

## 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.