accustomed to.

This endeavor is also deeply personal to us. Like so many families, we have experienced firsthand the challenges of navigating dementia care for our own loved ones. Those experiences have inspired our desire to bring compassionate, specialized care to the Lincoln community and to create a supportive environment where residents and families feel respected, understood, and safe.

Kindred Oaks LLC intends for the home to be licensed through the Nebraska Department of Health and Human Services (DHHS) as an Assisted Living Facility with a Memory Care Endorsement. The home will provide supportive services, supervision, and specialized dementia care in compliance with all applicable state and local regulations. Legato Living homes operate with a 1:4 or 1:5 staffing during the waking hours and are reduced at night to two awake staff. The home will be secured at all times for entry or exit and anytime residents are outside in the backyard they are accompanied by one of the staff. The backyard will also be secured.

In preparation for our application we have also reached out to all neighbors within 200 ft. of the residence to explain our intentions and held an open house where neighbors could come get information or ask questions. The neighbors we spoke with were supportive of the initiative.

Additionally, we will be looking to apply for increased capacity waiver in compliance with the standards for R-1 zoning, and that the requested increase be considered by the Planning Commission. With approval it would allow up to 12 residents to be cared for by a staff of 3 licensed healthcare professionals.

Our goal is to meet a growing community need for dementia-specific services while maintaining the integrity of the neighborhood and being a responsible, engaged community partner. We appreciate the Planning Department's time and consideration of this request and welcome the opportunity to provide any additional information that may be helpful during your review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Klein', written over a light blue horizontal line.

**Kindred Oaks LLC**  
Travis Klein  
Co-Owner



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER  
Miscellaneous #26001

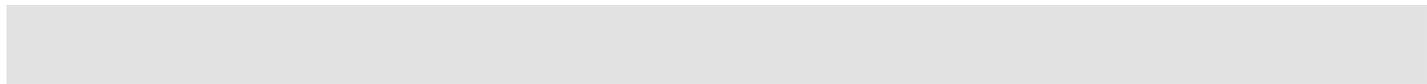
FINAL ACTION?  
No

OWNER  
John & Natalie K Regan

PLANNING COMMISSION HEARING DATE  
March 18, 2026

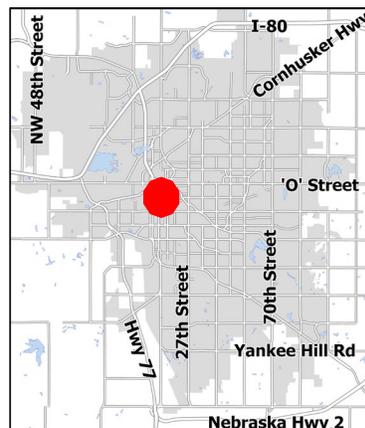
RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
1035 S 12<sup>th</sup> Street



### BRIEF SUMMARY OF REQUEST

A request for reasonable accommodation under Chapter 1.28 of the Lincoln Municipal Code (LMC), the Nebraska Fair Housing Act (Neb. Rev. Stat. 20-301 etc.) and the Federal Fair Housing Act (FHA) (Title VIII of the Civil Rights Act of 1968, as amended) to make an accommodation to the conditions of a Collaborative Living Facility as provided in LMC Chapter 27.62.050 Group Living Use Group to allow eight (8) unrelated individuals with disabilities to reside in the dwelling known as Oxford House - Hansen Court at 1035 S 12th Street. This would be an accommodation to adjust the maximum number of unrelated residents permitted on the lot from three (3) to eight (8), as well as to adjust the required number of parking stalls from four (4) to zero (0).



### BASIS OF REQUEST

The FHA requires the City make reasonable accommodations to the zoning code when the requested accommodation will ensure equal opportunity to individuals with disabilities to live in the neighborhood they choose.

### APPLICATION CONTACTS

Nicole A. Miller, Rembolt Ludtke LLP

### STAFF CONTACT

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

### FACTS AND REQUEST

1. This is a request for the Oxford House - Hansen Manor at 1035 S 12<sup>th</sup> Street. This is a single family detached house zoned R-7 Residential. The applicant is seeking an accommodation to the conditions for a Collaborative Living Facility, to allow up to eight (8) unrelated residents with disabilities at this location, and to reduce the number of parking stalls required for the Collaborative Living Facility from four (4) to zero (0). The applicant states that Oxford Houses are “homes for persons recovering from alcoholism and or drug addiction, who are no longer using alcohol or drugs” and that Oxford Houses are “democratically self-run and financially self-supporting by their residents.” The applicant asserts the Oxford House concept provides “an opportunity for recovering alcoholics and addicts to maintain their sobriety in a supportive living environment that does not require the provision of any services or treatment.” The applicant also notes that “All residents have access to the entire house and live as any other group of unrelated persons functioning as a single housekeeping unit... There is no staff, paid or otherwise, living in the house or overseeing the house, and no treatment or professional services provided at the premises.”
2. The house has been owned by John F. and Natalie K. Regan since June 2024. According to the applicant, “The Oxford House at 1035 S 12<sup>th</sup> Street has been at its present location for nearly ten years without incident.” The Assessor’s Office lists this house as having four bedrooms with 1,752 square feet of total living area.

3. The applicant’s position appears in the attached application materials and letter from legal counsel.
4. Under the FHA, it is unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability. 42 U.S.C. § 3604(f)(1).

The FHA defines a person with a disability as any 1) individual with a physical or mental impairment that substantially limits one or more major life activities; 2) individual with a record of such impairment; or 3) individual who is regarded as having such an impairment. 42 U.S.C. § 3602(h).

5. It is well established that individuals recovering from drug or alcohol addiction are disabled under the FHA. United States v. Southern Management Corp., 955 F.2d 914, 917-23 (4th Cir.1992); Elliott v. City of Athens, 960 F.2d 975, 977 n. 2 (11th Cir.1992), cert. denied, 506 U.S. 940, 113 S.Ct. 376, 121 L.Ed.2d 287 (1972); Oxford House, Inc. v. Township of Cherry Hill, 799 F.Supp. 450, 458-60 (D.N.J.1992); United States v. Borough of Audubon, NJ, 797 F.Supp. 353, 358-59 (D.N.J.1991).
6. The FHA requires Cities make reasonable accommodations to rules, policies, laws, and practices to afford people with disabilities an equal opportunity to live in a dwelling. 42 U.S.C. § 3604(f)(3)(B)
7. LMC 27.02.050 (D) then defines a disability as:

“**Disability** or handicap shall mean, with respect to a person:

- a. A physical or mental impairment which substantially limits one or more of such person’s major life activities;
- b. A record of having such an impairment; or
- c. Being regarded as having such an impairment.”

Disability shall not include current, illegal use of or addiction to a controlled substance as defined by state law.”

8. LMC 27.02.040 (C) provides the following definition for a Collaborative Living Facility:

“**Collaborative Living Facility** shall mean a structure in which not less than three persons unrelated by blood, marriage, or adoption reside for the purpose of accommodating their shared disability.”

Collaborative Living Facilities are conditionally permitted in all residential zoning districts. The maximum number of persons permitted to occupy such a facility is determined by the lot area in the given zoning district. The subject property is in R-7 zoning, which allows a maximum of one person per 875 square feet of lot area. As the subject lot has an area of approximately 3,356.68 sq. feet, a maximum of 3 unrelated persons would be permitted in a Collaborative Living Facility on this property.

LMC 27.67.040 Parking Requirements; Special Conditions states that Collaborative Living Facilities must provide 1 parking space for every two residents.

LMC 27.62.050 Group Living Use Group states that Collaborative Living Facilities in the R-7 zoning district must be spaced at least 500 feet from any other existing Collaborative Living Facilities. There are no known Collaborative Living Facilities within 500 feet of 1035 S 12<sup>th</sup> Street.

The requested accommodation could be granted under Collaborative Living Facility to allow up to eight (8) residents, but would also require an adjustment to the parking requirements, as the lot at 1035 S 12<sup>th</sup> Street cannot provide any of the four (4) required parking stalls.

9. The Lincoln Municipal Code (LMC) defines in 27.02.070 (F) a family as:

‘**Family** One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- a. A person residing with a family for the purpose of adoption;

- b. Not more than six persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;
- c. Not more than four persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state or its delegate;
- d. Any person who is living with a family at the direction of a court.”

The requested accommodation could be granted under the definition for family, to allow eight (8) unrelated individuals to be treated as the functional equivalent of a family.

10. LMC 27.02.080 (G) defines Group Home as:

“**Group Home** Group home shall mean a building or structure licensed or approved by the State or an appropriate agency, if required, used as any one of the following:

- a. A facility in which more than three but less than sixteen disabled persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care;
- b. A facility engaged in the service of exercising 24-hour daily care, supervision, custody, or control over more than three but less than sixteen children, for compensation or hire in lieu of the care or supervision normally exercised by parents in their own home.”

The subject property does not fit the definition of a Group Home, as the applicant has stated that no therapy or counseling is being provided. Prior to beginning to operate as an Oxford House, this property has previously operated as a Group Home.

11. LMC 27.02.210 (T) defines Transitional Living Facility as:

“**Transitional Living Facility** shall mean a facility affiliated with an alternative to imprisonment program including, but not limited to, diversion, pre-release, work-release, parole, probationary, or residential re-entry programs, where more than three persons who are unrelated by blood, marriage, or adoption reside.”

The subject property does not fit the definition of a Transitional Living Facility, as it is not affiliated with an alternative to imprisonment program.

**Reasonable Accommodation Process & Findings**

12. The Lincoln Municipal Code in Chapter 1.28.020 provides the process for a person with a disability, or entity on their behalf, to request the City Council make reasonable accommodations to laws such a building codes, fire or safety codes, or zoning code to allow those individuals with disabilities to enjoy equal opportunity to use of a dwelling. The Planning Commission is the “Reviewing Authority” for reasonable accommodation requests involving the zoning code. The Commission must hold a public hearing on the request and make a recommendation to City Council.

13. Chapter 1.28 provides 8 factors for the City Council to consider when evaluating a request for reasonable accommodation. The Planning Commission role is to make a recommendation on these findings. This report will review each factor with commentary in *italics*.

- 1. Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled or handicapped under the Acts.

*The residents of the house assert they are in recovery from addiction to alcohol or other substances and therefore are disabled under the FHA.*

- 2. Whether the accommodation requested is financially, therapeutically, or otherwise necessary to make specific housing available to the individual or group of individuals with a disability or handicap under the Acts.

*The applicant describes the necessity of communal sober living in their application materials.*

3. Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit.

*Use of the property as a single-family dwelling with an accommodation for eight (8) unrelated residents to occupy the property as the functional equivalent of a family could provide an equivalent level of benefit.*

4. Whether alternative accommodations would be suitable based on the circumstances of this particular case.  
*By right, applicant appears to meet the conditions required to use the property as a Collaborative Living Facility, but only with a maximum occupancy of three (3) residents. This is the same number of unrelated individuals who could live together under the definition for family.*

*An alternative accommodation could be made to allow up to eight (8) unrelated individuals to live together as the functional equivalent of a family.*

5. If applicable, whether the requested reasonable accommodation would be consistent with the Comprehensive Plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent of the zoning district in which the use is located.

*The Comprehensive Plan designates this area as Urban Residential. The Comprehensive Plan encourages a variety of housing types in neighborhoods.*

6. Whether the requested reasonable accommodation substantially affects the physical attributes of the property.

*No changes are proposed, but the approval doesn't limit the owner to making changes to alter the house in the future. According to Lancaster County Assessor records, the house at 1035 S 12<sup>th</sup> Street is a 2 ½ story house with a total of 1,752 square feet of living area, and has four bedrooms, two full bathrooms and one half bathroom. Materials submitted by the applicant note five bedrooms and three bathrooms, with 2,130 square feet of living area. There are no active complaints with Planning and Development Services at this address.*

7. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.

*Activity at this address was reviewed by the Lincoln Police Department. LPD noted there have been three (3) calls for service since January 1, 2024 to this address. In that same period, there were 856 calls for service to addresses within a 1 block radius of the subject property, with 503 of those calls for service coming from the top 5 addresses. LPD noted that calls for service in this area are quite high due to the high density housing in the area and do not necessarily reflect the subject property itself. The Planning Department does not have information about whether these calls resulted in citations.*

8. Whether the requested reasonable accommodation would require a fundamental alteration to the zoning, building, fire, or safety codes of the City.

*Collaborative Living Facilities are a conditional use in all residential zoning districts. In the R-7 Residential zoning district, Collaborative Living Facilities must be spaced at least 500 feet from each other. Although a proliferation of Collaborative Living Facilities in a concentrated area could result in a fundamental alteration to certain residential zones, to City staff's knowledge, there are no occupancy permits issued for other Collaborative Living Facilities within a 500 foot radius of the subject property.*

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Single family detached house and R-7 Residential Zoning

**SURROUNDING LAND USE & ZONING**

North: Mix of single-family, two-family, and multifamily dwelling units; R-7 Residential

South: The HUB Lincoln nonprofit, and mix of single-family, two-family, and multifamily dwelling units; R-7 Residential

East: Mix of single-family, two-family, and multifamily dwelling units; R-7 Residential Zoning

West: Mix of single-family, two-family, and multifamily dwelling units; R-7 Residential Zoning

**APPROXIMATE LAND AREA:** 3,356.68 square feet, more or less

**LEGAL DESCRIPTION:** The south 48' of Lot 1 and the S 48' of the east 20' of Lot 2, Block 189, Lincoln Original, Lancaster County, Nebraska

Prepared by Jacob Schlange, Planner

(402) 441-6362 or [jschlange@lincoln.ne.gov](mailto:jschlange@lincoln.ne.gov)

Date: March 5, 2026

Applicant: Oxford House - Hansen Manor

Contacts: Nicole A. Miller, Rembolt Ludtke LLP

Owner: John F. & Natalie K. Regan

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/26000/MISC26001 Reasonable Accommodation.jrs.docx>

## MISCELLANEOUS #25010

Should the City Council permit Oxford House - Hansen Manor to have eight unrelated persons to reside together in a Collaborative Living Facility, the following conditions are recommended:

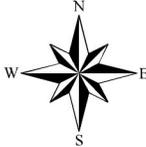
- a. Applicant shall notify Planning Director if dwelling ceases to be used as sober-living home where, at all times, all residents are in recovery from alcohol or other substance abuse.
- b. Reasonable accommodation is granted only to 1035 S 12<sup>th</sup> Street, and only to "Oxford House-Hansen Manor." Reasonable accommodation is granted only as to this address and this operator for the purposes of sober-living, is not transferable, and does not run with the land.



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

2024 aerial

**Miscellaneous #: MISC26001**  
**S 12th St & E 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

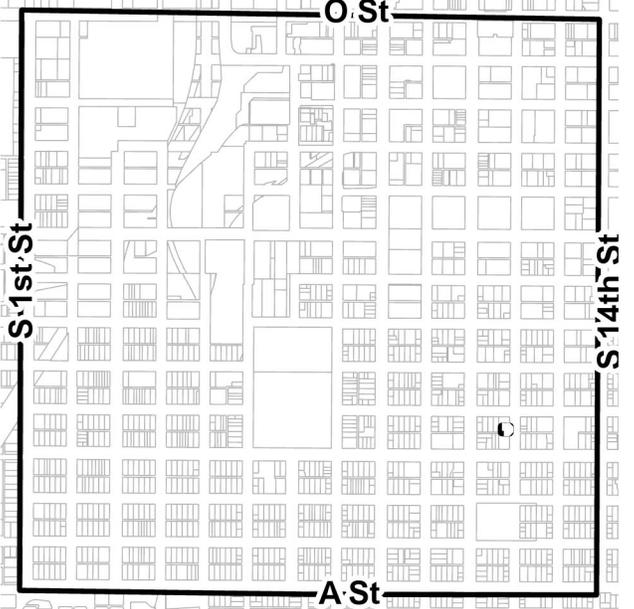
**One Square Mile:**  
**Sec.26 T10N R06E**

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction

81



# REQUEST FOR REASONABLE ACCOMMODATION TO HOUSING

*per Lincoln Municipal Code Chapter 1.28, The Rehabilitation Act,  
The Americans with Disabilities Act, the Federal Fair Housing Amendments Act  
& The Nebraska Fair Housing Act*

**Purpose:**

To provide or secure equal opportunity to use and enjoy a dwelling and/or otherwise receive services or participate in programs or activities provided by the City when the application of a City of Lincoln building code, fire or safety code, zoning law or other land use regulation, policy or practice acts as a barrier to such equal opportunities. A request for reasonable accommodation may include a modification or exception to rules, standards and practices when such modification or exception is necessary to eliminate regulatory barriers and provide a person with a disability or handicap with equal opportunity to use and enjoy a dwelling and/or to otherwise receive services or participate in programs or activities provided by the City.

**RETURN APPLICATION TO:** City Clerk’s Office, 555 S. 10<sup>th</sup> St., Suite 103, Lincoln NE 68508.

**Questions Contact:** Sony Phan, 402-441-7347, [sphan@lincoln.ne.gov](mailto:sphan@lincoln.ne.gov)

APPLICANT				
NAME:				
STREET ADDRESS:				
CITY:		STATE:		ZIP:
EMAIL ADDRESS:			PHONE #:	

PROPERTY REQUEST IS BEING MADE FOR	
STREET ADDRESS:	
LEGAL DESCRIPTION:	
ASSESSOR’S PARCEL #:	

CURRENT ACTUAL USE OF THE PROPERTY

LAW, PROVISION, REGULATION OR POLICY FROM WHICH REASONABLE ACCOMMODATION IS BEING REQUESTED:

## ATTACHMENTS

The following items *must* be ATTACHED to the application. Please put a Check (✓) mark next to those items you have attached.

ITEM	ATTACHED
A statement from the applicant describing the basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities or handicaps) is considered disabled or handicapped under the Acts.	
A statement as to why the requested accommodation is financially, therapeutically, or otherwise necessary to afford a handicapped or disabled person equal opportunity to use and enjoy a dwelling and/or to otherwise receive services or participate in programs provided by the City.	
Documentation supporting the financial, therapeutic, or other necessity for the accommodation.	

Dated this 10 day of February, 2026.

Nicole A. Miller for Oxford House

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Signature of Applicant

**NOTE:**

Upon the filing of the application, together with all information required above, the City Council shall refer a request for reasonable accommodation from a zoning law or other land use regulation policy or practice to the Planning Commission. If the request is for reasonable accommodation from a building code, fire code, or safety code, the City Council shall refer the request to the Board of Appeals established under said code to hear appeals of orders, decisions, determinations, made by the code official relative to the application or interpretation of such code. The Planning Commission or such Board of Appeals are hereinafter referred to in this chapter as the Reviewing Authority.

## STATEMENT OF JUSTIFICATION

Oxford House, Inc. and Oxford House Hansen Manor request a Reasonable Accommodation pursuant to the Federal Fair Housing Act, 42 U.S.C. § 3600 *et seq.* and the City of Lincoln Municipal Code, Title 1, Chapter 1.28 from the Definition of Family in Title 27, Chapter 27.02.070 F to treat the Oxford House use of 1035 S. 12th St. Lincoln NE 68508 as the functional equivalent of a family and increase the number of unrelated persons that may live together as a family at the Oxford House to eight (8), or as a collaborative living facility under 27.02.040 C. 1035 S 12th St. is a single-family detached home of 2130 square feet with five bedrooms and three baths. The property is home to eight (8) men in recovery from substance abuse that live together as an Oxford House. These men no longer use alcohol or drugs and as such are considered disabled under the Fair Housing Act (FHA).

This Statement of Justification explains what an Oxford House is and why it should be considered the functional equivalent of a family with up to eight unrelated residents and/or as a permissible collaborative living facility, rather than any other definition of use, and why the requested accommodation is both reasonable and necessary.

### **WHAT IS AN OXFORD HOUSE**

Oxford Houses are homes for persons recovering from alcoholism and or drug addiction, who are no longer using alcohol or drugs. Oxford Houses provide an opportunity for recovering alcoholics and addicts to maintain their sobriety in a supportive living environment that does not require the provision of any services or treatment. Oxford Houses are democratically self-run and financially self-supporting by their residents.

The first Oxford House was established in 1975 by a group of men in recovery from alcoholism. They rented a home and established rules for self-governance, and rules to be financially self-supporting. Years later Oxford Houses served as the model for the self-run, self-supporting recovery homes under the Anti-Drug Abuse Act of 1988. This Act was later

codified at 42 U.S.C. § 300x-25. This legislation gives each state funds to establish housing for recovering alcoholics and addicts that is democratically run, financially self-supporting, and immediately expels anyone who relapses.

Since the early 1990's Oxford House, Inc., a non-profit corporation, has contracted with state governments to open Oxford Houses across the country using these federal funds. Most of the over four thousand Oxford Houses in the United States were started through ongoing contracts with state governments. The Oxford House at 1007 S 16th St. was started in 2023 pursuant to a contract with the State of Nebraska.

Oxford House, Inc. is distinct and separate from individual Oxford Houses. Oxford House, Inc. does not run, operate, or manage an Oxford House once it is started. After an Oxford House is started it is autonomously run and supported by its residents. There are no dues or fees to Oxford House, Inc. by individual houses, nor do the houses pay anyone any fees other than rent to their landlord and utilities to utility providers.

An Oxford House is an unincorporated association comprised of its current residents. Each Oxford House adopts its own name. All Oxford Houses are rented in their own name from their respective landlords.

Each individual Oxford House is democratically run by its residents. The residents have weekly house meetings. All decisions relating to the functioning of the house are made democratically, from who moves in, to who does what chores. Each house is financially self-supporting and manages its own finances. The residents of the house share equally all household expenses, including rent and utilities, which they pay out of a single household checking account.

The quality of the relationship among the residents in an Oxford House is one of mutual support and bonding, providing an ameliorative therapeutic benefit which aids each

resident in their recovery from alcoholism or drug addiction. There is zero tolerance for alcohol or drug use. Any use by a resident results in their immediate expulsion.

Oxford House residents are considered to be the functional equivalent of a family for several reasons. All residents have access to the entire house and live as any other group of unrelated persons functioning as a single housekeeping unit. They share in the cooking, shopping, cleaning and general care of the premises. The residents live together purposefully to create a “family” atmosphere, where the residents share all aspects of domestic life. There are no individual locks on the doors of the bedrooms. There is no staff, paid or otherwise, living in the house or overseeing the house, and no treatment or professional services provided at the premises. The living arrangement is not based upon a profit motive. Finally, there are no limits as to how long someone can stay in an Oxford House.

Courts have held that Oxford Houses are akin to a family. “The residents make all house decisions in a democratic fashion. But even more importantly, the support they lend each other is therapeutic, in the same manner as that of a well-functioning family.” *Oxford House-Evergreen v. Plainfield*, 769 F. Supp. 1329, 1335 (D.N.J. 1991). “The plaintiffs [Oxford House] are part of a nationally recognized program which, through peer pressure and strict conditions of abstinence, successfully maintains freedom from addiction and improves the lives and opportunities of its participants. *Id.* at 1331 For its success, however, it requires a minimum number of members at each location.” *Id.*; see *Oxford House, Inc. v. Twp. of Cherry Hill*, 799 F. Supp. 450, 452 (D. N.J. 1992) (“Oxford Houses are not health care facilities, rehabilitation centers, or supervised halfway houses. They are simply residential dwellings rented by a group of individuals who are recovering from alcoholism and drug addiction... No professional treatment, therapy, or paid staff is provided. Unlike a boarding house, where a proprietor is responsible to run and operate the premises, at Oxford House, the residents are

responsible for their own food and care as well as running the home. Because the house must be self-supporting, each of the residents needs a source of income to pay his or her fair share of the expenses.”).

## **WHO ARE OXFORD HOUSE RESIDENTS**

Oxford House residents are all recovering alcoholics or drug addicts who are no longer using alcohol or drugs. As such, Oxford House residents are considered “disabled and handicapped persons” and a protected class under the FHA. *See* 42 U.S.C. § 3602(h); *see also City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 729 (1995); *Oxford House-C v. City of St. Louis*, 77 F.3d 249, 251 (8th Cir. 1996); *United States (on behalf of Oxford House) v. Vill. of Palatine*, 37 F.3d 1230, 1232 (7th Cir. 1994); *United States (on behalf of Oxford House) v. Audubon*, 797 F. Supp. 353, 359 (D. N.J.), *aff’d* without opinion, 968 F.2d 14 (3d Cir. 1992); *Tsombandidis v. W. Haven Fire Dep’t*, 352 F.3d 565, 574 (2d Cir. 2003); *One Love Hous., LLC v. City of Anoka*, 93 F.4th 424, 430 (8th Cir. 2024).

As members of a protected class under the FHA, Oxford Houses are protected against discriminatory zoning practices. As such, the issue of whether an Oxford House is in violation of or compliance with local zoning ordinances is not relevant to the question of federal law. *See Audubon*, 797 F. Supp. at 357. The FHA prohibits discriminatory land use decisions by local governments, even when such decisions are “ostensibly authorized by local ordinance.” *Twp. of Cherry Hill*, 799 F. Supp. at 458; *see* 42 U.S.C. § 3615 (“Any law of a State, a political subdivision, or other jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid under the Fair Housing Act.”).

The aforementioned prohibition under the FHA against zoning discrimination by local governments includes the requirement that local governments make reasonable

accommodations in their zoning ordinances to allow the operation of Oxford Houses. Specifically, 42 U.S.C. § 3604 defines discrimination to include a “refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such handicapped person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3)(B).

### **THE REQUESTED ACCOMMODATION**

As set forth above, Oxford Houses are considered the functional equivalent of a family. The Lincoln Municipal Code, Title 27 Zoning, Chapter 27.02 Definitions, Section 27.02.070 F. defines Family as:

One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than two persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- a. A person residing with a family for the purpose of adoption;
- b. Not more than six persons under nineteen years of age, residing in a foster home licensed or approved by the State of Nebraska;
- c. Not more than four persons nineteen years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the state or its delegate;
- d. Any person who is living with a family at the direction of a court.

This definition encompasses the Oxford House use if the limitation on unrelated people is increased.

While the City’s Code has certain definitions of group living, none fit the Oxford House use. For example, the definition of Group Home requires the provision of “therapy or

counseling” and being “licensed by the State of Nebraska”. As set for above no services are provided in an Oxford House nor are Oxford Houses licensed.

The definition of Collaborative Living Facilities limits the number of residents based on the size of the lot area of the property. Such limitations would only allow three residents at the Oxford House at 1035 S 12th St. This number falls short of the minimum of six residents required by 42 U.S.C. § 300x-25, the enabling legislation for the State of Nebraska’s contract with Oxford House, Inc., and the minimum number of residents required under the Oxford House model’s self-governance provisions, unless accommodations were approved for increasing the number of residents and waiving the parking requirement.

**THE REQUEST IS REASONABLE**

**No Burden**

There is no financial or administrative burden on the City as a result of the Oxford House at 1035 S 12th St. In fact, the Oxford House provides a free benefit to the City by providing housing for men recovering from alcoholism and drug addiction.

**No Substantial or Fundamental Altered**

The requested accommodation does not substantially or fundamentally alter the City’s zoning regulations. The Code expressly provides for accommodations. The City granted another Oxford House at 1923 B St. an accommodation to be treated as the functional equivalent of a family with fourteen (14) unrelated persons in 2022. The Oxford House at 1035 S 12th St. has been at its present location for nearly ten years without incident.

**THE REQUEST IS NECESSARY**

**Therapeutically Beneficial**

By its very nature the Oxford House model’s therapeutic benefit is derived solely from its residents. In an Oxford House there are no counselors, managers, care providers or personnel that provide any therapeutic services. Oxford Houses are not like traditional group

homes or halfway houses - all of which have managers and provide some services to their residents. In such traditional homes a lesser number of residents will not have any therapeutic impact. Not so in an Oxford House. The quality of the relationship among the residents in an Oxford House is one of mutual support and bonding, providing an ameliorative therapeutic benefit which aids each resident in their recovery from alcoholism or drug addiction. Thus, the number of residents is therapeutically necessary for the residents to stay clean and sober. As a result of this therapeutic benefit, those living in an Oxford House are more likely to remain clean and sober than those living on their own.<sup>1</sup>

Studies and experience have shown that a minimum number of residents is required to provide the optimum therapeutic benefit. This number is in part dependent upon the physical size of the house. The average Oxford House has eight residents. Further, Oxford Houses often have one vacancy at any given time. This is due to a resident moving out and

<sup>1</sup> DePaul University study funded by the National Institute on Alcohol Abuse and Alcoholism had 150 individuals getting out of primary treatment divided into two groups of 75 each with one group going to Oxford Houses and the other group going to normal living situations, each group was followed for two years after treatment and the Oxford House group did substantially better in staying clean and sober (64.8% v. 31.3%). *American Journal of Public Health*, Oct 2006; Vol. 96, pp1727-1729, Jason, L.A., Davis, M.I., Joseph R. Ferrari, J.R., Anderson, E.

Another DePaul study funded by the National Institute on Drug Abuse followed 897 residents in 219 Oxford Houses across the country for 27 months and found that only 13% relapsed. *Addictive Behaviors* 2007; (32), 802-818, Jason, L.A., Davis, M.I., Joseph R. Ferrari, J.R., Anderson, E.

The Surgeon General of the United States has recognized the Oxford House model as a leading example of "Recovery Housing". *Facing Addiction in America: The Surgeon General's Report of Alcohol, Drugs, and Health*. 2016. <https://addiction.surgeongeneral.gov/>.

*Schwarz v. City of Treasure Island*, 544 F.3d 1201, 1227 (11th Cir. 2008) citing a series of federal decisions addressing the efficacy of group living arrangements for recovering substance abusers including *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1185 (E.D.N.Y.1993), and *Fn16* citing 42 U.S.C. §300x-25 and the Oxford House model thereunder.

*Oxford House, Inc. v. City of Baton Rouge*, 932 F. Supp. 2d 683, 693 (M.D. La. 2013) (There is sufficient evidence in the record to show that this type of living arrangement has an ameliorative effect on the residents' disability/handicap, since living in the supportive structure enabled the residents to turn their lives around.)

the time it takes to interview and select a replacement resident. Therefore, whatever the maximum number of residents is, the house will usually have one less person at any given time. Further, limiting the number of residents can cause financial hardship on the residents since they all share expenses equally without any outside financial assistance.

### **Provides an Equal Opportunity to Use and Enjoy Housing of Choice**

Additionally, Oxford Houses are home to their residents. The requested accommodation provides the residents an equal opportunity to use and enjoy housing of their choice.<sup>2</sup>

4899-6017-0633, v. 1

<sup>2</sup> The law requires equal opportunity for disabled persons to use and enjoy housing of their choice. *United States v. City of Jackson*, 318 F.Supp.2d 395, 416 (S.D. Miss. 2002) (FHA “guarantee[s] that the disabled be afforded equal opportunity to live, not in some residence in the community, but rather in the residence of their choice”); *ARC of New Jersey, Inc. v. State of New Jersey*, 950 F. Supp. 637, 645 (D. N.J. 1996) (“ceiling quotas imposed via group home spacing rules improperly limit the ability of handicapped persons ‘to live in the residence of their choice in the community,’ even if imposed in the name of integration or ‘declustering’”); *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179, 1185 n.10 (E.D. N.Y. 1993) (FHA “dictates that a handicapped individual must be allowed to enjoy a particular dwelling, not just some dwelling somewhere in the town”); *Oxford House-Evergreen v. City of Plainfield*, 769 F. Supp. 1329, 1344 (D. N.J. 1991) (defense based on existence of alternative locations in the city for group home held “without merit”).