

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Cristy Joy: Chair

Maribel Cruz : Vice Chair

Lorenzo Ball

Dick Campbell

Brett Ebert

Gloria Eddins

Bailey Feit

Richard Rodenburg

Cindy Ryman Yost

### **PLANNING STAFF**

David R. Cary: Director

Shelli Reid: Administrative Officer

Laura Tinnerstet: Admin. Aide

**December 3, 2025**

**NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 3, 2025, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.**

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

**AGENDA**  
**WEDNESDAY, December 3, 2025**

Approval of minutes of the regular meeting held [November 12, 2025](#).

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

**COMPREHENSIVE PLAN CONFORMANCE**

1.1 COMPREHENSIVE PLAN CONFORMANCE 25012, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Terminal Building

**Page 21** Redevelopment Project within the Lincoln Center Redevelopment Plan, to change the term of TIF repayment from 15 years to 20 years and update the project narrative, on property generally located at 947 O Street and 139 S. 10th Street.

**Staff recommendation: Finding of Conformance with Comprehensive Plan**

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

**TEXT AMENDMENT**

1.2 TEXT AMENDMENT 25011, to amend the Lincoln Municipal Code, Table 27.72.030(a) to reduce the minimum lot area required for dwellings in the B-2 Zoning District from 2,000 square feet per unit to

**Page 25** 1,000 square feet per unit, and to amend Table 27.06.070 and 27.62.040 for Household Living Use Group to change dwellings from conditional to permitted use in the O-2 Zoning District.

**Staff recommendation: Approval**

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

**CHANGE OF ZONE**

1.3 CHANGE OF ZONE 21020D, to amend the South of Downtown Planned Unit Development (PUD), specifically updating the Lot Regulations within the PUD to allow a two-family dwelling on lots 1,740

**Page 38** sf or larger and to reduce the average lot width to 17' per unit on lots legally created after November 1, 2025, on property generally located between A and H Streets and 10th and 17th Streets.

**Staff recommendation: Conditional Approval**

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

1.4 CHANGE OF ZONE 25025, from AG (Agriculture) to AGR (Agricultural Residential) on property generally located at SW 89th Street and W Van Dorn Street.

**Page 49** **Staff recommendation: Approval**

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

## **PERMITS**

1.5 SPECIAL PERMIT 13047A, to add office use on the locally landmarked Lewis-Syford House on property generally located at 700 North 16th Street. **FINAL ACTION**

**Page 56 Staff recommendation: Conditional Approval**

**Staff Planner:** Jill Dolberg, (402) 441-6373, [jdolberg@lincoln.ne.gov](mailto:jdolberg@lincoln.ne.gov)

1.6 SPECIAL PERMIT 18023B, to allow for the expansion of the Mourning Hope Grief Center Special Permit to add a parking lot, on property generally located at South Folsom and West A Streets.

**Page 64 FINAL ACTION**

**Staff recommendation: Conditional Approval**

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

1.7 SPECIAL PERMIT 25043, to allow an Academy for an indoor youth athletic training facility, on property generally located at 2440 Production Drive. **FINAL ACTION**

**Page 71 Staff recommendation: Conditional Approval**

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

1.8 PRE-EXISTING USE PERMIT 3AJ, to amend the pre-existing use permit PEUP3 to allow mini-warehouse as a permitted use on property generally located at 6400 O Street. **FINAL ACTION**

**Page 80 Staff recommendation: Conditional Approval**

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

## **2. REQUESTS FOR DEFERRAL**

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

(Public Hearing and Administrative Action)

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

### **TEXT AMENDMENT**

4.1 TEXT AMENDMENT 25014, to amend the conditional use provisions in LMC 27.62.080 and special permit provisions in LMC 27.63.070 related to allowing childhood care facilities in providing more

**Page 94** flexibility with the allowed occupancy, the reuse of an existing building within residential neighborhoods, revising of specific conditions with the Design Standards by no longer requiring daycares over 21 children to be located on collector and arterial roadways, and additional provisions for the safety of childhood care facilities in or near the I-1 Industrial zoning district.

**Staff recommendation: Approval**

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

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

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

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**Adjournment**

**PENDING LIST:** No items

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

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday will be available for viewing on LNK City TV at <https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>

The Planning Commission agenda may be accessed on the Internet at <https://www.lincoln.ne.gov/City/Departments/Planning-Department/Boards-and-Commissions/Planning-Commission>

## MEETING RECORD

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, November 4, 2025.*

<b>NAME OF GROUP:</b>	PLANNING COMMISSION
<b>DATE, TIME, AND PLACE OF MEETING:</b>	Wednesday, November 12, 2025, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10 <sup>th</sup> Street, Lincoln, Nebraska.
<b>IN ATTENDANCE:</b>	Dick Campbell, Maribel Cruz, Gloria Eddins, Bailey Feit, Rich Rodenburg, David Cary, Steve Henrichsen, Shelli Reid, Jacob Schlange, Laura Tinnerstet, and George Wesselhoft of the Planning Department, media, and other interested citizens.
<b>STATED PURPOSE OF MEETING:</b>	Regular Planning Commission Hearing

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

Chair Cruz requested a motion approving the minutes for the regular meeting held October 29, 2025.

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

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

Chair Cruz asked the Clerk to call for the Consent Agenda Items.

### **CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**November 12, 2025**

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

**The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 25011, Text Amendment 25013, Special Permit 25040 and Street and Alley Vacation 25040.**

**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 Eddins.

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

**Note: This is Final Action on Special Permit 25040 and Special Permit 25042 unless appealed by filing a Notice of Appeal with the City Council or County Board within 14 days.**

**COMPREHENSIVE PLAN CONFORMANCE 25010, TO REVIEW AS TO CONFORMANCE WITH THE 2050 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED CONSERVATION EASEMENT TO PRESERVE FLOOD STORAGE CAPACITY AND NATURAL RESOURCES WITHIN THE PINE WOODS PLANNED UNIT DEVELOPMENT, ON PROPERTY GENERALLY LOCATED AT 6511 PINE LAKE ROAD.**

**AND**

**CHANGE OF ZONE 08041G, TO AMEND THE PINE WOODS PLANNED UNIT DEVELOPMENT TO APPROVE UPDATING GRADING AND DRAINAGE PLANS AND HYDRAULIC REPORT, TO ALLOW EXPANSION OF AN EXISTING BUILDING BY 5,760 sf AND EXPANSION OF EXISTING CONTRACTOR SERVICES USE IN THE FLOOD PLAIN, ON PROPERTY GENERALLY LOCATED AT 6511 PINE LAKE ROAD.**

**PUBLIC HEARING:**

**NOVEMBER 12, 2025**

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

**Staff Recommendation:**

In Conformance with the Comprehensive Plan - Comprehensive Plan Conformance 25010  
Conditional Approval - Change of Zone 08041G

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

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

**Staff Presentation:**

**Jacob Schlange, Planning and Development Services Department, 555 South 10th Street, Lincoln, NE,** came forward and presented the applications associated with this item — a change of zone amendment to an existing Planned Unit Development (PUD) and a comprehensive plan conformance for a conservation easement. Schlange explained that the PUD amendment would expand an existing contractor service use by adding 5,760 square feet of commercial floor area on the south end of the existing building. The application also includes updates to the grading and drainage plans and hydraulic report, as the property lies within the floodplain.

Schlange stated that the related comprehensive plan conformance addresses a required conservation easement associated with the floodplain regulations. Schlange added that the boundaries of the easement have not yet been finalized.

Schlange provided background that the property was added to the Pinewoods PUD in January 2019, along with adjacent lots to the east. At that time, the use of contractor services — not typically permitted in the R-3 zoning district — was allowed due to site constraints, with a condition prohibiting further floodplain development on the lot.

Schlange stated that the current application proposes expansion of the existing use, bringing the total floor area within the PUD to approximately 21,135 square feet. Schlange noted that the applicant has also offered to voluntarily donate a portion of the property south of the water channel to the City; however, this is not a condition of approval. Parks and Recreation has expressed interest in the offer.

Schlange concluded that staff recommends conditional approval of the request, as it allows reasonable use of the property while maintaining compatibility with surrounding land uses and preserving natural resources through the required conservation easement.

**Applicant Presentation:**

**Mark Hunzeker, 1128 Lincoln Mall, Suite 300, Lincoln, NE,** appeared on behalf of the applicant, Franklin Drywall. Hunzeker agreed with the staff presentation and discussed two conditions for approval. Hunzeker requested that Condition 2.2, which requires adding a note that the conservation easement be separated from the outdoor storage area by a six-foot fence or series of posts, be eliminated, noting that Planning staff agrees with that change.

Hunzeker also addressed Condition 2.5, requesting that the wording “or series of posts” be replaced with “fence or posts” and that the phrase “at each point of deflection” be added to clarify how the conservation easement area will be demarcated. Hunzeker explained that while the intent is for the easement boundary to be a straight line, posts will be placed on the east and west property lines to clearly indicate where the conservation easement begins.

Hunzeker noted that while parking will be permitted within the conservation easement, other uses will not be allowed, and visible markers will help the Building and Safety Department identify the easement area during inspections or in response to complaints. Hunzeker concluded by requesting the noted changes and offering to answer any questions.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

**Staff questions-**

Eddins asked Schlange whether the staff agrees with the proposed changes to the conditions, specifically eliminating one condition and modifying another.

Schlange responded that Condition 2.2, proposed for elimination, was duplicative of the note regarding the fence included in Condition 2.5. Schlange noted that the original six-foot fence requirement was unnecessary, as the height is irrelevant to the purpose of visually demarcating the conservation easement. Schlange explained that the language regarding a series of posts was intended to clarify the boundary, but the applicant's proposal — placing posts at the east and west property lines to mark a straight line — was acceptable, even though more demarcation might be ideal.

Chair Cruz acknowledged that the previous question had been addressed and confirmed there were no further questions from the Commission.

**Applicant Rebuttal:**

Hunzeker noted that the proposed language allows for additional posts if necessary. Hunzeker explained that posts would be placed at each point of deflection along the boundary line of the conservation easement if the line is not straight.

**COMPREHENSIVE PLAN CONFORMANCE 25010, CHANGE OF ZONE 08041G**

**ACTION BY PLANNING COMMISSION**

**November 12, 2025**

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

Campbell moved to approve Comprehensive Plan Conformance 25010; seconded by Eddins.

Campbell moved to approve Change of Zone 08041G with amendments; seconded by Eddins.

Motion for approval of Comprehensive Plan Conformance 25010 and Change of Zone 08041G carried 5-0: Campbell, Cruz, Eddins, Feit, and Rodenburg voting 'yes'. Ball, Ebert, Joy and Ryman Yost absent.

**SPECIAL PERMIT 25042, TO ALLOW SOIL MINING AND EXCAVATION ON PROPERTY  
GENERALLY LOCATED AT W A Street and SW 126TH STREET.**

**PUBLIC HEARING:**

**NOVEMBER 12, 2025**

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

**Staff Recommendation:** Denial

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

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

**Staff Presentation-**

**George Wesselhoft, Planning and Development Services Department, 555 South 10th**

**Street, Lincoln, NE**, appeared and presented the application for soil excavation at the northwest corner of Southwest 126th Street and West A Street. Wesselhoft stated that the property is 12 acres, with 8 acres proposed for disturbance. Wesselhoft explained that the applicant intends to excavate clay from the site and transport it to the existing mining operations at Southwest 56th Street and West Clare Street for brick manufacturing.

Wesselhoft noted that there are five homes within 1,000 feet of the proposed excavation area. One house has driveway access onto Southwest 126th Street, and the others have access onto West A Street, both of which are gravel and rock surfaced. Wesselhoft explained that a groundwater report—required for soil mining operations located within 1,000 feet of a private well or 2,000 feet of a community well—identified one private well within 1,000 feet of the excavation area and another well farther to the southwest. The report indicated no detrimental impact on groundwater.

Wesselhoft added that there may be unregistered wells within 1,000 feet, as the area is not served by a rural water district. Wesselhoft stated that the applicant was asked on October 29th to provide additional well information; they initially declined but have since contacted property owners and obtained information from one property at 12755 West A Street. This information has not yet been incorporated into the hydrology report or reviewed by the Health Department. Wesselhoft stated that the staff's recommendation remains a denial due to incomplete information, although the proposal otherwise meets county regulations. Wesselhoft noted that Health Department staff, including Chris Schroeder, were present to answer questions regarding groundwater concerns.

**Staff Questions-**

Feit asked Wesselhoft to show the planned truck route for hauling excavated clay and whether there were any concerns regarding road quality or the number of trips.

Wesselhoft responded that the truck route, noted in the staff report, extends from the site to Southwest 126th Street, then West A Street, Southwest 140th Street, West Van Dorn, and finally to the applicant's other location at Southwest 56th Street. Wesselhoft added that the route was reviewed by the County Engineer, nearby property owners were notified, and a zoning sign was posted, with no concerns expressed regarding the truck route.

Rodenburg asked whether it would be better to defer the application rather than deny it.

Wesselhoft responded that staff would recommend deferral to the next Planning Commission meeting, assuming the applicant provides an updated hydrology report. Wesselhoft noted that the applicant may have a differing opinion on that matter.

**Applicant Presentation-**

**Tim Gergen, Clark and Enersen, 1010 Lincoln Mall, Lincoln, NE,** came forward and appeared on behalf of Yankee Hill Brick regarding the proposed mining permit. Gergen stated that the applicant agrees with the conditions of the permit but objects to the staff recommendation for denial. Gergen explained that the company has operated mining activities across the county for many years and relies on factual, registered well data to prepare hydraulic reports.

Gergen expressed concern that the staff's denial was based on assumptions about unregistered wells near the proposed excavation site. Gergen noted that the applicant made efforts to contact nearby property owners, but some properties appeared vacant, and others lacked information about wells. The applicant was able to provide detailed data for one well within the required area, and based on this information, the hydraulic report indicates that excavation would not adversely affect groundwater.

Gergen also stated that requiring private citizens to obtain well information from other private property owners is unreasonable and potentially unsafe. Gergen suggested that conditional approval could be appropriate, contingent on updating the hydraulic report, but expressed surprise that staff proceeded with a recommendation for denial.

Gergen concluded by introducing Greg Parrott, who would speak further regarding mine operations and interactions with the neighbors contacted.

**Greg Parrott, Plant Superintendent, Yankee Hill Brick, 3705 South Coddington Avenue, Lincoln, NE,** came forward and provided additional information regarding the proposed mining permit. Parrott explained that his efforts to contact four nearby property owners who potentially have wells. Parrott noted that one property appeared vacant, another had a "for sale" sign, and a third owner was puzzled by the inquiry and could not provide information. One property owner provided limited information regarding a pump replacement, which was used in the applicant's hydraulic analysis.

Parrott also described the intended use of the excavated material. Parrott explained that the site was historically used for coatings, and some clay would be used for brick production at the plant. Other materials, such as sand and red clay, may be sold to concrete companies or other buyers. Parrott noted that the Piening family, who owns adjacent properties, had expressed interest in repurchasing the site, and the applicant is open to selling remaining materials after excavation.

Parrott concluded by offering to answer any questions from the Commission regarding the mining operations or site use.

**Staff Questions-**

Rodenburg asked how the land would be left after excavation.

Parrott responded that most of the site would be returned to grade, with a slight depression that would likely fill with water. Gergen added that this pond was requested by the Piening family, who own the adjacent property, and would provide a feature for their home.

Rodenburg asked about the handling of topsoil during excavation and whether it would be stored on site or replaced.

Parrott responded that topsoil would be redistributed across the property to level the site and help control the depth of the excavation.

Feit asked Parrott to identify on the map the eight acres of the 12-acre property proposed for excavation.

Parrott responded that most of the eight acres is located along the central clay vein, roughly in a square in the middle of the property, with the driveway area at the northern end.

Gergen added that there is a drainage swale that cuts diagonally through the property, which will be left as is.

Feit asked Parrott to estimate the number of truck trips that would occur on a typical peak day under ideal conditions.

Parrott responded that they would likely use four or five trucks, each making at most three trips per day. Parrott added that once enough material is excavated and transported to the other location, mining would pause until that pile is depleted, making operations intermittent.

**Proponents:**

No one approached in support.

**Neutral:**

No one approached in a neutral capacity.

**Opposition:**

No one approached in opposition.

**Staff Questions-**

Campbell asked Chris Schroeder from the Health Department to come forward.

Campbell asked Chris Schroeder if he would be able to provide a report within two weeks regarding the additional well that had been identified.

**Chris Schroeder, Environmental Health Supervisor, Health Department, 3131 O Street, Lincoln, NE,** responded that he would likely be able to provide the report, but requested an opportunity to review the email or letter referenced by Gergen, which discussed that there would likely be no impacts to the well.

Campbell asked whether it would be logical to assume the new well is in the same water group area as the previously identified well.

Schroeder responded that a groundwater hydrologist would be best suited to answer that but noted that the underlying geology allows for some inferences. Schroeder added that if a well were significantly shallower than others in the area, potential impacts would need to be considered.

Campbell asked what is done for property owners who have a non-registered well and do not provide any information.

Schroeder responded that the department is okay with that. Schroeder explained that if an attempt is made to contact the property owner and they decline to provide information—even though it would be in their best interest—then that attempt should simply be documented.

Campbell acknowledged and thanked him for his response.

Eddins asked if that situation gives Schroeder concern.

Schroeder responded that it does not. Schroeder said the department is amenable to it, provided the groundwater report is amended to include the potential impact of the one well for which they received information from the property owner.

Chair Cruz asked Schroeder if the matter raised had any legal or health implications.

Schroeder responded that there were no issues from either a legal or health standpoint.

Chair Cruz then asked if there were any other questions, and there were none. Cruz thanked Schroeder for his testimony.

**Applicant Rebuttal:**

Campbell asked Gergen if he could provide the report referenced within two weeks.

Gergen replied that he could provide a report in two weeks but noted that many of the items are part of broader conditions that need to be satisfied as part of a conditional approval. Gergen suggested that, if the county and Planning agree, the report could be made a condition of approval to allow the process to move forward while keeping the project on track.

Rodenburg asked Gergen if attempts had been made to contact the owners of seemingly vacant properties shown on the county assessor's map, possibly via registered mail, to obtain well information.

Gergen responded that the assessor's map provides the property address and ownership information, but not necessarily a forwarding address. Gergen noted that phone books are outdated, so the most reliable way is to visit the property. Of the four properties in question, two were vacant, one owner shared information, and one did not know their where their well was.

Gergen concluded by expressing a desire to obtain conditional approval based on updating the hydraulic report with the additional well information.

Campbell asked Wesselhoft to come forward and inquired whether planning would agree to make the update to the hydraulic report a condition of final approval.

Wesselhoft responded affirmatively. Campbell expressed thanks.

**SPECIAL PERMIT 25042**  
**ACTION BY PLANNING COMMISSION**

**November 12, 2025**

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

Campbell moved to approve Special Permit 25042 with the additional information added to the hydraulic report as a conditional approval; seconded by Eddins.

Campbell stated that it makes sense to allow the project to continue, noting the applicant's efforts and the health department's input. Campbell observed that the well is likely in the same water plane as the identified well and that the additional report by Gergen from Clark & Enersen will confirm this. Campbell recommended granting conditional approval, contingent on the Planning and Health Departments receiving the updated information, along with satisfying the other conditions.

Eddins stated that she is generally not a big fan of soil mining but noted that the applicants have owned the land for a long time and there have been no neighbor complaints. Eddins acknowledged that some of the facilities appear vacant or difficult to access, and that attempting to contact them would cause a longer delay. Eddins agreed that granting conditional approval while having the additional well information added to the report is the appropriate course of action.

Rodenburg stated that he agreed with Eddins.

Motion for approval of Special Permit 25042 carried 5-0; Campbell, Cruz, Eddins, Feit and Rodenburg voting "yes", Ball, Ebert, Joy and Ryman Yost absent.

**COMPREHENSIVE PLAN AMENDMENT 25006, TO AMEND THE LINCOLN-LANCASTER COUNTY 2050 COMPREHENSIVE PLAN TO REVISE THE FUTURE LAND USE MAP FROM RESIDENTIAL – LOW DENSITY USE TO COMMERCIAL USE, AND TO ADJUST THE FUTURE GROWTH TIER DESIGNATION FROM TIER 1, PRIORITY C TO TIER 1, PRIORITY A, ON PROPERTY GENERALLY LOCATED ON THE SW CORNER OF S 70TH & YANKEE HILL ROAD AND**

**ANNEXATION 25008, TO ANNEX APPROXIMATELY 13.12 ACRES ON PROPERTY GENERALLY LOCATED ON THE SW CORNER OF S. 70TH & YANKEE HILL ROAD.**

**AND**

**CHANGE OF ZONE 050681, AN AMENDMENT TO ADD APPROXIMATELY 13.12 ACRES AND 161,000 SQUARE FEET OF COMMERCIAL FLOOR AREA TO THE EXISTING PLANNED UNIT DEVELOPMENT (PUD) FOR THE WOODLANDS AT YANKEE HILL PUD, AND ASSOCIATED WAIVERS, INCLUDING A WAIVER OF THE SUBDIVISION REGULATIONS FOR THE MINIMAL FLOOD CORRIDOR, ON PROPERTY GENERALLY LOCATED AT THE SW CORNER OF S. 70TH & YANKEE HILL ROAD.**

**CONTINUED PUBLIC HEARING:**

**NOVEMBER 12, 2025**

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

**Staff Recommendation:**

Approval - Comprehensive Plan Amendment 25006

Conditional Approval - Annexation 25008

Conditional Approval - Change of Zone 050681

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

**There were ex parte Site Visits/Additional Information Disclosed**

Campbell disclosed that he had visited the site since the first hearing and reviewed GIS data for the lots. He noted that traffic was light during his afternoon visit before Standing Bear High School dismissal. Chair Cruz stated that she drives this route home daily.

**Staff Presentation:**

**Jacob Schlange, Planning and Development Services Department, 555 South 10th Street, Lincoln, NE,** came forward and provided a refresher on the three applications under consideration: a comprehensive plan amendment to update the growth tier and change future land use from low-density residential to commercial, a PUD amendment adding approximately 13 acres to the Woodlands at Yankee Hill PUD, and the annexation of the property. Schlange noted that outstanding issues from the previous meeting had been addressed, including mitigation for the minimum flood corridor east of 70th Street, eliminating the need for a waiver, and approval of a temporary right turn onto Yankee Hill, contingent on paving South 70th Street before any building permits are issued. The updated staff report memo reflects these changes.

**Applicant Presentation:**

**Christina Melgoza, Krueger Development, 8501 South 78th Street, Lincoln, NE,** came forward and stated that in addition to coordinating with city departments on the temporary right-of-way and minimum flood corridor, the company is addressing neighbor concerns regarding landscape screening. Melgoza noted that Krueger Development plans to meet with the four adjacent neighbors to offer planting or screening solutions, though specific details regarding quantity or value have not yet been determined.

**Rick Onnen, E&A Consulting, 2077 N Street, Lincoln, NE**, came forward and addressed the minimum flood corridor issue. Using a plan display, Onnen pointed out the area along the east side of 70th Street that is subject to upstream drainage requirements. Onnen explained that improvements will be made to the drainage channel in this location, which would satisfy the minimum flood corridor requirements and therefore eliminate the need for a waiver. Onnen emphasized that this approach is consistent with the approved zoning code process and invited questions from the Commission.

**Staff Questions-**

Campbell asked if the retaining wall could be constructed 20 feet from the property line instead of 10 feet, noting that while it would create a straighter wall rather than the stepped design shown in the pictures, it would better protect the root systems of many trees along the property and likely reduce the need for replacement trees.

Melgoza stated that she would defer to Oneen to answer the question, as it could significantly impact their current building envelopes.

Oneen explained that the building envelopes on the site are already tight. Oneen further described that the building envelopes along the western property line are constrained to ensure door swings and other elements remain within the envelopes. The design also accommodates roof drainage and swales at the base of the retaining wall. Oneen added that some areas can have a single wall, while others require a stepped wall.

Campbell noted that the retaining wall is shown stepping back at different points and includes two shelf elements leading down to the drainage area.

Onnen pulled up a plan to illustrate the wall, noting that it steps back at different points with two shelf elements down to the drainage area. Onnen explained that while the plan appears to show vertical changes at each contour, the transition between contours will be smooth.

Eddins noted that the stepped sections of the retaining wall are intended to create the drainage swale.

Onnen noted that the ground line will follow the contour shown, with the wall located along the indicated section.

Campbell asked for clarification regarding the feature located directly in front.

Onnen noted that this is the third wall and explained that, as shown, it is a single wall along the entire frontage.

Campbell noted that the top portion of the wall is not stepped back.

Onnen noted that there will likely be at least one area where the wall is stepped, while other sections will remain a single, straight wall.

Campbell added that the wall is a straight, vertical single wall and is located 10 feet from the property line.

Onnen noted that the height of the wall will vary.

Campbell noted that tiebacks will be required in the wall at that height.

Onnen stated that depending on the type of material used—specifically the larger right block they intend to use—it is likely that a grid may not be needed behind the wall.

Campbell asked if the wall could be placed further from the property line to reduce potential root damage and preserve existing screening. Campbell referenced a series of maps showing four impacted properties, including 8900 South 68th Street, noting that many trees extend over the property line and that evergreens, pines, spruce, and fir generally have shallower root systems than deciduous trees. Campbell explained that stepping back the wall would help protect these roots and maintain most of the screening. Campbell also noted that the peonies on the property could be relocated in early spring before grading work begins. Campbell reviewed other lots along 68th Street, pointing out that trees along these properties, mostly evergreens, would benefit from moving the wall further from the property line, reducing the likelihood of root damage. On lots with deciduous trees, he noted that potential root damage would be less significant.

Onnen apologized for not having a copy of the grading plan available.

Campbell noted that all the lots in that area slope toward the property. Campbell asked if water from the neighboring properties would flow toward the area behind the wall.

Onnen explained that water from the neighboring properties would be collected and piped through the wall. Onnen added that, starting from the north and moving south, the grade changes minimally, and at the northern end, little to no wall is required. Onnen noted that most deciduous trees are on the adjacent property, with canopies either outside or 10 feet away from the proposed wall.

Campbell explained that the root systems of deciduous trees typically extend two to three times the height of the tree and are mostly within the top three feet of soil, whereas evergreen roots remain more compact. Campbell noted that if roots are cut, deciduous trees may require extra attention, such as watering, for the first couple of years to reestablish roots. Campbell added that this approach would likely prevent the loss of some deciduous trees, and that an evergreen on the lot line would probably need replacement screening regardless.

Onnen confirmed, stating that the applicant had testified they are willing to work with the adjacent property owners.

Campbell noted that the evergreens in those areas are 20 to 30 feet tall, and that it would not be possible to replace trees of that size.

Onnen acknowledged this, noting that if the wall is placed 10 feet off the property line, it would be approximately 10 feet beyond the canopy of the existing evergreens.

Campbell added that his concern was not with the canopies, but rather with the width of the root systems.

Onnen noted that when grading outside of the canopy, the main concern is potential damage to the root systems. Onnen added that, without the grading plan on hand, he could not provide details on the grade differences in each area.

Campbell asked, off the top of his head, what the maximum wall height would be.

Onnen stated that the maximum wall height was approaching eight feet in one localized area and then gradually decreased in other directions. Onnen noted that the area in question would be along the side of one of the buildings, where the building footprint is relatively tight. The wall is planned to be 10 feet off the property line, although one section is slightly greater. As the wall continues north, that section is short.

Campbell noted that there is not as much screening in that area. Campbell asked for the map to be adjusted, directing the display northward, then to the roundabout, and finally further south to the end of the development, highlighting the two trees on the backside.

Onnen explained that the wall through this area is short. The grade is being matched to accommodate drainage, including a swale. The wall height increases farther along the site, with the highest point located within a central range, tapering off in either direction.

Campbell acknowledged the explanation.

Rodenburg asked Onnen whether existing fire or building codes require doors on a commercial building to swing outward.

Onnen confirmed that they do.

**Proponents:**

**William Collins, 6801 Yankee Hill Road, Lincoln, NE, came** forward and spoke in support of the project. Collins noted that he and his wife have lived on their property for 40 years and have witnessed many neighborhood changes, including easements, power lines, pipelines, roadways, and a roundabout in his garden. Collins explained that although some trees were removed, he understands the necessity of change for the greater good. Collins stated that the roundabout has improved traffic flow and reduced accidents. Collins also addressed screening concerns, describing his experience with planting and maintaining trees along property

boundaries, though noting challenges with oak wilt, ash borer, and other tree issues. Collins concluded by expressing his and his wife's support for the planning department's recommendations.

**Carol Collins, 6801 Yankee Hill Road, Lincoln, NE,** came forward and spoke in support. Collins noted that she and her husband have lived there for about 37 years. Collins addressed traffic concerns, explaining that congestion is limited to school hours and that the developer has designed traffic access to minimize impact. Collins highlighted that the buildings are single-story, lower than surrounding homes, with minimal safety lighting and sidewalks to support pedestrian safety. Collins expressed confidence that the development will be a professional, well-maintained addition to the neighborhood. Collins also noted that this corner of 70th and Yankee Hill is the only undeveloped lot remaining and asked the Planning Commission to approve the proposals for the Woodlands at Yankee Hill development.

**Neutral:**

**Barb Peterson, 8501 South 68<sup>th</sup> Lincoln, NE,** came forward and spoke in a neutral capacity. Peterson noted that the acreage across the road from her property is adjacent to the subject site and expressed concerns about the type of building planned and potential traffic impacts, citing backups on Yankee Hill and at the roundabout. Staff provided her with access to the binder, maps, and photos to review the applications. The developer offered to meet with Peterson after the meeting to discuss her questions, and she accepted copies of the materials, stating she would remain until the end of the meeting to do so.

**Opposition:**

**Beth Briney, 8900 South 68th Street, Lincoln, NE,** came forward and spoke in opposition. Briney stated that commercial development at the site is inconsistent with the residential nature of the area and would remove trees that currently provide a buffer from noise and light pollution. Briney noted that Yankee Hill Road and 70th Street already experience significant traffic and expressed concern that approving the zoning change could set a precedent for further commercial encroachment along the corridor. Briney shared drone images to illustrate existing tree coverage and the neighborhood layout, emphasizing that the surrounding area has historically developed slowly and primarily with residential uses. Briney expressed concern regarding potential impacts on trees along the property, including maples, oaks, cedars, and pines. Briney also raised concerns about the proposed H4 zoning designation, which could allow a wide range of uses, and questioned who would advocate for the preservation of trees over time.

**Applicant Rebuttal:**

Melgoza came forward and addressed concerns regarding commercial development at 70th and Yankee Hill. Melgoza stated that this location is appropriate for development due to its lower topography compared with surrounding residential properties. Melgoza explained that alternative uses, such as self-storage or apartments, were considered, and the current plan of single-story buildings is the most feasible while minimizing impact on neighbors. Melgoza is committed to preserving as many trees as possible and noted prior experience working with

neighbors to provide additional screening. Melgoza also highlighted strong demand for operator-owned offices in the area and emphasized that the proposed development would meet this need while remaining compatible with surrounding properties. Melgoza requested the planning commission's support for the project.

Onnen stated that as the city grows, established acreage developments are impacted, and that the change in lifestyle for residents is recognized. Onnen noted that the developer is attempting to be a good neighbor while acknowledging the different land use and added that arterial intersections are generally the most logical locations for commercial development.

**COMPREHENSIVE PLAN AMENDMENT 25006, ANNEXATION 25008, CHANGE OF ZONE 050681**  
**ACTION BY PLANNING COMMISSION**

**November 12, 2025**

Campbell moved to close the public hearing seconded by Eddins.

Campbell moved to approve Comprehensive Plan Amendment 25006; seconded by Eddins

Campbell added that, when considering the change of zone, he would like to include a condition regarding tree preservation and screening. Campbell noted that while Krueger had expressed willingness to install trees, parameters should be set in case any trees or screening are removed or damaged. Campbell also encouraged, though not as a formal requirement, that the wall be moved as far from the property lines as possible to reduce the need for replacing trees.

Feit acknowledged that change is difficult, sharing that her parents have lived in the same house for 40 years and have experienced development impacting their previously quiet, dead-end street. Feit recognized that such changes can be challenging and unsettling for neighbors but agreed with the developer that efforts are being made to minimize the impact on the surrounding neighborhood. Feit expressed appreciation for the ongoing conversations between the developer and neighbors and encouraged that communication to continue.

Rodenburg stated agreement with the approach taken, noting that the developer could have proposed taller, three-story apartment buildings. Rodenburg observed that the current proposal is likely the best-case scenario for the property and suggested that the site would be challenging to sell for other uses.

Eddins noted that along two arterial streets, this type of development is appropriate, acknowledging that change naturally occurs over decades. Eddins expressed concern about the potential loss of trees and encouraged doing everything possible to preserve them, adding a lighthearted remark that Commissioner Campbell could serve as the "Lorax" in advocating for the trees.

Campbell noted that all three other corners of the intersection are zoned commercial, emphasizing that this follows the city's pattern of placing commercial developments at major intersections.

Eddins agreed with the latest staff memo, emphasizing that the roundabout should be at least bid out before granting access on the right turn. Eddins stressed the importance of setting a clear deadline to ensure that temporary access is not left open indefinitely and encouraged moving the project forward promptly.

Chair Cruz noted that this is an important stipulation.

Campbell moved to approve Annexation 25008; seconded by Eddins

Campbell moved to approve Change of Zone 050681 with an additional amendment requiring that any trees removed or screening damaged be replaced with evergreens—either pine, spruce, or fir—planted on 20-foot spacings along the length of the affected area. The replacement trees are to be six to eight feet in height at the time of installation. The motion was seconded by Eddins.

Eddins noted that specifying the type of tree—pine, spruce, or fir—might not be necessary. While acknowledging the logic behind the specification, Eddins expressed a preference to avoid limiting the types of replacement trees.

Eddins expressed a preference not to specify the type of tree, while Campbell noted that deciduous trees would not provide the necessary screening. Campbell emphasized that evergreens should be used and suggested that the adjacent landowner work with the developer to select the appropriate trees.

**Steve Henrichsen, Planning and Development Services Department, 555 South 10th Street, Lincoln, NE** came forward and provided clarification regarding the screening requirements. Henrichsen explained that the property owner is required to install a screen under the city's landscaping regulations, which can consist of trees, fencing, or other methods, covering at least 60% of the area up to 10 feet in height, typically submitted as part of the building permit plan.

Henrichsen emphasized that this coordination offer is in addition to, not a replacement for, the city's standard requirements, and acknowledged that it would be difficult for the city to enforce a condition requiring replacement of dying trees on adjacent residential properties.

Chair Cruz asked Henrichsen for clarification about the vote.

Henrichsen questioned whether the vote had yet occurred and whether the commission was still in discussion.

Eddins confirmed that a vote had not been taken at that point.

Henrichsen noted that the developer would be required to install a screening on their 10-foot property setback, and their willingness to work with neighbors if trees were lost should be sufficient. Henrichsen further clarified that the standard setback is typically 50 feet, but the

applicant requested a 30-foot setback. As drafted, any parking or buildings must be at least 30 feet from the property line, allowing grading and other work within that area.

Campbell added that if the roots of the neighbor's existing trees are damaged during construction, it could kill those trees and compromise the screen. In such cases, the developer indicated a willingness to coordinate with adjacent neighbors, and Campbell noted that any replacement trees planted in response should be evergreen.

Campbell also requested, as a personal note, that the developer review their plans to determine how far the wall could be moved to preserve as many trees as possible.

Campbell asked if the motion needed to be amended. Eddins stated that the amendment could be removed.

Campbell moved to approve Change of Zone 050681; seconded by Eddins

Motion for approval of Change of Zone 050681 carried 5-0, with Campbell, Cruz, Eddins, Feit, and Rodenburg voting "yes", Ball, Ebert, Joy, and Ryman Yost absent.

Motion for approval of Comprehensive Plan Amendment 25006 carried 5-0, with Campbell, Cruz, Eddins, Feit, and Rodenburg voting "yes", Ball, Ebert, Joy, and Ryman Yost absent.

Motion for approval of Annexation 25008 carried 5-0, with Campbell, Cruz, Eddins, Feit, and Rodenburg voting "yes", Ball, Ebert, Joy, and Ryman Yost absent.

Feit moved to adjourn the Planning Commission meeting of November 12, 2025; seconded Eddins.

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

There being no further business, the meeting was adjourned at 2:45 pm.



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

APPLICATION NUMBER Comprehensive Plan Conformance 25012 <i>Amendment to Terminal Building Redevelopment Project</i>	FINAL ACTION? No	OWNER 947 Terminal LLC
PLANNING COMMISSION HEARING DATE December 3, 2025	RELATED APPLICATIONS None	LOCATION 10 <sup>th</sup> & O Streets

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

**BRIEF SUMMARY OF REQUEST**

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Terminal Building Redevelopment Project, part of the Lincoln Center Redevelopment Plan. The Project was originally reviewed for conformity in 2020 with [CPC20014](#).

This amendment adjusts the Tax Increment Financing (TIF) period from 15 years to 20 years and includes minor updates to the project narrative.

The Redevelopment Project amendment is on file with the Urban Development Department and the Planning and Development Services Department. The Redevelopment Project amendment can also be found online on the Planning Application Tracking System (PATS): [CPC25012](#).



**JUSTIFICATION FOR RECOMMENDATION**

With this amendment the project maintains conformance with the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan as discussed in the staff report for [CPC20014](#).

**APPLICATION/STAFF CONTACT**

Hallie Salem  
Urban Development Dept  
(402) 441-7866  
[hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov)

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan specifically mentions 20-year TIF as a redevelopment tool. The Terminal Building Redevelopment Project will provide for adaptive reuse of an historic structure, provide modern housing and commercial space while utilizing existing city infrastructure, and meet the desire for a mix of uses in the downtown area. It will contribute to the Comprehensive Plan goal of 5,000 housing units being added downtown by 2050.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

### **Policies Section**

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

Action Step 12: Continue use of 20-year TIF as authorized by the State legislature.

## **ANALYSIS**

1. This is a minor amendment to the Terminal Building Redevelopment Project, which was originally approved with [CPC20014](#) in 2020. The project includes renovation of the Terminal Building at 10<sup>th</sup> & O Streets with upgraded commercial office space and 30 to 40 market rate residential condominiums.
2. This amendment extends the TIF period for the Terminal Building Redevelopment Project from 15 years to 20 years. The timeline for this change is summarized below.
  - a. January 2020: The Lincoln Center Redevelopment Area, including the future Terminal Building Redevelopment Project Area, was declared “extremely blighted” with [MISC19004](#).
  - b. November 2020: The original project was approved with a 15-year TIF period.
  - c. March 2021: The State Legislature approved the use of 20-year TIF for “extremely blighted” areas with LB25.
  - d. This current application applies the 20-year TIF period to the Terminal Building Redevelopment Project. It is a project that meets the criteria for 20-year TIF and would benefit from the investment that a 20-year TIF period would allow.
3. The switch to a 20-year TIF period does not change the cost benefit analysis because no significant tax increment was generated during the first four years of the project. The project is expected to utilize approximately \$3.9 million of TIF to leverage approximately \$11.9 million of private investment. More details are included in the Cost Benefit Analysis section of the project amendment.
4. Also included in this amendment is a minor update to the project narrative.
  - a. Original approval: Commercial office space on floors 2 and 3, residential on floors 4-10 with 30 to 35 total residential units.
  - b. Amendment: Commercial office space on floor 2, residential on floors 3-10 with 30 to 40 total residential units.

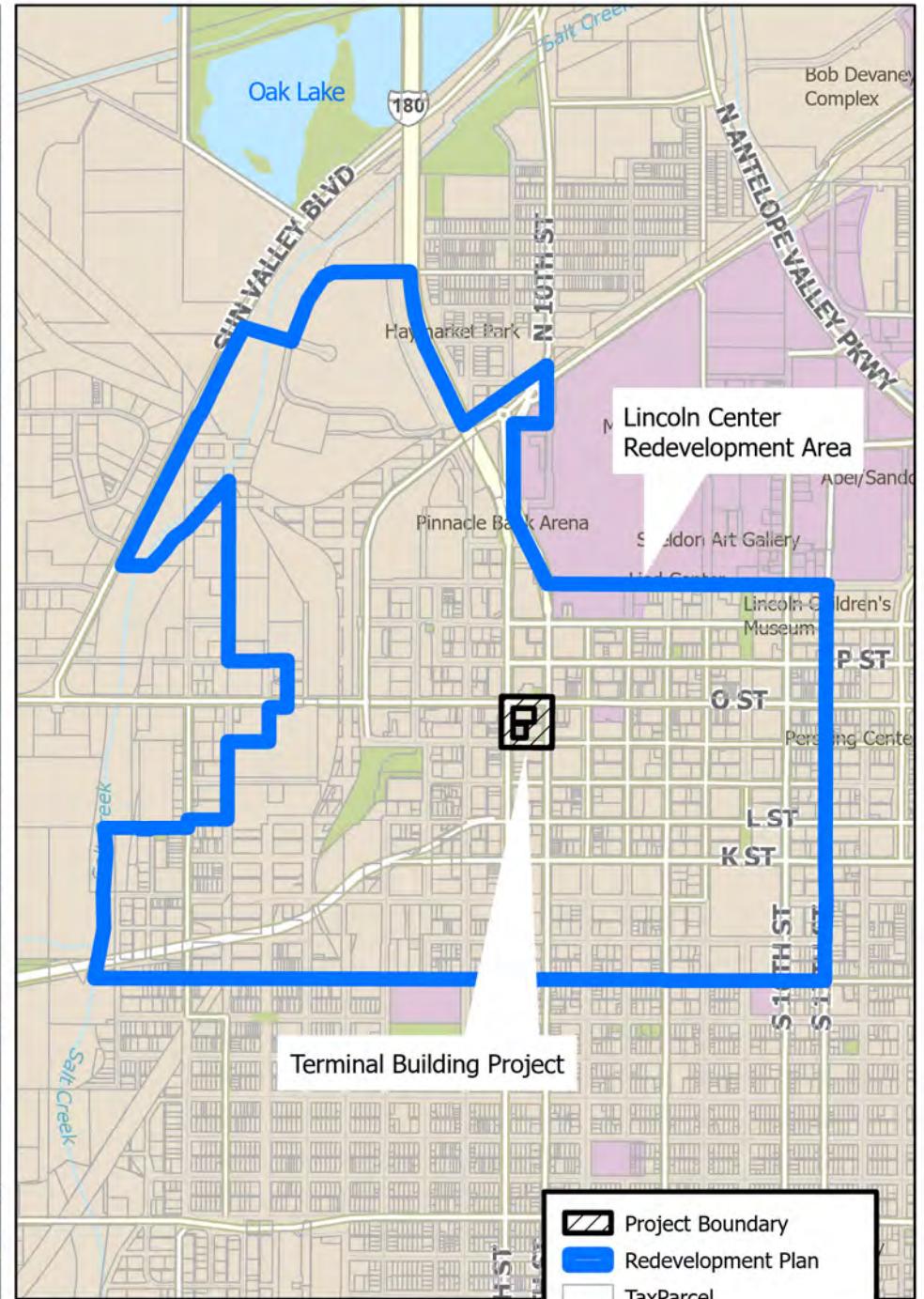
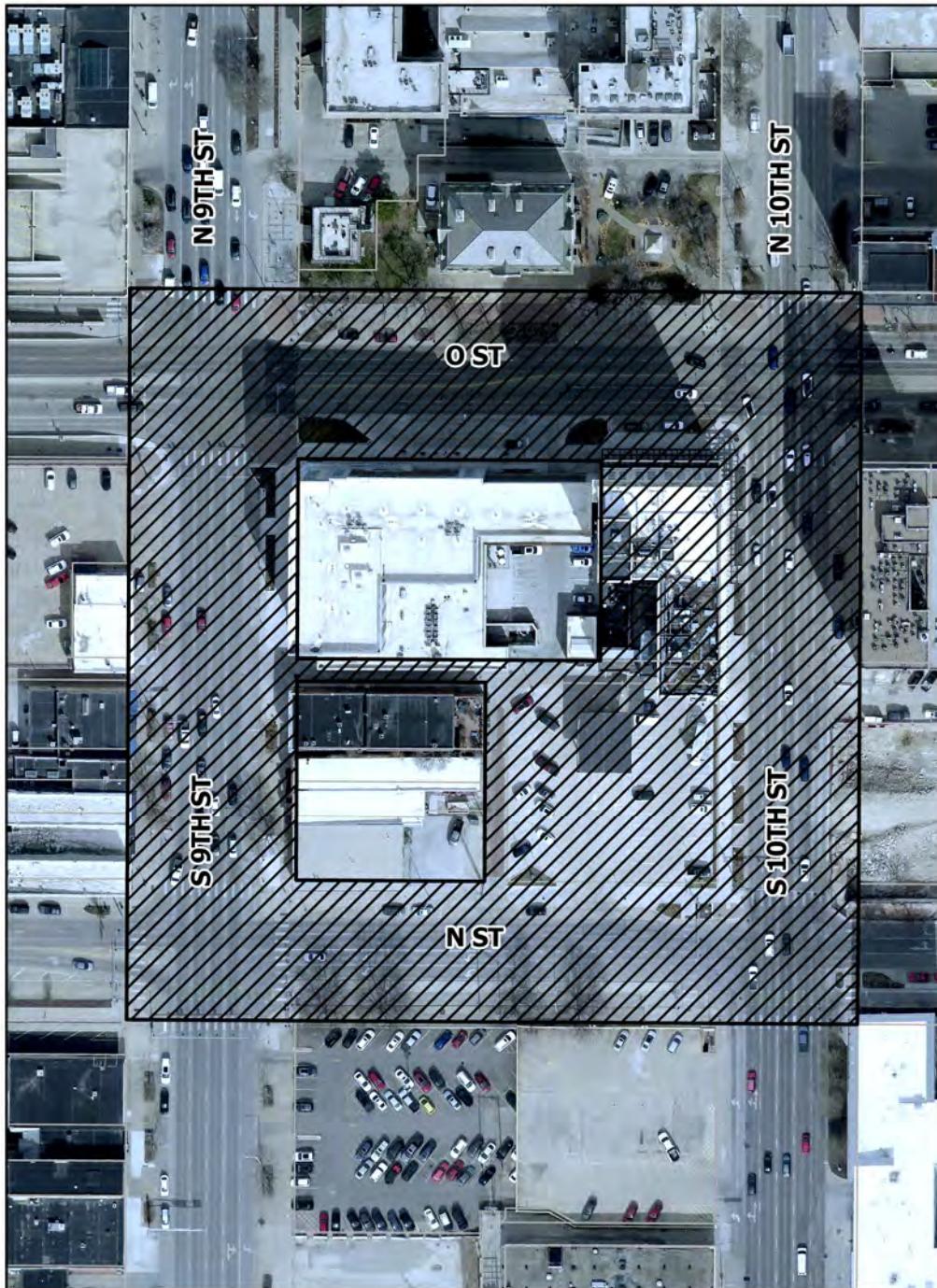
Prepared by Andrew Thierolf, AICP  
(402) 441-6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

November 18, 2025

Applicant/ Contact: Hallie Salem, City of Lincoln Urban Development Department  
555 S. 10<sup>th</sup> Street, Suite 205  
(402) 441-7866 or [hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/CPC/25000/CPC25012%20Amendment%20to%20Terminal%20Building%20Redevelopment%20Project.docx>

Page 2 – Comprehensive Plan Conformance #25012, Amendment to Terminal Building Redevelopment Project



Comprehensive Plan Conformance #: CPC25012

## Amendment to Lincoln Center Redevelopment Area Terminal Building Redevelopment Project Amendment

Project: \_GIS\Projects\DevReview\CPCTRedevelopmentAreaDrawings.aprx  
PDF: \Boards\PCI\Internet\Out\



November 4, 2025

Andrew Thierolf, AICP  
Lincoln Lancaster County Planning Department  
City / County Building  
555 S 10th Street  
Lincoln, NE 68508

Dear Andrew:

Please find the application for the amendment to the Terminal Building Redevelopment Project attached. This application proposes to amend the original Terminal Building Redevelopment Project in the Lincoln Center Redevelopment Plan to change the term of the TIF repayment from 15 to 20 years.

Once submitted through Project Dox, please forward the proposed amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the December 3, 2025 public hearing. We request that the amendment also be scheduled at City Council for introduction on January 5, 2026 and public hearing on January 12, 2026.

If you have any questions about the plan amendment or schedule, please contact me at 402.441.7866 or [hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov).

Best Regards,

A handwritten signature in black ink that reads "Hallie Salem".

Hallie Salem  
Redevelopment Manager



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

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APPLICATION NUMBER	FINAL ACTION?
Text Amendment #25011	No
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS
December 3, 2025	None

**RECOMMENDATION: APPROVAL**

**BRIEF SUMMARY OF REQUEST**

The proposed application includes two parts. The first part is to amend Lincoln Municipal Code (LMC) to reduce the minimum lot area requirement for dwellings in the B-2 Zoning District from 2,000 square feet per unit to 1,000 square feet per unit. The second part is to change dwellings from conditional to permitted use in the O-2 Zoning District. The intent of this amendment is to allow more housing in B-2 and O-2 zoning areas.

**JUSTIFICATION FOR RECOMMENDATION**

The proposed text amendment will reduce the minimum lot area requirement for dwellings in the B-2 zoning district in support of more housing. The proposal will match the B-3 zoning district which has a 1,000 square foot per unit requirement for dwellings.

The proposed text amendment to change dwellings from conditional to permitted, thus allowing residential uses on the first floor, in O-2 is also supportive of more housing and is consistent with the intent of the O-2 which is a transition district between commercial and residential areas.

**APPLICATION CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This proposed text amendment is compatible with the Comprehensive Plan as it would allow more housing and provide more “rooftops” near commercial areas to help support continued business investment. The proposal is consistent with the Affordable Housing Coordinated Action Plan which supports greater density to help developers reduce the cost per unit.

**KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN**

**Introduction Section:** Growth Framework

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

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

### **The Community in 2050**

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

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

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

New growth areas will have an average gross residential density of 4.0 du/acre.

The population age 65 and above is projected to increase from 45,600 (14.2 percent of total) in 2020 to 74,900 (17 percent of total) in 2050.

### **Benefits of Well-Planned Growth**

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

### **Goals Section**

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

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

### **Policies Section**

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that

maintains the quality of life of the community.

Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

## AFFORDABLE HOUSING COORDINATED ACTION PLAN

### Housing Development Program

P. 44 The city currently has a split of approximately 60% owner-occupied and 40% renter-occupied. Since 2014, single-family units have been 40% of new construction. The increasing cost of construction and land will likely continue to support construction of higher density owner-occupied configurations and rental units. To meet this demand, the demand model assumes a 50/50 split between rental and ownership units.

### THE TOP 10 TAKEAWAYS:

1. The top concern voiced in both the listening sessions and online survey was the lack of quality affordable housing.

P. 47 General perceptions included a need to preserve the existing affordable housing stock, increase the supply of affordable owner and renter units, and add more variety in housing types. The challenge is developers need density and mass to be successful building lower price point units in the private market.

### Reducing Land Cost - New Site Development

P. 84 The current process for lot development places most of the cost on the developer who then passes on the costs through rental rates or home purchase. This is not the fault of the developer nor the city. The developer must cover their costs and most cities do not have a pot of money from which they can fund new lot development (most are struggling to maintain existing street and infrastructure). For households making at or above the city's AMI and who can afford the market rate rental or homeownership over \$200,000, these costs can be absorbed; therefore, strategies should be targeted to developments that produce units affordable to lower-income households. Additionally, developments should use these programs as efficiently as possible. Low-density, suburban style developments should not be eligible for these programs. Rather, these strategies should apply to higher density developments or innovative medium density (above six units per acre) projects that address what is often referred to as the "missing middle housing."

## CLIMATE ACTION PLAN SPECIFICATIONS:

p. 11 Key Initiative – Transition to Low-Carbon Energy.

- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

## ANALYSIS

1. This is a request to amend the Lincoln Municipal Code (LMC) Chapter 27.72, Table 27.72.030(a) to change the minimum lot area for dwellings in the B-2 Zoning District from 2,000 square feet per unit to 1,000 square feet per unit for dwellings. This proposal matches the B-3 Zoning District which is 1,000 square feet per dwelling unit and is intended to allow for more housing as an option in the B-2 Zoning District. The amendment also includes a second part which is to amend Table 27.06.070 and 27.62.040 for the Household Living Use Group to allow dwellings as a permitted use in the O-2 Zoning District.

2. The B-2 Planned Neighborhood Business District is intended to provide a developing area for planned retail uses to serve neighborhoods. This district includes a use permit provision to provide for the integration of the business area with adjacent residential areas. The B-2 District allows dwellings as a permitted use like other commercial districts including single-family dwellings, two-family dwellings, townhouses, multi-family dwellings, and elderly and retirement housing.
3. Examples of B-2 District areas include Northern Lights at N 84<sup>th</sup> Street and Holdredge Street, Williamsburg at S 40<sup>th</sup> Street and Old Cheney Road, Coddington Park at W A Street and S Coddington Avenue, and Fallbrook at Highway 34/Purple Heart Highway and Fallbrook Blvd.
4. The proposed reduction in the required minimum lot area for dwellings would double the allowable density. For example, for a 4-acre B-2 zoned property, the current maximum number of dwellings at 1 unit per 2,000 square feet would be 87 dwelling units whereas at 1 unit per 1,000 square feet the maximum allowed would be 174 dwelling units. The increase in density through this text amendment would be for all types of dwellings.
5. The O-2 Suburban Office District is a transition zone primarily intended for office uses with certain other uses, including dwellings allowed as conditional use. These include suburban locations or areas fronting on street corridors generally within B-1, B-3, B-4, H-2, H-3 and I-1 Zoning Districts. The text amendment will allow first floor residential uses. Currently, dwellings are a conditional use in the O-2 with the condition that first floor residential uses are not allowed.
6. Examples of O-2 District areas include areas along or near O Street including to the east and west of Wyuka Cemetery, just west of Eastmont Towers, and east of S 70<sup>th</sup> Street near Wedgewood Drive. Other areas include S 48<sup>th</sup> Street near Union College and areas to the north and east of the intersection of S 33<sup>rd</sup> Street and Pioneers Boulevard. These O-2 District areas are not the predominate zoning pattern but rather pockets or smaller transition zones between the larger commercially zoned area and adjacent residentially zoned area. They may include areas that have access directly on the arterial street such as near Wyuka Cemetery on O Street or that are behind other lots which have frontage on the arterial street such as near Union College on S 48<sup>th</sup> Street.
7. The proposed text amendment would allow more housing density for either new B-2 areas or redevelopment or reuse of existing B-2 properties. It would further support commercial in the B-2 areas through more “rooftops”. The amendment would also encourage more housing in the O-2 areas which are generally transitional areas from commercial to residential. It should be noted that a similar text amendment like the O-2 that would include the B-3 District is still under consideration.
8. The proposed text amendment is compatible with the Comprehensive Plan and the Affordable Housing Coordinated Action Plan as it supports additional housing density.

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

Date: November 20, 2025  
Applicant/Contact: George Wesselhoff, [gesselhoff@lincoln.ne.gov](mailto:gesselhoff@lincoln.ne.gov)  
[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/SharedDocuments/DevReview/TX/25000/TX25011 Lot Area Amendment for B-2 Housing.gjw.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/SharedDocuments/DevReview/TX/25000/TX25011%20Lot%20Area%20Amendment%20for%20B-2%20Housing.gjw.docx)

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending Lincoln Municipal Code Section 27.06.070 Household  
2 Living Use Group Table to change the permitted conditional uses allowed in the O-2 zoning district  
3 to permitted uses; by amending Section 27.62.040 Household Living Use Group to remove the O-  
4 2 zoning district from permitted conditional uses allowed for dwellings; by amending Section  
5 27.72.030 Height and Lot Regulations Commercial Zoning Districts to amend the lot area for the  
6 B-2 zoning district from 2,000 sq. ft. to 1,000 sq. ft. (per unit); and repealing Sections 27.06.070,  
7 27.62.040, and 27.72.030 as hitherto existing.

8           BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9           Section 1. That Section 27.06.070 of the Lincoln Municipal Code be amended to read as  
10 follows:

11 **27.06.070 Household Living Use Group.**

12 Characteristics: The Household Living Use Group is characterized by the residential occupancy of a  
13 dwelling unit by a household living independently. Tenancy is generally arranged on a month-to-month  
14 basis, or for a longer period. Such uses include, but are not limited to, single and two family dwellings,  
15 townhouses, and multifamily dwellings units. Housing with paid supervision or care for residents is  
16 included under the Group Living Use Group.

17 Use Group Table:

27.06.070 Household Living Use Group Table																									
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H2	H3	H4	I1	I2	I3
Apartment hotels	S	S	S	S	S	S	S	S	P	P	P	PG		C	C	P	P		P						
Connection of a single family dwelling	S	S	S	S	S	S	S	S	S	S															
Dwellings for caretakers, resident watchmen, and supervisory personnel employed and residing on premises															P	P	P	P	P	P	P	P	P	P	
Accessory Dwellings for domestic employees	S	S																P							
Elderly and Retirement Housing			S	S	S	S	S	S	S	S	S	S	S	P	S	S	P	S	P	P	P				
Housing for the Handicapped			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	P				
Mobile home courts			S	S	S	S																			
Mobile home subdivisions			S	S	S	S																			
Multiple family dwellings	S*	S*	S*	S*	S*	S*	S*	P	P	P	P	P	PG	P		P	P	C	P	P	P				
Short-Term Rentals	C	C	C	C	C	C	C	C	C	C	C	C	PG	C	C	C	C	C	C	C	C	C	C		
Single-family dwellings	P	P	P	P	P	P	P	P	P	P	P	P	PG	P	P	P	P	C	P	P	P				
Single-family dwelling with detached accessory dwelling			C	C	C	C	C																		
Townhouses	S	S	S	S	S	S	S	P	P	P	P	P	PG	P		P	P	C	P	P	P				
Two-family dwellings	S	S	P	P	P	P	P	P	P	P	P	P	PG	P	P	P	P	C	P	P	P				
<b>All other uses in this Use Group</b>	P	P	P	P	P	P	P	P	P	P	P	P		P	P			P	P						

\*Multiple dwellings (not including those approved as a permitted special use under a community unit plan) lawfully exist in this district on the effective date of this title or on the effective date of a change of district boundaries from another zoning district to this district shall be considered nonstandard uses in conformance with the provisions of Chapter 27.61. Notwithstanding any provision to the contrary, any enlargement, extension or reconstruction of such multiple dwellings shall be limited to no more than the number of dwelling units licensed with Building and Safety on the effective date of this title or on the effective date of the change in district boundaries.

1           Section 2. That Section 27.62.040 of the Lincoln Municipal Code be amended to read as  
 2        follows:  
 3        **27.62.040 Household Living Use Group.**  
 4        A building or premises may be used for the following use types as a permitted conditional use in the  
 5        designated zoning districts and in compliance with the conditions of approval applicable for that use type.  
 6        a. Dwellings are allowed in the ~~O-2 and~~ B-3 zoning districts under the following conditions:

- 1       1. Dwellings shall only be permitted above or below the first story of a building;
- 2       2. The first story of the building shall be used for a nondwelling use allowed in the district, except
- 3            that first floor dwellings shall be permitted in buildings that were originally constructed for a
- 4            residential use prior to November 1, 1997. The first floor nondwelling use shall not:
- 5            A.        be an accessory use to the residential use;
- 6            B.        be a parking lot or garage;
- 7       3. The first story of the building shall not have more than twenty percent of its height below grade.
- 8       b. The main use of a lot for a single-family dwelling and an accessory dwelling is allowed in the R-1
- 9            through R-4 zoning districts under the following conditions:
- 10      1. The area of the lot must meet the required minimum lot area per family for two-family dwellings
- 11            as set forth in Table 27.72.020(a) for the zoning district the lot is located in.
- 12      2. The accessory dwelling shall comply with the following requirements:
  - 13            i.        The total square footage of the accessory dwelling shall not exceed the lesser of 40% of
  - 14                the total square footage of the main building or 800 square feet.
  - 15            ii.       The cumulative area of a detached accessory dwelling and any other accessory buildings
  - 16                on the lot shall not exceed the R-1 through R-8 maximum allowable area for accessory
  - 17                buildings on single-family residential lots or tracts in Table 27.72.120(d).
  - 18            iii.       The accessory dwelling shall have no more than one bedroom.
- 19      3. The owner of the lot is required to live on the property but may reside in either the main building
- 20            or in the accessory dwelling.
- 21      4. The accessory dwelling shall share utility connections with the main building.
- 22      5. The accessory dwelling shall comply with the height regulations of the district the dwelling is
- 23            located in, provided that such accessory dwelling shall be no taller than the main building.

1       6. The accessory dwelling shall meet the required setbacks for the main building, provided that any  
2           detached accessory dwelling shall be set back at least 60 feet beyond the front lot line, except for  
3           corner lots.

4       7. One parking stall is required for the accessory dwelling in addition to the required parking for the  
5           single-family dwelling use of the main building.

6       8. The property shall be subject to a deed restriction stating that the accessory dwelling shall not be  
7           sold separate from the main building.

8       c. Beginning on September 20, 2021 and continuing thereafter the use of a dwelling for a short-term  
9           rental is allowed in the AG, AGR, R-1 through R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-2, H-3,  
10           and H-4 districts under the following conditions:

11       1. The operator holds a valid license from the Department of Building & Safety as required in Chapter  
12           5.39.

13       2. The maximum number of persons who may occupy the short-term rental is calculated as the total  
14           number of sleeping areas on the licensed premises multiplied by two, up to a maximum of 12  
15           persons as described in Section 5.39.020.

16       3. In the R-1 through R-8 zoning districts no more than 10% of the total dwelling units in a multi-  
17           family premises may be used or registered as short-term rentals. Regardless of the 10% cap, a  
18           multi-family premises may have at least one short-term rental.

19       4. No signs are permitted for short-term rentals in the AG, AGR, and R-1 through R-8 zoning districts.

20       5. An accessory dwelling may be used as a short-term rental if conditions (1) through (4) are met.

21           Section 3. That Section 27.72.030 of the Lincoln Municipal Code be amended to read as

22           follows:

23       **27.72.030 Height and Lot Regulations Commercial Zoning Districts.**

- 1 The maximum height and minimum lot requirements within the O-1 through O-3, R-T, and B-1 through B-5 Zoning Districts shall be as follows:
- 2 5 Zoning Districts shall be as follows:
- 3 a. **General Requirements.** See Table 27.72.030(a) below:

**Table 27.72.030(a)**  
**Maximum Height and Minimum Lot Requirements for the O, R-T and B Zoning Districts**

		O-1	O-2	O-3	R-T	B-1	B-2	B-3	B-4	B-5
Dwellings	Lot Area (sq. ft.)	220 (per unit)	4,000	(a)	4,000	2,000 (per unit)	<u>1,000</u> <del>2,000</del> (per unit)	1,000 (per unit)	0	0
	Frontage	50'	50'	50'	50'	50'	0'	0'	0'	0'
	Front Yard	0'	20'	30'	10' (f)	20'	20'	0' (g)	0'	20'
	Corner Front Yard	0'	20'	30'	10' (f)	20'	20'	0' (g)	0'	20'
	Side Yard / Side Yard Abutting Residential	0'	10'	15' (f)	0' / 10'	0' / 10'	20'	0' / 5'	0' / (f)	0' / 100'
	Rear Yard / Rear Yard Abutting Residential	0'	40'	40'	0' / 10'	Smaller of 30' or 20% of depth	50'	0' / 30'	0' / (f)	0' / 100'
	Height	75' (d)	25' or 28' (b)	55' (h)	28'	40'	55'	45' or 35' (c)	See Figure 27.72.030 (a)	55'
Other Allowed Uses	Lot Area (sq. ft.)	0'	0'	4,000	4,000	0'	0'	0'	0'	0'
	Frontage	0'	(e)	50'	50'	0'	0'	0'	0'	0'
	Front Yard	0'	20'	20'	10' (f)	20'	20'	0' (g)	0'	20'
	Corner Front Yard	0'	20'	20'	10' (f)	20'	20'	0' (g)	0'	20'
	Side Yard/ Side Yard Abutting Residential	0'	0' / 10' 0' / 20' (e)	15' (f)	0' / 10'	0' / 10'	0' / 20'	0' / 5'	0' / (f)	0' / 100'
	Rear Yard/ Rear Yard Abutting Residential	0'	40'	40'	0' / 10'	Smaller of 30' or 20% of depth	0' / 50'	0' / 30'	0' / (f)	0' / 100'
	Height	75' (d)	25' or 28' (b)	55' (h)	28'	40'	55'	45' or 35' (c)	See Figure 27.72.030 (a)	55'

**Table 27.72.030(a)**  
**Maximum Height and Minimum Lot Requirements for the O, R-T and B Zoning Districts**

		O-1	O-2	O-3	R-T	B-1	B-2	B-3	B-4	B-5
a.	In the O-3 zoning district the Minimum Lot Area shall be 1,500 square feet per multifamily dwelling unit; 2,500 square feet per Townhouse unit; and 4,000 square feet for single and two family dwellings.									
b.	The maximum height of the buildings in the O-2 zoning district shall be 25 feet if the roof pitch is less than 2.5:12; and 28 feet for all other roofs.									
c.	In the B-3 zoning district the maximum height shall be 45 feet except that it shall be 35 feet if abutting the R-1, R-2 or R-3 zoning district.									
d.	The maximum height of O-1 zoning district shall be the least of 75' or the height limitation imposed by Chapter 27.56, the Capitol Environs District.									
e.	In the O-2 zoning district if the Lot Area is less than 15,000 square feet the frontage requirement shall be 50' and the side yard shall be 10' if abutting a residential district and 0' if abutting a commercial or industrial district. If the Lot Area is 15,000 or more the frontage requirement shall be 100' and the side yard shall be 20' if abutting a residential district and 0' if abutting a commercial or industrial district.									
f.	In the O-3, R-T and B-4 zoning district required yards are as in 27.72.030(a) or the same as the abutting zoning district whichever is greater. Townhouses in the O-3 zoning district shall have a required side yard of 0' or 10' on the nonparty wall side.									
g.	In the B-3 zoning district if block face is partially in a residential zoning district then the front yard setback shall be the same as the residential district.									
h.	For each foot above 35 feet, the building must be set back an additional 1 foot, beyond the minimum setbacks from the side and rear lot lines.									

1      **b. Exceptions to the General Requirements.**

2      **1. In the R-T District:**

3      i. Parking lots, including driveways except for single-family and two-family dwellings, shall not be  
4      located closer than twenty feet to any residential zoning district, unless the abutting property is  
5      occupied by a parking lot.

6      ii. No building footprint shall exceed 5,000 square feet.

7      **2. In the B-1 and B-3 Districts:**

8      i. Where a yard is not otherwise required, a five foot yard shall be required adjacent to the wall of  
9      a building which contains windows for a dwelling. The yard shall be on the same premises on  
10     which the building is situated.

11     **3. In the B-4 District:**

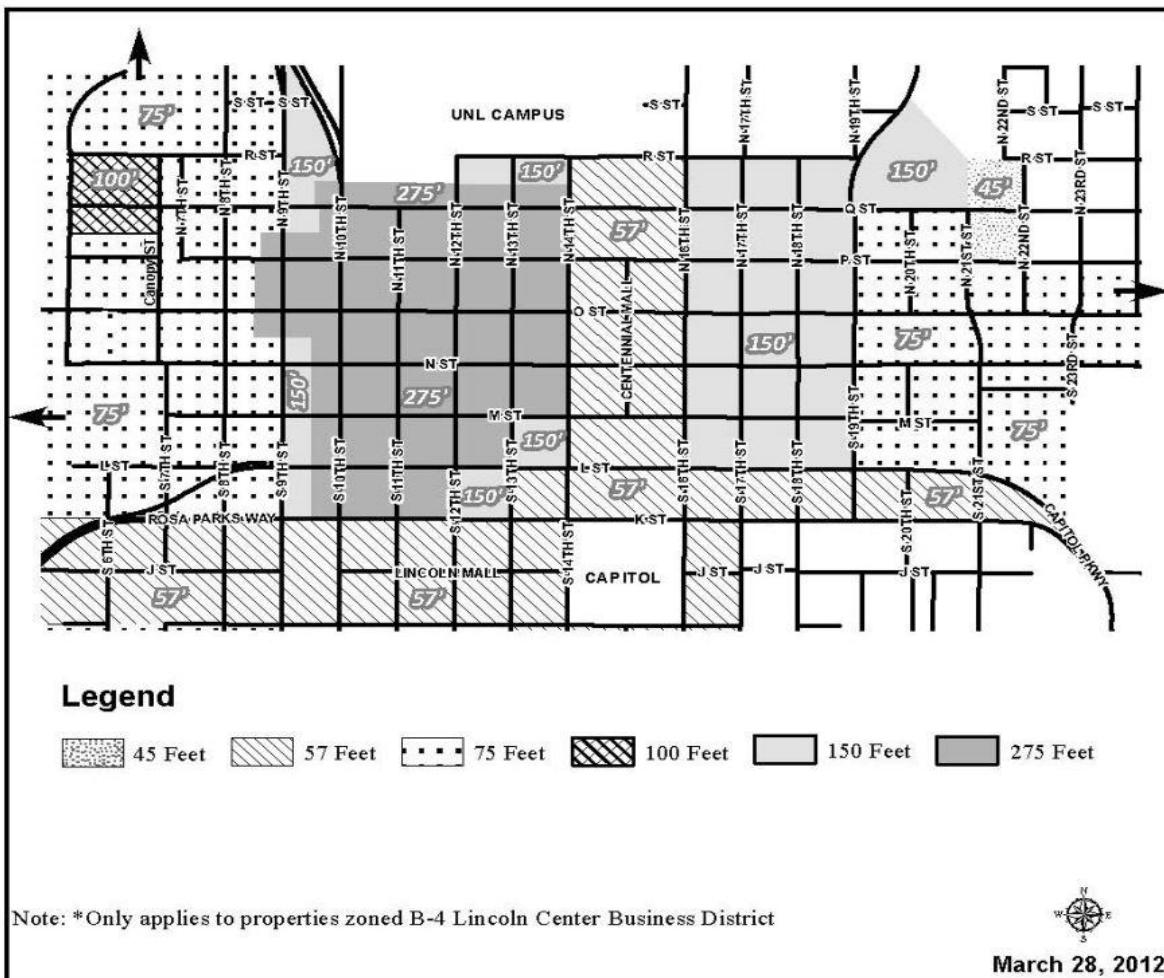
12     i. The following height requirements shall apply:  
13       A. The minimum building height shall be 20 feet adjacent to all street frontages.  
14       B. The minimum building height does not apply to building permits for existing buildings, and  
15       minor additions to existing buildings, less than 20 feet in height.

1           ii. In all areas of the B-4 zoning district, where a yard is not otherwise required, a 5 foot yard shall  
2           be required adjacent to any wall of a building which contains windows for a dwelling. Depending  
3           upon the location of said windows, this yard may be a side yard, a rear yard, or located in or on  
4           an interior courtyard. If the required yard abuts a street or an alley, the width of the street or  
5           alley may be counted as part or all of the required yard. This yard need not start at the ground  
6           level but may begin on the top surface of a building.

7       *Figure 27.72.030 (a) on following page.*

Figure 27.72.030(a)

**B-4 LINCOLN CENTER BUSINESS DISTRICT  
HEIGHT REGULATIONS**



1                   Section 2.     That Sections 27.06.070, 27.62.040, and 27.72.030 of the Lincoln  
2                   Municipal Code as hitherto existing be and the same are hereby repealed.

3                   Section 3.     This ordinance shall be published, within fifteen days after the passage  
4                   hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
5                   the official bulletin board of the City, located on the wall across from the City Clerk's office at  
6                   555 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of  
7                   passage and such posting to be given by publication one time in the official newspaper by the City  
8                   Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
9                   or after its posting and notice of such posting given by publication as herein and in the City Charter  
10                  provided.

Introduced by:

---

Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2025:

\_\_\_\_\_  
Mayor



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER  
Change of Zone #21020D

FINAL ACTION?  
No

DEVELOPER/OWNER  
NeighborWorks Lincoln

PLANNING COMMISSION HEARING DATE  
December 3, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
10<sup>th</sup> to 17<sup>th</sup> Streets, A to K Streets

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request to amend the existing South of Downtown Planned Unit Development (PUD) to revise the lot area standards for two-family dwellings from 3,000 square feet per lot to 1,740 square feet, specifically for lots created before November 1, 2025. In relation the amendment then reduces the average lot width required for a two-family dwelling from 25' per unit to 17 feet. The South of Downtown PUD was approved and created in 2021, including approximately 44 blocks and generally including properties between A Street to H Street and 10<sup>th</sup> to 17<sup>th</sup> Street. The proposed text change would be for all R-6, R-7 & R-8 properties within the PUD boundary, specifically for single family dwellings on properties larger than 1,740 square feet.



#### JUSTIFICATION FOR RECOMMENDATION

The proposed amendment to the PUD is justified as it will provide additional flexibility for providing two-family residential units within the South of Downtown Neighborhood. The amendment clarifies the provision is for lots created before November 1, 2025, allowing smaller lots and existing dwellings within the mixed R-6, R-7 and R-8 areas to legally have a two-family dwelling if the property is 1,740 square feet or larger and has a width of 34 feet or more. The amendment will assist in providing density within the existing neighborhood near the downtown area and flexibility with the reuse of existing structures, often on previously subdivided and smaller lots than what is allowed today.

#### APPLICATION CONTACT

Dillon Murman, NeighborWorks Lincoln

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment is compatible with the 2050 Comprehensive Plan as the reduced lot area will provide additional flexibility and align with goals including infill and additional dwelling units being added within the existing city limits. The text will encourage the existing reuse of residential dwellings within the neighborhood to add or provide an additional living unit for a two-family residence and increase density within the PUD which has a wide range of connectivity for both vehicular and pedestrian access.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future urban residential and commercial on the 2050 Future Land Use Plan.

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

### **The Community in 2050**

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

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

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

### **Benefits of Well-Planned Growth**

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

### Goals Section

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

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

### Elements Section

#### E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

#### Figure E1.b: Strategies for Design, Sustainability and Complete Neighborhoods in Existing Areas

1. Encourage a mix of compatible land uses to develop more complete neighborhoods:
  - a. Similar uses on the same block face: residential faces residential.
  - b. Similar housing densities developed near each other: single-family and “missing middle”

- residential (3-12 units) scattered throughout with higher density residential (more than 12 units) near the neighborhood edge or clustered near commercial centers.
- c. Non-residential uses, including parking lots, should be screened from residential areas.
- d. Locate mixed-use centers so as residents can safely access essential goods and services (i.e. not located across arterial streets) and no more than a 15-minute walk from all residences.
- e. Support existing Commercial Centers and encourage inclusion of essential goods and services.
- f. Infill and redevelopment projects should meet or exceed Neighborhood or Commercial Design Standards.

### **Existing Neighborhoods**

The diversity of architecture, housing types and sizes are central to what make existing neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sensitive to the existing neighborhoods. Infill and redevelopment is supported and must respect the street pattern, block sizes, and development standards of the area, such as parking at the rear and porches, windows, and doors on the front street side.

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

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

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

PlanForward identifies the potential for 12,000 new dwelling units to be located within the existing built-out portion of the City, roughly 25 percent of the projected 48,000 new dwelling units to be built citywide by 2050.

### **Greater Downtown**

The Plan envisions an additional 5,000 dwelling units in Greater Downtown by 2050. This area is the main hub of employment, entertainment, and higher education. Over the years, there have been significant public and private investments in new building construction, renovations, and infrastructure. In order to capitalize on these collective investments, further development in the Greater Downtown should be realized.

### **Existing Neighborhoods**

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

### **Policies Section**

#### **P5: Downtown - Continue to make Greater Downtown a major focus for mixed-use reuse, infill, and redevelopment.**

Over 1,600 dwelling units were permitted in Greater Downtown from 2011 to 2020. The Plan envisions an additional 5,000 dwelling units in this core area by 2050.

A strong downtown is important to the economic future of the community. Downtown is the main hub of employment, entertainment, government agencies and higher education.

#### **Action Steps**

1. Support development and implementation of the Downtown Master Plan, South Haymarket Neighborhood Plan, Antelope Valley Redevelopment Plan, Lincoln Center Redevelopment Plan, and South of Downtown Redevelopment & Strategic Plan.
2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.
3. Maintain the urban environment, including a mix of land uses with a major focus on residential uses, including a

- variety of types and affordable to diverse income levels.
- 4. Encourage higher density development with parking areas at the rear of buildings, below grade, or on upper floors of multi-use parking structures.
- 6. Continue to support Downtown as the entertainment center of the community through development of the Music District proposed in the Downtown Master Plan, continued enhancements and programming for public spaces such as the Railyard, Tower Square, Union Plaza and the future South Haymarket Park, along with maintaining Lincoln's successful Theater Policy.
- 8. Continue to preserve and enhance Downtown's role as the community's major office and employment center.

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

#### Action Steps

1. Encourage redevelopment of aging and underutilized commercial centers, along with other large sites in existing areas such as former schools and residential acreages, to add a variety of housing types that are affordable to diverse income levels. A mix of residential and commercial uses is desirable in locations with good visibility and access, such as most existing commercial centers, but in some cases redevelopment sites are more suited for exclusively residential uses.
2. Encourage redeveloped commercial centers to incorporate a variety of medium and high-density housing affordable to diverse income levels that could serve as a transitional use to less intensive residential development and benefit from walkable access to the commercial area and transit.
4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.
5. Strive for predictability for neighborhoods and developers for residential development and redevelopment.
6. Encourage efforts to find new uses for abandoned, under-utilized or "brownfield" sites that are contaminated, through redevelopment and environmental mitigation.
7. Environmentally sensitive areas (i.e. floodplains, wetlands, native prairie) may not be appropriate for redevelopment. When redevelopment does occur, environmentally sensitive areas need to be considered and incorporated holistically as part of a redevelopment project.

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.

### **CLIMATE ACTION PLAN SPECIFICATIONS:**

p. 8 Strategic Vision – Lincoln will reduce net greenhouse gas emissions 80% by 2050 (relative to 2011 levels). This ambitious goal will serve as a guiding target for municipal operations, the Lincoln Electric System, local businesses and institutions, and our entire community in the years to come. Lincoln joins scores of cities across the country who have set a similar "80x50" goal to reduce emissions. A myriad of strategies in the plan speak to achieving this target, from increasing energy efficiency, generating more electricity from renewable energy, switching to electric vehicles and active commuting modes, and employing natural climate solutions.

p. 11 Key Initiative – Transition to Low-Carbon Energy.

- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.

- Continue to encourage mixed-use development in the Comprehensive Plan.
- Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

## ANALYSIS

1. This application is a request to amend Change of Zone #21020C for the existing South of Downtown Planned Unit Development (PUD) to revise the lot area standards related to a two-family dwelling. The existing PUD approved in 2021 is approximately 44 blocks and includes a mix of residential zoning districts including R-6, R-7 and R-8 Residential, along with smaller areas of B-3 Commercial. The larger PUD stretches from S 10<sup>th</sup> Street to S 17<sup>th</sup> Street, between A and H Street. The amendment would lower the lot area requirement for two-family dwellings for residential properties within the PUD boundary. The amendment only updates page eight of the PUD document, specifically Table 2.3 for the Lot Regulations.
2. The South of Downtown PUD has a wide variation of existing housing types and densities, as this area is one the oldest neighborhoods within the city. Over decades of development and change and before our current lot area standards, many of the existing homes were placed on smaller lots or portions of their property sold off over time, creating smaller yards and setbacks. When the South of Downtown PUD was created and approved in 2021, the intent was to provide additional zoning flexibility for the downtown-adjacent district with goals of preserving the neighborhoods existing structures but providing affordable single and two-family residential infill with reduced zoning regulations. With this, the PUD allowed for a reduction from the two-family standards for R-6 through R-8 within the Lincoln Municipal Code (LMC) from 2,500 in the R-6 and 2,000 in the R-7 & R-8 to 1,500 square feet per unit of lot area in the PUD. This means a two-family dwelling currently requires a 3,000 square foot property for a two-family unit within the PUD.
3. The applicant, NeighborWorks Lincoln has submitted an amendment to Table 2.3 within the PUD, which would decrease the 1,500 square foot per unit requirement to 870 square feet of lot area on lots legally created before November 1, 2025. This would require a property to meet a minimum lot area of 1,740 square feet for a two-family dwelling. The discussion for this text amendment was started with the applicant related to a property at 828 South 12<sup>th</sup> Street, which is now owned by the South of Downtown Community Development Organization. The property has an existing home that was constructed approximately around 1900, but the original lot was split in the past causing the property to be 1,750 square feet in size. The amendment to decrease the lot area for a two-family dwelling is appropriate and it should be a blanket text amendment to the PUD and not a standalone waiver for only this property. The residential area within the PUD has numerous properties similar in size with the existing homes. This change will allow properties with a single family dwelling that were legally created before November 1, 2025, to add one additional unit if they meet the 1,740 square foot lot area requirement. The goal of requiring a cutoff date of November 1, 2025, is to limit new lots being created at the reduced 1,740 limit, as the amendment is focused on providing flexibility for the reuse of existing lots and structures in the older neighborhood.
4. The applicant is also applying for a reduction in the required lot width for two-family dwelling from the current 25' requirement within the LMC to 17 feet. This means the lot would need to be at least 34 feet wide to allow a two-family dwelling rather than the 50 feet required today. This reduction is supported as many of the existing lots that will benefit from this text amendment range between 35 to 50 feet wide. Reducing the required width is beneficial as the smaller lots with an area of 1,740 square feet would likely not meet the 50-foot-wide requirement for a two-family unit currently required in the LMC.
5. This amendment does not change the required parking minimum in relation to the number of dwelling units, as the original PUD approval included a reduction from the LMC. Today the PUD requires one space per dwelling unit on lots existing before July 26, 2021. This PUD also has existing provisions to reduce the parking requirement by providing on site bicycle parking or if the property is within 600 feet of a bus stop as the initial goal of the PUD was to utilize the existing transportation and pedestrian connectivity near the downtown area.
6. The proposed amendment for the lot area and lot width reduction for two-family dwellings is compatible with the existing PUD and surrounding neighborhood area. The residential zoning within this PUD is continuing to be shown as future urban residential on the 2050 Land Use map, allowing a range of higher density. The additional flexibility aligns with goals in both the 2050 Comprehensive Plan and the South of Downtown PUD intent to add additional single and two-family dwellings in

this area and additional density options within the downtown-adjacent neighborhoods. The reduced lot area and lot width requirements will assist owners in continuing the use of the older and existing structures in the neighborhood. The residential dwellings within the South of Downtown PUD are located within a strong transportation network including often being within close proximity to both bicycle and bus stations, along with an extensive vehicle and pedestrian connection.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Commercial, Office, Medium-High Density Residential; R-6, R-7, R-8, B-3, O-1 PUD

#### **SURROUNDING LAND USE & ZONING**

North: Lincoln Mall Office District; O-1

South: Medium-high density residential; R-6, R-2

East: Medium-High Density Residential; R-5, R-7

West: City parking lot and medium-high density residential uses P, R-6

#### **APPLICATION HISTORY**

Aug 2021 – City Council approved CZ21020 to create the South of Downtown PUD encompassing 44 blocks near the downtown area and designating the area into three separate development districts.

Nov 2023 – City Council approved CZ21020A to create Subarea 1 within the PUD to allow a mixed use development at the southeast corner of S. 13<sup>th</sup> Street and D Street including up to 125 multifamily units and 9,200 square feet of commercial space with associated waivers to height, parking, and setbacks.

Oct 2024 – CZ21020B was initially applied for the relocation of the Gathering Place to an existing single family dwelling at 1445 E Street. The project did not move forward at this location and applicant requested the withdrawal of this application before it was heard by the Planning Commission.

May 2025- CZ21020C was approved by the City Council to create Subarea 2 within the PUD for the redevelopment of 919 S 12<sup>th</sup> Street to allow a Neighborhood Support Service use associated with the Gathering Place.

**APPROXIMATE LAND AREA:** Approximately 177 acres, more or less

**LEGAL DESCRIPTION:** See Attached

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

Date: November 20, 2025

Applicant/  
Contact: Dillon Murman  
NeighborWorks Lincoln

Owner: South of Downtown Community Development Organization

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/CZ/21000/CZ21020D%20SODO%20PUD.bmc.docx>

## **CONDITIONS OF APPROVAL – CHANGE OF ZONE #21020D**

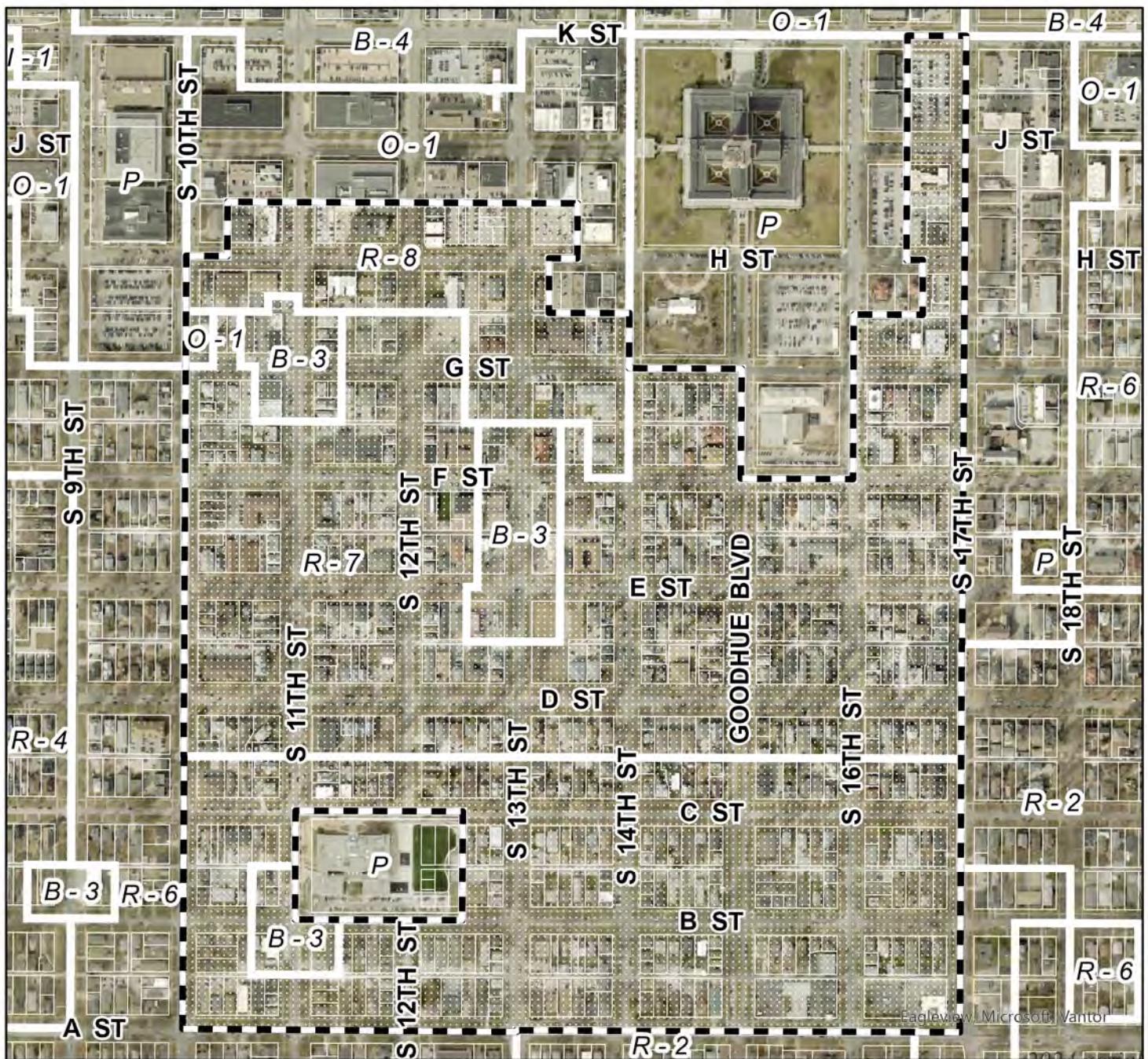
This approval permits the reduction of the minimum lot area for a two-family dwelling to 870 square feet per unit and reduction of the average lot width for a two-family dwelling to 17 feet per unit on lots created before November 1, 2025.

### **Site Specific Conditions:**

1. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **2** copies upon approval of the planned unit development by the City Council.

### **Standard Conditions:**

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
  - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.



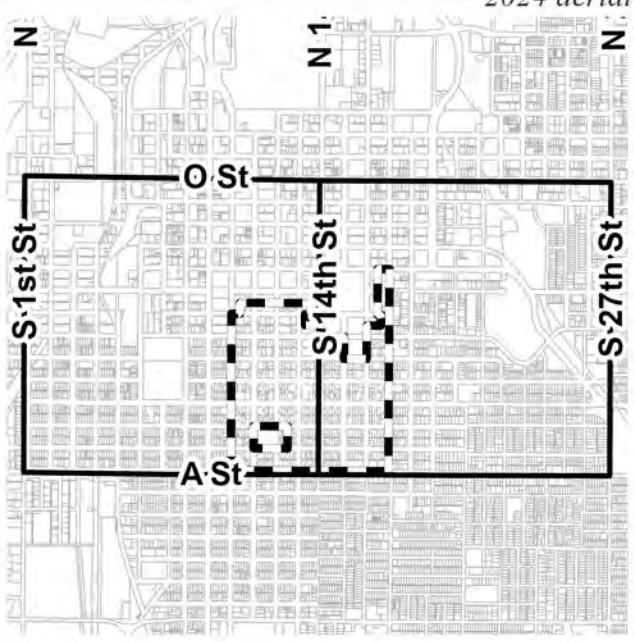
**Change of Zone #: CZ21020D**  
**South of Downtown PUD**  
**S 12th St & F St**



**Zoning:**

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

**Two Square Miles:**  
**Sec.25 T10N R06E**  
**Sec.26 T10N R06E**



- c. Signs are allowed in the front yard but must maintain a 5-foot setback from the front property line.
- d. Except for home occupations and urban gardens, the signs maybe illuminated.
- e. Pole signs are prohibited.

3. One wall sign is permitted per business under the following conditions:

- a. In multi-tenant buildings, each business is allowed one wall sign which must face a public street. No more than 15% of each architectural elevation can be covered with wall signs.
- b. If no freestanding sign is present, each wall sign is limited to 20 square feet. If a freestanding sign is located on the property, each wall sign may not exceed 12 square feet.
- c. Illumination is allowed on any wall signs except those promoting a home occupation or urban garden.

4. Where allowed, illuminated freestanding signs and wall signs maybe externally illuminated with down lights or individual components maybe illuminated with neon or similar sources, but may not consist of internally illuminated, translucent-faced cabinets.

5. The spacing requirement for signs abutting a residential premise identified in 27.69.030 (a) (9) shall not apply.

6. The Planning Director may waive or modify the sign requirements of 27.69 as part of a sign permit to meet the spirit and intent of the planned unit development.

D. Height and Lot Regulations for Single and Two Family Uses.

- 1. On streets with right of way exceeding 100 feet the front setback shall be 3 feet.
- 2. An open, unenclosed porch may project into a required front yard for a distance not to exceed five feet, but no closer than 2 feet to the front property line.
- 3. Reductions to the minimum lot standards and setbacks are as follows:

Table 2.3 Lot Regulations

	Single Family	Two-family
Minimum Lot Area (sq. ft.)	1,500 (reduced from 4,000)	1500 (reduced from 2,500 R6/2,000 R7-8) *870 per unit
Avg. Lot Width (Minimum)	25' (reduced from 50')	25' (no change) *17' per unit
Minimum Front Yard Setback	10' (reduced from 20' R6-7, 10' R8)	10' (reduced from 20' R6-7, 10' R8)
Minimum Side Yard Setback	3' (reduced from 5' in R6-7, 10' R8)	3' (reduced from 5' in R6-7, 10' R8)
Minimum Rear Yard Setback	10' (reduced from 30' or 20% of lot depth R6-7 or 20' R8)	10' (30' or 20% of lot depth R6-7 or 20' R8)

\*Only applies to lots created before 11.01.2025

### **Legal Description**

Lots 1-3 and adjacent vacated alley and Lots 10-12 and adjacent vacated alley, Block 124, Original Plat; Lots 9-12 and east 5 feet of vacated north-south alley adjacent to Lot 9, Block 128, Original Plat; Remaining portion of Lot 8 and Lots 9-12, Block 127, Original Plat; Lot 2, Landmark Addition; Lots 7-12, Block 126, Original Plat; Lots 10-12 & vacated adjacent alley, Block 125, Original Plat; Lots 1 & 2, Kleins Subdivision; Remaining portion of Lot 1 and remaining portion of Lot 2, and Lots 6-12, Block 147, Original Plat; Lots 1-3 & Lots 6-12, Block 148, Original Plat; Lots A-E, C. W. Lyman's Subdivision; Lots 1-12, Block 149, Original Plat; Lots 6-12, Block 150, Original Plat; Lots 1-2 & 7-12, Block 153, Original Plat; Lots A-F, Fraser's Subdivision; Lots 3, 4, 10, 11 & 12, Block 160, Original Plat; Lots A, B & C, Websters Subdivision of Lots 7-9 Block 160 Lincoln; Lots A-D, Hagenows Subdivision of Lots 5 & 6 Block 160 Lincoln; Lots 1-12, Block 159, Original Plat; Lots 1-12, Block 158, Original Plat; Lots 1-12, Block 157, Original Plat; Lots 1-12, Block 156, Original Plat; Lots 1-4 & 7-12, Block 154, Original Plat; Lots 1-2, Parriotts Replat; Lot D, Parriotts Subdivision; Lots 1-12, Block 177, Original Plat; Lots 1-12, Block 178, Original Plat; Lots 1-12, Block 179, Original Plat; Lots 1-12, Block 180, Original Plat; Lots 1-12, Block 181, Original Plat; Lots 1-12, Block 182, Original Plat; Lots 1-12, Block 183, Original Plat; Lots 1-12, Block 190, Original Plat; Lots 1-5 & 7-12 and the remaining portion of Lot 6, Block 189, Original Plat; Lot 1, Lekule Addition; Lots 1-10 and remaining portion of Lot 11, Block 188, Original Plat; Lots 1-2, Heerspink Addition; Lots 1-2, remaining portion of Lot 9, Lots 10-12, Block 187, Original Plat; Lot 1, Center Terrace Addition; Lots A, B & C, Chute's Subdivision; Lots 3-6, block 186, Original Plat; Lots 1-16, C. J. Hull's Subdivision of the South ½ of block 186 Original Plat; Lots 1-12, Block 185, Original Plat; Lots 1-12, Block 184, Original Plat; Lots A, B & C, Laus Subdivision; Lots 4-12, Block 207, Original Plat; Lots 1-12, Block 208, Original Plat; Lots 1-12, Block 209, Original Plat; Lots 1-12, Block 210, Original Plat; Lots 1-12, Block 211, Original Plat; Lots 1-5 & 7-12, Block 212, Original Plat; Lots 1-2, Hasselbalch Addition; Lots 1-12, Block 213, Original Plat; Lots 1-11, Block 220, Original Plat; Lots 1-2, Van Boskirk Addition; Lots 1-3 & Lots 10-12, Block 218, Original Plat; Lots 1-12, Block 217, Original Plat; Lots 1-12, Block 216, Original Plat; Lots 1-6 & 10-12, Block 215, Original Plat; Lots A, B & C, Gee's Subdivision; Lots 1-12, Block 214, Original Plat; Lots 1-12, Block 239, Original Plat; Lots 1-11, Block 240, Original Plat; Lots A, B & C, Woodwards Subdivision of Lot 12, Block 240, Original Plat; Lots 1-12, Block 241, Original Plat; Lots 1-12, Block 242, Original Plat; Lots 1-12, Block 243, Original Plat; Lots 1-12, Block 244, Original Plat; Lots 1-12, Block 245, Original Plat, all located in the City of Lincoln, Lancaster County, Nebraska.



10.24.25

Dear City of Lincoln Planning Department,

South of Downtown Community Development Organization (SDCDO) has recently purchased the property 828 S 12th Street, Lincoln NE 68508 and aims to have NeighborWorks Lincoln (NWL) extensively renovate the building. Following renovation, SDCDO plans to rent out the units at an affordable rate (<60% AMI). The building had previously operated as an unpermitted duplex and had fallen into disrepair. Our intention is to bring 828 S 12<sup>th</sup> back up to code with the overarching goal of bringing needed reinvestment into the neighborhood and expanding affordable housing opportunities in the area.

However, this is not feasible given the non-standard nature of the lot and the current minimum lot area and minimum lot width requirements within the South of Downtown PUD. Our mission strongly aligns with the stated intentions of the South of Downtown PUD, specifically section (E) and section (F). Therefore, we are seeking an amendment to two PUD lot regulations noted in our amended Table 2.3. Our proposed changes would not only help 828 S 12th but also open the door for several other existing properties to receive the reinvestment they need. We ask that you please consider these changes as they would allow us to continue to pursue our mission of strengthening neighborhoods and making Lincoln an even better place to live.

Best,

A handwritten signature in blue ink that reads "Dillon Murman".

Dillon Murman

*Real Estate Development Associate*  
NeighborWorks Lincoln

531.249.5786 | [dillon.murman@nwlinc.org](mailto:dillon.murman@nwlinc.org)  
2530 Q Street | Lincoln, NE | 68503



South of Downtown Community Development Organization • 402.477.7181 • [lincolnsouthdowntown.org](http://lincolnsouthdowntown.org)



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

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APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Change of Zone #25025	No	Elizabeth Perez, Dane and Chelsea Sackett
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	PROPERTY ADDRESS/LOCATION
December 3, 2025	None	SW 89 <sup>th</sup> Street and W Van Dorn Street

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from AG-Agriculture to AGR-Agricultural Residential on two properties consisting of approximately 21.06 acres. The change of zone is located generally to the southeast of SW 89<sup>th</sup> Street and W Van Dorn Street. The change of zone is requested by the property owner of the corner lot which has three street frontages (SW 89<sup>th</sup>, W Van Dorn Street and Buckboard Drive). The additional property to the east at 8600 Buckboard Drive was added at the recommendation of Planning and Development Services Department.



#### JUSTIFICATION FOR RECOMMENDATION

The change of zone is justified in that it is consistent with the zoning pattern in the area which includes AGR zoning mixed with AG zoning. The proposal is consistent with the Future Land Use map of the Comprehensive Plan which identifies the properties for Low Density Residential. There shouldn't be a significant impact to the neighboring acreage properties by the change of zone.

#### APPLICATION CONTACT

Claudia Vasquez, (402) 405-9487 or [claureyes7@icloud.com](mailto:claureyes7@icloud.com)

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed zoning is compatible with the Comprehensive Plan as it matches the Future Land Use which identifies Low Density Residential for the properties which is AGR Zoning.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

#### **Land Use Plan**

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use to another is often gradual.

Figure GF.b: 2050 - This site is shown as Low Density Residential on the 2050 Future Land Use Plan. There is a small part on the applicant's property along W Van Dorn Street, which is identified for green space and environmental resources, reflective of a small drainageway.

Low Density Residential. Residential areas, often referred to as acreages, having densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Existing Low Density Residential areas within the Future Service Limit with urban utilities available may also be appropriate for future Urban Residential development.

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

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

### Elements Section

#### E1: Complete Neighborhoods and Housing

##### Rural Housing

PlanForward supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. Balancing the demand for rural living and the practical challenge of integrating acreages with traditional land uses will continue as Lincoln and Lancaster County continue to grow. New acreage development is not encouraged in any of the Growth Tiers except for areas already platted, zoned, or designated for low density residential development. Zoning currently allows development in these tiers under the "build-through" model and without use of Sanitary Improvement Districts (SIDs). However, careful consideration should be given to these current regulations. Compared to urban development, acreage developments consume large quantities of farmland and generate traffic that exceeds the rural capacities of gravel road. Since the growth tiers establish future urbanized areas for the City of Lincoln, additional acreage developments are a detriment to future urban growth. Eventually, all acreage areas in the growth tiers will be located within the City. Therefore, land within the growth tiers is encouraged to remain in agricultural uses.

## ANALYSIS

1. This request is for a change of zone from AG Agricultural to AGR Agricultural Residential on two properties consisting of approximately 21.06 acres in total. This includes a 15.64-acre property and a 5.42-acre property. The properties are generally located to the southeast of SW 89<sup>th</sup> Street and W Van Dorn Street in the Lincoln 3

Mile jurisdiction.

2. The change of zone area is shown for future Low Density Residential in the 2050 Comprehensive Plan. This equates to AGR for zoning. The nearby zoning includes a mix of AG and AGR zoning, notably on the south side of W Van Dorn Street.
3. The change of zone is requested as the applicant for the property to be used as residential use. The proposed AGR zoning will help the property in terms of lesser zoning setbacks and more density. In particular, the AGR zoning requires a 15-foot side yard setback whereas the AG zoning requires a 60-foot side yard setback. Minimum lot size for AGR zoning is 3 acres whereas AG zoning minimum is 20 acres. The 3-acre minimum lot size would allow the 15-acre property to be subdivided in the future.
4. The property to the east of the applicant property is included in the change of zone in order to address existing conditions due to the sale of the property included in the request. This property at 8600 Buckboard Drive if not rezoned to AGR will have a non-standard side yard setback along the shared property line as the existing home appears to be significantly less than the 60-foot AG side yard required. Thus, the change of zone will also benefit this adjacent property.
5. The existing buildings on the 15-acre lot were built as farm buildings. Historically, this property and the property to the east at 8600 Buckboard Drive also included in the change of zone were under the same ownership and considered as one premises. Therefore, previously there was no interior side setback issue between the two lots included in the change of zone.
6. It should be noted that this is in the Lincoln 3 Mile jurisdiction and Buckboard Drive will be required to be surfaced as per the Subdivision Regulations with a future final plat for any lots within the AGR zoning.
7. If requested in the future, it would also be appropriate for other properties between W Van Dorn Street and Buckboard Drive to be rezoned from AG to AGR. This is consistent with the Future Land Use of the 2050 Comprehensive Plan.
8. This change of zone is compatible with the 2050 Comprehensive Plan and the existing land use and zoning pattern in the area.

**EXISTING LAND USE & ZONING:** Pasture, Grassland, Buildings built as part of farm use  
Acreage Lot

AG-Agriculture

#### **SURROUNDING LAND USE & ZONING**

North: Acreage Lots	AG-Agriculture
South: Agriculture, Acreage Lot	AG-Agriculture
East: Acreage Lots	AG-Agriculture
West: Acreage Lot, Vacant	AGR-Agricultural Residential

**APPROXIMATE LAND AREA:** 21.06 acres, more or less

**LEGAL DESCRIPTION:** Lot 34 I.T and Lot 49 I.T, located in the NE 1/4 of Section 03-09-05, 6th Principal Meridian, Lancaster County, Nebraska

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

Date: November 20, 2025

Contact: Claudia Vasquez

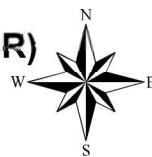
Owners: Elizabeth Perez

Dane and Chelsea Sackett

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/SharedDocuments/DevReview/CZ/25000/CZ25025 AG to AGR.gjw.docx>



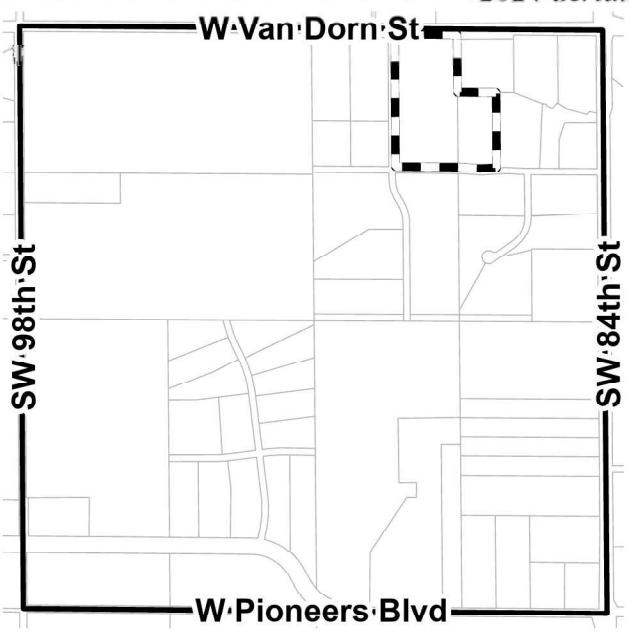
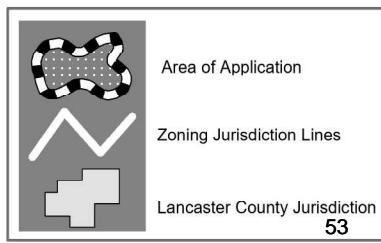
**Change of Zone #: CZ25025 (AG to AGR)  
SW 84th St & W Van Dorn St**



**Zoning:**

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

**One Square Mile:  
Sec.03 T09N R05E**



# Rezoning Application Letter

## Formal Request for Rezoning Consideration

10/22/2025

Elizabeth Perez and Juan Reyes  
4317 N 15<sup>th</sup> St  
Lincoln, NE 68524  
claureyes7@icloud.com  
(402) 405-9487

Planning and Zoning Department  
George Wesselhoff  
555 S 10th St, Ste 213  
Lincoln, NE 68508

Whom It May Concern,

I am writing to formally request the consideration of a rezoning application for the property located at SW 89<sup>th</sup> & W Van Dorn St Parcel ID: 0303200023000 in Lincoln. As the owner/applicant, I am seeking to have the current zoning designation changed from AG Agricultural to AGR Agricultural Residential to better align with the intended use and development plans for this land.

The primary reason for this rezoning request is for this property to be used as residential and to comply with the city of Lincoln.

I have reviewed all applicable guidelines and requirements for rezoning and am prepared to provide any necessary supporting documentation, including site plans, or any documentation required by the Planning and Zoning Department.

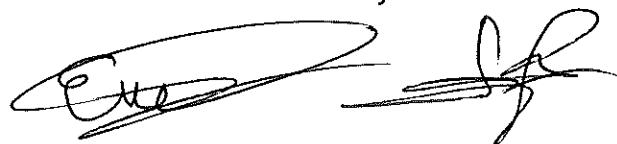
I respectfully request that the Planning and Zoning Department consider this application and schedule a hearing at your earliest convenience. I am available to meet with staff or

attend public hearings to further discuss the merits of this request and address any questions or concerns.

Thank you for your time and attention to this matter. I look forward to your response and the opportunity to work together.

Respectfully,

Elizabeth Perez and Juan Reyes

The image shows two handwritten signatures. The signature on the left is a stylized "E" and "P". The signature on the right is a stylized "J" and "R".



## 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 #13047A

FINAL ACTION?  
Yes

OWNER  
Joel and Kathy Sartore

PLANNING COMMISSION HEARING DATE  
December 3, 2025

RELATED APPLICATIONS  
None

PROPERTY ADDRESS/LOCATION  
700 North 16<sup>th</sup> Street

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request to amend a Special Permit for Historic Preservation to allow an additional office use.



#### JUSTIFICATION FOR RECOMMENDATION

The current Special Permit, which dates from 2013, allows for the residential use of the Lewis-Syford House to be occupied by up to five persons. However, rental for residential use has led to annual damage to the historic property and costly repairs, and the owner would like to rent the house for an office use in the future.

APPLICATION CONTACT  
Joel.D.Sartore@gmail.com

STAFF CONTACT  
Jill Dolberg, (402) 441-6373 or  
jdolberg@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The community's distinctive character, history, and desirable quality of life for current and future residents of Lincoln and Lancaster County is supported through the stewardship of historic resources throughout the county. The Comprehensive Plan encourages the continued use and maintenance of historic resources. The house has been listed in the National Register of Historic Places since 1970 and [locally landmarked](#) in 1981. Likely the second oldest house in the city of Lincoln, the house is rare for being a remaining residential dwelling in the University. It is also architecturally significant, being a rare example of the French Second Empire style, exhibiting a mansard roof, elaborate dormers and iron cresting.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Goals Section

G12: History and Culture. The community's history and culture is discussed more in the Introduction section, and is reflected through historic buildings and sites throughout the county. These resources add to the desirable quality of life for current residents and should be protected for future generations. PlanForward encourages the continued use and maintenance of historic and cultural resources, including properties not formally designated as landmarks.

G13: Community Appearance. Lincoln and Lancaster County will have a high-quality physical environment that creates a strong sense of place and community pride. The urban and the rural landscapes of Lancaster County produce a distinctive place, offering a sense of identity to visitors and especially to residents. It is worthwhile to plan for, protect, and strengthen this character as the community grows and matures.

### Elements Section

E3: Business, Economy and Workforce

#### Commercial Infill

7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.

E6: Placemaking

This element describes principles and strategies intended to preserve and enhance the community's unique character — its sense of place — through preservation of cultural and historic resources and focused attention to the quality of public and private development.

All parts of PlanForward contribute to the attainment of this vision, but urban design and one of its components, historic preservation, relate most directly to guarding and enhancing the community's physical image.

The Historic Preservation Commission (HPC) works with neighborhood groups, preservation advocates, property owners, and the History Nebraska to discover, protect, and share the community's heritage. The zoning code provides protection for designated historic property and incentives for creative uses that maintain the vitality of historic places. The Commission has a key role in providing on-going guidance in the revitalization of areas such as Haymarket, residential historic districts, and Havelock Avenue.

### Policies Section

P24: Environmental Resource Protection - Environmental resources provide the framework for a healthy, active, and economically vibrant community.

#### Action Steps

13. Document or promote historic, cultural and archeological sites throughout the City and County.

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

#### Action Steps

2. Lincoln and Lancaster County should work in partnership with state and federal historic preservation programs, but local landmark protections are usually the most effective and appropriate.  
4. City and county governmental policies should provide for the protection and enhancement of historic resources.  
14. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

## ANALYSIS

1. This application is for a special permit for historic preservation, to maintain the property by permitting its use for office space. The proposed use will gently reuse the building, maintaining the building as it is on the request of the owner.

2. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:
  - a. The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district: **See Landmark application for historic significance.**
  - b. The extent to which economic factors necessitate the change in use:
    - i. Utilizing the property for residential use by college students has led to significant and expensive damage. While detrimental to the historic property, the repairs have also come with significant cost that has rivaled the amount of rents accrued.
  - c. The extent of proposed exterior change to the structure or site:
    - i. The applicants have no plans to make any changes to the property. It is possible a new tenant will wish to have a sign installed, but it will be reviewed by HPC for a Certificate of Appropriateness.
  - d. The impact on the surrounding area:
    - i. The applicant envisions renting to a tenant that will undertake office activities out of the house, which will include a small amount of traffic to the property daily. However, the volume of traffic will not increase significantly.
  - e. The compatibility of the proposed use to the structure or site and the surrounding area:
    - i. Office use would lead to the gentle use of the building but ensure that the building has a purpose and continues to have people inside the building regularly, which is the best way to ensure ongoing maintenance. There are six parking spaces on the property, and the rental of the property to a lawyer or real estate agent or something similar will not exceed the number of spaces available, nor create such an influx of traffic that it will be noticeable on a street that already sees University traffic. The surrounding area is listed in the National Register of Historic Places as the Greek Row Historic District, and many of the individual chapter houses are individually landmarked.
  - f. The manner in which the public will be benefitted by such proposed use:
    - i. The proposed use would support the maintenance of an old, unique part of Lincoln's residential history and provides the public an opportunity to visit the building if they have business with the tenant.
3. If approved, the previous special permit for a residential use of up to five persons (SP13047) will be repealed.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING: R-7 Residential District with Landmark designation**

**SURROUNDING LAND USE & ZONING**

North: R-7 Residential District with Landmark designation

South: R-7 Residential District with Landmark designation

East: P Public Use District, University housing along North 17<sup>th</sup> Street

West: R-7 Residential District with Landmark designation

**APPLICATION HISTORY:**

The Lewis-Syford House was listed in the National Register of Historic Places in 1970 and given a local landmark designation in 1981 under HP11. An updated National Register nomination was written in 2007 and accompanied by an easement to the City of Lincoln under CZ08012. A Special Permit, SP13047, was approved in 2013 to allow for a residential use of up to five unrelated persons.

November 13, 2025: The Historic Preservation Commission reviewed the requested change in use and voted to support the request, 6-0 in favor.

**APPROXIMATE LAND AREA:** 0.41 acres

**LEGAL DESCRIPTION:** The western 175 feet of Lots J and K of Tuttle's Subdivision of Lot 1 of SW Little's Subdivision of the west half of the SW  $\frac{1}{4}$  of Section 24, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

Prepared by Jill Dolberg, Historic Preservation Planner  
(402) 441-6373 or [idolberg@lincoln.ne.gov](mailto:idolberg@lincoln.ne.gov)

Date: November 14, 2025

Applicant/Contact/Owner: Joel and Kathy Sartore

[https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared%20Documents/LongRange/Historic/2\\_NewHistoric/HistoricSites/LewisSyford/Special%20Permit/SP13047A%20Lewis%20Syford%20edits.docx](https://linclanc.sharepoint.com/sites/PlanningDept-LongRange/Shared%20Documents/LongRange/Historic/2_NewHistoric/HistoricSites/LewisSyford/Special%20Permit/SP13047A%20Lewis%20Syford%20edits.docx)

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #13047A

Per Section 27.63.400 this approval permits a Special Permit for Historic Preservation to allow residential use up to five persons or office use at 700 North 16<sup>th</sup> Street.

### **Site Specific Conditions:**

1. Architectural details for alterations to existing buildings and any future new construction alterations to the proposed site plan must be submitted and approved by the Historic Preservation Commission.

### **Standard Conditions:**

2. The following conditions are applicable to all requests:
  - a. 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.
  - b. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - c. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



**Special Permit #: SP13047A**  
**N 16th St & Vine St**

**Zoning:**

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



**One Square Mile:**  
**Sec.24 T10N R06E**



October 7<sup>th</sup>, 2025

Hello Everyone,

After 12 years after of leasing the living spaces at the Lewis-Syford House (700 N. 16<sup>th</sup> St. Lincoln NE 68508) to college students of various destructive capabilities, I've finally come to the realization that we should find a different use that is actually compatible for the home. The last group of boys, for example, required many months of very costly repairs.

In order to avoid this kind of situation again, I'd now like to apply for a special permit to allow the building to be used as low impact office space, perhaps for lawyers or another professional group that would be better suited to this grand old home.

We anticipate no changes to the structure there, and no changes to the parking either.

We'd hope to get an informal nod from the city quite soon so that we know we'll eventually be allowed the permit. That way, we can move forward with confidence as we seek a gentle tenant. Lastly, we'd hope to actually have the permit in place by mid-May, when our current student leases end, and allow the new tenant to move in at that time.

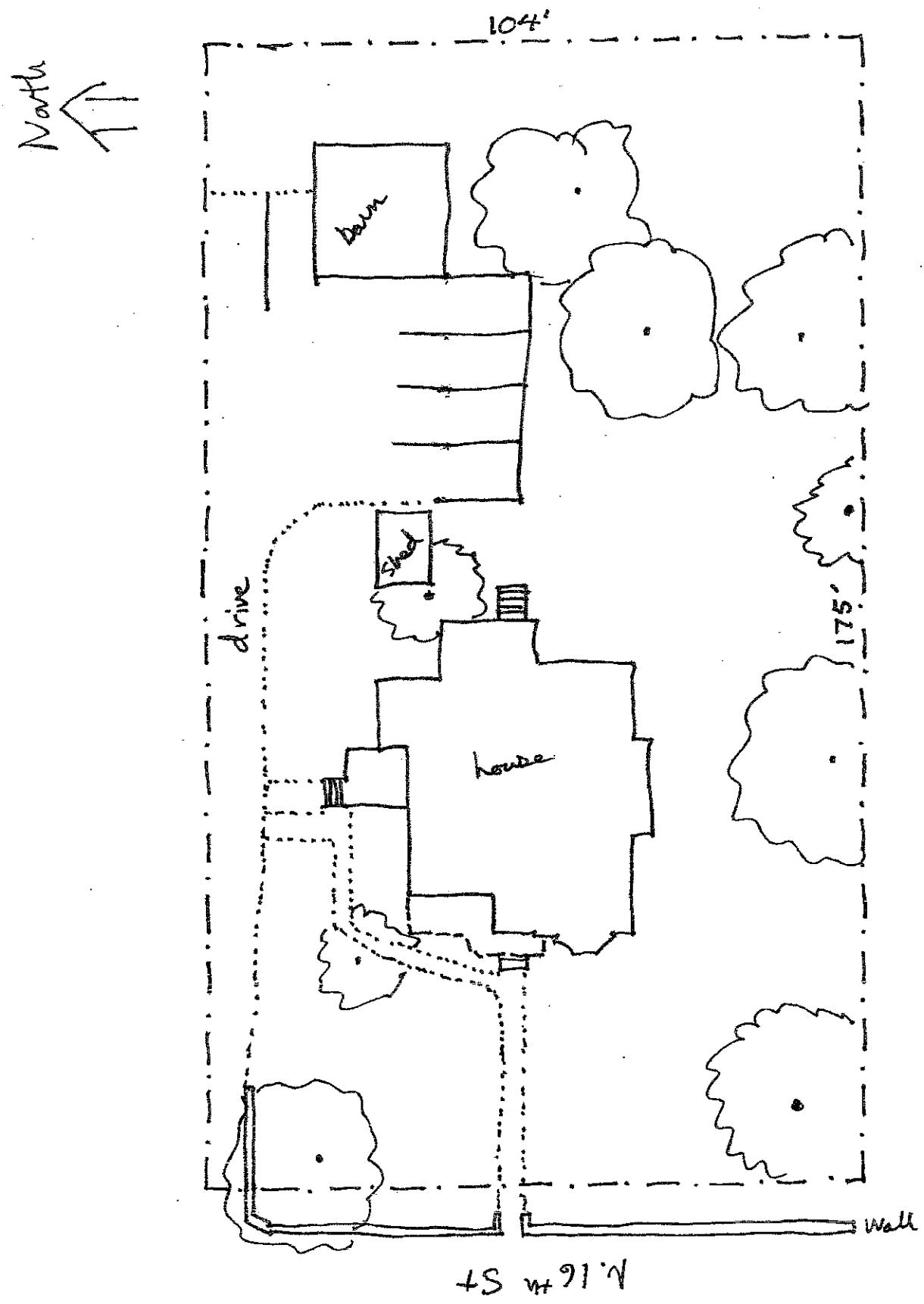
Here's our website showing the Syford house if you'd like to refresh your memory a bit:  
<https://www.classiclincoln.com/lewis-syford-house>

Thank you for your consideration,

Joel Sartore  
Owner the Lewis-Syford House  
2733 Sheridan Blvd  
Lincoln, NE 68502  
Cell 402-326-1150



North





Lincoln-Lancaster County  
**PLANNING AND  
DEVELOPMENT**

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

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APPLICATION NUMBER Special Permit #18023B	FINAL ACTION? Yes	DEVELOPER/OWNER Mourning Hope/Weedman Family Revocable Trust
PLANNING COMMISSION HEARING DATE December 3, 2025	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION South Folsom St and W A Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to allow for the expansion of the existing Special Permit for Mourning Hope for a new parking lot. The proposed parking lot location is at the northwest corner of S Folsom Street and W A Street. Mourning Hope is allowed as a non-residential healthcare facility.



**JUSTIFICATION FOR RECOMMENDATION**

The proposal is justified as it will allow additional parking as part for a non-residential healthcare facility without negative impact to the neighborhood and adjacent uses.

**APPLICATION CONTACT**

Nathaniel Burnett, (402) 484-7342 or [nate@regaeng.com](mailto:nate@regaeng.com)

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The proposed amendment is in conformance with the 2050 Comprehensive Plan which identifies the property for urban residential on the future land use map. Residential and non-residential health care facilities are both uses consistent with residential zoning subject to special permit requirements and neighborhood compatibility.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future urban residential on the 2050 Future Land Use Plan.

#### Land Use Plan

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

## CLIMATE ACTION PLAN SPECIFICATIONS:

### p. 11 Key Initiative – Transition to Low-Carbon Energy.

- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

## ANALYSIS

1. This is a request to expand the existing Special Permit for the Mourning Hope Grief Center to allow for a new parking lot. The site is located at the northwest corner of S Folsom Street and W A Street and includes 0.28 acres. The zoning is R-2 Residential. Currently the property is vacant with a single-family home to the west and the existing Mourning Hope facility to the north.
2. The new parking lot will include 20 new stalls to accommodate patrons and improve access to services, along with a new walking path connecting to the public sidewalk. Landscaping screening will be provided at the time of building permit. The nearest home is to the west. They sold the property to Mourning Hope knowing it would be used for a parking lot next to their home.
3. Mourning Hope is a non-residential health care facility that includes an office environment, outpatient services and little to no permanent residential component. They are a nonprofit grief support center that provides free programs and services for grieving children, adults and families.
4. The site is located southeast of Schroeder/Willard Park and south of the existing Mourning Hope site. The Special Permit#18023 for Mourning Hope was approved in conjunction with Special Permit #13055C for Willard Community Center, Change of Zone #18016, Comprehensive Plan Conformance #18012 for Declaration of Surplus Property, and Street and Alley Vacation #18003 for vacation of West B Street. The applications allowed co-location of the two community service entities to take advantage of shared parking facilities and create an improved layout for the park.
5. The existing unimproved alley on the north side of the parking lot will be paved by Mourning Hope. This will extend to the west property line of the project. This is a condition of approval.
6. This Special Permit amendment is consistent with the Comprehensive Plan and will allow additional parking for an existing non-residential health care facility without negatively affecting the neighborhood.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Vacant      R-2 Residential

**SURROUNDING LAND USE & ZONING**

North: Mourning Hope	R-2 Residential
South: Single Family Detached	R-2 Residential
East: Vacant	B-1 Local Business District
West: Single Family Detached	R-2 Residential

**APPLICATION HISTORY**

June 2018      SP18023 was approved by the Planning Commission to allow a newly constructed building that included an office environment and outpatient services.

July 2020      SP18023A was approved by the City Council to allow for the reduction of a portion of the front yard setback from 25 feet to 15 feet for a freestanding sign.

**APPROXIMATE LAND AREA:** 0.28 acres

**LEGAL DESCRIPTION:** Lots 45 and 46 and the remaining portions of Lots 47 and 48, Ricketts Consolidation of Lots in Block 7, Highland Park, located in the SW 1/4 of Section 27-10-6, Lincoln, Lancaster County, Nebraska

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

Date:      November 20, 2025

Applicant:      REGA Engineering Group, Inc. on Behalf of Mourning Hope Grief Center

Contact:      Nathaniel Burnett

Owner:      Weedman Family Revocable Trust

[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/SharedDocuments/DevReview/SP/18000/SP18023B Mourning Hope Grief Center.gjw.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/SharedDocuments/DevReview/SP/18000/SP18023B%20Mourning%20Hope%20Grief%20Center.gjw.docx)

## **CONDITIONS OF APPROVAL – SPECIAL PERMIT #18023B**

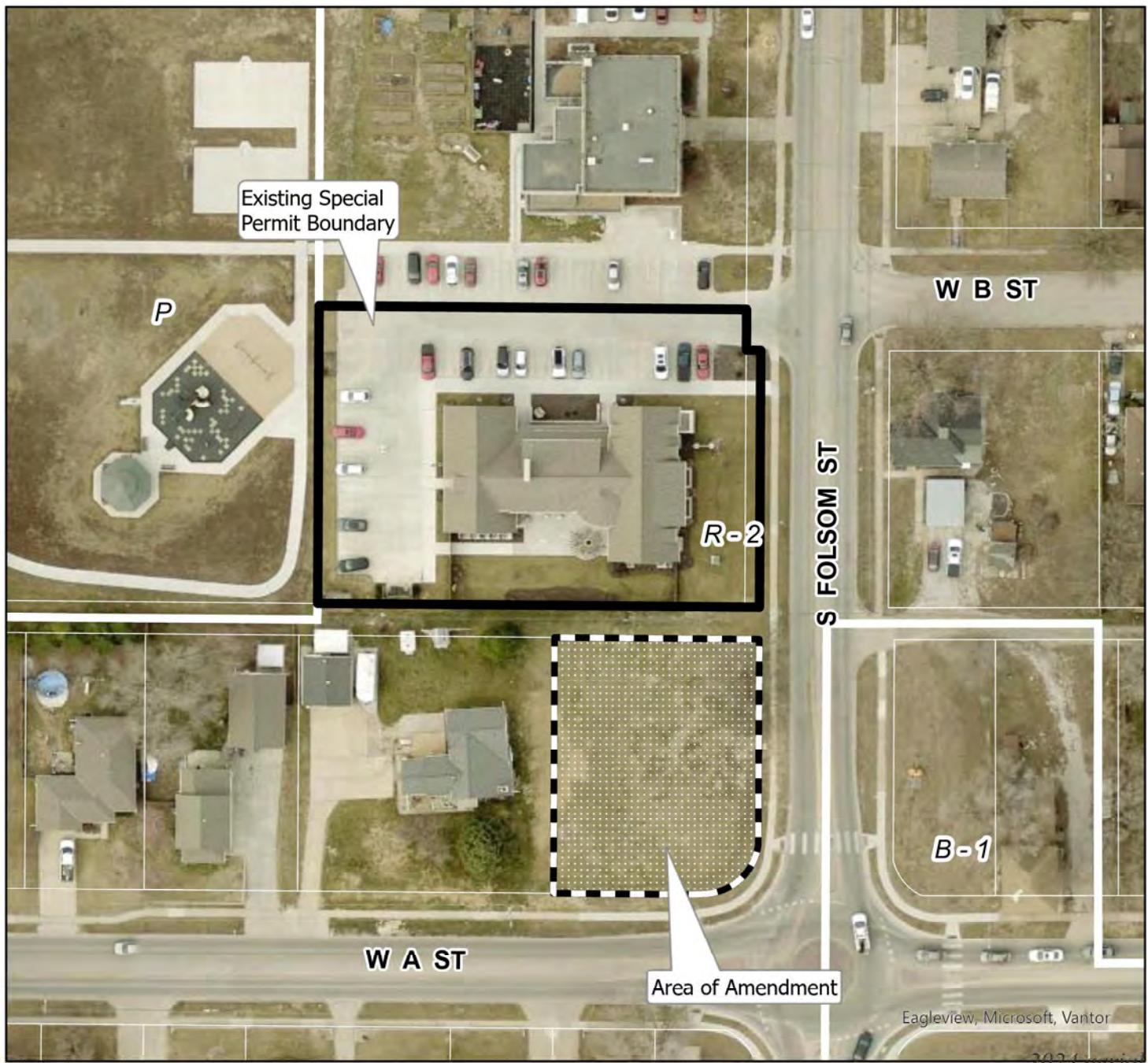
Per Section 27.63.080 this approval permits the expansion of a Non-Residential Health Care Facility for a parking lot.

### **Site Specific Conditions:**

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning and Development Services Department a revised and reproducible final plot plan including **2** copies with all required revisions and documents as listed below:
  - 1.1 Add note to the General Notes that alley paving as shown on the site plan will be done by Mourning Hope by Executive Order.
  - 1.2 Extend the alley paving to the west property line of the parking lot.
  - 1.3 Show the number of parking stalls.
  - 1.4 Show setbacks on all sides.
  - 1.5 Show the Mourning Hope existing fence.
  - 1.6 Add note to the General Notes that sidewalk be raised with a curb to differentiate it from the alley paving.

### **Standard Conditions:**

2. The following conditions are applicable to all requests:
  - 2.1 All development and construction shall substantially comply with the approved plans.
  - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 2.4 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



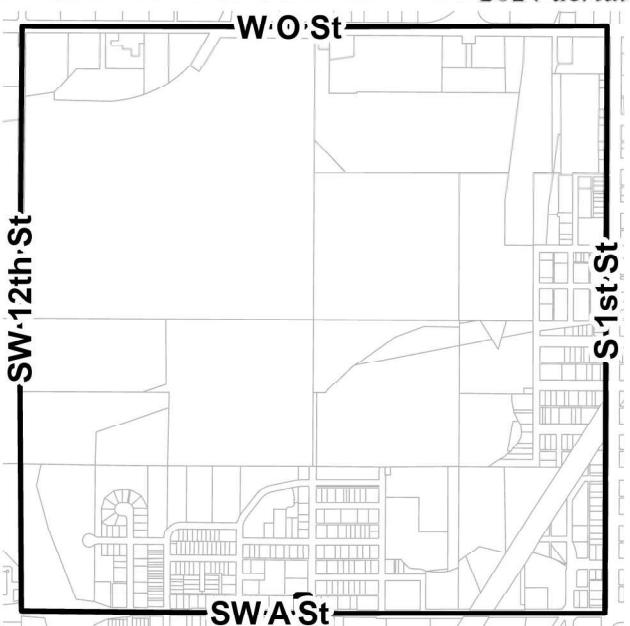
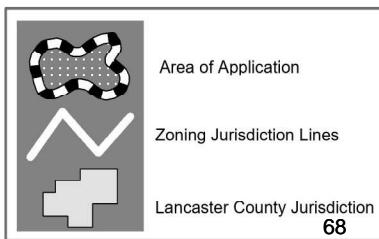
**Special Permit #: SP18023B**  
**S Folsom St & W A St**

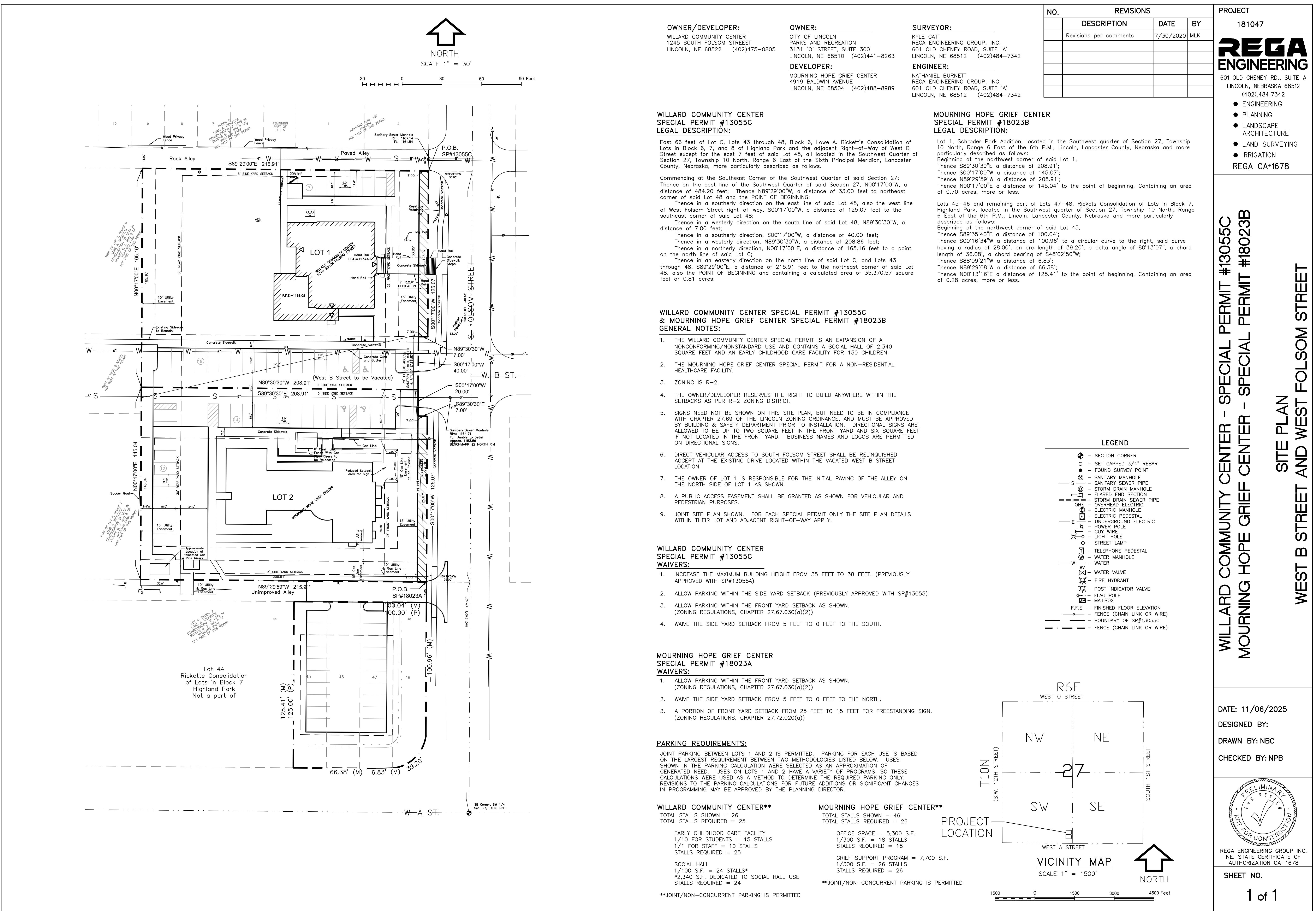
**Zoning:**

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



**One Square Mile:**  
**Sec.27 T10N R06E**







November 5, 2025

Mr. David Cary  
Director of Planning and Development Services Department  
George Wesselhoft, Planner II  
City of Lincoln/Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Reference: Mourning Hope Parking Lot Expansion  
Amendment to Mourning Hope Grief Center Special Permit #18023A  
REGA Engineering File: 251242

Dear Mr. Cary,

On behalf of Mourning Hope, we are submitting this amendment to the existing Special Permit for the Mourning Hope Grief Center to expand the permit boundary to include Lots 45–48 of Ricketts Consolidation of lots in Block 7 Highlands Park, adding a parking lot with up to 20 new stalls to accommodate more patrons and improve access to services, along with a new walking path connecting the existing parking lot to the public sidewalk.

Sincerely,

A handwritten signature in blue ink that reads "Nathaniel P. Burnett".

Nathaniel P. Burnett, PE  
President

Cc: Michelle E. Keogh, Carly Woythaler-Runestad  
Enclosed: Application Form  
Application Fee Enclosed \$247  
Legal Description



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

APPLICATION NUMBER  
Special Permit #25043

FINAL ACTION?  
No

DEVELOPER/OWNER  
Andy Van Horn

PLANNING COMMISSION HEARING DATE  
December 3, 2025

RELATED APPLICATIONS

PROPERTY ADDRESS/LOCATION  
2440 Production Drive, Units 9-12

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request for a Special Permit to allow an Academy use at 2440 Production Drive, generally located at the southwest of S 25<sup>th</sup> Street and Saltillo Road. The application is being submitted for Midwest Baseball Academy (MBA) Cyclones Training Facility which operates a youth baseball organization, offering indoor training and fitness space for the members of the organization. The property is zoned I-1 Industrial with two multi-tenant buildings on site. MBA Cyclones will occupy four of the eight units within one building.



**JUSTIFICATION FOR RECOMMENDATION**

Lincoln Municipal Code 27.63.075 for Academies, Private Schools, community Colleges, Colleges, or Other Post-Secondary Education Facilities allows an Academy within I-1 with an approved special permit. This special permit is appropriate as the site will be for an indoor recreation with no outside recreation or area. It is common for an academy, specifically for athletic training to utilize commercial or industrial space due to higher ceiling height and unobstructed space. As part of the special permit review, additional information has been submitted related to the occupancy, hours of operation, and emergency evacuation plans relative to the surrounding I-1 zoning uses. While the interior space is compatible for athletic training, the additional safety information required ensures the site is compatible for the academy.

**APPLICATION CONTACT**

Andy Van Horn

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The property is shown as future industrial on the 2050 Future Land Use map. Areas designated for industrial included a range of heavier uses including manufacturing, trucking and transportation, but includes commercial activities. The Comprehensive Plan encourages recreational facilities within the community and in compatible

areas. The required safety information within the special permit addresses any safety concerns for the facility and patrons within the academy in relation to the surrounding industrial uses and area.

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

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

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

Land Use Plan – Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use, with some commercial activities.

### **Goals Section**

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

### **Elements Section**

#### **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.

### **CLIMATE ACTION PLAN SPECIFICATIONS:**

#### **p. 11 Key Initiative – Transition to Low-Carbon Energy.**

- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

## ANALYSIS

1. This is a request for a special permit to allow an academy, by definition of the Lincoln Municipal Code (LMC) to be located at 2440 Production Drive, specifically units 9-12. The site is generally located at the southwest of S 25<sup>th</sup> Street and Saltillo Road. The site is zoned I-1 Industrial and consists of two multi-tenant buildings with eight units within each building.
2. The property is generally surrounded by multi-tenant buildings to the north and west, zoned I-1 Industrial. To south is an existing manufacturing company zoned I-1. To the east is an existing single family dwelling zoned I-1 Industrial and an existing single family dwelling and farmland zoned AG Agriculture located outside the city limits.
3. The LMC defines Academies as “education or instructional facilities for certain skills, including but not limited to performing arts, such as dance, theater, or music, and sports such as volleyball, soccer, baseball, tennis, gymnastics or martial arts.” An academy is allowed by right in every nonresidential zoning district except I-2 and requires a special permit in I-1. Since this property is zoned I-1 Industrial, a special permit must be approved before the use is permitted. Chapter 27.63.075 sets the provisions for the special permit with requiring additional information on the site including the number of students, time of operation, number of staff and site plan. Additional information regarding the surrounding uses and storage of hazardous chemical is required when the academy is proposed in an industrial district. The applicant has submitted and detailed the requirements within the special permit provisions.
4. As referenced in the application letter, the MBA-Cyclones is a nonprofit youth sports organization, specifically baseball and softball instruction, development and competition opportunities. The organization anticipates daily use Monday through Friday after 5 pm and between 8 am and 10 pm Saturday and Sunday. The occupancy would vary based on the type of training, practice or open to individual access with a member and parent for supervision. The maximum occupancy for unit 9 is 33 people and units 10-12 is 25 people. MBA-Cyclones has occupied units 10-12 at this location for two years as they were originally classified as a “club” prior to the LMC amendment updating the definition of an academy.
5. The proposed special permit for the expansion of the existing MBA-Cyclones space as an academy is compatible within this location. The applicant has noted the intended and busiest times of use would be in the evening and on weekends, which would not conflict with the standard daytime office hours for other businesses. I-1 Industrial does not have a minimum parking requirement, with the use continuing to use the join parking lot on site for the multi-tenant building. As part of the submittal the applicant has submitted an Emergency Evacuation Plan for both unit 9 and units 10-12 for review by the Lancaster County Health Department. The submitted evacuation plan was acceptable, and the expansion of the site was justified based on the submitted plans.
6. The proposed expansion for the existing academy use is compatible with the 2050 Comprehensive Plan as the industrial land use still allows for commercial opportunities. The LMC encourages recreational facility and uses, allowing an academy use in I-1 provided the additional information regarding the site and operation are included within the special permit related to safety and surrounding industrial uses. The applicant has submitted the required information, and the site is considered to be compatible for the expansion of the existing use on site.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Multi-tenant building / I-1 Industrial

**SURROUNDING LAND USE & ZONING**

North: Multi-tenant Industrial Space	I-1 Industrial
South: Merge Manufacturing	I-1 Industrial
East: Single Family Dwelling/Farmland	I-1 Industrial & AG Agriculture
West: Multi-tenant Industrial Space	I-1 Industrial

**APPROXIMATE LAND AREA:** 7,168 square feet, more or less

**LEGAL DESCRIPTION:** Lot 4, Saltillo Industrial Park 2<sup>nd</sup> Addition, Lincoln, Lancaster County, Nebraska.

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

Date: November 20, 2025

Applicant/  
Contact: MBA Cyclones  
Andy Van Horn

Owner: Van Horn Family Building Co LLC

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/SP/25000/SP25043%20MBA%20Cyclones%20Baseball%20Acadmey.bmc.docx>

## **CONDITIONS OF APPROVAL – SPECIAL PERMIT #25043**

Per Section 27.63.075 this approval permits an academy for a youth athletic training facility.

### **Site Specific Conditions:**

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a reproducible final plot plan including 2 copies

### **Standard Conditions:**

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.
  - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.



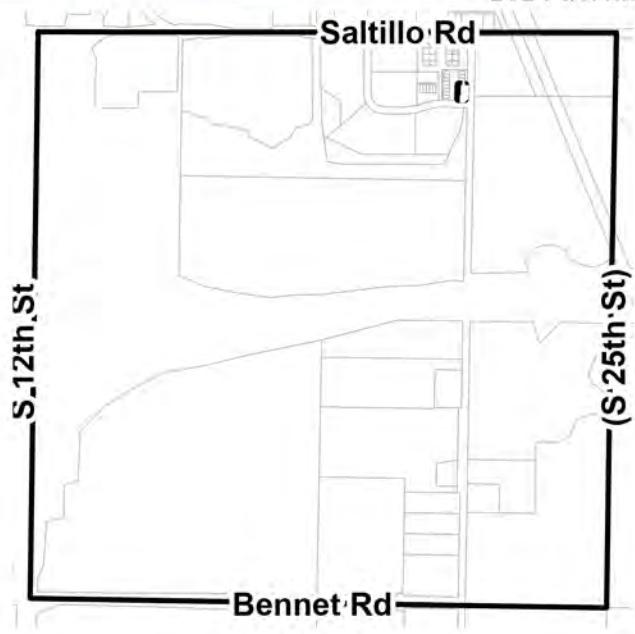
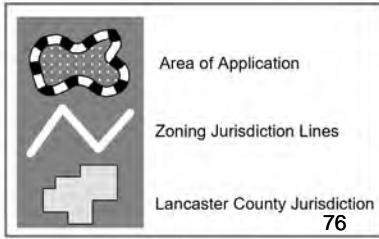
**Special Permit #:** SP25043  
**S 25th St & Saltillo Rd**

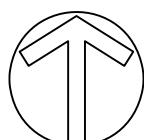
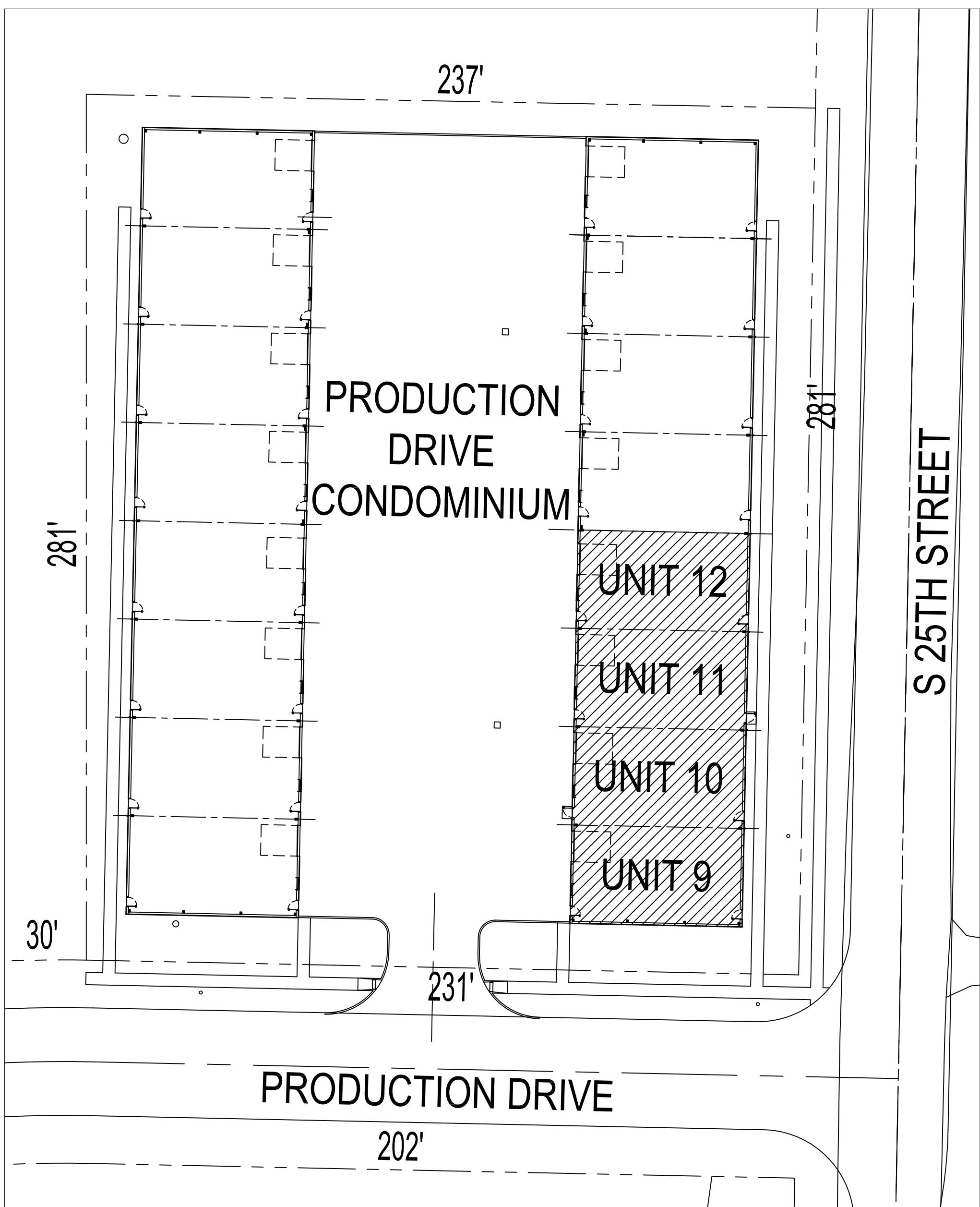
**Zoning:**

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



**One Square Mile:**  
**Sec.01 T08N R06E**





2440 PRODUCTION DRIVE  
SITE PLAN

SCALE: 1" = 30'-0"

LEGAL DESCRIPTION

PRODUCTION DRIVE CONDOMINIUM,  
UNITS 9, 10, 11, 12  
(6.25% ALLOC INT EACH),  
LANCASTER COUNTY, NE



MIDWEST BASEBALL ACADEMY



To Whom It May Concern,

On behalf of Midwest Baseball Academy - Cyclones, a nonprofit youth sports organization, I am submitting this letter in support of our Special Permit (Academy) application for the use of Bays 9–12, our indoor training facility, located at 2440 Production Drive.

Our organization provides year-round baseball and softball instruction, development, and competition opportunities for young athletes across Lincoln and surrounding communities. Bays 9–12 are essential for our programming and are used for indoor practices and individual practice with parents. These bays are equipped with turf flooring, batting cages, and safety netting, and are designed to support safe, structured athletic development.

**Purpose of Request:**

We are requesting a Special Permit under the “Academy” usage within Industrial Zone 1 to reclassify our bays 10-12 and expand into bay 9 for team practices and training.

**Facility Use Summary:**

- **Hours of Operation:**
  - Monday–Friday: 5 PM - 10 PM
  - Saturday–Sunday: 8 AM - 10 PM
  - Individual access with a parent 24/7
- **Occupancy:**
  - Bay 9 Maximum occupancy: 33 people
  - Bays 10-12 Maximum occupancy: 25 people
  - All activities are supervised and follow structured schedules to ensure safety and efficiency.



## MIDWEST BASEBALL ACADEMY



We understand the concern around Academy usage in this zoning, but see no current or future threat to the safety of our players for the following reasons:

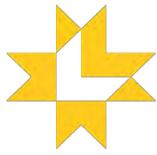
- The facility operates after 5 PM and during weekends, which is not considered peak usage for most businesses in the area.
- Each team has multiple parents both helping at practice and either watching or waiting in the area. In the event of an evacuation, there would be more than enough parents to safely transport all players out of the area, to safety.
- Practices are 1.5 hours in duration, limiting each participant's time in the area.
- Lease costs in Lincoln make 'Industrial' the only area that is both affordable for our non-profit organization and provides this type of physical space. There is high demand for these spaces, and not approving this type of usage puts the Lincoln community at a significant disadvantage.
- There are numerous academies already operating very similarly in industrial areas that have much heavier industrial use than this area.
- We have operated under an approved building permit and occupancy for bays 10-12 for two years without any issues.
- Young players are never in the facility without an adult present.

We are committed to maintaining a safe, compliant, and community-focused environment for youth development. This application is submitted in coordination with our architect/engineer, who will upload the required site plan and emergency evacuation plan via ProjectDox upon application entry.

Thank you for your time and consideration. Please do not hesitate to contact me with any questions or requests for additional documentation.

Sincerely,  
Andy Van Horn  
President  
Midwest Baseball Academy - Cyclones

402-450-6604



Lincoln-Lancaster County  
**PLANNING AND  
DEVELOPMENT**

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

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APPLICATION NUMBER	FINAL ACTION?	DEVELOPER/OWNER
Pre-Existing Use Permit #3AJ	Yes	Shops at Lincoln LLC
PLANNING COMMISSION HEARING DATE	RELATED APPLICATIONS	PROPERTY ADDRESS/LOCATION
December 3, 2025	None	6400 O Street

**RECOMMENDATION: CONDITIONAL APPROVAL**

**BRIEF SUMMARY OF REQUEST**

This is a request to amend Pre-Existing Use Permit #3 for Gateway Shopping Center to allow mini warehouse as a permitted use in Area A (former Sears store) of the Use Permit. The proposed mini-warehouse use is generally located at 6400 O Street.



**JUSTIFICATION FOR RECOMMENDATION**

Mini-warehouses are a conditional use in the B-5 zoning district, and the required conditions include that the use permit must be amended to specifically state that mini-warehouse is a proposed use and identify its location. The applicant has submitted all required materials and the architectural plans for the proposed mini-warehouse are generally compatible with the overall B-5 Center and adjacent buildings.

**APPLICATION CONTACT**

Glen Kitto, Reserve Development

**STAFF CONTACT**

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

**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

This amendment is compatible with future land use designations as shown in the 2050 Comprehensive Plan. The property has a future land use designation of commercial, and mini-warehouse is a commercial use.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

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

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

Land Use Plan – Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

### **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.

### **Elements Section**

#### E3: Business, Economy, and Workforce

##### **Commercial Centers**

##### **Figure E3.d: Commercial Center Design Strategies**

1. Encourage a mix of office, retail, service, and residential uses. The center may include mixed-use buildings with residential or office above a first-floor retail or service use.
2. Discourage auto-oriented strip commercial development. Commercial Centers should not be developed in a linear strip along a roadway or be completely auto-oriented. Design new Commercial Centers in a manner that facilitates future development and intensification of land uses on the site.
3. Develop Commercial Centers as compact clusters or mixed-use nodes with appropriate site design features to accommodate shared parking in the rear of buildings and ease of pedestrian movement to minimize impacts on adjacent areas, and to encourage a unique character.
4. Locate the most intensive commercial uses, such as restaurants, car washes, grocery stores, gas stations/ convenience stores and drive through facilities nearer to the major street or roadway and furthest from the residential area (unless contained within a mixed use center). Lighting, dumpsters, loading docks and other service areas should be screened from residences.
5. Design buildings and land uses at the edge of the center to be an appropriate transition to lower density residential uses. Examples of appropriate edge land uses include apartments, mixed use residential buildings, offices, assisted living facilities, or child care centers. Transitional elements such as greater setbacks and enhanced screening should be required for buildings that are out of

character with the adjacent residential district, such as buildings that exceed the maximum allowed height of the adjacent district.

### **Policies Section**

P13: Commercial and Industrial Centers - Support high-quality commercial and industrial centers located throughout the community.

#### Action Steps

1. Implement commercial center location and design principles as discussed in the Business & Economy element.
2. Discourage “four corner commercial development” – with commercial uses at all four corners of an intersection – in order to promote walkability and ease of movement within each commercial center.
3. Implement industrial center principles as discussed in the Business & Economy element.
4. Continue incentive-based programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

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.

### **ANALYSIS**

1. This amendment would permit mini-warehouses as a permitted use in Area ‘A’ (the former Sears store) of the Pre-Existing Use Permit for Gateway Shopping Center.
2. The applicant states that they have been unsuccessful at finding a typical retail tenant at this location, on the north side of the former Sears building, for more than two years. As a result, their intention is to convert the space to a self-storage/mini-warehouse use. The majority of the space used for the mini-warehouse would be on the second floor.
3. Mini-warehouses are a conditionally permitted use in the B-5 district. Specifically, per 27.62.140 the conditions that must be met are as follows:
  - i. There is no accessory open storage or outdoor vehicle storage.

- ii. The application for a use permit or amendment thereto shall specifically state that a mini-warehouse is a proposed use. The site plan included with the application shall identify the location of all buildings, landscaping, and other site-related details for such use.
- iii. The applicant shall comply with all conditions to be fulfilled by the applicant in conjunction with the approval of the use permit to protect the health, safety, and general welfare of the public and ensure that the mini-warehouse is compatible with the overall B-5 Center and adjacent buildings.

4. This amendment is being proposed to fulfill the conditions outlined above, by identifying the location of the mini-warehouse and by submitting site plans, landscape plans, elevations, and other supporting documents (see attached). The proposed building has no accessory open storage or outdoor vehicle storage.

5. The proposed mini-warehouse use would include 42,000 square feet of mini-warehouse space in the former Sears building, including approximately 9,000 square feet on the first floor, accessed from the north side of the building, with the remainder of the floor area on the second level. This application does not increase the approved commercial floor area for the use permit.

6. The proposed building designs have been reviewed and have been deemed to be compatible with the overall B-5 Center and adjacent buildings. This location on the north side of Gateway Shopping Center is not one that is particularly desirable for a retail use. It is seen as the rear of the Center, adjacent to loading docks and garbage areas for the adjacent stores on the south side of the shopping center, and is not visible from the O Street corridor. While many retail uses benefit from high visibility and traffic, mini-warehouse is not a use that relies on foot traffic or vehicle traffic to generate business. Additionally, this proposal makes use of space above the stores on the south side of the shopping center that might otherwise remain vacant.

7. This property is part of a redevelopment project. The Urban Development Department has reviewed the application and recommended approval.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Area of application is commercial, B-5 Zoning District

#### **SURROUNDING LAND USE & ZONING**

North: Commercial	B-5 Planned Regional Business District
South: Commercial	B-5 Planned Regional Business District
East: Commercial	B-5 Planned Regional Business District
West: Commercial	B-5 Planned Regional Business District

#### **APPLICATION HISTORY**

1959        The original Gateway Mall was completed in 1959 and was zoned G Local Business and A-2 Residential.

1968        The balance of A-2 zoning was changed to G Local Business and G-1 Planned Commercial.

May 1979     During the 1979 zoning update, this area was converted to B-5 Planned Regional Business and designated as Pre-Existing Use Permit #3. Numerous amendments have been made since that date,

the most recent of which are included below.

Sep. 2014 PEUP#3AD was approved by the City Council to authorize banner signs on 11 light poles in the Gateway Mall parking lot for a period of two years.

Mar. 2015 PEUP#3AE was approved, amending the use permit to allow for redevelopment on a commercial pad site.

Jan. 2016 PEUP#3AF was approved, authorizing expansion of the mall by approximately 70,000 square feet, with waivers to reduce required parking and increase building height.

Apr. 2016 PEUP#3AG was approved, amending the boundary of the Gateway Mall Use Permit to authorize development of up to 153 multifamily residential units.

Jan. 2018 PEUP#3AH was approved, amending the boundary of the Gateway Mall Use Permit to authorize up to 300 dwelling units and 70,000 sq. ft. of commercial floor area on property generally located at 6400 Q Street.

Nov. 2019 PEUP#3AI was approved, amending the waivers for maximum building height and parking requirements on multifamily housing located at the NW corner of N. Cotner Blvd. and P Street.

**APPROXIMATE LAND AREA:** 12 acres

**LEGAL DESCRIPTION:** See Attached

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

Date: November 20, 2025

Applicant/  
Contact: Glen Kitto, Reserve Development

Owner: Shops at Lincoln LLC

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/PEUP/PEUP3AJ%20Staff%20Report.jrs.docx>

## **CONDITIONS OF APPROVAL – PRE-EXISTING USE PERMIT #3AJ**

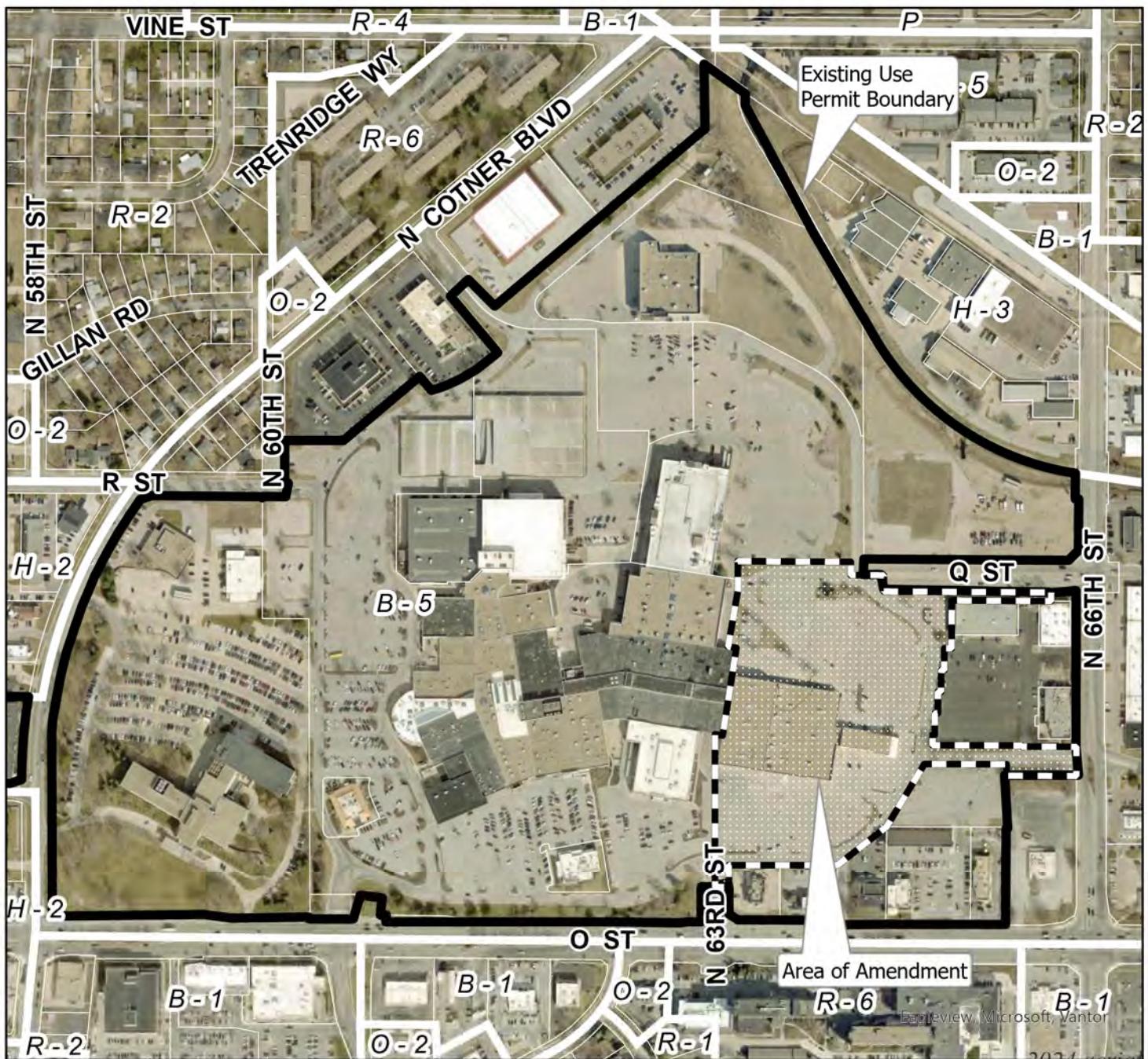
This approval permits a mini-warehouse use on Lot 1, Gateway Shopping Center 4<sup>th</sup> Addition in the B-5 Zoning District.

### **Site Specific Conditions:**

1. The permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below upon approval before receiving building permits.
  - 1.1 Revise the legal description on sheet 1 as directed in Project Dox.
  - 1.2 Revise Note #16 to state “Mini-warehouses are a permitted use in the location shown in Area A.”

### **Standard Conditions:**

2. The following conditions are applicable to all requests:
  - 2.1 Before occupying the buildings all development and construction is to substantially comply with the approved plans.
  - 2.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  - 2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 2.4 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions/ordinances approving previous permits remain in force unless specifically amended by this resolution.



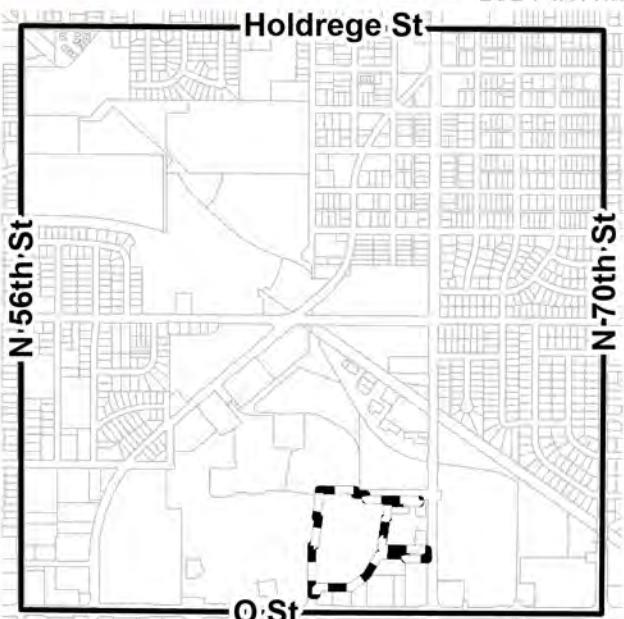
Use Permit #: PEUP3AJ  
N 63rd St & O St



### Zoning:

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

One Square Mile:  
Sec.21 T10N R07E



## LEGAL DESCRIPTION

GATEWAY SHOPPING CENTER SUBDIVISION LOT 2 & LOTS 1, 2, 3 AND THE REMAINING PORTION OF OUTLOT 'A' OF Q PLACE, EXCEPT EAST PART FOR STREET; GATEWAY SHOPPING CENTER 1<sup>ST</sup> ADDITION LOT 1; GATEWAY SHOPPING CENTER 2<sup>ND</sup> ADDITION LOTS 1, 2 & 3; GATEWAY SHOPPING CENTER 3<sup>RD</sup> ADDITION LOTS 1 & 2; GATEWAY SHOPPING CENTER 4<sup>TH</sup> ADDITION LOTS 1, 2 & 3; REMAINING PORTION OF LOT 256 OF IRREGULAR TRACTS EXCEPT THAT PART LYING NW OF A LINE 40' EAST OF THE CENTERLINE OF COTNER BLVD. AND EXCEPT PARTS IN NW AND SOUTH FOR ROAD; REMAINING PORTION LOT 262 OF IRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; REMAINING PORTION OF LOT 263 OF IRREGULAR TRACTS EXCEPT 544.35 SF IN SOUTH FOR STREET; REMAINING PORTION OF LOT 265 OF IRREGULAR TRACTS EXCEPT 2835.5 SF OF SOUTH PART FOR ROAD; REMAINING PORTION OF LOT 266 OF IRREGULAR TRACTS EXCEPT THE SOUTH PORTION OF RIGHT OF WAY OF 'O' STREET, (AREA 'H') REMAINING PORTION OF LOT 163 IRREGULAR TRACT EXCEPT 182.63 SF IN THE SE CORNER FOR STREET; (AREA 'I') REMAINING PORTION OF LOT 212 EXCEPT 3,741 SF FOR ROAD IN THE SE. ALL LOCATED IN THE S 1/2 OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST, OF THE 6<sup>TH</sup> P.M. LANCASTER COUNTY, NEBRASKA.



November 3, 2025

David Cary  
Director of Planning & Development Services  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Gateway Mall; CubeSmart Self-Storage Zoning change to B-5

Dear Mr. Cary,

Reserve Development desires to amend the zoning at the former Sears building from B-5 to allow for Self-Storage (or Mini Warehouse) within this district. We are desiring a final action at the Planning Commission in this regard to allow mini warehouses at the 6400 O Street location under pre-existing Use Permit #3AI, to all mini-warehouses as a permitted use in the B-5 District. Mini Warehouse is a permitted use within B-5.

We have been unable to find a typical retail tenant interested in this location now for over two years, and as such, we intend to convert this space to self-storage.

In terms of precedent, the planning commission recently, in May of 2025, approved a similarly zoned B-5 retail district to allow for mini warehouses at the APPIAN WAY AMENDMENT TO USE PERMIT #140H. A copy of this approved plan is attached for reference.

We aim to construct approximately 42,000 square feet of mini-warehouse space, situated within the former Sears building. There are approximately 9,000 square feet on the first floor (facing the north, or back side of the mall), with the remainder being upstairs on the 2<sup>nd</sup> floor.

Attached you will find a space floorplan, an exterior rendering as well as a civil landscape plan. The \$1,176 Use Permit Base Fee has been paid to the city.

Let me know if you have any questions or need further clarification. Thank you for your time,

  
Glen Kitto

Reserve Development, LLC  
Director of Construction  
4300 Sigma Road, Suite 100  
Dallas, TX 75244  
(214)415-8877

# GATEWAY SHOPPING CENTER PRE-EXISTING USE PERMIT

SIGN INVENTORY																		
SIGN DESIGNATION (SEE SITE PLAN)	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S
HEIGHT (FT.)	30	6	6	6	6	6	6	6	6	6	6	6	6	8	8	25	8	
SQUARE FOOTAGE (SQ. FT.)	104	54	48	54	54	54	54	54	42	42	42	42	42	69	69	81	60	
TYPE	CENTER	FREE-STANDING	FREE-STANDING	CENTER	CENTER	CENTER	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	DIRECTIONAL	MENU BOARD	MENU BOARD	POLE SIGN	CENTER		
SIGN DESIGNATION (SEE SITE PLAN)	T	U	V	W	X	Y	Z	AA	BB	CC	DD	EE	FF	GG	HH	JJ	KK	LL
HEIGHT (FT.)	12	18	8	5	5	4	4	4	4	4	4	4	4	4	4	4	6	
SQUARE FOOTAGE (SQ. FT.)	92	95	72	55	55	55	12	12	12	12	12	12	12	12	12	12	32	
TYPE	FREE-STANDING	POLE SIGN	FREE-STANDING	FREE-STANDING	FREE-STANDING	FREE-STANDING	DIRECTIONAL	MENU BOARD										

AREA DESIGNATION	A	B	H	I
PERMITTED USES	COMMERCIAL	COMMERCIAL	COMMERCIAL & RESIDENTIAL	COMMERCIAL & RESIDENTIAL
COMMERCIAL FLOOR AREA AND/OR DWELLING UNITS ALLOWED	1,193,589	212,855	153 APARTMENT UNITS	300 APARTMENT UNITS + 70,000 SF

\* COMMERCIAL PARKING STILL REQUIRES 1 PER 300 S.F. IF APARTMENTS ARE NOT BUILT.

## GENERAL NOTES:

- EXISTING SIGNS ARE SHOWN ON THE SITE PLAN. NEW SIGNS NEED NOT BE SHOWN ON THIS SITE PLAN, BUT NEED TO BE IN COMPLIANCE WITH CHAPTER 27.69 OF THE LINCOLN ZONING ORDINANCE AND MUST BE APPROVED BY THE BUILDING & SAFETY DEPARTMENT PRIOR TO INSTALLATION.
- BANNER SIGNS (RESOLUTION A-88555)
  - A. BANNERS AND BANNER HARDWARE MAY BE INSTALLED ON EXISTING LIGHT POLES IN THE PARKING LOTS THAT ARE UNDER GATEWAY'S OWNERSHIP AND CONTROL AS INDICATED ON THIS SITE PLAN.
  - B. BEACH LIGHT POLE MAY HAVE A PAIR OF BANNERS, WITH EACH BANNER BEING A MAXIMUM 8 X 2 1/2 FEET IN AREA.
  - C. BANNERS MUST BE AFFIXED TO THE BANNER HARDWARE ALONG THE TOP AND BOTTOM PERIMETERS AND TO THE POLES IN A WAY THAT THEY REMAIN RIGID.
  - D. THE HEIGHT OF THE BANNER SHALL NOT EXCEED 18 FEET.
- EXISTING LANDSCAPE MATERIALS ALONG THE O STREET FRONTRAGE SHALL REMAIN IN PLACE AND BE REPLACED AS REQUIRED TO MAINTAIN THE CURRENT LEVEL OF SCREENING.
- THE PERMITTEE MUST SUBMIT INFORMATION TO BUILDING AND SAFETY DEPARTMENT WITH THE SIGN PERMIT THAT IS SUFFICIENT FOR THE DEPARTMENT TO DETERMINE THE BANNERS AND HARDWARE WILL WITHSTAND WIND LOADS.
- BANNERS SHALL BE MAINTAINED AND REPLACED AS NEEDED SO THAT THEY DO NOT PRESENT A TORN OR FADED APPEARANCE. IF ANY BANNERS FALL OUT OF COMPLIANCE WITH THIS CONDITION AND THE PERMITTER AFTER APPROPRIATE NOTICE TO BRING ANY BANNERS INTO COMPLIANCE FAILS TO DO SO, THE BUILDING AND SAFETY DEPARTMENT MAY ORDER THE PERMANENT REMOVAL OF ALL BANNERS.
- H. BANNERS SHALL BE ALLOWED FOR TWO YEARS AFTER THE APPROVAL OF THIS USE PERMIT. THE PERMITTEE MAY SUBMIT A REQUEST TO THE PLANNING DIRECTOR THAT CAN BE APPROVED ADMINISTRATIVELY TO EXTEND THE USE OF THE THESE BANNERS FOR A SPECIFIC OR INDEFINITE PERIOD OF TIME.
- IMPROVEMENTS SHOWN ON THIS PLAN ARE CONCEPTUAL AND SUBJECT TO MINOR CHANGE.

## LEGAL DESCRIPTION

GATEWAY SHOPPING CENTER SUBDIVISION LOT 2 & LOTS 1, 2, 3, AND THE REMAINING PORTION OF OUTLOT 'A' OF Q PLACE, EXCEPT EAST PART FOR STREET; GATEWAY SHOPPING CENTER 1ST ADDITION LOT 1; GATEWAY SHOPPING CENTER 2ND ADDITION LOTS 1, 2 & 3; GATEWAY SHOPPING CENTER 3RD ADDITION LOTS 1 & 2; GATEWAY SHOPPING CENTER 4TH ADDITION, REMAINING PORTION OF LOT 256 OF IRRREGULAR TRACTS EXCEPT THE PART SOUTHEAST OF A LINE 40' EAST OF THE CENTERLINE OF CUTNER BLVD. AND EXCEPT PARTS IN NW AND SOUTH FOR ROAD; REMAINING PORTION LOT 262 OF IRRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; REMAINING PORTION OF LOT 263 OF IRRREGULAR TRACTS EXCEPT SOUTH PART FOR ROAD; REMAINING PORTION OF LOT 263 OF IRRREGULAR TRACTS EXCEPT 544.33 SF FOR STREET; REMAINING PORTION OF LOT 263 OF IRRREGULAR TRACTS EXCEPT 263.57 SF FOR ROAD; REMAINING PORTION OF LOT 266 OF IRRREGULAR TRACTS EXCEPT THE SOUTH PORTION OF RIGHT OF WAY OF 'O' STREET; (AREA 'H') REMAINING PORTION OF LOT 163 IRRREGULAR TRACT EXCEPT 182.63 SF IN THE SE CORNER FOR STREET; (AREA 'I') REMAINING PORTION OF LOT 212 EXCEPT 3,741 SF FOR ROAD IN THE SE, ALL LOCATED IN THE S 1/2 OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 7 EAST, OF THE 6TH P.M. LANCASTER COUNTY, NEBRASKA.

## WAIVER LIST:

- MAXIMUM BUILDING HEIGHT FROM 40 FEET TO 65 FEET FOR ANY NEW ADDITION TO AREA "A" MEASURED FROM THE AVERAGE ADJACENT GRADE OF THE ADDITION TO THE HIGHEST POINT OF THE ADDITION, EXCLUDING NECESSARY MECHANICAL APPURTENANCES.
- PARKING RATIO FOR ALL USES TO 1 STALL PER 300 SQUARE FEET OF GROSS BUILDING SQUARE FOOTAGE UNLESS OTHERWISE NOTED.
- AREA 'H' BUILDING HEIGHT FROM 40 TO 55 FEET PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED TO THE NORTH AND TO THE WEST, EXCEPT IN THE AREA ADJACENT TO THE L.E.S. SUBSTATION. AREA 'I' BUILDING HEIGHT FROM 40 TO 55 FEET PROVIDED THAT AT LEAST A 20 FOOT SETBACK IS PROVIDED ON 66TH ST. & "Q" ST.
- IN AREA 'H' & 'I', 1.4 PARKING STALLS ARE REQUIRED PER DWELLING UNIT AS LONG AS THE TOTAL NUMBER OF APARTMENT UNITS WITH MORE THAN ONE BEDROOM DOES NOT EXCEED 40% OF THE TOTAL NUMBER OF UNITS.

## DEVIATION LIST (AREA 'H'):

- A REDUCTION TO THE MINIMUM SEPARATION DISTANCE BETWEEN ADJACENT CONNECTIONS OF 330' ON N CUTNER BLVD.
- A DEVIATION OF THE REQUIRED 1/4 MILE ACCESS BREAKS ALONG N. CUTNER BLVD. TO UTILIZE EXISTING LEFT HAND CENTER TURN LANE.
- A DEVIATION FOR CONTINUED USE OF THE EXISTING LEFT HAND NORTHBOUND TURN LANE IN N CUTNER (NON-MEDIAN DIVIDED).
- A DEVIATION TO THE REQUIREMENT THAT A RIGHT HAND TURN LANE BE CONSTRUCTED FOR SOUTHBOUND TRAFFIC ON N. CUTNER BLVD.
- A DEVIATION TO MAINTAIN A 20' THROAT LENGTH ON ALL ACCESS POINTS.
- THE UNDERGROUND PARKING GARAGE ENTRY ON N. CUTNER BLVD SHALL BE DESIGNED TO ALLOW TO VEHICLES TO STACK ON THE DRIVEWAY OUT OF THE SOUTHBOUND LANE.

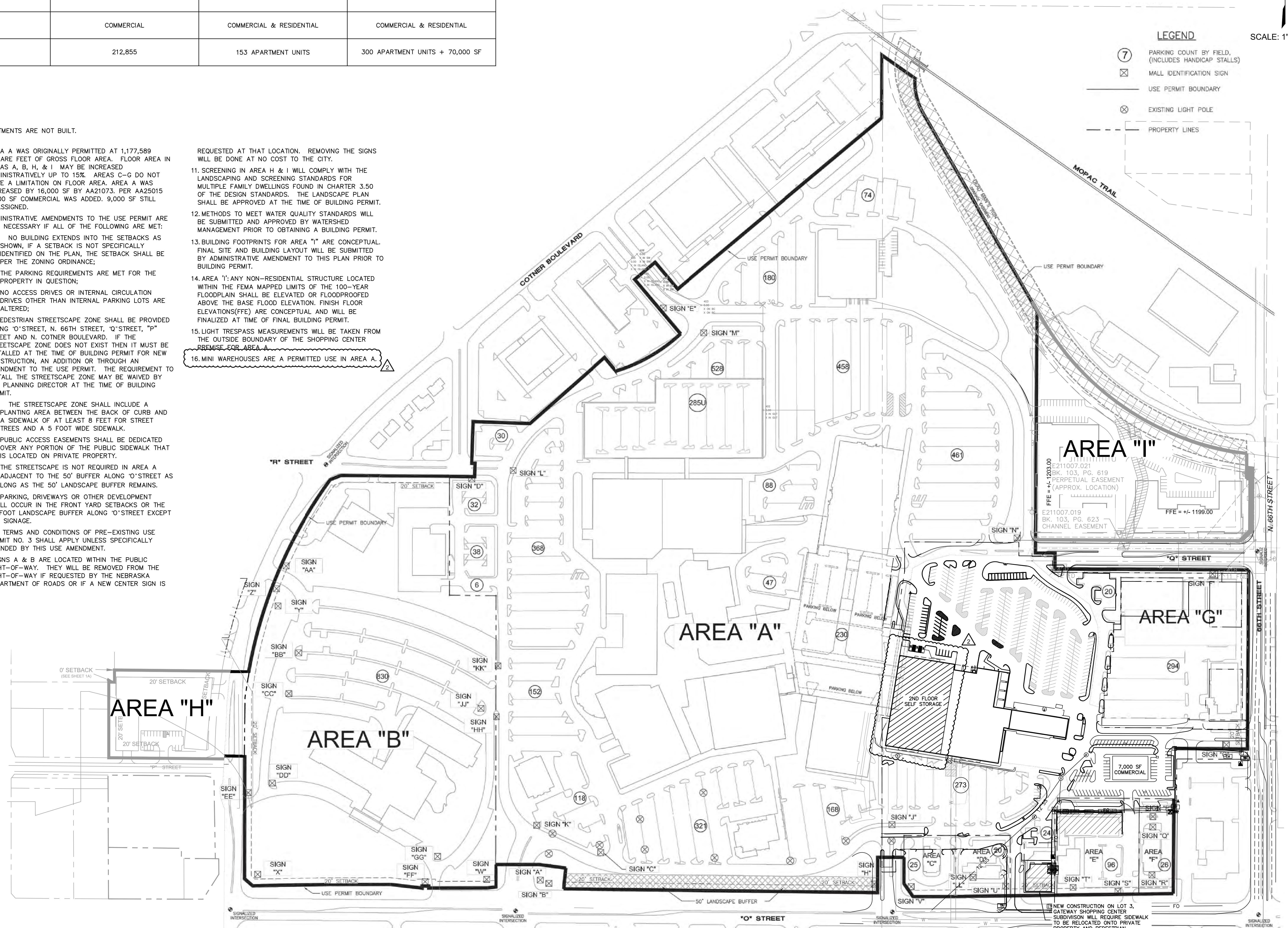
**olsson**  
601 P Street, Suite 200  
Lincoln, NE 68508  
TEL 402-474-6311 www.olsson.com

SCALE: 1" = 120'

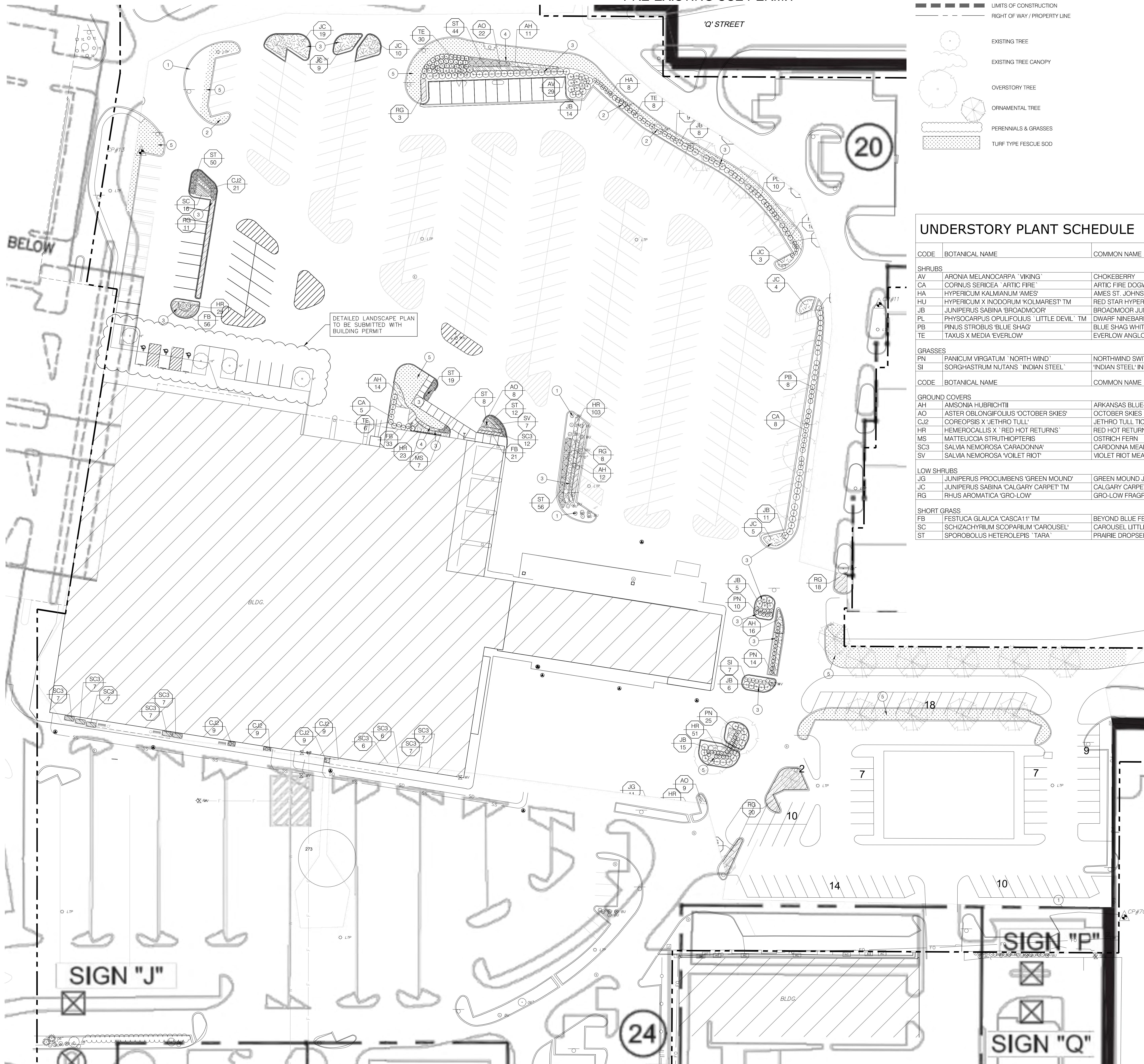
LEGEND  
 PARKING COUNT BY FIELD, (INCLUDES HANDICAP STALLS)  
 MALL IDENTIFICATION SIGN  
 USE PERMIT BOUNDARY  
 EXISTING LIGHT POLE  
 PROPERTY LINES

REV. NO.	DATE	REVISIONS DESCRIPTION
2	1/14/2025	AMENDMENT TO THE USE PERMIT

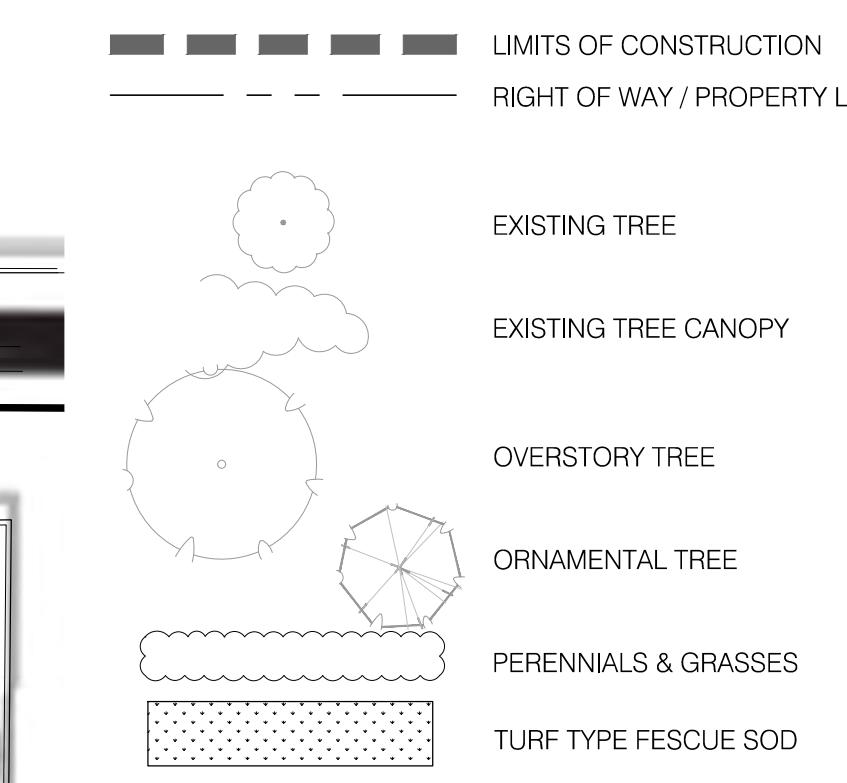
REV. NO.	DATE	REVISIONS DESCRIPTION
2021	2021	GATEWAY SHOPPING CENTER AMENDMENT TO SPECIAL USE PERMIT PUPSAK



# GATEWAY SHOPPING CENTER PRE-EXISTING USE PERMIT

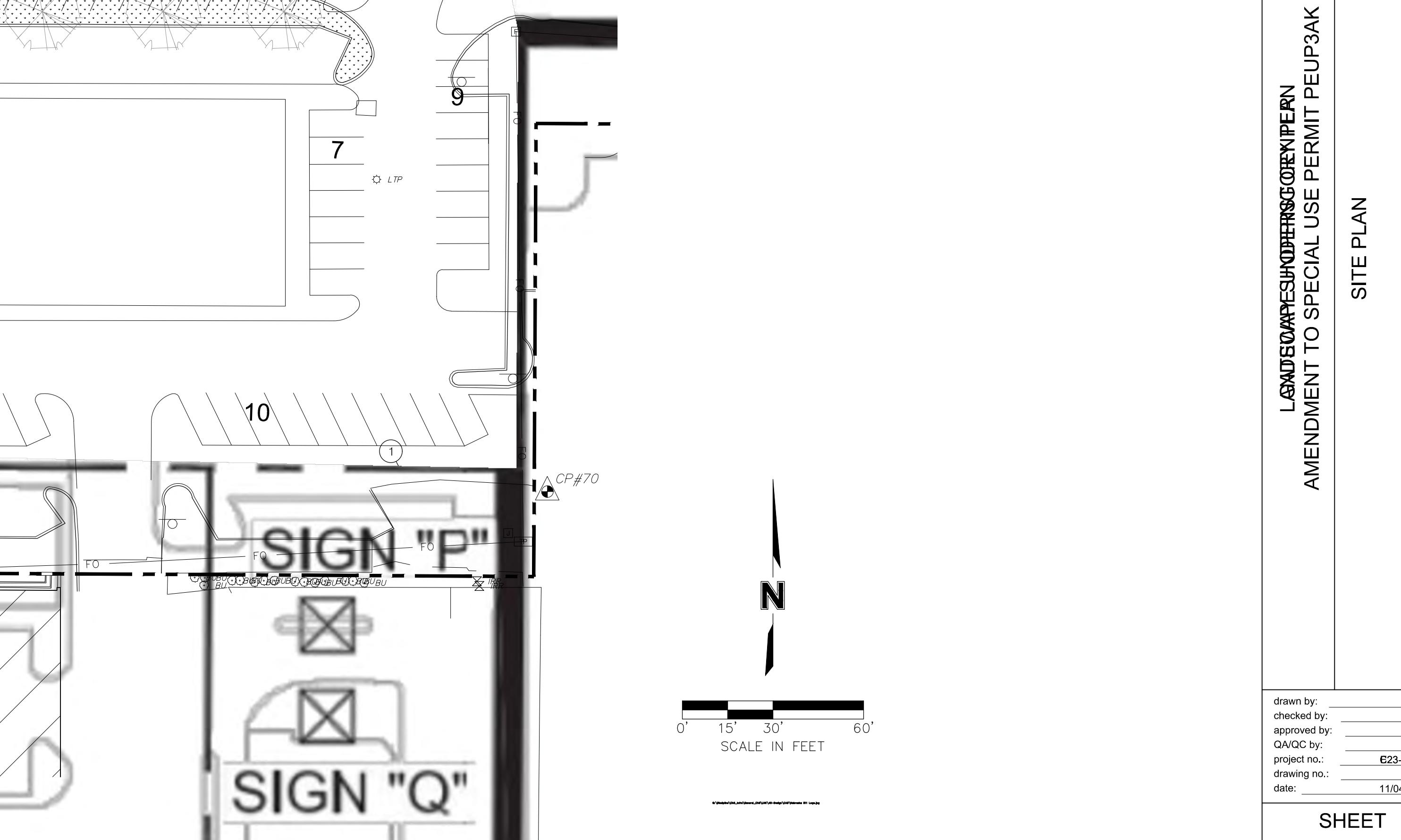


## UNDERSTORY LEGEND:



## UNDERSTORY PLAN NOTES:

CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	MAT. HT.	MAT. SPR.	SPACING
<b>SHRUBS</b>							
AV	ARONIA MELANOCarpa 'VIKING'	CHOKEBERRY	18'-24"	CONT.	5'	5'	60" o.c.
CA	CORNUS SERICEA 'ARTIC FIRE'	ARTIC FIRE DOGWOOD	24'-36"	CONT.	4'	4'	48" o.c.
HA	HYPERICUM ALPINUM 'AMES'	AMES ST. JOHNSWORT	12'-15"	CONT.	3'	3'	36" o.c.
HU	HYPERICUM X INODORUM 'KOLMAREST' TM	RED STAR HYPERICUM	12'-15"	CONT.	3'	3'	36" o.c.
JB	JUNIPERUS SABINA 'BROADMOOR'	BROADMOOR JUNIPER	15'-18"	CONT.	3'	5'	60" o.c.
PL	PHYSOCARPIUS OPULIFOLIUS 'LITTLE DEVIL' TM	DWARF NINEBARK	3'-4"	CONT.	4'	4'	48" o.c.
PB	PINUS STROBIS 'BLUE SHAG'	BLUE SHAG WHITE PINE	5 GAL	CONT.	4'	4'	48" o.c.
TE	TAXUS X MEDIA 'EVERLOW'	EVERLOW ANGLO-JAPANESE YEW	18'-24"	CONT.	3'	4'	48" o.c.
<b>GRASSES</b>							
PN	PANICUM VIRGATUM 'NORTH WIND'	NORTHWIND SWITCH GRASS	1 GAL	CONT.	4'	3'	36" o.c.
SI	SORGHASTRUM NUTANS 'INDIAN STEEL'	'INDIAN STEEL' INDIAN GRASS	1 GAL	CONT.	5'	3'	36" o.c.
<b>CODE</b> BOTANICAL NAME COMMON NAME SIZE CONDITION MAT. HT. MAT. SPR. SPACING							
<b>GROUND COVERS</b>							
AH	AMONIA HUBrichtii	ARKANSAS BLUE-STAR	1 GAL	CONT.	3'	3'	36" o.c.
AO	ASTER OBONGIFOLIUS 'OCTOBER SKIES'	OCTOBER SKIES FALL ASTER	1 GAL	CONT.	1.5'	2.5'	30" o.c.
CJ2	COREOPSIS X 'JETHRO TULL'	JETHRO TULL TICKSEED	1 GAL	CONT.	1.5'	1.5'	18" o.c.
HR	HEMEROCALLIS X 'RED HOT RETURNS'	RED HOT RETURNS DAYLILY	1 GAL	CONT.	2'	1.5'	18" o.c.
MS	MATTEUCCIA STRUTHIOPERIS	OSTRICH FERN	1 GAL	CONT.	5'	4'	48" o.c.
SC3	SALVIA NEMOROSA 'CARADONNA'	CARDONNA MEADOW SAGE	1 GAL	CONT.	1.5'	2'	24" o.c.
SV	SALVIA NEMOROSA 'VIOLET RIOT'	VIOLET RIOT MEADOW SAGE	1 GAL	CONT.	2'	2'	24" o.c.
<b>LOW SHRUBS</b>							
JG	JUNIPERUS PROCUMBENS 'GREEN MOUND'	GREEN MOUND JAPANESE GARDEN JUNIPER	5 GAL	CONT.	1'	5'	60" o.c.
JC	JUNIPERUS SABINA 'CALGARY CARPET' TM	CALGARY CARPET JUNIPER	15'-18"	CONT.	1'	5'	60" o.c.
RG	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	18'-24"	CONT.	1'	5'	60" o.c.
<b>SHORT GRASS</b>							
FB	FESTUCA GLAUCA 'CASCA11' TM	BEYOND BLUE FESCUE	1 GAL	CONT.	1'	1.5'	18" o.c.
SC	SCHIZACHYRIUM SCOPARIUM 'CAROUSEL'	CAROUSEL LITTLE BLUESTEM	1 GAL	CONT.	2'	2'	24" o.c.
ST	SPOROBOLUS HETEROLEPIS 'TARA'	RAIRY DROPSIDE	1 GAL	CONT.	2'	2'	24" o.c.

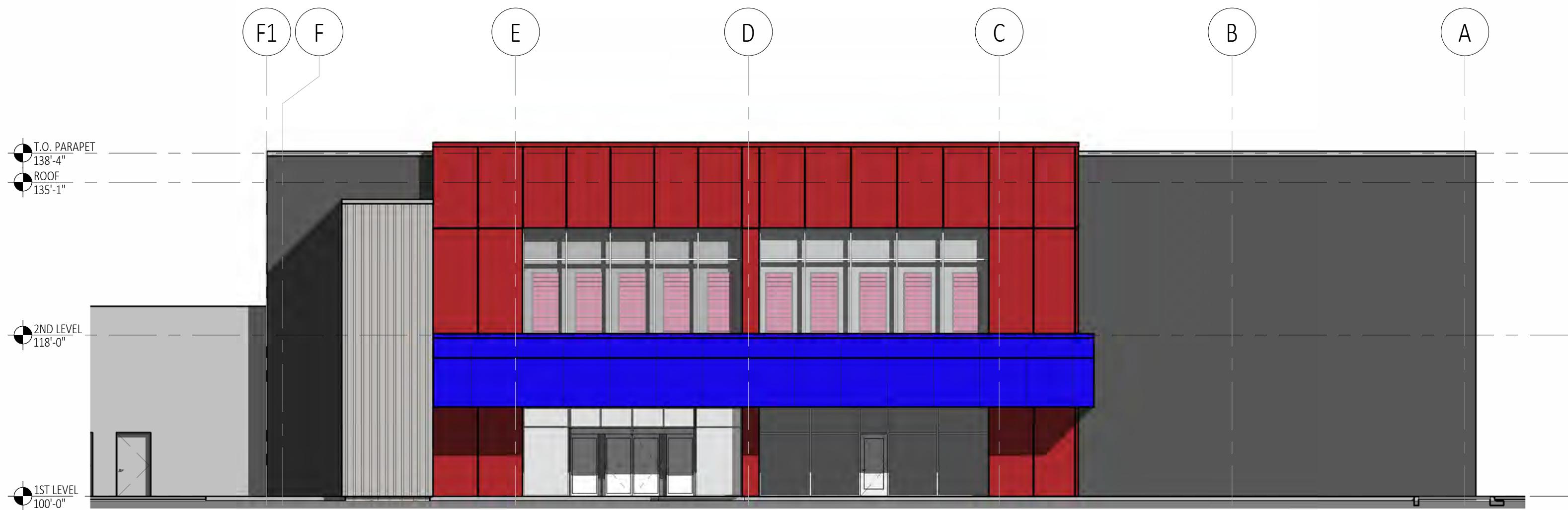




Exterior Render  
LINCOLN, NE  
11/03/25

LINCOLN STORAGE CONVERSION

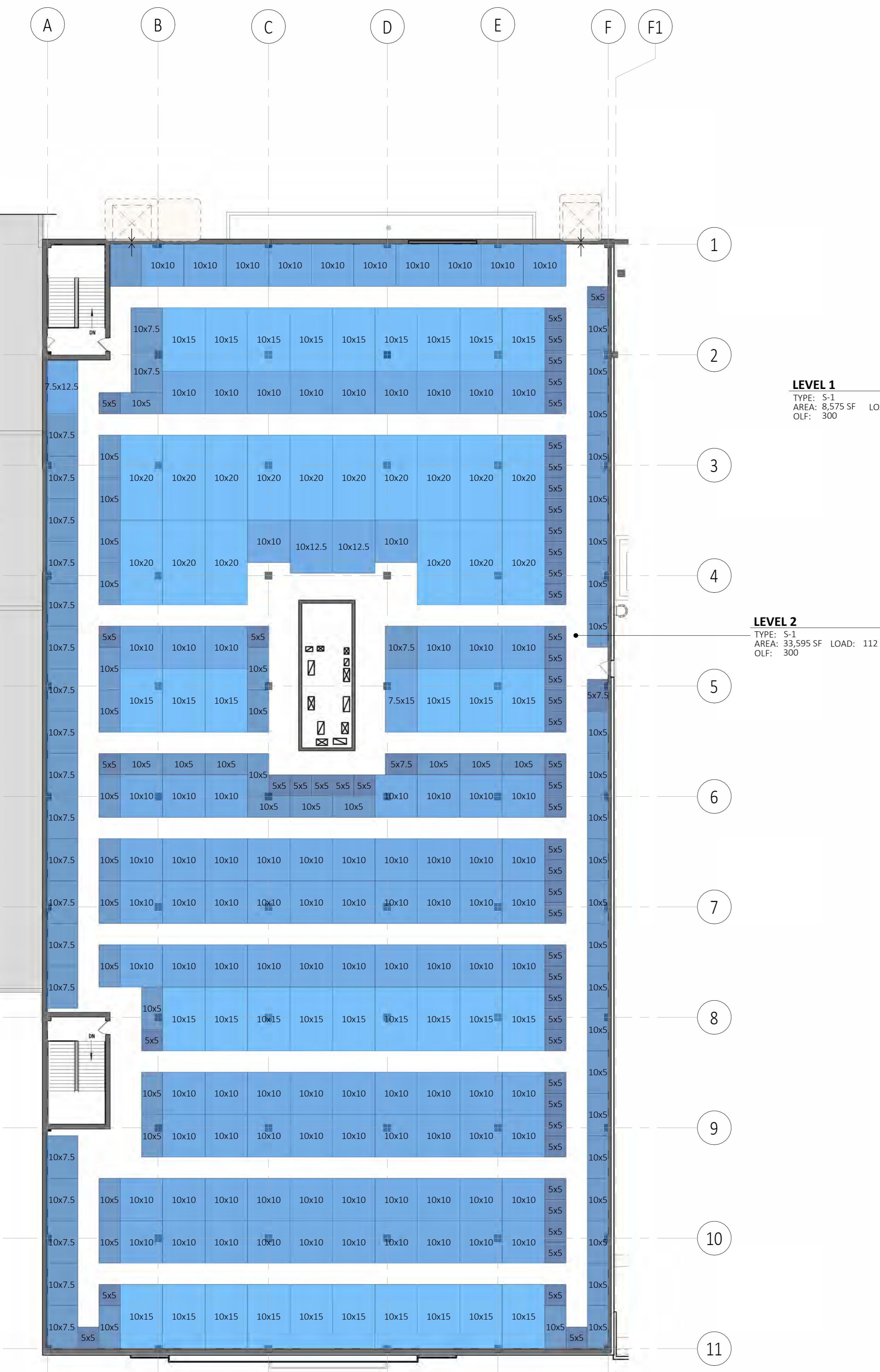




CONCEPTUAL EXTERIOR ELEVATION  
LINCOLN, NE  
10/31/25

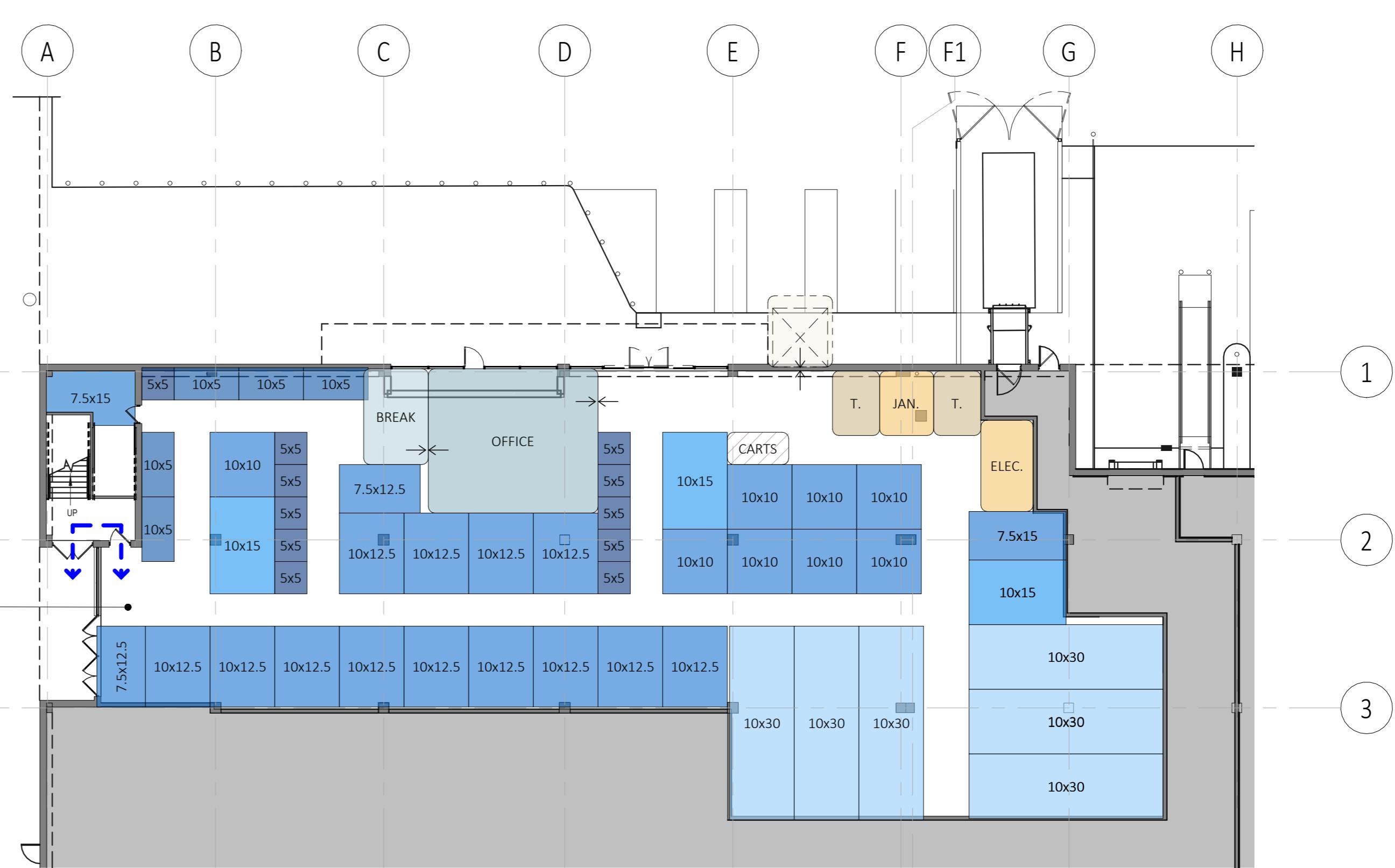
LINCOLN STORAGE CONVERSION

MH  
MOHAGEN HANSEN  
Architecture | Interiors



**LEVEL 1**  
TYPE: S-1  
AREA: 8,575 SF  
OLF: 300  
LOAD: 29

**LEVEL 2**  
TYPE: S-1  
AREA: 33,595 SF  
OLF: 300  
LOAD: 112



**UNIT MIX - LEVEL 1**

OCCUPANCY SCHEDULE - UNIT MIX					
BUILDING USE	OCC. TYPE	AREA	OCC. LOAD FACTOR	OCC. LOAD	# OF EXITS REQ'D
1ST LEVEL	STORAGE	S-1	8,575 SF	300	29
2ND LEVEL	STORAGE	S-1	33,595 SF	300	112
			GRAND TOTAL	42,170 SF	141

UNIT MIX PER FLOOR				
UNIT TYPE	COUNT	% BY COUNT	UNIT AREA	% BY AREA
LEVEL 1				
5x5	11	0%	25 SF	1%
7.5x12.5	2	1%	94 SF	1%
7.5x15	2	1%	113 SF	1%
10x5	5	2%	50 SF	1%
10x10	8	0%	100 SF	3%
10x12.5	13	3%	125 SF	5%
10x15	3	1%	150 SF	1%
10x25	1	0%	250 SF	1%
10x30	6	2%	300 SF	6%
51	51			
LEVEL 2				
5x5	53	17%	25 SF	4%
5x7.5	2	1%	38 SF	0%
7.5x12.5	1	0%	94 SF	0%
7.5x15	1	0%	113 SF	0%
10x5	53	17%	50 SF	9%
10x7.5	24	8%	75 SF	6%
10x10	102	32%	100 SF	33%
10x12.5	2	1%	125 SF	1%
10x15	34	11%	150 SF	17%
10x20	16	5%	200 SF	10%
288	288			
	339			

UNIT MIX TOTAL				
AVERAGE UNIT AREA: 91 SF LEASE/GROSS %: 72.6%				
UNIT TYPE	COUNT	% BY COUNT	UNIT AREA	% BY AREA
5x5	64	17%	25 SF	5%
5x7.5	2	1%	38 SF	0%
10x5	58	18%	50 SF	9%
10x7.5	24	8%	75 SF	6%
7.5x12.5	3	1%	94 SF	1%
10x10	110	32%	100 SF	36%
7.5x15	3	1%	113 SF	1%
10x12.5	15	3%	125 SF	6%
10x15	37	11%	150 SF	18%
10x20	16	5%	200 SF	10%
10x25	1	0%	250 SF	1%
10x30	6	2%	300 SF	6%
	339			

0 8' 16' 32'  
SCALE: 1/16" = 1'-0"

U001



## 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  
Text Amendment #25014

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
December 3, 2025

RELATED APPLICATIONS  
None

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

The proposed application is to modify provisions related to the regulations for Early Childhood Care Facilities. This request is an effort to reduce existing provisions which often limit new childhood care facilities within existing neighborhoods. The proposed amendment would modify the provisions for Early Childhood Care Facilities when permitted by a conditional use when located within the AG, AGR, and R-1 through R-8 Residential Zoning Districts and the special permit provisions when located AG, AGR, R-1 through R-8 and I-1 through I-3 Industrial Zoning Districts.

#### JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment aims to modify provisions which often restrict options for new and existing early childhood care facilities to locate within existing residential neighborhoods. Specifically, revised language would allow a higher occupancy for in-home daycares, while providing new opportunities for daycares to utilize existing buildings within residential zoning without the need for a special permit when under 50 children. The amendment is justified as it will reduce the required zoning regulations for early childhood care facilities, making it easier for facilities to find appropriate locations while decreasing the review and permitting time for facilities with 50 or less children.

#### APPLICANT/STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposed text is in conformance with the 2050 Comprehensive Plan by providing more flexibility for keeping existing and encouraging new daycare facilities within residential neighborhoods. Early childhood care facilities are compatible within all residential zoning districts and will continue to be a constant need within the community. The Comprehensive Plan encourages complete neighborhoods which include a wide range of services within close proximity to the residence, including educational and daycare facilities. The amendment also aligns with goals for the reuse of existing structures within neighborhoods, bringing services within walking distance of the surrounding residents.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### The Community in 2050

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

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

### Goals Section

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

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

### Elements Section

#### E1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place.

A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities.

### Policies Section

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

#### Action Steps

1. Promote the preservation, maintenance, and renovation of existing housing and supporting neighborhood uses throughout the City, with special emphasis on low and moderate income neighborhoods.
6. Promote the continued use of residential dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.
9. Implement elements of Complete Neighborhoods for existing neighborhoods.

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

#### Action Steps

4. Provide a mechanism for adjustments in older zoning districts to lot area, height, setbacks, and parking standards, similar to the provisions already available for newer districts.

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

#### Action Steps

6. Explore additional opportunities for streamlining the zoning and building permitting processes.

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.

### **CLIMATE ACTION PLAN SPECIFICATIONS:**

p. 14 Key Initiative - Build a Decarbonized and Efficient Transportation System.

- Continue to encourage mixed-use development in the Comprehensive Plan.
- Consider Transit Oriented Development policies in the update of the Comp Plan 2050.

### **ANALYSIS**

1. This is a request to amend the Lincoln Municipal Code (LMC) Chapter 27.62.080 Education and Instruction Use Group and 27.63.070 for the Early Childhood Care Facilities. This amendment pertains to early childhood care facilities allowed in the AG, AGR and R-1 through R-8 Residential zoning districts, with a slight modification to daycare facilities allowance in I-1 Industrial. Currently, there are two options for allowing a daycare use in AG, AGR and R-1 through R-8 zoning districts starting as a Conditional Use, with the option to apply for a Special Permit if certain provisions cannot be met within the conditional allowance.
2. In the LMC Use Group Table, Early Childhood Care Facility is conditionally allowed in AG, AGR, and in the R-1 through R-8 Residential zoning districts. Chapter 27.62.080 for Education and Instruction Use sets the provisions for when this use can be conditionally allowed. Currently the maximum number of children allowed within a daycare occupied as a residence, or often referred to as an in-home daycare is 15 children before a special permit is then required. This amendment would increase the allowed maximum to 20 children for additional flexibility. It is important to note that the State of Nebraska Department of Health and Human Services requires an application and licensing review for daycares at a statewide level. This amendment to the LMC gives more flexibility for an in-home daycare to increase occupancy but does not bypass any required state or any life and safety code requirements that may be required as occupancy is increased. As the daycare occupancy could be increased by the homeowner, they would likely need to make modifications to the home for life and safety codes once over 12 children as they are then classified as a Child Care Center with DHHS and building code review.
3. An additional change within the conditional provisions of LMC 27.62.080 proposes adding condition (b) to allow an exception for early childhood care facilities to be located within a nonresidential building in the AG, AGR, R-1 through R-8 conditionally for up to 50 children. Within this provision, specific requirements related to the building must be met including the requirement that the building was existing before January 1, 2026, and previously or currently used as a place of religious assembly, private or public school, club, or neighborhood services. If the conditions are met, parking would not be required for the site. This added text would allow for existing buildings within residential neighborhoods such as churches, community centers, and clubs to serve as future daycare facilities for up to 50 children. This added flexibility will help daycare facilities utilize available space and larger buildings which are often located within existing neighborhoods, close to surrounding residential, schools and parks. If the facility requested to have 51 or more children on site, a special permit would then be required.
4. This amendment also includes changes to LMC 27.62.070 for Early Childhood Care Facilities which outlines the provisions for allowing a special permit. Currently, a special permit is required for daycares in residential districts if an in-home daycare has 16 or more children, or if the daycare is located within a nonresidential building in the AG, AGR, R-1 through R-1 districts. With the changes to LMC 27.62.080, the in-home daycare occupancy limit will be increased to 20, meaning the special permit will be required for a residence with 21 or more children and for a nonresidential building with 51 or more children.
5. The main changes within the special permit provisions relate to referencing the Design Standards Chapter 3.90 for Early Childhood Care Facilities, as language will be removed within the LMC and Design Standards Chapter 3.90 requiring a

conversion plan for facilities in residential neighborhoods and that facilities with 21 or more children be located on a collector or arterial street. Eliminating this language will provide more flexibility for daycares to locate within neighborhoods, as many of the existing buildings suitable for a daycare facility within established neighborhood are often not located on collector or arterial roadways. This is a common waiver requested by childhood care facilities as it is often hard to meet this requirement and locate a daycare within an existing neighborhood. In effort to encourage the reuse and joint use of existing nonresidential buildings, many of these structures are often located within the established neighborhoods and not on larger collector or arterial streets.

6. In addition, this amendment to 27.62.070 will add additional text related to daycare facilities in I-1 Industrial zoning. Today a daycare provider can apply for a special permit to operate in I-1 zoning, the most intensive industrial zoning district. An early childhood care facility is considered as a vulnerable population and should be discouraged from locating in I-1 due to the more intensive industrial uses that would be permitted to operate in close proximity to the facility. This modification proposes limiting this allowance to allow an early childhood care facility through an approved special permit in I-1, only when the facility is accessory to a permitted I-1 use. This would allow for a company operating in I-1 zoning to obtain a special permit for an on-site daycare, often used as a benefit for their employees and children of the employees. This change would also require any proposed special permit for a daycare located in or within 300 feet of the I-1 zoning district to supply the Health Department with additional application information including an Emergency Evacuation Plan, internal air quality control and review of the surrounding I-1 uses, including the surrounding storage and use of hazardous chemicals.
7. Across the City daycares can range from large facilities, some over 100 children often located in commercial zoning districts to smaller daycares settings within a residential dwelling. Recently providers are looking for different options to locate within existing neighborhoods, often within existing and established neighborhoods. In the past year special permits have been approved for daycares facilities to occupy portions of existing churches that have extra space which is rented out to a daycare provider. The changes proposed in this amendment would make this specific scenario easier for a provider to obtain approval for the daycare use on the site, as it would be conditionally approved if there were 50 children or less.
8. The proposed text amendment is consistent with the 2050 Comprehensive Plan by modifying the existing daycare provisions and granting more flexibility in allowing an early childhood care facility. This supports goals within the Comprehensive Plan related to complete neighborhoods with services being located within a walkable distance to the residences, including common needs such as schools, daycares, and retail services. With this amendment related primarily to AG, AGR, R-1 through R-8 zoning districts, it aligns with goals of providing options for daycare to expand and utilize existing structures located within residential neighborhoods, promoting the continued or reuse of structures within the city for an important and needed service within the community.

Prepared by Ben Callahan, Planner  
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Date: December 3, 2025

Applicant: David Cary  
Director of Planning & Development Services  
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Lincoln, NE 68508

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Planning & Development Services  
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Lincoln, NE 68508  
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<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared%20Documents/DevReview/TX/25000/TX25001%20B-2%20&%20B-5%20On%20Sale%20Alcohol.bmc.docx>

## **27.06.080 Education and Instruction Use Group.**

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

**a. Early childhood care facilities** are allowed in the AG, AGR, R-1 thru R-8 zoning districts under the following conditions:

1. No more than a maximum of ~~fifteen twenty~~ children shall be present in the facility at any time;
2. In the AG, AGR, and R-1 thru R-8 zoning districts:
  - i. Such facilities shall be used as the ~~permanent residence~~ of the licensed child care provider;
  - ii. If the facility is located in a ~~mobile home~~, the facility shall have a severe weather emergency action plan approved by the Health Department.

**b. Early childhood care facilities are allowed in nonresidential buildings, within the AG, AGR, R-1 thru R-8 zoning districts under the following conditions:**

- i. The building was existing before January 1, 2026.
- ii. The building was previously used or is currently used as a place of religious assembly, private or public school, club, or neighborhood support services.
- iii. There are no more than 50 children in the early childhood care facility,
- iv. Notwithstanding Chapter 27.67 of the Lincoln Municipal Code, there shall be no parking requirements for early childcare facilities permitted under this section.
- v. If the early childhood care facility is accessory to the primary use, then conditions I and ii do not apply.

**c. Private schools** are allowed in the R-1 thru R-8, O-1, O-2, O-3, B-1, B-2, B-3, B-5, H-2 and H-3 zoning districts, provided that no rooms shall be used regularly for housing or sleeping purposes, except when the school is in a single family dwelling.

(NOTE: Early childhood care facilities with ~~sixteen twenty-one~~ or more children and early childhood care facilities with ~~fifteen twenty~~ or fewer children not meeting the specified conditions for the above permitted conditional use may be allowed upon approval of a special permit pursuant to [Chapter 27.63](#)).

(Ord. [21513](#) §7; August 21, 2023; Ord. [21401](#) §6; January 23, 2023; Ord. [19733](#) §30; June 25, 2012).

## **27.63.070 Early Childhood Care Facilities.**

Early childhood care facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, I-1, I-2, or I-3 zoning districts under the following conditions:

- a. The application shall be accompanied by the following information:
  1. The number of children and number of staff members on the largest shift;
  2. A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of ~~parking spaces~~, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.
  3. ~~If the proposed facility is for twenty-one or more children and is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.~~
- b. Prior to occupancy, such facilities shall comply with all applicable state and local early childhood ~~care~~ and ~~building~~ requirements.
- c. ~~Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.~~
- d. The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.
- e. The parking and loading/unloading area for such facilities shall comply with the provisions of [Chapter 27.67](#) of the [Lincoln Municipal Code](#). ~~In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.~~
- f. The facility shall not be located within the I-1 zoning district unless it is accessory to a permitted I-1 use.
  1. If the proposed facility is located in or within 300 feet of an industrial district, the applicant shall submit an evacuation plan and internal air quality control to the Health Department, for its review and recommendation. The Health Department will review information on the storage and use of hazardous chemicals in the vicinity. ~~and evacuation plans and internal air quality control.~~
- g. The City Council may modify these conditions, except for condition (b).

(Ord. [21513](#) §8; August 21, 2023: Ord. [18480](#) §2; December 20, 2004: Ord. [17232](#) §12; August 18, 1997: Ord. [16894](#) §2; November 2, 1995: Ord. [16854](#) §42; August 14, 1995: Ord. [16606](#) §3; May 9, 1994: Ord. [15368](#) §18; December 18, 1989: Ord. [14728](#) §3; August 10, 1987: Ord. 14576 §1; January 5, 1987: Ord. 14192 §3; September 3, 1985: Ord. 14023 §1; January 14, 1985: Ord. 12571 §310; May 8, 1979).

## **CHAPTER 3.90 DESIGN STANDARDS FOR EARLY CHILDHOOD CARE FACILITIES**

*The Planning Department is assigned responsibility for administration of these design standards.*

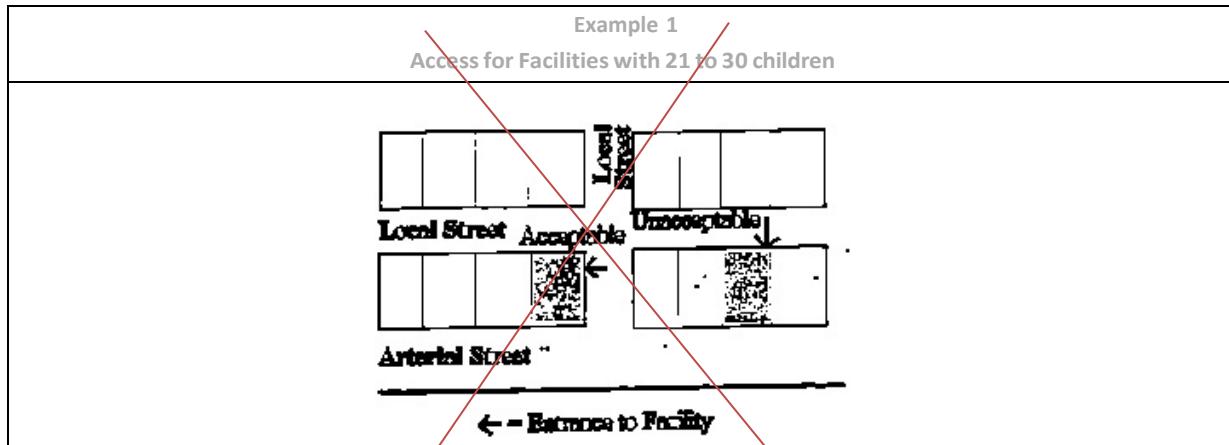
### **Section 1. PARKING STANDARDS FOR RESIDENTIAL DISTRICTS**

#### **1.1 Facilities with 20 or fewer children**

~~Allowed to have access to the facility from local and collector streets, or from an arterial street if the facility only has frontage on an arterial and all required parking stalls allow for entering and exiting the street in a forward motion.~~

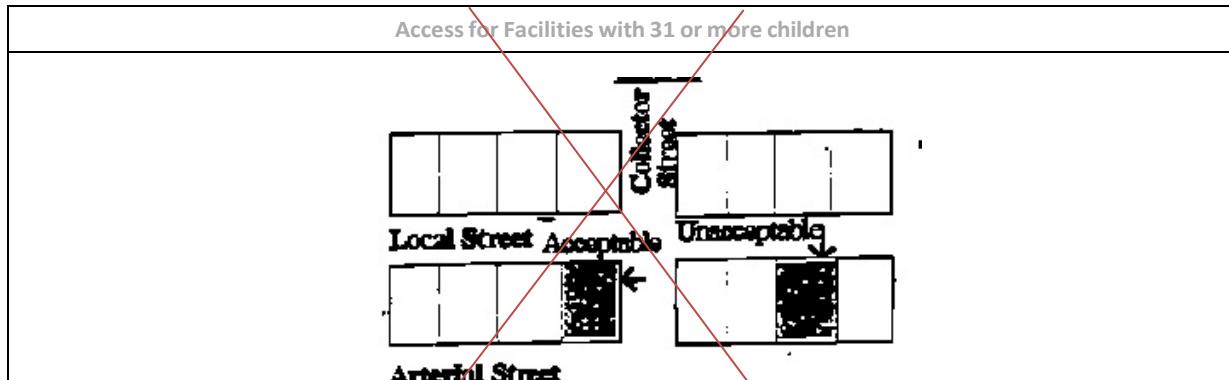
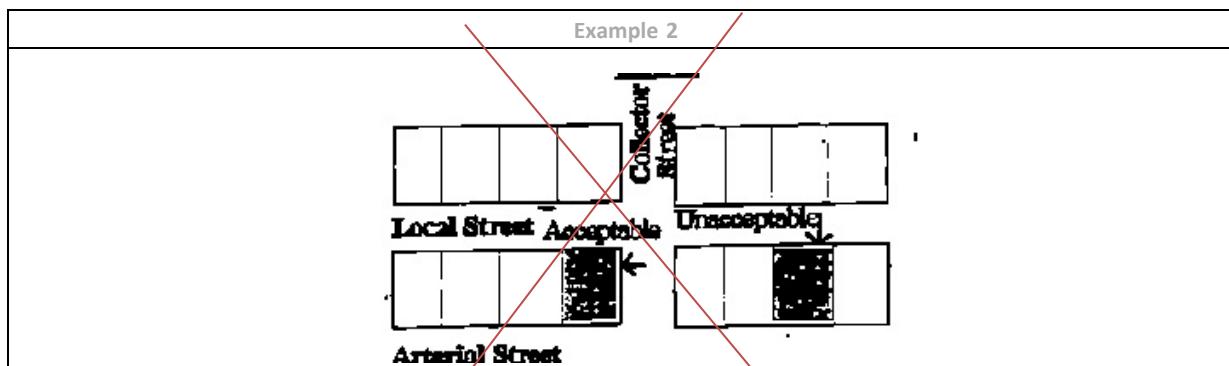
#### **1.2 Facilities with 21 to 30 children**

~~The applicant's lot must have frontage on a collector or arterial street. If the applicant's lot is a corner lot fronting on an arterial street and either a local or collector street, access to the facility is prohibited from the arterial street.~~



#### **1.3 Facilities with 31 or more children**

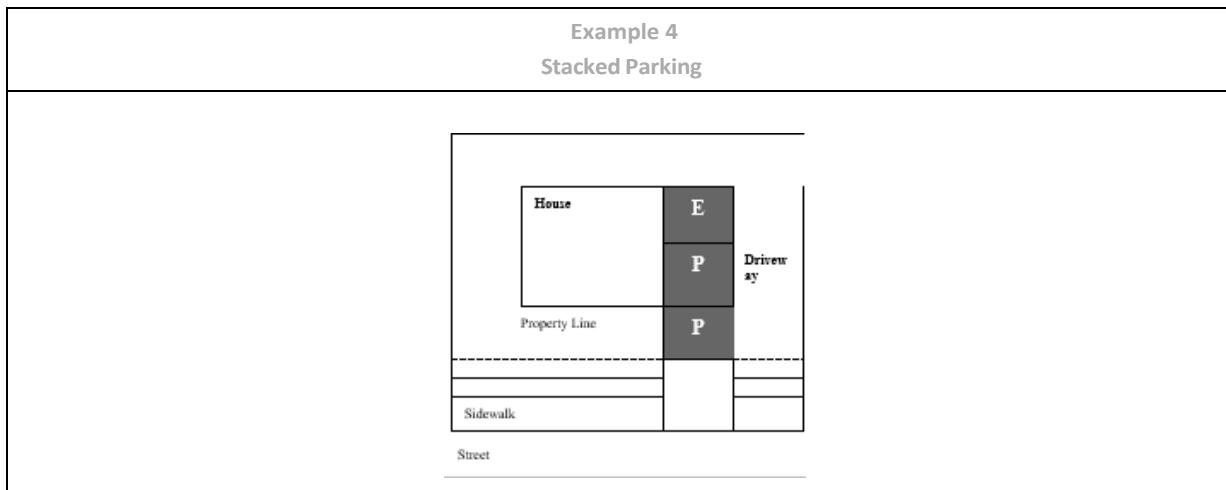
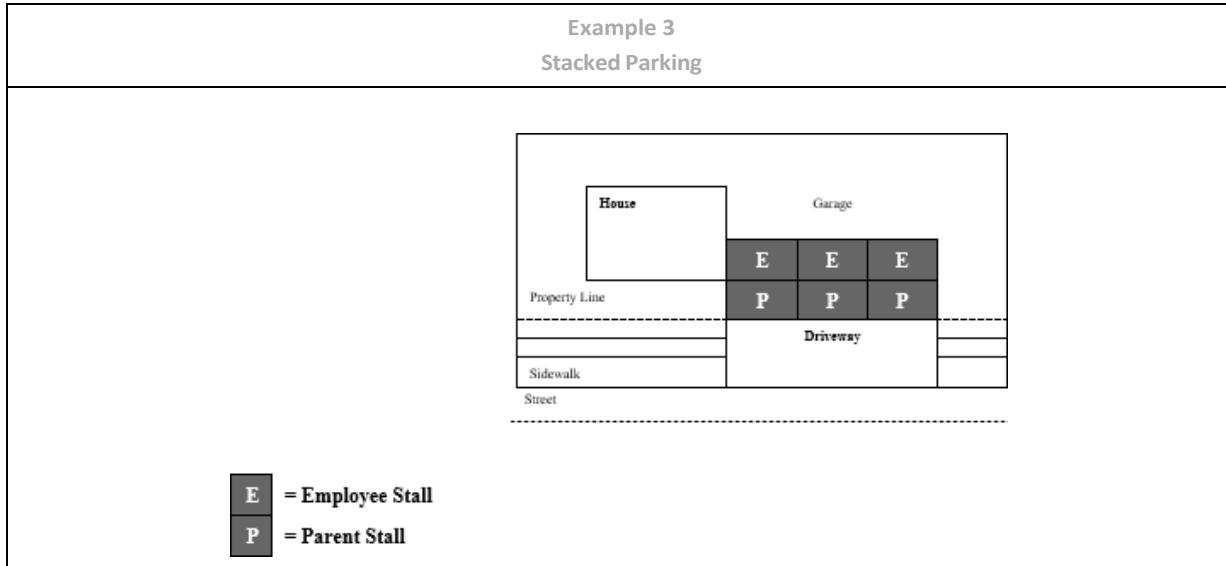
~~The applicant's lot must have frontage on an arterial street. Access to the facility is allowed from a collector street if the applicant's lot is a corner lot with frontage on the collector and arterial street.~~



## 1.4 Stacked Parking

For facilities with 30 or fewer children, stacked parking is allowed. Employees may be allowed to park behind other employee stalls. Unloading and loading stalls for parents may also be allowed to park behind employee stalls.

Parking stalls in driveways must have a minimum depth of 22 feet and shall not extend beyond the property line into the right-of-way.



## 1.5 Backing onto Arterials

Facilities with 13 or more children, taking access solely to an arterial street, will not be allowed unless all required stalls enter and exit the street in a forward motion.

## 1.6 Alley Access

Access to any child care facility solely from an alley is prohibited.

## Section 2. CENTER LAYOUT AND DESIGN

### 2.1 Fencing requirement for playground areas for facilities with ~~13~~ 20 or more children

When playgrounds are provided adjacent to a residential use, they shall be entirely fenced in with a minimum of a 6 foot high opaque fence or wall for the children's safety and to minimize the visual and noise impacts of the facility.

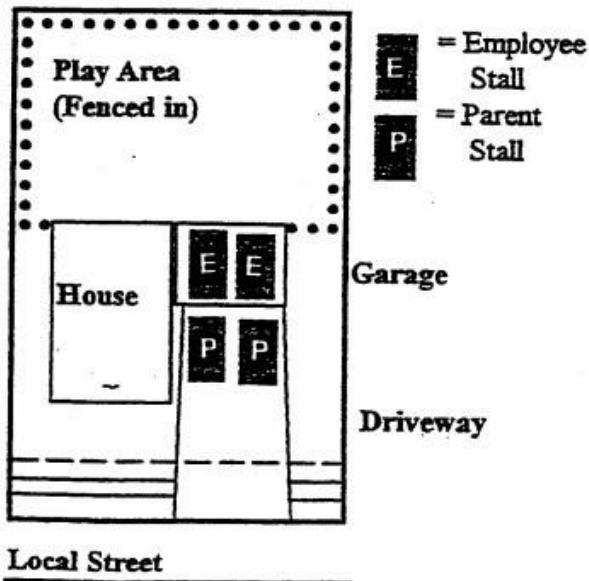
A non-opaque fence (such as chain link) may be used if evergreen plants, covering 100% of the area from 0 to 6 feet in height are planted between the fence and property line. Plant material must be at least 6 feet high at planting. Fencing adjacent to a public park does not need to be opaque.

## 2.2 Playground access for facilities with 13-20 or more children

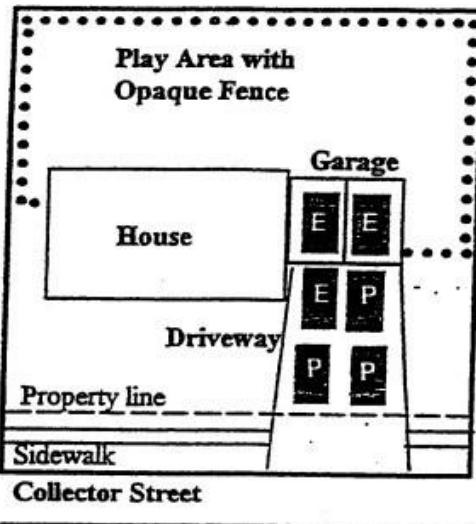
When playgrounds are provided, children shall not be allowed to cross driveways, alleys, streets, parking lots or other hazardous areas in order to move from the child care facility to the play area. The route from the facility to the playground shall be fenced or enclosed.

Example 5  
Facilities with 13-20 Children

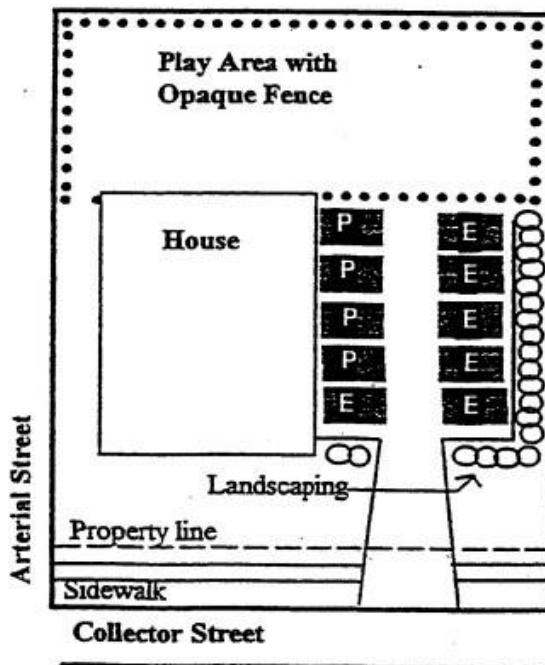
Example 5: Facilities with 13-20 children



Example 6: Facilities with 21 to 30 children



Example 7: Facilities with 31 or more children



### Section 3. CONVERSION PLANS FOR FACILITIES

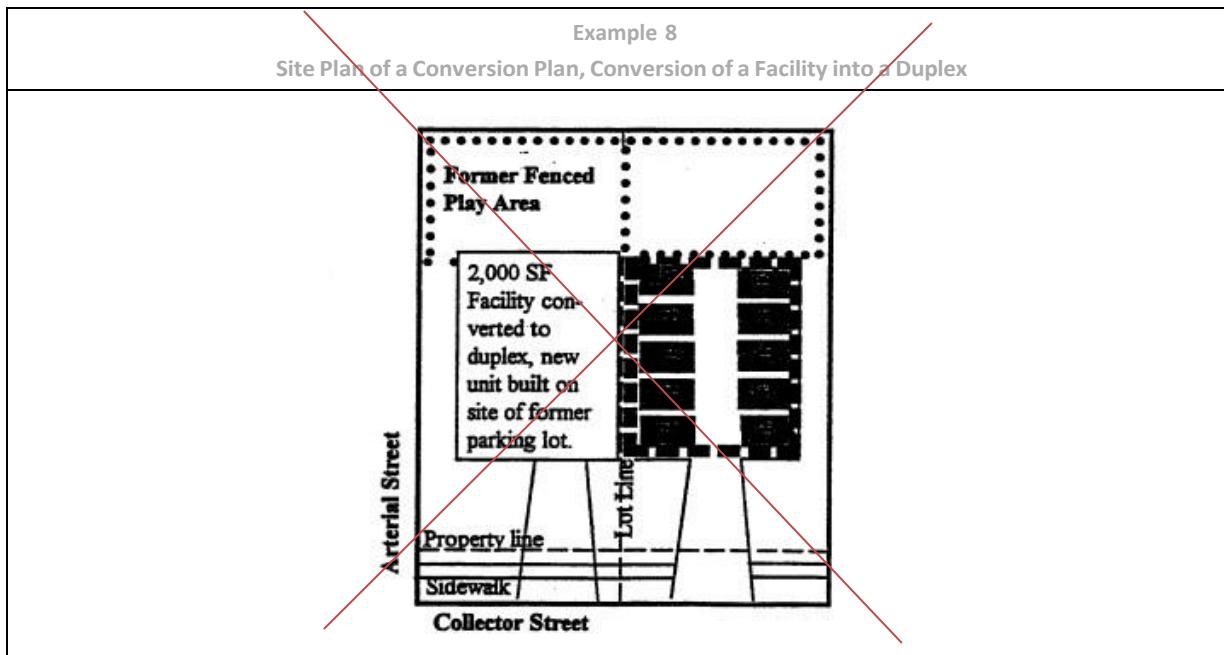
#### 3.1 Facilities with 31 or more children in residential districts

Application Material Required. Applicants must provide the following additional information:

1. A site plan showing the proposed building layout including total floor area.
2. A site plan showing the proposed building after the child care facility has left showing the layout for a residential use allowed by right in the abutting district.
3. An elevation of the proposed building for any side facing a public or private street.

### 3.2 Conversion Plan Review

Child care facilities shall be designed in such a way that they may be reasonably converted to a residential use allowed by right, that is compatible with the surrounding residential area. In determining compatibility, the following items shall be used to judge if the project could be compatible: building size in relation to adjacent existing or future residences, physical appearance in relation to adjacent properties, future use of parking area, lot size in relation to adjacent properties and compatibility of land use.



Section 4. Examples 1 through 8 above are for example only and are not design standards.



November 4, 2025

Beginning in early 2025, the Planning Division started internal discussion regarding the Early Childhood Care Facility use group and existing zoning provisions. Over the past year the Planning Division has received multiple inquiries from active and potential daycare providers looking for more flexibility, specifically related to occupancy and required parking minimums within existing residential neighborhoods. Since the Covid-19 Pandemic, the number of daycare facilities and providers within the city has fluctuated, keeping a constant need for new and expanding daycare providers. This potential text amendment aims to reduce some of the main impediments such as occupancy limits and parking requirements which often restrict existing sites in older neighborhoods.

This proposed text amendment includes amendments to both the Conditional Use and Special Permit provisions related to allowing childhood care. This amendment is being submitted in an effort to provide more flexibility with allowed occupancy and the reuse of existing building within residential neighborhoods. This would allow buildings such as churches or community centers to be conditionally used for early childhood care for up to 50 children with flexibility to use the existing parking for that building. This amendment will also revise specific conditions with the Design Standards by no longer requiring daycares with over 21 children to be located on collector and arterial roadways.

Additional provisions for the safety of childhood care facilities will be added with this amendment, specifically when a daycare use is near I-1 zoning. This change will only allow a daycare in I-1 zoning by special permit when associated with a permitted I-1 use, serving as an onsite daycare for employees of that business. If a daycare is allowed by special permit and within 300 feet of I-1 zoning, additional information will be required to be submitted by the applicant for review by the Lancaster County Health Department.

Please contact Ben Callahan with Planning & Development Services for additional questions at (402) 441-6360 or at [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)