

Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair

Cristy Joy: Vice Chair

Lorenzo Ball

Dick Campbell

Maribel Cruz

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

PLANNING STAFF

David R. Cary: Director

Shelli Reid: Administrative Officer

Laura Tinnerstet: Admin. Aide

August 6, 2025

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, August 6, 2025, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

AGENDA
WEDNESDAY, August 6, 2025

Approval of minutes of the regular meeting held [July 23, 2025](#).

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

CHANGE OF ZONE

1.1 CHANGE OF ZONE 25016, from R-3 (Residential District) to H-3 (Heavy Commercial District) over approximately 1.2 acres on property generally located at 5959 Tombstone Ridge Drive.

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Staff recommendation: Approval

Staff Planner: Emma Martin, (402) 441-6369, emartin@lincoln.ne.gov

SPECIAL PERMIT

1.2 SPECIAL PERMIT 19032B, to renew an existing soil excavation Special Permit for three more years, on property generally located at North 112th Street and Havelock Avenue. **FINAL ACTION**

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Staff recommendation: Conditional Approval

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

2. REQUESTS FOR DEFERRAL

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

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

5. CONTINUED PUBLIC HEARING AND ADMINISTRATIVE ACTION

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

Adjournment

PENDING LIST: No items

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**The Planning Commission meeting which is broadcast live at 1:00 p.m. every other
Wednesday**

will be available for viewing on LNK City TV at

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

The Planning Commission agenda may be accessed on the Internet at

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

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, July 15, 2025.

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME, AND PLACE OF MEETING:	Wednesday, July 23, 2025, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10 th Street, Lincoln, Nebraska.
MEMBERS AND OTHERS IN ATTENDANCE:	Lorenzo Ball, Dick Campbell, Maribel Cruz, Gloria Eddins. Bailey Feit, Cristy Joy, Rich Rodenburg and Cindy Ryman Yost; Brett Ebert absent; David Cary, Jill Dolberg, Steve Henrichsen, Shelli Reid, Andrew Thierolf, Laura Tinnerstet, and George Wesselhoff of the Planning Department, media, and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Hearing

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

Chair Ryman Yost requested a motion approving the minutes for the regular meeting held July 09, 2025.

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

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

Chair Ryman Yost asked the Clerk to call for the Consent Agenda Items.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **July 23, 2025**

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

The Consent Agenda consisted of the following items: Change of Zone 25012, Special Permit 25027, and Change of Zone 25015.

There were no ex parte communications disclosed.

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

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

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

COMPREHENSIVE PLAN AMENDMENT 25002, TO AMEND THE LINCOLN LANCASTER COUNTY 2050 COMPREHENSIVE PLAN, TO CHANGE APPROXIMATELY 113 ACRES FROM TIER 1 PRIORITY C TO TIER 1 PRIORITY B ON THE PRIORITY GROWTH AREAS MAP, MOVE APPROXIMATELY 42 ACRES INTO THE FUTURE SERVICE LIMIT AND CHANGE FROM TIER 11 TO TIER 1 PRIORITY B ON THE PRIORITY GROWTH AREAS MAP, AND CHANGE THE SAME 42 ACRES FROM AGRICULTURE TO URBAN RESIDENTIAL ON THE FUTURE LAND USE MAP, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 98TH & PINE LAKE ROAD.

PUBLIC HEARING AND ACTION:

JULY 23, 2025

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

Andrew Thierolf, Planning Department, 555 S. 10th Street, Lincoln, NE, appeared and presented a Comprehensive Plan Amendment proposal concerning updates to both the Growth Tier Map and the Future Land Use Map for a site located at 98th Street and Pine Lake Road.

Thierolf explained that the subject property is currently designated as Tier One Priority C and Tier Two. Tier One Priority C corresponds to anticipated development within the 2035–2050 timeframe, while Tier Two designates areas planned for growth beyond 2050. The applicant is requesting reclassification of the entire site to Tier One Priority B, which allows for development from now through 2035.

As part of this amendment, an update to the Future Land Use Map is also proposed. Currently, land located beyond the 2050 Future Service Limit is designated as Agricultural, reflecting the absence of projected urban services. Should the site be reclassified to Tier One Priority B, it would require an urban land use designation. The applicant is proposing Residential – Urban Density for this area.

Thierolf noted that the proposed land use is consistent with the surrounding context, as the site is predominantly adjacent to future residential urban density uses, with low-density residential located to the east.

A unique challenge for this site is the inability to provide gravity sewer service within the Tier One Priority B timeframe. As a result, a temporary pump station would be necessary. Thierolf stated that the City is currently in the process of updating its temporary pump station policy. Under this forthcoming policy, developments utilizing temporary pump stations must provide compensating benefits, such as affordable housing, a mix of housing price points and types, conservation design layouts, or sustainable building practices.

Thierolf further reported that the Lincoln Transportation and Utilities (LTU) Department has reviewed the proposal and confirmed that the amendment would not negatively impact the availability of sewer, water, or other infrastructure in any other currently designated growth areas.

In conclusion, Thierolf emphasized that the Comprehensive Plan encourages flexibility in applying growth tiers to adapt to changing development needs. He indicated that this proposal aligns with that objective.

Staff recommended conditional approval of the amendment, as outlined in the staff report. Final approval is contingent upon City Council approval of the updated temporary pump station policy. Following the Planning Commission's recommendation, the item will be held until such time as the City Council has had an opportunity to review and adopt the new policy. Thierolf concluded his presentation and invited questions from the Commission.

Staff Questions-

Feit inquired whether access to commercial uses and businesses—consistent with the City's broader goal of creating "towns within a town" had been part of the conversation for the proposed development. She referenced the importance of having neighborhood-serving commercial uses nearby in new growth areas.

In response, Thierolf acknowledged the question and affirmed that neighborhood commercial accessibility is a consideration under the City's updated temporary pump station policy, specifically as a potential compensating benefit. He further clarified that although the Future Land Use Map shows the area as Residential Urban Density, it does not indicate specific locations for small neighborhood commercial centers, as those are typically determined later in the development process. However, he emphasized that the designation does not preclude the inclusion of neighborhood-scale commercial uses within the development proposal.

Applicant-

DaNay Kalkowski, 1128 Lincoln Mall, Suite 105, Lincoln, NE, appeared on behalf of Matadol, LLC. Kalkowski was accompanied by Brad Marshall, also representing the applicant. Kalkowski noted that Marshall would be available to assist with any technical or complex questions.

Kalkowski stated that Matadol, LLC, has a contractual interest in the property under consideration and is also the developer behind the Wandering Creek project, located north of Firethorn and Van Dorn and west of 98th Street. Kalkowski explained that the applicant-initiated discussions with the City regarding an amendment to the temporary pump station policy because the subject property is well-positioned for development. The site has adjacent paved roads, existing water infrastructure, and access to other City services, including a relatively new elementary school across the street and a large regional commercial center nearby. The only missing service is sanitary sewer.

Kalkowski shared that the applicant has been working with the City over the past several months to update the 2004 temporary pump station policy, recognizing it was time for revisions based on changing needs and experience. She emphasized that this site presents an opportunity to leverage existing infrastructure while accommodating future growth.

Kalkowski acknowledged that for the project to move forward, amendments to the Comprehensive Plan are necessary, as outlined by Thierolf. The applicant supports the staff's recommendation for conditional approval and understands that approval of the Comprehensive Plan amendments is contingent upon finalization and approval of the updated temporary pump station policy.

Kalkowski added that progress has been made on the policy update, with a draft expected to be brought forward for public input soon. She reiterated that capacity exists to serve the proposed site via a pump station without impacting other Tier One Priority A areas, thus ensuring no diversion of infrastructure resources.

In closing, Kalkowski expressed Matadol's interest in pursuing innovative housing designs within the proposed development. While not formally classified as affordable housing, these new products may offer smaller, market-rate options that enhance housing affordability. She noted that incorporating such housing types could provide meaningful public benefit—an important consideration under the revised pump station policy. She concluded by requesting the Commission's approval in alignment with the staff's recommendation and offered to answer any questions, with Marshall available for support.

Staff Questions-

Campbell asked whether the developer would be responsible for paying for the pump station.

Kalkowski confirmed that the developer is responsible for both the construction and maintenance of the pump station. She explained that this responsibility remains consistent in the updated draft and continues until the pump station is taken offline and connected to the gravity-based system.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

COMPREHENSIVE PLAN AMENDMENT 25002

ACTION BY PLANNING COMMISSION:

JULY 23, 2025

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

Campbell moved to approve Comprehensive Plan Amendment 25002; seconded by Joy.

Campbell noted that the area is growing and mentioned that there are other pump stations in existence nearby. He stated that this approach represents a reasonable compromise to develop the property, which is surrounded by acreage and residential areas. He concluded by indicating his intention to vote in favor of the proposal.

Chair Ryman Yost agreed with Campbell's comments and thanked the planning department, city staff, and the applicant for their efforts in developing this opportunity. She acknowledged the importance of providing additional housing options for the city and expressed appreciation for the collaborative work involved.

Motion for approval of Comprehensive Plan Amendment 25002 carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost, voting 'yes'. Ebert absent.

**TEXT AMENDMENT 25009, AMENDING THE LANCASTER COUNTY ZONING REGULATIONS,
ARTICLE 2, 2.003 TO ADD A DEFINITION FOR BATTERY ENERGY STORAGE SYSTEM,
ARTICLE 4, 4.007 TO ADD BATTERY ENERGY STORAGE SYSTEM AS USE ALLOWED IN THE
AG DISTRICT BY SPECIAL PERMIT, AND ARTICLE 13 BY ADDING A NEW SPECIAL PERMIT
WITH CONDITIONS FOR SAID USE.**

PUBLIC HEARING:

JULY 23, 2025

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

Staff Recommendation: Approval

There were no ex parte communications disclosed.

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

Staff Presentation-

George Wesselhoff, Planning Department, 555 S. 10th Street, Lincoln, NE, came forward and presented a request to amend the Lancaster County Zoning Regulations to allow for a new use—battery energy storage systems. Wesselhoff explained that these systems resemble storage containers and can occupy multiple acres. He noted this is a relatively recent land use, referencing a similar city text amendment (TX250006) approved on July 14th, 2025, which permits the use by special permit in the AG zoning district and conditional use in industrial districts. Wesselhoff further explained that the county version focuses solely on the AG district, allowing the use by special permit with conditions mirroring those in the city's regulations. Before the city amendment, the applicant collaborated with various departments—including Building and Safety, Health Department, Lincoln Fire and Rescue, and Planning Department—to address life and safety concerns. Wesselhoff outlined the proposed special permit conditions, which include association with energy transmission substations or renewable energy systems, compliance with setback and height requirements (subject to Planning Commission adjustments), potential additional screening, an approved emergency action plan by the appropriate fire department, safety data sheet submission to the Health Department, and adherence to sound requirements recommended by health officials. Wesselhoff noted that Chris Schroeder from the Health Department was present for any questions related to health and safety.

Staff Questions-

Campbell asked whether the county proposal maintained the greater setback and additional screening requirements that were amended into the earlier city proposal.

Wesselhoff clarified that the city amendment required a special permit for the AG district, while the original city applicant had proposed conditional use for all districts, including AG. He explained that during the city planning commission hearing, concerns were raised that rural landowners might not expect this land use near substations due to its scale.

Wesselhoff noted there are currently no specific setback criteria in either the city or county proposals, but that the planning commission may impose setback or other conditions as part of the special permit approval process.

Campbell asked staff whether the current proposal includes the additional setbacks and screening requirements previously discussed for battery storage.

Wesselhoff responded that, to his knowledge, the current version does not include those elements. He noted that he does not recall a specific setback being included in the original ordinance considered by the city, although staff had recommended it at the time.

Campbell added that he did not recall a specific setback being included in the original city ordinance, but that one had been recommended during the review.

Feit responded, suggesting that the greater setback and screening requirements were likely intended for specific projects rather than as amendments to the entire ordinance, and she noted that such conditions could be added on a case-by-case basis when specific applications come before the commission.

Chair Ryman Yost asked for clarification regarding whether all proposals under the county amendment would require a special permit and thus a public hearing.

Wesselhoff confirmed that this was correct, stating that any proposal brought forward under the county regulations would be subject to a special permit and would undergo a public hearing process.

Joy noted that there had been numerous public questions regarding decibel levels, high-frequency noise, fire safety, and lithium battery concerns. She requested that the Health Department provide input to address those issues.

Chris Schroeder, Environmental Health Supervisor, Health Department, 3131 O Street, Lincoln, NE. came forward and addressed public health concerns related to battery storage. Schroeder confirmed that fire risk had been identified as the primary public health concern but noted that standard industry practice typically includes installing fire suppression systems within battery containers.

Schroeder also addressed concerns about toxic smoke, explaining that all smoke—regardless of source—is toxic and recommended avoiding exposure, especially downwind from any incident.

Regarding noise concerns, Schroeder stated that the primary source of noise from these systems is typically the cooling fans. Unlike wind turbines, which can produce tonal noise, battery storage systems do not tend to create that type of sound. As a result, the Health Department recommended adherence to the city's existing noise ordinance, which they believe is protective of public health.

Feit asked whether the noise level ranges could be related to something more familiar or comparable for context.

Schroeder responded that making relatable comparisons is challenging but noted that the most stringent noise limits apply in AGR zoning districts—50 decibels (dB) at night and 60 dB during the day. He mentioned that 50 dB is quiet and is sometimes compared to the sound of a running refrigerator.

Cruz added that 50 dB is considered quiet and noted that common comparisons include a quiet conversation, the hum of a refrigerator, or an efficient air conditioner.

Feit acknowledged Commissioner Cruz's comments.

Chair Ryman Yost then asked if there were any additional questions for Chris Schroeder or the Health Department.

Eddins asked whether fire suppression systems are required within the battery storage units.

Schroeder replied that he was not completely certain but believed there is a national fire code standard—likely NFPA 855—that addresses these requirements. He referenced the Panama Energy Center special permit, noting that its equipment specifications did include mention of a fire suppression system.

Eddins asked whether the Planning Commission, as a governing body, has the authority to require the installation of fire suppression systems.

Wesselhoft stated that the requirement for fire suppression systems is likely already regulated under other codes.

Schroeder agreed, noting that such systems are typically governed by existing regulations, though he could not confirm definitively.

Wesselhoft explained that when Building and Safety reviewed the ordinance, they indicated that compliance with building and fire codes would be evaluated on a case-by-case basis.

Chair Ryman Yost confirmed the distinction between zoning requirements and building and safety regulations.

Wesselhoft agreed, clarifying that building and safety permits would be issued separately from zoning approvals.

Cruz inquired about the impact of different minerals, particularly lithium, on soil composition and any potential long-term hazards. She also asked how and where used batteries would be recycled.

Schroeder replied that he could not speak directly to the recycling process. He initially thought the question was about potential soil contamination from an incident on-site, which he noted is a separate issue.

Ball asked whether any regulations specify or restrict the types of batteries allowed.

Schroeder replied that he was not aware of any regulations specifying allowable battery chemistries. He noted that the batteries used at the Panama Energy Center, which he referenced earlier, were lithium iron phosphate-type batteries.

Ryman Yost reminded the Commission that these questions could also be addressed when the applicant is available to testify. She then asked if there were any additional questions for the Health Department or Planning Department staff.

Applicant-

David Levy, 1700 Farnam Street, Suite 1500, Omaha, NE 68102, representing the applicant Eoilan, provided an extensive overview regarding the proposed text amendment for battery energy storage systems. Levy noted that this amendment is not a specific project proposal but a policy update allowing such systems as a special permit use in the Agricultural (A) district of the county.

Levy explained that battery energy storage acts as critical utility infrastructure, supporting grid reliability by charging and discharging power to maintain consistent frequency and capacity. Levy emphasized that these systems differ from solar farms and other renewable energy installations, often being sited adjacent to large utility substations for economic and operational efficiency. Levy noted that Eoilan currently operates projects across the U.S., including five in eastern Nebraska.

Levy described typical battery storage systems, such as a 200-megawatt facility capable of powering approximately 34,000 homes for a day, though noting these systems primarily function to stabilize grid fluctuations rather than provide continuous power. Levy highlighted that the technology itself is relatively simple, with advanced software enabling effective grid integration.

On safety, Levy detailed that the batteries used are lithium iron phosphate types, which are significantly less combustible than lithium nickel batteries common in electric vehicles. He referenced national standards such as UL1973, UL9540, and NFPA 855 that regulate manufacturing and fire safety, stressing that fire incidents at these facilities are extremely rare—only about 20 nationwide in the last decade, despite a 25,000% increase in installations since 2018.

Levy explained that modern safety practices prioritize battery cell separation, insulation, and containment within steel containers rather than relying on fire suppression systems, which have sometimes worsened incidents in early installations. He stressed that ongoing compliance with evolving federal, state, and local building and fire codes ensures the highest levels of safety. Economically, Levy noted that battery storage systems are currently taxed as personal property in Nebraska, generating approximately \$8.5 million in property taxes over 20 years for a typical 200-megawatt facility, with legislation pending to shift to a “nameplate capacity” tax that could nearly double tax revenues.

Finally, Levy reminded the Commission that any actual battery storage projects would undergo separate special permit processes with public hearings and notifications, allowing for community input and regulatory review. He concluded by offering to answer any questions.

Staff Questions –

Joy asked for clarification on decibel levels, noting that some categories allow up to 75 dB. Joy referenced that this is roughly equivalent to the sound of a vacuum cleaner and asked if the applicant had more relatable or specific examples for comparison.

Levy responded that, as Commissioner Cruz had previously mentioned, there are charts that help translate decibel levels into familiar sounds. He expressed that 75 dB seemed high for a vacuum cleaner and suggested that even speaking at a normal volume could register around that level. He reiterated that a quiet conversation is typically around 50 dB, which is comparable to a refrigerator or modern dishwasher.

Levy also noted that noise levels are measured at the outside wall of a building, so interior noise levels would generally be much lower. He added that wind or other ambient outdoor noise would further mask any sound. He explained that decibel measurements are on a logarithmic scale—meaning every 10 dB increase roughly doubles the perceived loudness—so differences between levels like 40, 50, and 60 dB are significant. He concluded by stating that 50 dB is a common regulatory standard.

Cruz added that, according to medical hearing charts, sound levels below 70 decibels are generally considered safe for human hearing. She noted that 70 dB includes common household sounds such as a vacuum cleaner, washing machine, dishwasher, and the average volume of a television.

Cruz continued by explaining that 60 dB would correspond to a normal conversation, the hum of an air conditioner, or background music in a restaurant. At 50 dB, examples include a quiet dishwasher, rainfall, or a refrigerator. Finally, 40 dB would be equivalent to the ambient noise level in a library.

Levy thanked Commissioner Cruz for the detailed information and clarified that the applicant is not requesting any change to existing sound regulations. He stated that the proposal would follow the current Lancaster County zoning noise limits, which are 75 dB from 6:00 a.m. to 10:00 p.m. and 50 dB from 10:00 p.m. to 6:00 a.m.

Levy emphasized that while 75 dB is allowed during daytime hours, the requirement to meet 50 dB at night effectively governs the facility's design and operation, as it would not be feasible to build a system that is significantly louder during the day. Levy added that 50 dB is not considered loud and is consistent with limits already in place for other land uses.

Levy concluded by reiterating that these sound standards have been vetted by the Health Department, and as noted by Schroeder, are considered safe from a public health perspective.

Ball asked for clarification regarding the role of local utilities in the proposed text amendment, noting that while this is not a specific project proposal, utilities like Lincoln Electric System (LES) and Norris Public Power serve the area. Ball inquired about how these entities have participated in shaping or responding to the proposed amendment, whether they support it, and how they might be involved in future development. He also asked whether the applicant, as a private

company, would build and operate such facilities independently or in coordination with those utilities.

Levy responded that the applicant, Eolian, is a private company that builds and operates battery energy storage systems. He stated that he had spoken with the head of government affairs at Lincoln Electric System (LES), who indicated that LES would not be participating in the text amendment process but had no objections to it. Levy emphasized that LES respected the city-county process and was allowing it to move forward independently.

Levy explained that while these are privately financed and developed facilities, they must interconnect with public utilities like LES, Norris Public Power, or Omaha Public Power District. As such, the development of these systems inherently involves coordination with the relevant utility provider, making it a form of public-private partnership.

Levy described several potential business models, including:

- Eolian building and transferring ownership to a utility,
- Eolian retains ownership while the utility leases or operates the system,
- Or Eolian building, owning, and operating the system independently while providing services to the utility.

Levy noted that Eolian has worked with the country's largest public power utility in San Antonio under similar arrangements and emphasized that the business model could vary based on the preferences and needs of the utility involved.

Cruz noted that this proposal involves a private entity, and clarified that public utilities are typically exempt from zoning requirements. She explained that this distinction is part of why private companies are pursuing this text amendment—to help level the playing field and enable public-private partnerships within the zoning framework.

Levy agreed with Commissioner Cruz's point, emphasizing that because the applicant is a private entity, it is subject to zoning regulations and the special permit process. Levy noted that this process could involve conditions such as additional setbacks, screening requirements, public notice, and public testimony. While public utilities like Lincoln Electric may voluntarily follow similar procedures, private entities are formally subject to a different and more defined set of zoning requirements.

Chair Ryman Yost asked if there were any additional questions for the applicant at this time. Hearing none, she thanked the applicant and concluded that portion of the discussion.

Chair Ryman Yost noted that numerous letters and public submissions had been received regarding the application. Ryman Yost then asked if staff had any additional questions, followed by an opportunity for the applicant to add anything further or answer questions.

Proponents:

No one approached in support.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

TEXT AMENDMENT 25009

ACTION BY PLANNING COMMISSION:

JULY 23, 2025

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

Campbell moved to approve Text Amendment 25009; seconded by Joy.

Campbell noted that the city had previously addressed battery storage regulations within the three-mile city boundary, and that this new proposal applied to the rest of the county. He emphasized that similar regulations should apply countywide, allowing special permits to impose requirements based on the surrounding area to protect neighboring property owners—such as greater setbacks and heavier screening, as was done in the city. He viewed the battery storage units as a positive step toward stabilizing energy production and mitigating fluctuations in the power grid, referencing current challenges with rate increases tied to regional grid demands. Overall, Campbell expressed support for the proposal and stated his intention to vote in favor.

Ball expressed support for the proposal, highlighting the importance of variability in energy systems and noting that battery storage is one way to achieve that. He mentioned upcoming technologies that could address instability in areas without reliable power, making this an important option. Ball also agreed with Campbell that site-specific requirements can be established through special permits, allowing flexibility based on location. Overall, he indicated his intention to approve the proposal.

Cruz emphasized that battery energy storage systems (BESS) are typically located near existing substations rather than being randomly placed in open fields. This proximity allows for the addition of infrastructure in areas already equipped to support it. Cruz highlighted the importance of using the special permit process and engaging in community dialogue to reach compromises on issues such as setbacks, screening, and placement. Cruz also noted that electricity demand is expected to rise, particularly with the growth of technologies such as artificial intelligence and stated that integrating BESS is a smart strategy to meet future energy needs.

Rodenburg agreed that electricity usage is likely to grow rapidly, especially with the increasing use of electric vehicles and related technologies. He noted that, fortunately, their area had not experienced brownouts or blackouts during high-demand periods, unlike other regions. He viewed the proposed measures as a forward-looking approach to help prevent grid overloads and power interruptions in the future.

Joy agreed with the other commissioners and expressed confidence that existing and updated building codes would ensure that battery storage systems are properly regulated and safe. She stated that she would be supporting the proposal.

Chair Ryman Yost asked if there was any additional discussion. There was none.

Motion for approval of Text Amendment 25009 carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost, voting 'yes'. Ebert absent.

SPECIAL PERMIT 25029. TO ALLOW AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 85 CHILDREN AND ASSOCIATED WAIVERS TO THE MINIMUM PARKING REQUIREMENT AND TO ALLOW THE FACILITY TO BE LOCATED ON A LOCAL STREET, ON PROPERTY GENERALLY LOCATED AT 2325 SOUTH 24TH STREET.

PUBLIC HEARING:

JULY 23, 2025

Members present: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost. Ebert 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 Department, 555 S. 10th Street, Lincoln, NE, came forward and presented a special permit request for the property at 2325 South 24th Street, home to St. Matthew's Church. Callahan stated that the church is located between Sumner Street to the north and Park Avenue to the south, within an R-2 residential zoning district primarily surrounded by single-family homes. He explained that the applicant was seeking approval to operate a daycare facility for up to 85 children within an educational wing of the church, which had been added after the original structure was built in the mid-1920s. Callahan noted that under current zoning regulations, a special permit is required for any daycare serving 16 or more children, which made the application subject to further review and conditions.

Callahan stated that the request included two significant waivers. The first was to reduce the on-site parking requirement to zero. He explained that the zoning code typically requires one parking space per employee on the largest shift, plus one space for every 10 children, which would amount to approximately 19 parking spaces for 85 children. The second waiver sought exemption from the requirement that daycare centers serving more than 30 children be located on arterial streets. He noted that in this case, all bordering streets were classified as local residential streets. Callahan acknowledged that granting such waivers in established neighborhoods had become more common, especially in cases of infill development where existing structures were being adapted for new community-oriented uses.

Callahan provided background on the site, stating that in 2023, the property received a waiver from City Council to allow for a private school use. Although that use never moved forward, he indicated that the process showed a precedent for flexibility when considering institutional uses within residential areas. He stated that the Planning Department recommended conditional approval of the special permit, emphasizing that the proposal supported the goals of the comprehensive plan by increasing access to daycare within neighborhoods and reusing existing buildings without reducing housing stock. He added that the staff report considered the educational wing's location, existing play areas, and the site's physical limitations. Callahan concluded his presentation by inviting questions from the Commission.

Staff Questions-

Rodenburg asked for details about the conditions tied to the conditional approval, seeking to understand the specific requirements that would need to be met for the special permit. Callahan explained that the special permit included typical conditions, such as revisions to the site plan to reflect interior building changes, along with the standard conditions applicable to special permits in residential middle zones.

Feit inquired about the number of parking spaces currently available on-site, referencing the waiver request to reduce on-site parking to zero. Callahan clarified that while the daycare itself would have no dedicated parking, the church owns the entire block, which includes over 600 feet of street frontage. He noted that public street parking would remain open to the public and would not be reserved exclusively for the daycare, allowing shared use by church visitors and neighborhood residents.

Feit raised a question regarding traffic safety, mentioning that some public comments had expressed concerns about increased traffic in the area. She asked whether this had been addressed with Lincoln Transportation and Utilities (LTU). Callahan responded that the issue had not been directly reviewed with LTU for this application but could be evaluated in the future if LTU identified a need, such as installing a stop sign at the nearby intersection. He added that in established neighborhoods like this one, traffic control measures such as stop signs are typically not conditions tied to special permit approvals.

Feit clarified that neighbors concerned about traffic impacts related to the proposed daycare should contact LTU to request a traffic study. Callahan confirmed that LTU would then assess whether additional measures, such as signage or other interventions, were warranted.

Chair Ryman Yost asked if there were any further questions for Callahan regarding the special permit request. Hearing none, the discussion moved forward.

Applicant-

John Badami, Junior Warden, St. Matthew's Church, 5909 Norman Road, Lincoln, NE, came forward and introduced himself as both a parish member of St. Matthew's Church and an architect with Cadre Architecture and Design. Badami provided historical context, noting that the church had been at its current location for nearly 100 years, with the original structure built

in 1925, followed by a parish hall in the 1930s and an educational wing added in the 1950s. He explained that the educational space was originally constructed for school use, which is still engraved in stone at the building's entrance.

Badami stated that although the church had not operated a school for many years, a major renovation three years prior included updates to the building's code and life safety systems to support future educational or early childhood uses. He noted that while the church could operate a school itself under current zoning, it had no interest in doing so and instead sought to lease the space to a third party at a reduced cost to help meet a community need.

Badami explained that an earlier potential tenant, Bluestem, had initiated a waiver request (approved for 25 students) but ultimately selected a different location. Since then, the church engaged Greenleaf Properties to assist in finding a new tenant, and there had been strong interest. However, prospective tenants consistently inquired about growth potential. After reviewing the available square footage and layout, the church determined that 85 children would be the practical maximum capacity for the facility.

Badami emphasized that tenants might not immediately reach full capacity but wanted to ensure there was room to grow. He also noted that the building had never had off-street parking, making a waiver necessary to allow continued use. The church occupies an entire block and relies on street parking along over 600 feet of public frontage, which would remain open to the public.

In response to questions, Badami clarified that a designated drop-off zone already existed on the south side of the building along Park Avenue, with signage in place. He stated that the area was already used for church-related drop-offs and would also serve the daycare use. Badami concluded his presentation by stating he would be happy to answer any questions from the Commission.

Staff Questions –

Feit expressed appreciation for the applicant addressing a community need for early childhood support services and acknowledged the positive aspect of repurposing an existing building as an infill project. She then asked the applicant to explain, hypothetically, how traffic for drop-off might be managed around the block.

Badami responded that there is currently a designated drop-off zone located at the south entrance of the building, which is the main entry used for the daycare on Park Avenue. He noted that existing signage and a dedicated drop-off area for that part of the church are already in place, meaning the infrastructure for drop-off is established.

Eddins asked whether the proposed daycare would operate 24 hours a day or if there was any possibility of a daycare provider using the space for round-the-clock care.

Badami replied that ideally, the daycare would operate during typical daytime hours, roughly from 8:00 a.m. to 5:00 p.m. He noted that the church hosts other groups in the evenings and wants to maintain that availability, so the daycare would not be a 24-hour operation.

Chair Ryman Yost stated that there were no further questions at that time and reminded the applicant that after all testimony is heard, they would have an opportunity to respond. She then thanked the applicant.

Proponents:

Anne Brandt, Executive Director, Lincoln Littles, 215 Centennial Mall, Ste 512, Lincoln, NE, came forward and spoke in strong support of special permit 25029, which would allow a childcare facility serving up to 85 children at 2325 South 24th Street. Brandt explained that Lincoln Littles is a nonprofit focused on transforming early childcare and education in Lincoln. She emphasized the urgent need for affordable, high-quality childcare, as highlighted in the recent Lincoln Vital Signs 2025 report. Brandt noted that lack of childcare forces many parents, especially mothers, out of the workforce, worsening labor shortages and economic challenges. Brandt stated that this project addresses these issues by adding critical childcare capacity in a neighborhood setting. She described the innovative model of repurposing underutilized church space, which is often available during weekdays and located in residential neighborhoods, making it an ideal and accessible location for childcare.

Brandt detailed Lincoln Littles' work providing tuition assistance, supporting childcare providers, collaborating with employers, and advocating for resources to strengthen the system. She indicated that the requested waivers, including those related to parking and street location, are reasonable and necessary to bring childcare providers into neighborhoods where families need them most.

Brandt concluded by urging the Planning Commission to approve the special permit, highlighting its importance for the community's future. She then invited any questions from the commissioners.

Neutral:

No one approached in a neutral capacity.

Opposition:

No one approached in opposition.

SPECIAL PERMIT 25029

ACTION BY PLANNING COMMISSION:

JULY 23, 2025

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

Campbell moved to approve Special Permit 25029; seconded by Joy.

Campbell shared that he had visited the church several times for events, such as funerals and noted that parking had always been on the street, which the neighborhood was accustomed to. While acknowledging that street parking was not ideal, he pointed out that the church had been part of the community for a hundred years and that the neighborhood had grown around it. He expressed support for approving the permit, emphasizing that the childcare facility would mostly involve short-term parking for drop-off and pick-up, with only staff requiring longer-term parking. Based on these points, Campbell stated he would vote in favor of the proposal.

Chair Ryman Yost added that although it had been a long time since she had done the drop-off routine, she knew friends with children and staff who worked in childcare facilities located in churches within the community. She noted that in older neighborhoods like this one, many families and staff might walk or bike to the facility, reducing the need for parking. Ryman Yost expressed hope that people would engage with the neighborhood in this way, helping to ease parking demand. Based on these considerations, she stated she would also support the proposal.

Motion for approval of Special Permit 25029 carried 8-0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost, voting 'yes'. Ebert absent.

MISCELLANEOUS 25008. TO REVIEW THE PROPOSED DETERMINATION THAT THE LINCOLN CORNHUSKER REDEVELOPMENT AREA BE DECLARED BLIGHTED AND SUBSTANDARD AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW. THE STUDY AREA IS APPROXIMATELY 2,065 ACRES, GENERALLY LOCATED BETWEEN N. 56TH STREET ON THE EAST, COLFAX AVENUE ON THE NORTH, N 27TH ON THE WEST, AND HOLDREGE STREET ON THE SOUTH.

AND

MISCELLANEOUS 25009, TO REVIEW THE PROPOSED DETERMINATION THAT THE LINCOLN CORNHUSKER BLIGHT AREA MEETS THE STATUTORY DEFINITION OF EXTREMELY BLIGHTED AS DEFINED IN THE NEBRASKA COMMUNITY DEVELOPMENT LAW. THE STUDY AREA IS APPROXIMATELY 2,065 ACRES, GENERALLY LOCATED BETWEEN N. 56TH STREET, ON THE EAST, COLFAX AVENUE ON THE NORTH, N 27TH STREET ON THE WEST, AND HOLDREGE STREET ON THE SOUTH.

PUBLIC HEARING:

JULY 23, 2025

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

Staff Recommendation:

Finding of Substandard and Blighted Conditions for Miscellaneous 25008
Finding of Extremely Blighted Conditions Miscellaneous 25009

An ex parte communication was disclosed.

Eddins, President of the Clinton Neighborhood Organization, disclosed an ex parte communication. She explained that the project had been on the organization's agenda for two consecutive months—May and June—and was also discussed at their July meeting. Although she missed the June meeting, she received a recap from a colleague who attended. Eddins

noted there had been extensive discussions within the neighborhood group, and many members were present at the hearing to share their perspectives.

An ex parte communication was disclosed relating to site visits.

Joy stated that she participated in the subarea plan.

Staff/Applicant Presentation-

Dan Marvin, Director of Urban Development, 555 South 10th Street, Lincoln, NE, came forward and provided testimony regarding the proposed blight and subarea designations. Recently reappointed to his role just eight days prior, Mr. Marvin acknowledged he could not offer full historical context but aimed to share insight on the current issues before the Commission. Accompanying him were Keith Marvin and Spencer, authors of the blight study report, and Jennifer Hyatt, who had been involved throughout the process.

Using a map, Marvin explained that the current proposal involves both new and previously blighted areas, including parts of the Northeast Radial Area, some of which had been blighted decades ago. He referenced recent Nebraska legislation requiring that any area declared blighted for over 30 years be reevaluated. The study under review satisfies this legal requirement by reassessing the continued validity of prior blight designations.

Marvin noted that North 48th Street, also included in the study, represents a more traditional example of an arterial corridor in need of revitalization. Projects already completed near 48th and Leighton Streets demonstrate how tax increment financing (TIF) has supported residential and commercial development in similar contexts. The proposed blight designation aligns with a broader subarea plan developed for North 48th Street, and Marvin emphasized that TIF cannot be used solely based on a blight designation—there must also be a formal redevelopment plan in place that conforms to the City's comprehensive and subarea plans.

Marvin acknowledged public concerns regarding the term “blight,” stating that while the term is unpleasant, its use opens important opportunities. He clarified that the County Assessor has found no evidence that property values are negatively impacted by such a designation. Marvin also explained the advantages of an “extremely blighted” designation, which include eligibility for a \$5,000 state income tax credit for owner-occupied homebuyers and additional points when applying for Nebraska Affordable Housing Trust Funds. Although it is difficult to quantify the impact of these incentives on grant approvals, Marvin cited Centerpointe on South Street as an example of a project that benefited from this designation.

Marvin provided additional context regarding the constitutional basis for the “extremely blighted” category, which was approved by Nebraska voters in 2020. This designation also allows TIF terms to be extended from 15 to 20 years, increasing its present value. Marvin concluded by stating that any use of TIF would still require formal redevelopment plans subject to approval by the Planning Commission and City Council. He invited commissioners to ask questions and noted that the full staff and report authors were present for further discussion.

Staff Questions-

Eddins asked whether areas already listed as extremely blighted on the chart would lose that designation upon being re-surveyed. She wanted to know if the designation could be removed and how that process would look if an area was already marked as extremely blighted.

Marvin stated that the conditions being discussed are already in place, and the vote would simply ratify those existing conditions as being present today. He clarified that the designation does not change. He explained that the district appears larger because it includes areas that were previously declared blighted and extremely blighted within the overall area under consideration.

Cruz asked whether the 30-year clock would start over for areas that were previously considered blighted or extremely blighted. Marvin responded to her question, confirming that the 30-year clock would restart. He noted that, for example, he was told the Northeast Radial area was around 27 or 28 years.

Eddins chimed in, referencing the year 1973 as the founding year of her neighborhood. She added that they fought against it at the time—and won.

Jennifer Hiatt, Urban Development, 555 South 10th Street, Lincoln, NE, came forward and noted that the blight study on file in their department is dated 1982, which is well beyond the 30-year mark.

Feit said she was curious if the map could be put back up. She referenced the planned development for University Place that had already been approved through the Comprehensive Plan. Feit then asked how the city determined the additional areas shown on the map, seeking clarification on how the total was calculated.

Marvin acknowledged that some areas would be addressed on a case-by-case basis. He explained there is a streetscape plan for Holdrege, which was developed during his time in Urban Development and included a project repurposing an old church on the north side of Holdrege Street. The goal of that plan, which extends to 33rd Street, was to incorporate improvements represented by the yellow areas on the map. He added that there is a long-standing tradition for public improvements along entryway corridors such as Cornhusker Highway and O Street. Marvin noted that tax increment financing has been used for beautification projects on West O Street, Cornhusker Highway, and elsewhere. He also mentioned plans to break ground soon on a pedestrian and bicycle trail connecting schools. He concluded that these ongoing goals likely explain why some additional areas were included on the map.

Hiatt added that the 33rd and Cornhusker transportation plan is currently being developed in collaboration with LTU. She explained that part of the consideration was to potentially assist with public infrastructure associated with LTU and help supplement some of the lower-identified, yet still high-priority projects that might not be achievable through the traditional budget.

Prepared Study-

Keith Marvin and Spencer Lemon, Marvin Planning Consultants, 382 N. 44th Street, David City, NE, came forward and Marvin addressed the Commission, explaining that their team had conducted a thorough study of the area, utilizing data from LTU and field observations. He emphasized the benefit of working with city departments like LTU to access detailed infrastructure information. Marvin summarized that the area meets the statutory definitions for substandard and blighted conditions, noting it is rare for any location to meet all 13 criteria fully. He referenced similar studies conducted across the state and highlighted LTU's identification of infrastructure needing replacement. Marvin also addressed common questions about the age of structures, stating that the study area contains over 3,000 structures with an average age of 67.8 years, well above the 40-year threshold required by statute. He then introduced Spencer Lemon, who led the field team that collected much of the visual data used in the study, to answer any technical questions regarding the methodology or findings.

Proponents:

No one approached in support.

Neutral:

Bob Reeves, 3236 Dudley Street, Lincoln, NE, came forward and introduced himself as neutral on the proposed blight designation. Reeves said he understood the overall intent but expressed concern about the large size of the designated area, noting that many well-maintained homes could be negatively impacted by redevelopment efforts. He shared that a group from his neighborhood organization had requested support for adding a specific block—between 32nd and 33rd Streets, from Holdrege to Starr Street, just south of Holdrege—to the blighted area to facilitate redevelopment of the former Eggman's House, which has been vacant for approximately ten years.

Reeves raised questions about whether the blight designation could affect property resale values. He also expressed concern about increased density in the neighborhood, particularly from duplexes and other developments supported by tax increment financing (TIF). He noted that such developments often bring in a mix of students and renters, with both affordable and market-rate units, which he felt had begun to change the neighborhood's character.

Despite these concerns, Reeves acknowledged the positive impact TIF has had in other parts of the city and stated that he hoped the designation would be applied more selectively moving forward.

Opposition:

Abigail Haszard, 3025 Starr Street, Lincoln, NE, came forward and introduced herself as a resident and board member of the Clinton Neighborhood. She spoke in opposition to the proposed blight designation. Haszard identified herself as an independent researcher with LNK Insight and stated she had been formally studying housing issues for the past two years. She noted that the blight study submitted with the current application appeared identical to that used in a previous application, MISC25004, and contained significant errors she had previously shared with Urban Development staff during a June 2 neighborhood meeting. She stated that

City officials had indicated they would return to the neighborhood before resubmitting the proposal, but no such follow-up occurred.

Haszard pointed to inconsistencies in the study, including contradictory boundary definitions between pages four and fourteen, and the inclusion of properties outside the designated area, such as 2817 Holdrege Street and an inaccessible curb ramp on Homer Street. She criticized the reliance solely on Lancaster County Assessor data to evaluate building conditions, stating that such data is used for tax purposes and does not reflect actual structural integrity. She argued that more appropriate sources—such as building and safety records, Google Maps, Zillow, or in-person inspections—should have been used, and she found no evidence that they were consulted.

Haszard stated she reviewed parcels in the Clinton neighborhood and University Place and discovered significant mapping inaccuracies in the study. Of the 517 Clinton parcels included, she found that 96% of the map's color coding did not align with the legend provided. She submitted a handout showing that of the nine homes labeled as being in low condition, three were misclassified. She questioned whether the data had already been outdated before the contract was signed in November 2024, or whether it was compiled carelessly—either of which she considered unacceptable, particularly given the city's \$22,000 expenditure for the study.

Haszard also disputed Urban Development's claim that the Clinton neighborhood was added to the study later, asserting that it was clearly included in the original contract. She alleged the study manipulated unemployment and poverty statistics to justify extreme blight designation, citing page 54 of the report, which acknowledged limited unemployment and poverty with minimal overall impact. Haszard stated that the unemployment data used in the study covered an area three to four times larger than the actual proposed designation and included undeveloped land, which skewed the statistics.

Haszard concluded by criticizing the lack of public access to the extreme blight study and its absence from the City's PATS tracking system. She stated that no one had followed up with her regarding the errors she had identified and suggested that the process appeared rushed to meet the July 31 contract expiration deadline. She urged the Commission to either postpone or reject the designation and instead focus on meaningful action to address the neighborhood's real needs.

Emma Haszard, 3025 Star Street, Lincoln, NE, came forward and introduced herself as a resident of the Clinton Neighborhood and spoke in opposition to the proposed blight and extreme blight designations. She identified herself as an independent researcher with LNK Insight and a board member of the Clinton Neighborhood Organization, clarifying that it is a neighborhood organization—not an association—as it was incorrectly labeled in the Planning Department's staff report. Haszard argued that this mislabeling reflected a lack of respect and understanding of the neighborhood. She stated that while Urban Development staff attended a Clinton Neighborhood Organization meeting on June 2, they did not bring or explain the blight study and instead provided only a vague map that was not included in the actual report. Haszard noted that most of the discussion at that meeting focused on promoting tax increment

financing (TIF) using outdated project examples from 25 years ago, which she felt underscored the City's disconnect from the neighborhood.

Haszard challenged several of the blight factors cited in the staff report. She questioned the reliability of the structural condition data, pointing out that the percentages listed totaled over 130%, which she argued was misleading and contradicted the claim of widespread deterioration. She criticized the mention of aging trees without supporting documentation and emphasized that tree maintenance is the City's responsibility under municipal code—not a justification for declaring the neighborhood blighted. While acknowledging infrastructure issues such as sidewalk complaints and utility pole failures, Haszard attributed those problems to City neglect, not private property disrepair.

She also objected to the use of "diversity of ownership" as a blight factor in a single-family neighborhood, stating it distorted legislative intent and unfairly targeted long-term property owners. Haszard explained that the number of parcel IDs referenced in the study was typical for a neighborhood of this size and did not indicate problematic fragmentation or barriers to investment. She further rejected the assertion that conditions endangered life or property, stating there was no evidence presented of standing water, flood risks, or drainage problems. Regarding Cornhusker Highway, she argued it still functions as an industrial corridor and has not limited growth in nearby areas.

Haszard concluded by stating that the study lacked clear standards for terms like "strongly present" and failed to meet the threshold required for substandard or blighted designation. She urged the Commission to either reject or delay the proposal and called for a revised study using transparent evaluation methods, documented evidence, and genuine community engagement.

Tammy Fatino, 1933 G Street, Lincoln, NE, came forward and spoke in opposition to the proposed blight and extreme blight designations. She urged the Planning Commission to indefinitely postpone the proposal until a full, community-supervised forensic audit could be conducted to examine the city's spending, code enforcement, and delivery of basic services in the affected neighborhoods. Fatino emphasized that any redevelopment plan should prioritize equity, prevent displacement, and reflect public investment that meets the needs of current residents.

Fatino questioned whether the conditions cited in support of the designation—such as deteriorating sidewalks, aging streets, utility poles, and overgrown trees—were due to neglect by the city itself. She pointed out that many of these elements are owned or regulated by the City, and residents are often prohibited from maintaining them independently, particularly street trees. She argued that it was unfair to hold residents accountable for infrastructure failures that fall under municipal responsibility, calling this framing "dishonest at best."

While acknowledging that she may not fully understand the historical context behind the proposal, Fatino expressed appreciation for the level of community engagement and urged the Commission to take a deeper, more honest look at the situation. She concluded by asking the

commissioners to reconsider the proposal and give thoughtful attention to the materials and concerns presented.

Cynthia Vana, 1815 N 93rd Court, Omaha, NE 68114, came forward and introduced herself as a recently retired taxpayer speaking in opposition to the proposed blight and extreme blight designations. She noted that this was her first time participating in a public hearing and expressed appreciation for the opportunity. Vana thanked staff member Dan Marvin for his presentation, which she said raised numerous questions.

Vana focused her comments on the health and legal consequences of redevelopment in blighted areas, particularly when older homes built before 1978 are demolished without appropriate safety protocols. She raised concerns about exposure to lead-based paint and asbestos, stating that she had observed entire blocks being demolished without visible containment, tenting, phased demolition, or notice to nearby residents. She argued that such practices violate federal safety standards established by HUD, the EPA, and the CDC, all of which affirm that no level of lead exposure is considered safe.

Vana explained that lead dust can travel significant distances and that asbestos fibers can remain airborne and hazardous for decades. She further noted that soil contamination from these substances is difficult or impossible to fully remediate and may lead to long-term, irreversible health impacts—especially for children and older adults. Vana asserted that current demolition practices in Lincoln appear to fall short of federal requirements, and she emphasized that, as a recipient of HUD funding, the city is obligated to comply with federal environmental standards, including lead-safe practices, air monitoring, and public notification. Beyond environmental concerns, Vana highlighted the economic and emotional toll of redevelopment, pointing to the displacement of long-time homeowners—many of whom are elderly, mortgage-free, and living on fixed incomes. She criticized the use of eminent domain, inflated property valuations, and TIF-supported developments, which she claimed contribute to neighborhood instability. Vana expressed concern that rising assessments and the diversion of tax revenues place financial strain on existing residents, potentially leading to increased reliance on public assistance.

Vana concluded by stating that blight designations and redevelopment efforts carry hidden costs borne by the public. She called for a full, independent financial and environmental audit, asserting that if the City had acted responsibly, it should welcome such scrutiny. If not, she stated that those advancing the proposal should be held both publicly and legally accountable. She urged the Commission to refrain from approving additional designations or demolitions until the issues she raised had been fully addressed and resolved in accordance with the law.

Staff Questions-

Eddins asked staff to speak to the inconsistencies noted in the blight study.

Dan Marvin responded that the housing condition data used in the study was sourced from the county assessor's property records. Keith Marvin was doing quick double-checks on the figures during the meeting.

Dan Marvin then noted that Kurt Elder was available to address questions regarding the extreme blight designation. He explained that census tract data is used to determine eligibility for this designation, but these census tracts do not line up exactly with the boundaries of the proposed areas—this is a limitation prescribed by state law.

Dan Marvin also addressed concerns about eminent domain, displacement, and lead paint. He clarified that the item before the Commission was only a blight designation—not a redevelopment plan—and does not include the use of eminent domain. He stated that, in his experience, eminent domain has not been used to displace residents, including in projects like the West Haymarket, where all acquisitions were done through negotiations with property owners.

Dan Marvin also highlighted the City's lead paint remediation efforts. The department received HUD funding for a program that exceeded its goals and is now entering a second phase. As an example of responsible reinvestment, Dan Marvin pointed to work done in a blighted area south of downtown, where a redevelopment plan explicitly prohibited displacement. A rental rehabilitation program was created that required affordable rent levels while addressing significant housing issues—such as leaky windows, roofs, and HVAC systems. Over 300 rental units have been improved so far, to reach 1,000, and lead paint remediation is being included where appropriate.

Keith Marvin responded to questions regarding inconsistencies in the study, noting he had recently rechecked the data and found some discrepancies on the residential side. Referring to page 14 of the study, he explained that while the number of homes rated in excellent condition had increased, so had the number of homes rated average or worse, estimating that approximately 30 to 36 percent of residential structures in the area were in average condition or worse. Keith Marvin stated that the study's data is sourced directly from the county assessor's GIS database, which is based on in-person appraisals conducted every three years. He emphasized the reliability of this data and expressed no reason to override the assessor's judgments. He further noted that the commercial property condition data aligned closely with their findings. Addressing additional factors from the study summary, Keith Marvin discussed the diversity of ownership, explaining that neighborhoods with many individual property owners require more extensive community engagement, which is why outreach to neighborhood associations occurs. He also highlighted safety concerns related to unsanitary trees and large foliage and noted standing water issues that pose public health risks, such as potential breeding grounds for West Nile virus. Finally, Keith Marvin confirmed that aging structures are a significant indicator of blight, with 91 percent of structures over 40 years old and an average building age of 67.8 years within the study area.

Campbell sought clarification on the implications of the blight and extreme blight designations. He stated his understanding that such designations do not mean homes will be removed or eliminated. Rather, the purpose is to improve the area, either through the rehabilitation of existing houses or by enabling opportunities for new buyers to invest in and improve the properties. He invited correction if his understanding was inaccurate.

Dan Marvin responded to Campbell's comments by clarifying that, absent a redevelopment plan, simply designating an area as blighted or extremely blighted does not automatically trigger the use of traditional tools like tax increment financing (TIF). He referenced state law, noting that in areas designated only as blighted or extremely blighted—without an accompanying redevelopment plan—the primary available tools are the Nebraska Affordable Housing Trust Fund and the owner-occupied tax credit. Dan Marvin explained that in previous efforts, such as in Belmont and Northwest 48th Street, there had been concerns about cash-only buyers purchasing homes and converting them to rentals. The tax credit, though modest, was designed to encourage owner-occupied homebuyers and help stabilize neighborhoods. He emphasized that this area, like those before it, has a strong owner-occupied presence and that the designation helps incentivize investment. While the City does intend to propose a redevelopment plan aligned with the goals of the adopted subarea plan, at this time, the designations primarily support access to existing state-level resources.

Feit noted that the plan appears to include issues the city is already responsible for maintaining, such as sidewalks, street repairs, curbs, and trees located in the public right-of-way. She acknowledged community members who had raised similar concerns and asked staff to explain why those types of infrastructure items are considered in the determination of whether an area qualifies as blighted or extremely blighted.

Keith Marvin responded by referring commissioners to the beginning of the study document, where the applicable Nebraska statutes are included. He explained that the statutes list multiple factors used in determining blight or extreme blight, including things like street layout, improper subdivision, fire-damaged property, and obsolete infrastructure—all of which are functions typically under the city's jurisdiction. Keith Marvin noted that while these are city responsibilities, the Nebraska Legislature specifically identified them as valid indicators of an area's overall deterioration. As an example, he pointed to brick streets—while aesthetically pleasing, they often meet the definition of obsolete infrastructure and therefore can be used as justification for a blight designation. He also addressed a concern mentioned earlier about photos in the study, clarifying that images taken with phones are geocoded. While occasional errors can occur, he stated that the team has hundreds of geotagged photos to support their findings and can provide those to the city.

Feit followed up by considering the impact on residents living in the neighborhood. She acknowledged the documented issues like deteriorating curbs and sidewalks and asked what the benefit would be to the individuals who reside there. Specifically, she questioned whether the city would increase its priority for addressing infrastructure repairs now that these conditions have been officially identified and documented. Feit referenced a public comment made earlier in the meeting regarding a repair request that had remained unaddressed for some time.

In response, Dan Marvin explained that when a redevelopment plan is in place, staff typically works with a developer to identify infrastructure needs—such as street improvements, sewer, and water line upgrades—and explore how tax increment financing (TIF) can help fund them. He noted that many sidewalks in the Haymarket were constructed using TIF dollars, and that public improvements like bicycle lanes and parking enhancements throughout Lincoln have

also been financed this way. Dan Marvin referenced the P Street corridor between 17th and 23rd Streets as an example where TIF supported designated lanes and parking-related studies. He emphasized that redevelopment and subarea plans help identify and prioritize such improvements. In areas without a specific redevelopment plan, Dan Marvin said the city has used a district TIF approach to address broader needs—such as in the West O corridor, where business owners identified connectivity and street trees as priorities. He noted that district TIF was used to install trees and improve access to a school located in the far western part of the city.

Joy clarified her understanding, stating that if the designation is approved, the next steps would involve the creation of a redevelopment plan. She noted that some of the concerns and testimony shared during the hearing could potentially be incorporated into that process moving forward.

Dan Marvin responded affirmatively, stating that he heard concerns raised about eminent domain and displacement, and emphasized that those are elements that would be expected to be addressed in a future redevelopment plan. He noted that such a plan would aim to incorporate the neighborhood concerns raised during the hearing and that there would be an opportunity for neighborhoods to review the plan before it is brought back to the Commission.

Rodenburg noted that there are maps, although he had difficulty pulling one up during the meeting. He referenced that the Nebraska Investment Finance Authority and NeighborWorks have designated some areas as eligible—based on income criteria—for very favorable loan programs. Rodenburg asked whether designating areas as blighted or extremely blighted would open those areas to qualify for these loan opportunities.

Dan Marvin responded that he had not specifically spoken with the Nebraska Investment Finance Authority (NIFA) or with Charlie at NeighborWorks to confirm whether properties located in designated blighted or extremely blighted areas would qualify for the loan opportunities that had been referenced.

Campbell addressed the earlier comment about damaged sidewalks, noting that the City offers a program allowing property owners to hire a contractor to install new sidewalks and then apply for 100% reimbursement, provided funding is available.

Eddins asked Campbell whether he had reviewed the income data for the relevant census tract. Campbell reiterated that the sidewalk reimbursement program is available citywide and confirmed that property owners can apply for full reimbursement if funds remain.

Chair Ryman Yost asked if staff could explain how the areas are selected for inclusion and how the boundaries are drawn. She referenced a comment from a neutral testimony questioning why the area south of Holdridge was made so large instead of focusing on very specific areas.

Dan Marvin responded to a comment about the block south of Holdrege being designated as a large area rather than focusing on specific parts. He noted that the request to reduce the area

came later and explained that making changes to the study impacts the overall data globally, making it difficult to isolate specific areas without affecting the whole analysis.

Hiatt explained that a meeting had been held with the Clinton Neighborhood Organization, where concerns about the area south of Holdrege Street were raised. She stated that, at that time, Urban Development had focused on just one block, which was the area they were initially asked to review. Hyatt noted that there have since been internal discussions within the department about extending consideration to areas south of Holdrege. She clarified that a boundary had to be drawn somewhere, and Holdrege Street served as a logical dividing line during the original blight study. While she made it clear that no promises could be made, she affirmed the department's intent to review the area further and consider the concerns expressed by the neighborhood.

Eddins addressed the possibility of development in the area, specifically referencing an old fraternity house. She explained that if a developer were interested in redeveloping that property, they could independently fund a blight study prior to moving forward. She clarified that such a study could be conducted for just that one block or even a single parcel within it, depending on the scope of the proposed project.

Dan Marvin responded by noting that historically, the city typically did not pay for blight studies, which is why many blighted areas are located along arterial streets. He explained that it wasn't until around 2019 or 2020 that the city began considering residential areas for blight studies, largely to help those areas qualify for tax credits. Dan Marvin added that there are other opportunities where both a developer and the city might have a shared interest in funding such studies. He provided an example involving a project by NeighborWorks on Pioneers Boulevard near South 48th Street, where local businesses had expressed concerns about parking. In that case, the city partnered with NeighborWorks to share the cost of the blight study and redevelopment plan. By drawing a larger study area, the city aimed to create future opportunities to address parking issues, illustrating how collaborative approaches can be effective.

Chair Ryman Yost raised a question regarding the potential impact of a blight designation on property resale. She acknowledged that staff may not be able to speak definitively on the matter but asked whether there was any information available on whether such a designation affects a neighborhood's resale values. Ryman Yost also referenced an earlier point in the discussion, noting that a blight designation does not necessarily alter a property's assessed tax value.

Dan Marvin emphasized that he takes concerns about blight designations seriously and considers them in good faith. He shared a personal anecdote about his daughter recently purchasing a home, noting that the property's location within a blighted area was never a factor in the transaction or a disclosure concern. He stated that such designations are not typically viewed as issues during real estate sales. Dan Marvin added that when the City consulted with the county assessor, the assessor provided an honest assessment, indicating that a blight designation does not have an impact on property values.

MISCELLANEOUS 25008 AND MISCELLANEOUS 25009**ACTION BY PLANNING COMMISSION:****JULY 23, 2025**

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

Campbell moved to approve Miscellaneous 25008 and Miscellaneous 25009; seconded by Joy.

Campbell expressed support for putting the blight designation in place, viewing it as a positive step that would open many opportunities. He noted that the designation could enable assistance from individuals, the City, or other agencies such as NeighborWorks to help improve the area. Campbell acknowledged that the terminology around blight is often perceived negatively, which can raise concerns. However, he emphasized that the focus should be on the potential benefits and improvements the designation could bring to the neighborhood.

Joy expressed appreciation for the City's plan and the work done to address blighted areas, noting that some previously designated neighborhoods had seen real success stories. She acknowledged that while the overall percentage of improvement may be low, there had been many positive developments in the area, and the designation would help continue that growth. Joy thanked those who testified, emphasizing how public input helps the Commission address community issues. She also commended the questions posed by fellow commissioners and highlighted the importance of the public process. She concluded by stating her support for the motion and expressed optimism about the ongoing improvements led by City staff.

Rodenburg, speaking from his 20 years of experience as a realtor, stated that the designation of a neighborhood as blighted rarely, if ever, came up during property transactions. Unlike designations such as floodplains, blight is not a required disclosure. He agreed with Mr. Marvin that the term "blighted" carries a negative connotation and suggested alternatives such as "neighborhoods in transition" or "eligible areas." Rodenburg explained that the term often conjures images of broken windows and abandoned homes, which did not reflect the current condition of the neighborhood under discussion. He acknowledged, however, that the designation had advantages and could create positive opportunities for the area. He also emphasized that any future developments would still require an application and commission approval to ensure they benefit the neighborhood.

Ball thanked the residents for their participation, stressing that public involvement is a vital part of the process. He also expressed appreciation for the data expert who had provided information, noting the importance of accountability for both the Commission and the Planning Department. Ball stated that community feedback plays a critical role in shaping what happens after the designation and emphasized that those voices must continue to be heard. While he agreed that the term "blighted" has a negative tone, he recognized the designation as a necessary step to unlock resources and opportunities for neighborhood improvement. He concluded by stating his intention to support the designation.

Eddins expressed a deep personal investment in the Clinton neighborhood, identifying herself as a lifelong resident and strong supporter of the blight designation. She shared her experience living in an extremely blighted area and highlighted the benefits of tax incentives, noting that two of her children had purchased homes on her block and received \$5,000 tax credits that helped improve their properties. Eddins stated that her daughter's home value doubled in five years, crediting the support of NeighborWorks Lincoln, the use of tax incentives, and personal investment. While supportive of the designation, Eddins also stressed the neighborhood's ongoing need for direct investment by the city, citing sidewalk improvements and ongoing issues with infrastructure and trees. She referenced a walking tour conducted about a decade ago that had documented housing conditions and noted that little had changed since. Eddins expressed frustration that redevelopment projects sometimes proceed despite neighborhood opposition and pointed to unfulfilled commitments, such as missing TIF-funded trees and delayed park improvements. She reiterated her support for the designation but urged the city to be held accountable for delivering on promised benefits.

Chair Ryman Yost emphasized the importance of diverse and broad participation during the hearing, underscoring that representation matters. She thanked everyone for their involvement and then called for any additional discussion. Hearing none, the discussion concluded.

Motion for approval of Miscellaneous 25008 and Miscellaneous 25009 carried 8 -0: Ball, Campbell, Cruz, Eddins, Feit, Joy, Rodenburg and Ryman Yost, voting 'yes'. Ebert absent.

Campbell moved to adjourn the Planning Commission meeting of July 23, 2025. seconded Joy.

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

There being no further business, the meeting was adjourned at 3:35 pm



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

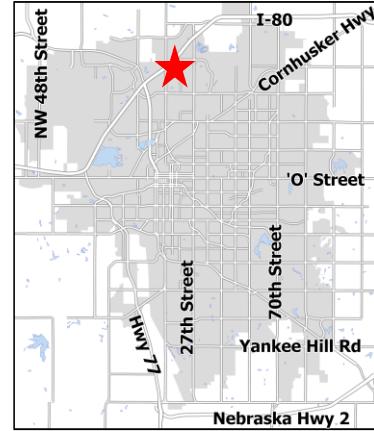
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #25016	FINAL ACTION? No	DEVELOPER/OWNER AMERCO Real Estate Company
PLANNING COMMISSION HEARING DATE August 6, 2025	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 5975 & 5959 Tombstone Ridge Drive

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-3 Residential to H-3 Heavy Commercial over approximately 1.21 acres. The area of application is generally located at Fletcher Avenue and Tombstone Ridge Drive.



JUSTIFICATION FOR RECOMMENDATION

The property is designated as future commercial and Environmental Resources in the Comprehensive Plan. The change of zone will not infringe on surrounding residential uses. The surrounding residential uses are buffered from the commercial use by permanent outlots or are already adjacent to commercial uses. The subject properties are part of the North Creek Trade Center Preliminary Plat #00014 approved in 2001 which noted the properties as future H-3, although a change of zone had not been applied for until this request.

STAFF CONTACT

Emma Martin, (402) 441-6369 or emartin@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The 2050 Comprehensive Plan designates this area for future Commercial use with the southwestern portion designated as Environmental Resources on the Future Land Use Map (FLU). This request also complies with various Elements and Policies of the Comprehensive Plan, including locating commercial uses within city limits and in areas that do not encroach on existing neighborhoods.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Commercial and Environmental Resource uses on the 2050 Future Land Use Plan.

Land Use Plan Definitions

Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact.

Environmental Resources - Land and water masses which are of particular important for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

Fundamentals of Growth in Lancaster County

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

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Natural and environmentally sensitive areas should be preserved within and between neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

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

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

1. Offer incentives for “primary” employers - that is, for companies where the majority of their business and sales come from outside Lancaster County.
2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.
3. Continue to coordinate the City’s economic development efforts with research and development functions of the University of Nebraska-Lincoln, including continued development of Innovation Campus. The success of the University’s research and development is important to the future of the city.
4. Continue to fund the Lincoln Partnership for Economic Development (LPED) and promote business retention, recruitment, and workforce development strategies and outcomes for the City of Lincoln through this public/private partnership.
5. Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
6. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

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

Action Steps

1. Implement commercial infill redevelopment principles as discussed in the Business & Economy element.
2. Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
3. Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, use appropriate screening, fulfill a demonstrated need, and do not hinder health and safety.
4. Prioritize retaining areas for continued residential development in older sections of the community by maintaining existing housing and supporting infill housing. Prior to approving the removal of housing to provide additional parking for existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, and/or the removal of other commercial structures should be explored. Maintain and encourage ethnically diverse commercial establishments that are beneficial to existing neighborhoods.

P17: Predictability - Strive for predictability for neighborhoods and developers.

Action Steps

1. Continue to make updates as needed to zoning and subdivision ordinances, along with design standards, to support economic development, complete neighborhoods, and other PlanForward initiatives.
2. Support timely and efficient implementation of the growth tiers framework through the Capitol Improvement Program and other coordinated infrastructure enhancements.

ANALYSIS

1. This is a request for a change of zone on two lots (northern Lot 1 and southern Lot 2) located at 5975 Tombstone Ridge Drive, generally located SW of the intersection at Fletcher Avenue and Tombstone Ridge Drive. The requested change of zone is from R-3 Residential to H-3 Highway Commercial over all of southern Lot 2 and a portion of northern Lot 1, approximately 1.21 acres. Northern Lot 1 is mostly zoned H-3 and is occupied by the existing business. Southern Lot 2 is zoned R-3 and mostly vacant. However, a portion of the parking lot and driveway for the business is located within the R-3 zoning on Lot 1 and located on Lot 2.
2. This owner of the two lots is requesting the change of zone to resolve the zoning issues. A Zoning Confirmation Letter (ZCL) noted that a portion of the business use is located within the existing residential zoning. The existing

business use is not permitted within R-3 zoning, so this is a zoning violation. The properties are surrounded by a mix of R-3 and R-4 zoning to the northeast and south, and H-3 zoning to the northwest. No floodplain or traffic concerns have been noted regarding this change of zone.

3. This proposed change of zone is compliant with existing plans for the area, including the 2050 Future Land Use Map (FLU). Both lots are subject to Administrative Amendment #13042 (AA13042) to Preliminary Plat #00014 (PP00014). PP00014 was approved in 2000, and both AA13042 and PP00014 show the proposed zoning of these properties as H-3. The Preliminary Plat also shows the permanent outlot, Outlot A, directly to the SE and SW of the properties zoned R-3 to provide a permanent buffer between the commercial and residential uses.
4. There are residential uses and zoning to the north, across Tombstone Ridge Drive. The R-4 zoning was approved in 2004 with Change of Zone #04055, and Special Permit #04044 created a Community Unit Plan (CUP). This development was created after PP00014, which shows future H-3 zoning in the area, was approved.
5. The FLU map shows the property as a mix of future Commercial and Environmental Resource uses. While a portion of the property has been noted as future Environmental Resources, this is a generalized designation and is not necessarily accurate to the future area of Environmental Resources. There are drainage ways, wetlands, and environmental resources near the property but are not on the property itself. Lincoln Transportation and Utilities - Watershed has approved this request with no additional requirements. Environmental Resources are being protected by Outlot A, which is adjacent to the property. In this case, the FLU designation is a general area and was made just a little bigger than it should have been.

The 2050 Comprehensive Plan encourages location of commercial development within city limits, in areas compatible with existing residential uses, and in areas that do not encroach into existing neighborhoods. The proposed change of zone complies with these elements and policies. This request adheres to both the 2050 Future Land Use Map and the 2050 Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, Commercial H-3 Highway Commercial, R-3 Residential

SURROUNDING LAND USE & ZONING

North: Commercial, Residential	H-3 Highway Commercial, R-4 Residential
South: Open Space	R-3 Residential
East: Open Space	R-3 Residential
West: Right-of-Way	R-3 Residential, H-3 Highway Commercial

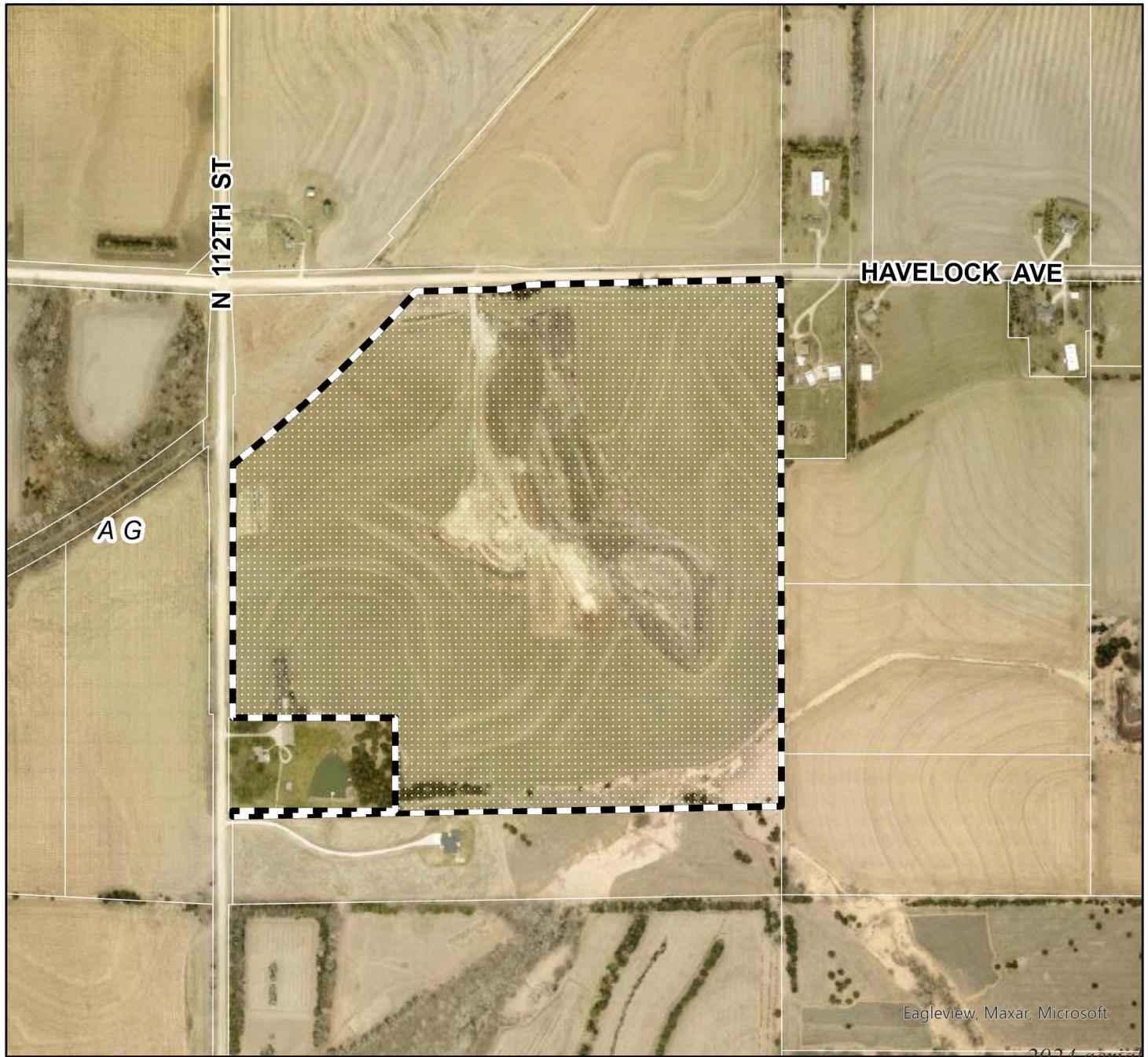
APPROXIMATE LAND AREA: 1.21 acres, more or less

LEGAL DESCRIPTION:

Prepared by Emma Martin, Planner
(402) 441-6369 or emartin@lincoln.ne.gov

Date: July 23, 2025

Applicant/Contact/Owner: AMERCO Real Estate Company
2727 N Central Avenue
Phoenix, AZ 85004

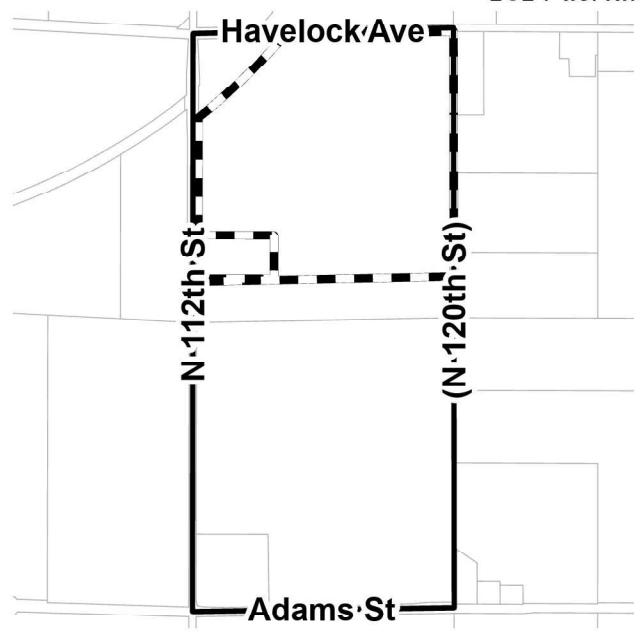
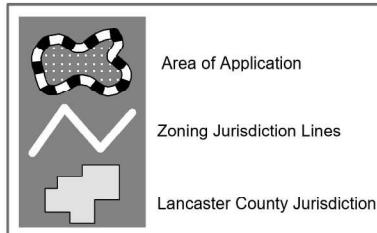
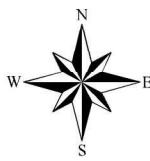


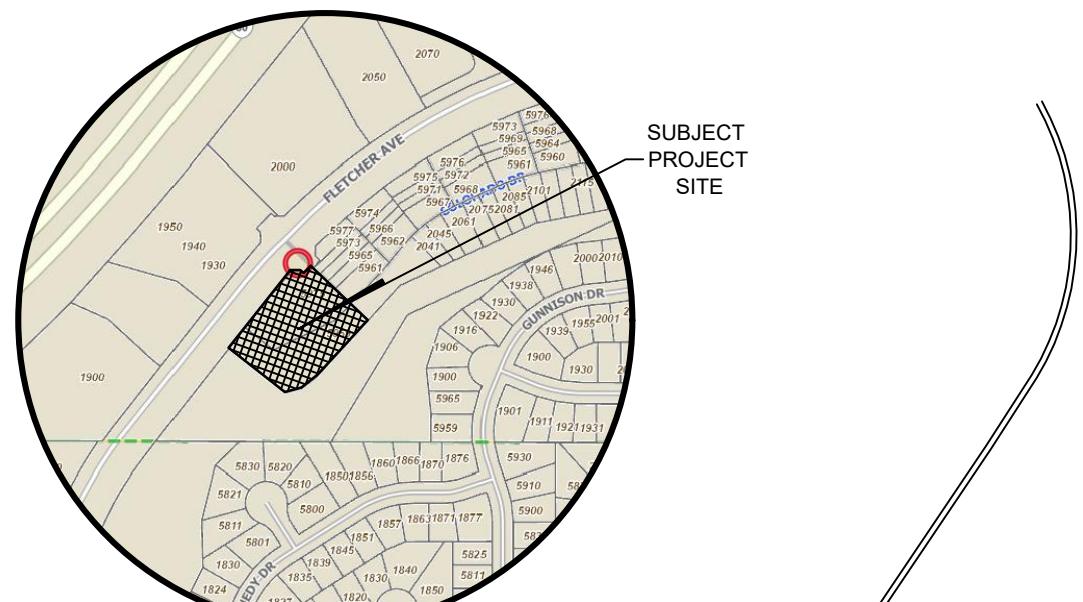
Special Permit #: SP19032B
N 112th St & Havelock Ave

Zoning:

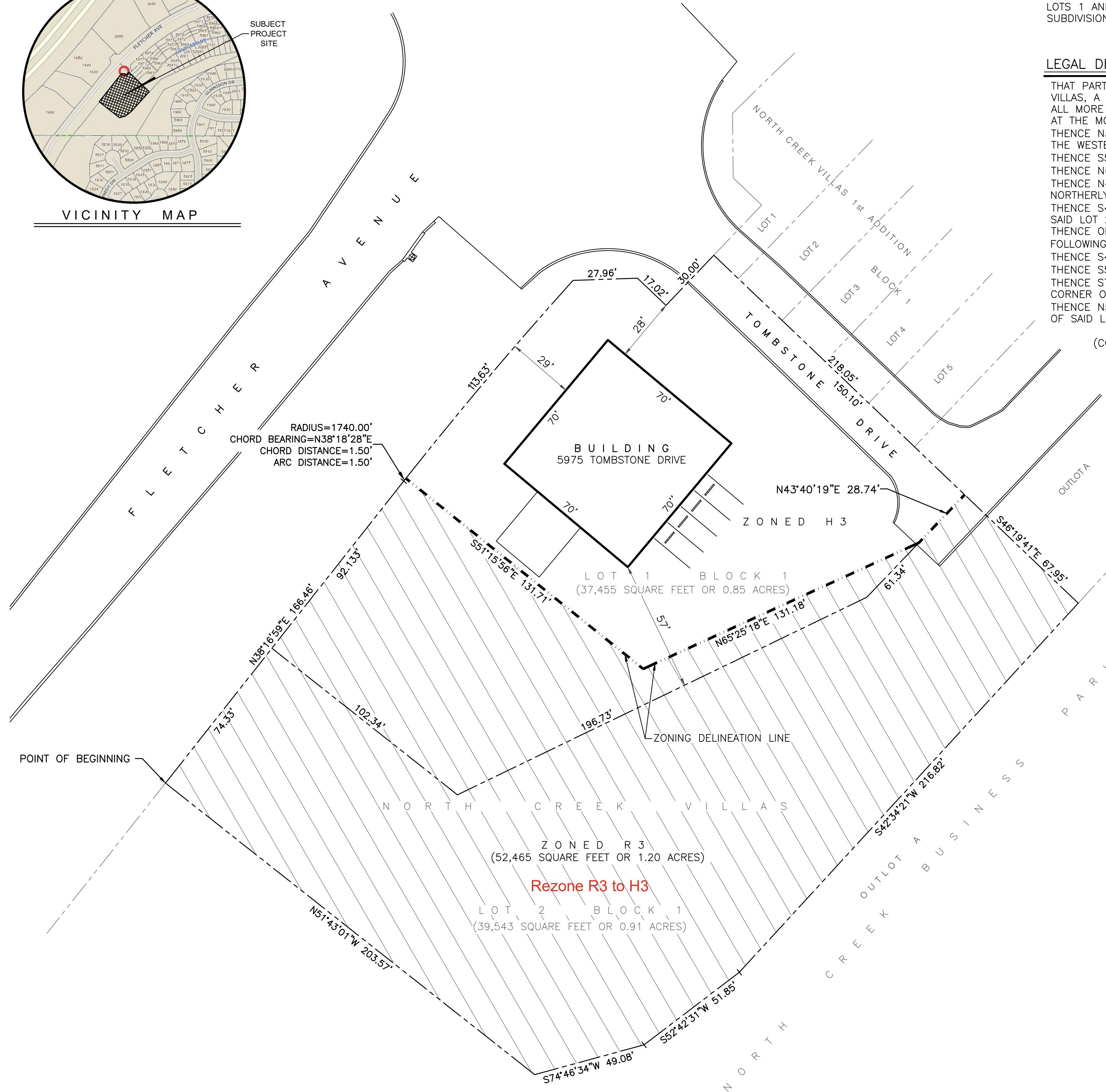
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4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

One Square Mile:
 Sec.07 T10N R08E





VICINITY MAP



LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK 1, NORTH CREEK VILLAS, A
SUBDIVISION IN LANCASTER COUNTY, NEBRASKA.

LEGAL DESCRIPTION – R3 ZONING

THAT PART OF LOTS 1 AND 2, BLOCK 1, NORTH CREEK VILLAS, A SUBDIVISION IN LANCASTER COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 2; THENCE N38°16'59"E (ASSUMED BEARING) 166.46 FEET ON THE WESTERLY LINE OF SAID LOTS 1 AND 2; THENCE S51°15'56"E 131.71 FEET; THENCE N65°25'18"E 131.18 FEET; THENCE N43°40'19"E 28.74 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 2; THENCE S46°19'41"E 67.95 FEET ON THE NORTHERLY OF SAID LOT 2 TO THE MOST EASTERN CORNER THEREOF; THENCE ON THE EASTERN LINE OF SAID LOT 2 FOR THE FOLLOWING 3 (THREE) DESCRIBED COURSES; THENCE S42°34'21"W 216.82 FEET; THENCE S52°42'31"W 51.85 FEET; THENCE S74°46'34"W 49.08 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 2; THENCE N51°43'01"W 203.57 FEET ON THE SOUTHERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

(CONTAINS 52,630 SQUARE FEET OR 1.208 ACRES)

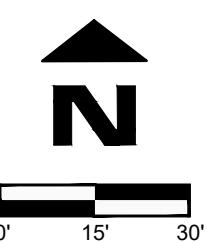


JON L. CARRELL
NEBRASKA RLS #693

AMERCO REAL
ESTATE COMPANY
ENTITY #850050

Site Address

5975 & 5959
TOMBSTONE DRIVE
LINCOLN,
NEBRASKA
68521



U.S. SURVEY FEET



Page 10

No.	Description	MM-DD
01	REVISED PER J. QUINIO	10/10/20
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Job No.: 1436-24-38(SP)
Drawn By: RJR
Reviewed By: JLC
Date: OCTOBER 4, 2024
Book:
Pages:

Sheet Num

SHEET 1 OF 1

LEGAL DESCRIPTION

LOTS 1 AND 2, BLOCK 1, NORTH CREEK VILLAS, A SUBDIVISION IN LANCASTER COUNTY, NEBRASKA.

LEGAL DESCRIPTION:

THAT PART OF LOTS 1 AND 2, BLOCK 1, NORTH CREEK VILLAS, A SUBDIVISION IN LANCASTER COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 2;

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(CONTAINS 52,630 SQUARE FEET OR 1.208 ACRES)

AMERCO[®]

REAL ESTATE COMPANY

2727 N. CENTRAL AVE., PHOENIX, AZ 85004
PHONE: (602) 263-6555 • FAX: (602) 277-5824 • EMAIL: Sahithya_cheruku@uhaul.com

July 8th, 2025

To,
Lincoln-Lancaster County Planning Department
555 S 10th St, Ste 213
Lincoln, NE 68508

Subject: Change of Zone Request – 5959 Tombstone Ridge Dr, Lincoln, NE (R3 to H3)

Application Letter

AMERCO Real Estate Company (AREC) has prepared this application package for the opportunity to receive the City of Lincoln's participation and counseling regarding a change of zone for the property located at 5959 Tombstone Ridge Dr, Lincoln NE. AREC is the wholly owned real estate subsidiary of the U-Haul System.

The property is currently zoned R3 Residential. We are proposing to rezone this property to H3 – Highway Commercial, which is consistent with the zoning designation of the adjacent parcel address 5975 Tombstone Ridge Dr, where our existing U-Haul facility is located. This request does not include any waivers.

There is no immediate development proposed for the area to be rezoned; however, this change is being requested to support future planning and potential expansion. Aligning the zoning across the entire property will streamline site planning, promote consistent land use, and better reflect the commercial character of the surrounding area.

The nature of U-Haul's self-storage operations generates low traffic volumes, especially when compared to traditional commercial uses such as retail or restaurants. The facility is designed for efficient ingress and egress, utilizing the same existing access point currently in use. This ensures minimal disruption to the surrounding roadway network and local community. All plans will be developed in full compliance with the city's applicable code standards.

We appreciate the opportunity to engage with the City of Lincoln on this request and look forward to working collaboratively with city planning staff throughout the review process.

AMERCO Real Estate Company - Planner



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER
Special Permit #19032B

FINAL ACTION?
Yes

DEVELOPER/OWNER
Oak Valley Development, LLC

PLANNING COMMISSION HEARING DATE
August 6, 2025

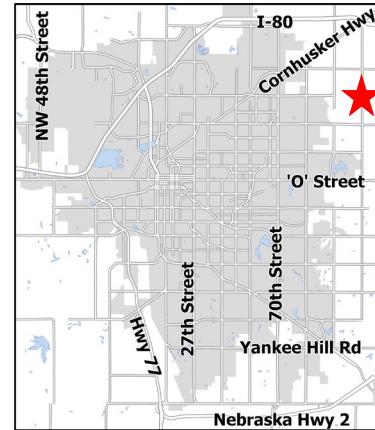
RELATED APPLICATIONS
None

PROPERTY ADDRESS/LOCATION
N. 112th Street and Havelock Avenue

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request per Section 27.63.160 of Lincoln Municipal Code to renew a special permit for Excavation. The property is in the AG Agricultural District. The boundary of the special permit is 105.34 acres in area and the excavation area is approximately 21.92 acres. SP19032 was first approved on July 10, 2019. The first extension, SP19032A, was approved on July 27, 2022.



JUSTIFICATION FOR RECOMMENDATION

This application with the conditions of approval meets the requirements for an Excavation special permit.

APPLICATION CONTACT

Mike Eckert, (402) 434-8494 or meckert@civildg.com

STAFF CONTACT

George Wesselhoff, (402) 441-6366 or gwesselhoff@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The special permit for excavation of soil is in conformance with the 2050 Comprehensive Plan. There are few houses nearby. There is no significant impact on adjacent properties with the proposed conditions.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

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

Figure GF.c: 2050 - The majority of the site is in Tier I Priority C and the remainder is in Tier 3 of the Growth Tiers. Tier 1 Priority C for development, after 2036, are those which currently lack almost all infrastructure required to support urban development. Tier III provides an approximately 129 square mile area for Lincoln's longer term growth potential—beyond 50 years. Little active planning of utilities is likely to occur in the near term in Tier III.

ANALYSIS

1. This request is for soil excavation on a 105.34-acre site under the provisions of Chapter 27.63.160 Excavation. The request is to excavate a maximum of 357,000 cubic yards of soil. 223,000 cubic yards has been excavated in the last five years with the average amount around 44,000 cubic yards a year. The area of excavation will consist of 21.92 acres approximately.
2. This site was granted a special permit on July 10, 2019, for excavation. A renewal was granted by special permit on July 27, 2022. The site plan submitted with this application is similar to the site plan submitted for the previous two applications.
3. There are four private wells within 1,000 feet of the boundary of the special permit. A water report was not submitted. Rather than submit a water report, the site plan shows that all excavation will be 1,000 feet from any private well. A water report is not needed if excavation is a minimum of 1,000 feet from a well.
4. There are three houses adjacent the site and a fourth house on the north side of Havelock Avenue. The site plan shows that the area of excavation at least 300 feet from lots with houses on them.
5. Operating hours shall be limited to daylight hours, Monday through Saturday.
6. The applicant has estimated truck traffic to include a total of 8 trucks each day hauling 7:30am to 5pm. This is typical like the other excavation pits that the applicant operates. This would equate into 100 or so loads each day when running out of this pit. Site equipment to be used will include scraper, dozer, motor grader, dump trucks, excavator, and water truck.
7. The County Engineer requires a revised Road Maintenance Agreement for adjacent county roads. The County Engineer also requires that warning signs be posted along the adjacent roads warning traffic of entering/exiting trucks, which this condition was met years ago with prior permits
8. The access drives into the site must be approved by the Lancaster County Engineering Department. Access is limited to one driveway onto Havelock Avenue, which this condition was met years ago
9. The grading plan for the permit has been designed to maintain all current drainage basins on the property. Lincoln Transportation and Utilities Watershed Management recommended approval.
10. No screening is proposed or required due to the 1,000 feet setback from wells and the 300 foot buffer.
11. During the soil mining process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water or other dust suppression chemicals.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agriculture **Farm ground and soil excavation**

SURROUNDING LAND USE & ZONING

North: AG Agriculture Farm ground and two dwellings
South: AG Agriculture Prairie Pines Nature Preserve and two dwellings
East: AG Agriculture Farm ground and four dwellings
West: AG Agriculture Farm ground

APPROXIMATE LAND AREA: 105.34 acres, more or less.

LEGAL DESCRIPTION: Lots 16, 20 and 21 all Irregular Tracts located in the N ½ of Section 7, Township 10 North, Range 8 East; Lancaster County, NE.

Prepared by
George Wesselhoft, Planner

Date: July 24, 2025
Applicant: Gana Trucking & Excavating
Contact: Mike Eckert
Owner: Oak Valley Development, LLC

CONDITIONS OF APPROVAL - SPECIAL PERMIT #19032B

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

Site Specific Conditions:

1. Before initiating excavation operations the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Add Special Permit boundary acreage figure to the site plan.
 - 1.2 Add area of excavation acreage figure to the site plan.
 - 1.3 Update General Site Note 5 for phase and proposed maximum cubic yards to be excavated.
2. Before beginning the excavation operation,
 - 2.1 The Permittee shall have
 - 2.1.1 Received review and permits, as required for the Federal NPDES and 404 Permits.
 - 2.1.2 Post performance bond in the amount of \$11,508.00 (\$525.00 per acre) intended to be disturbed to assure compliance with the final reclamation plan, including but not limited to regrading, topsoil conditioning, and re-vegetation. A registered professional engineer must certify at closure of operations that grading and final reclamation has been completed in accordance with the approved plans before the bond may be released.
 - 2.1.3 Upon completion of all terms, conditions and requirements of the special permit that are to be completed before beginning operations, the Permittee shall request the Director of Building and Safety to issue a certificate of operation. Permittee shall not begin operation until it has received said certificate of operation.
 - 2.1.4 Applicant shall submit an updated truck haul route map with anticipated hauling routes to the County Engineer for review.
 - 2.1.5 Applicant shall enter into a revised Road Maintenance Agreement with Lancaster County for adjacent County roads throughout the operation of the permit.
 - 2.1.6 A sign shall be posted and maintained at the entrance to the site. The sign shall be:
 - 3.1.6.1 Clearly visible from the adjacent road;
 - 3.1.6.2 At least 32 square feet in area;
 - 3.1.6.3 Lettering shall be at least two inches in heights, black on a white background;
 - 3.1.6.4 The sign shall list:
 - (a) The approved Special Permit Number;
 - (b) The name, contact phone and email address for the land owner;
 - (c) The name, contact phone and email address for the operator/contractor;

(d) The Building and Safety Department contact number.

2.2 After beginning the excavation operations, the Permittee shall have

- 2.2.1 Erosion controls, including retention and sediment basins shall be provided during excavation in conformance with state and federal standards and City land erosion and sediment control regulations to prevent a change in the character of runoff onto adjacent land.
- 2.2.2 No more than twenty (20) acres of the site shall be open for operations at any one time. The surface shall be maintained in such a manner that surface waters do not collect and pond, unless specifically approved by the City. Underground drainage may be supplied if it connects to an existing drainage facility and is satisfactory to the City.
- 2.2.3 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation or termination of each phase.
- 2.2.4 Excavation shall be conducted in such a way as not to constitute a hazard to any person, not to the adjoining properties. Dust shall be controlled on-site to meet Lincoln-Lancaster County Air Pollution Control program Regulations. In addition, the Health Department may require dust control on unpaved perimeter roads.
- 2.3.5 Safety screening may be required at the outer boundary of the site. Visual screening through setbacks, berthing and other techniques may also be required where said boundary is adjacent to residential or park land, school property, or at major entryways/corridors into a city, town or village.
- 2.3.6 Operating hours shall be limited to daylight hours, Monday through Saturday.
- 2.3.7 The applicant will take appropriate measures, such as street sweeping or “rumble bars” as specified by the County or City Engineer to minimize mud or dirt tracking onto streets and roads on a continuing (daily) basis during operation.
- 2.3.8 Operations shall commence within one year from the date the special permit is approved or the special permit will automatically terminate and be considered null and void. All existing certificates of operation shall automatically terminate on the same date.
- 2.3.9 Within nine months after the completion of excavation on any portion of the site, all cuts shall be returned to a slope of less than three to one, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.
- 2.3.10 A special permit may be approved for a maximum of three-years from the date the special permit is issued.
- 2.3.11 Permittee shall prepare and submit an annual report to the Director of Building and Safety addressing the status and extent of operations and each condition of the special permit. Failure to submit the annual report shall constitute just cause for the City Council to revoke the special permit.
- 2.3.12 Permittee shall be subject to an annual site inspection by the Director of Building and Safety. The cost of such inspection shall be paid for by the applicant. Cost shall be based upon the Department of Building and Safety's hourly rate in effect on the date of the application. Building and Safety shall:
 - 2.3.12.1 Inspect the site to determine whether terms, special conditions and requirements imposed by the City in the approval of the special permit have been met and complied with; and

2.3.12.2 Review all complaints from public and other departments/agencies and report to the Planning Director.

2.3.13 The County or City Engineer may require installation of traffic signs to warn motorists of excavation or stone milling operations and truck traffic.

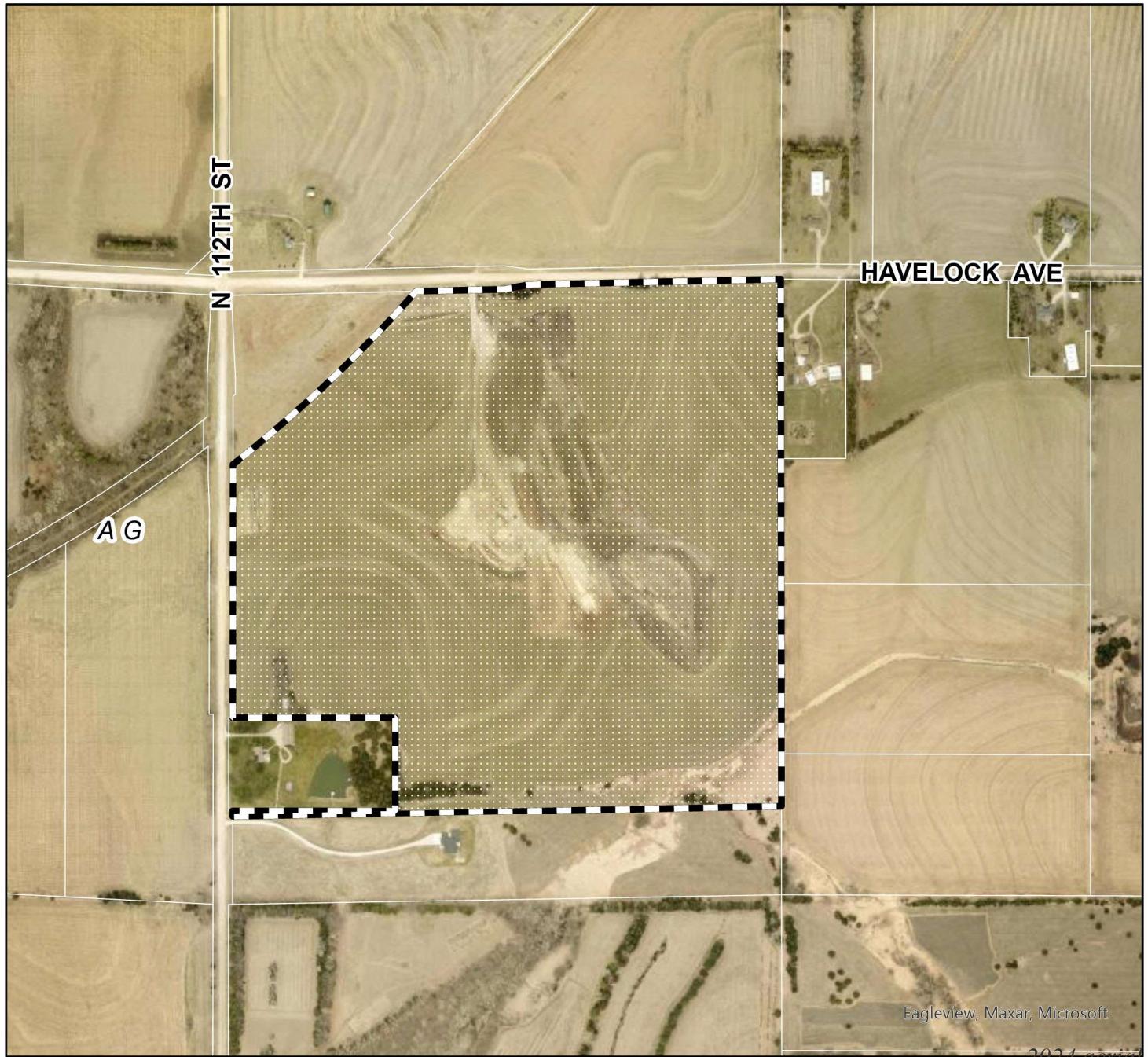
2.3.14 The construction plans shall generally comply with the approved plans.

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

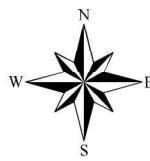
Standard Conditions:

4. The following conditions are applicable to all requests:

- 4.1 Before starting the operation all development and construction shall substantially comply with the approved plans.
- 4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.



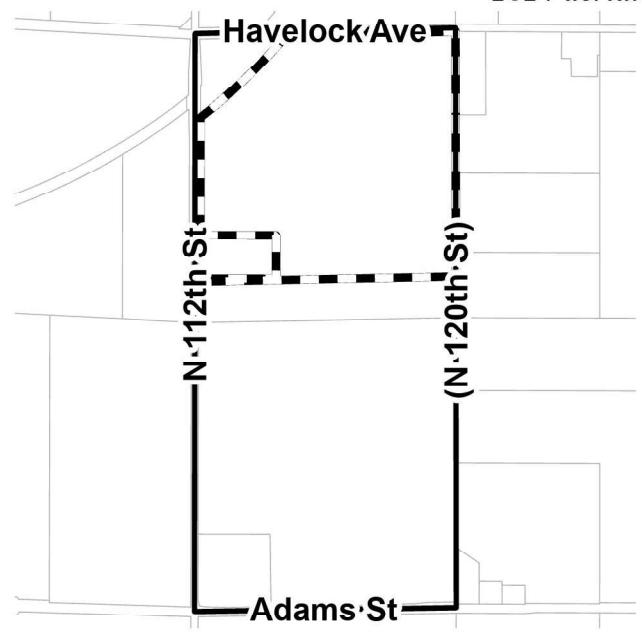
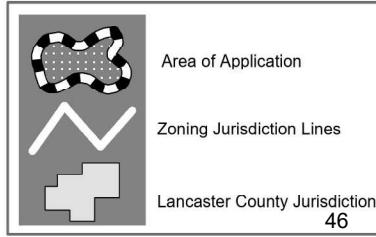
Special Permit #: SP19032B



Zoning:

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

One Square Mile:
Sec.07 T10N R08E





Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

July 9, 2025

Mr. David Cary, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Application for renewal of Special Permit 19032A: Soil Excavation, 112th & Havelock
Civil Design Group Project: 2025-0099**

Dear Mr. Cary:

On behalf of Gana Trucking we submit the enclosed application for the three-year renewal of Special Permit #19023A for Soil Excavation on 105 acres of land located at the southeast corner of N. 112th Street and Havelock Avenue. The grading plan for the permit has been design to maintain all current drainage basins on the property and the permit requests a maximum excavation of 357,0000 cubic yards of soil.

In conjunction with this submittal for a Special Permit we submit the following information:

Special Permit Application
Special Permit Fee - \$1,142.00
Plans uploaded via ProjectDox

I hope this information and the site plan provides you with the adequate information to review this application. To facilitate the review process, please feel free to call me at 402-434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Gana Trucking

/Volumes/Public/F/Projects/2025/20250099/Landplanning/Preliminary/Doc/Special Permit letter 07-09-25.docx