

# **Lincoln City - Lancaster County**

## **PLANNING COMMISSION AGENDA**

### **PLANNING COMMISSION**

Tracy Edgerton: Chair  
Cindy Ryman Yost: Vice Chair  
Lorenzo Ball  
Dick Campbell  
Tracy Corr  
Maribel Cruz  
Gloria Eddins  
Cristy Joy  
Richard Rodenburg

### **PLANNING STAFF**

David R. Cary: Director  
Shelli Reid: Administrative Aide  
Alexis Longstreet: Office Specialist

## **May 25, 2022**

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, May 25, 2022, at 1:00 p.m. in Hearing Room 112 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.

The Planning Commission will be allowing testimony on agenda items by videoconferencing. For those who wish to testify by video, you must register with the Planning Department Office to participate by calling 402-441-7491 or emailing [Plan@lincoln.ne.gov](mailto:Plan@lincoln.ne.gov) by 10:00 a.m. the day of the meeting. You will be asked to provide your name, address, phone number and the agenda item(s) you wish to speak on, and your position on this item. On the day of the hearing, you will receive a link via email, which will be needed to join the hearing to provide your testimony.

## **AGENDA**

**WEDNESDAY, May 25<sup>th</sup>, 2022**

Approval of minutes of the regular meeting held May 11, 2022.

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

#### **COMPREHENSIVE PLAN CONFORMANCE:**

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 22007, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, an amendment to the Lincoln Center Redevelopment Plan, to revise the "Lincoln Flats/Bank of the West Project" to adjust the project area and availability of TIF to complete additional right-of-way improvements, on property generally located at 1314 O Street.

Page  
01

**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**

#### **TEXT AMENDMENT:**

- 1.2 TEXT AMENDMENT 22001, to amend Lincoln Municipal Code Chapter 27.72, Section 27.72.060 (t) to allow vehicle stacking for drive-in/drive through facilities in the rear yard setback in B-1, B-3, H-1, H-2 and H-3 zoning districts.

Page  
06

**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

- 1.3 TEXT AMEMENDMENT 22003, to amend Lincoln Municipal Code Section 27.06.170, Heavy Commercial Services Use Group to allow truck wash facilities as a permitted use in H-4 and amend Section 27.63.470(a)(25) Planned Services Commercial, pertaining to motor vehicle and/or truck wash facility to remove conditions related to vehicle stacking.  
*Page 19*  
**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

#### **CHANGE OF ZONE AND RELATED ITEMS:**

- 1.4a CHANGE OF ZONE 22010, Local Landmark designation for the Chi Omega House, on property generally located at 480 North 16<sup>th</sup> Street.  
*Page 31*  
**Staff recommendation: Approval**  
**Staff Planner: Stephanie Rouse, 402-441-6373, [srouse@lincolng.ne.gov](mailto:srouse@lincolng.ne.gov)**
- 1.4b SPECIAL PERMIT 22012, Special Permit for Historic Preservation for Setback Reduction, on property generally located at 480 North 16<sup>th</sup> Street. \*\*\* FINAL ACTION \*\*\*  
*Page 55*  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Stephanie Rouse, 402-441-6373, [srouse@lincolnq.ne.gov](mailto:srouse@lincolnq.ne.gov)**

#### **MISCELLANEOUS:**

- 1.5 MISCELLANEOUS 22005, to revoke Special Permit 17027 Tallgrass Hills Community Unit Plan, on property generally located at Southwest 98<sup>th</sup> Street and West Yankee Hill Road.  
*Page 75*  
**Staff recommendation: Revoke Special Permit**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**

#### **STREET AND ALLEY VACATION:**

- 1.6 STREET AND ALLEY VACATION 22001, to vacate existing South 16th Street ROW (Right-of-Way) between Lake Street and Harrison Avenue, as well as an un-named section of ROW extending from Harrison Avenue to Perkins Boulevard, all adjacent to Rudge Park, on property generally located at South 16<sup>th</sup> Street from Lake Street to Harrison Street.  
*Page 81*  
**Staff recommendation: Conforms to the Comprehensive Plan**  
**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**

## **2. REQUESTS FOR DEFERRAL**

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

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

#### **CHANGE OF ZONE:**

- 4.1 CHANGE OF ZONE 22012, for a change of zone from R-1 (Residential) and B-1 (Local Business) to B-1 PUD (Planned Unit Development) for a mixed-use redevelopment of up to 230 multi-family dwellings, and 115,000 square feet of commercial floor area or 150 hotel rooms and 50,000 square feet of commercial floor area, with waivers and adjustments to the Zoning and Subdivision Ordinances, on property generally located at South 27<sup>th</sup> Street and Highway 2.  
*Page 89*  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**

## **COMPREHENSIVE PLAN CONFORMANCE:**

- 4.2      COMPREHENSIVE PLAN CONFORMANCE 22006, to review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Center Redevelopment Plan, to revise the "Gold's Building Redevelopment Project", for redevelopment and rehabilitation of the original Gold and Company Store, along with creation of an Enhanced Employment Area, on property generally located at 1023 and 1033 O Streets between 10<sup>th</sup> and 11<sup>th</sup>, and N and O Streets.

Page  
121

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

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

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

\* \* \* \* \*

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

\* \* \* \* \*

### **Adjournment**

**PENDING LIST:**      *CHANGE OF ZONE 21024, from B-1 (Local Business District) to H-2 (Highway Business District), on property generally located at 4615 Vine Street.*

*PRELIMINARY PLAT 04011A, for a preliminary plat amendment to show a revised street layout, with associated waiver, on property generally located at Waterford Estates Drive and Linwood Lane.*

### **Planning Department Staff Contacts:**

David Cary, <i>Director</i>	402-441-6364	<a href="mailto:dcary@lincoln.ne.gov">dcary@lincoln.ne.gov</a>
Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374	<a href="mailto:shenrichsen@lincoln.ne.gov">shenrichsen@lincoln.ne.gov</a>
Paul Barnes, <i>Long Range Planning Manager</i>	402-441-6372	<a href="mailto:pbarnes@lincoln.ne.gov">pbarnes@lincoln.ne.gov</a>
Benjamin Callahan, <i>Planner</i>	402-441-6360	<a href="mailto:bcallahan@lincoln.ne.gov">bcallahan@lincoln.ne.gov</a>
Collin Christopher, <i>Planner</i>	402-441-6370	<a href="mailto:cchristopher@lincoln.ne.gov">cchristopher@lincoln.ne.gov</a>
Rachel Christopher, <i>Planner</i>	402-441-7603	<a href="mailto:rchristopher@lincoln.ne.gov">rchristopher@lincoln.ne.gov</a>
Tom Cajka, <i>Planner</i>	402-441-5662	<a href="mailto:tcajka@lincoln.ne.gov">tcajka@lincoln.ne.gov</a>
Stacey Hageman, <i>Planner</i>	402-441-6361	<a href="mailto:slhageman@lincoln.ne.gov">slhageman@lincoln.ne.gov</a>
Stephanie Rouse, <i>Planner</i>	402-441-6373	<a href="mailto:srouse@lincoln.ne.gov">srouse@lincoln.ne.gov</a>
Andrew Thierolf, <i>Planner</i>	402-441-6371	<a href="mailto:athierolf@lincoln.ne.gov">athierolf@lincoln.ne.gov</a>
George Wesselhoft, <i>Planner</i>	402-441-6366	<a href="mailto:gwesselhoft@lincoln.ne.gov">gwesselhoft@lincoln.ne.gov</a>
Brian Will, <i>Planner</i>	402-441-6362	<a href="mailto:bwill@lincoln.ne.gov">bwill@lincoln.ne.gov</a>



\* \* \* \* \*

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://app.lincoln.ne.gov/city/plan/boards/pc/pc.htm>

**ACCOMMODATION NOTICE**

*The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.*

## 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 Comprehensive Plan Conformance 22007 <i>Lincoln Flats/Bank of the West Redevelopment Project Amendment</i>	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE May 25, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1314 O Street & surrounding right-of-way

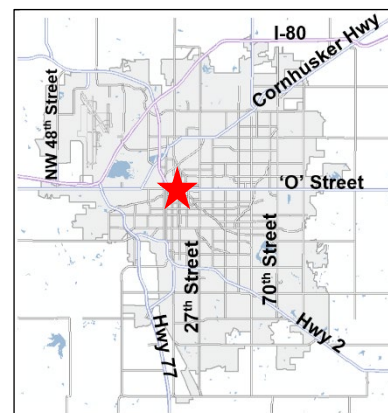
### RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

#### BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Lincoln Flats/Bank of the West Redevelopment Project within the Lincoln Center Redevelopment Plan.

The amendment includes revisions to the existing project area and availability of Tax Increment Financing (TIF) to complete additional right-of-way improvements.

The Redevelopment Project Amendment is on file with the Urban Development Department and the Planning Department. The amended pages (with new text in red) can also be found online on the Planning Application Tracking System (PATs): [CPC22007](https://cpc22007.lincoln.ne.gov).



#### JUSTIFICATION FOR RECOMMENDATION

The original Project was found to be in conformance with the Comprehensive Plan in 2008 with [CPC08023](https://cpc08023.lincoln.ne.gov). This amendment allows for additional streetscape enhancements in the Project area and maintains conformance with the 2050 Comprehensive Plan.

#### APPLICATION/STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The project is consistent with several objectives in the Comprehensive Plan; specifically, it would enhance the character of key entryway corridors and promote continued development in the Greater Downtown Area.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

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

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. It is also emerging as an attractive place to live, becoming an increasingly vibrant mixed-use neighborhood.

### **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.

### **Elements Section**

#### **E6: Placemaking**

##### **Current Practices**

Good urban design includes an attractive streetscape, pedestrian access and comfort, and orientation of buildings, yards, and parking to create a pleasant transition between public and private space.

### **Policies Section**

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

##### **Action Steps**

2. Ensure that new development is compatible with the existing Downtown and is pedestrian-oriented.

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

##### **Action Steps**

- 8a. Attract infill and redevelopment with complementary public improvements such as plazas and enhanced streetscapes.

P35: Entry Corridors - Entryways should be studied, protected, and enhanced to create and express community pride.

##### **Action Steps**

3. Preserve and enhance the character of key entry points and corridors into the City of Lincoln through enhanced landscaping and public art in rights-of-way, and respectful development of adjacent properties.

## **DOWNTOWN MASTER PLAN SPECIFICATIONS:**

p. 4.4.6 The O Street improvements identified in this plan should strengthen and extend the retail, dining and entertainment segments.

p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.

p. 4.6.16 Catalyst Project: Enhance the Front Door to Downtown - includes a façade improvement program, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces.

p. 4.6.17 Streetscape improvements should be made to O Street to create an even more vibrant and lively street. These improvements will attract more people Downtown and will provide a great environment for people already living and working in Downtown.

- p. 4.6.18 The streetscape design should include a cohesive plan for street trees, enhanced pedestrian and street lighting for pedestrians, well-maintained planting areas and medians, amenity zones for seating, entryway enhancements, improved pedestrian crossings, and up-lighting on buildings.
- p. 4.6.18 Short Term Project (0-18 months): Create an O Street Redevelopment District as a funding mechanism for improvements.

#### **LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:**

- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- p. III-9 Encourage the development of a vibrant retail presence.

#### **ANALYSIS**

1. This is an amendment to the Lincoln Flats/Bank of the West Redevelopment Project within the Lincoln Center Redevelopment Plan. The amendment includes revisions to the existing project area and availability of Tax Increment Financing (TIF) to complete additional right-of-way improvements.
2. The original Project was approved in 2008 with [CPC08023](#). The Project converted a commercial building into a commercial first-floor unit and 24 residential condominiums. Lincoln Flats opened in 2013.
3. At the time of the original Project additional improvements to the O Street right of way were desired, but a plan was not in place for those improvements and additional funds were not expected to be available. The Greater Downtown Principal Corridors Revitalization Project was approved in 2020 with [CPC20002](#). Among other things, that Project identified streetscape and right-of-way enhancements for O Street and adjacent blocks.
4. The TIF district associated with the Lincoln Flats/Bank of the West Redevelopment Project is expected to generate up to \$500,000 more in TIF revenue than was calculated in 2008. This Project amendment allows these additional revenues to be used for streetscape enhancements in the Project area to complement implementation of the Greater Downtown Principal Corridors Revitalization Project.
5. This amendment expands the Project area to include the western half of 14<sup>th</sup> Street between O and P to allow for streetscape enhancements in that location. In addition to 14<sup>th</sup> Street, the right-of-way included in this Project includes the north half of O Street between 13<sup>th</sup> and 14<sup>th</sup> Streets, a portion of 13<sup>th</sup> Street, and the mid-block alleyway north of the Lincoln Flats building.
6. An existing goal of the Project is to integrate streetscape and landscape improvements in the Project area and enhance the area's pedestrian-friendly, street-level orientation. Specific streetscape enhancements have not been finalized but will be reviewed by Urban Design Committee. Streetscape elements will also be coordinated with concepts from the Greater Downtown Principal Corridors Revitalization Project. The Greater Downtown Corridors project is intended to have a conceptual master plan finalized by October this year, with construction beginning in the summer of 2023.
7. The original Project was found to be in conformance with the Comprehensive Plan with [CPC08023](#). This amendment maintains conformance with the 2050 Comprehensive Plan by continuing investments that strengthen the Downtown core.

8. The Downtown Master Plan includes a catalyst project to improve the streetscape along the O Street corridor. The amended Lincoln Flats/Bank of the West project is a supporting piece to implementation of the catalyst project.

**EXISTING ZONING:**

B-4 Lincoln Center Business

**EXISTING LAND USES:**

Mixed Use, Public Right-of-Way

**SURROUNDING LAND USE AND ZONING:**

Commercial, Residential, Parking Garage  
B-4 Lincoln Center Business

**APPROXIMATE LAND AREA:** 1.3 acres

Prepared by

---

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

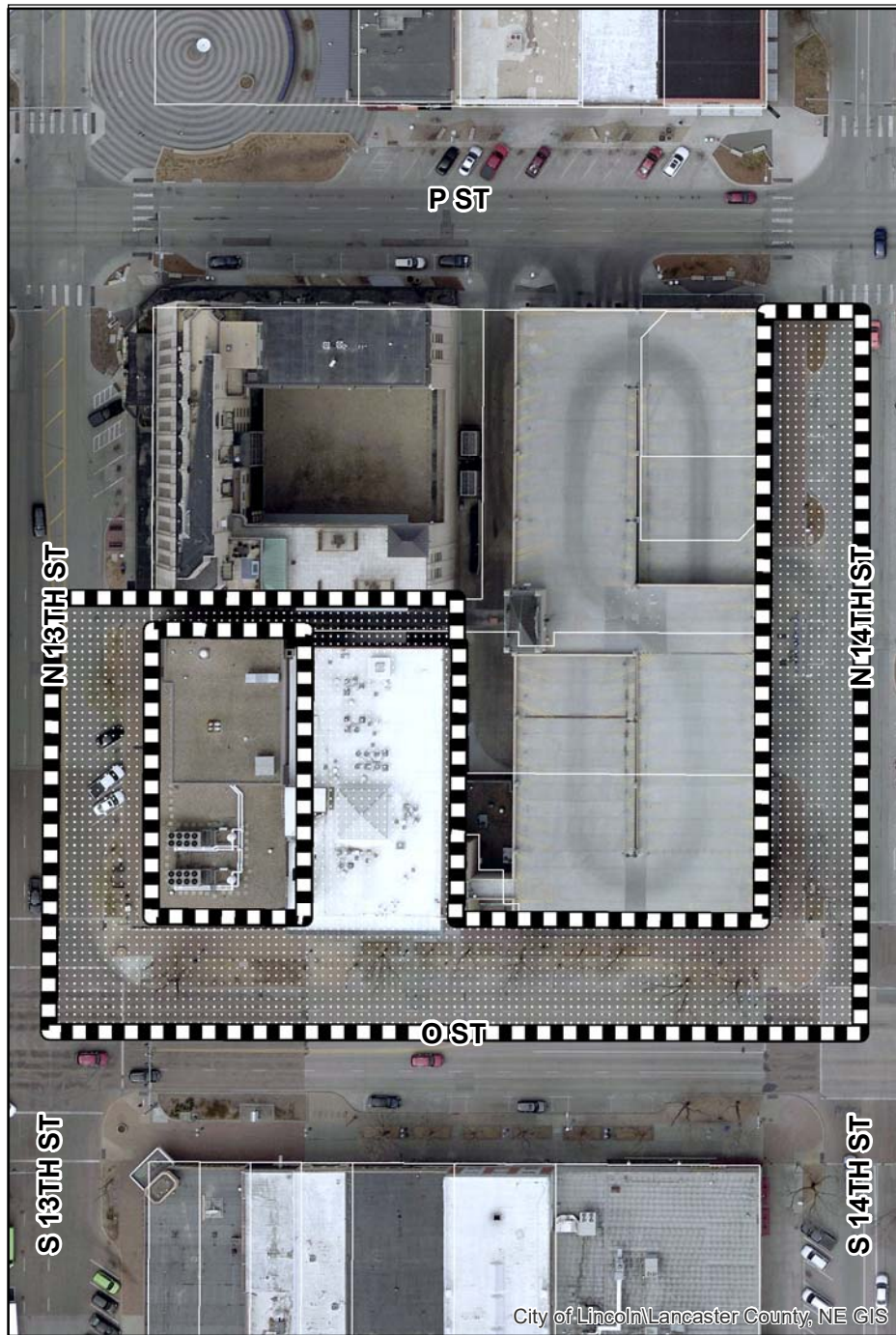
May 16, 2022

Applicant: Urban Development Department  
City of Lincoln  
555 S. 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508

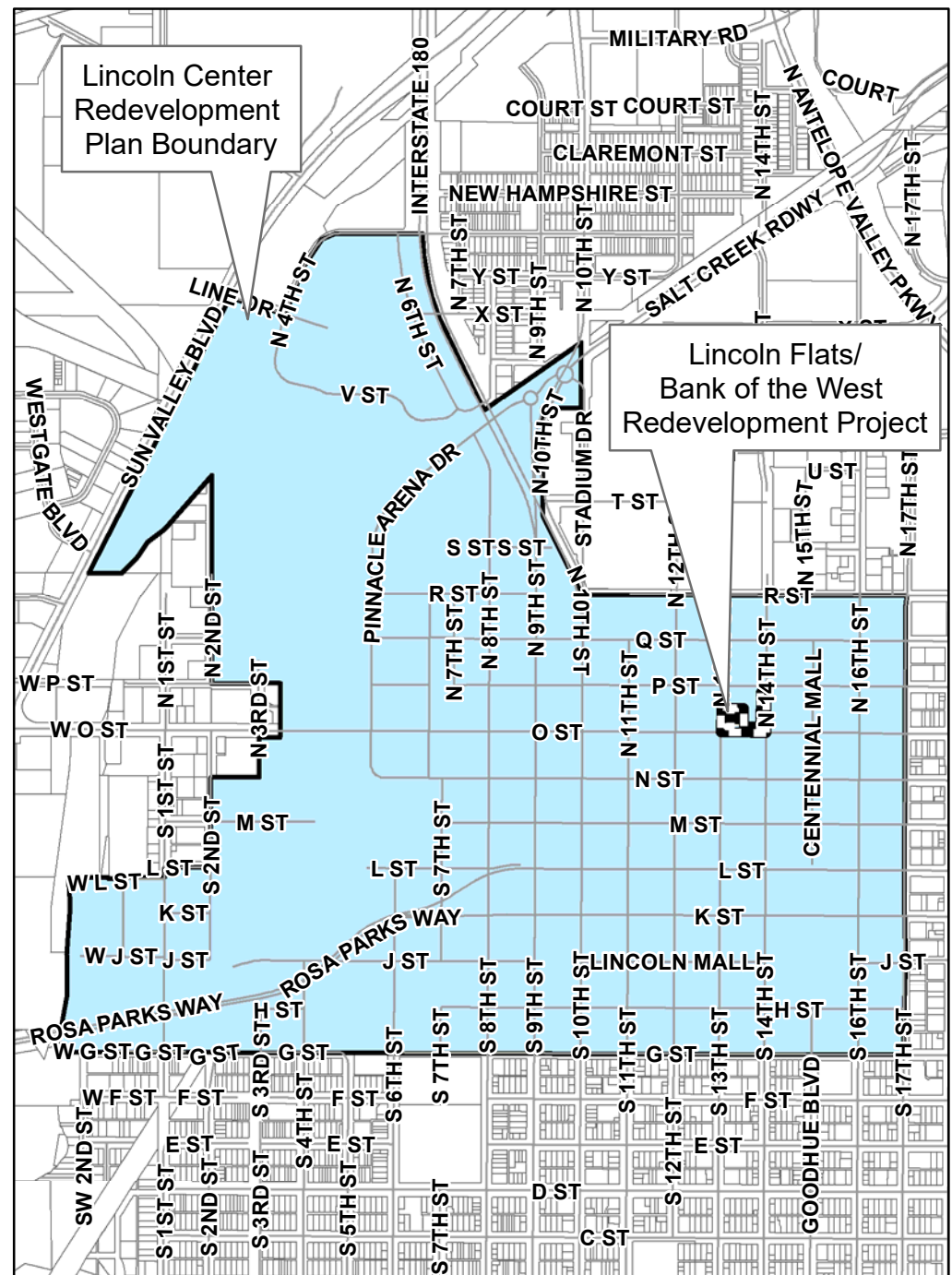
Contact: Hallie Salem  
(402) 441-7866 or [hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov)

[https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/22000/CPC22007 Lincoln Flats\\_Bank of the West Redevelopment Project.adt.docx](https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/22000/CPC22007 Lincoln Flats_Bank of the West Redevelopment Project.adt.docx)





City of Lincoln\Lincoln County, NE GIS



# **Comprehensive Plan Conformance #22007** **Lincoln Flats / Bank of the West Redevelopment Project** **Amendment to the Lincoln Center Redevelopment Plan**



## 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 #22001

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
May 25, 2022

RELATED APPLICATIONS  
None

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

The proposed application is to amend LMC 27.72.060(t)(2) to allow vehicle stacking for drive-in/drive through facilities in the rear yard setback in the B-1, B-3, H-1, H-2, and H-3 districts when not adjacent a residential district.

#### JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment allows stacking of vehicles in the rear yard setback. Vehicle stacking is currently allowed in the side and front yard setback. Parking is already allowed in the rear yard setback. Adding vehicle stacking in the rear yard setback should have minimal impact on adjacent property as it only applies when adjacent other commercial districts.

#### APPLICATION CONTACT

Mike Eckert  
Civil Design Group  
402-434-8494 or meckert@civildg.com

#### STAFF CONTACT

Tom Cajka, Planner  
402-441-5662 or tcajka@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text is in conformance with the Comprehensive Plan by allowing flexibility for commercial uses while still providing provisions for compatible design similar to parking in the rear yard and protecting adjacent residential.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

##### Policies Section

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

##### Action Steps

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

#### ANALYSIS

1. This text amendment is to amend LMC 27.72.060(t) to allow vehicle stacking for drive-in/drive through facilities in the rear yard setback in B-1, B-3, H-1, H-2 and H-3 districts. It is currently allowed in the side and front yard setback. It is not necessary to include the B-2 or B-5 Districts as they require a use permit and are on several acres where adjustments to setbacks are not normally needed. It is not needed for the B-4 District as there are no setbacks required in the B-4 District.
2. The drive through would only be allowed in the setback if it does not abut a residential district. The drive through is allowed in the setback if it is adjacent a residential use that is in a commercial district.

3. Parking lots and drive aisles are allowed in rear yard setback, but vehicle stacking is not allowed.
4. The stacking in the rear yard, like parking in the rear yard, would need to meet screening as required by Chapter 3.50 Design Standards for Screening and Landscaping.
5. Allowing stacking for drive through facilities will help facilitate businesses with drive throughs on small lots. The visual and noise effects will be similar to cars parked or moving in a parking lot that is in the rear yard.

#### APPLICATION HISTORY

May 11,2020                      The City Council approved TX 20003 to allow vehicle stacking associated with drive through facilities in the front yard setback.

Prepared by

---

Tom Cajka, Planner

Date:                      May 12, 2022

Applicant:                Eating Enterprise West O LLC  
8800 Firethorn lane, Suite 300  
Lincoln, NE 68520  
402-423-2394  
drudolph@runza.com

Contact:                 Mike Eckert  
Civil Design Group  
8535 Executive Woods Dr. Suite 200  
Lincoln, NE 68512  
402-434-8494  
meckert@civildg.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/22000/TX22001 drive through in rear yard.tjc.docx>



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

1           AN ORDINANCE amending Lincoln Municipal Code Section 27.72.060 Uses Permitted  
2 or Prohibited Within Required Yards to permit vehicle stacking for drive-in/drive through facilities  
3 in the rear yard, in addition to the front and side yard in B-1, B-3, H-1, H-2, and H-3 zoning  
4 districts and repealing Section 27.72.060, as hitherto existing.

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

6           Section 1. That Section 27.72.060 of the Lincoln Municipal Code be amended to read as  
7 follows:

8   **27.72.060       Uses Permitted or Prohibited Within Required Yards.**

9       a. Every part of any required yard shall be open to the sky, unobstructed by a building, except:

- 10           1. Eaves may project into a front or rear yard thirty-six inches, exclusive of gutters.
- 11           2. Eaves may project into a side yard twenty-four inches, or two-fifths of the required side  
12           yard, whichever projection is greater, exclusive of gutters.
- 13           3. Ordinary projection of sills, belt courses, cornices, vertical solar screens, and  
14           ornamental features may project twelve inches.
- 15           4. In the R-4, R-5, R-6, R-7 and R-8 districts located in areas of the City annexed prior to  
16           January 31, 1949, up to twenty-five percent of the length of the principal street facade  
17           of a building may project up to two feet into the required front yard. Notwithstanding  
18           the above, a porch may not project into a required front yard beyond that otherwise  
19           allowed by subsection (d) below.

1     b. **Outdoor Recreation Areas.** Outdoor recreation areas including but not limited to outdoor  
2     uses such as playgrounds and walking paths associated with early childhood care facilities,  
3     non-residential healthcare facilities, and residential healthcare facilities, may be located in  
4     any yard provided all structures requiring building permits meet setback requirements.

5     c. **Landscaping.**

6         1. In the R-T, O-2, O-3, B-2, B-5, H-4, and all I zoning districts, the entire front yard shall  
7         be entirely landscaped in conformance with the [landscape design standards](#) adopted by  
8         the City of Lincoln, except for necessary paving of walkways and driveways to reach  
9         parking and loading areas, provided that any driveway in the front yard shall be  
10        substantially perpendicular to the street and shall not be wider than thirty feet;

11       2. In all O, B, and H zoning districts, when a side and/or rear yard abuts a residential  
12       district, it shall be screened in conformance with the landscape design standards  
13       adopted by the City of Lincoln.

14       3. In the R-T zoning district, the side and rear yard shall be devoted entirely to trees,  
15       shrubs, and grasses, and secondary sidewalks in conjunction with landscaping, unless  
16       the abutting property is occupied by a parking lot.

17       4. In the I-2 zoning district, the required rear yard shall be entirely landscaped in  
18       conformance with the landscape design standards adopted by the City of Lincoln when  
19       the rear yard abuts a residential district.

20     d. **Porches.** An open, unenclosed porch may project into a required front yard for a distance  
21     not exceeding ten feet, however may not project into the required corner front yard under  
22     any situation; provided, however, such porches on residences in the R-1, R-2, R-3, R-4, R-

1 5, R-6, R-7, and R-8 zoning districts which project into the required front yard no closer  
2 than ten feet from the street line may be enclosed under the following conditions:

- 3 1. The enclosed porch shall not be served by a heating system, cooling system, or  
4 plumbing;
- 5 2. At least forty percent of the other residences on the same frontage in the same zoning  
6 district extend into the required front yard a distance equal to or greater than the  
7 applicant's porch (for the purpose of this section, extensions into the front yard may be  
8 a porch, balcony, vestibule, or the main part of the building);
- 9 3. The applicant's porch shall not be located within any building line district; and
- 10 4. At least fifty percent of each exterior wall shall be transparent.

11 e. **Balconies.**

- 12 1. A balcony may project into a required front yard for a distance not exceeding six feet.
- 13 2. In the R-6, R-7, and R-8 zoning districts, a balcony is permitted in the required side  
14 yard, but no closer than seven feet from the side lot line.

15 f. **Patios, Terraces, Decks and Ornamental Features.**

- 16 1. Patios, terraces, uncovered decks and ornamental features in the B-1, B-3, B-4, H-1, H-  
17 2, and H-3 zoning districts may project into a required front yard.
- 18 2. In the O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts, patios and terraces may  
19 project into a required front yard for a distance not to exceed fifteen (15) feet.
- 20 3. In all zoning districts, patios, terraces, uncovered decks, and ornamental features which  
21 do not extend more than three feet above or below the adjacent ground level may project

1 into a required side and/or rear yard, provided that the projection shall be no closer than  
2 two feet from the adjacent side lot line.

3 4. In all zoning districts, patios, terraces, decks, and ornamental features which extend  
4 more than three feet above or below the adjacent ground level may project into a  
5 required rear yard, provided the combined floor area of any patio, terrace, deck, and  
6 any accessory building located in the rear yard does not occupy more than 40% of the  
7 rear yard and that the patio, terrace, or deck:

- 8 i. is uncovered;
- 9 ii. projects off of the first story of the dwelling or below;
- 10 iii. is no closer than ten feet from the rear lot line;
- 11 iv. does not encroach into a required side yard;
- 12 v. is a projection off of a single- or two-family structure.

13 g. **Vestibules.** An enclosed vestibule containing not more than forty square feet may project  
14 into a required front yard for a distance not to exceed four feet.

15 h. **Canopies.** In O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning  
16 districts, canopies may project into a required front yard; provided, that a five foot setback  
17 shall be maintained from the property line, and such canopies shall not cover more than six  
18 square feet of ground area per each foot of frontage, and no portion of the canopy shall be  
19 lower than nine feet above grade.

20 i. **Outdoor Dining.**

21 1. In the B-1, B-3, B-4, H-1, H-2, and H-3 zoning districts outdoor dining is permitted in  
22 the required front yard.

2. In the O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts, outdoor dining is permitted in the required front yard; provided, that a five foot setback shall be maintained from the property line.

j. **Loading Facilities.**

1. In the I-2 zoning district no loading facilities shall be provided in any front or side yard adjacent to any residential district.
2. In the I-3 zoning district no loading facility shall be located in any required yard.

- k. **Walkways.** In the O-1, B-1, B-2, B-3, H-1, H-2, H-3, and I-1 zoning districts, enclosed walkways not more than one story in height nor eight feet in width are permitted in the required rear yard within two feet of the rear lot line.

- l. **Accessory Buildings.** See Section 27.72.120.

m. **Air conditioners/heat pumps.**

1. In all zoning districts except the R-1, R-2, R-3, and R-4 zoning districts, air conditioners or heat pumps, not to exceed five ton units or parts thereof, may project into a required side yard, provided that such projection shall be distant at least two feet from the adjacent lot line and shall not extend more than three feet from the building. Such air conditioners may project into a required front yard but shall not extend more than three feet from the building, and such air conditioner or heat pump may extend into one side of a corner lot.
2. In R-1, R-2, R-3, or R-4 zoning districts, air conditioners or heat pumps not to exceed five tons or parts thereof may project into front and side yards not more than four feet

from the building it serves, and in no event shall be closer than one foot to the adjacent lot line, and such air conditioner or heat pump may extend into one side of a corner lot.

n. **Solar Collectors.** Solar collectors which are a part of the main building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven foot clearance from grade; and provided, further, that such extension shall be distant at least three feet from the adjacent lot line and may project into a side yard forty-eight inches, or two-fifths of the required side yard, whichever projection is greater.

o. **Ornamental siding and wall sheathing material.** Ornamental siding and wall sheathing material, not including brick veneer, may project a maximum of two inches into any required yard.

p. **Fire Escapes, Fireproof Outside Stairways, Balconies Opening upon Fire Towers, Chimneys, and Flues and Fireplaces.**

1. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the building inspector for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation of adjacent dwellings.

2. Chimneys, flues, and fireplaces may be permitted by the director of building and safety to project into any required yard for a distance of not more than two feet where the same are so placed as not to obstruct light and ventilation.

q. **Light Wells and Egress Windows.** Any light well or egress window may be located in any required front, side, or rear yard, provided:

1. No such light well or egress window may be placed within two feet of any property line;
  2. Any light well or egress window located in any required yard must have a safety railing that meets all requirements for safety railings of the International Building Code as adopted by the Lincoln Municipal Code if it is within five feet of any sidewalk, walkway, or driveway;
  3. The construction of the light wells or egress windows meets the requirements of the International Building Code as adopted by the Lincoln Municipal Code;
  4. The well does not extend more than one foot above the finished grade.
- The requirements of (2) above may be waived by the City Council.

r. **Fences.** See Section 27.72.140.

s. **Building Line District.** See Section 27.72.170.

t. **Driveways and Vehicle Stacking.**

1. A driveway shall be permitted within the required front and side yards only if the driveway provides a connection to a parking space that is or will be located as permitted in this title, provided that in the O-2, O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts the driveway shall be substantially perpendicular to the street and shall not be wider than thirty feet.
2. Vehicle stacking for drive-in/drive through facilities shall be permitted within the required front, ~~or~~ side, or rear yard of zoning districts B-1, B-3, H-1, H-2, and H-3 if such front, ~~or~~ side, or rear yard does not abut a residential district. All such facilities shall be constructed in accordance with applicable parking lot design standards.

1 u. **Yard Accessories in Required Yards.** Poles, posts, and other customary yard accessories,  
2 ornaments, and furniture may be located in any yard subject to requirements limiting  
3 obstruction of visibility and height limitations.

4 Section 2. That Section 27.72.060 of the Lincoln Municipal Code as hitherto existing be  
5 and the same is hereby repealed.

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

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022:

\_\_\_\_\_  
Mayor





# Civil Design Group, Inc.

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

April 26, 2022

CDG Project No. 2017-0140

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

**Re: Text Amendment to LMC Chapter 27.72.060(t)(2) to allow drive-in and drive through lanes in the rear yards for B-1, B-3, H-1, H-2 and H-3 Zoning Districts.**

Dear Mr. Cary:

On behalf of Eating Enterprises West O, LLC, and in conjunction with staff review and input, we are requesting modifications to allow drive-in and drive through lanes in the rear yard setback in B-1, B-3, H-1, H-2 and H-3 zoning districts provided yard setbacks do not abut residentially zoned districts. Although parking lot drive aisles are allowed in the rear yards of such districts, drive-in and drive through lanes are not. The specific LMC text edits are shown below:

## Chapter 27.72 HEIGHT AND LOT REGULATIONS

### 27.72.060 Uses Permitted or Prohibited Within Required Yards.

#### t. Driveways and Vehicle Stacking.

1. A driveway shall be permitted within the required front and side yards only if the driveway provides a connection to a parking space that is or will be located as permitted in this title, provided that in the O-2, O-3, B-2, B-5, H-4, I-1, I-2, and I-3 zoning districts the driveway shall be substantially perpendicular to the street and shall not be wider than thirty feet.
2. Vehicle stacking for drive-in/drive through facilities shall be permitted within the required front, ~~or side~~ or rear yard of zoning districts B-1, B-3, H-1, H-2, and H-3 if such front, ~~or side~~ or rear yard does not abut a residential district. All such facilities shall be constructed in accordance with applicable parking lot design standards.

In conjunction with this submittal, we submit the following information:

- Application for Waiver (text amendment to the zoning ordinance)
- Application Fee - \$419.00

I hope that this letter provides you with enough information to review this Zoning Code Text Amendment application. To facilitate the review process, please call me at (402) 434-8494 if you have any questions.

3303 1 8 8494

Sincerely,



Mike Eckert, AICP

Encl

cc: Eating Enterprise West O, LLC

/Volumes/Public/F/Projects/2017/20170140/Landplanning/Doc/2017-0140 Text Amendment letter.docx

APR 1 2017



## 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 #22003

FINAL ACTION?  
No

PLANNING COMMISSION HEARING DATE  
May 25, 2022

RELATED APPLICATIONS  
None

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

The proposed text amendment was submitted by Whitehead Oil Company to amend Lincoln Municipal Code (LMC) 27.06.170 Heavy Commercial Services Use Group to allow truck wash facilities as a permitted use in the H-4 district and to amend LMC27.63.470(a)(25) Planned Service Commercial by eliminating two conditions related to motor vehicle and/or truck wash facilities.

#### JUSTIFICATION FOR RECOMMENDATION

The proposed text amendment allows truck wash facilities in the H-4 District and eliminates the conditions for truck wash facilities under Planned Service Commercial special permit. Truck wash facilities are currently permitted in H-1 and by conditional use in H-2 and H-3. Adding truck wash facilities to H-4 should have minimal impact on adjacent property. The conditions are not needed in the zoning regulations as they are covered in the City Design Standards.

#### APPLICATION CONTACT

Ann Post  
Rembolt Ludtke LLP  
402-405-5100  
apost@remboltlawfirm.com

#### STAFF CONTACT

Tom Cajka, Planner  
402-441-5662 or tcajka@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text is in conformance with the Comprehensive Plan by allowing flexibility for commercial uses.

#### KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

##### Policies Section

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

##### Action Steps

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

#### ANALYSIS

1. This text amendment is to amend LMC 27.06.170 Heavy Commercial Services Use Group to add Truck Wash facilities as a permitted use in the H-4 district. Currently truck wash facilities are only allowed in the H-4 District by special permit for Planned Service Commercial. Truck wash facilities are currently permitted in H-1 and allowed as a conditional use in the H-2 and H-3 districts.
2. This text amendment also proposes to amend LMC 27.63.470(a)(25) Planned Service Commercial by removing the conditions related to motor vehicle and/or truck wash facilities. The conditions relate to stacking of vehicles as adopted by City of Lincoln Design Standards. The stacking requirements are no longer in the Design Standards. Stacking requirements are in City of Lincoln Access Management Policy. The stacking requirements would be

reviewed at the time of building permit.

3. The applicant's letter states the reason for the text amendment is to allow a truck wash facility on property at N. 56<sup>th</sup> and Interstate 80. The property was recently changed from H-1 and H-3 to H-4. A truck wash facility is permitted in H-1 and allowed as a conditional use in H-2 and H-3. The change of zone resulted in the owner losing a permitted use on the property. Although the applicant is requesting this text amendment for a specific property, the change would be for all H-4 zoning throughout the City.
4. The H-4 District already allows truck terminals and truck stops. Often a truck wash facility is associated with a truck stop. Since truck wash facilities are listed as a separate use from truck stops, the truck wash cannot be considered accessory to a truck stop. There is no need for the truck wash facility to be a conditional use since trucks tops are already a permitted use.
5. The impact of a truck wash facility on adjacent property would be no more than a truck stop where maintenance and servicing of trucks are allowed.

Prepared by

---

Tom Cajka, Planner

Date: May 11, 2022

Applicant: Mark Whitehead  
Whitehead Oil Company  
2537 Randolph St.  
Lincoln, NE 68510  
402-435-3509  
mwhitehead@u-stop.com

Contact: Ann Post  
Rembolt Ludtke LLP  
1128 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
402-405-5100  
apost@remboltlawfirm.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/22000/TX22003 truck wash.tjc.docx>

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

1           AN ORDINANCE amending Lincoln Municipal Code Section 27.06.170 Heavy  
2 Commercial Services Use to allow Truck Wash Facilities as a Permitted Use in the H4 zoning  
3 district; by amending Section 27.63.470 Planned Service Commercial to remove the conditions for  
4 Motor Vehicle and/or Truck Wash Facilities allowed by a special permit in the H-4 Commercial  
5 District; and repealing Sections 27.06.170 and 27.63.470, as hitherto existing.

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

7           Section 1. That Section 27.06.170 of the Lincoln Municipal Code be amended to read as  
8 follows:

9   **27.06.170     Heavy Commercial Services Use Group.**

10 Characteristics: The Heavy Commercial Services Use Group is characterized by uses that are  
11 engaged in the repair or servicing of industrial, business, or consumer machinery, equipment,  
12 products, or by-products. Firms that service consumer goods do so by mainly providing centralized  
13 services for separate retail outlets. Contractors, building maintenance services, and similar uses  
14 perform the majority of their services off-site. Outdoor storage and activity and a fleet of service  
15 vehicles and machinery are common. Heavy equipment or truck idling may occur for long periods  
16 of time. Few customers, especially the general public, come to the site on a regular basis. Such  
17 uses include but are not limited to private landing strips, building and construction contractor  
18 services, tree services, truck stops, truck terminals, truck wash facilities, mini-warehouse, and  
19 lumber yards.

20 Use Group Table:

27.06.170 Heavy Commercial Services Use Group Table																										
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Contractor services																	C	P	P		C	P	P	P	P	P
Cabinet shops or stores																	C	P	P		C	P	S	P	P	P
Lumber yards																			P			P	P	P	P	P
Mini-warehouses																		C	C		P	P	P	P	P	P
Private landing strips and appurtenances	S	S																								
Tree service	S																							P	P	
Truck stops																				P		P	P	P	P	P
Truck terminals																						P	P	P	P	P
Truck wash facilities																				P	C	C	PS	P	P	P
All other uses in this Use Group																					P	P	P	P	P	P

1 Section 2. That Section 27.63.470 of the Lincoln Municipal Code be amended to read as  
2 follows:

3 **27.63.470 Planned Service Commercial.**

4 Planned service commercial development may be allowed by special permit in the H-4 General  
5 Commercial District under the following conditions:

6 a. The uses approved within a planned service commercial development shall be limited to:

7 1. Motor vehicle sales;

8 2. Warehouses;

9 3. Mini-warehouses;

10 4. Service centers for the repair of household appliances and lawn and garden equipment,  
11 provided outdoor storage of items to be repaired are permitted only when the storage  
12 area is enclosed with a solid fence or wall and gates eight feet in height and the items

to be repaired are less than the height of the fence or wall and gates enclosing the storage area and no salvage or scrap processing operation shall be permitted. The fence or wall and gates shall be located where buildings are permitted;

5. Dwellings for caretakers employed and required to reside on the premises;

6. Ambulance services;

7. Veterinary facilities;

8. Contractors' services, provided outdoor storage of equipment and materials shall be permitted only when the storage area is enclosed with a solid fence or wall and gates eight feet in height and the stored equipment and material are less than the height of the fence or wall and gates enclosing the storage area. The fence or wall and gates shall be located where buildings are permitted;

9. Restaurants;

10. Motor fuel service facilities;

11. Stores or shops for retail sales and services not exceeding 30,000 square feet in floor area per building; provided, there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;

12. Food storage lockers;

13. Clubs, provided the activities are located at least 150 feet from an abutting residential district;

14. Outdoor and enclosed commercial recreational facilities; provided that outdoor recreational facilities are at least 150 feet from an abutting residential district;



15. Offices not exceeding 15,000 square feet of floor area per building; provided that there is at least four and one-half square feet of land area excluding other uses and their accessory uses within the approved special permit area per one square foot of floor area;
16. Early childhood care facilities, provided that such facilities shall be fenced and have play areas that comply with the [design standards for early childhood care facilities](#). In addition, such facilities shall comply with all applicable state and local early childhood care requirements and all applicable building and life safety code requirements;
17. Cabinet shops and stores; provided that the total floor area of the operation does not exceed 5,000 square feet and that all materials, both raw and finished, be stored inside;
18. Places of Religious Assembly;
19. Motor vehicle repair, including vehicle body repair shops, provided that all disabled vehicles and all new and used parts are stored inside the building;
20. Academies;
21. Banks, savings and loan associations, credit unions, and finance companies;
22. Broadcast towers;
23. Indoor kennels;
24. Outdoor exercise area associated with an indoor animal hospital or indoor kennel; provided that such facilities comply with the requirements of Section [27.63.780](#).
25. Motor vehicle and/or truck wash facility:
  - i. ~~Automatic, conveyor operated. The length and location of vehicle stacking lane or lanes for the approach side or sides and the exit side or sides of the wash operation~~

1 ~~shall be in conformance with the Guidelines and Regulations for Driveway Design~~  
2 ~~and Location as adopted by the City of Lincoln.~~

3 ii. ~~Self-service, coin-operated: The length and location of vehicle stacking lane or~~  
4 ~~lanes for the approach side or sides and the exit side or sides of the wash operation~~  
5 ~~shall be in conformance with the Guidelines and Regulations for Driveway Design~~  
6 ~~and Location as adopted by the City of Lincoln.~~

7 26. Public elementary, middle, and high schools, or private schools having a curriculum  
8 equivalent to a public elementary, middle, or high school, and having no rooms  
9 regularly used for housing or sleeping purposes.

10 27. Motels and hotels.

11 28. Sale of alcohol for uses that meet the conditions of Sections 27.63.680 and 27.63.685.

12 29. Non-residential healthcare facilities per the conditions of Section 27.63.080.

13 30. Assembly facilities; provided that such facilities comply with the conditions of Section  
14 27.62.150(a).

15 b. An applicant for a special permit under the provisions of this section shall comply with  
16 environmental performance standards relating to noise, emission, dust, odor, glare, and heat  
17 as shall be from time to time established for those districts requiring use permits.

18 c. Each application for a special permit under this section shall include a landscape plan which  
19 shall show proposed plantings in conformance with city standards in all required yard areas,  
20 open space areas, malls, parking areas, and around proposed buildings. The applicable  
21 standards shall be those adopted by resolution of the City Council for those districts  
22 requiring use permits.

1 d. The City Council may adjust the floor area requirements above, height and lot regulations,  
2 and minimum parking applicable in the H-4 General Commercial District, consistent with  
3 adequate protection of the environments of adjacent land uses;

4 e. That the land surrounding the tracts for the proposed planned service commercial  
5 development will not be adversely affected;

6 f. That upon approval of a planned service commercial development, the land proposed to be  
7 included within such development shall not be developed for or devoted to any other  
8 permitted use or specially permitted use of the H-4 General Commercial District, except  
9 those specifically approved in the special permit authorizing the planned service  
10 commercial development, unless an amendment thereto has been approved in accordance  
11 with the procedures set forth for approving special permits generally.

12 Section 3. That Sections 27.06.170 and 27.63.470 of the Lincoln Municipal Code as  
13 hitherto existing be and the same are hereby repealed.

14 Section 4. This ordinance shall be published, within fifteen days after the passage  
15 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on  
16 the official bulletin board of the City, located on the wall across from the City Clerk's office at  
17 555 S. 10<sup>th</sup> Street, in lieu and in place of the foregoing newspaper publication with notice of  
18 passage and such posting to be given by publication one time in the official newspaper by the City  
19 Clerk. This ordinance shall take effect and be in force from and after its passage and publication  
20 or after its posting and notice of such posting given by publication as herein and in the City Charter  
21 provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022:

\_\_\_\_\_  
Mayor

**Sarah A. Meier**

Attorney

+1.402.405.0827

smeier@remboltlawfirm.com

April 27, 2022

**VIA HAND DELIVERY**

David Cary, Director  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln NE, 68508

***RE: Change of Zone Text Amendment to H-4 Zoning District***

Director Cary,

On behalf of our client, Whitehead Oil Company ("Applicant"), please find enclosed an application for a text amendment to the H-4 General Commercial Zoning District which would allow truck wash facilities as a permitted use. The H-4 zoning district, which is generally a very flexible commercial district, currently includes truck wash facilities as a special use only. Conversely, the H-1 Interstate Commercial Zoning District includes truck wash facilities as a permitted use and the H-3 Highway Commercial Zoning District includes it as a conditional use.

Applicant owns property near Interstate I-80, the zoning of which was recently changed from H-1 and H-3 to H-4, pursuant to the City's approval of application CZ21038 ("Salt Bank Change of Zone Application"). The City chose to expand the proposed area in the Salt Bank Change of Zone Application to include several nearby parcels, which included the applicant's property. This resulted in applicant losing access to a permitted use on its property. Truck wash facilities are a common use associated with the applicant's main business, motor vehicle fuel sales, and therefore the applicant is interested in maintaining the ability to site a truck wash facility at this location. Therefore, the applicant requests that the H-4 zoning district be amended to include truck wash facilities as a permitted use. This use is consistent with the location of the applicant's properties and traditional commercial uses of land located near interstates and highways.

Enclosed, please find:

1. City of Lincoln Zoning Application for Change of Zone;
2. Proposed Text Amendment;
3. Text Amendment Exhibits A and B; and
4. Application fee in the amount of \$419 for the Change of Zone.

**Rembolt Ludtke LLP**

3 Landmark Centre • 1128 Lincoln Mall, Suite 300 • Lincoln, NE 68508

Phone: +1.402.475.5100 Fax: +1.402.475.5087

We look forward to working with you on this matter. Please do not hesitate to contact us if you have any questions regarding the enclosed or need any additional information.

Sincerely,



Sarah A. Meier  
[smeier@remboltlawfirm.com](mailto:smeier@remboltlawfirm.com)

Encl.



## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

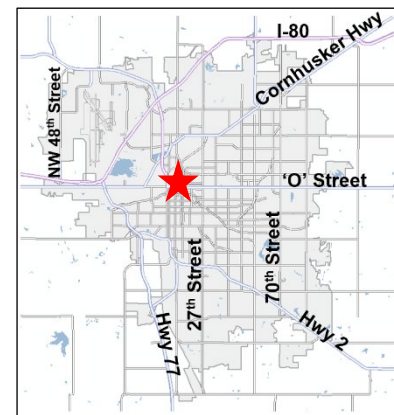
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Change of Zone #22010	FINAL ACTION? No	DEVELOPER/OWNER Chi Omega Building Association
PLANNING COMMISSION HEARING DATE May 25, 2022	RELATED APPLICATIONS SP22012	PROPERTY ADDRESS/LOCATION 480 N 16 <sup>th</sup> Street

### RECOMMENDATION: APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-7 Residential to R-7 Residential with landmark overlay. Landmark designation provides oversight to changes to historic properties. This 1929 sorority house is a “contributing property” in the Greek Row Historic District, listed on the National Register of Historic Places in 1997. As detailed in the attached Landmark Application, the Chi Omega is a prominently sited Greek house on the east side of North 16th Street within UNL’s Greek Row, which overall constitutes a very distinctive academically related setting in the community. The house is an excellent representative of the several Period Revival chapter houses designed by the prominent Lincoln architects Miller & Craig.



#### JUSTIFICATION FOR RECOMMENDATION

This property is already recognized as historically significant within a National Register district. Landmark designation provides additional protection and supports continued maintenance of the property, consistent with LMC27.57 (Historic Preservation District).

#### APPLICATION CONTACT

John Badami  
(402) 314-6964  
jbadami@cadre-arch.com

#### STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or  
srouse@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community’s historic places and utilization of incentives to encourage their preservation.

#### WAIVERS

None.



## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Residential-Urban Density 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.

#### **Fundamentals of Growth in Lancaster County: The Urban Environment**

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

### 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

#### 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.

#### [Figure E6.c: Historic & Capitol Environs Districts](#)

### Policies Section

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

#### Action Steps

3. Encourage well-designed and appropriately placed density, including within existing apartment and group living complexes and in redeveloping commercial or industrial centers, where there is land available for additional buildings or expansions. Provide flexibility to the marketplace in siting future residential

development locations. This includes appropriately placed infill in prioritized Nodes and Corridors, neighborhood edges, and underutilized commercial or industrial sites.

5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.
6. Promote the continued use of residential dwellings and all types of buildings, to maintain the character of neighborhoods and to preserve portions of our past. Building code requirements for the rehabilitation of existing buildings should protect the safety of building occupants, while recognizing the need for flexibility that comes with rehabilitating existing buildings.

## **ANALYSIS**

1. This is a request for designation as a Lincoln landmark of the Chi Omega sorority house in the Greek Row Historic District.
2. The Chi Omega house is three and a half stories built in 1929 from designs by Lincoln architecture firm Miller and Craig who built ten of the Greek houses on the University of Nebraska campus. The 1929 building permit lists the contractor as E. Rokahr & Sons and recorded the estimated cost of construction as \$38,000. The original portion of house, built in 1929, is rectangular with a hipped roof. The north end of the building plan projects about eight feet from the façade. The roof for the projection is a mansard style. To the west of the projection is a stone balcony covering the main entrance, squaring off the footprint, while a one-story stone addition with balcony above completes the east. Two additions were added, one to the south in 1993 and one to the east in 1952. The 1993 addition is L-shape in plan with a mansard roof, while the 1952 addition is a square plan with flat roof. The 1993 addition did not enhance the existing house, but the building material and the design of the addition were sensitive to the design of the original structure. When viewing the whole composition of the structure, the addition is seen as secondary.
3. Chi Omega is a prominently sited Greek house on the east side of North 16th Street designed in the French Provincial/Period Revival style with a distinct red tile roof.
4. The Chi Omega sorority has been a good steward of this historic property for many years and will continue to do so with upgrades to the building that allow the sorority to continue serving its original purpose as a Greek house on campus.
5. The proposed preservation guidelines for the Theta Xi house are based on the Secretary of the Interior's Standards and Guidelines for Historic Rehabilitation and are typical of the guidelines for other chapter houses in Greek Row.
6. Approximately half of the two dozen historic fraternity and sorority houses in Greek Row Historic District are also individually designated Lincoln Landmarks.
7. The Historic Preservation Commission unanimously recommended approval of this application for landmark designation on April 21, 2022 (excerpt from meeting record attached).

**CONDITIONS OF APPROVAL:** NA

**EXISTING LAND USE & ZONING:** Sorority House/R-7 Residential

## **SURROUNDING LAND USE & ZONING**

North: Student Housing/Public

South: Greek House/R-7 Residential

East: Public

West: Greek House/R-7 Residential

**APPROXIMATE LAND AREA:** 0.42 acres

**LEGAL DESCRIPTION:** RAYMONDS SUBDIVISION, Lot 7, N1/2 & S W LITTLES SUB W200' LOT 8

Prepared by

---

Stephanie Rouse, Planner

Date: April 25, 2022

Applicant/  
Contact: John Badami  
Cadre Architecture  
5909 Norman Road  
Lincoln, NE 68512  
(402) 314-6964  
[jbadami@cadre-arch.com](mailto:jbadami@cadre-arch.com)

Owner: Brenda Maxwell  
5395 Katleman Dr.  
Lincoln, NE 68521  
(308) 833-0181  
[abrach0428@yahoo.com](mailto:abrach0428@yahoo.com)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CZ/22000/CZ22010 Chi Omega.docx>



APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION  
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE  
LINCOLN, NEBRASKA

1. NAME

Historic: Chi Omega House Kappa Chapter  
(and/or) Common:  
NeHBS Site: LC13:D09-531

2. LOCATION

Address: 480 N 16<sup>th</sup> Street

3. CLASSIFICATION

<u>Proposed Designation</u>	<u>Category</u>	<u>Present Use</u>		
<input type="checkbox"/> Landmark District	<input type="checkbox"/> District	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Industrial	<input type="checkbox"/> Religious
<input checked="" type="checkbox"/> Landmark	<input checked="" type="checkbox"/> Building(s)	<input type="checkbox"/> Commercial	<input type="checkbox"/> Military	<input type="checkbox"/> Scientific
	<input type="checkbox"/> Structure	<input type="checkbox"/> Educational	<input type="checkbox"/> Museum	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Site	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Park	<input type="checkbox"/> Other (vacant)
	<input type="checkbox"/> Object	<input type="checkbox"/> Government	<input checked="" type="checkbox"/> Private Residence	

4. OWNER OF PROPERTY

Name: Chi Omega Building Association  
Address: 5395 Katleman Dr, Lincoln, NE 68521

5. GEOGRAPHICAL DATA

Legal Description: Raymonds Subdivision, Lot 7, N ½ & S W Littles  
Subdivision W 200' Lot 8  
Property ID Number: 1024304029000  
Number of Acres or Square Feet: 13,475 square feet (more or less)

6. REPRESENTATION IN EXISTING SURVEYS

Title: **Historic & Architectural Survey of Lincoln, NE**  
Date: **on-going** ☐ State ☐ County ☒ Local  
Depository for Survey Records: **Lincoln/Lancaster County Planning Dept.**  
City: **Lincoln**  
State: **Nebraska**

Is the proposed Landmark or Landmark District listed in the National Register?

☒ Yes, Date Listed: **June 25, 1997**  
☐ No

7. DESCRIPTION AND HISTORY

Condition  
☒ Excellent ☐ Deteriorated ☐ Unaltered ☐ Original Site  
☐ Good ☐ Ruins ☒ Altered ☐ Moved, Date:  
☐ Fair ☐ Unexposed



## 7. DESCRIPTION AND HISTORY, CONT.

### DESCRIPTION:

The Chi Omega house is three and a half stories designed in the French Provincial/period revival style. The original portion of house, built in 1929, is rectangular with a hipped roof. The north end of the building plan projects about eight feet from the façade. The roof for the projection is a mansard style. To the west of the projection is a stone balcony covering the main entrance, squaring off the footprint, while a one-story stone addition with balcony above completes the east. Two additions were added, one to the south in 1993 and one to the east in 1952. The 1993 addition is L-shape in plan with a mansard roof, while the 1952 addition is a square plan with flat roof. The 1993 addition did not enhance the existing house, but the building material and the design of the addition were sensitive to the design of the original structure. When viewing the whole composition of the structure, the addition is seen as secondary.

*Figure 1: Aerial view of the Chi Omega House*



The roof material for the original building and the mansard portion of the 1993 addition is red tile, while the 1952 addition is a bituminous roofing material. Puncturing the roof on the original structure are small, round-arch dormers, one each on the east and west rooflines and four on the south. A large brick chimney projects through the roof at the northwest corner.

The original portion of the building is a light brown brick with stone quoins at the corners and framing the entrances with a stone band separating the first and second floors. The front (west) façade is symmetrical with two 10 lite doors with sidelights. The quoins framing the doors are capped with a tall stone half circle lintel. Between are the house letters (XΩ) in black metal. Above the two doors on the second floor are a pair of six-over-six wood double-hung windows with a flat stone lintel. Directly above on the third floor are six-over-six double-hung windows tapering into an arch at the top, projecting through the roofline with a stone lintel.

*Figure 2: View of the front entrance from the northwest*



The south elevation originally continued the symmetry and style from the front façade. One of the few features visible from the original south elevation is the small projecting room on the southwest corner of the main building that serves as a balcony for the second floor. The second floor has eight-over-eight double hung windows while the third floor has similar windows that project above the roofline like the front façade with arched tops. There is no fenestration on the south elevation of the 1993 addition.

The north elevation drops the symmetry seen on the west and south facades. The first floor has various sizes of double-hung windows, in pairs and single, all with stone lintels and sills. There is a door with shed roof at the east end of the façade. The second and third floors are identical, with two single six-over-six double-hung windows on the west end of the façade, a pair of eight-over-eight double-hung windows in the center, and a single six-over-six double-hung window on the east end. Like the rest of the elevations, the third-floor windows project above the roofline.



Figure 3: View of the 1993 addition from the southwest



The east elevation has limited fenestration on the 1993 addition with a few windows on the southern end of all three levels and one metal door on the first floor. The 1952 addition has a one door and three windows. The only visible portions of the original structure on this elevation are the three windows on the third floor which project above the roofline.

The building sits back from 16<sup>th</sup> Street about 30 feet with landscaping in front and a concrete walkway leading to the front entrance. The building is about 12 feet from the north property line and only a few feet from the south property line. A small courtyard area has been created in the nook between the 1993 addition and the 1952 addition. To the east, behind the building, is a small surface parking lot with angled stalls, accessed from the driveway to the north of the lot.

#### **HISTORY:**

The nomination of Greek Row to the National Register outlines the broader history of “Greek” fraternities and sororities at the University of Nebraska and identifies Chi Omega as a contributing property within that district.

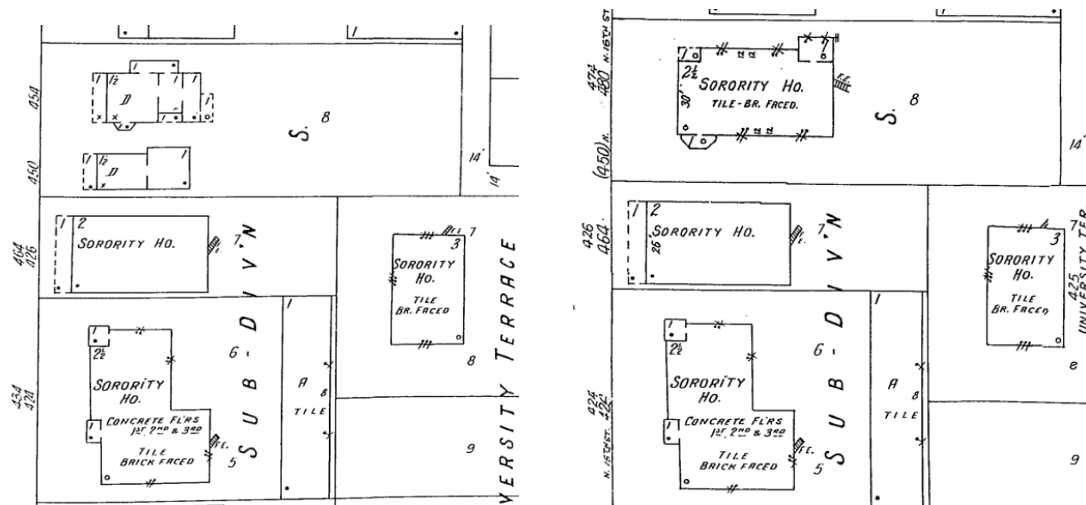
Chi Omega was founded in 1895 at the University of Arkansas. It is the largest women’s fraternal organization in the world with over 390,000 initiates, 181 collegiate chapters, and over 240 alumnae chapters.<sup>1</sup> Kappa Chapter of Chi Omega was established at the University in 1903.

<sup>1</sup> Nebraska.chiomega.com



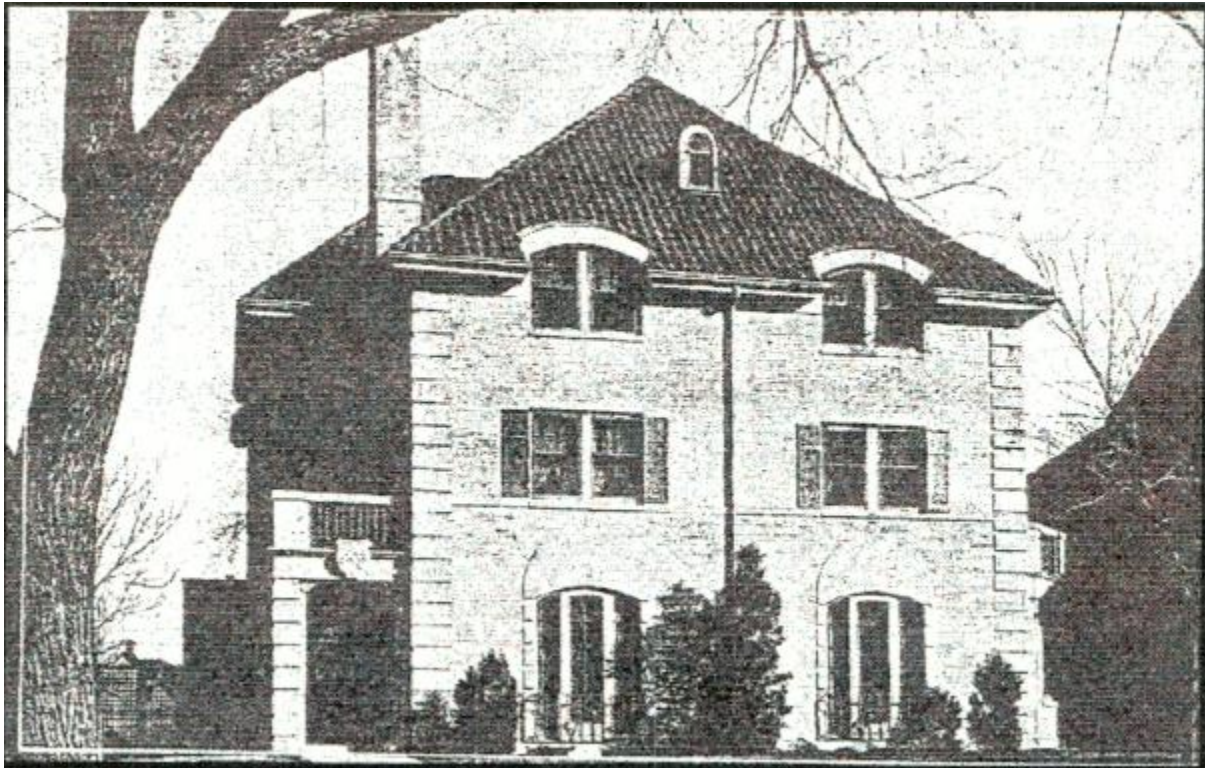
The 1928 Sanborn Fire Insurance Map shows two dwellings on Lot 8 (450 and 454 N 16th St) which were demolished the following year to make way for the Chi Omega house construction. The 1949 Sanborn Fire Insurance Map shows the original footprint of the house. Also shown on the 1949 map is the former Delta Sigma Phi house, which was demolished in 1986, and a portion of the property purchased by Chi Omega providing room for the 1993 expansion and creating the unique L-shaped lot configuration of today.

Figure 4: 1928 Sanborn Fire Insurance Map (left) and 1949 Sanborn Map (right)



The sorority house was designed by the Lincoln architects Miller & Craig. Jesse B. Miller and Fritz Craig formed an architectural partnership that was in business from 1921 to 1934. Together they are noted for the design of ten Greek houses on the University of Nebraska campus, including Kappa Kappa Gamma at 616 N. 16<sup>th</sup>, Kappa Delta at 405 University Terrace, Delta Delta Delta at 1601 R, Alpha Delta Theta at 425 University Terrace, Sigma Alpha Epsilon at 635 N. 16<sup>th</sup>, Delta Zeta/Theta Chi at 626 N. 16<sup>th</sup>, Sigma Phi Epsilon at 601 N. 16<sup>th</sup>, Alpha Xi Delta at 1619 R, and Phi Gamma Delta at 1425 R.

Figure 5: Photo shortly after construction ca. 1930



The 1929 building permit lists the contractor as E. Rokahr & Sons and recorded the estimated cost of construction as \$38,000. A 1930 article said the following of the completed construction, "The new home of Chi Omega sorority at 480 North Sixteenth Street, one of two additions to sorority row last summer, is a three story structure of light yellow brick with red shutters and red tile roof, the sorority colors. It is of French architectural design."<sup>2</sup>

<sup>2</sup> The Lincoln Star, 26 Jan 1930, P. 31



Figure 6: West (front) Elevation as drawn by Miller and Craig in 1929

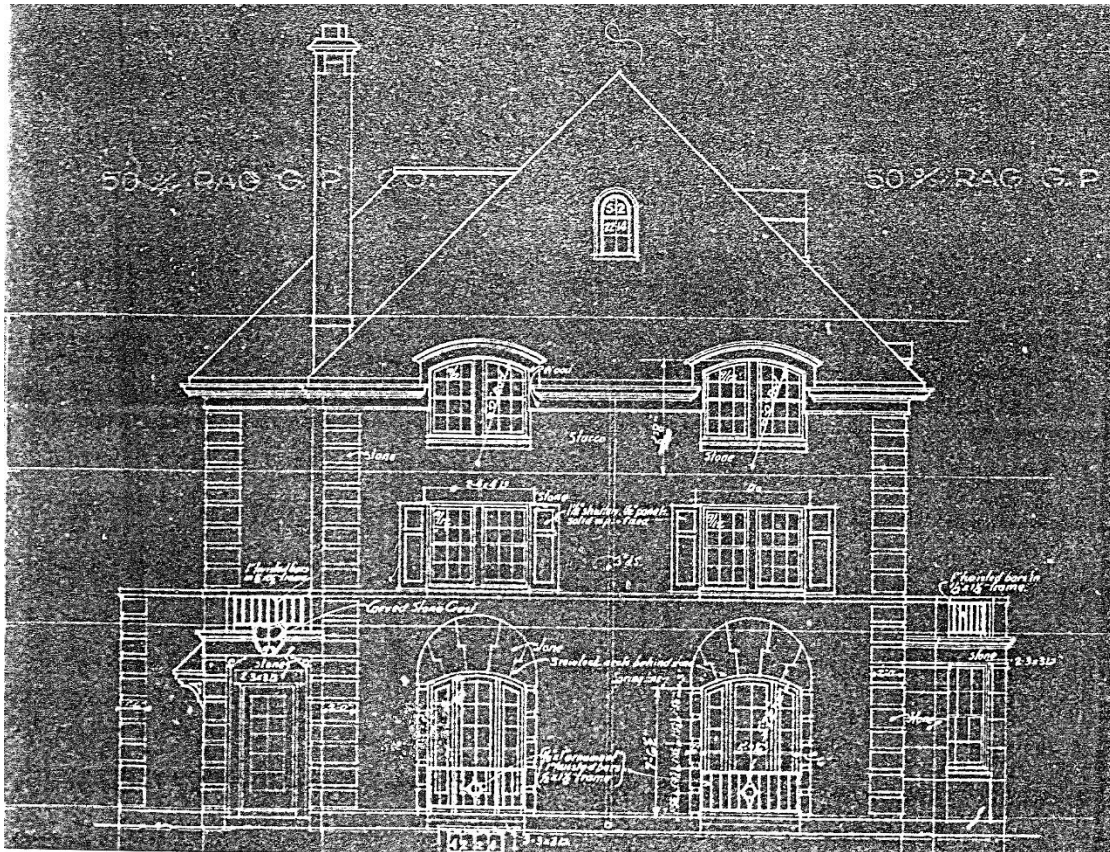


Figure 7: North Elevation as drawn by Miller and Craig in 1929

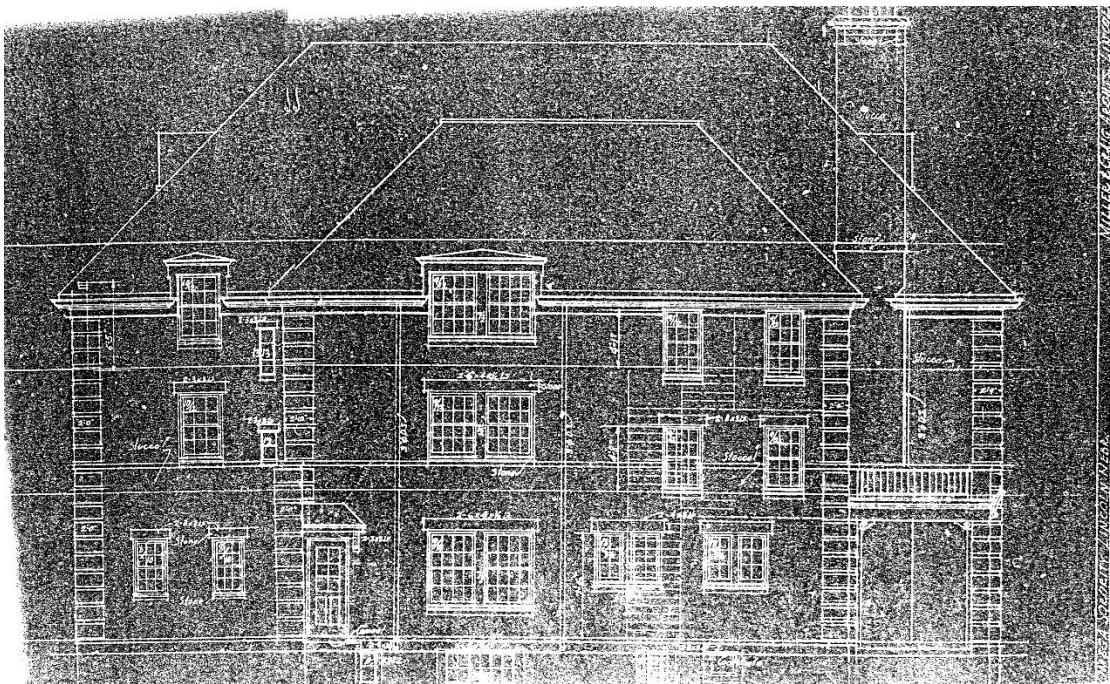
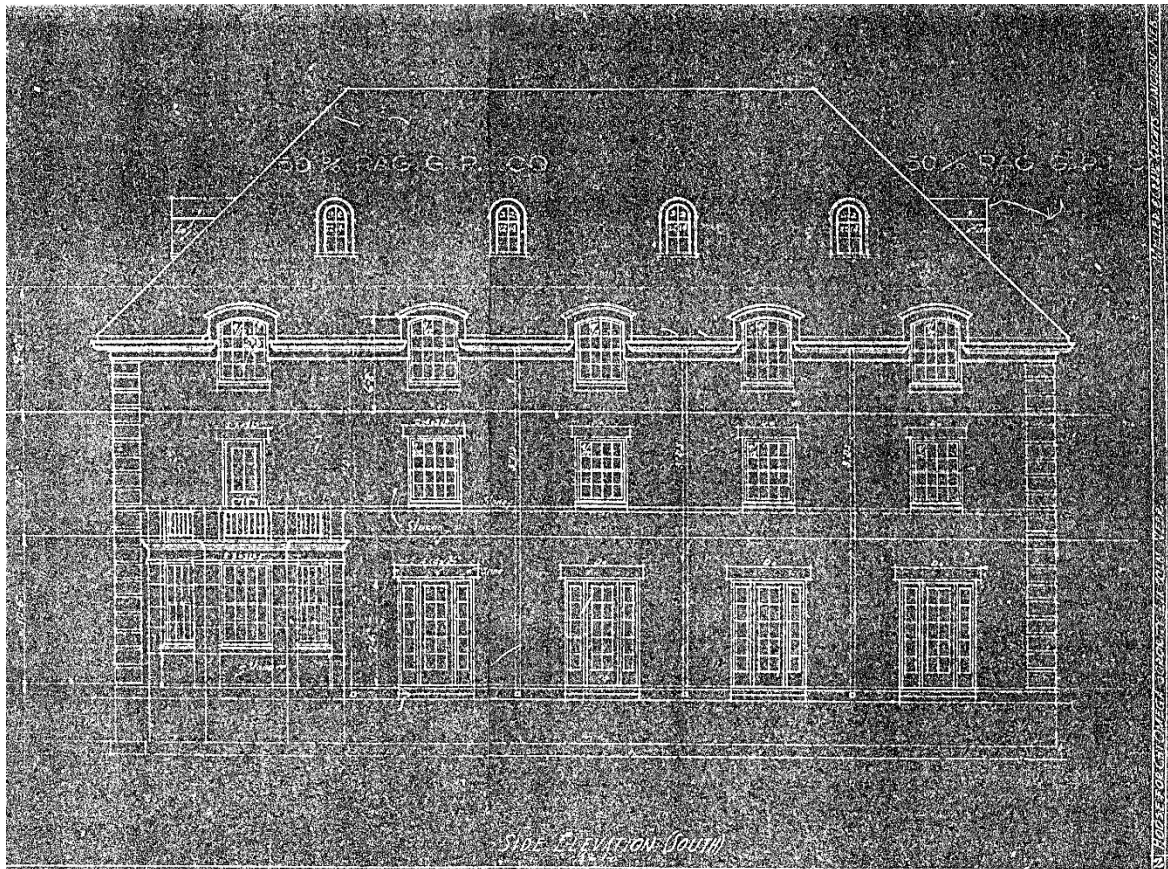




Figure 8: South Elevation as drawn by Miller and Craig in 1929 prior to the 1993 addition



In 1952, there was a 60' x 40' two story addition built to the east or back side of the sorority house at an estimated cost of \$20,000. In 1993, there was a south or side wing added to the building at an estimated cost of \$250,000.



Figure 9: Sketch of the 1993 addition



## 8. SIGNIFICANCE

<u>Period</u>	<u>Areas of Significance (check and justify)</u>	
<input type="checkbox"/> Prehistoric	<input type="checkbox"/> Archeology (Prehistoric)	<input type="checkbox"/> Landscape Architecture
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> Archeology (Historic)	<input type="checkbox"/> Law
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Military
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> Art	<input type="checkbox"/> Music
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/Government
	<input type="checkbox"/> Community Planning	<input type="checkbox"/> Religion
	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science
	<input type="checkbox"/> Economics	<input type="checkbox"/> Sculpture
	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Social/Humanitarian
	<input type="checkbox"/> Engineering	<input type="checkbox"/> Theater
	<input type="checkbox"/> Exploration/Settlement	<input type="checkbox"/> Transportation
	<input type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)
	<input type="checkbox"/> Invention	

Specific dates: **1929**

Builder/Architect: **Miller & Craig**

Statement of Significance:

Chi Omega is a prominently sited Greek house on the east side of North 16<sup>th</sup> Street within UNL's Greek Row, which overall constitutes a very distinctive academically related setting in the community. The house is an excellent representative of the several Period Revival chapter houses designed by the prominent Lincoln architects Miller & Craig. Its addition in 1952 exemplifies the careful extensions many of the houses received in mid-century. The sorority house is a contributing property to the Greek Row National Register Historic District, listed in 1997.

## 9. STANDARDS FOR DESIGNATION (check one(s) that apply)

- ☒ Associated with events, person, or persons who have made a significant contribution to the history, heritage, or culture of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;
- ☒ Represents a distinctive architectural style or innovation, or is the work of a craftsman whose individual work is significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States; or
- ☐ Represents archeological values in that it yields or may be likely to yield information pertaining to pre-history or history.

## 10. MAJOR BIBLIOGRAPHICAL REFERENCES

"Greek Row Historic District" nomination to the National Register of Historic Places, by Justin Van Mullem, 1997.

## 11. FORM PREPARED BY:

Name/Title: Stacey Hageman, Urban Design & Historic Preservation Planner/Stephanie Rouse,  
Transportation Planner

Organization: Lincoln-Lancaster County Planning Dept

Date Submitted: 3/23/2022

Street & Number: 555 S. 10<sup>th</sup> Street  
City or Town: Lincoln

Telephone: 402-441-7491  
State: NE

Signature:

---

Property Owner:

---

FOR HISTORIC PRESERVATION COMMISSION USE ONLY

DATE LANDMARK/LANDMARK DISTRICT DESIGNATED: [Click here to enter text.](#)

LANDMARK/LANDMARK DISTRICT NUMBER: CZ22010

Approved:

City Council \_\_\_\_\_  
(date)

PRESERVATION GUIDELINES FOR  
Chi Omega House  
480 N. 16th Street

**1. Architectural Review of Landmark:**

- a. Photographs: On file in Planning Department.
- b. Important architectural features: Three and a half story height, clay tile roofs, brick walls, corner quoins, stone balcony above the main entrance, 10 lite doors with sidelights with stone half circle lintel
- c. Important landscape features: west front yard
- d. Architectural style and date: French Provincial, 1929
- e. Additions and modifications: south addition (1993) and east addition (1952)

**2. Notice of Work Needing Certificate:**

- A. A Certificate for Certain Work can be granted by the Preservation Commission or, in certain instances, by the Director of Planning. The application for the Certificate can be obtained from and should be filed with the Building and Safety Department. The following work to be conducted on the Landmark requires the procurement of a Certificate for Certain Work:
  - 1. Exterior work requiring a Building Permit as defined in the Lincoln Building Code. Before conducting exterior work, check with the City Building and Safety Department to determine whether a Building Permit is necessary;
  - 2. Demolition of a structure or portion of a structure as defined in the Lincoln Building Code;
  - 3. Work involving:
    - a. Reduction of front yard;
    - b. Addition of fencing and walls visible from R St.;
    - c. Replacement of exterior material and trim or visible roofing materials;
    - d. Cleaning and maintenance of exterior masonry;
    - e. Replacement of doors, storm doors, door frames, windows, storm windows, and screens (excluding seasonal) on facades visible from R Street;
    - f. Addition of awnings;
    - g. Placement of mechanical systems, such as but not limited to, window air conditioners, solar collectors, etc.;
    - h. The addition or replacement of signs;
    - i. Moving structures on or off the site;
    - j. Installation of electrical, utility, and communications services on principal (north) facade;
    - k. Placement of high intensity overhead lighting, antennae, and utility poles within the areas of the east facade.
    - l. Interior modifications to the features listed in 1.b. above.



- B. The following work to be conducted on the Landmark does not require the procurement of a Certificate for Certain Work:
  - 1. Changes involving routine maintenance and repair for the general cleaning and upkeep of the building but which include no direct physical change in design or material;
  - 2. Changes involving color and landscaping, except as previously noted;
  - 3. Interior changes involving no exterior alteration, except in the areas previously noted (2.A.3.I. above).
- C. The penalty upon conviction for conducting work which requires a Certificate for Certain Work without procuring the Certificate or for doing work contrary to an issued Certificate is a fine not to exceed \$100.00. Each and every day that such violation continues after notification may constitute a separate offense. The City of Lincoln may also pursue the remedies of injunction, mandamus, or other appropriate action to correct a violation.

### 3. **Standards for Owner and Preservation Commission:**

The following standards serve as a guide to the Landmark property owner in the preservation of their building. It is also intended that these Standards will aid the Commission in making decisions regarding issuance or denial of a Certificate.

When a decision on issuing or denying a Certificate is requested, the more definitive the presentation by the applicant, the easier it will be to convey and comprehend the effect of the proposed change. The owner or representative should plan to attend the public hearing to discuss the proposed work. When an application is being reviewed, it will be the responsibility of the applicant to demonstrate that the new work is compatible with these Standards.

A strict interpretation of these guidelines may be waived by the Preservation Commission if the applicant develops a design solution which meets the spirit and intent of the Historic Preservation Ordinance. In addition, although the owner of the landmark must receive Certificates for work identified above, a broader interpretation of the Guidelines for this property may be allowed by the Preservation Commission.

#### A. **New Construction:**

- 1. **Accessory Buildings:**  
Accessory buildings shall be compatible with the design of the existing building and shall be as unobtrusive as possible.

#### B. **Alterations:**

- 1. Additions shall complement the style of the structure while being subordinate to the original structure. Additions shall not imitate architectural styles which pre-date that of the historic structure. The appearance of the north, east and west facades of the building shall not be altered unless the design is sensitive to the historic and architectural character of the building. Materials and architectural details used in such alterations and additions shall complement those on the existing building.

2. Roofs: The form of the roof shall not be changed.
3. Trim: Changes in the existing exterior trim of the building, other than painting or repair, shall be based on physical evidence of missing features, documentation, or careful consideration of closely relevant examples, preferably drawn from Lincoln. Any replaced or repaired portions of the trim that are visible and above grade, including, but not limited to moldings, cornices, doors, and windows, shall match the original members in scale, design, and appearance. Replication of original materials is preferred; alternate materials of similar appearance will be considered on a case-by-case basis.
4. Openings: Original windows, doors, or hardware shall not be removed when they can be restored, repaired, and reused. If the original glass, sash, hardware, and doors cannot be repaired and retained, then they shall be replaced with new units that duplicate the original in size, material, and appearance. If necessary, replacement of these items with non-original materials may be allowed on a case-by-case basis, if their appearance is very similar to the original, and the owner presents compelling evidence comparing various alternatives.

Additional openings, or changes in the size of the existing openings, shall not be made unless the change is compatible with the style and period of the building.

Metal, vinyl, or fiberglass awnings, hoods, or shutters that would detract from the existing character or appearance of the building shall not be used.

C. Repair:

- I. Repairs in General: Repairs in materials that duplicate the original in composition, texture, and appearance are encouraged. Repairs with new materials that duplicate the original in texture and appearance also may be permitted. Repairs in materials that do not duplicate the original appearance may be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building and if repairs that duplicate the original in appearance are not available.
2. Masonry: The cleaning of exterior masonry shall not be done in a manner to harm or alter the original surface of the materials. Sandblasting of masonry is prohibited.

D. Demolition:

The Landmark or significant portions thereof shall not be demolished except pursuant to Lincoln Municipal Code Section 27.57.150(b), Section 27.57.160, or Section 27.57.170. The moving of the Landmark is discouraged; however, moving is preferred to demolition.

E. Other:

1. Mechanical Systems:

Necessary mechanical services shall be installed in areas and spaces that require the least possible alteration to the exterior structural condition and physical appearance of the building.

Holes to accommodate air conditioners or other mechanical equipment shall not be cut through the exterior walls.

Exterior electrical, television and telephone cables should be installed in places where they will be visually unobtrusive. Television antennae and mechanical equipment such as air conditioners and solar panels should be placed in as inconspicuous a location as possible. The installation of such equipment shall not adversely affect the principal (south and east facades).

2. Signs:

Any exterior signs shall be compatible with the historic and architectural character of the building. Freestanding signs, detached from the building but not blocking vistas of the principal facades, are preferred. Any street address designation shall also be compatible with the historic and architectural character of the building.

3. Fencing and Walls:

Chain link or similar security-type wire fences are prohibited in the front yard. All new fencing and walls shall be compatible with the historic and architectural character of the building.

4. Paving:

New paving and changes to the existing on-street parking shall be reviewed for its impact on the design character of the landmark and site. New sidewalks and drives shall be sensitive to the historic and architectural character of the building. Original walks shall be maintained.

5. Landscaping:

Original environmental features shall be maintained. Original and new plantings shall be trimmed so as to frame the architecture, rather than concealing it. New plantings

and outdoor appurtenances shall be compatible with the historic and architectural character of the property.

April 8, 2022

Mr. David Cary, Director of Planning  
Lincoln-Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Re: Chi Omega Sorority House Addition, Lincoln Nebraska

Dear Mr. Cary,

On behalf of the Chi Omega Sorority, Cadre A+D is submitting this letter to request historic zoning overlay designation and special permit for historic preservation to reduce the setbacks for a new 2-story, 3,700 square foot addition to the Chi Omega Sorority House located at 480 N. 16<sup>th</sup> Street. The purpose for the request is to modify the existing set back requirement in the southeast corner of the property to allow for an addition to the existing building as illustrated in the attachments.

The existing kitchen, dining area and chapter room are woefully inadequate for the number of residents and members in these assembly areas, and we would like to improve emergency egress. In addition, the existing kitchen is not up to current life safety code and needs complete renovation. Adequate parking is a continued concern, and this solution will eliminate the least amount of parking stalls on the property.

This request supports the 2050 Comprehensive Plan and the Downtown Lincoln Master Plan by investing and maintaining historic property, it provides infill development of underutilized property and supports housing near downtown as over 70 students live in the house currently.

We appreciate your consideration.

Sincerely,

**Cadre A+D, LLC**

A handwritten signature in black ink, appearing to read "John P. Badami".

John P. Badami, AIA  
Principal

Attachments:

Exhibit A: Pre-Design Concept Study

**ACTION:**

Gengler moved approval of the concept of the units so the applicant can initiate the CUP with the condition that they return with design refinements on the exterior cladding, configuration of windows and color, seconded by Johnson.

Hove-Graul would like the applicant to sympathetically look at other windows in the neighborhood. The window schedule of this is all over the place. There are many styles and shapes.

Gengler would invite the architect or designer to stand back and take a look at this and the historic elements in the neighborhood. She would like to see something a little more consistent.

McCown completely appreciates the applicant working to this point and taking the Commission's previous suggestions to heart.

Motion for approval of the concept as presented with the condition that the applicant return with design refinement on the exterior cladding, configuration of windows and color carried 6-0: Gengler, Hove-Graul, Johnson, McCown, McKee and Newport voting 'yes'; Worth abstaining.

**LOCAL LANDMARK DESIGNATION, SPECIAL PERMIT FOR HISTORIC PRESERVATION AND CERTIFICATE FOR WORK AT CHI OMEGA SORORITY HOUSE, 480 N. 16<sup>TH</sup> STREET**  
**PUBLIC HEARING:**

**April 21, 2022**

Members present: Gengler, Hove-Graul, Johnson, McCown, McKee, Newport and Worth.

John Badami appeared. He was hired to help Chi Omega with some issues. They have been a growing chapter. The solution they are showing helps mitigate a lot of the issues that were raised. They understand the significance of sorority row and this building. The area they are looking to add on to is the back which he believes is an underutilized area. This is the prime area to solve a number of issues. They also have some code issues to deal with. He showed the existing basement area. There are about 120 girls total and not enough room in the basement when they all come together. The first floor northeast corner is the kitchen. It has a number of code issues. The dining area is inadequate as well. Currently, 72 girls live in the house. When they all come together, it becomes a challenge.

Hove-Graul believes this is one of the houses that had to revert to catering since the kitchen is inadequate. Badami replied she was correct.

Badami continued that there is a small gathering space on the second floor. They want to enlarge that for social gatherings and study space. He show the existing site as it sits today. He showed the location of the proposed addition. The new additional would be brick in keeping with the 1975 addition, as well as the addition to the east. They will be very sensitive to the windows and lentil detailing. They are adding an outdoor area. It would be a better utilized space. He showed

the configuration as it currently sits as compared to the house with the proposed addition. In the plan, the chapter room is expanded and a secondary exit is added. The additional egress on the south end will go through to the other floors. They don't know yet what the kitchen enlargement will look like. Some restroom improvements will be done.

Worth complimented the new design. Typically for new infill, you shouldn't try to make it blend seamlessly. He wondered if there is other detail that could be used.

McCown likes it. He believes it is a nice homage to the rest of the structure. Hove-Graul agreed.

**ACTION:**

Gengler moved approval of local landmark designation and found the building is significant as an excellent representative of the several Period Revival chapter houses designed by the prominent Lincoln architects Miller & Craig, seconded by Hove-Graul and carried 7-0: Gengler, Hove-Graul, Johnson, McCown, McKee, Newport and Worth voting 'yes'.

Hove-Graul moved approval of a special permit for historic preservation to allow for the preservation and adaptation of the Greek house, seconded by Gengler and carried 7-0: Gengler, Hove-Graul, Johnson, McCown, McKee, Newport and Worth voting 'yes'.

Johnson moved approval of a Certificate of Appropriateness for work as presented and found that the proposed addition is consistent with the standards for new construction, alterations, paving and landscaping, seconded by Newport and carried 7-0: Gengler, Hove-Graul, Johnson, McCown, McKee, Newport and Worth voting 'yes'.

**CERTIFICATE FOR DEMOLITION AT 410 N. 26<sup>TH</sup> STREET IN THE HAWLEY LANDMARK DISTRICT**  
**PUBLIC HEARING:**

**April 21, 2022**

Members present: Gengler, Hove-Graul, Johnson, McCown, McKee, Newport and Worth.

Hageman has no additional information. She hasn't heard from the applicant.

McCown inquired if anyone is familiar with this building. None of the other Commissioners were.

The Commissioners all agreed they would like to hear more information from the applicant.

McKee moved to continue public hearing, seconded by Newport and carried 7-0: Gengler, Hove-Graul, Johnson, McCown, McKee, Newport and Worth voting 'yes'.

## 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 #22012

FINAL ACTION?  
Yes

DEVELOPER/OWNER  
Chi Omega Building Association

PLANNING COMMISSION HEARING DATE  
May 25, 2022

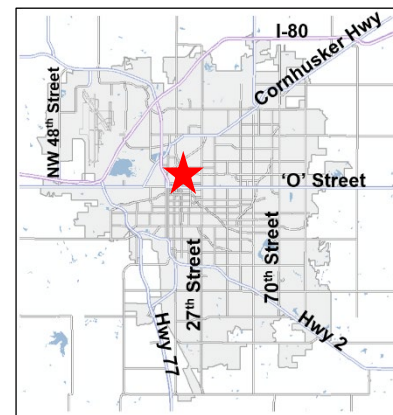
RELATED APPLICATIONS  
CZ22010

PROPERTY ADDRESS/LOCATION  
480 N 16<sup>th</sup> Street

### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a special permit for historic preservation to expand the existing Chi Omega sorority house with an addition at the rear of the building. The L-shape lot configuration creates two separated rear yard setbacks, necessitating the requested rear setback waiver to allow the two-story addition within 12 feet of the property line.



#### JUSTIFICATION FOR RECOMMENDATION

Adding the protection of Lincoln landmark designation supports the retention of a significant historic structure in Lincoln. Landmark designation is a requirement to seeking a Special Permit for Historic Preservation, which provides incentives for the continued productive use of investment in neighborhood infrastructure and the building, as is strongly encouraged by the Lincoln/Lancaster County 2050 Comprehensive Plan. The requested waiver to reduce the rear yard setback is necessary to continue using the existing sorority house under modern code and customs.

#### APPLICATION CONTACT

John Badami  
(402) 314-6964  
jbadami@cadre-arch.com

#### STAFF CONTACT

Stephanie Rouse, (402) 441-6373 or  
srouse@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan recommends designation of a wide range of the community's historic places and utilization of incentives to encourage their preservation.

#### WAIVERS

1. To reduce the rear yard setback to 12 feet. (Recommend Approval)



## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

[Figure GF.b: 2050](#) - This site is shown as future Residential-Urban Density 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.

#### **Fundamentals of Growth in Lancaster County: The Urban Environment**

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

### 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

#### 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.

[Figure E6.c: Historic & Capitol Environs Districts](#)

### Policies Section

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

#### Action Steps

5. Preserve, protect and promote the character and unique features of urban neighborhoods, including their historical and architectural elements.

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.
6. Designate landmarks and districts through the local preservation ordinance and the National Register of Historic Places.
14. Encourage the continued use and maintenance of historic resources, including properties not formally designated as landmarks.

## ANALYSIS

1. This is a request for a special permit for historic preservation to allow construction of a two-story rear addition to the existing Chi Omega sorority house with a reduced rear yard setback of 12 feet instead of the required 30 feet. This waiver is necessary due to the irregular shape of the lot which creates two rear yards, one closer to the building than the other.
2. LMC 27.63.400 says the Planning Commission may approve, by special permit, any use of a historic structure or site after review and consideration of the following:

- a. *The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district;*

Chi Omega is a prominently sited Greek house on the east side of North 16<sup>th</sup> Street within UNL's Greek Row, which overall constitutes a very distinctive academically related setting in the community. The house is an excellent representative of the several Period Revival chapter houses designed by the prominent Lincoln architects Miller & Craig. Its addition in 1952 exemplifies the careful extensions many of the houses received in mid-century.

The variance from the strict interpretation of the rear setback is 18 feet. Most of the addition will maintain the required 30 foot setback to the furthest rear property line, however the closer of the two rear lot lines formed by the L-shaped lot would only be 12 feet from the addition. The addition is necessary to accommodate the needed expansion for assembly areas, code compliant upgrades to the kitchen, and improved emergency egress.

- b. *The extent to which economic factors necessitate the change in use;*

The existing kitchen, dining area, and chapter room are inadequate to meet the needs of the number of residents living in and using the space. In order to continue serving the number of residents within the existing historic structure and maintain the existing surface parking on-site, the proposed addition with the reduced rear setback is necessary.

- c. *The extent of proposed exterior change to the structure or site;*

A two-story, 3,700 square foot addition on the east façade of the building is proposed. The addition is stepped back from the main structure to create a distinction between the new and old structure. Similar brick, window fenestration, and corner quoins are proposed to maintain continuity with the existing structure.

- d. *The impact on the surrounding area;*

There will be minimal impact. The addition and setback reduction are proposed at the rear of the site, adjacent to other Greek houses that also have setbacks not meeting the minimum 30-foot requirement. The Greek Row Historic District is comprised primarily of large houses with a landscaped front yard and little to no rear yard, with many houses built to the rear property line.

*e. The compatibility of the proposed use to the structure or site and the surrounding area; and*

The continued use as a sorority house is compatible with the rest of the Greek Row Historic District.

*f. The manner in which the public will be benefitted by such proposed use.*

The historic building will continue to be maintained and function as a part of the Greek Row Historic District. Any future exterior changes will be reviewed by the Historic Preservation Commission in relation to the Secretary of the Interior's Standards for Rehabilitation.

2. The Historic Preservation Commission unanimously recommended approval of the request for landmark designation and a special permit for historic preservation to allow the reduced rear yard setback for the two-story addition on April 21, 2022 (excerpt from meeting record attached to CZ22010).
3. The setback waivers requested by this special permit will allow for the continued use and preservation of the landmark building.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Sorority House/R-7 Residential

**SURROUNDING LAND USE & ZONING**

North: Student Housing/Public  
South: Greek House/R-7 Residential  
East: Student Housing/Public  
West: Greek House/R-7 Residential

**APPROXIMATE LAND AREA:** 0.42 acres

**LEGAL DESCRIPTION:** RAYMONDS SUBDIVISION, Lot 7, N1/2 & S W LITTLES SUB W200' LOT 8

Prepared by

---

Stephanie Rouse, Planner

Date: April 25, 2022

Applicant/  
Contact: John Badami  
Cadre Architecture  
5909 Norman Road  
Lincoln, NE 68512  
(402) 314-6964  
[jbadami@cadre-arch.com](mailto:jbadami@cadre-arch.com)

Owner: Brenda Maxwell  
5395 Katleman Dr.  
Lincoln, NE 68521  
(308) 833-0181  
[abrach0428@yahoo.com](mailto:abrach0428@yahoo.com)

## CONDITIONS OF APPROVAL - SPECIAL PERMIT #22012

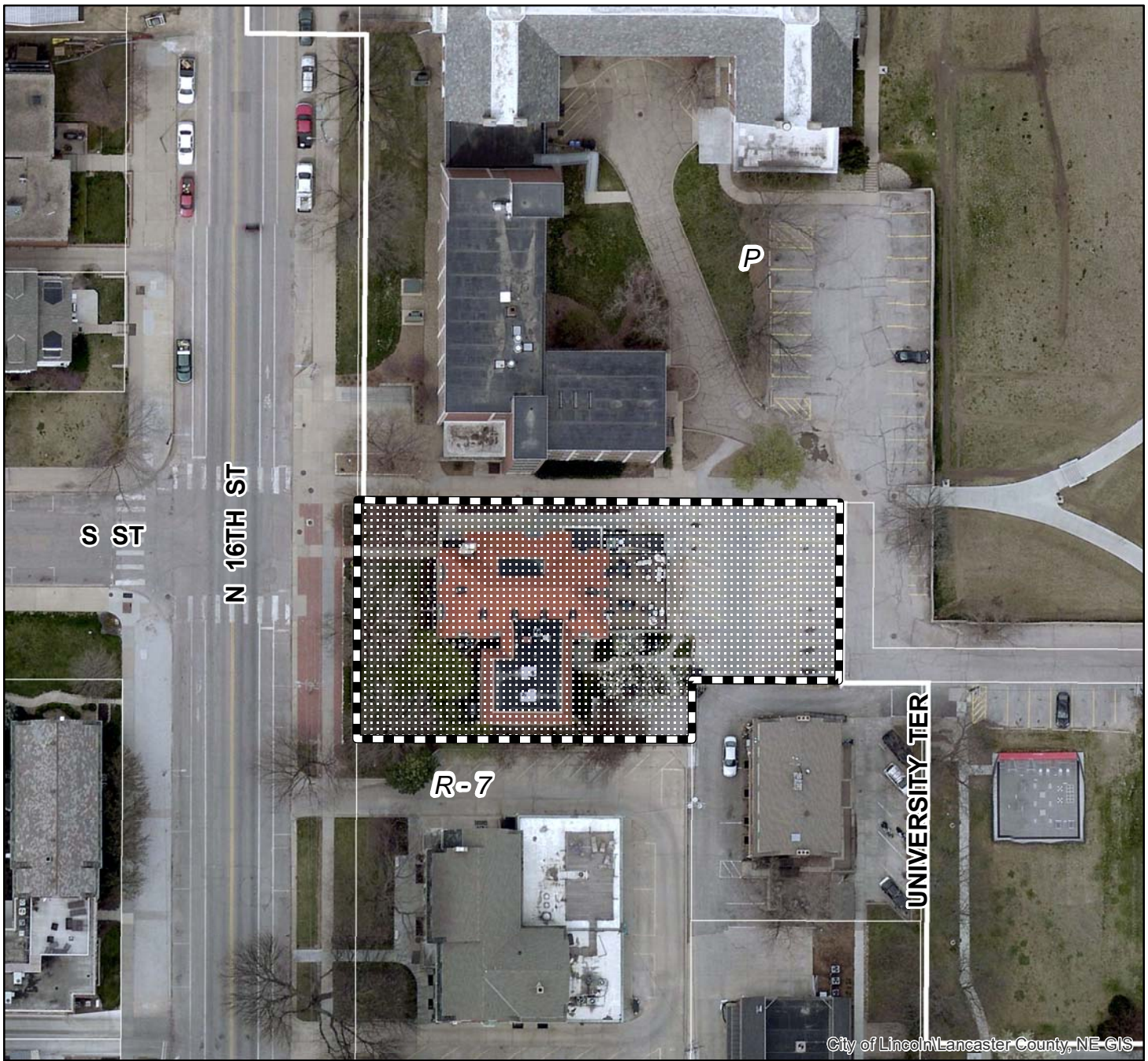
Per Section 27.63.400 this approval permits the historic preservation continued use of the Chi Omega House and a 3,700 square foot addition with a rear setback reduction to 12 feet.

### Site Specific Conditions:

1. The City Council approves associated request:
  - 1.1 Change of Zone #22010 to designate Chi Omega a Local Landmark.
2. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
  - 2.1 Update the site plan to show the utility easements described in 1986-020137.
  - 2.2 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
3. Before receiving building permits provide the following documents to the Planning Department:
  - 3.1 Verification that the required easements as shown on the site plan have been recorded with the Register of Deeds.

### Standard Conditions:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying buildings all development and construction shall substantially comply with the approved plans.
  - 4.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
  - 4.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.



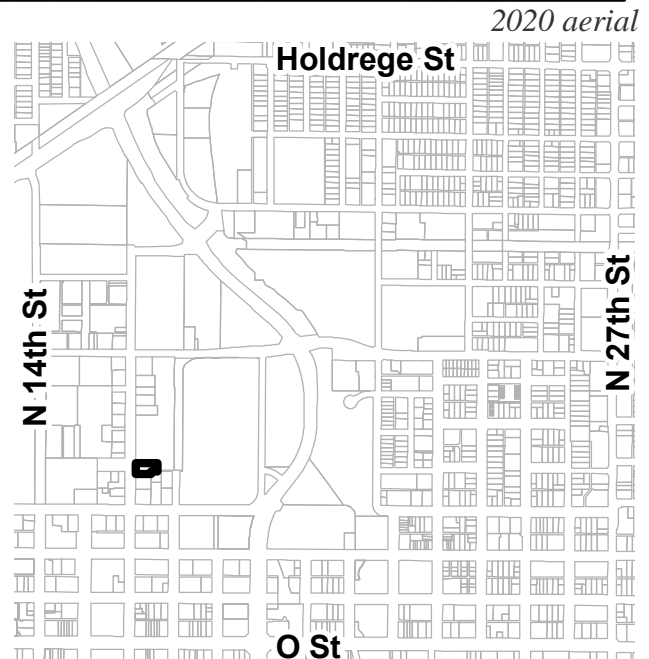
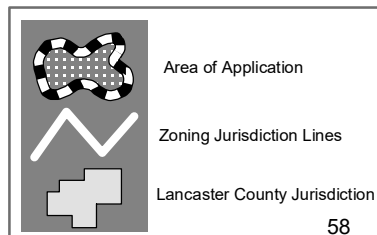
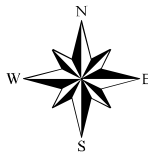
**Change of Zone #: CZ22010 &  
Special Permit #: SP22012  
Chi Omega HP  
N 16th St & S St**

### Zoning:

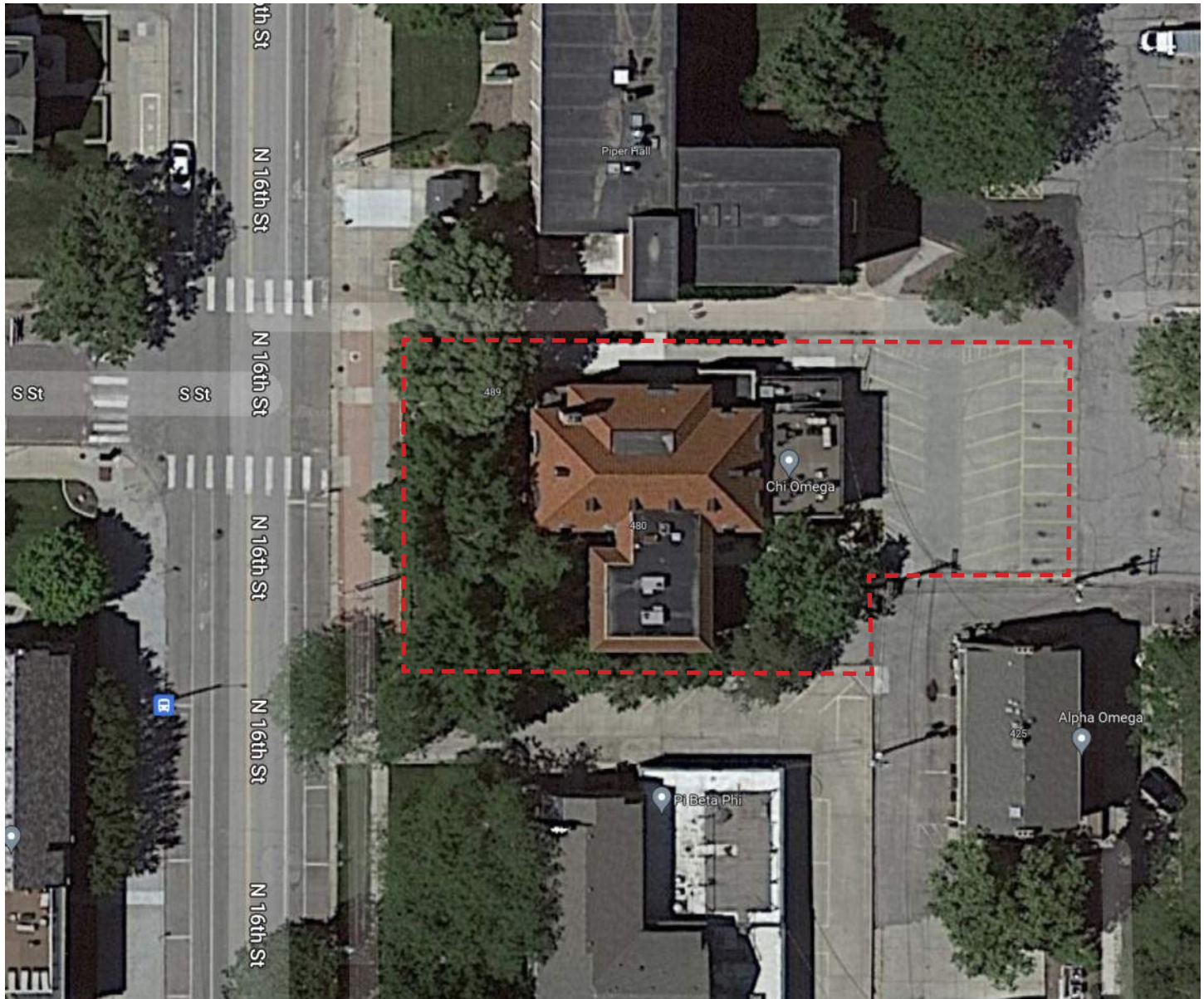
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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

PDF: F:\Boards\PC\Internet\out\

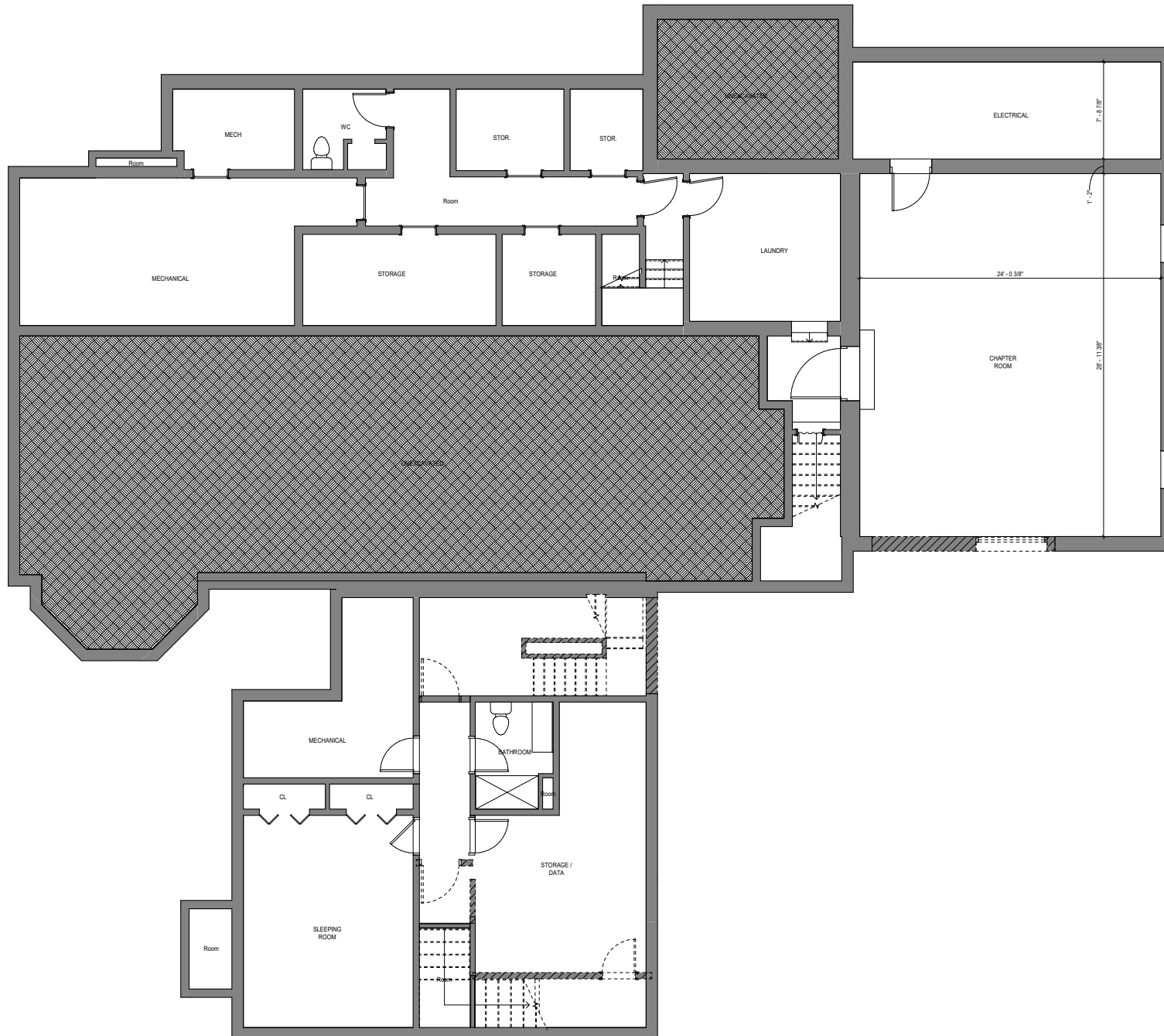
**One Square Mile:  
Sec.24 T10N R06E**











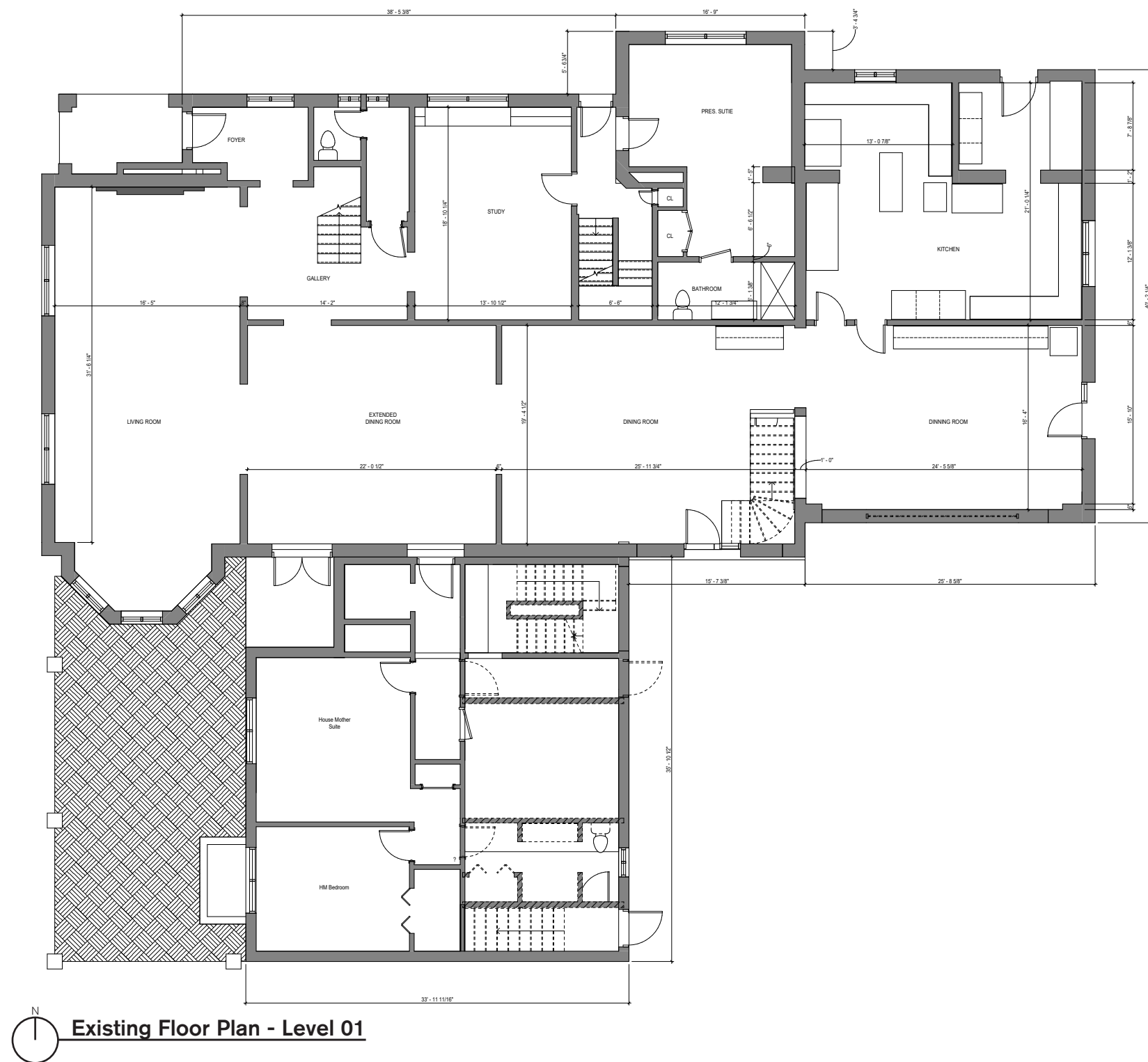
N  
Existing Floor Plan - Level 00

**Existing Chapter Room:**

- 696 sq ft

**Existing Bed Count:**

- Level 00 04 Beds
- Level 01 02 Beds
- Level 02 38 Beds
- Level 03 26 Beds
- **Total 70 beds**



**Existing Chapter Room:**

- 696 sq ft

**Existing Bed Count:**

- Level 00      04 Beds
- Level 01      02 Beds
- Level 02      38 Beds
- Level 03      26 Beds
- **Total        70 beds**



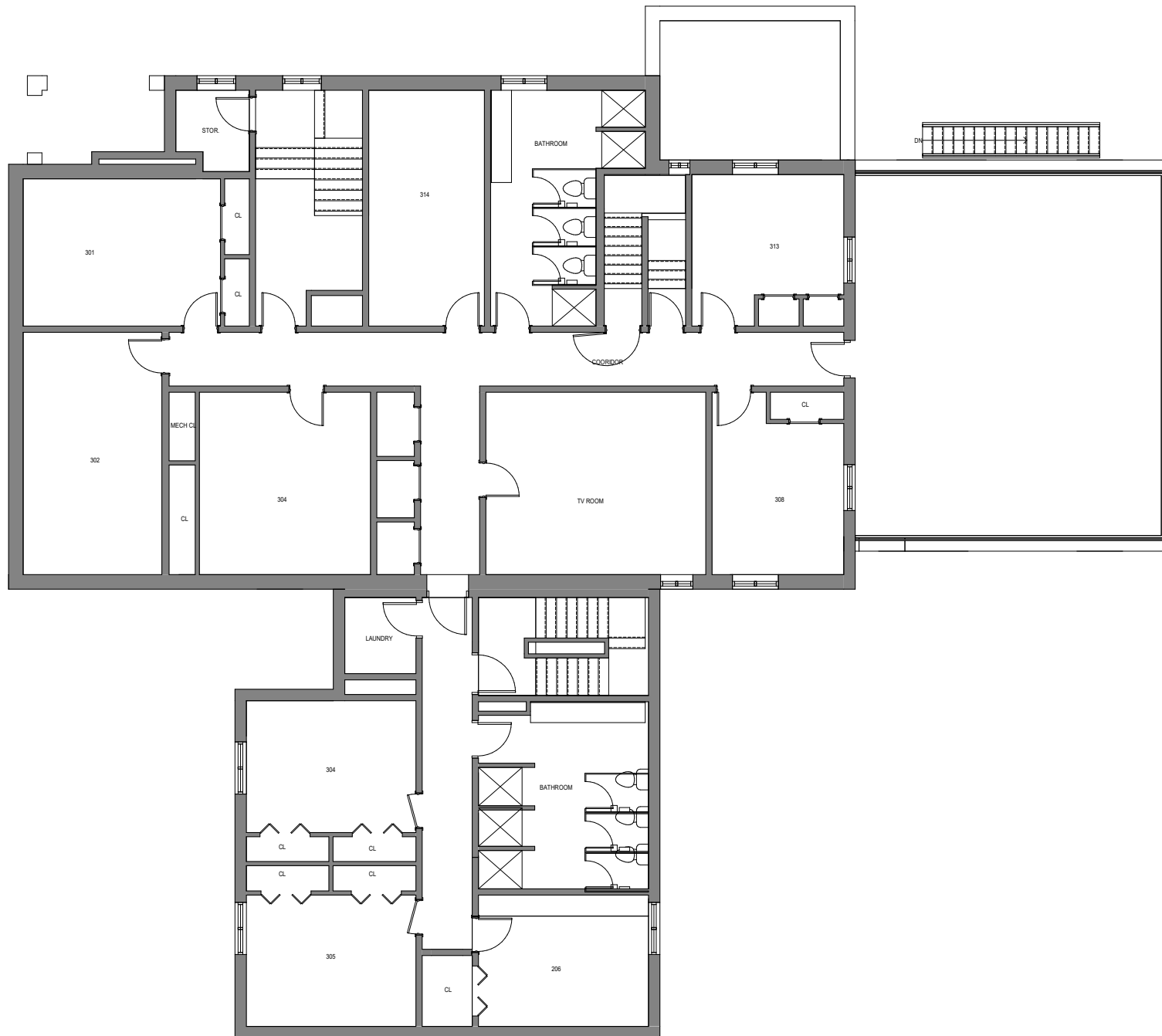


**Existing Chapter Room:**

- 696 sq ft

**Existing Bed Count:**

- Level 00 04 Beds
- Level 01 02 Beds
- Level 02 38 Beds
- Level 03 26 Beds
- **Total 70 beds**



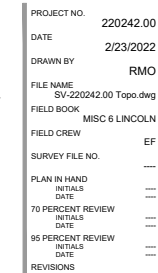

**Existing Floor Plan - Level 03**

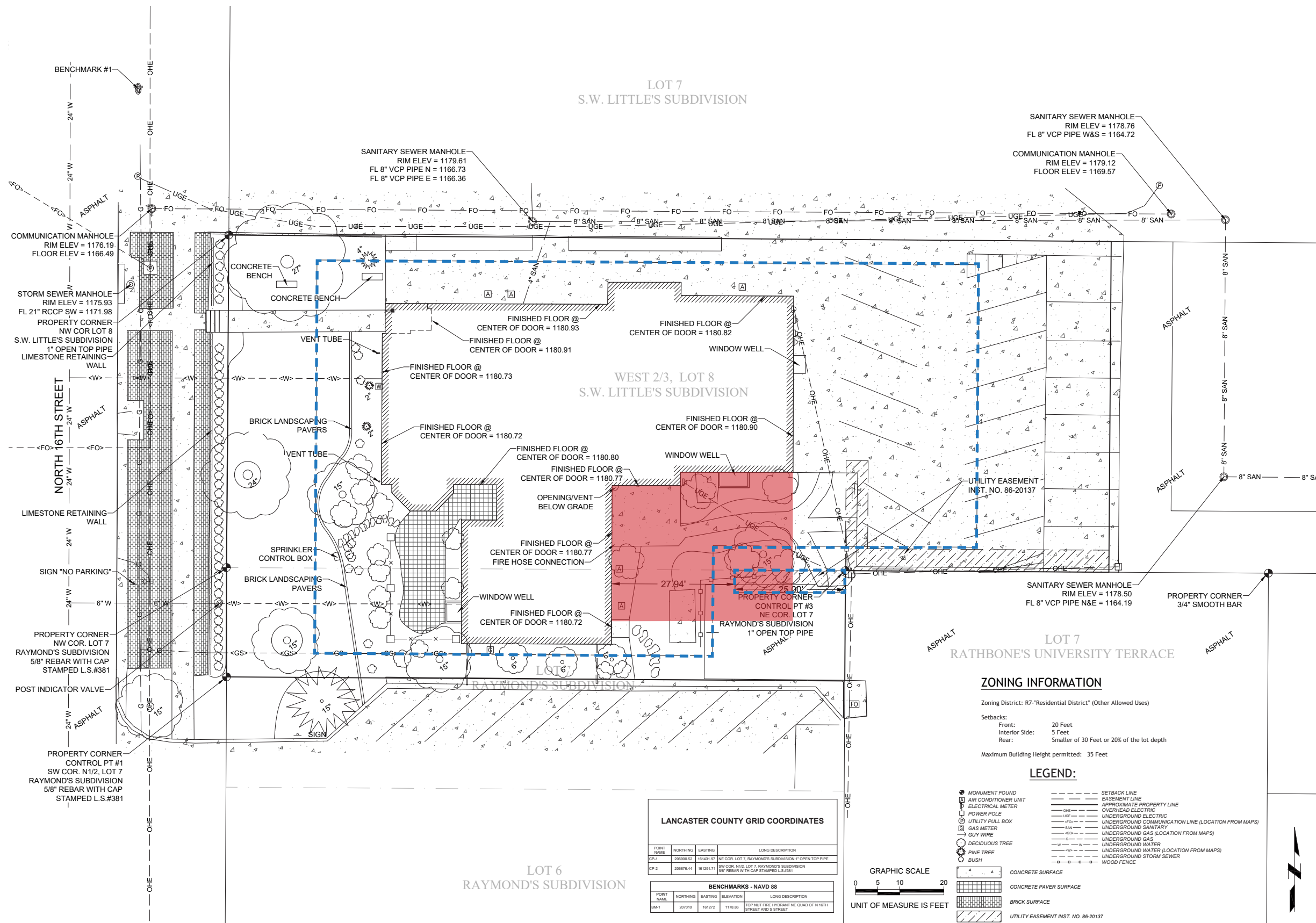
**Existing Chapter Room:**

- 696 sq ft

**Existing Bed Count:**

- Level 00    04 Beds
- Level 01    02 Beds
- Level 02    38 Beds
- Level 03    26 Beds
- **Total       70 beds**







## Expansion Scheme B & C

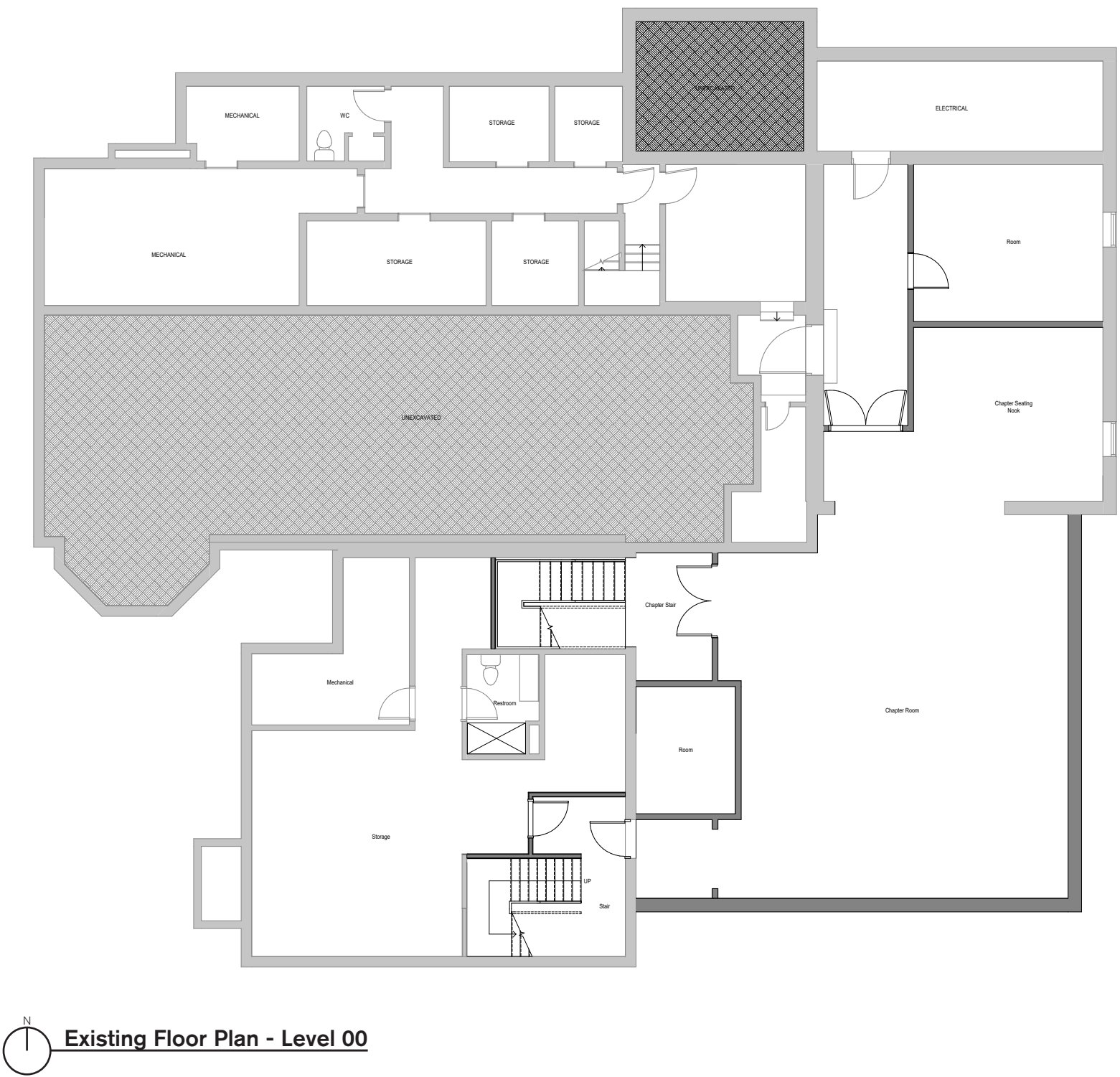


## Expansion Scheme B & C

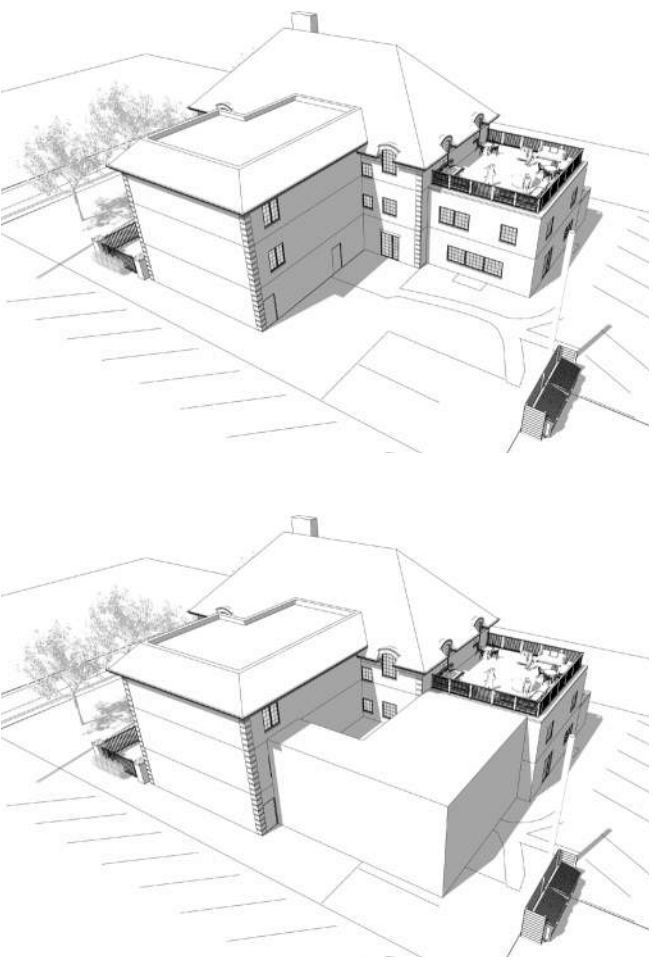




Expansion Scheme C



Existing Floor Plan - Level 00



Existing Chapter Room:

- 696 sq ft

Proposed Chapter Room:

- 1,252 sq ft

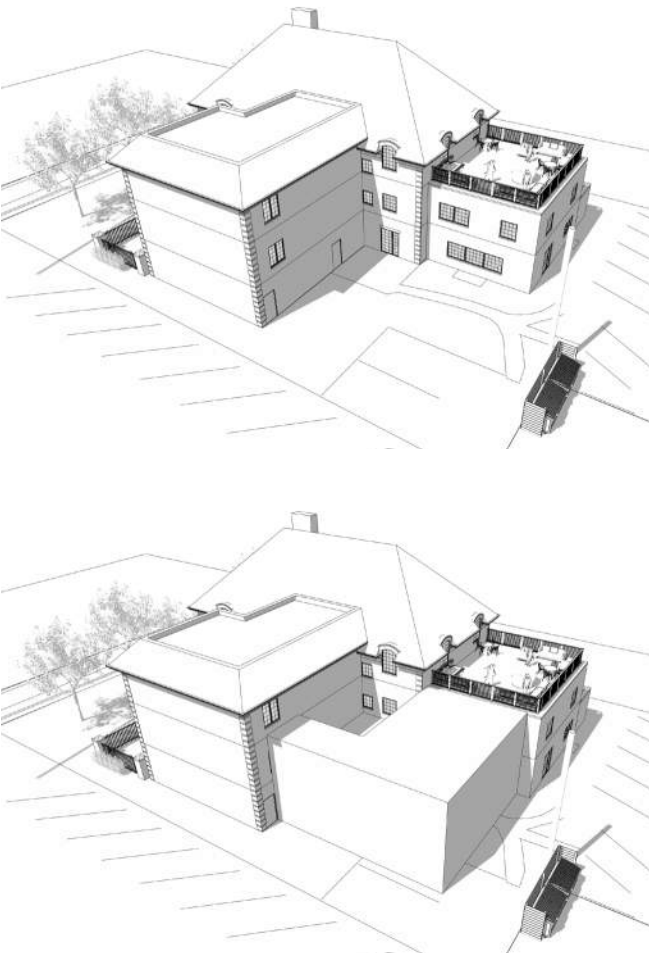
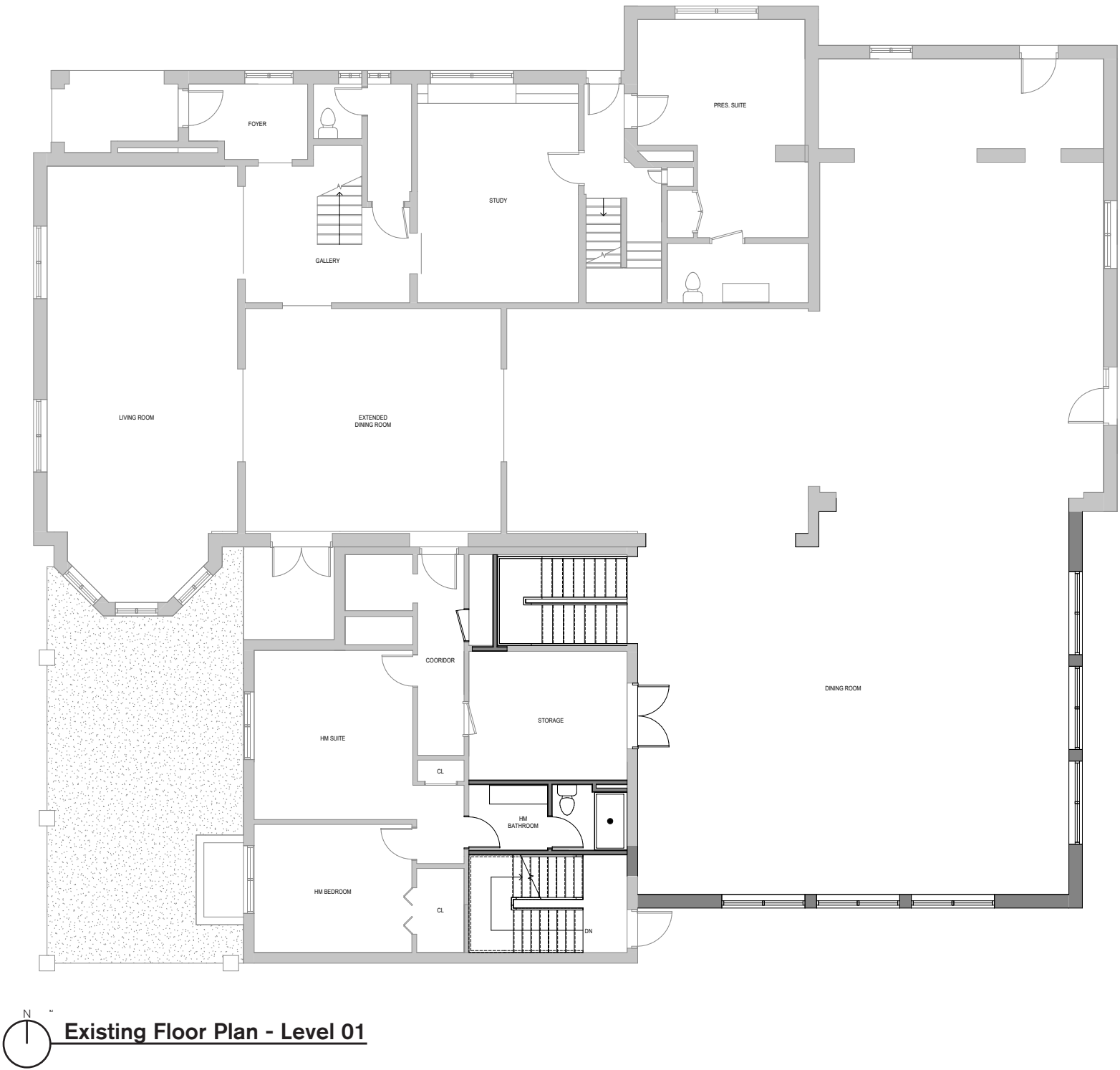
Existing Bed Count:

- Level 00 04 Beds
- Level 01 02 Beds
- Level 02 38 Beds
- Level 03 26 Beds
- **Total 70 beds**

Proposed Bed Count:

- Level 00 00 Beds
- Level 01 02 Beds
- Level 02 36 Beds
- Level 03 28 Beds
- **Total 66 beds**

Expansion Scheme C



Existing Chapter Room:

- 696 sq ft

Proposed Chapter Room:

- 1,252 sq ft

Existing Bed Count:

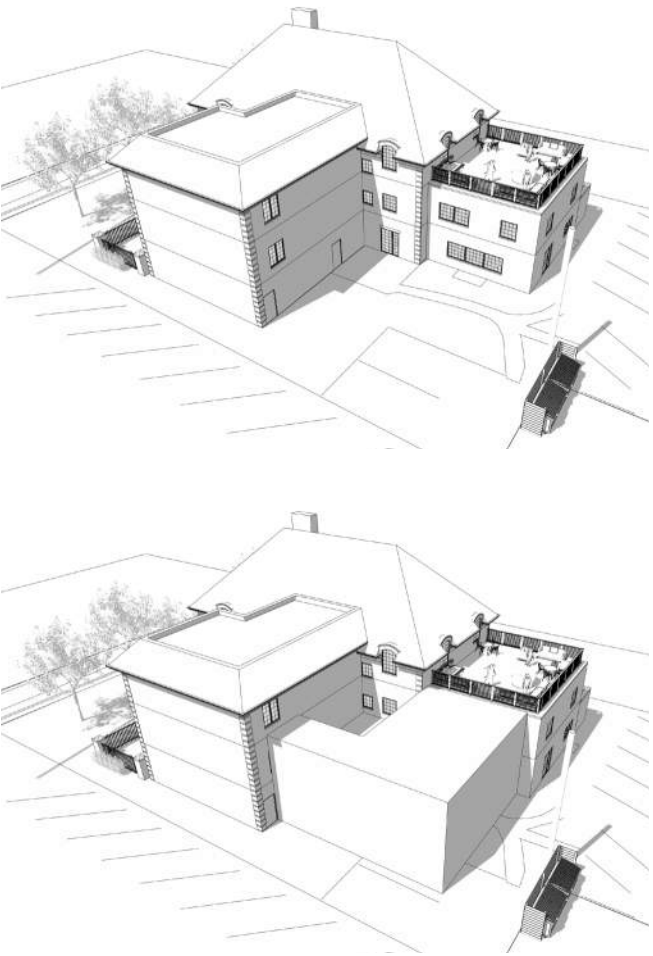
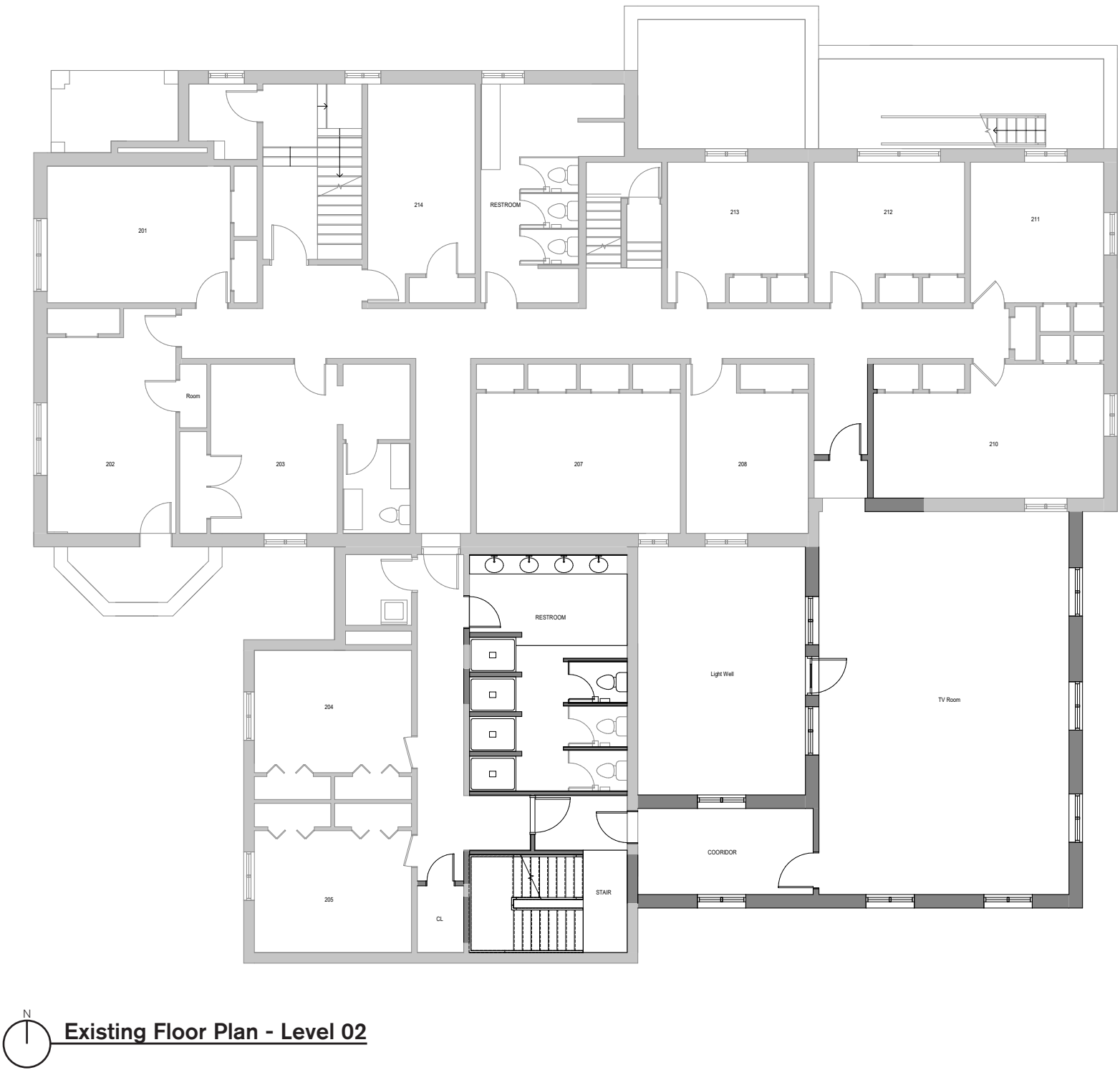
- Level 00 04 Beds
- Level 01 02 Beds
- Level 02 38 Beds
- Level 03 26 Beds
- Total 70 beds

Proposed Bed Count:

- Level 00 00 Beds
- Level 01 02 Beds
- Level 02 36 Beds
- Level 03 28 Beds
- Total 66 beds



Expansion Scheme C



Existing Chapter Room:

- 696 sq ft

Proposed Chapter Room:

- 1,252 sq ft

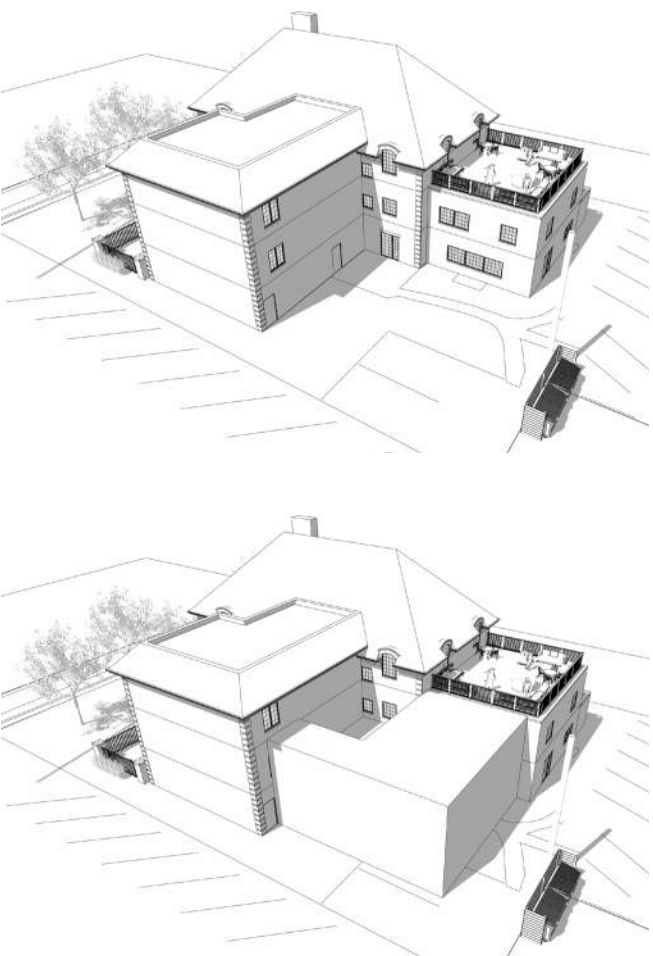
Existing Bed Count:

- Level 00 04 Beds
- Level 01 02 Beds
- Level 02 38 Beds
- Level 03 26 Beds
- Total 70 beds

Proposed Bed Count:

- Level 00 00 Beds
- Level 01 02 Beds
- Level 02 36 Beds
- Level 03 28 Beds
- Total 66 beds

Expansion Scheme C



Existing Chapter Room:

- 696 sq ft

Proposed Chapter Room:

- 1,252 sq ft

Existing Bed Count:

- Level 00 04 Beds
- Level 01 02 Beds
- Level 02 38 Beds
- Level 03 26 Beds
- Total 70 beds

Proposed Bed Count:

- Level 00 00 Beds
- Level 01 02 Beds
- Level 02 36 Beds
- Level 03 28 Beds
- Total 66 beds

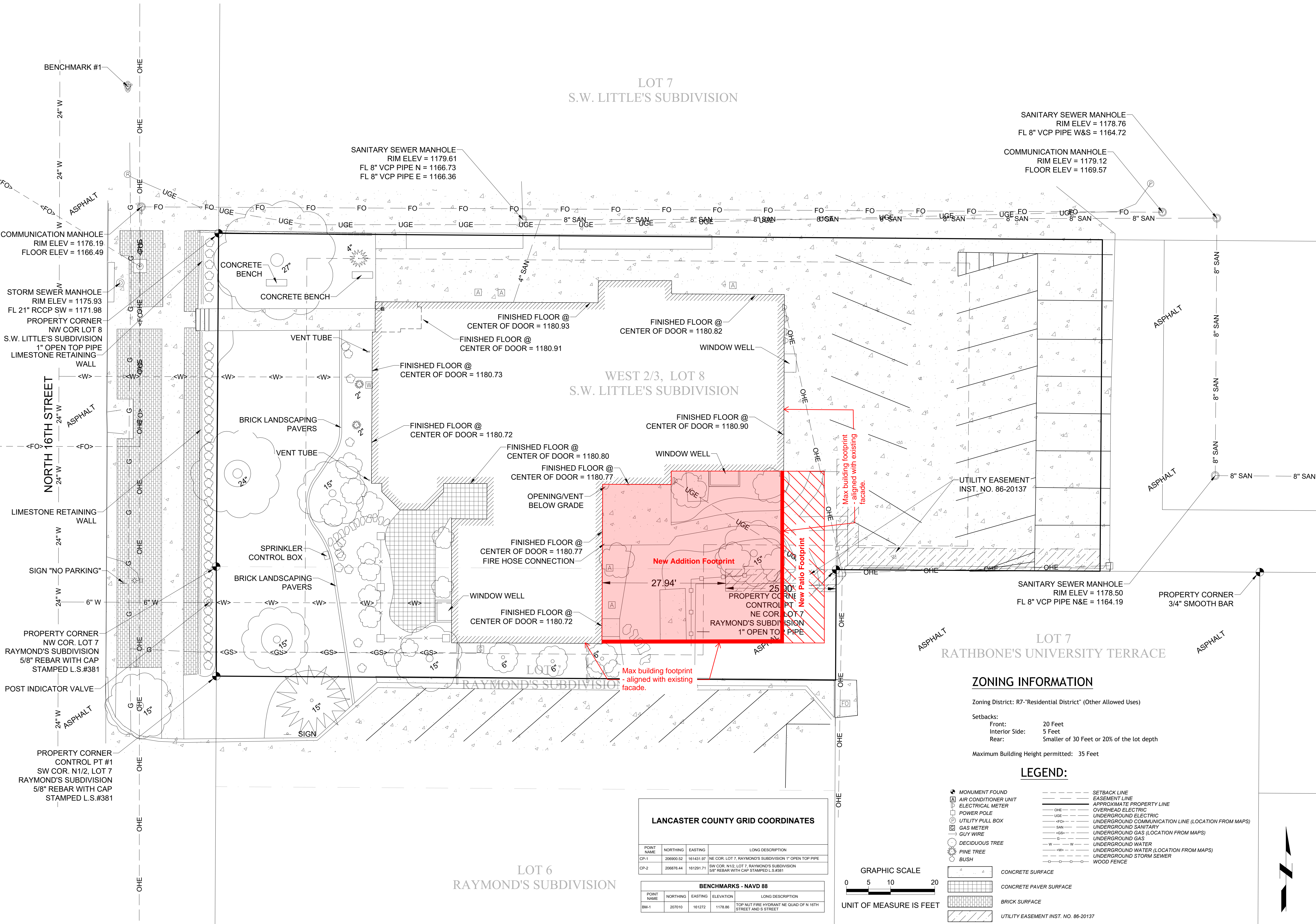


LOT 7  
S.W. LITTLE'S SUBDIVISION

WEST 2/3, LOT 8  
S.W. LITTLE'S SUBDIVISION

LOT 7  
RATHBONE'S UNIVERSITY TERRACE

LOT 6  
RAYMOND'S SUBDIVISION



PROJECT NO.	220242.00
DATE	2/23/2022
DRAWN BY	RMO
FILE NAME	SV-220242.00 Topo.dwg
FIELD BOOK	MISC 6 LINCOLN
FIELD CREW	EF
SURVEY FILE NO.	----
PLAN IN HAND	----
INITIALS	----
DATE	----
70 PERCENT REVIEW	----
INITIALS	----
DATE	----
95 PERCENT REVIEW	----
INITIALS	----
DATE	----
REVISIONS	----

## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

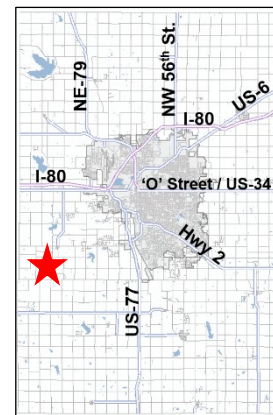
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Miscellaneous #22005	FINAL ACTION? No	DEVELOPER/OWNER James Luers
PLANNING COMMISSION HEARING DATE May 25, 2022	RELATED APPLICATIONS Final Plat #22024	PROPERTY ADDRESS/LOCATION SW 98 <sup>th</sup> St and W. Yankee Hill Rd.

### RECOMMENDATION: REVOKE SPECIAL PERMIT

#### BRIEF SUMMARY OF REQUEST

This request is to revoke Special Permit #17027 Tallgrass Hills Community Unit Plan. The application is from the Director of Building and Safety per Article 13 Section 13.005 as requested by the property owner/developer of the land.



#### JUSTIFICATION FOR RECOMMENDATION

The owner requested the special permit be revoked as they decided they didn't want to follow the street standard requirements of Special Permit 17027. There is no impact to adjacent properties if this special permit is revoked. No residential lots have been created for this development.

#### APPLICATION CONTACT

Chad Blahak, Director of Building and Safety

#### STAFF CONTACT

Tom Cajka, (402) 441-5662 or  
tcajka@lincoln.ne.gov

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

Revocation of the special permit is in conformance with the Comprehensive Plan.

#### ANALYSIS

1. The property owner/developer of Tallgrass Hills Community Unit Plan (CUP) has requested that the special permit be revoked. The owner does not want to proceed with constructing the public street as required by the special permit. The CUP was approved for 5 lots.
2. The owner has submitted a final plat that follows the conditions of AG Preservation. AG Preservation allows one lot per 20 acres. The lots can be as small as 3 acres. AG Preservation also requires that 75% of the total area of the final plat be in an outlot for open space. The proposed final plat is for 4 lots. A final plat is approved by the Planning Director.
3. The final plat cannot be approved until the special permit is revoked due to the final plat not being in conformance with the special permit.

4. Currently the Lancaster County Zoning Regulations does not have a process for a property owner to request a special permit be rescinded. The only option per Article 13.005 is for the Director of Building and Safety to request to the County Board that the special permit be revoked. A letter from the Director of Building and Safety is attached to this report.
5. Per Article 13, Section 13.005 a public hearing before the Planning Commission is required to revoke a special permit. Due to this special permit being approved by the Lancaster County Board of Commissioners (Board), the Planning Commission is advisory and final action must be taken by the Board. Revoking this special permit will have no impact on adjacent properties since no lots or streets were created. If the project had been completed, revoking the special permit would not be appropriate.

**EXISTING LAND USE & ZONING:** Farm ground                      Ag Agricultural

**SURROUNDING LAND USE & ZONING**

North: AG Agricultural	Three single family houses each on parcels of 20 acres or larger.
South: AG Agricultural	Single-family house on 76-acre farm ground
East: AG Agricultural	Farm ground. One single family house on 80-acre parcel.
West: AG Agricultural	Farm ground

**APPLICATION HISTORY**

Special Permit 17027 was approved by the Lancaster County Board of Commissioners on September 12, 2017

**APPROXIMATE LAND AREA:** 80 acres

**LEGAL DESCRIPTION:** Lot 35 Irregular tract located in the SE1/4 of Section 28, Township 9 North, Range 5 East, Lancaster County, NE

Prepared by

---

Tom Cajka, Planner

Date: May 11, 2022

Applicant: Chad Blahak, Director of Building and Safety

Contact: Tom Cajka, Planner  
Lincoln-Lancaster County Planning Department  
402-441-5662 or tcajka@lincoln.ne.gov

Owner: Tallgrass Hills, LLC  
James Luers  
6021 Rosebud Circle  
Lincoln, NE 68516

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/MISC/22000/MISC22005 Rescind Tallgrass Hills CUP.tjc.docx>





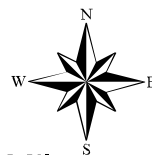
2020 aerial

## Miscellaneous #: MISC22005 SW 98th St & W Yankee Hill Rd

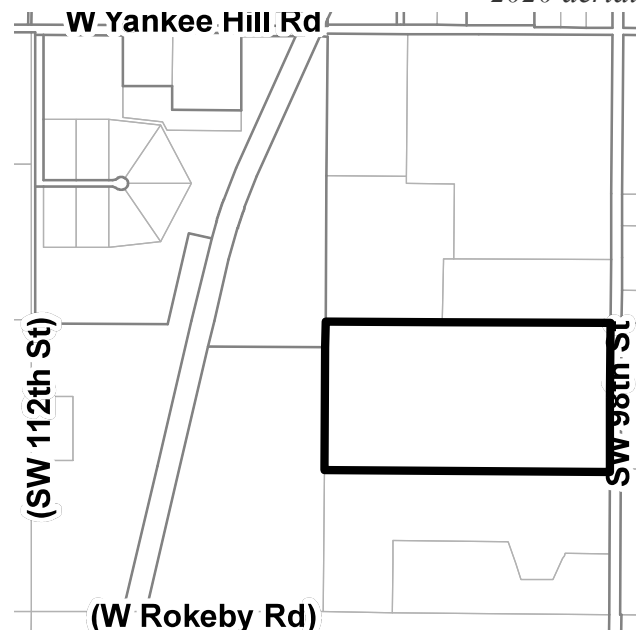
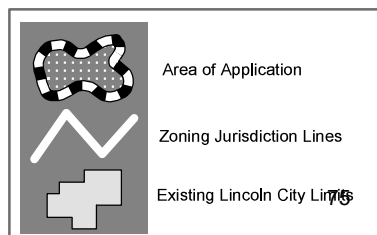
### Zoning:

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

PDF: F:\Boards\PC\Internet\out\



One Square Mile:  
Sec.28 T09N R05E





# MEMO

**Date:** April 28, 2022  
**To:** Lancaster County Board  
**From:** Chad Blahak - Director Building and Safety  
**Subject:** Revocation of SP17027 – Tallgrass Hills  
**CC:** David Derbin – County Board Administrator  
John Ward – County Attorney  
David Cary – Director Lincoln Lancaster County Planning Department

---

Board members,

Tom Cajka from the Lincoln and Lancaster County Planning Department received a letter (see attached) from the property owner/developer of the Tallgrass Hills development requesting that SP17027 be revoked. In the letter the owner also stated their intention to move forward with an AG Preservation Plat on the property. Based on this information I have concluded that the owner has no intention of complying with the requirements of SP17027 and therefore, pursuant to section 13.005 of the Lancaster County Zoning Regulations (see attached), I formally request that SP17027 be revoked.

Regards,

Chad Blahak, Director of Building and Safety

---

**James B. Luers**  
6021 Rosebud Circle  
Lincoln, NE 68516  
(402) 432-2762

---

April 11, 2022

Tom Cajka  
County Planner  
Lincoln-Lancaster County Planning

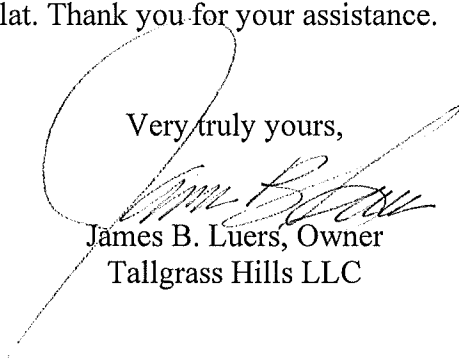
<via hand-delivery>

**RE: Tallgrass Hills, LLC**

Dear Mr. Cajka,

John Rallis and I are the owners of Tallgrass Hills Special Permit #17027 and hereby request that you rescind the approved Community Unit Plan. We have now decided to go the route of an AG Preservation Plat. Thank you for your assistance.

Very truly yours,



James B. Luers, Owner  
Tallgrass Hills LLC

JBL:ah  
Cc: John Rallis

## COUNTY ZONING REGULATIONS

---

### ARTICLE 13 SPECIAL PERMIT

---

#### 13.005. Enforcement and Revocation of Special Permits.

---

- a. The Director of Building and Safety shall make a report to the County Board at anytime the Director of Building and Safety finds the following:
  1. Any of the terms, conditions, requirements of a special permit have not been complied with by the Permittee or that any phase thereof has not been completed within the time required under said special permit or any administrative amendment thereto.
- b. The Planning Commission may, after a public hearing of which the permittee shall be notified, take any of the following actions:
  1. Revoke the special permit for failure to comply with any of the terms, conditions, and requirements of the special permit, or
  2. Take such other action as it may deem necessary to obtain compliance with the special permit, or
  3. Take such action that it deems necessary to preserve the public health, safety and general welfare. (Resolution No. [R-09-0011](#); March 10, 2009).

## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

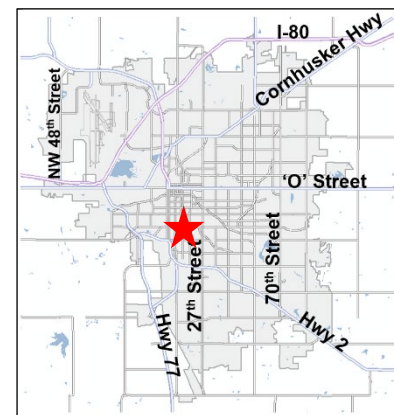
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Street and Alley Vacation 22001	FINAL ACTION? No	DEVELOPER/OWNER City of Lincoln
PLANNING COMMISSION HEARING DATE May 25, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION S 16 <sup>th</sup> Street from Lake Street to Harrison Avenue.

### RECOMMENDATION: CONFORMS TO THE COMPREHENSIVE PLAN

#### BRIEF SUMMARY OF REQUEST

Vacate a portion of South 16<sup>th</sup> Street running through Rudge Park between Lake Street and Harrison Avenue along with additional unnamed right of way extending from Harrison Avenue to Perkins Boulevard, both extending through Rudge Park. The right of way vacation is proposed to allow a continuous connection and expansion of Rudge Park which spans from South 14<sup>th</sup> Street east to South 17<sup>th</sup> Street.



#### JUSTIFICATION FOR RECOMMENDATION

Vacation of the public right-of-way will accommodate the continuous extensions of Rudge Park to serve the surrounding neighborhood. The connection of the park will be in conformance with the park's master plan.

#### APPLICATION CONTACT

Sara Hartzell, (402) 441-8261 or  
[shartzell@lincoln.ne.gov](mailto:shartzell@lincoln.ne.gov)

#### STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive plan encourages acquisition and conservation of open space for the use of parkland by the community's growing population. Vacation of this portion of public right-of-way will not negatively impact the transportation system and subject to the conditions of approval, this request is in conformance with the Comprehensive Plan.

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Elements Section

#### Transportation Element

The street is shown as a local in [Figure 4.23](#) of the Long Range Transportation Plan.

**Local Streets:** These streets serve as conduits between abutting properties and streets of higher functional classification. Local streets provide the lowest level of mobility and are generally designed to carry low levels of traffic at the lowest posted speeds.

### Policies Section

**P25: Open Space with Development** - The community should continue to acquire parkland and conserve open space areas commensurate with expanding development, population growth, and community needs.

#### Action Steps

4. Designate areas for future urban development outside of the floodplain and floodway in order to mitigate the impacts of flooding and preserve natural flood storage. Floodplain in public ownership should remain in public ownership. However, where it is determined that there is public benefit to releasing floodplain property to private ownership, flood storage capacity should be maintained through easements, deed restrictions, or other tools.

**P71: Public ROW and Access** - Manage public ROW and access to balance multimodal mobility needs and protect the value of adjacent property.

## ANALYSIS

1. This is a request to vacate the entire 16<sup>th</sup> Street right-of-way between Lake Street and Harrison Avenue, along with the un-named right-of-way to the east, connecting Harrison Avenue to Perkins Boulevard. Both right-of-way connections being requested for vacation run through Rudge Park. The proposed vacation would allow for Rudge Park to be continuous and follow the proposed Master Plan for Irvingdale, Rudge and Stransky Park. The area to be vacated includes approximately 0.47 acres, more or less.
2. The Comprehensive Plan encourages the expansion and continuing growth of parkland and public green infrastructure within the community to serve the growing population and increasing development. The proposed vacation will allow the expansion of Rudge Park and location of future park facilities. By vacating South 16<sup>th</sup> Street, individuals will no longer be required to cross an active roadway while inside the park.
3. The un-named connection from S 16<sup>th</sup> Street to Perkins Boulevard is shown on the approved plat from 1918. This connection is legally still shown as right-of-way but was never developed.
4. The City of Lincoln owns all property that is abutting the proposed vacation area and does not require an ownership petition to be filed or payment to be made to acquire the property. Land on both sides of the vacation areas is within the existing Rudge Park. There are existing LES and sanitary sewer facilities within the area, but easement do not need to be retained as the City will be the only property owner.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. With this request, payment for the right-of-way and retaining easements within the vacated area will not be required as the City is the only abutting property owner. This will also eliminate the need for a deed transfer.

**EXISTING LAND USE & ZONING:** Rudge Park; P-Public

### SURROUNDING LAND USE & ZONING

North: Bryan Medical Center West Campus	R-4 Residential
South: Single Family	R-4 Residential
East: Rudge Park / Single Family	P-Public / R-4 Residential

West: Rudge Park / Single Family

P-Public / R-4 Residential

**APPROXIMATE LAND AREA:** Approximately 0.46 acres, more or less

**LEGAL DESCRIPTION:** See attached exhibit

Prepared by

---

Ben Callahan, Planner

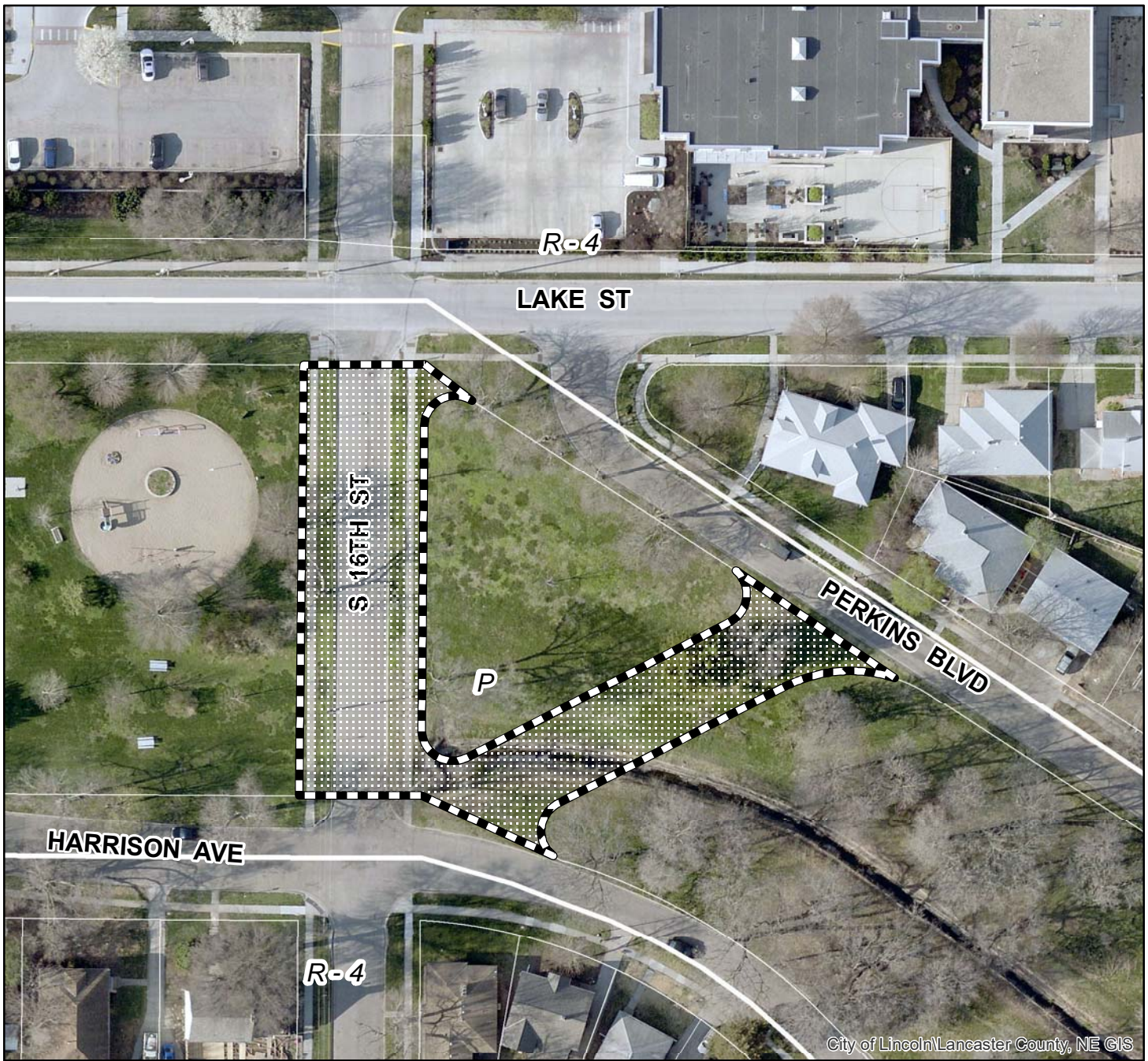
Date: May 12, 2022

Applicant: Lynn Johnson, Parks & Recreation Department  
Owner City of Lincoln  
3131 O Street, Suite 200  
Lincoln, NE 68508  
(402) 441-7847  
[parks@lincoln.ne.gov](mailto:parks@lincoln.ne.gov)

Contact: Sara Hartzell, Parks & Recreation Department  
City of Lincoln  
3131 O Street, Suite 200  
Lincoln, NE 68508  
(402) 441-8261  
[shartzell@lincoln.ne.gov](mailto:shartzell@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SAV/22000/SAV22001 S 16th Street Rudge Park.bmc..docx>

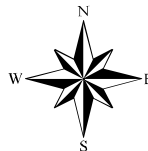




City of Lincoln/Lancaster County, NE GIS

2020 aerial

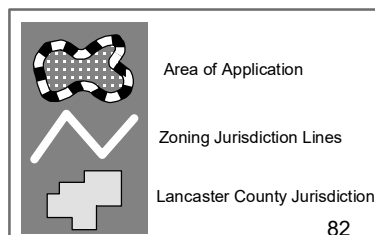
## Street and Alley Vacation #: SAV22001 S 16th St & Lake St



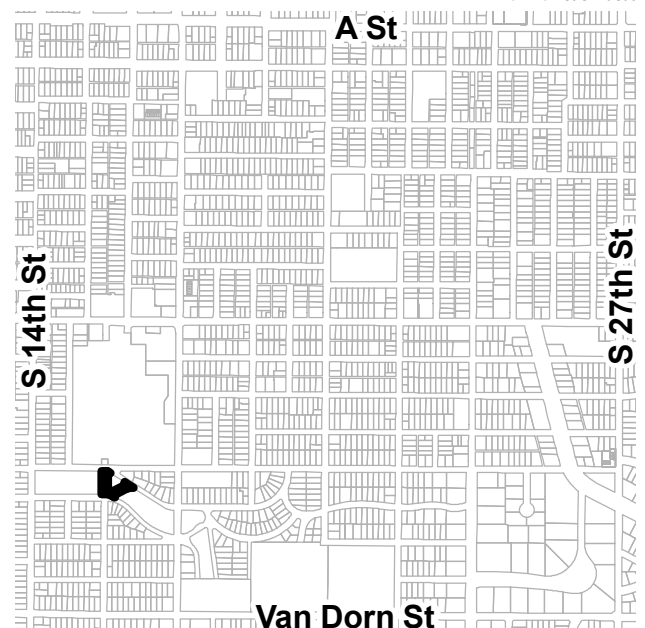
### Zoning:

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

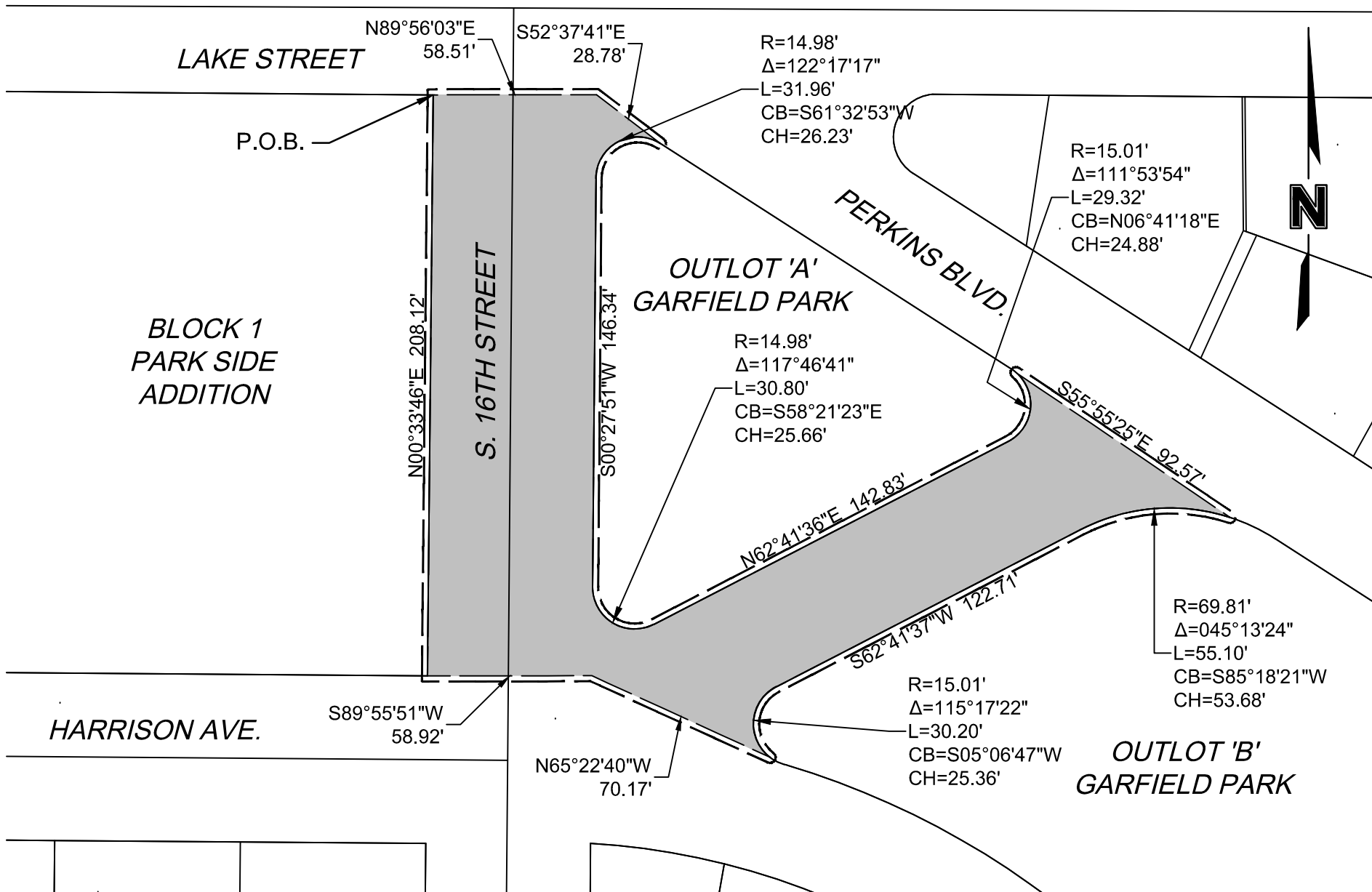
One Square Mile:  
Sec.36 T10N R06E



82



DWG: F:\2021\08501-09000\021-08733\40-Design\Survey\SRV\Xref\V\_XBNDY\_02108733.dwg  
 DATE: May 10, 2022 9:20am  
 USER: sfryc  
 XREFS: CZS\_EDIT



PROJECT NO: 021-08733

DRAWN BY: SLF

DATE: 05.09.22

STREET VACATION

83

**olsson**

601 P Street, Suite 200  
 P.O. Box 84608  
 Lincoln, NE 68508  
 TEL 402.474.6311

EXHIBIT

1

## LEGAL DESCRIPTION

A TRACT OF LAND COMPOSED OF A PORTION OF S. 16<sup>TH</sup> STREET RIGHT OF WAY IN PARK SIDE ADDITION AND COMPOSED OF A PORTION OF S. 16<sup>TH</sup> STREET RIGHT OF WAY AND THE UNNAMED RIGHT OF WAY LYING BETWEEN OUTLOT 'A' AND OUTLOT 'B' IN GARFIELD PARK, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 10, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BLOCKK 1, PARK SIDE ADDITION, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF S. 16<sup>TH</sup> STREET AND LAKE STREET INTERSECTING RIGHT OF WAY, SAID POINT BEING THE POINT OF BEGINNING, THENCE EAST ALONG THE NORTH LINE OF PARK SIDE ADDITION EXTENDED ON AN ASSUMED BEARING OF NORTH 89 DEGREES 56 MINUTES 03 SECONDS EAST, A DISTANCE OF 58.51 FEET TO A POINT; THENCE SOUTH 52 DEGREES 37 MINUTES 41 SECONDS EAST, ALONG THE NORTH LINE OF OUTLOT 'A', GARFIELD PARK EXTENDED, SAID LINE ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF PERKINS BLVD. EXTENDED, A DISTANCE OF 28.78 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 14.98 FEET A DELTA ANGLE OF 122 DEGREES 17 MINUTES 17 SECONDS; A CHORD BEARING OF SOUTH 61 DEGREES 32 MINUTES 53 SECONDS WEST ALONG A NORTHWESTERLY LINE OF SAID OUTLOT 'A', AND A CHORD DISTANCE OF 26.23 FEET TO A POINT; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, SOUTH 00 DEGREES 27 MINUTES 51 SECONDS WEST, ALONG THE WEST LINE OF SAID OUTLOT 'A', GARFIELD PARK, SAID LINE ALSO BEING THE EAST RIGHT OF WAY LINE OF S. 16<sup>TH</sup> STREET, A DISTANCE OF 146.34 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 14.98 FEET A DELTA ANGLE OF 117 DEGREES 46 MINUTES 41 SECONDS; A CHORD BEARING OF SOUTH 58 DEGREES 21 MINUTES 23 SECONDS EAST ALONG A SOUTH LINE OF SAID OUTLOT 'A', AND A CHORD DISTANCE OF 25.66 FEET TO A POINT; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, NORTH 62 DEGREES 41 MINUTES 36 SECONDS EAST, ALONG A SOUTH LINE OF SAID OUTLOT 'A', A DISTANCE OF 142.83 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 15.01 FEET A DELTA ANGLE OF 111 DEGREES 53 MINUTES 54 SECONDS; A CHORD BEARING OF NORTH 06 DEGREES 41 MINUTES 18 SECONDS EAST ALONG A SOUTHEASTERLY LINE OF SAID OUTLOT 'A', AND A CHORD DISTANCE OF 24.88 FEET TO A POINT; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, SOUTH 55 DEGREES 55 MINUTES 25 SECONDS EAST, ALONG THE EXTENSION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF PERKINS BLVD., A DISTANCE OF 92.57 FEET TO

A POINT OF CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 69.81 FEET A DELTA ANGLE OF 45 DEGREES 13 MINUTES 24 SECONDS; A CHORD BEARING OF SOUTH 85 DEGREES 18 MINUTES 21 SECONDS WEST ALONG A NORTH LINE OF OUTLOT 'B' GARFIELD PARK, AND A CHORD DISTANCE OF 53.68 FEET TO A POINT; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, SOUTH 62 DEGREES 41 MINUTES 37 SECONDS WEST, ALONG A NORTH LINE OF SAID OUTLOT 'B', A DISTANCE OF 122.71 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 15.01 FEET A DELTA ANGLE OF 115 DEGREES 17 MINUTES 22 SECONDS; A CHORD BEARING OF SOUTH 05 DEGREES 06 MINUTES 47 SECONDS WEST ALONG A NORTHWESTERLY LINE OF SAID OUTLOT 'B', AND A CHORD DISTANCE OF 25.36 FEET TO A POINT; THENCE ALONG A LINE NON-TANGENT TO SAID CURVE, NORTH 65 DEGREES 22 MINUTES 40 SECONDS WEST, ALONG THE EXTENSION OF THE NORTH RIGHT OF WAY LINE OF HARRISON AVE., A DISTANCE OF 70.17 FEET TO A POINT; THENCE SOUTH 89 DEGREES 55 MINUTES 51 SECONDS WEST, ALONG THE EXTENSION OF THE NORTH RIGHT OF WAY LINE OF HARRISON AVE., A DISTANCE OF 58.92 FEET TO THE SOUTHEAST CORNER OF BLOCK 1, PARK SIDE ADDITION, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF S. 16<sup>TH</sup> STREET AND HARRISON AVE. INTERSECTION; THENCE NORTH 00 DEGREES 33 MINUTES 46 SECONDS EAST, ALONG THE EAST LINE OF BLOCK 1 SAID PARK SIDE ADDITION, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF S. 16<sup>TH</sup> STREET, A DISTANCE OF 208.12 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED ARE OF 20,927.39 SQUARE FEET OR 0.48 ACRES, MORE OR LESS.

MAY 9, 2022

F:\2021\08501-09000\021-08733\40-DESIGN\SURVEY\SRVY\RESEARCH\ROW VACATION 2.RTF



April 27, 2022

David Cary, Director  
Lincoln and Lancaster County Planning Dept.  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Proposed vacations of public right-of-way associated with Rudge Park

Dear Mr. Cary,

Enclosed please find an application for Vacation of Public ROW to vacate existing S. 16<sup>th</sup> Street between Lake Street and Harrison Avenue, as well as an un-named section of ROW extending from Harrison Avenue to Perkins Blvd in the same area. The vacation of these two sections of ROW will allow Rudge Park to be redeveloped as a contiguous neighborhood park and increase opportunities for outdoor recreational play. Lincoln Parks and Recreation is the owner of all property adjacent to these two vacation proposal areas.

Vacation of these two sections of ROW is consistent with the Master Plan for Irvingdale, Rudge and Stransky Park complex which can be viewed at [Irvingdale, Stransky, Rudge Memorial Parks – City of Lincoln, NE](#). Development of the master plan was initiated in 2016 and adopted by the Parks and Recreation Advisory Board in July of 2017. The master planning process included extensive neighborhood involvement, including conversations with Bryan Health. The vacation proposal has also been shared with Lincoln Transportation and Utilities, who voiced no opposition.

In 2021, Lincoln Parks and Recreation received grant funding from the Federal Land and Water Conservation Fund to implement many of the recommendations of the Master Plan. Work is planned to commence this year and be completed in 2023. A Public Open House was held on April 26, 2022, to update area residents on the schedule for the planned improvements and specifically to share plans for ROW vacation. Comments received at that meeting are available upon request.

Please contact Sara Hartzell, [shartzell@lincoln.ne.gov](mailto:shartzell@lincoln.ne.gov) or 402-441-8261, if you have any question or require any additional information.

Sincerely



Lynn Johnson, Director  
Lincoln Parks and Recreation

Enclosure

## LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

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

APPLICATION NUMBER Change of Zone #22012 Bishop Heights PUD	FINAL ACTION? No	DEVELOPER/OWNER RED Bishop Heights JV, LLC; Thomas White; White Holdings, LLC
PLANNING COMMISSION HEARING DATE May 25, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION South 27 <sup>th</sup> Street and Highway 2

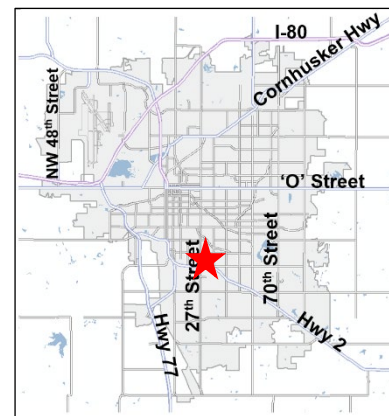
### RECOMMENDATION: CONDITIONAL APPROVAL

#### BRIEF SUMMARY OF REQUEST

This is a request for a change of zone from R-1 and B-1 to B-1 Planned Unit Development (PUD). Located northeast of the intersection of South 27<sup>th</sup> Street and Highway 2, the site is 13.67 acres in area and commonly known as the Bishop Heights Shopping Center.

The PUD proposes 230 multiple-family dwelling units and up to 70,000 square feet of commercial floor area. In the alternate, the request substitutes the 70,000 square feet of commercial floor area for a 150-room hotel and 50,000 square feet of commercial floor area.

The PUD includes a development plan with various modifications to the Zoning Ordinance to allow the development as proposed using the underlying B-1 zoning designation. Those modifications include: dwellings on the first floor; on and off-sale alcohol as permitted uses; 1:300 parking ratio for all commercial uses; all internal setbacks adjusted to 0'; minimum lot area; lots without frontage to a street or private roadway; increase the maximum allowed height to 65'; and minor adjustments to the applicable sign code regulations.



#### JUSTIFICATION FOR RECOMMENDATION

The plan submitted proposes to redevelop an aging shopping center where all infrastructure necessary to serve it already exists. It provides a mix of commercial and high-density residential land uses consistent with the goals of the Comprehensive Plan for infill redevelopment. Adequate separation and screening to surrounding uses is provided while incorporating features to make the center more accessible and visible from the adjacent bike trails. The waivers requested facilitate the development of the site without significantly impacting surrounding properties.

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposal is consistent with the goals of the Comprehensive Plan regarding infill, the need for higher density residential housing, and redevelopment. The proposed layout makes better use of the site and results in a more efficient use of the land. It will add additional dwelling units to the surrounding residential neighborhood along with potentially neighborhood-oriented commercial uses to serve the area after the now vacant buildings have been removed. This change of zone for a PUD is consistent with the Zoning Ordinance and the Comprehensive Plan and is an appropriate use of land at this location.

#### APPLICATION CONTACT

Erin Bright, Olsson, 402-458-5608 or  
[ebright@olsson.com](mailto:ebright@olsson.com)

#### STAFF CONTACT

Brian Will, 402-441-6362 or  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)



## WAIVERS

- |                                                                           |                    |
|---------------------------------------------------------------------------|--------------------|
| 1. LMC 27.62.040 - Allow First Floor Dwellings in B-1                     | Recommend Approval |
| 2. LMC 27.06.140 - On/Off-sale Alcohol as permitted uses                  | Recommend Approval |
| 3. LMC 27.72.030 - Adjust setbacks to 0'                                  | Recommend Approval |
| 4. LMC 27.67 - Adjust parking for all uses to 1:300 sq. ft.               | Recommend Approval |
| 5. LMC 27.72.030(a) - Adjust minimum lot area/unit for B-1 to 800 sq. ft. | Recommend Approval |
| 6. LMC 27.72.030(a) - Increase maximum height from 40' to 65'             | Recommend Approval |
| 7. LMC 27.69 - Sign location, treat apts. as commercial bldg.             | Recommend Approval |

## KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

### Introduction Section: Growth Framework

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

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

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

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

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

### **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.

## **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.

#### **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.

Modest opportunities for redevelopment may also be appropriate along “neighborhood edges.” Neighborhood edges include arterial streets and transition zones between lower density residential and commercial areas.

### **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.

#### **Mixed Use Redevelopment Nodes and Corridors**

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 underutilized commercial and industrial areas.

#### *Location Criteria*

Mixed Use Redevelopment Nodes and Corridors should be located based on the following criteria:

- In areas where there is a predominance of commercial or industrial zoning and/or development, focusing on non-residential areas.
- In proximity to planned or existing neighborhoods and community services, to facilitate access to existing community services or to address a deficiency by providing services such as grocery stores, childcare centers, and restaurants.

- Where there is existing or potential for good access to transit, to enhance the public transit system by making it accessible to residents and to facilitate the development of neighborhood multimodal hubs where residents can drive, bike, or walk to a transit stop, go to work, and then shop for their daily needs before they return home.
- On at least one arterial street to help provide for traffic and utility capacity and access to transit.
- Outside of areas with existing or potential industrial use to avoid conflicts with health and safety.
- In areas that minimize floodplain and other environmental impacts. Areas within the floodplain that already have buildings and fill are appropriate for redevelopment; projects that receive public assistance should meet a higher standard to preserve flood storage. This criterion encourages redevelopment while protecting sensitive environmental areas. Preservation or restoration of natural resources within or adjacent to mixed use redevelopment areas should be encouraged

### **Neighborhood Edges**

Neighborhood edges present an opportunity for missing middle housing, which can help expand affordable housing options and overall housing choice in the community. Missing middle housing includes “house-scale” buildings that provide typically 3 to 12 units and fit in with the character of single-family neighborhoods. Criteria to consider when locating and designing neighborhood edge redevelopment should include:

- Provide direct or adjacent access to an arterial street to minimize traffic impacts on neighborhood streets.
- In some cases a transition zone may be needed when creating higher-density redevelopment adjacent to lower density neighborhoods.
- Target legacy commercial sites and abandoned, vacant, or blighted parcels for new missing middle housing.
- Consider the character of adjacent built environment in both the design and location of buildings.

### **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.

### **Commercial Infill**

#### **Figure E3.f: Commercial Infill Design Strategies**

1. Encourage additional vehicular access to an arterial street.
2. Encourage a Floor Area Ratio that exceeds to existing/previous commercial uses on the site.
3. Face existing residential uses with new residential uses rather than the backs of commercial buildings unless existing residential faces the opposite direction such as along an alley.
4. Discourage commercial driveways that interrupt the block face of a residential street, especially when residences face the street.
5. Encourage shared driveways and interconnected parking lots where possible.
6. Orient buildings to the street, especially corners.
7. Maintain or adaptively reuse existing structures (especially historical structures) where possible.
8. Encourage a vertical mix of residential and commercial use types.
9. Encourage shared parking between land uses with different peak demand periods.
10. Maintain or enhance on-street parking resources, especially in established/historic commercial districts

### **Policies Section**

**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.

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.

P29: Neighborhood Parks - Continue to develop Neighborhood Parks to serve newly developing areas of Lincoln.

#### Action Steps

1. Locate Neighborhood Parks close to the center of residential areas and within a 10-minute walking distance of a majority of residents; park sites should be readily accessible by pedestrians and bicyclists.
3. Locate Neighborhood Parks adjacent to greenway linkages where possible. Where possible, select sites for Neighborhood Parks that allow for multiple functions, such as stormwater management or habitat conservation.
4. As the City continues to grow and the community demographics shift, seek out opportunities to provide neighborhood park activities that address the needs of different cultures age groups, and abilities.
5. Locate park sites where residents living in surrounding homes, people in passing vehicles, or pedestrians can view activities in the park to provide for informal supervision.
6. Identify opportunities to acquire and develop Neighborhood Parks in established neighborhoods that are deficient in Neighborhood Park resources, particularly in those neighborhoods where indicators of vulnerability are higher.

## ANALYSIS

1. This is a request for a Planned Unit Development (PUD) which includes a change of zone from R-1 and B-1 to B-1PUD. It includes 230 apartment units and 70,000 square feet of commercial floor area. It includes an optional development plan which substitutes the 70,000 square feet of commercial floor area for a 150-room hotel and 50,000 square feet of commercial floor area. There are three owners involved, each seeking to develop a different component of the larger PUD.
2. The site is 13.67 acres in area and located northeast of the intersection of South 27<sup>th</sup> Street and Highway 2. There is split zoning across the site where the majority of it is zoned B-1, and a strip along South 27<sup>th</sup> is zoned R-1.

Surrounding land uses include: single-family residential east and west, and single and multiple-family residential to the north. To the south across Highway 2 there are apartments on the west side of South 27<sup>th</sup> Street and Star City Shores on the east. All the buildings on the site are vacant except for the Arby's drive-through restaurant at the southwest corner of the site. The Wells Fargo Bank building at South 27<sup>th</sup> Street and Woods Blvd is not included in the PUD. The site is adjacent to the Rock Island pedestrian/bike trail on the east, and the Helen Boosalis trail on the south.

3. At their April 27, 2022 the Planning Commission recommended a finding of conformance with the Comprehensive Plan for the associated Bishop Heights Redevelopment Plan to the City Council. The application is being scheduled for City Council consideration and requires Council approval as does this change of zone request.
4. Most of the project site is historically commercial, but it does include two residential lots on the south side of Kucera Drive resulting in the removal of a dwelling. This portion north of Woods Blvd (the area of Lot 8) has been described by the applicant as being intended primarily for office uses, but similar to the portion south of Woods Blvd and along South 27<sup>th</sup> Street it is also designated for commercial uses in the Development Plan. The east-central portion (area of Lot 6) is where the multiple-family structure is located. The site plan shows how the site is anticipated to develop at this point, but changes to building footprints and lot lines can be made at the time of building permit.
5. Recognizing the adjacency of the dwellings in the surrounding neighborhood there are limits to the intensity of development for the portion north of Woods Blvd (area of Lot 8) with added buffers. Within 105' of the north limit of the PUD the height is limited to 35', the same as the maximum height for surrounding residential neighborhood. Height is further mitigated by a change in grade which is described in the next paragraph. The applicant has stated that office use is intended for Lot 8 at this time, however the PUD does not limit it to that but allows all commercial uses per the B-1 district.

As noted above, there is an abrupt change in grade from Kucera Drive down to the area of Lot 8 which varies from 5-10' across the site. The landscape plan shows a retaining built around the northern portion of this area adjacent to South 27<sup>th</sup> Street, Kucera Drive and the dwelling adjacent on Kucera Drive. An ornamental fence is shown surrounding the retaining wall, including landscaping and screening beyond the fence.

Setbacks are defined on the site plan for the Lot 8 area as well. There is a 20' setback along South 27<sup>th</sup> Street consistent with commercial zoning along an arterial street. Adjacent to Kucera there is a 20' setback to parking and a 30' setback to buildings consistent with the front setback for the R-1 zoning district. The setback adjacent to the dwelling on Kucera Drive is limited 10', which is considered a side yard and is also consistent with the R-1 zoning district.

6. The companion to the site plan is the Development Plan, which is the text component of the PUD which specifies the adjustments to Lincoln Municipal Code unique to the development. In this case there are seven adjustments/waivers and they are discussed below:
  - a. LMC 27.62.040 - Allow First Floor Dwellings in B-1 -Dwellings are currently prohibited on the first floor in the B-1 zoning district. This prohibition exists to protect the first level store front businesses in the older commercial areas around the City from conversion. In this case the concern does not apply given it is a ground-up total redevelopment for the site.
  - b. LMC 27.06.140 - On/Off-sale Alcohol as permitted uses - Normally in the B-1 zoning district a special permit is required for either on or off-sale alcohol. Several criteria must be met to gain the special permit, most importantly a 100' separation from protected/sensitive uses including dwellings. The waiver allows both as a permitted use within the boundary of the PUD and requires no special consideration for the proposed apartment building, all uses are treated equally. However, given this is infill/redevelopment in a mature neighborhood, the existing residents should be considered. The use adjustment for the sale of alcohol needs to be amended to state: 'On and off-sale alcohol are permitted uses except within 100' of the building footprint of any residential use beyond the boundary of the PUD.' This adds a minimum separation similar to the special permits and will ensure an appropriate separation is maintained.
  - c. LMC 27.72.030 - Adjust setbacks to 0' - This relates to setbacks internal to the development. The site plan establishes a perimeter setback around the edge of the development which delineated on the site plan, but all internal setbacks are adjusted to 0' and is typical for this type of integrated development. It is noted this only waives the zoning setback requirement but that all building code requirements still apply.

- d. LMC 27.67 - Adjust parking for all uses to 1:300 sq. ft. - This is the requirement for most commercial areas where there is a mix of uses and shared parking. It may not be appropriate in some older B-1 areas which stretch along major streets and rely on on-street parking, but that is not the case here and the parking requirement of one space per 300 square feet of floor area for all uses is appropriate.
  - e. LMC 27.72.030(a) - Adjust minimum lot area/unit for B-1 to 800 sq. ft. - The minimum lot area per unit is 2,000 sq. ft. per dwelling, but 0 for all other uses. This due to the fact the B-1 is a local business commercial district where apartments are not typically anticipated. It's worth noting that the minimum lot area for the R-6, R-7 and R-8 districts is 1,100, 700 and 550 square feet respectively. The apartments occupy only slightly over 4 acres but are located centrally within a larger 13.67 acre site. The number of units proposed is consistent with what is found in the higher density residential zoning districts, and is encouraged at the edge of neighborhoods, in or near commercial centers, and close to major roadways and transit options, characteristics shared by this site.
  - f. LMC 27.72.030(a) - Increase maximum height from 40' to 65' - This height waiver does not apply to all uses or all areas. Apartments and hotels are allowed by the waiver to go to 65'. All other uses are limited to a maximum height of 55'. The exception is the area of Lot 8 which near Kucera Drive. The maximum height limit for Lot 8 is 55', except that the north 105' adjacent to Kucera and where existing dwellings are located is limited to 35', the same height limit as the surrounding R-1 Residential zoning.
  - g. LMC 27.69 - Sign location, treat apts. as commercial bldg. - The adjustments to the sign requirements are mostly restrictions and limits placed on signs. The two adjustments requested are not significant and are in response to the existing unique circumstances. First, the apartment building is not treated as a commercial building by the sign code and the signage allowed is minimal compared to commercial buildings. The building is setback on the site with less visibility and allowing it the same signage as the other commercial buildings in the development is reasonable. Second, the spacing for free-standing signs is 50' according to the Sign Code, but an adjustment to a 40' separation along South 27<sup>th</sup> is requested. Given the proposed layout and depth of the site and buildings not located adjacent to South 27<sup>th</sup> Street, this request is appropriate.
7. The developer met with at least two groups of neighbors, and also with the Pedestrian Bicycle Advisory Committee. Early in the process the role of the adjacent trails was noted including consideration of appropriate ways for the development to interact with the trail system. Discussions have been ongoing and have resulted a set of recommend changes to the site plan that gained consensus from City staff and the development team.
- Referring to the site plan originally submitted, a note will be added to the plan which accomplishes the following:
- a. Lot 5 shall not have parking or a drive-through lane adjacent to the trail head.
  - b. Lot 4 is allowed to have parking stalls, with appropriate berms and landscaping, up to 50% of the frontage along the trail. Lot 4 shall not have any drive-through lanes adjacent to the trail.
  - c. Lot 6 is allowed to have parking and circulation aisles adjacent to the trail due to the existing tree mass and topography.
  - d. Lots 1- 3 and 8 have no restrictions on parking location or drive-through lanes as they are not adjacent to the trail.
  - e. There are no restrictions placed on Lot 7 (currently Arby's). The parking plan shown should have minimal impact on this lot as it essentially reflects conditions and no changes are proposed.
8. The Parks and Recreation Department noted their goal is to revise the intersection of the two trails where they meet north of Highway 2 as a 90 degree intersection. This would result in the trailhead being moved west near Lot 8 and the storm water detention facility. This could result in an expanded trailhead with enhanced amenities and a direct pedestrian connection into the development.

The proposed site plan shows three bike/trail connections at this time. As a result of ongoing meetings between staff and the developer an exhibit has been provided designed to address the conditions in paragraph #7 above. It is attached to this report and labeled 'Exhibit 1' and illustrates most of the points listed above #7. It is noted that it includes the 'Future Trail Head Project By The City Of Lincoln' described previously. While it is neither funded nor fully designed, the parties have largely agreed in concept to the proposed layout.



The developers are seeking Tax Increment Financing (TIF) as part of this project. The terms of the TIF agreement have not yet been fully determined so it is not certain what funds that may be generated will be used for. Improvements in the proposed trail head as well as other public improvements would be eligible for TIF but they are fully known at this time. The discussion between the City and the developers relative to the TIF agreement is ongoing and to be finalized at a later date.

As an enhancement to the proposed trail improvements and to increase interaction with the trail, bicycle parking within the PUD has been suggested as an attraction and amenity for both center and trail users, but none are currently shown. Such facilities would serve to benefit both users of the center and the trail. Adding bicycle parking to the plan is included as a recommended condition of approval.

9. A complete water quality/stormwater management plan has not been submitted as of this report. The Watershed Management Division wants to see enough detail to be assured the concepts shown will be adequate before recommending approval. As of this writing the applicant committed to providing enough information to eliminate the objection from Watershed Mgt. but that verification has not yet been provided to the Planning Department.
10. Shown as part of the boundary of the PUD is a portion of South 27<sup>th</sup> Street right-of-way which must be vacated prior to final plat. It is shown as shaded on the plan in the southwest corner of the site. Its vacation prior to final plat is included as a recommended condition of approval.
11. Woods Blvd exists partially in dedicated public right-of-way (the stub which extends approximately 100' from the east right-of-way line of South 27<sup>th</sup> Street), and partially on a lot owned and maintained by the City. The history of how the road was created is not clear today 50 years later, but it does appear that road was paved in approximately 1970 when the apartments and shopping center were built and was used to access both. As part of this PUD the developer has agreed to take ownership of the city-owned parcel, and also to dedicate it and maintain it as a private roadway to provide continued access to the development and the apartments to the north. As part of the redevelopment plan, it is intended the land will be sold to the developer for \$1 since they are relieving the City of the maintenance.
12. A traffic study was submitted with this application. To generalize the conclusions of that study, what is allowed by-right on this site with no zoning action was compared to the level of development proposed. The study concludes an increase in AM peak trips but a decrease in PM peak trips for an overall decrease in daily total trips. No additional traffic improvements are recommended with the exception of the staff requirement that the developer take ownership of the city-owned portion of Woods Blvd.

Relative to the overall traffic impact the traffic report states "The trip generation task associated with this study summarized a comparison of calculated site trips for the existing (occupied) site and the redevelopment plan uses. The AM peak hour trips are expected to increase while the PM peak hour (highest hour for the site) and daily trips are expected to decrease. This equates to fewer turning movements in/out of the site than may be experienced under the current fully occupied site."

It is noted that with the opening of the South Beltway in the near future, traffic at the intersection of South 27<sup>th</sup> and Highway 2 will be alleviated to the degree that trucks and automobiles begin to use the new bypass.

13. LTU Wastewater notes that sanitary sewer is available, but that it may need to be relocated to accommodate the layout shown. Relocation would be at the owner's expense.
14. There are other miscellaneous and minor corrections need to the plans and those are included as recommended conditions of approval. With those corrections, this request otherwise complies with the requirements of the Zoning Ordinance and Comprehensive Plan and is an appropriate use of land at this location.

**CONDITIONS OF APPROVAL:** See attached.

**EXISTING LAND USE & ZONING:** Commercial B-1

**SURROUNDING LAND USE & ZONING**

North: Residential	R-1, R-6
South: Hwy 2/S. 27 <sup>th</sup> intersection, Star City Shores	P
East: Rock Island Trail/Residential	R-1
West: Helen Boosalis Trail/S. 27 <sup>th</sup> /Residential	R-1

**APPLICATION HISTORY**

**Apr 2022** - CPC#22004 - A Comprehensive Plan Conformance to designate the Bishop Heights Shopping Center blighted and substandard. The application received a favorable recommendation from the Planning Commission and is pending consideration by the City Council.

**May 1979** - The zoning was updated from G General Business to B-1 Local Business with the 1979 Zoning Update.

**Feb 1959** - The preliminary plat of Bishop Heights was approved.

**APPROXIMATE LAND AREA:** 13.67 acres more or less.

**COUNCIL DISTRICT ASSIGNMENT:** District #3

**LEGAL DESCRIPTION:** See attached legal description.

Prepared by

---

Brian Will, May 11, 2022  
[bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
402-441-6362

Owner: White Holdings, LLC, and Tom White  
2001 Pine Lake Road  
Lincoln, NE 68512  
[twe@nebraska.com](mailto:twe@nebraska.com)

RED Bishop Heights JV LLC  
c/o Scott Wagner  
One East Washington Street, Suite 300  
Phoenix, AZ 85004  
[swagner@reddevelopment.com](mailto:swagner@reddevelopment.com)

Applicant/  
Contact: Erin Bright  
Olsson  
601 P Street, Suite 200  
Lincoln, NE 68508  
[ebright@olsson.com](mailto:ebright@olsson.com)  
402-458-5608

## CONDITIONS OF APPROVAL - CHANGE OF ZONE #22012

This approval permits up to 70,000 square feet of commercial floor area, or a 150-room hotel and 50,000 square feet of commercial floor area, and 230 multiple-family dwelling units with waivers to internal backs to 0', allows on and off-sale alcohol as permitted uses except within 100' of the building footprint of any residential use beyond the boundary of the PUD, 1:300 parking ratio for all commercial uses including one space per room for a hotel and none for associated uses; lots without frontage to a street or private roadway; to increase the maximum allowed height to 65'; minimum lot area of 800 square feet for dwellings; and an apartment building to be considered a commercial building for the purpose of the sign code, and to reduce the required spacing between freestanding signs along South 27<sup>th</sup> Street from 50' to 40' all as per the associated Development Plan.

### Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the developer 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 of the planned unit development by the City Council.
  - 1.1 Increase the line weight for lot lines and add the line type to the Legend.
  - 1.2 Designate Woods Blvd as a private roadway and label with an 80'-wide public access easement.
  - 1.3 Modify General Site Note #3 on the site plan to state: "Signs need not be shown on this site plan and must be in compliance with Chapter 27.69 of the Zoning Ordinance for the B-1 zoning district except as modified by the Development Plan. Signs will be reviewed at the time of sign permit prior to installation."
  - 1.4 Relocate Notes #5 and #7 to the Development Plan.
  - 1.5 Rephrase Note #6 to state: "Refer to Bishop Heights B-1PUD Development Plan for the development regulations relating to land uses, parking, height, area and sign regulations."
  - 1.6 Add a new General Site Note to Sheet 1 of 4 which states: "Lot 5 shall not have parking or a drive-through lane adjacent to the trail head. Parking and drive through lanes, if any, shall only be located on the north and/or west side of a building located on Lot 5; Lot 4 is allowed to have parking stalls, with appropriate berms and landscaping, up to 50% of the frontage along the trail, and shall not have any drive-through lanes adjacent to the trail; Lot 6 is allowed to have parking and circulation aisles adjacent to the trail due to the existing tree mass and topography; Lots 1, 2, 3, 7 and 8 have no restrictions on parking location or drive-through lanes as they are not adjacent to the trail; The final location for the southeast trail access to the property will be determined by the Director of Parks and Recreation Department and the developer when final designs for the future trailhead improvements and the Lot 4 and 5 improvements are determined.
  - 1.7 Modify the Development Plan to state the adjustment for the sale of alcohol as follows: 'On and off-sale alcohol are permitted uses except within 100' of the building footprint of any residential use beyond the boundary of the PUD.
  - 1.8 Show bicycle parking within the PUD to the satisfaction of the Planning Department.
2. Before receiving building permits and final plat, the developer shall provide the following to the Planning Department:
  - 2.1 Verification that Lot 7, Block 5, Bishop Heights designated as Woods Blvd has been deeded to the developer/owners.
  - 2.2 Verification that the South 27<sup>th</sup> Street right-of-way triangle adjacent to Lot 6, Block 5, Bishop Heights has been vacated and deeded to the developer/owner.

3. Before issuance of building permits, final plat(s) shall be approved by the City.

If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Lincoln Transportation and Utilities a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the ***Planned Unit Development***.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair, including the routine and reasonable preventative maintenance of the private improvements, on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Developer shall not be relieved of Developer's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

to protect the trees that are indicated to remain during construction and development (use this only when the plans show trees to remain).

to relinquish the right of direct vehicular access to South 27<sup>th</sup> Street and Highway 2 except as shown.

#### **Standard Conditions:**

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 4.3 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 and development plan.

- 4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.





2020 aerial

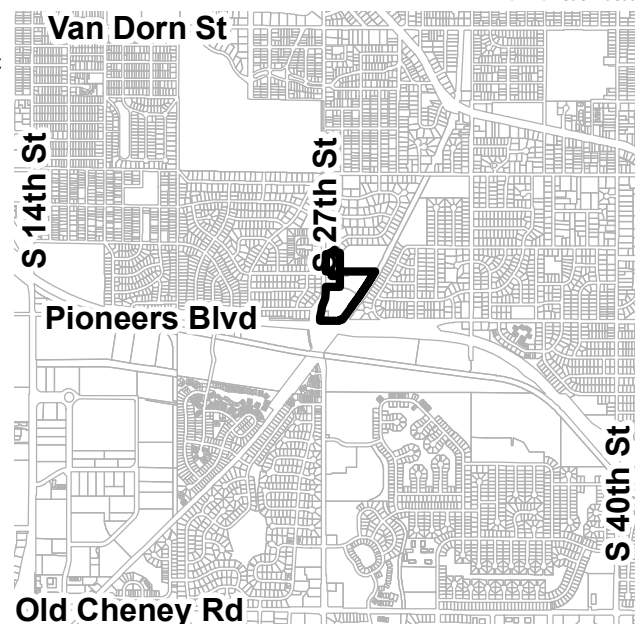
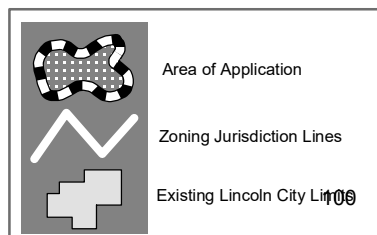
# **Change of Zone #: CZ22012** **Bishop Heights PUD** **S 27th St & Hwy 2**

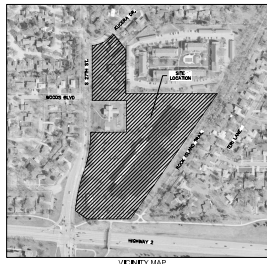
## **Zoning:**

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

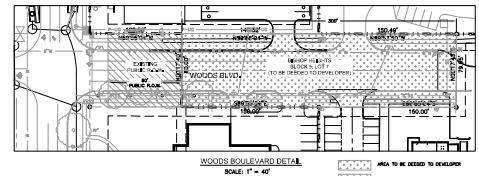
PDF: F:\Boards\PC\Internet\out\

Four Square Miles:  
 Sec.01 T09N R06E  
 Sec.06 T09N R07E  
 Sec.12 T09N R06E  
 Sec.07 T09N R07E





BISHOP HEIGHTS PUD  
SITE PLAN



WOODS BOULEVARD DETAIL  
SCALE: 1" = 40'

SCALE: 1" = 40'

### LEGAL DESCRIPTION

[illegible]

GENERAL SITE NOTES

1. BUILDING AND LOT LAYOUT SHALL BE CONCEPTUAL AND CHANGES TO BUILDING LAYOUT SHALL BE MADE AT THE DISCRETION OF THE OWNER. ALL NECESSARY MATHEMATICAL ADJUSTMENTS SHALL BE MADE PRIOR TO THE TIME OF BUILDING PERMITS.
2. LOTS CAN BE PLATTED WITHOUT FRONTAGE TO PUBLIC RIGHT OF WAY.
3. DETAILS OF ALL SITES, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMITS AND SHALL BE SHOWN ON THE PLANS, AND SHALL BE IN ACCORDANCE WITH SUB DEVELOPMENT PLAN.
4. THE DEVELOPMENT REGULATIONS SHALL BE FULLY AND DOES NOT RESTRICT THE DESIGNER FROM COLOR COORDINATION OF THE BUILDING.
5. VISUAL AND PARKING ADJACENCY RIGHTS ARE GRANTED TO LOTS 1-7-2.
6. IN ORDER TO GROUP BUILDING A PLANNED LAND DEVELOPMENT PLAN DOCUMENT FOR INFORMATION ON LAND USES, PARKING, HEIGHT, AREA AND SLOPE REGULATIONS.
7. INTERNAL SITE DETAIL SHALL BE 1/8" PER FOOTER BETWEEN DETAIL SHALL BE AS SHOWN ON THE PLANS.
8. EXISTING UTILS OF PARKING ON LOT 7 SHALL REMAIN UTILS AND A NEW UTILS ON LOT 7 INCLUDING FULL DEPTH OF EXISTING STRUCTURE AND NEW ASPHALT DRIVE DRIVE SHALL BE PLANNED. THE DRIVE SHALL BE 12' WIDE AND 12' DEEP. THE DRIVE SHALL BE ADJACENT FROM THE FRONT YARD STRUCTURE OF EXISTING BUILDING ADJACENT.
9. CONCEPTUAL, AREA FOR WATER QUALITY IMPROVEMENTS ARE SHOWN ON GRADING PLANS AND SHALL BE IN ACCORDANCE WITH WATER QUALITY IMPROVEMENTS TO BE PROVIDED AT THE TIME OF BUILDING PERMITS.

LEGEND

- |   |                             |
|---|-----------------------------|
| ② | AIR CONDITIONING UNIT       |
| ③ | BOLLARD                     |
| ④ | BUSH                        |
| ⑤ | CHINE INLET                 |
| ⑥ | CONTROL POINT               |
| ⑦ | CONFIDENTIAL FREE           |
| ⑧ | CORRUPT FREE                |
| ⑨ | ELECTRIC BOX                |
| ⑩ | ELECTRIC CABLE              |
| ⑪ | ELECTRIC RISER              |
| ⑫ | ELECTRIC MANHOLE            |
| ⑬ | FREE FREIGHT                |
| ⑭ | FOUND INCORPORATION COMPANY |
| ⑮ | FIBER OPTIC WIGGLY          |
| ⑯ | FLY EXTRACTOR               |
| ⑰ | GRATE INLET                 |
| ⑱ | GOY RIME                    |
| ⑲ | LIGHT POLE                  |
| ⑳ | MARLBOR                     |
| ㉑ | POST INDICATOR VALVE        |
| ㉒ | PURPLE                      |
| ㉓ | SPRINKLER CONTROL VALVE     |
| ㉔ | SEE PROPERTY CARD           |
| ㉕ | SHOON                       |
| ㉖ | SANITARY SEWER MANHOLE      |
| ㉗ | SEWER RISER                 |
| ㉘ | TRANSFORMER                 |
| ㉙ | TRAFFIC SIGNAL BOX          |
| ㉚ | TRAFFIC SIGNAL POLE         |
| ㉛ | WATER MANHOLE               |
| ㉜ | WATER VALVE                 |
| ㉝ | WATER VALVE                 |
| ㉞ | WATER VALVE                 |
| ㉟ | WATER VALVE                 |
| ㊱ | WATER VALVE                 |
| ㊲ | WATER VALVE                 |
| ㊳ | WATER VALVE                 |
| ㊴ | WATER VALVE                 |
| ㊵ | WATER VALVE                 |
| ㊶ | WATER VALVE                 |
| ㊷ | WATER VALVE                 |
| ㊸ | WATER VALVE                 |
| ㊹ | WATER VALVE                 |
| ㊺ | WATER VALVE                 |
| ㊻ | WATER VALVE                 |
| ㊼ | WATER VALVE                 |
| ㊽ | WATER VALVE                 |
| ㊾ | WATER VALVE                 |
| ㊿ | WATER VALVE                 |
| ① | WATER VALVE                 |
| ② | WATER VALVE                 |
| ③ | WATER VALVE                 |
| ④ | WATER VALVE                 |
| ⑤ | WATER VALVE                 |
| ⑥ | WATER VALVE                 |
| ⑦ | WATER VALVE                 |
| ⑧ | WATER VALVE                 |
| ⑨ | WATER VALVE                 |
| ⑩ | WATER VALVE                 |
| ⑪ | WATER VALVE                 |
| ⑫ | WATER VALVE                 |
| ⑬ | WATER VALVE                 |
| ⑭ | WATER VALVE                 |
| ⑮ | WATER VALVE                 |
| ⑯ | WATER VALVE                 |
| ⑰ | WATER VALVE                 |
| ⑱ | WATER VALVE                 |
| ⑲ | WATER VALVE                 |
| ⑳ | WATER VALVE                 |
| ㉑ | WATER VALVE                 |
| ㉒ | WATER VALVE                 |
| ㉓ | WATER VALVE                 |
| ㉔ | WATER VALVE                 |
| ㉕ | WATER VALVE                 |
| ㉖ | WATER VALVE                 |
| ㉗ | WATER VALVE                 |
| ㉘ | WATER VALVE                 |
| ㉙ | WATER VALVE                 |
| ㉚ | WATER VALVE                 |
| ㉛ | WATER VALVE                 |
| ㉜ | WATER VALVE                 |
| ㉝ | WATER VALVE                 |
| ㉞ | WATER VALVE                 |
| ㉟ | WATER VALVE                 |
| ① | WATER VALVE                 |
| ② | WATER VALVE                 |
| ③ | WATER VALVE                 |
| ④ | WATER VALVE                 |
| ⑤ | WATER VALVE                 |
| ⑥ | WATER VALVE                 |
| ⑦ | WATER VALVE                 |
| ⑧ | WATER VALVE                 |
| ⑨ | WATER VALVE                 |
| ⑩ | WATER VALVE                 |
| ⑪ | WATER VALVE                 |
| ⑫ | WATER VALVE                 |
| ⑬ | WATER VALVE                 |
| ⑭ | WATER VALVE                 |
| ⑮ | WATER VALVE                 |
| ⑯ | WATER VALVE                 |
| ⑰ | WATER VALVE                 |
| ⑱ | WATER VALVE                 |
| ⑲ | WATER VALVE                 |
| ⑳ | WATER VALVE                 |
| ㉑ | WATER VALVE                 |
| ㉒ | WATER VALVE                 |
| ㉓ | WATER VALVE                 |
| ㉔ | WATER VALVE                 |
| ㉕ | WATER VALVE                 |
| ㉖ | WATER VALVE                 |
| ㉗ | WATER VALVE                 |
| ㉘ | WATER VALVE                 |
| ㉙ | WATER VALVE                 |
| ㉚ | WATER VALVE                 |
| ㉛ | WATER VALVE                 |
| ㉜ | WATER VALVE                 |
| ㉝ | WATER VALVE                 |
| ㉞ | WATER VALVE                 |
| ㉟ | WATER VALVE                 |
| ① | WATER VALVE                 |
| ② | WATER VALVE                 |
| ③ | WATER VALVE                 |
| ④ | WATER VALVE                 |
| ⑤ | WATER VALVE                 |
| ⑥ | WATER VALVE                 |
| ⑦ | WATER VALVE                 |
| ⑧ | WATER VALVE                 |
| ⑨ | WATER VALVE                 |
| ⑩ | WATER VALVE                 |
| ⑪ | WATER VALVE                 |
| ⑫ | WATER VALVE                 |
| ⑬ | WATER VALVE                 |
| ⑭ | WATER VALVE                 |
| ⑮ | WATER VALVE                 |
| ⑯ | WATER VALVE                 |
| ⑰ | WATER VALVE                 |
| ⑱ | WATER VALVE                 |
| ⑲ | WATER VALVE                 |
| ⑳ | WATER VALVE                 |
| ㉑ | WATER VALVE                 |
| ㉒ | WATER VALVE                 |
| ㉓ | WATER VALVE                 |
| ㉔ | WATER VALVE                 |
| ㉕ | WATER VALVE                 |
| ㉖ | WATER VALVE                 |
| ㉗ | WATER VALVE                 |
| ㉘ | WATER VALVE                 |
| ㉙ | WATER VALVE                 |
| ㉚ | WATER VALVE                 |
| ㉛ | WATER VALVE                 |
| ㉜ | WATER VALVE                 |
| ㉝ | WATER VALVE                 |
| ㉞ | WATER VALVE                 |
| ㉟ | WATER VALVE                 |
| ① | WATER VALVE                 |
| ② | WATER VALVE                 |
| ③ | WATER VALVE                 |
| ④ | WATER VALVE                 |
| ⑤ | WATER VALVE                 |
| ⑥ | WATER VALVE                 |
| ⑦ |                             |



0 25 50 100  
SCALE IN FEET

NEBRASKA HIGHWAY 2

**olson**  
8 Street, Suite 200  
Box 69608

LINCOLN, NE 68508 TEL 402.474.6311 [www.jlison.com](http://www.jlison.com)

1000

[illegible]

i				

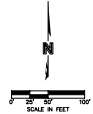
by \_\_\_\_\_  
dated \_\_\_\_\_  
witnessed by \_\_\_\_\_  
and \_\_\_\_\_  
signature \_\_\_\_\_

C

1



# BISHOP HEIGHTS PUD GRADING AND DRAINAGE PLAN



- LEGEND**
- EXISTING MAJOR CONTOUR
  - EXISTING MAJOR CONTOUR
  - PROPOSED MAJOR CONTOUR
  - PROPOSED MAJOR CONTOUR
  - LIMITS OF DISTURBANCE
  - PROPOSED STORM SEWER
  - PROPOSED DRAINAGE BASIN
  - RIGHT-OF-WAY
  - PROPERTY LINE
  - ROADWAY CENTERLINE
  - STORM STRUCTURE
  - A1 DRAINAGE AREA LABEL
  - WATER QUALITY AREA
  - DRAINAGE BASIN AREA

**Preliminary Pipe Sizing Calculations - Grandale South PUD**

**Minor Storm System Conveyance Analysis**

Minor Storm Average Return Frequency, Years: 10

Location	Description	Area A	Coefficient C	A/C	Sub A/C	Time of Concentration Tc minutes	Intensity I in/hr	Runoff Q cfs	Pipe Slope S ft/ft	Pipe Length L ft	Pipe Diameter D in	Pipe Capacity Qc cfs	Pipe Velocity Vp ft/sec	Time in Section Ts minutes
A1	INLET	0.93	0.75	2.39	2.39	0.00	0.00	10.00	0.01000	100.4	16	10.00	1.26	0.34
A2	INLET	1.45	0.75	1.93	3.38	0.00	0.00	10.00	0.01000	84.7	24	27.71	6.82	0.46
A3	SUMP	1.90	0.75	1.43	4.80	0.00	0.00	27.14	0.01000	84.7	24	27.71	6.82	0.46
B1	INLET	2.00	0.75	1.50	1.50	0.00	0.00	0.0000	0.00000	100.4	16	10.00	1.26	0.34
B2	INLET	2.30	0.75	1.73	3.23	0.00	0.00	10.00	0.01000	84.7	16	10.00	6.41	0.17
C1	INLET	1.90	0.75	1.43	1.43	0.00	0.00	0.00	0.01000	100.4	16	10.00	6.46	0.39

**olsson**  
300 P Street, Suite 200  
Lincoln, NE 68503  
TEL: 402.477.2011 www.olsson.com

REV 01/23

2022

GRADING PLAN  
BISHOP HEIGHTS  
PUD

LINCOLN, NE

SHEET  
2 OF 4

**olsson**  
Post, Suite 200  
8-1608







## **BISHOP HEIGHTS B-1 PLANNED UNIT DEVELOPMENT PLAN**

**CZ#** \_\_\_\_\_

The B-1 zoning regulations shall apply throughout the boundaries of the PUD except where modified by the PUD as follows:

### **1. Land Uses.**

- (a) Dwellings are permitted on the first floor.
- (b) Sale of alcoholic beverages for consumption on the premises is a permitted use.
- (c) Sale of alcoholic beverages for consumption off the premises is a permitted use.

### **USE CHART**

LOT	USE	UNITS/FLOOR AREA
Lot 6	Multifamily	230 dwelling units
Lot 8	Commercial	45,000 sq. ft.
Lots 1-5, and 7	Commercial and Hotel	70,000 sq. ft. commercial only or 50,000 sq. ft. commercial and 150 hotel units

### **2. Parking Requirements.**

- (a) 1/300 sq. ft. within 300 feet for all commercial uses (including but not limited to restaurants, the sales of alcoholic beverages for consumption on the premises).
- (b) 1 per room for hotels.
- (c) 1 per dwelling unit.
- (d) Cross access and parking easement rights are granted on all drives and parking stalls on Lots 1-5, and 7.
- (e) Landscape screening for parking along the east side of the PUD boundary shall be placed on the trail side within the City property

### **3. Height and Area Regulations.**

- (a) Internal setbacks for all lots are adjusted to 0'. Perimeter setbacks are shown on the site plan.
- (b) Lots may be created without frontage to a public street or private roadway.
- (c) The minimum lot area for dwellings is reduced to 800 sq. ft. per unit.
- (d) Maximum height on Lots 1-7 shall be 65' for multifamily and hotel uses, and 55' for all other uses.
- (e) Maximum height on the northern 105' feet of Lot 8 shall be 35', and on the remainder of Lot 8 shall be 55'.

**4. Signs.**

- (a) The entire PUD is treated as one premises for signage purposes.
- (b) No off-premises signs shall be permitted.
- (c) No signage shall be permitted along Kucera Drive or along S. 27<sup>TH</sup> Street within 105' of Kucera Drive.
- (d) Freestanding signs located on the north and south side of the S. 27<sup>th</sup> Street entrance into the commercial area may be spaced a minimum of 40 feet apart.
- (e) The multifamily building shall be treated as a commercial building for sign purposes.

## LEGAL DESCRIPTION

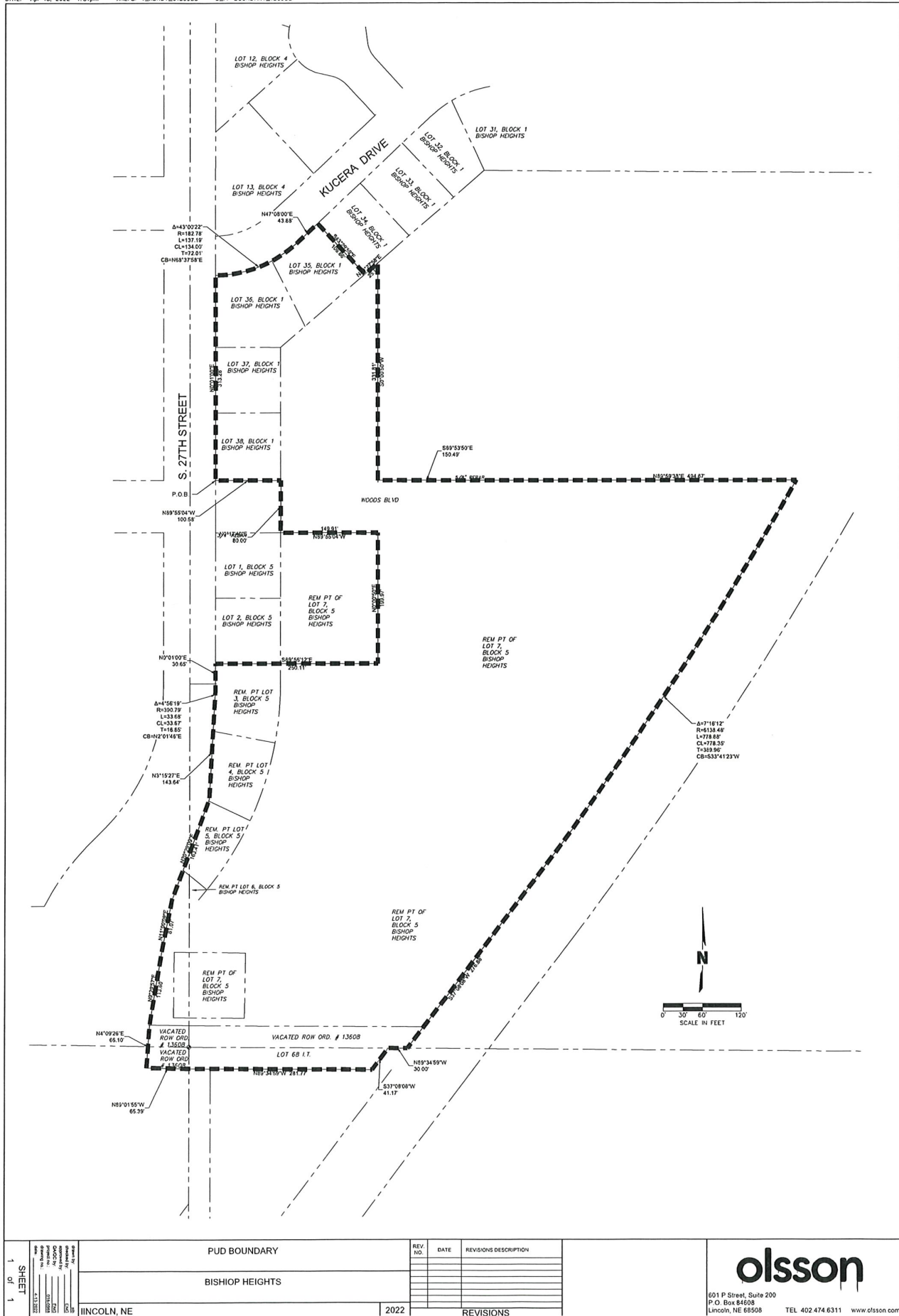
A TRACT OF LAND COMPOSED OF LOTS 35 THROUGH 38, BLOCK 1, BISHOP HEIGHTS, A PORTION OF LOT 7, BLOCK 5, BISHOP HEIGHTS, THE REMAINING PORTION OF LOTS 3 AND 4, BLOCK 5, BISHOP HEIGHTS A PORTION OF THE REMAINING PORTION OF LOTS 5 AND 6, BLOCK 5 BISHOP HEIGHTS, A PORTION OF THE PROPOSED VACATED RIGHT OF WAY OF SOUTH 27TH STREET AND THE VACATED PORTION OF PIONEERS BOULEVARD RIGHT OF WAY, AS REFERRED TO IN ORDINANCE # 13608, LANCASTER COUNTY RECORDS, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., A PORTION OF THE REMAINING PORTION OF LOTS 5 AND 6, BLOCK 5, BISHOP HEIGHTS, AND A PORTION OF THE PROPOSED VACATED RIGHT OF WAY OF SOUTH 27TH STEET AND THE VACATED PORTION OF PIONEERS BOULEVARD AS REFERRED TO IN ORDINANCE # 13608, LANCASTER COUNTY RECORDS, ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., THE VACATED PORTION OF PIONEERS BOULEVARD AS REFERRED TO IN ORDINANCE # 13608, LANCASTER COUNTY RECORD, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND LOT 68 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN , LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 38, BLOCK 1, BISHOP HEIGHTS, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH 27TH STREET AND ON THE NORTH RIGHT OF WAY LINE OF WOODS BOULEVARD; THENCE, NORTH, ON A WEST LINE OF SAID BLOCK 1, SAID LINE BEING AN EAST LINE OF SAID SOUTH 27TH STREET RIGHT OF WAY, ON AN ASSUMED BEARING OF N00°01'00"E, , A DISTANCE OF 313.28' TO THE NORTHWEST CORNER OF SAID LOT 36, BLOCK 1, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 43°00'22", A RADIUS OF 182.78', AN ARC LENGTH OF 137.19', ON A NORTH LINE OF SAID BLOCK 1, SAID LINE BEING A SOUTH RIGHT OF WAY LINE OF KUCERA DRIVE, A CHORD LENGTH OF 134.00', A TANGENT LENGTH OF 72.01', AND A CHORD BEARING OF N68°37'58"E TO A POINT; THENCE N47°08'00"E, ON A NORTH LINE OF BLOCK 1, SAID LINE BEING THE SOUTH LINE OF SAID RIGHT OF WAY, A DISTANCE OF 43.88' TO A NORTHEAST CORNER OF SAID LOT 35, BLOCK 1; THENCE S43°29'59"E, ON A NORTHEAST LINE OF SAID LOT 35, BLOCK 1, A DISTANCE OF 106.66' TO A SOUTHEAST CORNER OF SAID LOT 35, BLOCK 1; THENCE N49°27'58"E, ON A SOUTHEAST LINE OF LOT 34, BLOCK 1, BISHOP HEIGHTS, A DISTANCE OF 25.94' TO A POINT ; THENCE S00°00'50"W, A DISTANCE OF 331.81' TO A POINT; THENCE S89°53'50"E, A DISTANCE OF 150.49' TO A POINT; THENCE N89°59'38"E, A DISTANCE OF 494.67' TO A POINT ON AN EAST LINE OF SAID LOT 7, BLOCK 5, SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 07°16'12", A RADIUS OF 6,138.48', AN ARC LENGTH OF 778.88', ON AN EAST LINE OF SAID BLOCK 5, A CHORD LENGTH OF 778.35', A TANGENT LENGTH OF 389.96', AND A CHORD BEARING OF S33°41'23"W TO AN EAST CORNER OF SAID LOT 7, BLOCK 5; THENCE S37°08'08"W, ON AN EAST LINE OF SAID LOT 7, BLOCK 5, AND AN EAST LINE OF SAID VACATED PIONEERS BLVD RIGHT OF WAY, A DISTANCE OF 276.88' TO A POINT; THENCE N89°34'59"W, ON A SOUTH LINE OF

SAID VACATED RIGHT OF WAY, A DISTANCE OF 30.00' TO A NORTHEAST CORNER OF SAID LOT 68 I.T.; THENCE S37°08'08"W, ON AN EAST LINE OF SAID LOT 68 I.T., A DISTANCE OF 41.17' TO A SOUTHEAST CORNER OF SAID LOT 68 I.T.; THENCE N89°34'59"W, ON A SOUTH LINE OF SAID LOT 68 I.T., A DISTANCE OF 281.77' TO A SOUTHWEST CORNER OF SAID LOT 68 I.T.; THENCE N89°01'55"W, ON A SOUTH LINE OF SAID VACATED RIGHT OF WAY, A DISTANCE OF 65.39' TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID SOUTH 27TH STREET; THENCE N04°09'26"E, ON AN EAST LINE OF SAID SOUTH 27TH STREET, A DISTANCE OF 66.10' TO A POINT; THENCE N09°29'57"E, ON AN EAST LINE OF SAID PIONEERS BLVD RIGHT OF WAY, A DISTANCE OF 113.60' TO A POINT; THENCE N11°00'09"E, A DISTANCE OF 81.07' TO A POINT; THENCE N20°29'09"E, ON AN EAST LINE OF SAID PIONEERS BLVD RIGHT OF WAY SAID LINE BEING A WEST LINE OF SAID BLOCK 5, A DISTANCE OF 163.41' TO A POINT; THENCE N03°15'27"E, ON AN EAST LINE OF SAID RIGHT OF WAY, SAID LINE BEING A WEST LINE OF SAID BLOCK 5, A DISTANCE OF 143.64' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 04°56'19", A RADIUS OF 390.79', AN ARC LENGTH OF 33.68', ON AN EAST LINE OF SAID RIGHT OF WAY, SAID LINE BEING A WEST LINE OF SAID BLOCK 5, A CHORD LENGTH OF 33.67', A TANGENT LENGTH OF 16.85', AND A CHORD BEARING OF N02°01'46"E TO A POINT; THENCE N00°01'00"E, ON AN EAST LINE OF SAID RIGHT OF WAY, SAID LINE BEING A WEST LINE OF SAID BLOCK 5, A DISTANCE OF 30.65' TO THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 5, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 2, BLOCK 5, BISHOP HEIGHTS; THENCE S89°56'12"E, ON A NORTH LINE OF SAID LOT 3, BLOCK 5 AND ITS EXTENSION, A DISTANCE OF 250.11' TO A POINT; THENCE N00°00'50"E, A DISTANCE OF 199.97' TO A POINT, ON AN EXTENSION OF THE SOUTH LINE OF WOOD BLVD; THENCE N89°55'04"W, ALONG SAID EXTENSION, A DISTANCE OF 149.91' TO THE NORTHEAST CORNER OF LOT 1, BLOCK 5, BISHOP HEIGHTS; THENCE N00°17'40"E, ALONG THE EXISTING EASTERLY WOOD BLVD RIGHT OF WAY LINE, A DISTANCE OF 80.00' TO THE SOUTHEAST CORNER OF SAID LOT 38, BLOCK 1; THENCE N89°55'04"W, ON A SOUTH LINE OF SAID LOT 38, BLOCK 1, A DISTANCE OF 100.58' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 595,517.93 SQUARE FEET OR 13.67 ACRES, MORE OR LESS.

May 17, 2022

F:\2018\0501-1000\018-0988\40-Design\Survey\SRVY\Final Plat\Documents\PUB Legal.docx







SEACREST & KALKOWSKI, PC, LLO

KENT@SK-LAW.COM | DANAY@SK-LAW.COM

April 27, 2022

Mr. David Cary  
Planning Director  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> St., Suite 213  
Lincoln, NE 68508

RE: Bishop Heights Planned Unit Development (PUD) and Change of Zone

Dear David:

RED Bishop Heights JV, LLC ("RED") is the owner of approximately 11 acres located at the northeast corner of Highway 2 and S. 27<sup>th</sup> Street, and White Holdings, LLC ("White") is the owner of approximately 2 acres located at the northeast corner of Woods Boulevard and S. 27<sup>th</sup> Street ("White Property"). RED is the current owner of the former Bishop Heights Shopping Center that previously contained a mix of commercial uses. RED has entered into a purchase agreement with an affiliate of EPC Real Estate Group ("EPC") to sell the northern portion of the Center for future construction of a high-quality apartment facility ("EPC Property"). In turn, RED will develop the remaining southern portion of the new mixed-use center ("RED Property"). The White Property previously housed a bank with a drive thru facility and also includes a residential property. The EPC Property, RED Property and White Property are collectively referred to as the "Property".

On behalf of RED, EPC and White (the "Developers"), we are submitting an application for a Change of Zone on the Property from R-1 and B-1 to B-1 Planned Unit Development ("PUD") with adjustments as outlined in the PUD Development Plan. The PUD is part of a major redevelopment effort to create a new mixed-use community designation and neighborhood center, while retaining the Arby's restaurant. The City Council declared the Property "blighted" and "substandard" on March 14, 2022. The City Urban Development Department has prepared a draft Redevelopment Plan for the Property that should have City Council public hearing and vote in May. The Planning Department's Redevelopment Plan Staff Report lists 45 criteria, design strategies and action steps that the Redevelopment Plan addresses and concludes that the proposed redevelopment project is in conformance with the 2050 Comprehensive Plan.

The proposed PUD includes up to 230 multi-family dwelling units on the EPC Property, and either 70,000 square feet of commercial floor area or 150 hotel rooms and 50,000 square feet of commercial floor area on the RED Property. The maximum height on the EPC Property and RED Property is 65 feet.

The proposed PUD includes up to 45,000 square feet of commercial use on the White Property. The maximum height on the White Property is 55 feet, except for the north 105' of the White Property south of Kucera Drive which shall be limited to 35 feet in height.

Two of Lincoln's most important and heavily travelled hiker/biker trails intersect at the southeast corner of the PUD—the Rock Island Trail and Boosalis Trail. Last year, there were 221,239 users of the Rock Island Trail and 114,306 users of the Boosalis Trail. The proposed redevelopment project will include many new trail enhancements. For example, the PUD shows two new sidewalk connections to the Rock Island Trail that runs along the east side of the EPC Property and RED Property and a safer relocated sidewalk connection to the Boosalis Trail that runs along the south side of the RED Property. The PUD includes enhanced landscaping, buffering, setbacks and screening of adjacent vehicles from the two Trails. The proposed Redevelopment Agreement will also include up to 10 non-exclusive trail head parking stalls on the southern boundary of the PUD and new trail enhancements near the intersection of the two Trails. New tenants will also be encouraged to provide attractive building design, minimize vehicular and pedestrian conflicts for safety, and orient patios/decks and open spaces to the Trails.

The PUD is showing traffic access points at the two existing locations along S. 27<sup>th</sup> Street - Woods Blvd. and the existing  $\frac{3}{4}$  access point located south of Woods Blvd. Olsson is submitting a traffic impact study which summarizes the traffic trips generated by the proposed PUD uses and compares those numbers to the traffic trips generated by the previous shopping center when it was fully utilized. The trip generation comparison shows that the new mixed-use center will generate 28.5% less PM trips and 18.1% less All Day trips compared to the previous shopping center. With the South Beltway being completed next year, it is estimated that one-third to one-half of the truck traffic will cease using Highway 2 and start using the South Beltway. This shift in truck traffic and other expected motor vehicle trips will improve the S. 27<sup>th</sup> & Highway 2 traffic area network.

The development team including RED, EPC, White, Olsson and Seacrest & Kalkowski have been working over the past several months with City staff from multiple departments - Urban Development, Parks & Recreation, Planning and Lincoln Transportation & Utilities, on the proposed redevelopment project and multiple site planning components. The development team has also hosted neighborhood meetings and has met with local neighborhood associations or their representatives on the proposed PUD site plan.

Olsson has prepared PUD site planning documents including: PUD Site Plan, Grading and Drainage Plan, Utility Plan and Preliminary PUD Boundary Landscape Plan. Olsson has also prepared a drainage memo summarizing the stormwater quality requirements for the project. In accordance with the drainage memo, on-site extended detention basins are proposed for the PUD Property.

Enclosed find the following documents for the above-mentioned project:

1. City Application Form (Change of Zone for PUD);
2. Application fees in the amount of \$3,189 (\$1005+13 acres x \$168);
3. Legal Descriptions for the B-1 PUD area;
4. Bishop Heights PUD site plan, grading/drainage plans and drainage memo (via ProjectDox); and
5. Preliminary building elevations for the White Property and for the multi-family units and associated accessory buildings on the EPC Property.

Olsson will submit the site plan documentation to ProjectDox upon notification from the Planning Staff.

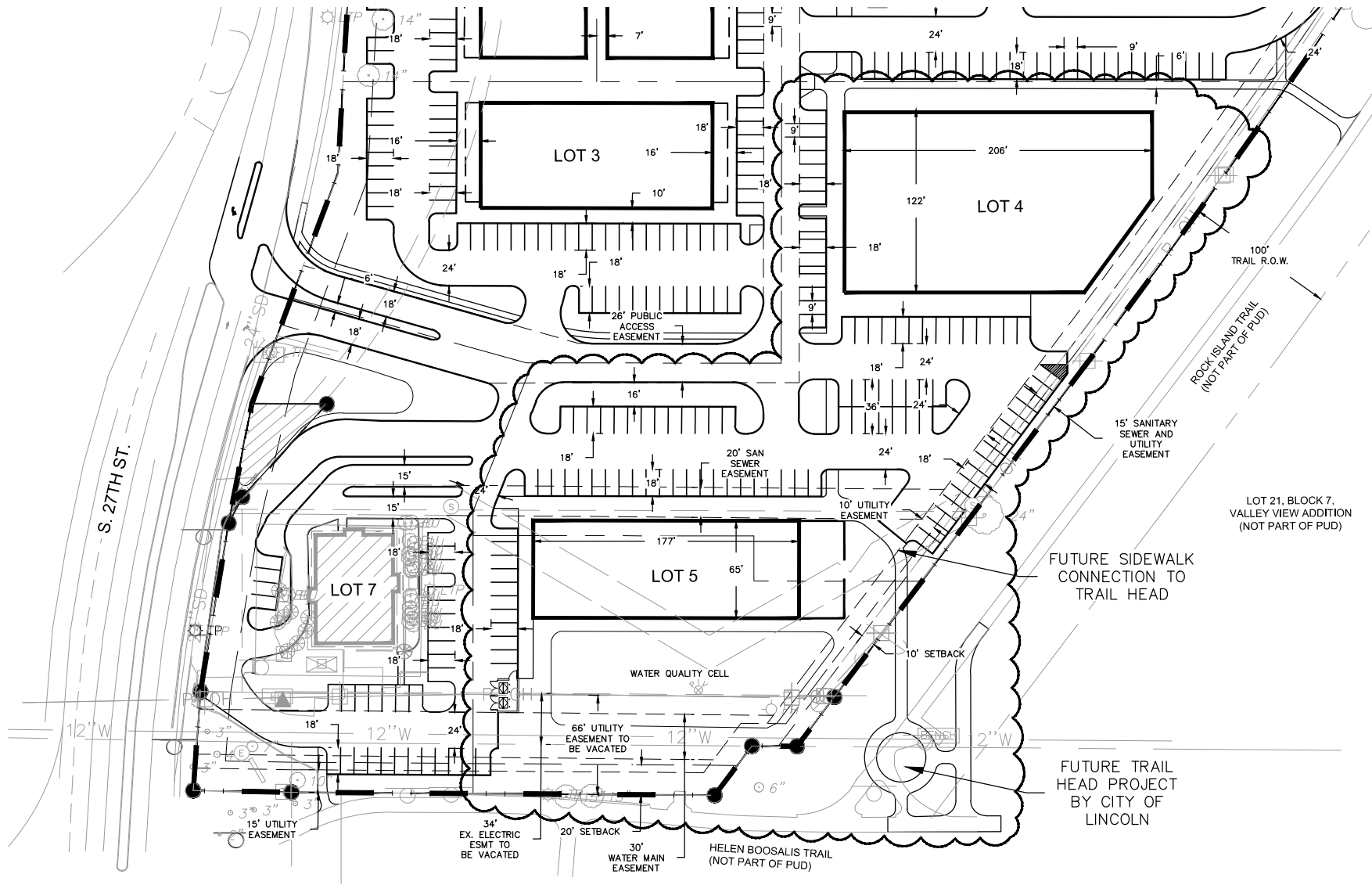
We appreciate your consideration of the above requests and look forward to continuing to work with you on this application. If you require further information or have any questions, please do not hesitate to contact me or Kent Seacrest at 402.435.6000, danay@sk-law.com, kent@sk-law.com, or Erin Bright at 402.458.5608, ebright@olsson.com.

Very Truly Yours,

DANAY KALKOWSKI  
For the Firm

Enclosures

cc: Councilmember Jane Raybould, jraybould@lincoln.ne.gov  
Councilmember Sändra Washington, swashington@lincoln.ne.gov  
Anna Eickholt, Country Club Neighborhood Association,  
Krista Rickman, Prescott Area Neighborhood Association,  
prescottareaneighborhood@gmail.com  
Ron Suing, Southwood Homeowners Association, rsuing@lps.org  
Chad Mohling, Tierra Homeowners Association, tierraboard@gmail.com  
Comfed-Dodge Fund V  
Wells Fargo Bank Nebraska  
Lynn Johnson, Parks and Recreation Department, ljohnson@lincoln.ne.gov  
JJ Yost, Parks and Recreation Department, jyost@lincoln.ne.gov  
Dan Marvin, Urban Development Department, dmarvin@lincoln.ne.gov  
Ernesto Castillo, Urban Development Department; ecastillo@lincoln.ne.gov  
Steve Henrichsen, Planning Department, shenrichsen@lincoln.ne.gov  
Brian Will, Planning Department, bwill@lincoln.ne.gov  
Ben Callahan, Planning Department, BCallahan@lincoln.ne.gov  
Scott Wagner, RED Development, swagner@reddevelopment.com  
Joe Hakola, RED Development, jhakola@reddevelopment.com  
Dustin Cleveland, RED Development, dcleveland@reddevelopment.com  
Tom White, White Holdings, LLC, tew@inebraska.com  
Zach White, White Holdings, LLC, zwhite@zsarealtygroup.com  
Terry Oleary, EPC Real Estate Group, tpoleary@olearycompanies.com  
Erin Bright, Olsson, ebright@olsson.com  
Kent Seacrest, Seacrest & Kalkowski, PC, LLO, kent@sk-law.com



NEBRASKA HIGHWAY 2

PROJECT NO: 018-0988

DRAWN BY: JEF

DATE: 05-17-2022

BISHOP HEIGHTS PUD  
REVISED LOT 4 AND LOT 5 LAYOUT  
113

**olsson**

601 P Street, Suite 200  
P.O. Box 84608  
Lincoln, NE 68508  
TEL 402.474.6311

EXHIBIT

1



CONCEPT RENDER OF SOUTH & WEST ELEVATIONS





CONCEPT RENDER OF SOUTH & WEST ELEVATIONS ELEVATED



CONCEPT RENDER OF SOUTH & EAST ELEVATIONS





CONCEPT RENDER OF DETACHED GARAGE



## 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 Comprehensive Plan Conformance 22006 <i>Gold's Redevelopment Project - Phase 1</i>	FINAL ACTION? No	OWNER Golds Building Condominium
PLANNING COMMISSION HEARING DATE May 25, 2022	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 1023 & 1033 O Street

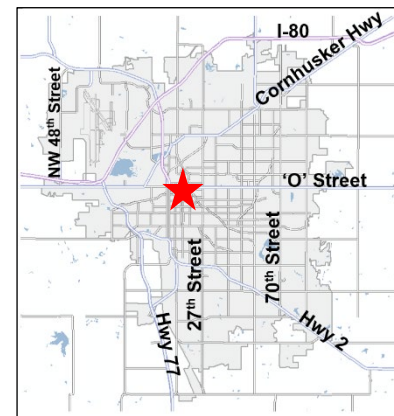
### RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

#### BRIEF SUMMARY OF REQUEST

Review as to conformance with the 2050 Lincoln-Lancaster County Comprehensive Plan, a proposed amendment to the Gold's Building Redevelopment Project within the Lincoln Center Redevelopment Plan.

The amended Project includes the renovation and rehabilitation of the original Gold's Building at 1033 O Street for a hotel, commercial space, and underground parking. The adjacent building at 1023 O Street will be demolished and the site used as the hotel entrance, open space, or similar amenity.

The Redevelopment Project Amendment is on file with the Urban Development Department and the Planning Department. It can also be found online at the Planning Application Tracking System under the project number [CPC22006](#).



#### JUSTIFICATION FOR RECOMMENDATION

The Project is consistent with the Comprehensive Plan, Downtown Master Plan, and the Lincoln Center Redevelopment Plan. It will provide for adaptive reuse of an historic structure, utilize existing infrastructure, and meet the desire for a mix of uses in the downtown area. The Downtown Master Plan states that Downtown is the premier location in the region for visitors to stay, shop, dine, and enjoy entertainment. A significant hotel project helps support that vision.

#### APPLICATION/STAFF CONTACT

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

#### COMPATIBILITY WITH THE COMPREHENSIVE PLAN

In addition to the specific elements listed above, this project contributes to the continued strengthening of the downtown core, which is a guiding principle reflected throughout the Comprehensive Plan, Downtown Master Plan, and Lincoln Center Redevelopment Plan.



## COMPREHENSIVE PLAN SPECIFICATIONS:

### Introduction Section: Growth Framework

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

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity.

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. It is also emerging as an attractive place to live, becoming an increasingly vibrant mixed-use neighborhood.

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

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

#### **Land Use Plan**

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

### 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.

### Elements Section

#### E2: Infill and Redevelopment

##### **Greater Downtown**

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.

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

##### **Downtown**

Downtown Lincoln stands as a unique community resource. Downtown is the County's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses.

PlanForward supports implementation of the Downtown Master Plan to preserve and enhance Downtown's role as...the principal cultural, entertainment, and tourism center...the center for hotels and conventions.

## **Policies Section**

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

### **Action Steps**

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.

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.

Increased infill allows the community to grow our population and tax base while focusing public dollars on maintaining what we already have, rather than spending money constructing and maintaining new facilities. Infill projects should target existing underdeveloped or redeveloping areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.

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.

The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship of historic resources throughout the County, while maximizing benefits of past investments in public infrastructure and private property. Historic areas and quality new development share underlying aspects of good design— durable materials, thoughtful attention to maintaining or creating a desirable overall setting, accessibility by multiple modes and all people, well-designed and effective signs that communicate without dominating, and sustainable, maintainable landscaping. When successful, urban design and historic preservation make a community more enjoyable for residents, more attractive to visitors, and more competitive in drawing new businesses and retaining existing ones.

### **Action Steps**

4. City and county governmental policies should provide for the protection and enhancement of historic resources.

## **DOWNTOWN MASTER PLAN SPECIFICATIONS:**

- p. 2.12 Overall, the hotel market in Downtown is soft, with occupancies averaging 66%. Anecdotal evidence indicates that Downtown's hospitality market has been soft for the last five to ten years, with mostly flat occupancy and daily rates. In addition, analysis of peer cities found that Lincoln already has a higher than average number of Downtown hotel rooms. Downtown's short-term opportunity (0-5 years) is to attract small, boutique additions to the market...Downtown Lincoln's mid-term hotel and convention opportunities (6-10 years) are dependent on the growth of Downtown employees and residents. Hospitality is likely to be a byproduct of these other sectors, and growth in residential and office sectors will elevate the demand in hospitality over time.
- p. 4.4.6 The O Street improvements identified in this plan should strengthen and extend the retail, dining and entertainment segments.
- p. 4.4.7 Reuse or redevelop vacant or underutilized spaces as opportunities arise.
- p. 4.4.8 Downtown is the premier location in the region for visitors to stay, shop, dine, and enjoy entertainment, and should be marketed as such.

- p. 4.4.9 When additional hotels are proposed and request TIF assistance, the City should require a market study as part of the application from the developer.
- p. 4.4.9 Continue and expand marketing Downtown as the premier location in the region for visitors to stay, shop, dine, and enjoy entertainment.
- p. 4.5.5 Respect historic properties and encourage reuse instead of demolition, wherever possible.
- p. 4.5.5 Provide and promote funding mechanisms for the preservation and rehabilitation of historic structures through available national, state, and local sources.
- p. 4.6.16 Catalyst Project: Enhance the Front Door to Downtown - includes a façade improvement program, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces.
- p. 4.6.17 Any future buildings along O Street should respect the existing character, and active uses should be encouraged on the ground floor of buildings to engage the public realm. Streetscape improvements should be made to O Street to create an even more vibrant and lively street. These improvements will attract more people Downtown and will provide a great environment for people already living and working in Downtown.
- p. 4.6.20 Catalyst Project: 11<sup>th</sup> Street Greenway: Convert 11<sup>th</sup> Street to two-way traffic with a 57-foot linear park on the west side within the existing right-of-way.
- p. 5.1 Inventory existing buildings and opportunity sites for housing and engage local owners in redevelopment planning. Examples may include Class C office buildings and underutilized historic buildings such as the Gold's and Atrium Buildings.

#### **LINCOLN CENTER REDEVELOPMENT PLAN SPECIFICATIONS:**

- p. III-8 Intensify and strengthen Lincoln's central business district as a focal point for regional development;
- p. III-8 Provide for compact and interrelated development in order to increase the amount and variety of activity in the core while increasing pedestrian convenience and visual interest;
- p. III-8 Encourage rehabilitation/renovation of existing structures throughout the Community Redevelopment Area;
- p. III-9 Encourage the development of mixed use projects that attract and maintain commercial activity and residential developments in the Downtown and Haymarket areas;
- p. III-9 Encourage development that is consistent and complementary to existing land uses, architectural systems, and building materials found Downtown and in the Haymarket;
- p. III-9 Encourage expanded housing opportunities and types to foster 24-hour activity and a lively street;
- p. III-9 Encourage the development of a vibrant retail presence.

#### **ANALYSIS**

1. This is an amendment to the Gold's Building Redevelopment Project within the Lincoln Center Redevelopment Plan. The Gold's Building Redevelopment Project was approved by City Council on March 29, 2021 with [CPC21002](#). The Project included renovation of the Gold's Building for multifamily and commercial uses. That specific project ultimately did not move forward.
2. In October 2021 a condominium regime was established over the Gold's Building property, splitting the site into two units. Unit One includes the north six-story building, which is the oldest section of the Gold's Building. Unit Two includes newer additions to the building on the south half of the block.

3. Phase One of the revised Project has two main elements split across the Gold's Building and adjacent 1023 O Street building.
  - a. Gold's Building: Renovation and rehabilitation of the six-story north tower (Unit One) to add approximately 110 hotel rooms, 6,000 square feet of retail and/or restaurant space on the first floor along 11<sup>th</sup> Street, and underground parking.
  - b. 1023 O Street: The building is currently uninhabitable and would be demolished. The site will be used as a hotel entrance, open space, or similar amenity for the hotel. Removal of the building will also create a space to allow windows on the west façade of the Gold's Building.
4. The Gold and Company Building is historically significant to Lincoln through its important contributions to the City's commercial growth and architectural history. The original section of the building at the corner of 11th and O, which is six stories high and displays Gothic Revival detailing, was designed by Davis & Wilson and erected in 1924, exemplifying "period revivalism" as employed in commercial architecture. Additions were made in 1929, 1947, and 1951. The store was closed in 1980 and the building was rehabilitated for retail and office space. The building is designated on the National Register of Historic Places.
5. Phase One of this Project will preserve and provide adaptive-reuse of the original Gold and Company Store Building. The Gold's Building additions on the south half of the block are likely to be demolished. Phase Two of the Project will include redevelopment of the south half of the block. Phase Two is not included in this amendment and will require separate action at a future date.
6. The building located at 1023 O Street, while having stood for over 100 years, is generally not considered to be historically significant and is only a fragment of the original building. The structure has been mostly vacant for several decades. Several attempts have been made by developers and engineers to determine a way to preserve the façade and/or rehabilitate the building and build a skywalk connection between Gold's and Aging Partners, but the interior elevations and poor structural condition of the building made the renovation too costly, even with the use of TIF funding.
7. The overall goals of the Project are to strengthen the long-term viability of Downtown Lincoln, support the 24/7 vibrancy of Downtown, remove blighted and substandard conditions, promote the revitalization of O Street as a principal Downtown corridor, and preserve the valuable character of the contributing historic buildings in the district. The Project will accomplish these goals by redeveloping an existing historic building, increasing retail and restaurant space in Downtown Lincoln, bringing additional hotel beds into downtown that will foster more commercial and tourism activity, and revitalizing the interface between the building and the street through first-floor uses and streetscape improvements that encourage increased activity in the Project Area.
8. The Project is consistent with goals in the Comprehensive Plan, PlanForward 2050. One of the overarching goals of PlanForward is to preserve and enhance downtown Lincoln as, among other things, the principal cultural, entertainment, and tourism center, and the center for hotels and conventions. Additionally, PlanForward recognizes that a "strong downtown is important to the economic future of the community." This Project will aid with the implementation of several action steps for the downtown area, including but not limited to: creating development compatible with the existing downtown, pedestrian-oriented development, higher density development with below-grade parking, and supporting downtown as the entertainment center of the community.
9. The Project is consistent with the 2018 Downtown Lincoln Master Plan. The Downtown Master Plan identifies Gold's as a significant building and its strategies specifically include working with the owner of the Gold's building to rehabilitate the building into mixed-used and/or residential. The Plan also supports adaptive reuse of buildings as a more sustainable approach than new construction, and as a way to restore historic buildings, sustain their useful life, and support the significance of the past.

10. One of the catalyst projects stated in the Downtown Master Plan involves the revitalization of the “O” Street corridor and this project will provide an opportunity to further that goal. Specific items within the overall catalyst project include façade improvements for adjacent buildings, streetscape enhancements, and general support of reuse and rehab of underutilized or vacant spaces. The Gold’s Building site is specifically identified as a redevelopment opportunity.
11. Another catalyst project in the Downtown Master Plan is the 11th Street greenway. Streetscape enhancements associated with this project will support future implementation of the 11th Street greenway.
12. The Project may assist with the transportation planning goals of the Downtown Master Plan by temporarily and/or permanently reconfiguring and relocating the StarTran transfer station currently located within the Project Area. Options for relocation will be explored subject to available funding, government approval, and other factors.
13. The market assessment associated with the Downtown Master Plan states that the Downtown hotel market is soft, and that Downtown already has a higher than average number of hotel rooms as compared to other peer cities. The Downtown Master Plan recommends that the City should require a market study whenever additional hotels are proposed and request TIF assistance.

At the time of the market assessment (early 2018) it was assumed that the original 9<sup>th</sup> & O project would be constructed. That project had a mix of uses that included approximately 230 hotel rooms. A Holiday Inn Express was eventually constructed on the site with approximately 140 rooms. This new proposal is expected to include 110 rooms, so together with the Holiday Inn Express these two hotels roughly equal the rooms of the original 9<sup>th</sup> & O proposal.

14. The Project is also consistent with the Lincoln Center Redevelopment Plan. The primary goal of the Redevelopment Plan is to enhance Downtown Lincoln as the dominant mixed- use/multi-use center of activity within the City. The Project meets the redevelopment standards set forth in the Lincoln Center Redevelopment Plan, including but not limited to: intensifying and strengthening Lincoln’s central business district as a focal point for regional development and the employment, entertainment, and educational hub of the community; encouraging development of mixed-use projects that attract and maintain commercial activity and residential development in the Downtown area; and encouraging rehabilitation/renovation of existing structures and the preservation of the architectural integrity and historic character of the area.
15. The Project was reviewed by Historic Preservation Commission (HPC) on multiple occasions. On April 21, 2022 the Commission voted 4-1 to recommend support for Phase One of the Project. There was also discussion and about Phase Two of the Project, and some members expressed concern about demolishing the south half of the block without a redevelopment plan in place (this CPC application only addresses Phase One - Phase Two will require separate action). An excerpt from the preliminary minutes are attached. The project was also discussed at the February and March HPC meetings with no action taken. Those minutes are linked below.

[March 17, 2022 Historic Preservation Commission Minutes](#)

[February 17, 2022 Historic Preservation Commission Minutes](#)

16. The Project proposes to construct approximately 40 underground parking stalls below the Project Site and in the areaways underneath the 11th and O Street sidewalks to support the Project uses. The redeveloper anticipates the need for approximately 70 additional stalls in the Center Park Garage connected by the existing skywalk.
17. Another element of this project is the creation of an Enhanced Employment Area within the project area. The Community Development Law empowers the Community Redevelopment Authority to designate an area within a community redevelopment area as eligible for the imposition of an occupation tax. The Community Development Law further provides that a city may levy a general business occupation tax upon businesses and users of space within an Enhanced Employment Area for the purpose of paying all or any part of the costs and expenses of any redevelopment project within such enhanced employment area.



To help finance this Project the redeveloper requests that the Community Redevelopment Authority declare the Project Area as an Enhanced Employment Area under the Community Development Law; that the city impose a 2% occupation tax on general retail and hotel revenue, and a 1% occupation tax on restaurant and bar revenue, subject to the limitations of the Community Development Law, to finance the payment of one or more Occupation Tax Bonds issued by the Authority.

In order to implement an occupation tax in such area, the redevelopment project must generate a minimum of 25 new employees and an investment of \$2 million. Phase One of this Project will include investment of approximately \$24 million and create 65 to 100 employees.

18. The public investment is expected to be roughly \$4.2 million. The source of public funds will be the tax increment generated from the private developments on the Project Site. The public investment will leverage a private investment of approximately \$20 million. More details can be found in the Cost Benefit Analysis section of the redevelopment plan amendment.

**EXISTING ZONING:** B-4 Lincoln Center Business District

**EXISTING LAND USES:** Commercial, Vacant

**SURROUNDING LAND USE AND ZONING:**

North: O Street, Commercial

South: Commercial

East: 11<sup>th</sup> Street, Commercial, SCC

West: 10<sup>th</sup> Street, Commercial

B-4 Lincoln Center Business District

B-4

P Public, B-4

B-4

**APPROXIMATE LAND AREA:** 2 acres

Prepared by

---

Andrew Thierolf, AICP

(402) 441-6371 or [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)

May 16, 2022

Applicant: Urban Development Department, City of Lincoln  
555 S. 10<sup>th</sup> Street, Suite 205  
Lincoln, NE 68508

Contact: Hallie Salem  
(402) 441-7866 or [hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov)

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/22000/CPC22006 Gold's Redevelopment Project - Phase 1.adt.docx>

**NAME OF GROUP:** HISTORIC PRESERVATION COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Thursday, April 21, 2022, 1:30 p.m., County-City Building, Conference Room 113, 555 S. 10<sup>th</sup> Street, Lincoln, NE.

**MEMBERS IN ATTENDANCE:** Melissa Dirr Gengler, Nancy Hove-Graul, Jim Johnson, Greg McCown, Jim McKee, Greg Newport and Dan Worth absent.

**OTHERS IN ATTENDANCE:** Paul Barnes, Stacey Hageman, Stephanie Rouse and Teresa McKinstry of the Planning Department; Hallie Salem with Urban Development Dept.; Trevor Hull; Wayne Mortensen; John Badami; Dave Wexler; Justin Hernandez; Jerry Nelson; Daniel Siedhoff; Katherine Walter; Tim Rinne; Michael Harpster; Jeramie Nelson; Mike Works; and other interested parties.

**DISCUSSION ON GOLD'S BUILDING REDEVELOPMENT PROJECT:**

[Staff Memo with Graphics](#)

Hageman stated that this is Phase One of the larger redevelopment which is for work on the six story Gold's building and the building immediately to the west (1023 O Street). Renovation work was shown at the previous commission meeting.

Justin Hernandez stated that this is along the same path as last month. More detail was added to the south elevation. The west elevation shows removal of the 1023 building.

McKee stated that the building removed on 'O' Street looks like a drive thru. Hernandez stated that was correct. Initially, they wanted the drive to come off 'O' Street. In working with the Planning Department, it was decided this will not be a driveway. It will be a concrete gathering space and setback from any future building. McKee stated this is removing one of the older buildings in this area. It is probably not safe to go inside. He agreed it has been deteriorating very rapidly. Newport questioned if it has been documented. McKee answered not architecturally, but we have a history of the building.

Worth believes any demolition associated should have some form of documentation. McKee stated this building (1023 O Street) has been very altered over the century. He would like to see it documented for record keeping.

Hageman inquired if there were any comments regarding the south façade. McKee understands the necessity. It is not a primary façade. Worth thinks you could save that portion of the building.

Worth asked if any historic preservation tax credits will be used. Hernandez replied no. Worth wondered if altering the south façade with new windows would be entirely appropriate. Hernandez stated that the streetscape shown is the result of a lot of City concept plans. Worth asked if there has been any definitive proposal for the tenant for the south portion of the block. Hernandez replied no. They are working through the process to focus on Phase One. They want the south façade to be presentable before moving to Phase Two. They have been working through a lot of options.

Worth hasn't seen any economic analysis to support the decision for removing the southern building. He is having a problem with asking the City to remove a building using Tax Increment Financing (TIF). Newport has the same question. He questioned the use of TIF for something that won't get approval until the applicant presents what is being proposed for the replacement. Hernandez stated that no TIF dollars are going for anything on the south portion of the block. Worth inquired if the applicant is asking for TIF to do the hotel. He pondered doing the hotel with TIF and leaving the south building mothballed until the applicant has an idea of what will go on the south site. Hernandez stated that would not be feasible. They have to work on the utilities and Lincoln Electric System (LES) vault. They tried to save the south building and utilize it, but the cost of leaving it sit and the challenges it presents going forward outweigh the ability to save it. Worth hasn't been presented with any documentation that tells him that is a good decision. Hernandez didn't bring all his notes today. There have been a lot of developers through the years. Hove-Graul added that the applicant went through a lot of this information at the last meeting. The floors don't line up. She believes there is no way to keep the building and connect it. For her, it was convincing. Worth would like to see more details.

Hernandez stated this has been a process to get these application pieces separated as opposed to getting everything approved all at once.

Newport asked if the applicant has looked at separating the two structures but leaving the south and utilizing it as a standalone structure. Hernandez stated that the elevator shafts are in the alley way. They would lose a stair tower. There are also a lot of egress issues and code issues since the middle core is being taken out. The northeast corner is all concrete and a much better structure. The south building was very hurried and not as good of construction. It is a steel frame building with three inch concrete floors on top of the joists. The load requirements don't meet the requirements of today. The issues they are dealing with, they aren't able to adapt as well. There is no deep foundation on the south building. The columns only support what is there. It has been challenging to evaluate. Worth understands the struggle. This is still a very historically important part of downtown. For him, it is an issue without knowing what will be rebuilt there.

Hove-Graul stated the south portion was built in the early 1950's. She asked for McKee's thoughts on the building and asked if the historical designation was given to the entire site. McKee replied yes. Worth added that the National Register nomination acknowledges all the additions.

Hernandez thinks this plan was the first approach that worked to save any of the building. The other approach was to tear everything down. There is a desire to save the historic building and maintain the structure. He believes the Gold's building was very historic to the City and the area. The core of the building can't be used. That is a lot of wasted space. He believes that saving that building was important. They wanted to make sure the south side honored the brick.

Worth can't support TIF when he doesn't know what the replacement will be.

Hernandez understands the codes for the American's with Disabilities Act (ADA) and energy. Worth believes that sustainability needs to be added as well. Hernandez stated that is where they were making the effort to recycle 70 percent of materials that came out of here. They are working with a contractor that is focusing on this. Nebraska Dept. of Health and Human Services (DHHS) wanted out of this space. They could not make it work even at discounted rent. The previous dollar investment of \$1.5 million was trying to get them to stay. Market conditions have become very challenging. He pointed out that TIF is only associated with the northeast portion. They aren't asking for any tax credits at this time. He believes this is the preferred approach at this time.

Hove-Graul stated that when she drives down 'N' Street, she doesn't see anything historic on the south façade.

McCown stated that in general, all Commissioners know the history of what this building has gone through. He feels like the applicant's due diligence has been thorough. He believes this is the fourth owner this has been associated with. This is probably the most encompassing view of this at this point, being through so many owners and iterations. He would trust their judgement if these owners had any desire to save the south building. Hernandez stated they do not. The economics and the money required to put into the building to punch in new windows would be challenging. There have been many things that work. He believes this plan works and balances the request to save the Gold's building and make it still feasible.

McCown believes this places the Commission in an awkward position.

Hageman stated this body is advising City departments, the Mayor, Planning Commission and City Council on the use of public funding, TIF. She should also say that they are not requesting TIF yet for demolition. The timing of this all is hard from a City perspective. There was no need for Historic Preservation Commission advisory review of the demolition, but staff wanted comments. The entire building is on the National Register. Staff is now asking for advisory review of the first phase which is rehabilitation and demolition of 1023 O Street.

Newport inquired about the schedule for demolition work. Hernandez stated that based on feedback last month, they had meetings with the City. Plans are in the works for demolition plans to be submitted. They are following the required steps.

McCown personally thinks that moving ahead is a benefit to the City and savings will be had as opposed to demolition of the Gold's building. He would be in favor of demolition and Phase One.

Hove Graul agreed. It is hard to sacrifice one building for another, but if we can salvage this and make it useful, it would be amazing for downtown Lincoln.

Worth disagreed. He can't support public monies to go to half a project when we don't know what the full thing will look like. He is tired of seeing half built projects. Preservation is ultimately very conservation oriented. It is a long game. He has been doing preservation for 45 years. He has done a lot of buildings. He would like to see a solution created. He doesn't think he has enough information to support the demolition.

Newport would like clarified if Phase One demolishes the south building. Hageman replied no. Phase One demolishes the 1023 O Street building. We don't know details of the next phase yet. Demolition of the south portion of Gold's technically isn't part of the first phase.

Hove-Graul inquired when the applicant has to get to the alley corridor. Hernandez stated that is the first and most expensive portion. The structures need to be separated. They would be moving into shoring and other work 30 days after the permit is submitted for demolition.

Hove-Graul stated the east-west alley was once utilized for electrical. She believes there is no elevator or any vertical access for the south building. Hernandez replied she was correct. The south building becomes unutilized. There is a large atrium in the south building. The elevator core and stair tower core would no longer serve the south building. Utility infrastructure is shared throughout different points in the building. There are no services in the south building. Electrical service would have to be installed in the alley with a vault. Sewer and water become

the next challenge. The basement is shared now. There are many logistical challenges.

McCown left the meeting.

Hove-Graul believes in order to mothball the building for the next owner, you would have to leave it safe and it would cost a lot of money. Hernandez stated the investment would be significant, easily a couple of million dollars.

Hove-Graul asked if it would be possible to come up with a feasibility study to see how much that would cost to cut the building in half and leave the south half versus how much it would cost to demolish it. Hernandez believes they could come up with that. It will be a significant financial challenge.

Worth would like to see the vision for Phase Two to justify the demolition of the building.

Newport understands that the hotel project doesn't anticipate any income from the south portion of the block. Hernandez stated that was correct.

Hageman would ask for recommendation on the first phase and any concerns expressed.

Worth has no problem with demolition of the property at 1023 O Street. He is concerned with the demolition of the south portion of the building. He supports the idea of the hotel. He cannot support giving TIF money without understanding the vision for Phase Two and demolition of the south building. That needs to be articulated. This Commission is challenged with preserving this community's historic properties. He isn't convinced this building needs to be torn down.

Barnes stated that the requested review and action today is for Phase One with TIF.

Newport believes the question is the appearance of green lighting demolition of the south half as part of this process.

Worth can't support the demolition.

Barnes noted that these comments go forward to Planning Commission and City Council, along with the Mayor and others.

#### **ACTION:**

Worth moved support of Phase One of the project with the finding that demolition of 1023 O Street property and renovation of the six-story portion of the Gold's Building is appropriate, but demolition of the south half of the property is not appropriate because the Commission lacks any vision and plan for what Phase Two would be and recommended that extreme caution be exercised with the use of TIF at this point since demolition would remove a significant amount of the property, seconded by Newport.

Hallie Salem asked if Worth was referencing the use of TIF in total or on demolition. Worth has no opinion on that at this time.

Hove-Graul believes the applicant has said that TIF would not be used to demo, just on the hotel. Hernandez



stated she was correct. The TIF request is to stay within the northeast portion of the property. TIF is needed to rehabilitate that building and structure. No TIF dollars are going to the private alley way, Parcel B, or Parcel C.

Worth believes the City should be very careful about allocating any TIF funds until Phase Two is understood.

McKee would also encourage the applicant to be cognizant of the use of TIF.

Worth would like the applicant to bring a vision for this area. Hernandez stated there is a significant challenge to bring in a vision for the entire block which includes the Gold's building. Asking a developer to come together on an entire block for an all or nothing is difficult.

Hernandez continued that the parameters were if the building sat vacant or if it was saved for a potential use. They questioned if codes would be waived. The State of Nebraska didn't want staff in this building due to a lack of code compliance. If we always waited for something else, there wouldn't be any development downtown.

Newport stated that hypothetically, we don't want to see a gas station on that corner. If this is split in two, a significant structure is being torn down. Hernandez knows there are still codes on anything that would happen on the south. This Commission could reject any proposal.

Worth believes that this Commission is in an awkward position. This is half a proposal. He doesn't know what Phase Two is. The Planning Department needs to encourage the developer to look at the entire proposal and then bring it forward.

Hernandez stated that no one seems to want the building on the south. There are many concerns and work that has to be done for that to be habitable.

Worth would like to see some parameters developed on what that property can be. A vision needs to be developed. Right now, there isn't one. He can't support demolishing that without something planned.

Salem stated that one of her struggles in advising this from the Urban Development Department perspective is they have done a lot of projects where buildings have been removed for a project that doesn't ever happen. To her, they don't want a false proposal. If they had a proposal in the next two years and didn't demolish this building, they would most likely bring it to Historic Preservation Commission and ask for review and approval. Then we still wouldn't have a guarantee that the project wouldn't happen. What are the parameters if this doesn't happen? Does it need to be taller than four story, diversity of uses, materials consistent with original building? She inquired what would help this Commission feel better about moving forward so when they come back with their proposal, there is a list of guidance. Worth noted that anything would help at this point. Salem believes any advice would be helpful.

Worth would like to see some plans or vision for what Phase Two would entail. Hove-Graul asked how that would be hammered out. It would be presented but she wondered how it would be confirmed that it would be built.

Hernandez could give ten to twenty visions for the south side. He has been here before. He thinks a clean slate is the way to go and place the effort into honoring the historic structure that is there. There is no ask for public dollars for the southern building at this point.

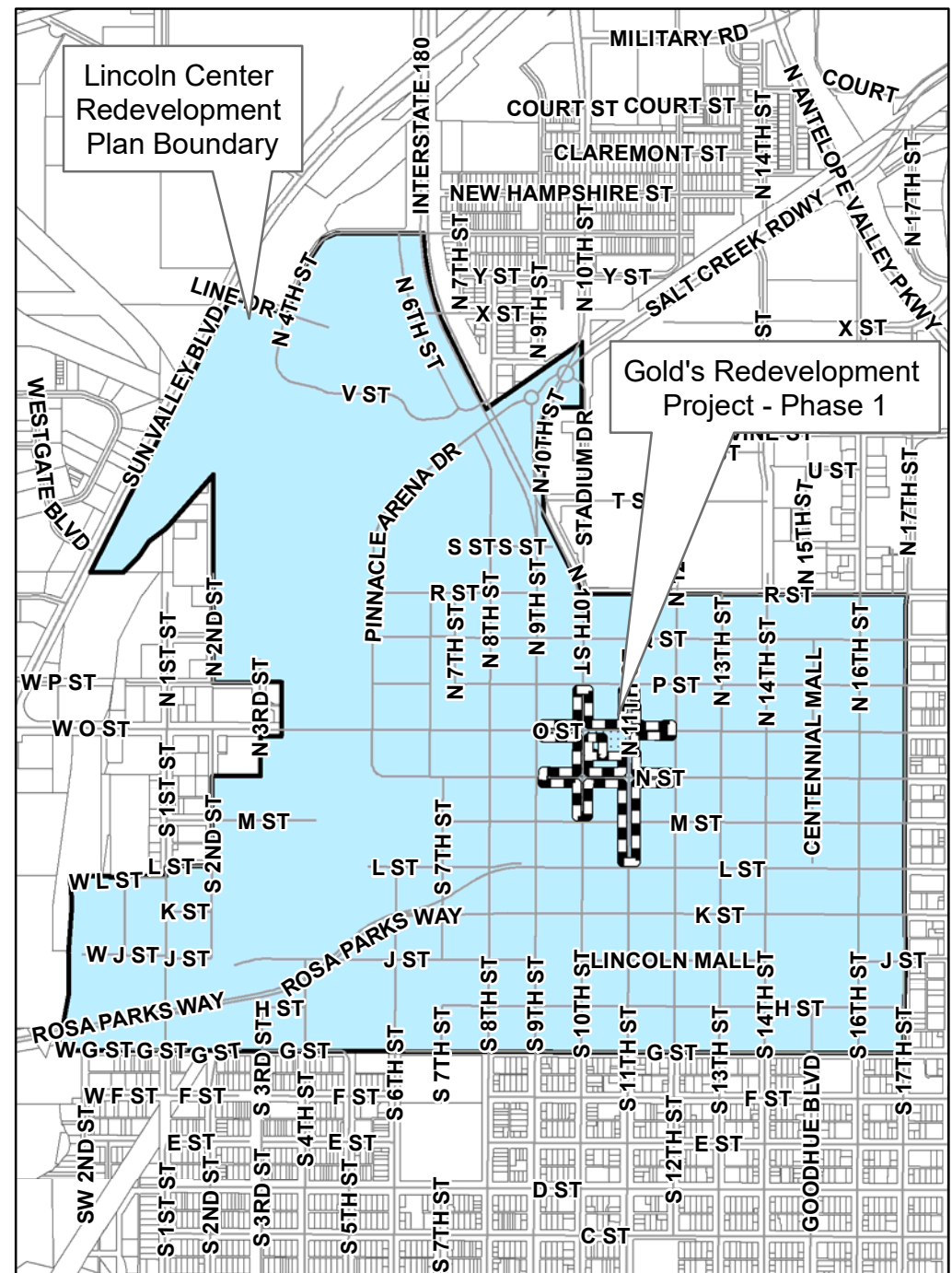
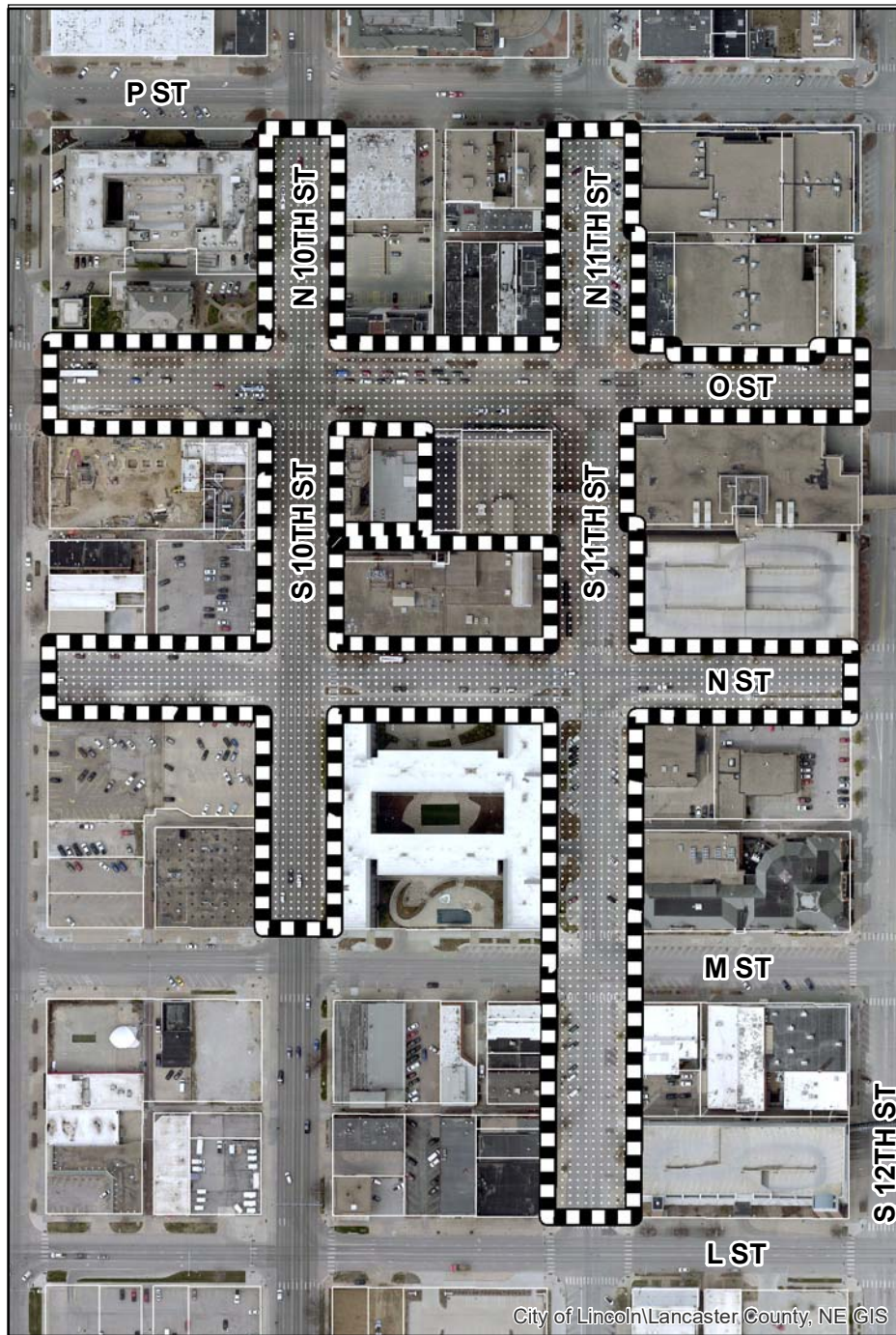
Hove-Graul inquired if this was demolished and something was proposed for the site if it would come before

Historic Preservation Commission. Hageman answered that it could be requested, but it would typically be more of a design standard review.

Hove-Graul clarified that TIF money isn't being used for demolition of the south property. It is proposed to be used for renovation of the hotel property. She would offer that as an amendment to the motion. Newport and Worth stated that was acceptable to add to their motion.

Hove-Graul feels that demolition of the south property is in keeping with the progression of renovation on 'O' Street. She said that she was supportive of Phase One (hotel project and 1023 'O' Street demo) but didn't support the part of the motion that was cautious about demolishing the south portion.

Motion for support of Phase One of the project with the finding that demolition of the 1023 O Street property is appropriate, renovation of the six-story portion of the Gold's Building is appropriate, but demolition of the south half of the property is not appropriate because the Commission has not seen a vision and plan for Phase Two and recommendation that TIF money not be used for demolition of the south property, only used for renovation of the hotel property and extreme caution be exercised with the use of TIF at this point since demolition would remove a significant amount of the historic property, carried 4-1: Johnson, McKee, Newport and Worth voting 'yes'; Hove-Graul voting 'no'; Gengler abstaining; McCown absent.



**Comprehensive Plan Conformance #22006**  
**Gold's Redevelopment Project - Phase I**  
**Amendment to the Lincoln Center Redevelopment Plan**

2020 aerial

