

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, March 24, 2026.

NAME OF GROUP: PLANNING COMMISSION

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

IN ATTENDANCE: Dick Campbell, Gloria Eddins, Cristy Joy, Rich Rodenburg, Cindy Ryman Yost, Paul Barnes, Ben Callahan, Dávid Cary, Jill Dolberg, Arvind Gopalakrishnan, Steve Henrichsen, Shelli Reid, and Laura Tinnerstet, 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 March 18, 2026.

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

Minutes approved 5-0: Campbell, Eddins, Joy, Rodenburg and Ryman Yost, voting "yes". Ball, Cruz, Ebert and Feit absent.

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

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 1, 2026

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

The Consent Agenda consists of the following item: Special Permit 1179A

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 **1.2 Special Permit 1573C**, from the Consent Agenda to a separate public hearing.

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

Consent Agenda approved 5-0: Campbell, Eddins, Joy, Rodenburg and Ryman Yost, voting “yes”; Ball, Cruz, Ebert and Feit absent.

Note: This is Final Action on Special Permit 1179A, Special Permit 1573C, Special Permit 1813B and Special Permit 26010 unless appealed by filing a Notice of Appeal with the City Council or County Board within 14 days.

SPECIAL PERMIT 1573C - TO AMEND THE EXISTING SPECIAL PERMIT ALLOWING A RESIDENTIAL HEALTHCARE FACILITY FOR AN ADDITION AND TO INCREASE THE NUMBER OF ALLOWED RESIDENTS TO 25 ON PROPERTY LOCATED AT 1740 SUPERIOR STREET.

PUBLIC HEARING:

April 1, 2026

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Ben Callahan, Planning and Development Services, 555 South 10th Street, Lincoln, NE, came forward and presented the request for an amendment to a special permit for the property at 1740 Superior Street, located on the north side of Superior. Callahan explained that the existing special permit allows a residential healthcare facility, currently known as Grace Space, and the request is to increase the number of residents from 16 to 25.

Callahan stated that the property is zoned R-3 and is surrounded by a mix of residential uses, including single-family homes to the east, townhomes to the north and west, and multifamily residential to the south. The site is located just east of the Eiseley Branch Library. Callahan noted the facility has operated under a special permit since 1995, originally as a domiciliary facility, now classified as residential healthcare.

Callahan explained that residential healthcare allows a range of services, including assisted living, memory care, and hospice care, with this facility specializing in hospice. Under R-3 zoning, density allows one resident per 2,000 square feet of lot area, and with approximately 51,000 square feet, up to 25 residents are permitted.

Regarding parking, Callahan stated that 13 spaces are required, while 19 are provided on the site plan. Callahan noted that parking within the front yard setback will be removed to meet code, while access

will remain from Bell Ridge Drive. In coordination with Fire and Rescue, a turnaround will be added for emergency access.

Callahan added that the proposal includes an approximately 4,500-square-foot addition on the northeast side of the building, which will meet the minimum five-foot side yard setback for the R-3 district. Callahan concluded by offering to answer questions.

Staff Questions-

Commissioner Campbell asked whether the property to the east consists of single-family residences.

Callahan confirmed that they are single-family homes to the east and noted that to the north, the properties are arranged in a two-family or townhome-style configuration on individual lots.

Commissioner Eddins asked whether there is a maximum limit for a residential healthcare facility, noting that while 25 residents are allowed based on square footage, she questioned if there is a threshold where the use would no longer be considered residential healthcare.

Callahan responded that the classification is based on density requirements, and the maximum number of residents is determined by lot size. Callahan noted that larger facilities do exist and are still classified as residential healthcare, with the allowed number of residents established through the applicable density standards.

Applicant:

Nate Burnett, REGA Engineering Group, 601 Old Cheney Road, Suite A, Lincoln, NE, came forward and addressed the commission. Burnett stated that the request is to increase the number of residents from 16 to 25, which is permitted by right based on the density calculation. Burnett noted that no waivers are being requested and that existing nonconforming parking spaces located within the front setback will be removed to bring the site into compliance.

Burnett addressed concerns raised in submitted letters, including parking. Burnett explained that 13 parking spaces are required, while the site plan provides 19 spaces. Burnett stated that the design maximizes on-site parking while accommodating a required turnaround for emergency vehicles, which was developed in coordination with Fire and Rescue.

Burnett also addressed concerns regarding maintenance and drainage. Burnett explained that erosion near the property line will be improved through construction documents by adding a curb at the storm sewer outlet to dissipate water flow and installing heavier-duty erosion control matting. Similar improvements are proposed for the new addition area. Burnett stated that these measures are intended to address observed site conditions and to be a good neighbor.

Burnett then deferred to Kelly Sparr to provide additional information about the facility.

Kelly Sparr, Grace Space, 1740 Superior Street, Lincoln, NE, came forward and addressed the Commission. Sparr stated that Grace Space has been operating for approximately two and a half years under an assisted living license and currently serves about 14 residents at a time, specializing in hospice and end-of-life care.

Sparr noted that the facility has served over 230 residents and their families and currently employs approximately 24 staff members, with typically three to five employees on a shift. Sparr explained that residents do not drive, and parking primarily consists of staff and visitors.

Sparr stated that she serves as the administrator, executive director, and co-owner of the facility and offered to answer any questions from the commission.

Staff Questions-

Commissioner Eddins asked how many parking spaces are currently provided on the site.

Burnett responded that there are currently 17 parking spaces, which will increase to 19 with the proposed improvements.

Commissioner Campbell asked how many family visitors are typically on-site at a given time, noting that hospice residents do not drive.

Sparr responded that visitation varies depending on the number of residents and their families, particularly due to the nature of end-of-life care, which can involve visitors at all hours. Sparr stated that the parking lot is often fully utilized, but that usage fluctuates at times.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

Staff Questions-

Chair Joy asked about the removal of the parking stalls and whether it was because they did not comply with current zoning rules.

Callahan responded that a few of the stalls had encroached into the front-yard setback over time. The parking is being shifted to ensure it is now in conformance with the front yard requirements.

Callahan added that the plan shows the updated parking layout reflecting the front yard setback. Some existing stalls had encroached into the setback over time, so those are being modified and removed, with parking pushed further north to comply.

Ryman Yost asked whether the side yard setback remains compliant with the addition of the new building and whether the fence is an existing one.

Callahan confirmed that the fence exists, and the engineer could confirm more information. Callahan noted that the five-foot side yard setback on the east side is maintained. The building would be slightly over 10 feet from the property line, as a utility easement remains in place.

Chair Joy asked if there were any additional questions for the applicants. There were none.

Chair Joy opened the floor for applicants' rebuttal and responded that they wanted to confirm details regarding the fence.

Applicant Rebuttal:

Burnett explained that there is an existing fence, and the portion affected by construction would be removed and replaced with a new fence.

Staff Questions-

Commissioner Campbell asked whether the new fence would be on the east side, and Burnett confirmed that it would.

Chair Joy asked about the existing fence and the site's topography.

Burnett confirmed that the fence is a solid six-foot vinyl fence, as observed during the site visit, and estimated that the topography drops approximately six feet from the Superior Street sidewalk down into the site.

Chair Joy noted that the fence provides a nice visual barrier, and Burnett added that it also helps keep headlights from shining onto Superior Street.

Chair Joy asked if there were any other questions for the applicants, and there were none.

SPECIAL PERMIT 1573C

ACTION BY PLANNING COMMISSION

April 1, 2026

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

Campbell moved to approve Special Permit 1573C; seconded by Eddins.

Commissioner Campbell stated that the applicants had planned thoroughly and addressed the concerns raised in emails and other communications, and that he would be supporting the request.

Commissioner Eddins stated she would support the request but expressed concerns about the potential size of residential healthcare facilities and parking impacts. Eddins noted that increasing stalls from 17 to 19 may not alleviate parking issues, but acknowledged the proposal meets zoning requirements.

Commissioner Rodenburg noted the growing demand for residential healthcare, citing an aging population and waiting lists at existing facilities. Rodenburg stated that larger facilities can be successfully operated with appropriate staffing and services.

Chair Joy stated that she agrees with her fellow commissioners, noting that the applicants have done a commendable job addressing concerns and that staff have prepared an excellent report.

Motion for approval of Special Permit 1573C, carried 5-0, with Campbell, Eddins, Joy, Rodenburg, and Ryman Yost voting “yes”. Ball, Cruz, Ebert and Feit absent.

SPECIAL PERMIT 1813B - FOR IMMANUEL ADDITION TO THE PRESERVE ON ANTELOPE CREEK (COMMUNITY UNIT PLAN), TO ADD APPROXIMATELY 1.7 ACRES TO THE CUP, TO INCREASE THE NUMBER OF RESIDENTS AND TO APPROVE A RESIDENTIAL HEALTHCARE FACILITY, WITH ASSOCIATED WAIVERS ON PROPERTY GENERALLY LOCATED AT PAGODA LN & PIONEERS BLVD.

PUBLIC HEARING:

April 1, 2026

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning and Development Services, 555 South 10th Street, Lincoln, NE, came forward and provided an overview of the application area for the proposed amendment to the existing special permit. Henrichsen explained that the special permit covers two types of uses and that the overall CUP is quite large, including single-family townhomes as well as the Grand Lodge at the Preserve. The Grand Lodge currently operates as a residential healthcare facility with both assisted living and independent living units.

The amendment under consideration would expand the CUP boundary to include an additional lot on Pagoda Lane, immediately adjacent to the Grand Lodge. This expansion would also extend the residential healthcare facility, replacing the current use by Elevate Church, which plans to relocate, and removing the existing church building to add an addition to the Grand Lodge with new independent living units. The amendment would also formalize flexibility for the number of assisted living units within the existing Grand Lodge building over time.

Henrichsen noted that the plans are conceptual at this stage. The proposed addition includes a driveway off Pagoda Lane, potential underground parking, and a conceptual emergency vehicle turnaround. Conditions in the amendment address additional screening to the south, and as part of the CUP, the building would be allowed up to 55 feet in height, compatible with the existing structure. Many conditions are intended to clean up the CUP, particularly regarding commercial land now

covered by a separate use permit. Henrichsen concluded by recommending approval of the proposed conditions and offered to answer any questions from the commission.

Staff Questions-

Commissioner Campbell asked about the proposed underground parking, noting the presence of severe retaining walls to the east of the existing facility.

Henrichsen explained that placing a parking garage in that area could eliminate first-floor units similar to those in the existing building. Henrichsen added that this detail is better addressed by the applicant, as the proposal is still conceptual and focused on the overall site. Henrichsen clarified that underground parking and first-floor units are not required, allowing flexibility in the final design.

Commissioner Eddins asked whether the current entrance to Elevate Church is off Pioneers.

Henrichsen responded that the existing site plan shows access is off Pagoda Lane.

Commissioner Eddins also asked about the number of accesses.

Henrichsen explained that there are currently two accesses on Dakota, but the proposed plan would include a single access. Henrichsen noted that this driveway could lead to underground parking or continue to a driveway on the south side if needed.

Eddins expressed appreciation for the explanation.

Chair Joy inquired about the setbacks shown on the plan.

Henrichsen explained that the project would follow standard R3 setbacks, consistent with the submitted documents, and noted this would not pose an issue as the church is already set back significantly. Henrichsen added that the typical front yard setback would be 25 feet along both Pagoda and Pioneers.

Applicant:

Josh Sullivan, 1044 North 115th Street, Omaha, NE, came forward and thanked the commission and acknowledged the need for senior living in the community. Sullivan noted that Imanuel has been serving seniors for 139 years and currently operates three senior living communities in Lincoln, including the Grand Lodge, which serves 119 residents.

Sullivan outlined the proposed project, describing plans to expand the existing building eastward while maintaining the quiet and peaceful character of the community. The site currently includes both underground and surface parking with over 69 stalls, and the expansion would maintain at least 53 stalls.

Sullivan noted that the project is in the early conceptual stages and is working with Elevate Church on property acquisition. The grading between the properties presents a 12-foot difference from the highest point to the existing first-floor level, which will be addressed in design, including potential floor offsets. The roofline of the expansion would match the existing building.

Sullivan emphasized efforts to be considerate of neighbors, including sending letters for an April 14th information session. Sullivan stated that acquiring the Elevate property provides an opportunity for expansion, as the Grand Lodge site is otherwise landlocked, and will help address senior housing shortages in Lincoln and beyond. Sullivan concluded by reaffirming the applicant's commitment to continuing their presence and service in Lincoln.

Staff Questions-

Commissioner Campbell asked about the row of evergreens along the east side of the property between Grand Lodge and Elevate Church.

Sullivan explained that in addition to the trees, a power easement runs through that area. They have been in contact with Lincoln Electric Services regarding the potential rerouting of the easement. Any trees necessary for the expansion would be removed, while the remaining evergreens would be preserved.

Campbell confirmed that the plan is to leave the rest of the trees, and the applicant affirmed this.

Commissioner Campbell asked about the consideration of expanding to the church site versus the property owned to the south.

Sullivan explained that the property to the south is across the street, so there is no connectivity opportunity. Sullivan noted that Emanuel acquired the Grand Lodge site in 2017, and the southern lot was originally purchased as a separate assisted living option. There are currently no plans for that property.

Commissioner Campbell asked for clarification regarding property ownership to the south and west of the site.

Sullivan confirmed ownership of the adjacent parcel to the south but stated there are no plans for expansion in that direction. Sullivan explained that limited space and the presence of existing apartments would make expansion challenging and could negatively impact views.

Commissioner Campbell expressed his appreciation for the clarification.

Proponents:

No one approached in support.

Neutral:

Jason and Stacy Sall, 4421 Pagoda Lane, Lincoln, NE, came forward and stated that they are the property owners to the south of the site and noted they did not receive the referenced neighborhood notification letter. The Salls expressed concerns regarding grading and the existing retaining wall along the shared property line, emphasizing preservation of trees and shrubs during construction. They also raised traffic concerns, including vehicles turning around in the church parking lot and school bus activity, and requested adequate turnaround space and on-site parking to prevent overflow onto Pagoda Lane. Additional concerns included traffic congestion along the narrow section

of Pagoda Lane near Pioneers, the gravel roadway without sidewalks or street lighting, and vehicles parking on their property.

Staff Questions-

Commissioner Campbell asked for clarification on the location of the Salls property.

The Salls confirmed that they are located directly east of the existing Grand Lodge building and south of the church property.

The Salls emphasized that they are not opposed to the project but hope to work with the applicant as plans progress to address these details and reach a mutually agreeable outcome.

Commissioner Campbell noted that the applicant is still working through those details.

Commissioner Rodenburg observed that the applicants acknowledged the discussion.

Chair Joy thanked the neighbors for sharing their concerns and noted the value of placing their comments on the official record. The Salls had no further remarks.

Opposition:

No one approached in opposition.

Staff Questions-

Henrichsen noted that, for informational purposes, the staff report includes Condition 1.10 addressing the southern property line adjacent to the neighbors who testified. The condition requires a 15-foot setback along the south property line, which must be maintained as green space. Currently, the church has parking up to the property line and a retaining wall. The condition would require removing the southern parking area and replacing it with a 15-foot green strip. Additionally, the design standards require screening between multifamily and single-family properties, which includes planting trees and providing a screen up to 25 feet tall covering at least 50% of the width of the southern property line.

Commissioner Eddins asked if the existing retaining wall is located on the Elevate Church property.

Henrichsen confirmed that this is likely the case but noted that surveys may reveal additional details. Henrichsen added that any grading on an adjacent property would require an easement or permission from the property owner, and a grading and drainage plan would need to be developed. Henrichsen emphasized that, regardless, the approval includes a requirement for a 15-foot green space and screening along the southern property line.

Chair Joy thanked Henrichsen, noting that the clarification was very helpful.

Applicant Rebuttal:

Sullivan thanked the neighbors for sharing their concerns and expressed willingness to work with them throughout the design process to address any issues. Sullivan noted that traffic concerns

related to the current use of Elevate Church had been raised and stated that the proposed project could help reduce traffic and parking challenges in the area. Sullivan added that many residents of the Grand Lodge do not drive, and those who do generate minimal traffic, further supporting the potential for reduced neighborhood congestion.

SPECIAL PERMIT 1813B
ACTION BY PLANNING COMMISSION

April 1, 2026

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

Campbell moved to approve Special Permit 1813B; seconded by Eddins.

Commissioner Campbell noted that he is familiar with the property and has worked with the applicant on landscaping in the past. Campbell stated that the proposed project and its connection to the church site makes sense in the context of the surrounding area.

Commissioner Eddins expressed support for the applicant's conceptual plan, noting that the proposed addition will be visually compatible with the existing building. Eddins recommended that the applicant consider door-to-door outreach to neighbors in addition to sending letters, as personal contact is often helpful. Eddins stated that she is pleased with the project overall, believes it is a good fit for the area, and noted that it may help alleviate some existing neighborhood challenges rather than create new ones.

Commissioner Rodenburg stated that he recognizes the need for additional senior living facilities in the community and expressed his support for the project.

Chair Joy thanked the applicant and noted that the fellow commissioners had already summarized their perspectives effectively.

Motion for approval of Special Permit 1813B, carried 5-0, with Campbell, Eddins, Joy, Rodenburg, and Ryman Yost voting "yes". Ball, Cruz, Ebert and Feit absent.

SPECIAL PERMIT 26010 – TO ALLOW FOR THE WILLOWMERE FOREST ESTATES COMMUNITY UNIT PLAN (CUP) OVER APPROXIMATELY 6.5 ACRES FOR 9 SINGLE-FAMILY DWELLING UNITS, ON PROPERTY LOCATED AT 6400 OLD CHENEY ROAD, WITH ASSOCIATED WAIVERS.

PUBLIC HEARING:

April 1, 2026

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

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning and Development Services, 555 South 10th Street, Lincoln, NE, came forward and presented the special permit application for a community unit plan (CUP) encompassing nine lots, located just east of 62nd Street on the north side of Old Cheney Road. The existing single-family house on the property would be retained, with eight additional houses proposed.

The plan initially included a private cul-de-sac but was later revised to a public street. The application requests reduced internal setbacks: front yards from 30 to 20 feet and side yards from 10 to 5 feet, as well as a waiver for opposite street grades for the sewer, which LTU supports. Construction access would use the existing driveway on Old Cheney Road during grading and utility installation, which would be removed once building begins.

Henrichsen noted that construction traffic for eight houses is typical for a neighborhood and not unusual. Henrichsen highlighted neighborhood questions from a recent meeting, mainly concerning access via Black Forest Drive and Pinoak Court. Black Forest Drive is private, and Pinoak Court is a private roadway with a public access easement on two lots. The developer has been coordinating with those lot owners regarding logistics.

Henrichsen stated that, aside from access, the development is standard, low-density R1 zoning with internal setback adjustments, and the staff recommends approval.

Staff Questions-

Commissioner Eddins asked about access for the existing house, and Henrichsen confirmed that it currently accesses the property from Old Cheney Road.

Commissioner Eddins asked about the existing access point from Old Cheney Road.

Henrichsen confirmed that this access would be removed once grading and utility installation are complete. Henrichsen explained that the access does not align with other streets, does not meet access management spacing requirements, and would require a right-turn lane, which is cost-prohibitive for a nine-lot development. The access is being temporarily maintained only for construction equipment during site preparation.

Commissioner Eddins asked whether the Pinoak Court easement is already paved.

Henrichsen confirmed that the existing private roadway is paved but currently dead ends. Henrichsen noted that the developer would need to remove a few trees, extend the paving, and continue the public street through the remainder of their property.

Commissioner Eddins asked if the new public street will connect to the existing private roadway.

Henrichsen confirmed that it will. He noted that while this arrangement—where a public street transitions into a private street before an intersection—is uncommon, there are a few similar examples elsewhere in Lincoln.

Commissioner Eddins thanked Henrichsen for the clarification.

Commissioner Rodenburg asked about potential wear and tear on Black Forest Drive, a private road maintained by the homeowners, due to heavy construction equipment accessing the site. He inquired whether the city could require the road to be made public.

Henrichsen explained that the CUP approval cannot mandate that the developer become a member of the HOA or convert the private roadway to a public street. The original CUP included a private roadway stubbed to the adjacent lot by design, while the remainder of the development has public streets. Converting a private roadway to a public street is rare and depends on factors such as construction to public standards and the presence of sidewalks. He emphasized that it cannot be required for this development that the adjacent private roadway be upgraded or maintained by the developer.

Commissioner Rodenburg asked whether an escrow account could be required to repair Black Forest Drive if it were damaged by construction equipment.

Henrichsen responded that there is no mechanism to require the developer to make improvements to another street. Henrichsen explained that it is difficult to determine what causes damage, even on public streets, and that construction traffic is typical in new developments. While acknowledging potential impacts, he stated that the CUP cannot obligate the developer to contribute to an escrow or repair fund for the adjacent private roadway.

Commissioner Rodenburg asked whether the developer could have applied to build townhomes at a higher density.

Henrichsen confirmed that the R1 zoning allows single-family or single-family attached homes by right, with minimum lot sizes smaller than those proposed. Henrichsen noted that previous layouts showed 14 to 16 townhome units, but most plans preserved the existing house. Additionally, some site area is required for stormwater detention, which further limits the number of potential townhome units.

Commissioner Rodenburg thanked Henrichsen for the clarification.

Chair Joy then asked if there were any further questions, and none were raised.

Applicant:

Mike Eckert, Civil Design Group, 8535 Executive Woods Drive, Suite 200, Lincoln, NE, came forward, representing CF2 Home Investments Group, and addressed the commission regarding the proposed development. Eckert noted that during the pre-application process, the client aimed to create lots consistent with the surrounding neighborhood. Eckert described using the existing driveway for construction access to facilitate grading, utility installation, detention cell creation, and road paving, while allowing the existing house to be restored and controlled by the developer during construction.

Eckert highlighted that although the R1 zoning would allow up to 14 single-family homes or townhome units, the proposal is for nine lots, with internal waivers requested for side yard setbacks and a

reduction of front yard setbacks from 30 feet to 20 feet. These adjustments are intended to preserve tree buffers between the new lots and adjacent properties, benefit neighboring properties, and better integrate the homes into the heavily treed site.

Regarding the private road, Eckert provided examples of similar private roads used in other developments and explained that the developer has proactively offered to contribute a pro-rata share toward the maintenance of the adjacent HOA road over ten years. Eckert noted that after this period, the new homeowners' association could renegotiate or continue the contribution.

Eckert concluded by emphasizing that the proposal is designed to be compatible with the neighborhood and that the developer is committed to being a good neighbor. Eckert invited questions from the commission.

Proponents:

No one approached in support.

Neutral:

Ann Post, Rembolt Ludtke LLP, 1128 Lincoln Mall, Suite 300, Lincoln, NE, came forward and, representing only the Black Forest Drive homeowners, stated that her testimony is neutral. Post noted that discussions with the developer regarding road maintenance contributions are ongoing, emphasized that she is not requesting a delay, and expressed confidence in the developer's willingness to work with the neighborhood.

Staff Questions-

Campbell asked Post if her group includes the two houses on Pinoak.

Post responded that it does, clarifying that Black Forest Prime LLC represents only the homes along the private section of Black Forest Drive past the first lot. Post noted that this is the only private street in the neighborhood; all other streets in Black Forest are public.

Opposition:

Rob Otte, 9810 Hollow Tree Drive, Lincoln, NE, came forward and spoke in opposition to the proposed development, noting that he and John Rallis are developers of the adjacent Black Forest neighborhood. Otte explained that Black Forest Drive is a private road maintained by the homeowners' association and that the proposed development would add nine lots to access Pinoak Court, which connects to the private road.

Otte's primary concern is the potential wear and tear on the private road from construction traffic. Otte emphasized that the Black Forest Homeowners Association has been maintaining the road for many years and requested that the developer pay a fair share of the costs associated with road maintenance. Otte clarified that the request is proportional to the additional lots being added and does not seek full assessments or special charges.

Otte suggested possible options to address the concern, including limiting the number of lots accessing Pinoak Court or requiring alternative access via Frontier Drive to mitigate traffic on the

private road. Otte concluded by requesting a brief delay with the decision to allow further discussion and potential agreement between the developer and the HOA.

Staff Questions-

Chair Joy asked Henrichsen about the map showing four lots and whether it was part of a prior pre-application.

Henrichsen explained that the map represented a conceptual plan, which is required to show up to 300 feet beyond the subject property to demonstrate that adjacent properties could still be subdivided. Henrichsen noted that this concept plan is reviewed only for general layout purposes, not for design standards, financial feasibility, or binding unit counts. In this case, the concept plan showing a potential cul-de-sac was illustrative and not binding regarding four, six, or nine units.

Applicant Rebuttal:

Eckert noted that the developer has made a good faith offer to contribute to the maintenance of the adjacent private roadway and cover any Pinoak Court property adjustments. Eckert emphasized that the prior four-lot concept shown by staff was illustrative, outside the current preliminary plat, and with no recorded encumbrances on the property. Eckert stated that the proposed nine lots are consistent with neighborhood density, align with R1 zoning, subdivision requirements, and the comprehensive plan, and expressed a desire to proceed without delay, noting that parties retain the right to appeal to City Council.

Staff Questions-

Commissioner Campbell asked about the potential additional land from the Pinoak property owners and whether it would be needed to meet the full city street with requirements.

Eckert responded that it would be entirely the decision of those property owners if they wish to adjust their property lines. Eckert confirmed that the developer is willing to cover the costs for such adjustments, which could include a 50-foot roadway to match the existing public access easement, potential single-side sidewalks, and other minor adjustments. Any plat changes would be handled separately from the developer's preliminary plat.

Commissioner Campbell asked about the developer's negotiations with the Black Forest homeowners and how the proposed contributions compared to the \$7,000 per unit figure mentioned by the neighbors.

Eckert responded that the developer structured their offer to cover an annual amount per lot, adjusted each year based on the Consumer Price Index. Eckert noted that the road is 25 years old and that new lot buyers should not be responsible for prior wear or damage. The proposed per-lot contribution closely mirrors the existing amounts currently paid by the Black Forest homeowners.

Chair Joy asked if there were any other questions, and there were none.

SPECIAL PERMIT 26010
ACTION BY PLANNING COMMISSION

April 1, 2026

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

Campbell moved to approve Special Permit 26010; seconded by Eddins.

Commissioner Campbell stated that the developers of Willowmere Forest Estates have been very fair in working with the Black Forest neighbors and expressed hope that an agreement would be reached. Campbell noted that, given the road has been in place for 15 to 20 years, some maintenance and upgrades are already needed due to wear. Campbell indicated that he would be supporting the project moving forward.

Commissioner Eddins acknowledged a letter noting significant maintenance costs for the private road and expressed frustration that connecting it to a public street would increase the impact on those owners. Eddins noted that the proposal meets zoning requirements and that a turn lane off Old Cheney would be excessive for only nine lots. Despite her concerns, she stated that she would be supporting the project.

Commissioner Rodenburg agreed that even though a single vote would delay the project by two weeks, either party can appeal to the City Council, which would take longer than two weeks. Rodenburg expressed hope that the parties would use that time to work together.

Commissioner Ryman Yost noted that previous developments in the area, just north of 63rd Street, anticipated a connection through Pinoak Court. Ryman Yost acknowledged the financial impacts and changes this connection could create for existing residents and appreciated that all parties are working toward an agreement. Ryman Yost stated that she would support the motion, noting that the proposal meets the established zoning requirements.

Chair Joy stated that the commissioners had expressed the points she was considering and that she would also be in support of the motion.

Motion for approval of Special Permit 26010, carried 5-0, with Campbell, Eddins, Joy, Rodenburg and Ryman Yost voting "yes". Ball, Cruz, Ebert and Feit absent.

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 REQUIREMENTS 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.

PUBLIC HEARING:

April 1, 2026

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation/Applicant:

Paul Barnes, Planning and Development Services, 555 South 10th Street, Lincoln, NE, came forward and presented a package of updates to the city sidewalk café regulations. Barnes explained that the updates aim to provide clearer guidance for applicants while allowing more flexibility in design and operations. Barnes noted that one example is removing the requirement for fully enclosed barriers for cafés that do not serve alcohol.

Barnes described other components of the package, including specific design standards for sidewalk cafés and a potential administrative approval pathway for those that meet all requirements, rather than requiring design review board approval. Barnes emphasized that the updates are closely coordinated with the Project O Street initiative in downtown Lincoln.

Barnes noted that sidewalk cafés are currently allowed in all B zoning districts and that the updates propose allowing them in the O1 district downtown as well. The package includes updates to Chapter 14.5 (Sidewalk Cafés) and Chapter 5.04 (Alcoholic Liquor) of the Lincoln Municipal Code, and it also introduces a Sidewalk Café Guidebook designed to visually explain the regulations and approval process for applicants.

Barnes highlighted that this effort involved extensive coordination with multiple city departments, the Outdoor Dining Committee, and local business owners. Barnes also reported that prior review by the Urban Design Committee, Historic Preservation Commission, and Capital Environments Commission resulted in unanimous support, with their comments incorporated into the current proposal.

Barnes concluded by introducing Arvind Gopalakrishnan, who would provide additional details about the Sidewalk Café Guidebook and explain the regulations without going into specific code markups.

Arvind Gopalakrishnan, Planning and Development Services, 555 South Street, Lincoln, NE, came forward and walked the commissioners through the sidewalk cafe guidebook. Gopalakrishnan explained that the guidebook contains the design standards in an accessible, public-facing format that will be published online. It provides a step-by-step application process, identifies required materials for permits, outlines permit eligibility, and details all design elements. Gopalakrishnan noted that the application process is being moved online for easier navigation.

Gopalakrishnan outlined that the guidebook starts with eligibility criteria and sidewalk zones, making the information as digestible as possible. Gopalakrishnan emphasized that pedestrian safety is a top priority, and the permit requirements ensure cafés maintain proper setbacks and buffers from permanent objects on the right-of-way, including street furniture, crosswalk landings, curb ramps, fire hydrants, parking meters, and loading zones.

Gopalakrishnan described how the sidewalk is divided into four zones: the curb zone, building entrance zone, frontage zone, and pedestrian through zone. This division facilitates discussions about café placement. Cafés are categorized into alcohol-serving and non-alcohol-serving, with non-alcohol cafés not requiring fully enclosed spaces. Seating can extend curbside or onto adjacent property with a notarized agreement from the neighboring owner, while maintaining a minimum 5-foot pedestrian passageway and a 2-foot visibility zone.

Gopalakrishnan explained barrier requirements: non-alcohol cafés require temporary barriers at least 32 inches high with openings not exceeding 8 feet, while taller barriers are only allowed along building façades or corners, not along curbs. Placement near intersections or side triangles will be reviewed on a case-by-case basis. Movable barrier options include rope barriers with planters, custom movable barricades, and landscape planters with or without heaters. Enclosed cafés must maintain a 3-foot clear ADA path. Prohibited materials include chain-link fencing, plastic lattice, untreated lumber, unstable sectional fencing, and trash receptacles.

Gopalakrishnan reviewed acceptable furniture materials, including stainless steel, powder-coated aluminum or steel, treated hardwood, or composites with proven durability. Overhead elements such as roller shades, awnings, pergolas, and umbrellas must meet specific design requirements, maintain a 7-foot clearance, and may only display the business name without brand advertising. Lighting should be low-glare and downward-facing, with no overhead power cables. Heaters must be UL-listed, fire bureau-approved, and floor-mounted heaters require a minimum 5-foot clearance from combustibles. Heating elements cannot be permanently installed in the right-of-way but must be secured and immobile during business hours.

Gopalakrishnan noted exceptions for the historic Haymarket district, where all sidewalk cafés must meet historic preservation standards, use high-quality materials, low railings, and complement the architecture of adjacent buildings. Cafés on loading docks or slightly elevated sidewalks must have secured barriers. The Historic Preservation Commission will determine whether proposals are approved, denied, or referred. In the Haymarket, all new cafés must use a consistent railing design.

Sidewalk cafés must also meet capital environment design standards and obtain a certificate of appropriateness from the Nebraska Capitol Environs Commission. Permits will be issued annually, allowing for periodic review. Routine inspections will ensure compliance with setback, clearance, and maintenance requirements, and any misrepresentation or noncompliance may result in permit revocation.

Gopalakrishnan concluded the presentation and invited questions from the commissioners.

Staff Questions-

Commissioner Rodenburg asked whether the proposal had been modeled after other cities and informed by trial and error.

Gopalakrishnan responded that they reviewed approaches from multiple cities and drew on local experience, working closely with business owners on sidewalk café applications. Gopalakrishnan noted they have observed both effective and less effective models and have shifted toward designs that are more temporary and flexible rather than permanent. Gopalakrishnan added

that, with upcoming street improvements, there is an opportunity to encourage more creativity and provide business owners with a wider range of design options and barrier choices.

Commissioner Eddins expressed appreciation for the inclusion of accessibility standards, noting particular interest in cross slope requirements, which she described as a concern on city sidewalks, especially along O Street. Eddins referenced the five-foot walkway requirement and the standard limiting cross slope to no more than 2 percent but pointed out that the guidance focused on sidewalk café areas rather than the full pedestrian walkway. Eddins asked whether this was intentional, given that ADA requirements already apply, or if the omission was based on the understanding that those standards are addressed through other regulations.

Gopalakrishnan responded that they assumed the entire surface would meet the 2 percent cross slope requirement, which is why the passageway was not specifically called out.

Commissioner Eddins noted that, as written, the standard appears to apply only within the sidewalk café area and not clearly to the five-foot pedestrian walkway. Eddins expressed concern that this could allow placement on the steepest portion of the sidewalk.

Commissioner Campbell asked whether the proposal would change anything currently allowed under PUDs such as Fallbrook or Village Gardens, particularly regarding outdoor seating and alcohol service.

Barnes responded that sidewalk cafés are located within the public right-of-way, and therefore, the regulations would not apply to existing outdoor seating areas on private property, such as fenced patio spaces. Barnes clarified that anything occurring on private property would remain unaffected unless it extends into the public right-of-way.

Barnes added that, in response to Commissioner Eddins' question, the design standards document does address this issue. Barnes referenced page seven, section H. 3. C. 1, which states that any ground surface within the sidewalk café must adhere to specified slope requirements. Barnes noted that while the guidebook aims to be comprehensive, it is intentionally abbreviated and not a full replication of the code section.

Commissioner Ryman Yost stated that she did not have a question but wanted to compliment the extensive work and coordination involved with various stakeholder groups and boards. Ryman Yost expressed enthusiasm for the proposal and appreciation for the guidebook, noting that its use of bullet points and diagrams makes the information more accessible compared to traditional code language.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

TEXT AMENDMENT 26004
ACTION BY PLANNING COMMISSION

April 1, 2026

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

Campbell moved to approve Text Amendment 26004; seconded by Eddins.

Commissioner Rodenburg shared that during a recent trip to San Antonio, he enjoyed the outdoor dining experience along the Riverwalk. Rodenburg noted that while Lincoln does not have a similar setting, there is strong potential for local establishments to expand outdoor seating opportunities and enhance the dining experience.

Commissioner Eddins expressed enthusiasm for the proposal. Eddins noted an experience in San Antonio where sidewalk cross slopes were challenging and added that she is excited about the opportunity to enjoy outdoor seating locally.

Motion for approval of Text Amendment 26004, carried 5-0, Campbell, Eddins, Joy, Rodenburg and Ryman Yost voting “yes”. Ball, Cruz, Ebert and Feit absent.

TEXT AMENDMENT 26005 – TO AMEND LINCOLN MUNICIPAL CODE SECTION 27.72.120 TO ALLOW ACCESSORY BUILDINGS IN THE AGR AGRICULTURAL RESIDENTIAL DISTRICT TO BE LOCATED IN THE SIDE YARD UP TO 5 FEET FROM THE SIDE LOT LINE .

PUBLIC HEARING:

April 1, 2026

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

Staff Recommendation: Approval

There were no ex-parte communications disclosed.

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

Staff Presentation:

Steve Henrichsen, Planning and Development Services, 555 South 10th Street, Lincoln, NE, came forward and presented a text amendment submitted by Mark Hunzeker. Henrichsen explained that the amendment would apply to all properties within the AGR zoning district and specifically addresses side yard setbacks for accessory buildings. Henrichsen noted that the amendment does not change the existing setbacks for primary structures.

Henrichsen outlined that AGR zoning typically requires a minimum three-acre lot, with established front, side, and rear yard setbacks. While such lots generally provide ample space, homes are not

always centered due to topography, views, or existing site constraints. Over time, the placement of accessory structures can limit future building options, leading to requests for more flexibility.

Under the current code, accessory buildings in other zoning districts may be placed within side yard setbacks up to two feet from the property line, with height limitations. AGR zoning does not allow accessory buildings in the side yard setback but does allow them in the rear yard under similar conditions. The proposed amendment would allow accessory buildings within the side yard setback in AGR zoning, provided a minimum five-foot setback is maintained, along with a maximum height of 15 feet. Outside of the side yard setback, accessory structures could be up to 35 feet in height.

Henrichsen noted that this approach provides flexibility while maintaining protection for adjacent properties, including increased setbacks from the front yard and reduced height within the side yard area. Henrichsen explained the challenges of notifying all affected property owners for a text amendment of this scale, noting that outreach was conducted through homeowner associations and acreage subdivision contacts.

Henrichsen concluded that staff recommends approval of the version included in the commission's packet, which differs slightly from the original proposal, and that the applicant supports the revised version.

Staff Questions-

Commissioner Rodenburg asked if any concerns or opposition had been raised during the outreach for the text amendment.

Henrichsen responded that, so far, no one had contacted the department with concerns about the proposed changes.

Commissioner Campbell asked about a feature on the lot, and Hendrickson confirmed that there is a pond or small lake just to the north of the property.

Commissioner Campbell noted the orientation of the buildings, and Henrichsen explained that it makes sense for homeowners to place structures on the south side of their lots so they can preserve views from patios or living areas.

Henrichsen added that other factors—like ravines, steep drops, or utility easements—often influence where accessory buildings are located, so people naturally choose the most practical spots.

Applicant:

Mark Hunzeker, Rembolt Ludtke, 1128 Lincoln Mall, Lincoln, NE, came forward and explained that the issue of placing an accessory building in the side yard exists in nearly all other zoning districts except AG and AGR. Hunzeker described his client's three-acre lot, noting that it makes sense to place the building on the side with the shorter side yard distance. Hunzeker highlighted that similar developments exist elsewhere in the city, with outbuildings or garages close to side yards but set far back from the front yard, and that this generally causes no issues. Hunzeker acknowledged the planning department's recommendation of a 100-foot front setback, stating that it works for his

client, and praised the department's thoughtful work. Hunzeker concluded by offering to answer any questions from the commission.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

TEXT AMENDMENT 26005

ACTION BY PLANNING COMMISSION

April 1, 2026

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

Campbell moved to approve Text Amendment 26005; seconded by Eddins.

Commissioner Campbell stated that the amendment makes a great deal of sense and questioned why it has been handled differently than in other areas of the city and noted his support.

Commissioner Ryman Yost said that she appreciates when the commission can address and solve a broader, systemic problem.

Motion for approval of Text Amendment 26005, carried 5-0, with Campbell, Eddins, Joy, Rodenburg and Ryman Yost voting "yes". Ball, Cruz, Ebert and Feit absent.

Campbell moved to adjourn the Planning Commission meeting of April 1, 2026; seconded by Eddins.

Motion to adjourn carried 5-0: Campbell, Eddins, Joy, Rodenburg and Ryman Yost voted "yes." Ball, Cruz, Ebert and Feit absent.

There being no further business, the meeting was adjourned at 2:53 pm.