DIRECTORS' MEETING
MONDAY, NOVEMBER 7, 2011
555 S. 10TH STREET, ROOM 113
2:00 P.M.

I. CITY CLERK

II. MAYOR

1. NEWS RELEASE. Separation of grass and leaves continues through November.

CITIZEN POLICE ADVISORY BOARD

1. Decision of the Citizen Police Advisory Board (CPAB) on Complaint #02-11.

III. DIRECTORS

FINANCE/AUDITING

1. Pre-Audit Report to the Mayor and Audit Committee of the City of Lincoln, Nebraska from BKD.

PARKS AND RECREATION

1. Agenda for meeting on November 10, 2011.
   a) Meeting minutes of October 13, 2011.
   b) Letter to Joe Tidball, Parks and Recreation Advisory Board Chair, from Mayor Beutler on recommendation regarding Capital Improvement Project Funding.
   c) Schedule of meeting dates for 2012.

PLANNING COMMISSION

1. Action by Planning Commission on November 2, 2011.
2. Planning Commission Final Action on November 2, 2011.

PLANNING DEPARTMENT

1. The November 2011 Urban Design Committee meeting has been canceled due to lack of agenda items.

WEED CONTROL AUTHORITY

1. Combined Weed Program, City of Lincoln, October 2011 Monthly Report. Also available on the web site at http://lancaster.ne.gov/weeds/planrpts.htm

IV. COUNCIL MEMBERS

V. MISCELLANEOUS

VI. CORRESPONDENCE FROM CITIZENS

1. Correspondence from Peter W. Katt regarding the Ringneck project, with comments from Miki Esposito, Public Works & Utilities.

VII. ADJOURNMENT

PUBLIC WORKS AND UTILITIES DEPARTMENT
Recycling Office, 2400 Theresa Street, Lincoln, NE 68521, 402-441-7043

FOR IMMEDIATE RELEASE: November 1, 2011
FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 402-441-7043

SEPARATION OF GRASS AND LEAVES CONTINUES THROUGH NOVEMBER

City Recycling Coordinator Gene Hanlon today reminded residents that they need to continue to separate their grass and leaves from their household trash through the end of November.

The Nebraska Integrated Solid Waste Management Act requires that grass and leaves be separated from household trash from April 1 through November 30 of each year**.** During these months, grass and leaves are diverted to the City's compost facility, and local waste haulers charge a separate fee for the yard waste collection.

Residents can place their grass and leaves with their household trash from December 1 through March 31. However additional fees may be charged for regular waste collection based on volume and weight of the leaves and grass collected.

- 30 -

RECEIVED
OCT 31 2011
CITY COUNCIL
OFFICE

CITY OF LINCOLN
NEBRASKA
MAYOR CHRIS BEUTLER
lincoln.ne.gov

Office of the Mayor
555 South 10th Street
Suite 301
Lincoln, Nebraska 68508
402-441-7511
fax 402-441-7120
mayor@lincoln.ne.gov

Memo

To: Mayor Beutler
City Council
Chief Jim Peschong

From: Shirley Mora James
Chair of the Citizen Police Advisory Board (CPAB)

Date: October 27, 2011

Re: Complaint #02-11

On October 26, 2011, the full CPAB met and, after considering Complaint #02-11 and all relevant reports, determined that no corrective action on the part of the Mayor and/or the Police Chief was warranted as a result of this complaint.

The Complainant was advised accordingly.

F:\FILES\ZCTCLAW\MemoToMayor&Council Case02-11,10.27.11.dkp.doc

City of Lincoln, Nebraska

Pre-audit Report to the Mayor and Audit Committee
of the City of Lincoln, Nebraska

August 31, 2011

BKD LLP
CPAs & Advisors

Contents

Introductory Matters	1
Planned Scope & Timing of Audit	3
Auditing & Accounting Matters	7
Consideration of Errors or Fraud	8
Engagement Team	10
Questions/Observations/Suggestions	11

Introductory Matters

The purpose of this report is to summarize various matters relating to our approach for the August 31, 2011 audits of the financial statements of the City of Lincoln, Nebraska and selected funds.

Audits of Financial Statements

We will conduct our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments and Nonprofit Organizations*.

Those standards require that we plan and perform:

- ✓ The audit of the financial statements to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Our engagement does not include a detailed audit of every transaction.

- ✓ The audit of compliance with the types of compliance requirements described in the *U.S. Office of Management and Budget Circular A-133 Compliance Supplement* that are applicable to each major federal award program to obtain reasonable rather than absolute assurance about whether noncompliance having a direct and material effect on a major federal award program occurred.

Our audit of the financial statements is designed to detect misstatements and noncompliance that, in our judgment, could have a material effect on the financial statements taken as a whole. Consequently, our audit will not necessarily detect errors or fraud resulting in an immaterial misstatement of the financial statements. Accordingly, a material misstatement or

noncompliance having a direct and material effect may remain undetected.

Likewise, our audit of compliance with the types of compliance requirements applicable to each major federal award program is designed to detect noncompliance having a direct and material effect on a major program. Consequently, our audit will not necessarily detect noncompliance having an indirect and material or an immaterial effect on selected programs.

Our audits will be made for the purpose of rendering opinions on the following financial statements as of and for the year ended August 31, 2011, issuance of reports on compliance based on the audits of the following financial statements, and issuance of reports on internal control over financial reporting based on the audits of the following financial statements:

Our audit focuses on the likelihood of a material misstatement in the financial statements.

- ✓ City of Lincoln, Nebraska (CAFR)
- ✓ Lincoln Parking System
- ✓ Emergency Medical Services Fund
- ✓ Solid Waste Management Fund
- ✓ Lincoln Water and Wastewater Systems
- ✓ Community Health Permanent Endowment Fund (separate communication provided to the Fund's Board of Trustees)
- ✓ West Haymarket Joint Public Agency (separate communication provided to the Agency's Board of Representatives)

The objectives of our audit of the City of Lincoln, Nebraska for the year ended August 31, 2011 also includes the following:

- ✓ Expression of an opinion on your compliance, in all material respects, with the types of compliance requirements described in the *U.S. Office of Management and Budget Circular A-133 Compliance Supplement* that are applicable to each of your major federal award programs

- ✓ Issuance of a report on your internal control over compliance based on the audit of your compliance with the types of compliance requirements that are applicable to your major federal award programs

- ✓ Issuance of a report on your schedule of expenditures of federal awards

An audit of the financial statements does not relieve management or the governing body of their responsibilities.

Other Services

Other services we will provide include:

- ✓ Apply agreed-upon procedures as specified in the Title 132-Integrated Solid Waste Management Regulations
- ✓ Review bond offering documents

The actual terms of our engagements are more fully documented in engagement letters signed by the responsible City official and BKD.

Planned Scope & Timing of the Audit

Our audit approach emphasizes the areas of higher risk, focusing on the unique characteristics of the operating environment, the effectiveness of your internal control and your financial statement amounts and disclosures.

Based on our understanding of the above entities and our assessment of your internal control, we plan our audits to achieve the appropriate level of assurance regarding material misstatements and material weaknesses in internal control over financial reporting.

We have preliminarily identified the following areas as significant risks of material misstatement due to error or fraud and propose to address these areas as described:

Risk Area	Audit Approach
Risk of management override of controls	Review accounting estimates for bias, review of journal entries, evaluate business rationale for unusual transactions
Improper Revenue Recognition	Perform analytical procedures, substantive testing, testing reasonableness of recorded allowance
Investment valuation and disclosure	Confirmation of investments, fair market value testing, obtain SAS 70 reports, and review disclosure requirements
Capital assets	Test selected additions and disposals, challenge reasonableness of lives and capitalization, and inquire of management regarding potential impairment issues
Debt	Confirm the balance and terms of selected outstanding debt agreements, review applicable disclosure requirements and adherence to debt covenants
Net Assets/Fund Balance	Review of restrictions and classification of balances including analysis of the City's implementation of Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*

Risk Area	Audit Approach
Federal award programs	Review determination of major federal programs for A-133 compliance testing, test expenditures of federal awards, and review additional testing and disclosure requirements for expenditures of American Recovery and Reinvestment Act of 2009 (ARRA) award monies
Additional risks unique to individual audits:	
Lincoln Parking System – unearned revenue	Review major commercial contracts, test football game reserved parking deposits and perform analytical review
Emergency Medical Services Fund – allowance for doubtful accounts and contractual adjustments	Review of subsequent receipts, write-offs and contractual adjustments
Solid Waste Management Fund – landfill closure and post-closure care costs	Obtain estimates from independent engineers, review reports and test assumptions and methodologies used
Community Health Permanent Endowment Fund – valuation of alternative investments	Review of investment agreements, confirmation of terms and balances, testing of valuation methodologies
West Haymarket Joint Public Agency – project costs	Test selected costs incurred for propriety and proper capitalization, review vendor and contractor payment requests for propriety

Risk Area	Audit Approach
West Market Joint Public Agency – occupation taxes	Review methods for tracking and recording tax revenues and the related receivable, compare recorded amounts to budget, test selected individual receipts for propriety

We welcome any input you may have regarding the risk areas identified above, any other significant risk areas in your opinion or other matters you believe warrant particular attention during the audits.

We may develop additional significant risks as we complete risk assessment procedures.

We propose the following timeline:

- ✓ **Planning and Related Risk Assessment procedures –** August/September 2011

- ✓ **Performance of A-133 Procedures in Relation to Compliance with Requirements for Federal Programs –** October/November 2011

- ✓ **Final Year-end Procedures**
  Early November 2011
  - Lincoln Water and Wastewater Systems
  - West Haymarket JPA

  December 2011/January 2012
  - CAFR and individual funds

- ✓ **Review Drafts of Financial Statements, Federal Compliance Reports and Management Letters**
  Mid November 2011
  - Lincoln Water and Wastewater Systems
  - West Haymarket JPA

  Late January 2012
  - CAFR and individual funds

- ✓ **Final Reports**

  Late November 2011
  - Lincoln Water and Wastewater Systems
  - West Haymarket JPA

  Mid February 2012
  - CAFR and individual funds

  The financial statements and management letter, together with our letter regarding auditor responsibilities, will be furnished to the Audit Committee upon approval by the City of Lincoln's Finance Department. Final reports are expected to be completed in mid-February 2012.

- ✓ **Ongoing Communication**

  Regular communication between the Audit Committee and the auditors is critical to the success of the audit. Accordingly, the audit team may be available to the Audit Committee at any time throughout the audit, not just the prescribed times identified above. In addition, there may be instances which require communication during the audit (prior to delivery of the financial statements) such as:

  - ✓ Fraud involving senior management
  - ✓ Illegal acts
  - ✓ Significant deficiencies and/or material weaknesses
  - ✓ Material instances of noncompliance for federal award programs

  We understand the appropriate individuals in the governance structure with whom to communicate is Mr. Chris Beutler, Mayor and Mr. Steve Hubka, Interim City Finance Director.

  If for any reason, any member of the Audit Committee would need to contact us, please call Jamie Johnson or Roger Watton, at (402) 473-7600.

Auditing & Accounting Matters

We wish to communicate the following significant matters related to the financial statement audit to you that are, in our judgment, relevant to your responsibilities in overseeing the financial reporting process:

Critical Accounting Policies and Practices

- ✓ Investment valuation and disclosure
- ✓ Accounting estimates
- ✓ Revenue recognition
- ✓ Refer also to Note 1 of the various financial statements

New Accounting Pronouncements

- ✓ GASB Statement No. 54: *Fund Balance Reporting and Governmental Fund Type Definitions*
- ✓ GASB Statement No. 59: *Financial Instruments Omnibus*

Consideration of Errors or Fraud

One of the most common questions we receive from governing bodies is, "How do you address fraud in a financial statement audit?" Our responsibility, as it relates to fraud, in an audit of financial statements is addressed in Statement on Auditing Standards No. 99, *Consideration of Fraud in a Financial Statement Audit*.

Statements on Auditing Standards Nos. 104 - 111 address how we are to assess and respond to the risks of material misstatement due to error or fraud in an audit.

Our audit approach includes such procedures as:

- ✓ **Engagement Team Brainstorming**
  - ✓ Discussions include how and where they believe the entity's financial statements might be susceptible to material misstatement due to errors or fraud, how management could perpetrate and conceal fraudulent financial reporting and how assets of the entity could be misappropriated
  - ✓ An emphasis is placed on the importance of maintaining the proper state of mind throughout the audit regarding the potential for material misstatement due to errors or fraud
- ✓ **Inquiries of Management and Others**
  - ✓ Personnel interviewed include the Mayor, Finance Director, City Controller, individuals responsible for

compliance with requirements for federal award programs and others

- ✓ Inquiries are directed towards the risks of errors or fraud and whether personnel have knowledge of any fraud or suspected fraud affecting the entity

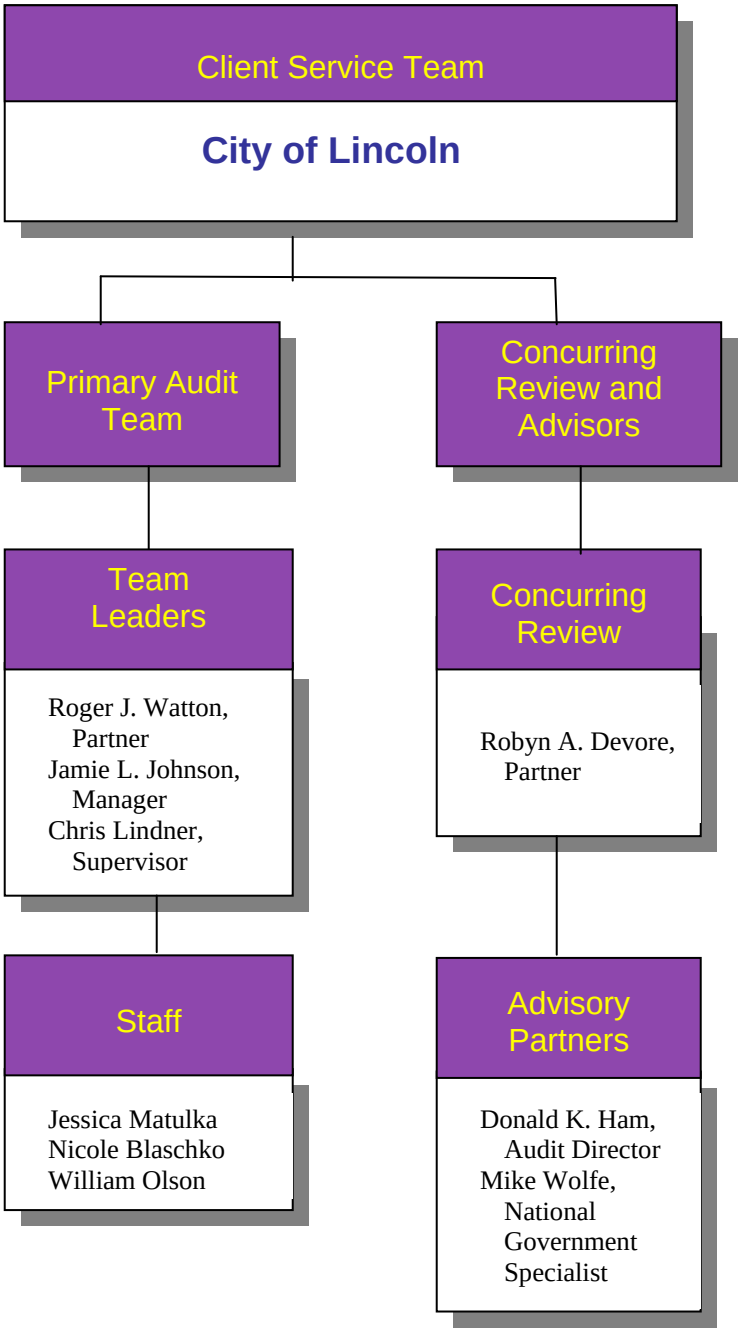
- ✓ **Reviewing Accounting Estimates for Bias**

- ✓ **Evaluating Business Rationale for Significant Unusual Transactions**

- ✓ **Incorporating an Element of Unpredictability Into the Audit Each Year**

Our Engagement Team

BKD's #1 asset is our outstanding team of people who strive daily to deliver on our commitment to unmatched client service. They put a face on the **BKD Experience**. You'll find the following team members personally committed to delivering results to you in accordance with applicable professional standards.



Questions, Observations or Suggestions

We welcome any questions that the Mayor or Audit Committee may have. As always, you may contact Jamie Johnson or Roger Watton at (402) 473-7600 at any time.

Our clients deserve and to the best of our ability receive unmatched client service. We welcome the opportunity for you to experience the same as we deliver the services outlined above.

Our goal is to deliver results with integrity: results that are unquestionably ethical while also practical, timely and affordable.

NOTICE OF ADVISORY BOARD MEETING

TO: Parks and Recreation Advisory Board, Mayor, City Council, City Clerk, Media

FROM: Lynn Johnson, Director, Lincoln Parks & Recreation Department

MEETING DATE: November 10, 2011

LOCATION: ***Parks & Recreation Large Conference Room, 2740 "A" Street*** (Renovation has begun on our parking lot, so you will need to park in the Children's Zoo parking lot)

TIME: 4:00 - 5:00 p.m.

CHAIRMAN: Joe Tidball

A G E N D A

1. **Call to Order and Recognition of 'Open Meetings Act'**

2. **Approval of Minutes:** * October 13, 2011, meeting

3. **Comments from the Public for Items not Listed on the Agenda:**

4. **Committee Reports**

   A. **Fees & Facilities Committee - Susan Deitchler (Chair) - 488-4224**
   - No report

   B. **Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131**
   - No report

   C. **Golf Report**
   - No report

   D. **Executive Committee - Joe Tidball (Chair) - 730-5638**

7. **Staff Report:**
   - Presentation by Brian Baker, LLCHD, re: smoke-free and tobacco-free parks and recreation facilities
   - Presentation re: Lincoln 350 marketing plan prepared by Active Network
   - Presentation of FY 2010-11 Parks and Recreation Department Annual Report
   - Presentation re: traditional public forum provisions as related to parks and public right-of-way.

8. **Announcements:**
   -

* ***Denotes Action Items***

MINUTES

Parks & Recreation Advisory Board Meeting

Parks & Recreation Department

Thursday, October 13, 2011

Members Present:

Andrew Barry	Justin Carlson	Keelan Chapman
Susan Deitchler	Curt Donaldson	Todd Fitzgerald
Karen Hand	Ann Pagel	Bob Ripley
Dennis Scheer	Jeff Schwebke	Joe Tidball

Members Absent:

Molly Brummond Jonathan Cook Jane Raybould Susan Rodenburg

Recognition of 'Open Meetings Act': As per law, Chairperson Joe Tidball announced that the Board follows the regulations of this Act, as posted.

*** APPROVAL OF MINUTES:** ***It was moved (Hand) and seconded (Carlson) to approve the minutes of the Sept. 8, 2011, Parks & Recreation Advisory Board meeting as mailed. Motion carried by unanimous vote of members present.***

PUBLIC COMMENTS FOR ITEMS (other than those listed on the current Agenda): Tom Alexander, 1909 So. 77th St., attended the meeting and shared his concerns about the long grass in Trendwood Park. Jerry Shorney said he would work with the Trendwood neighborhood next summer to see if they can reach a workable solution for at least a portion of the park. Jerry responded to questions asked by Board members regarding this issue.

Shorney then went over the table of "Mowable Acreage Reduction 2003-2011". There are about 850 acres of long grass areas in neighborhood, community, and regional parks - the Department's goal is to transform about 20-25 acres a year (of the long grass areas) to native grasses and wildflowers. Currently there about 100 acres of parkland that have been converted to native grass. Part of the reason for the long grass is that over the years, the Department has had to reduce both resources and labor, so they can no longer take care of parkland the same as they have in the past. *(A copy of the handout will be attached to the file copy of these minutes).*

COMMITTEE REPORTS

Fees & Facilities Committee - Susan Deitchler, Chair - 488-4224

- *** Recommendation re: lease of parkland (Wilderness Park) for pasture at approximately SW 2nd and Calvert Street**: Recently, Chuck Kuhnel, owner of a commercial horse stable at 200 W. Calvert St., approached the Parks & Recreation Department about harvesting hay off of the subject parcel, and about leasing an area of about 3-5 acres of the property as pasture. The subject parcel is managed as long grass with annual mowing to control invasive tree species. The predominant vegetation is brome grass. The Department has no plans to develop this particular part of Wilderness Park and money received from the lease could be used to refurbish parts of Wilderness Park. ***After brief discussion it was moved (Committee) for the Parks & Recreation Department to establish an agreement with Mr. Kuhnel to allow for hay to be removed from the subject parcel, and to lease an area adjoining his property for use as pasture/exercise areas for horses stabled at his facility. Motion carried by***

unanimous vote of members present. This item will now go to the County Commissioners for their approval because the parcel is located in Lancaster County.

Futures Committee - Bob Ripley (Chair) 471-0419 or 488-5131

- * **Recommendation re: Recommendation to the Mayor re: continuation of funding for repair and replacement projects within the FY 2012-13 and FY 2013-14 budgets:** The adopted budget for the current fiscal year included appropriation of an additional $1 million in general funds for parks and recreation facility repair and replacement projects. On October 3, 2011, the City Council approved allocation of these funds to 13 projects. Bob Ripley reported that the Futures Committee strongly endorses this recommendation to the Mayor that this funding continue at least for the next two budget years, but he would really like to see it continue for many more years. A letter to this affect will be signed by Joe Tidball and forwarded to the Mayor. ***It was moved (Committee) that this letter of recommendation be sent to the Mayor regarding continuation of funding for repair and replacement projects within the FY 2012-13 and FY 2013-14 budgets. Motion carried by unanimous vote of members present.***

Golf Report:

- Steve Hiller updated the Board on recent changes made within the Golf Program. The Department is making Golf Pro changes both at Mahoney and Holmes Golf Courses. Denis Vontz will now oversee both Highlands and Mahoney courses and Tim Rowland will oversee Pioneers and Holmes courses. Hiller also gave an update on the proposed new clubhouse that will be built at the Holmes Golf Course. The new clubhouse will be placed just east of the current one which will enable the clubhouse to remain open during construction of the new one which should save the program about $40,000 - $50,000. The new clubhouse will be approximately 7,000 sq. ft.

- Rounds and revenue were both up the month of September and beginning of October and the rollback promotion was well received and has been quite successful.

Executive Committee - Joe Tidball (Chair) - 730-5638

- Lynn Johnson reported the Parks Foundation met on Wednesday (Oct. 12) and made a commitment of $75,000 for the Centennial Mall project. They also passed a resolution recognizing that they will be a Lincoln Cares project sponsor next year. Bill Woito, who has served as the Foundation's Treasurer for over 16 years will be stepping down the end of this year. ***It was moved (Ripley), and seconded (Scheer) that the Parks & Recreation Advisory Board extend their most sincere appreciation and thanks for Bill's many years of tireless effort on behalf of the Parks Foundation. Motion carried by unanimous vote of members present.***

- Johnson also reported the Foundation Board approved increasing Danielle Conrad's role with the Foundation and she will now be working 3/4 time for the Foundation on an on-going basis.

Staff Report:

- **Pool operations report for summer, 2011**: Lynn Johnson said the Department made some changes last year in evening hours at the pools but, in general, it was a pretty good year for pools. Sandy Myers distributed the 2011 Swimming Pool Operations Report and went over attendance, subsidized swim numbers, gate revenues, concession revenues, expenses to revenues, safety statistics, pool closings, special programming, rentals, admission reimbursements, donated admissions, aquatic staff numbers and costs per swim at all pools and responded to questions asked by Board members. *(A copy of the entire report will be attached to the file copy of these minutes.)*

- **Project status report for Union Plaza:** JJ Yost reported that Union Plaza construction is going full force. He showed several power point pictures of the progress and pictures of some of the art pieces that are either already installed in the park or will be installed soon.

The Jayne Snyder Trails Center is beginning to take shape and will serve as the backdrop to the amphitheater. The Active Living Center is also progressing. The Community Health Endowment will occupy the second floor and the retail space (2100 sq. ft.) in the Active Living Center is still available. The building should be completed on schedule by next May and the final landscaping will be installed after the contractor is done.

- **Project status report for Sherman Field:** JJ Yost said construction has begun on the final phase of improvements at Sherman Field. The maintenance storage area and the new dugouts were completed last year in the first phase. Last week the old ticket and concession buildings were demolished and new buildings will be under construction shortly. The pre-fabricated restroom building will be shipped the end of next week from Texas. The project is on schedule to be completed by the middle/end of March (2012).

Announcements:

- Lynn Johnson reported that on Tuesday, Oct. 18th, at 4:00 p.m. there will be a groundbreaking ceremony for the EduCare project located at Belmont Park.

There being no other business, the meeting adjourned at 5:30 p.m.

CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Office of the Mayor
555 South 10th Street
Suite 301
Lincoln, Nebraska 68508
402-441-7511
fax: 402-441-7120
mayor@lincoln.ne.gov

October 26, 2011

Joe Tidball, Chair
Parks and Recreation Advisory Board
2740 A St.
Lincoln, NE 68502

Re: Recommendation regarding Capital Improvement Project Funding

Dear Mr. Tidball:

Thank you for your recent letter on behalf of the Parks and Recreation Advisory Board.

I share your concern for ensuring that our parks system continues to be the pride of our community. With the structural changes to the budget we achieved this past summer, I am hopeful that we will have the resources necessary to fund the City's critical CIP projects, including those within our parks system.

Thank you, again, for your recommendation. I will certainly keep it in mind when we begin work on our first biennial budget.

Sincerely,

Chris Beutler
Mayor of Lincoln

Cc: Lynn Johnson, Parks and Recreation
Denise Pearce

LINCOLN
The Community of Opportunity

M E M O R A N D U M

DATE: November 2, 2011

TO: Park & Recreation Advisory Board Members
Park & Recreation Administrative Staff

FROM: Jeanne Bowling, Executive Secretary

Re: ***Schedule of Meeting Dates for 2012***

The following is a list of the meeting dates for the Park & Recreation Advisory Board and Committees for 2012:

PRAB 2nd Thursday 4:00 p.m.	***Futures Committee*** 3rd Tuesday - 4:00 p.m.	***Fees & Facilities*** 3rd Thursday - 4:00 p.m.	***Exec Committee*** 4th Tuesday 4:00 p.m.
2012			
No meeting	January 17	January 19	January 24
February 9	February 21	February 16	February 28
March 8	March 20	March 15	March 27
April 12	April 17	April 19	April 24
May 10	May 15	May 17	May 22
June 14	June 19	June 21	June 26
July 12	July 17	July 19	July 24
August 9	August 21	August 16	August 28
September 13	September 18	September 20	September 25
October 11	October 16	October 18	October 23
November 8	November 20	November 15	November 27
December 18	No meeting	No meeting	No meeting

Corrected
** ACTION BY PLANNING COMMISSION **
November 2, 2011

NOTICE: **The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, November 2, 2011, at 1:00 p.m., in the City Council Hearing Room, County-City Building, 555 S. 10th St., Lincoln, Nebraska, on the following items. For more information, call the Planning Department, (402) 441-7491.**

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, November 2, 2011, from 11:45 a.m. - 12:45 p.m. in Room 113 of the County-City Building, 555 S. 10th St., Lincoln, Nebraska, for a workshop on "Use Groups".

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

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, NOVEMBER 2, 2011

[**<u>All members present</u>**]

Approval of minutes of the regular meeting held October 19, 2011. **<u>**APPROVED, 7-0 (Francis abstained; Taylor absent at time of vote)**</u>**

1. CONSENT AGENDA
(Public Hearing and Administrative Action:

COMPREHENSIVE PLAN:

1.1 Comprehensive Plan Conformance No. 11011, to review the proposed declaration of surplus property as to conformance with the Lincoln/Lancaster County Comprehensive Plan, generally located at S. 23rd Street and N Street.
Page 01
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Rashi Jain, 441-6372, rjain@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Taylor absent at time of vote).
Public Hearing before City Council tentatively scheduled for Monday, November 21, 2011, 5:30 p.m.

1.2 Comprehensive Plan Conformance No. 11012, to review as to conformance with the Lincoln-Lancaster County Comprehensive Plan, the proposed creation of the College View Business Improvement District for the maintenance, repair and reconstruction of certain public facilities and improvements in the area generally located along South 48th Street between Calvert Street and Pioneers Boulevard.
Page 07
Staff recommendation: Conformance with the Comprehensive Plan
Staff Planner: Brian Will, 441-6362, bwill@lincoln.ne.gov
Planning Commission recommendation: A FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN, 8-0 (Taylor absent at time of vote).
Public Hearing before City Council tentatively scheduled for Monday, November 21, 2011, 5:30 p.m.

CHANGE OF ZONE WITH RELATED ITEMS:

1.3a Change of Zone No. 11037, from R-4 Residential District to B-2 Planned Neighborhood Business District, on property generally located at N. 84th Street and Leighton Avenue.
Page 19
Staff recommendation: Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission recommendation: APPROVAL, 8-0 (Taylor absent at time of vote).
Public Hearing before City Council tentatively scheduled for Monday, November 21, 2011, 5:30 p.m.

1.3b Use Permit No. 11003, for 1 lot showing 50,000 sq. ft. of commercial uses and 1 outlot over an existing private roadway, on property generally located at N. 84th Street and Leighton Avenue. ***** FINAL ACTION *****

Page 23

Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated October 17, 2011, 8-0 (Taylor absent at time of vote).
Resolution No. PC-01253.

2. REQUESTS FOR DEFERRAL: None.

3. ITEMS REMOVED FROM CONSENT AGENDA: None.

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

CHANGE OF ZONE WITH RELATED ITEMS:

4.1a Change of Zone No. 11036, from R-2 Residential District to R-5 Residential District, on property generally located at N. 40th Street and Turner Street.

Page 33

Staff recommendation: Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Had public hearing.
Planning Commission recommendation: APPROVAL, 9-0.
Public Hearing before City Council tentatively scheduled for Monday, November 21, 2011, 5:30 p.m.

4.1b Special Permit No. 11025, Beautiful Day Acres Community Unit Plan, for 16 single family attached units, 1 lot for 12 future single family lots and 1 lot for 266 multi-family units, with requests to waive the right-of-way width from 60' to 58' on Frederick Street, storm water detention facilities, and sanitary sewer running opposite the street grades in Frederick Street, Turner Street and N. 39th Street, and the centerline grade more than one foot below the 50 year flood elevation, on property generally located at N. 40th Street and Turner Street. ***** FINAL ACTION *****

Page 41

Staff recommendation: Conditional Approval
Staff Planner: Tom Cajka, 441-5662, tcajka@lincoln.ne.gov
Had public hearing.
Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated October 19, 2011, 9-0.
Resolution No. PC-01254.

*** * * * * * * * * ***

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

*** * * * * * * * * ***

ADJOURNMENT

PENDING LIST:

~~*1a. Change of Zone No. 11009, amending Section 27.63.500 of the Lincoln Municipal Code relating to Zoning Code Special Permits for Scrap Processing Operations, Salvage Yards, and Enclosed Disassembly Operations, to allow outdoor salvage material to be located closer than 500 feet from certain entrance corridors if land forms or screening completely obstructs the view by the traveling public of the salvage material, and to authorize the City Council to decrease the 500-foot setback under limited circumstances; and repealing Section 27.63.500 of the Lincoln Municipal Code as hitherto existing.*~~
~~***(6-11-11: Planning Commission voted 8-0 to place on pending, no date certain, at the applicant's request.)***~~
*****WITHDRAWN BY THE APPLICANT: 11/01/11*****

~~*1b. Special Permit No. 11006, for a scrap processing operation and to allow salvage material kept outside a building to be located closer than the 500 feet to the West "O" Street entrance corridor, on property generally located at West O Street and Sun Valley Boulevard (545 West "O" Street).*~~
~~***(6-11-11: Planning Commission voted 8-0 to place on pending, no date certain, at the applicant's request.)***~~
*****WITHDRAWN BY THE APPLICANT: 11/01/11*****

2. Change of Zone No. 11028, amending Section 27.35.025 of the Lincoln Municipal Code to allow the sale of alcoholic beverages for consumption on the premises in the B-4 Lincoln Center Business District as a permitted conditional use; and repealing Section 27.35.025 of the Lincoln Municipal Code as hitherto existing.
(8-10-11: Planning Commission voted 9-0 to continue public hearing on November 30, 2011 at the request of the applicant.)

Planning Dept. staff contacts:

Steve Henrichsen, *Development Review Manager* . . . 441-6473 . . shenrichsen@lincoln.ne.gov
Nicole Fleck-Tooze, *Long Range Planning Manager* . 441-6363 . . ntooze@lincoln.ne.gov
Mike Brienzo, *Transportation Planner* . . . . . 441-6369 . . mbrienzo@lincoln.ne.gov
Tom Cajka, *Planner* . . . . . 441-5662 . . tcajka@lincoln.ne.gov
David Cary, *Planner* . . . . . 441-6364 . . dcary@lincoln.ne.gov
Christy Eichorn, *Planner* . . . . . 441-7603 . . ceichorn@lincoln.ne.gov
Brandon Garrett, *Planner* . . . . . 441-6373 . . bgarrett@lincoln.ne.gov
Sara Hartzell, *Planner* . . . . . 441-6371 . . shartzell@lincoln.ne.gov
Rashi Jain, *Planner* . . . . . 441-6372 . . rjain@lincoln.ne.gov
Brian Will, *Planner* . . . . . 441-6362 . . bwill@lincoln.ne.gov
Ed Zimmer, *Historic Preservation Planner* . . . . . 441-6370 . . ezimmer@lincoln.ne.gov

* * * * * *

The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.

* * * * *

The Planning Commission agenda may be accessed on the Internet at
http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm

PLANNING COMMISSION FINAL ACTION

NOTIFICATION

TO : Mayor Chris Beutler
Lincoln City Council

FROM : Jean Preister, Planning

DATE : November 2, 2011

RE : Notice of final action by Planning Commission: November 2, 2011

Please be advised that on November 2, 2011, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

Resolution No. PC-01253, approving Use Permit No. 11003, with conditions, requested by University Park Congregation of Jehovah's Witness, to permit 50,000 sq. ft. of general commercial uses on property generally located at North 84th Street and Lexington Avenue.

Note: The associated Change of Zone No. 11037, which is a condition of approval of this use permit, will be scheduled for public hearing before the City Council on November 21, 2011.

Resolution No. PC-01254, approving Special Permit No. 11025, with conditions, requested by Robert and Sally Schmieding, for authority to develop the Beautiful Day Acres Community Unit Plan for 294 dwelling units with requested waivers/modifications to the right-of-way width, storm water detention, sanitary sewer running opposite street grades and centerline grade more than one foot below the 50-year flood elevation, on property generally located at North 40th Street and Turner Street.

Note: The associated Change of Zone No. 11036, which is a condition of approval of this special permit, will be scheduled for public hearing before the City Council on November 21, 2011.

This is final action unless appealed to the City Council within 14 days of the action by the Planning Commission.

The Planning Commission Resolution may be accessed on the internet at www.lincoln.ne.gov (Keyword = PATS). Use the "Search Selection" screen and search by application number (i.e. UP11003 and SP11025). The Resolution and Planning Department staff report are in the "Related Documents" under the application number.

Q:\shared\wp\jlu\2011 ccnotice\110211

Jean Preister

From: Michele M. Abendroth
Sent: Tuesday, November 01, 2011 9:25 AM
To: 'Adam Herink'; 'Adam Rupe'; 'adamm@citywaverly.com'; 'Allan Eurek'; 'Amanda Bauman'; 'Andrew Hartman'; 'Barbara van den Berg'; 'Becky Martin'; 'Branden Collingsworth'; Charla Rasmussen; Dallas A. McGee; 'Dana Rodriguez'; David Landis; Derek W. Contreras; 'Edith Hayes'; 'Gregory Gustafson'; 'Gus Ponstingl'; 'Holly Johnson'; 'Ian Singh'; 'Jason Stege'; 'Jean Burke'; Jean Preister; 'Jill Becker'; 'John Badami'; 'John Newcomer'; 'Jon Yoachim'; 'Jordan Pascale'; 'Joyce Ebmeier'; 'Keith Tenhulzen'; Ken D. Smith; 'Ken Fougeron'; 'Kevin Andersen'; 'Lindsay Burford'; 'Lori Houle'; 'Lynnette Nelson'; Marvin S. Krout; Megan Patent-Nygren; Nicole Fleck-Tooze; 'rkuzelka1@unl.edu'; 'Ron Wick'; 'Ryan Knollenberg'; 'Scott Hatfield'; 'Scott Sandquist'; 'Scott Svyskocil'; 'Stuart Long'; 'Terrence Lage'; 'Trenton Reed'; 'tuland@downtownlincoln.org'; 'Gill Peace'; 'Gordon Scholz'; 'JoAnne Kissel'; 'MaryAnne Wells'; Michele Tilley (chocolatecake@neb.rr.com); 'Michelle Penn'; 'Scott Sullivan'; 'Wade Schuldt'
Subject: Urban Design Committee

The **November 2011** Urban Design Committee meeting has been cancelled due to a lack of agenda items.

If you have any questions, please feel free to call the Planning Department at 441-7491.

Michele Abendroth
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508
402-441-6164

Combined Weed Program
City of Lincoln
October 2011 Monthly Report
www.lancaster.ne.gov/weeds

Noxious Weeds in Urban areas

Noxious weeds know no boundaries… Noxious weeds don't seem to have any sense on where they belong and are making themselves at home in many areas within the Lincoln City Limits.

Phragmites looking east off of South 27th Street, Lincoln, NE.

Musk thistle and Leafy spurge have made their presence known in Lincoln for many years. Now our wetland areas are being invaded by Phragmites, Purple loosestrife and Japanese Knotweed at alarming rates. It seems our inspectors are finding new infestations almost daily. Education is a key component in getting the public informed and helping to locate and control these aggressive plants.

Purple loosestrife in a flower bed at a local church in Lincoln

I've heard many homeowners comment that they had seen the Phragmites growing in their wetland, but weren't aware of what it was, or that it could be a problem. Some of them have even picked the flower heads to put in dried flower arrangements. This only adds to the spread of the weeds.

Phragmites is difficult enough to control in rural areas because of where it likes to grow…. *in wetlands and drainages, in between row crops*. Now you put it in an urban setting with housing on one side, a major street on another and a city park right next door. Control using chemical gets very tricky. Being able to detect these new infestations while they are still small and being aggressive with treatment will continue to be the key in protecting our wetlands and drainages within city.

Inspection Activity

A total of 5,468 inspections on 2,580 sites have been made this year in the City of Lincoln.

Noxious Weeds within city limits

- Made 708 inspections on 425 sites.
  - 208 Musk thistle
  - 50 Phragmites
  - 39 Leafy spurge
  - 21 Knotweed
  - 11 Purple loosestrife
  - 4 Canada thistle
  - 3 Saltcedar

Weed Abatement

- Made 4,760 inspections on 2,155 sites.
- Found 1,724 violations.
- Sent 1,127 notices, 924 letters, made 15 personal contacts.
- Received 1,849 complaints on 1,567 sites.

November Planned Activities

1	Nebraska Dept of Agriculture evaluation
8	Van Diest Supply Training
10	Management Team
11	Veterans Day
15	Lower Platte WMA @ Wahoo
17	Problem Resolution Team
18	NE Invasive Species Council
24/25	Thanksgiving Holiday

Mary M. Meyer

From: Peter W. Katt [PKatt@baylorevnen.com]
Sent: Monday, October 31, 2011 7:10 PM
To: Council Packet
Cc: Miki Esposito; Bill Langdon (blangdon@theinagroup.com)
Subject: RE: Please Move Forward with the Ringneck Development Decision

Dear Council:

Your support for delaying this project was appreciated. As you will note below, my client has obtained satisfactory assurance from Public Works and NDOR that approval of the Ringneck project will not have a detrimental impact on developments planned for the east side of NW 48th. If you want further details, the letter from the Interim Director spells out that the City is planning for both Opportunity Drive and Vine St. to extend east through the property and connect to NW 40th street. That road network should be sufficient for future development.

We appreciate the added effort made by the Council and City staff in addressing my client's concerns. My client no longer has any objection to Council proceeding with the review and vote on the Ringneck project.

Peter W. Katt
BAYLOR EVNEN
CURTISS, GRIMIT & WITT, LLP

Direct: (402)458-2132

www.baylorevnen.com

From: Miki Esposito [mailto:mesposito@lincoln.ne.gov]
Sent: Thursday, October 27, 2011 4:04 PM
To: Peter W. Katt
Subject: FW: I-80 and NW 48th Street Developments

Peter – Please find attached the assurance letter from the City about access. I will send this on to City Council to make sure they know we've been working together to resolve issues prior to their Nov. 7th vote on the Ringneck Development agreements.

I appreciate your patience and assistance in this matter. Please let me know if you have any questions.

Miki

Miki Esposito, JD
Interim Director
Public Works & Utilities

From: Peter W. Katt
Sent: Friday, October 07, 2011 4:01 PM
To: 'council@lincoln.ne.gov'

Cc: Danay Kalkowski (danay@sk-law.com); Miki Esposito (MEsposito@lincoln.ne.gov); Bill Langdon (blangdon@theinagroup.com)
Subject: Please Place on Pending for Four Weeks the Ringneck Development Decisions

Dear Council:

The Developer of this project is unwilling to join in any delay of this project. I would ask you to delay your decision for four weeks, not a lot to ask for a project that has been on your pending list for over three years.

First, let me apologize for not clearly articulating the reasons for the delay on Monday. This is **not** about where the future intersections are to be located but rather how much traffic NW 48th can handle in the future and whether of not both the east and west side properties will be treated fairly in their ability to connect to and use NW 48th street for access.

Contrary to any assertions at Monday's hearing, the east side property interest has been actively involved since the Ringneck project was first proposed. I attach two letters one from Randy Hoskins and the other from NDOR emphasizing that the access/road capacity/road construction issues needed to be done by the area "property owners". To suggest that the only proper way to be involved was by filing for an east side project seems to me to be an unnecessary step when the comprehensive plan for nearly a decade has shown both sides of the roadway being developed for similar levels of commercial development. I had been under the impression (apparently mistaken) that when/if Public Works, NDOR and Ringneck came up with a plan for NW 48th street improvements, we would have been included as we had been at the beginning. If not, we should have been told that they were proceeding with their own agreement with out us. A letter from the City Clerk, two weeks before this matter was brought back to you, was not what I had anticipated would be the next step in working through these complicated issues.

The problem with approving the project as presented to you, is that, if approved, virtually 100% of the capacity in NW 48th street available for development will be allocated to the west side of NW 48th street. Assuming that stands and when a project comes forward on the east side of the street in the future, you will need to decide if you approve it, to either potentially overburden NW 48th street or force the east side to pay for improvements to make it six lanes, an unfair cost that should not be borne by one side of the street or the other as a condition of development approval.

I attach the three critical pages from the traffic study relied upon by Public Works and the Department of Roads in recommending approval to you of the Ringneck project. Note that in 2030 virtually no trips are going to or from the east side of NW 48th . Further note in the narrative that if built as projected in the study, " … the four-lane roadway section will be nearing capacity by 2030. " You should also note that this study was prepared by a Company that has an ownership interest in the project. I have inquired and not had any response from Public Works as to whether or not they have any policy for accepting studies from a consultant with an interest in the project.

In meetings with Public Works, we have asked for some assurance that if the Ringneck project is approved as submitted to you, that the projected trip counts of the Ringneck project will not be used to determine area traffic counts that the east side must accommodate to obtain approval for its project. No such assurance could be provided even though there is no more likelihood that something will in fact be built on the west side of NW 48th than the east side of NW 48th. If one side can ignore future development, the same rule should be applied on both sides of the street. The City's policy has never been that the first one in gets whatever it can take.

While I cannot promise a definitive resolution of this matter with the four week delay, I can assure you greater clarity of what you are voting for or against on the Ringneck project. My client just wants to be assured that the future development of its property on the east side of NW 48th is not unfairly disadvantaged by any approval of the Ringneck project. While moving this project forward on Monday is in Ringneck's best interest, it is not in the City's.

Peter W. Katt

DIRECTORS' AGENDA
ADDENDUM
MONDAY, NOVEMBER 7, 2011

I. CITY CLERK

II. CORRESPONDENCE FROM THE MAYOR & DIRECTORS

MAYOR

1. NEWS RELEASE. Trail users urged to take steps to "See and Be Seen".
2. NEWS RELEASE. Mayor Beutler's public schedule for the week of November 5th through November 11, 2011.
3. NEWS ADVISORY. Mayor Beutler schedule to visit the Friendship Home and discuss the painting project at the site.

III. DIRECTORS

PLANNING DEPARTMENT

1. Memorandum from Marvin Krout, Planning Director, regarding proposed amendments to the 2040 Comprehensive Plan.
   a) Lincoln/Lancaster County Planning Staff Report, Comprehensive Plan Amendment No. 11001;
   b) Lincoln/Lancaster County Planning Staff Report, Comprehensive Plan Amendment #11002; and
   c) Lincoln/Lancaster County Planning Staff Report, Comprehensive Plan Amendment No. 11003.
2. City of Lincoln Urban Design Committee and Historic Preservation Committee meeting agenda for Thursday, November 10, 2011.
3. Announcement: Lplan 2040 Approval and Proposed Amendments.

IV. COUNCIL MEMBERS

V. CORRESPONDENCE FROM CITIZENS

1. Email from Kevin Chelton commenting on Occupy protestor tents and damage to Centennial Mall.
2. InterLinc correspondence from Alyssa Davison questioning the wheel tax increase date.
3. Email from Kerry Ryan on Sunday alcohol sales hours.
4. Email from Jeanette Fanmeyer with questions on eliminating the permitting process for daycare providers.
5. Letter from Duane Dowd regarding the Ringneck Development, L.L.C. I-80 West Lincoln Business Center PUD - N.W. 48th and Interstate 80.

VI. INVITATIONS

See invitation list.

PARKS AND RECREATION DEPARTMENT
2740 "A" Street, Lincoln, NE 68502, 402-441-7847, fax 402-441-8706

FOR IMMEDIATE RELEASE: November 4, 2011
FOR MORE INFORMATION: Terry Genrich, Natural Resources/Greenways, 402-441-7939

TRAIL USERS URGED TO TAKE STEPS TO "SEE AND BE SEEN"

With daylight saving time ending Sunday, November 6, the Lincoln Parks and Recreation Department and the Mayor's Pedestrian/Bicycle Advisory Committee encourage residents to take steps to "see and be seen" when using the trails. With sunset at an earlier hour, it is important for bikers, joggers and walkers to wear reflective clothing or use some form of lighting. A trail user who can't be seen poses a significant threat to the safety of all other users on the City trails and streets. It is also recommended that trail users carry cell phones in case of an emergency.

Proper equipment and clothing is available at all bicycle shops and most running apparel stores. Many options are available including vests, flashlights, blinking shoes, flashing lights, reflective strips and arm bands.

More information on the City Parks and Recreation Department and the Great Plains Trails Network (GPTN) is available at parks.lincoln.ne.gov and gptn.org.

- 30 -

Date: November 4, 2011
Contact: Diane Gonzolas, Citizen Information Center, 402-441-7831

Mayor Beutler's Public Schedule
Week of November 5 through 11, 2011
Schedule subject to change

Sunday, November 6

- Boy Scout Troop 12's 100th anniversary celebration, remarks and proclamation - 4 p.m., St. Paul United Methodist Church, 1144 "M" St.

Monday, November 7

- Visit Friendship Home painting project (Benjamin Moore's "Color Care Across America"), remarks - 10 a.m., location confidential, contact Diane Gonzolas, 402-441-7381, for address
- Mayor's Award of Excellence presentation - 3 p.m., Council Chambers, County-City Building, 555 S. 10th St.

Thursday, November 10

- TEDx (Technology, Entertainment, Design) discussion, remarks - 1 p.m., Nebraska Educational Television, 1800 N. 33rd St.

Friday, November 11

CITY OFFICES CLOSED - VETERANS DAY HOLIDAY

- Veterans Day program, remarks - 11 a.m., Auld Recreation Center, Antelope Park, 1650 Memorial Dr.
- Lincoln Branch NAACP annual Freedom Fund banquet, remarks - 5:30 p.m., Cornhusker Marriott Hotel, 333 S. 13th St.

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: November 4, 2011
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Below is the news release we sent last month about the painting project at the Friendship Home. Mayor Chris Beutler is scheduled to visit the site and make comments at **10 a.m. Monday, November 7**. Others who will be speaking are Amy Evans, Friendship Home Executive Director, and Carl Minchew, Benjamin Moore's Director of Environmental Health and Safety. Crews will still be painting, and the media will be able to get photos or video before or after the 10 a.m. remarks. The Friendship Home was the only shelter in the state chosen for the program.

Again, the location of the Friendship Home is confidential. For the address and parking information, please contact Diane Gonzolas at 402-441-7831 or 402-525-1520.

FOR IMMEDIATE RELEASE: October 4, 2011
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 402-441-7831
Eileen McComb, Benjamin Moore, 201-949-6620
Esther Perman, VP+C, 212-966-3659, x 207

FRIENDSHIP HOME TO RECEIVE FREE COLOR MAKEOVER

Mayor supported nominated agency's nomination for "Color Care Across America"

Mayor Chris Beutler today announced that Friendship Home, a local domestic shelter, will receive a free interior paint color makeover November 6 and 7 courtesy of Benjamin Moore Paints' "Color Care Across America" campaign. Friendship Home's nomination was supported by Mayor Beutler. It was one of 51 shelters chosen by the United States Conference of Mayors (USCM) through a competitive process to receive the makeover.

“Friendship Home does an excellent job of providing services for women and children who are victims of domestic violence,” said Mayor Beutler. “A fresh coat of uplifting color will provide an emotional boost for those who depend on the Friendship Home for the vital shelter and support the agency provides.”

Benjamin Moore Paints has spearheaded the nationwide initiative with the USCM and the Painting & Decorating Contractors of America. The goal is to give color makeovers to one shelter in each state plus one in Washington, DC, all within a 50-day period.

“We are thrilled to have been chosen for the Color Care initiative and we extend our most heartfelt thanks to Mayor Beutler and Benjamin Moore Paints for their caring and generosity,” said Jane Cogan, Friendship Home Program Director. “The bright colors will help bring about an increasingly warm and welcoming environment that will make a big difference in the lives of the women and children we serve.”

Benjamin Moore Director Carl Minchew said the program was inspired in part by President Obama’s call to service and by the growing ranks of the homeless. He said the program’s goal is to bring attention to the issues of homelessness and domestic abuse while helping to improve the living environments for those who seek the basic human need of having a roof over their heads. “It reflects the importance of forging partnerships between private enterprise and public service to find solutions for the kinds of issues that government no longer can afford to cope with alone,” he said.

“The nation’s mayors are the first to understand the hardships facing families today and have made reducing homelessness one of their top priorities,” said Tom Cochran, CEO and Executive Director of USCM. “With the failure of the national economy to rebound and the dwindling resources on the ground, many people are out of work, homeless and must turn to these shelters for help. That’s why we are pleased to be part of this Benjamin Moore program.”

Friendship Home exists to support, shelter and advocate for women and children who are victims of domestic violence by providing safe, confidential emergency shelter and transitional shelter to rebuild lives free from fear. The organization also provides an array of crisis intervention services, case management and emotional support to women and children in shelter and those who are awaiting shelter. More information on Friendship Home is available at friendshiphome.org.

- 30 -

MEMORANDUM

TO: Planning Commission

FROM: Marvin Krout

SUBJECT: **Proposed Amendments to 2040 Comprehensive Plan**

DATE: November 4, 2011

CC: Mayor Beutler
City Council
County Board

Attached are staff reports for three of six proposed Comprehensive Plan Amendments for public hearing on December 14, 2011. You will receive paper copies of each of the six reports with your regular Planning Commission packet. CPA items #11001-11003 are three amendments requested by the County Board that represent more substantive revisions with more detailed staff reports. These are provided early for adequate time for review by the Planning Commission, the public, and the Village of Bennet in particular. CPA items #11004-11006 represent more minor revisions noted during and after the adoption process for the 2040 Plan. These reports will be available with the regular Planning Commission agenda on December 8, 2011.

CPA 11001: *(Jurisdiction: County).* Add text to the Rural Areas section of the Neighborhoods and Housing chapter on page 7.12 to indicate that consideration should be given to new ways that smaller lots can be subdivided and sold, while still maintaining an overall density of 32 dwellings per square mile and good access management along the County's section line roads.

CPA 11002: *(Jurisdiction: County).* Revise text in the Rural Areas section of the Neighborhoods and Housing chapter on page 7.12 to change the reference to "build-through" standards to refer only to areas within the City's jurisdiction and not in the County jurisdiction.

CPA 11003: *(Jurisdiction: County).* Change the land use designation of the "Bennet Corner" bounded by S. 148th Street, S. 162nd Street, Hooper Ave and Highway 2 to Commercial and Industrial and add language to page 5.4 of the Business and Economy chapter in the "Lancaster County, Outside of Lincoln" section to describe the types of commercial and industrial uses recommended.

Lincoln City-Lancaster County Planning Department
555 S. 10th St., Rm. #213 • Lincoln NE 68508
Phone: (402) 441-7491 • Fax: (402) 441-6377

CPA 11004: *(Jurisdiction: City).* Correct the 2040 Priority Growth Areas map on pages 1.10 and 12.6 to show the area generally located southwest of Arbor Road and N. 56th is designated as Tier I, Priority A instead of Priority B because the area is included within the approved Northbank Junction 1st Addition Preliminary Plat, and thus meets the criteria for inclusion in Priority A.

CPA 11005: *(Jurisdiction: City and County).* Revisions to the inside cover, p. 1.11 of the Vision and Plan chapter, and pages 12.13 and 12.17 of the Plan Realization chapter to make changes commensurate with amendments already made to the Transportation chapter of the Plan during the adoption process; these revisions clarify that the Long Range Transportation Plan is a separate document that is related to, but not contained within, the Comprehensive Plan.

CPA 11006: *(Jurisdiction: City and County).* Add "prefatory" language as requested by individual members of the City Council and County Board to page 1.1 at the beginning of the Vision and Plan chapter to describe the purpose of the Comprehensive Plan and to clarify that it is a policy guide, not a regulatory document.

An on-line comment board has been set up at lplan2040.lincoln.ne.gov\subcomment.cpa.htm for feedback from the public on these amendments, and we will forward any comments received to the Planning Commission with your agenda packet. If you have questions, please contact me at mkrout@lincoln.ne.gov/402-441-6366, or Sara Hartzell regarding the County amendments at shartzell@lincoln.ne.gov/402-441-6371.

Q:\PC\CPA\2040 Plan\111104_PC_Memo.wpd

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 14, 2011, PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Amendment No. 11001

PROPOSAL:

Amend page 7.12 to add language encouraging more options for creation of small lots in the Agricultural District while maintaining the overall density of 1 dwelling per 20 acres.

LOCATION: Page 7.12 of the Neighborhoods and Housing chapter

LAND AREA: County jurisdiction

CONCLUSION:

With proper zoning and subdivision controls this proposal could result in further options for acreage development while maintaining a density appropriate for the agricultural district and protecting farm land.

RECOMMENDATION: Approval

HISTORY:

LPlan 2040, the update of the Lincoln and Lancaster County Comprehensive Plan, is a public process that began in spring of 2010. The process involved input from elected and appointed officials, a 20 person advisory committee, City, County, State and Federal staff, business and special interest groups, and thousands of members of the public. In July of 2011 a draft of this plan was posted to the website and distributed to the public. In September of 2011 the Planning Commission approved an amended draft and forwarded it to the City Council and County Board for their consideration. A public hearing was held on October 18th with both City Council and County Board in attendance.

During the County Board's review, three amendments affecting the County' jurisdiction were suggestion by Board members which they were unable to act upon without review and action by the Planning Commission. These related to the ways that smaller lots can be subdivided and sold, "build-through" standards, and the land use designation at the Bennet Corner in the area of S. 162nd and Highway 2. The 2040 Plan was adopted without these amendments by the County Board on October 25 and by City Council on October 31., with the understanding that these three amendments would be sent to the Planning Commission subsequently as proposed Comprehensive Plan Amendments.

ANALYSIS:

1. This is a proposal by the County Board to amend the 2040 Comprehensive Plan to revise page 7.12 of the Neighborhoods and Housing chapter as follows:

   "Areas ~~within the Lincoln jurisdiction~~ not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres). <u>However, consideration should be given to new ways that smaller lots can be subdivided and sold, while still maintaining that overall density and maintaining good access management along the County's section line roads.</u>"

2. Allowing for additional ways to create 3 to 5 acre lots in the AG district and encourage clustered developments, while still limiting density and controlling access accomplishes the overall density goals for the agricultural district of 1 dwelling unit per 20 acres, preserves farmland, and provides options for housing types in the county.

3. Based on the County Board's clarification that they are not intending to allow higher densities in the Agricultural (AG) district, and do intend to maintain the overall density of 32 dwelling units per square mile, the Planning Department recommends approval of the revised amendment to the Comprehensive Plan. While this item is strictly an amendment to the Comprehensive Plan, it is important given the community discussion about this kind of change to describe the types of revisions that might be appropriate in the future to the County' Zoning and Subdivision Ordinances. The Planning Department is prepared to draft amendments to the County's zoning and subdivision regulations that would allow for additional ways to create 3 to 5 acre lots in the AG district and encourage clustered developments, while still limiting density and controlling access, based on the following parameters:

   a. In addition to the current provision which allows two 3-5 acres lots to be created without special zoning approval on 40 acres, with the remainder in an unbuildable outlot, the zoning resolution also could allow one lot of 3-5 acres to be created on 20 acres, or three 3-5 acre outlots on 60 acres, or four lots on 80 acres. These "mini-cluster" developments need not provide an internal road if they share a common driveway to the section-line road, and so could be done without a preliminary plat. This kind of development will require amending the minimum lot frontage so that 3 or 4 lots can have narrow "panhandle"-type frontage clustered at one location so they can each access from one common driveway in a dedicated road and utility easement. However, if just one 3-5 acre lot is platted on 20 acres, that lot should maintain the current 550 feet of lot frontage along the section-line road and have its driveway located at one or the other side of the lot with an easement ensuring that it can be shared with the abutting property in the future, in order to prevent the potential of driveways every 200-300 feet.

   b. Increase the bonus provisions for a Community Unit Plan which involves the creation of an internal road, from 20% to 25%, which will yield 5 lots

instead of 4 on an 80 acre tract, and 10 lots instead of 9 on 160 acres. As part of an amendment to increase the size of the bonus, those provisions also could be simplified. But we would also propose that lot size in CUPs be limited to an average not exceeding 5 acres, so that 75% of the land is left for farming.

4. The Planning Department also continues to encourage state legislation to enable the Transfer of Development Rights. Transfer of development rights would allow those who wish to increase density on parcels that could support it (sufficient transportation infrastructure, water, etc…) to do so by buying those rights from landowners who have limitations for development (e.g. environmental restrictions such as floodplain or tiger beetle habitat, lack of water resources, undesirable distance from employment, prime farmland whose owners have no desire to sell off lots, etc…)

BACKGROUND INFORMATION

Summary:

- The County's 3-decade-old policy restricting density in the AG zone stems from reaction to the effects of uncontrolled growth.
- Local county residents have expressed a strong desire to preserve the quality of life in the rural areas.
- There already are a number of ways that 3 – 5 acre lots can be created in the AG zone.
- There is a plentiful supply of smaller lots available for development in both the AG and AGR zones.
- Surrounding counties have enacted zoning for their rural areas that is as strict, or stricter than, Lancaster County, and data does not reflect a trend of Lancaster County residents moving to acreages in surrounding counties.
- Permitting higher densities in the AG zoned areas would be detrimental to farm life and natural resources, and would create new costs and safety issues on county roads.
- Acreages in Lancaster County pay less in taxes than the cost of the county services they require; a policy that encourages more acreages increases the burden on city tax payers to subsidize those services and cuts into the potential demand for new housing in Lincoln and other Lancaster County towns.

During the public hearing process on the adoption of the 2040 Comprehensive Plan, three additional amendments were suggested by the County Board members. One of these amendments was the addition of language, shown with underline, to the statement "Areas <u>within the Lincoln jurisdiction</u> not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile

(1 dwelling unit per 20 acres)." This addition limits what has been referred to as the "20 acre rule" to the City of Lincoln and its 3-mile extraterritorial jurisdiction, and implies a change to the County zoning resolution to reduce the minimum lot size in the Agricultural zoning district. County Board members suggested their interest in such a change at several meetings in September, 2011, and directed Planning to proceed with the process to make such an amendment on October 11, 2011. On October 25, the County Commissioners clarified their intent to maintain the overall density of 32 dwellings per square mile (1 dwelling per 20 acres), and the amendment was revised to read "Areas ~~within the Lincoln jurisdiction~~ not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres). <u>However, consideration should be given to new ways that smaller lots can be subdivided and sold, while still maintaining that overall density and maintaining good access management along the County's section line roads.</u>"

The Planning Department prepared background information in response to the original amendment requested by the Board. Although "density" apparently is no longer an issue, we offer the following information to respond to some issues that were raised earlier by the Board, and to assist in any future discussions on density in rural areas. The remainder of this report briefly reviews the history of minimum lot sizes in the Agricultural (AG) district, public opinion on rural life, current provisions for residential development in the AG district, recent subdivision and zoning activity in that district, a brief summary of minimum lot size requirements in nearby counties and Lancaster County towns, and a review of US Census migration data for Lancaster County.

<u>History:</u>

Prior to 1979, Lancaster County's AA zoning district had a minimum lot size of 1 acre. Individuals often subdivided land into 5 acre parcels by survey and deed without going through the county subdivision process, according to the state statutes at that time. This created parcels that met the zoning definition for lot size, and so were buildable lots, but underwent no formal review for conformance with subdivision regulations. In some areas this created rows of acreages along gravel roads with driveway access every few hundred feet. These multiple driveways cause safety concerns when vehicles enter roads and mix with both high speed vehicles and heavy farm machinery. Many lots were created with long panhandles reaching to the roads, often referred to as "flag lots". Often times the flag lot may not even take access along their own property, but rely on easements across the property of others.

The County Engineer and County Board began to receive many comments from residents about the road issues. Gravel roads that experienced much higher levels of traffic required increased engineering, modification of grading profiles, and increased gravel and grading maintenance. As more and more acreages were built in certain areas (east Holdrege St.), residents began to demand the paving of their roadways. The lack of predictability as far as location of future acreage demand left the County Engineer unable to plan or budget for future paving needs. The County Engineer did not have the budget to pave miles of county road on a "demand" basis.

At about the time that the State of Nebraska revised statutes to raise the subdivision threshold to greater than 10 acres, Lancaster County began discussions of a change to

minimum lot size. In the 1979 revision of the county zoning resolution a minimum lot size of 20 acres was settled upon for the new AG (Agricultural) district. This was based, at least in part, upon the State definition of a farm being at least 20 acres and producing $1000 in agricultural products. This also created a land use pattern that generates trips below the level at which the County Engineer would begin the process to improve the road.

At the same time the AGR (Agriculture Residential) district was created with a 1 acre minimum lot size (later raised to 3 acres based largely upon the Health department's determination of the area required for a safe and properly functioning well and septic system.) The future low density residential (AGR) areas were shown in the 1977 Comprehensive Plan along existing paved roads and near State recreation areas and lakes. Identifying future acreage areas allowed the County Engineer to anticipate the need for future paving. The future AGR areas have been shown in the Comp Plan ever since, although their location has changed over time.

Public Input on Preservation of Rural Life:

In April of 2010 a scientific survey of all Lancaster County was conducted by Sigma Corporation. This survey contacted 700 residents, in the county, evenly distributed throughout the county (as shown on the attached map.) In one set of questions, respondents were asked whether they felt a list of issues was extremely important, very important, somewhat important, or not really that important. Among the statements was the following*: **Preserve the quality of rural life and highly productive agricultural land in Lancaster County***.

Of 22 issues presented, this ranked the fifth highest issue with 60% of respondents saying this issue was either extremely or very important. When respondents are separated into 7 geographic regions, the response of those identified as being in Lancaster County (the rural area) responded to this question with a ***higher rank than any other geographic group responded to any other issue.*** When separated into those inside Lincoln city limits and those outside, those outside Lincoln again responded to this question with a ***higher rank than any other geographic group responded to any other issue.*** It seems clear that those who live in the rural areas of the county would prefer to maintain their quality of life as it is. See attached Tables 10 – 12 and the map from that report.

Residential Development in Lancaster County AG Zoning District

One of the reasons stated for reduction in lot size in the AG district is the cost of purchasing a 20 acre parcel and that this cost does not allow most people to buy a lot for a single family home. In fact, there are many ways to purchase a smaller lot in the AG district without the need to rezone to AGR. Some of these techniques, such as the "Farmstead Split", have been included in the zoning regulations for many years, while others, such as the "Two 3s per Forty" are newer and may not be as familiar to some people.

1. "***Farmstead Split***" allows an existing home to be subdivided onto 3 (in rare cases, 1) acres, with a remaining parcel of no less than 20 acres, provided:
   Such Single family dwelling:

(i) has existed on such land for more than five (5) years;

(ii) is, or has been used as the primary residence associated with a farm; and,

(iii) is in conformance with the other provisions of this resolution, the minimum housing code, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants.

Note: It is possible for a land owner to split off a five yr old home from a large parcel, build another home on that larger parcel, then five years later split it off as well. This process could continue, at 5 year increments, as long as the remaining parcel was at least 20 acres.

2. Lots which were ***lots of record before January 1st, 1979*** but are less than 20 acres are buildable and adjustable.

3. "***Two 3s per Forty***" allows a 40 acre parcel to be subdivided creating two buildable lots of 3 acres or more, and one unbuildable outlot of not less than 30 acres.

4. A ***mobile home*** may be placed, temporarily, on the same property as a dwelling for ***purposes of providing care*** for a disabled person living either in the dwelling or in the mobile home. This is done by special permit, renewable annually.

5. A ***Community Unit Plan (CUP)*** may be utilized to create parcels less than 20 acres while retaining the overall density of one dwelling unit per 20 acres. The number of dwelling units is based on the size of the parcel (1 per 20 acres) and a 20% bonus may be obtained if land is preserved for farming, environmental preservation, or open space. These dwelling units may then be clustered on smaller lots, usually 3 to 5 acres, served with a public or private access road.

Several of these techniques are commonly used in other counties throughout the US; however, there may be other, more creative ways of providing options. It is possible to maintain the overall density in the unincorporated areas while still creating opportunities for those who would prefer to build on a 3 to 5 acre lot, without going through the process of a community unit plan or the expense of building a new road.

Recent Zoning Activity

County Change of Zone Requests, AG to AGR, 2001 to present

Although the analysis of any change of zone application begins with the Future Land Use plan, it is important to remember that other factors, such as access to paved roads, parcelization of surrounding properties, availability of water, availability of emergency services, and other characteristics that may make the site appropriate for acreage development are considered. In many cases (40% of applications that were not shown as future low density residential) requests that meet these factors are recommended by the Planning Department for approval regardless of the status of the future land use map.

Over the past ten years, there have been 51 applications for a change of zone from AG to AGR. Thirty-five of those were in areas shown on the future land use map as Agricultural, and 16 were on areas shown as Low Density Residential (Acreage). Fifty-seven percent of all applications were approved (15 in future Agricultural and 14 in future Low Density Residential areas), 6 were denied (4 on future Agricultural, 2 in future Low Density Residential) and 16 were withdrawn by the applicant before they were brought before the County Board. See Table 1 for details.

Availability of Land and Recent Building Activity:

There are several ways to evaluate the existing supply of land suitable for acreages in the County. The 2010 Community Indicators report, using data from the Building and Safety Department, indicates an average of 98 building permits per year have been drawn for the area outside of the City of Lincoln and other Lancaster County towns, which is the area in which these parcels exist.

Platted lots of 20 acres or less: Lancaster County has a total inventory of over 7,000 parcels of 20 acres or less located outside of Lincoln or any other Lancaster County town (does include areas within the 3-mile jurisdiction of Lincoln and the 1-mile jurisdiction of all small towns). Of those, 2,221 are unimproved, or have no dwellings on them (Table 3). Some of these may not buildable lots, but many are platted or "lots of record" (grandfathered lots) which could be built upon. If *even half* of these lots are buildable, a ten year supply of lots exists today.

Approved developments: Many of the above mentioned lots are part of an approved and platted AG community unit plan, a "Two 3s per 40" subdivision, or a platted AGR subdivision. The current approved AG community unit plans and "Two 3s per 40" subdivisions include 308 platted, but unimproved parcels, while the AGR (acreage) zoned areas and those areas shown on the Future Land Use map as future acreage included 423 unimproved parcels for a total of 731 parcels that are currently ready for improvement (Table 4). This would seem to indicate approximately **7.4 years of supply is currently platted** in these developments.

According to data from the County Assessor's office, between 69% and 75% of all new residential structures built in the unincorporated area were built in the Future Agricultural areas of the Comprehensive Plan Future Land Use map for the period between 2003 and 2010. This would seem to indicate that the AG zoning district accommodated, in one way or another, a majority of the new dwelling units constructed during this period (Table 2). A survey of the 2030 Lancaster County Future Land Use map using GIS analysis indicates 3,766 acres of unimproved land is within the "Yellow" areas of the map – those that are shown as future Low Density Residential, or acreages. Some of this land is already platted and ready for building, while the rest may still need to be platted. But if all this land were developed at a level of 5 gross acres per dwelling unit, this provides a potential total **of 753 buildable lots in the "yellow" areas alone**. Recall, *only about 25% to 30% of total dwellings built over the past 8 years were built in these areas*.

These findings would seem to indicate that **by every measure there is an abundant supply of buildable lots already available and a potential supply that is more than adequate**.

Survey of Nearby Jurisdictions:

One concern that has been expressed is the flight from Lancaster County of those who have been unable to find affordable acreage sites to counties where the regulations are more lenient and site more easily obtained. Zoning regulations for surrounding counties and municipalities were reviewed for acreage requirements.

Surrounding Counties:

The zoning and subdivision codes for 10 nearby counties and Omaha were reviewed for minimum lot size, exceptions to this minimum (specifically for dwelling units) and other rural zoning districts. Most of the surrounding jurisdictions had a minimum lot size of 20 acres, with two having a minimum of 40 acres.

Further research into the code reveals different techniques for allowing dwelling units in the AG district. Most counties have provisions for grandfathered lots, and many allow "farmstead splits". Several counties use a maximum density per quarter section to regulate dwelling units, often resulting in dramatically lower density than what is allowed in Lancaster County. Several have a special minimum lot size for single family residential, with a note that overall density must remain at a specified level. This is accomplished by placing an easement over the remainder of the parcel, or by platting it as an unbuildable outlot. Ex.: One 20 acre parcel is subdivided into a 3 acre residential lot and a 17 acre unbuildable outlot. CUPs are also fairly common, with some counties showing different allowed densities, or required open space, depending upon a rating system or the services supplied (community wastewater or wells). See Table 5 for details.

Saunders and Cass counties are often cited as being destinations for those who are unable to obtain acreage lots in Lancaster County. Interviews with zoning administrators in those counties revealed regulations that are similar to Lancaster with most of their jurisdictions zoned to limit overall density to 1 lot per 20 or 40 acres. Each county has some unique characteristics. Saunders County has a policy of zoning according to the Comprehensive Plan so that areas deemed appropriate for future acreages are zoned according to that future land use map. Cass County has a point system that is used by the Planning Director to administratively subdivide land that earns a minimum score into no more than 3 parcels. According to the zoning administrator this has been applied to older acreage areas that were created as ten acre parcels, prior to 1998, and are commonly subdivided into three ~3 acre parcels.

Lancaster County Municipalities:

Lincoln and 10 other Lancaster County towns were also reviewed and found to have minimums ranging from 4 to 40 acres, with one having a 4 acre minimum, three having a 10 acre minimum, two at 20 acres, five at 39 acres, and one at 40 acres. Small towns in Lancaster County vary widely, not only in their requirements, but in the age of their codes. The minimum lot size appears to be indicative of the willingness of the municipality to have acreage development within their one mile jurisdiction, or not. In at

least two cases, Hickman and Firth, the issue of growth after extensive acreage development on the periphery has been a topic of conversation in their recent planning processes. Lincoln and Lancaster County have, over the years, maintained the same minimum lot size in part to simplify the process of subdividing when land is in the "split jurisdiction", straddling the 3-mile line of Lincoln and Lancaster County jurisdictions. See Table 6 for details.

Census and IRS Data on Migration:

Further data describing migration patterns between Lancaster County and other places was developed by the Lincoln and Lancaster County Planning Department and the Center for Public Affairs Research at UNO. The following is a summary of Table 7: Population.

- ***Lancaster County is growing at a rate several times that of other surrounding counties***, the exception being Johnson County which saw a surge in population due to the state prison located outside Tecumseh.
- Growth in Johnson, Saline, Saunders and Seward counties has been strongest in the towns. ***Only Cass showed faster growth in the rural areas with the towns decreasing in size***.
- ***5 of the surrounding counties have seen declining rural populations***, with rural Saunders and Otoe growing at about half the annual rate of rural Lancaster, and rural Cass County growing at nearly three times the rate. (Cass and Saunders counties are heavily influenced by the Omaha Metro)
- The annual growth rate of population in the unincorporated areas of Lancaster County is 0.46% compared to 2.05% of small towns and 1.37% of Lincoln. While 0.46% is a very low growth rate, it is ***higher than all of the surrounding counties*** with the exception of Cass (1.35%).

Table 8 titled County-to-County Migration Data for Lancaster County, Nebraska: 2000 to 2009 uses IRS data to report on the migration between Lancaster County and the 8 surrounding counties. This gives county-by-county detail, annual detail on the number of people moving in and out of Lancaster County, to and from the surrounding counties.

- ***The net result of in and outmigration from the 8 surrounding counties over the past decade is a 344 person increase in Lancaster County's population***.
- The first half of the decade showed more outmigration (loss of 273), and the second half showed more inmigration (gain of 617).
- Annual inmigration to Lancaster County from the 8 bordering counties has exceeded outmigration for the past 5 years. In fact, outmigration from Lancaster to the surrounding 8 counties is at a ***ten year low***, and the last two years have shown the highest net inmigration from surrounding counties to Lancaster County in the last ten. There are two likely reasons for this movement:
    - Lancaster County acreage lots (3 – 5 acres) generally are more expensive than lots in surrounding counties, probably reflecting the convenience of closer proximity to the jobs and services available in Lincoln.

- In the past 5 years, the increased cost of gasoline seems to have resulted in increased inmigration to rural Lancaster County and reduced outmigration.

Issues:

Preservation of farmland: This is one of the ***core premises of land use planning in Lancaster County***. The agricultural base of Nebraska's economy is one of the cornerstones that has allowed Nebraska to weather the current economic crisis and helped keep Lancaster County from raising property taxes or cutting more services. The price of farmland will always be determined by the market, but the unregulated proliferation of acreage development will do nothing to ensure farmland will be available for future generations.

Provision of services: Homeowners in acreages areas can expect a level of service that is different than that provided in urban areas. Many services, such as water and sewer, are the responsibility of the individual property owner. Other services, such as law enforcement and fire protection, must be provided by limited personnel over large areas. Still other services, such as roads, are provided at a lower level of service, e.g. gravel roads rather than paved. Clustering acreage subdivisions in limited areas of the county can be beneficial in the provision of services such as emergency services, school bus transportation, and road level of service. Concentrating development on roads that are already paved limits the number of new roads that will exceed the 400 ADT threshold for additional engineering and consideration of paving; allowing de-concentration likely will result in more roads that will need paving. Although a road that experiences 400 trips per day may not immediately be paved, the increased traffic causes wear and tear on the road and can result in increased frequency of rock and gravel work, grading, and repairs after wet weather. It will almost assuredly add to the number of complaints received by the County Engineer and County Commissioners. Directing acreages to areas that already have paved roads available takes advantage of investments that have been made and provides the road conditions homeowners expect. The attached memo, dated October 20, 2011, from the County Engineer urges the County Board to consider the costs to all Lancaster County taxpayers in weakening the current land development policies.

The County Engineer also points out safety concerns when an increase in the number of driveways entering county section line roads. The concern for safety relates to the smaller lot frontage along the road that does not provide the flexibility to find a safe location to access the section line road. The smaller lots also increase the number of access points to the section line road thereby increasing the number of chances for conflicts. The adoption of the 20 acre rule was, at least partially intended to help prevent future conflicts from the increased number of access points like that along S-56th Street between Saltillo Road and Pine Lake road. The use of the community unit plan that allows clustering of acreages along an interior public or private roadway further provides the opportunity for a single access point to the road at a safe location. This provision has proved very beneficial in decreasing access points and increasing safety.

Cost of Rural Services: The Comprehensive Plan has been and continues to be supportive of providing housing choices, including the interest in living on acreage lots of

3-5 acres outside the city limits of Lincoln and the other municipalities. But since the 1979 changes to the city and county zoning codes and maps, the approach has been to more carefully manage the location of acreage subdivisions in a way that minimizes the cost of public services and the impact on natural resources.

Still, as the Comprehensive Plan adopted in 2002 was being developed, concerns were expressed about the financial burden that these acreage subdivisions were placing on other taxpayers in the county, and the 2002 Plan called for a study to assess the "rural cost of services.'' That study was contracted and completed in 2003, and presented to the County Commissioners and others. Although some County Commissioners at that time expressed reservations about the validity of the study's assumptions and conclusions, the study presented a financial picture that is difficult to dispute and consistent with similar studies done for other communities. The study indicated that:

- Maintaining and improving county roads was the most costly service provided by County government, with the sheriff's services coming second;
- The road program in particular primarily benefitted properties in the unincorporated area;
- Taxpayers in Lincoln and the other municipalities pay the overwhelming share of the cost of the road and sheriff services;
- The net "transfer" of revenues and benefits from Lincoln and other municipal taxpayers to the unincorporated area for all county services amounted to $6.9 million in 2002, with the road program alone representing $5.5 million of that total.
- The average value of homes in the unincorporated area was about two times the value of homes in Lincoln and the other cities that were "subsidizing" road and other services in the county, raising an additional question about the social equity of the transfer that was occurring.

In the period since the study was done, the County property tax revenue has increased from $36.6 million to $48.0 million (+31%), and the County road budget has increased from $10.8 million to $18.9 million (+75%). So the net transfer of revenues and benefits probably has increased proportionately.

<u>Loss of Tax Revenues and Fees:</u> To some extent a more active promotion of acreage lots by the County Board would be at the expense of lot development in Lincoln and the small towns. As pointed out by the Cost of Services study, there is a net transfer of tax revenues from urban taxpayers to provide rural services. Property taxes are not the only monies that are lost when residential development occurs outside any municipal district. Taxes charged on construction supplies for new homes are charged according to where the home is built, and so none are collected by any municipality. The same is true for vehicles. Wheel taxes also are not collected on vehicles from the unincorporated area, even though most of these residents work, shop, and recreate in the cities and so use the roads these fees are meant to support. Impact fees paid at the time of building permits, as well as utility fees paid over time, pay for improvements to utility services built for newly developed areas, and for the improvements made to treatment facilities – improvements that are planned and budget well ahead of time.

Natural Resources: A higher dwelling unit per section density will likely result in more prime agricultural land and natural resource land lost to development. The additional land speculation will make it more difficult for farmers to buy and expand their land for agriculture. Increased acreage development in the county will increase vehicle miles travelled in the county and reduce air quality.

10+ acre Parcels: A blanket reduction in lot size in the AG district would allow for parcels of 10+ acres to be created and sold without subdivision controls, per state statute. While it may sound like a great thing to be able to parcel off property without a subdivision, it does present some unique challenges. When a property comes in for subdivision it is reviewed by several different departments.

- The need for any easements for utilities and dedication of road right-of-way is identified– saving utilities and the county engineer the cost of having to purchase these easements later and ensuring that interior parcels will have access to county roads and utility services.
- The survey is checked and corrections noted – quite often the survey is not done correctly and there would be no-one to catch these errors if not reviewed.
- The status of taxes is checked and lien holders are identified – this removes the possibility of a buyer being stuck with liens levied because of a sellers actions.
- Parcels are checked for frontage and other zoning requirements – a lack of frontage on a road, or a lot configuration not meeting standards for required setbacks could make a lot unbuildable.

Without the subdivision process it is difficult to anticipate all of the problems that could arise, although discussions with those who were employed in the process in 1979 would present valuable input. Lack of a subdivision process has resulted in the past in issues of unclear ownership, “surprise” liens and other issues that can cause problems with bank financing.

Additionally, a 10 acre parcel would not meet the definition of a farmstead by state statute (at least 20 acres and producing at least $1000 annually). As such it would not be eligible for a farmstead split later.

Prepared by:

Planner

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TABLE 10
IMPORTANCE OF PLANNING OBJECTIVES/PRIORITIES
(n=700)

	Percent Response					
	Extremely Important	Very Important	Somewhat Important	Not Important	Don't Know	Mean Rating
Invest in clean energy	26%	42%	25%	6%	1%	2.89
Develop and maintain parks	23	41	30	6	-	2.83
Develop water conservation policies	20	43	29	6	1	2.78
Widen North-South roads	26	35	29	10	-	2.77
Preserve quality of rural life	21	39	32	7	1	2.75
Preserve natural resources	23	36	33	9	-	2.72
Develop highways/beltways	25	31	32	13	-	2.67
Development preserve character of neighborhoods	17	37	38	7	-	2.65
Small neighborhood retail	18	36	37	9	-	2.63
Green building standards	22	30	36	12	1	2.62
Better airline service	22	29	34	14	1	2.60
Widen East-West roads	20	30	34	15	1	2.55
Retail in older neighborhoods	13	35	42	10	1	2.51
Encourage carpooling and alternatives	16	32	38	15	-	2.49
Further develop trails/sidewalks	15	33	36	15	1	2.48
Encourage development Downtown	15	30	35	19	1	2.41
Protect and improve entrances to Lincoln	14	29	40	16	-	2.40
Develop County roads	9	28	48	15	1	2.31
Increase bus service	12	23	40	19	5	2.29
More compact growth	11	23	42	22	2	2.23
Spend funds for streets/utilities in new areas	7	23	47	22	1	2.14
Additional large retail centers	6	14	41	39	-	1.87

Scale: 4=extremely important, 3=very important, 2=somewhat important, 1=not important
Note: The dashed line indicates that a significant difference exists between the highest mean rating in the group above each dashed line and all mean scores beneath that line. The top item in each group separated by the dashed lines has a significantly higher importance rating than the top item in the next group. Items grouped between dashed lines have statistically equal mean ratings.

- Each of the 22 variables was rated as at least somewhat important by at least three-fifths of area residents (61% to 93%). Much greater importance was placed on widening North-South roads (61% "extremely" or "very" important) than on widening East-West roads (50%), or on developing County roads (37%).

TABLE 11
IMPORTANCE OF PLANNING OBJECTIVES/PRIORITIES BY GEOGRAPHIC LOCATION
(Mean Ratings)

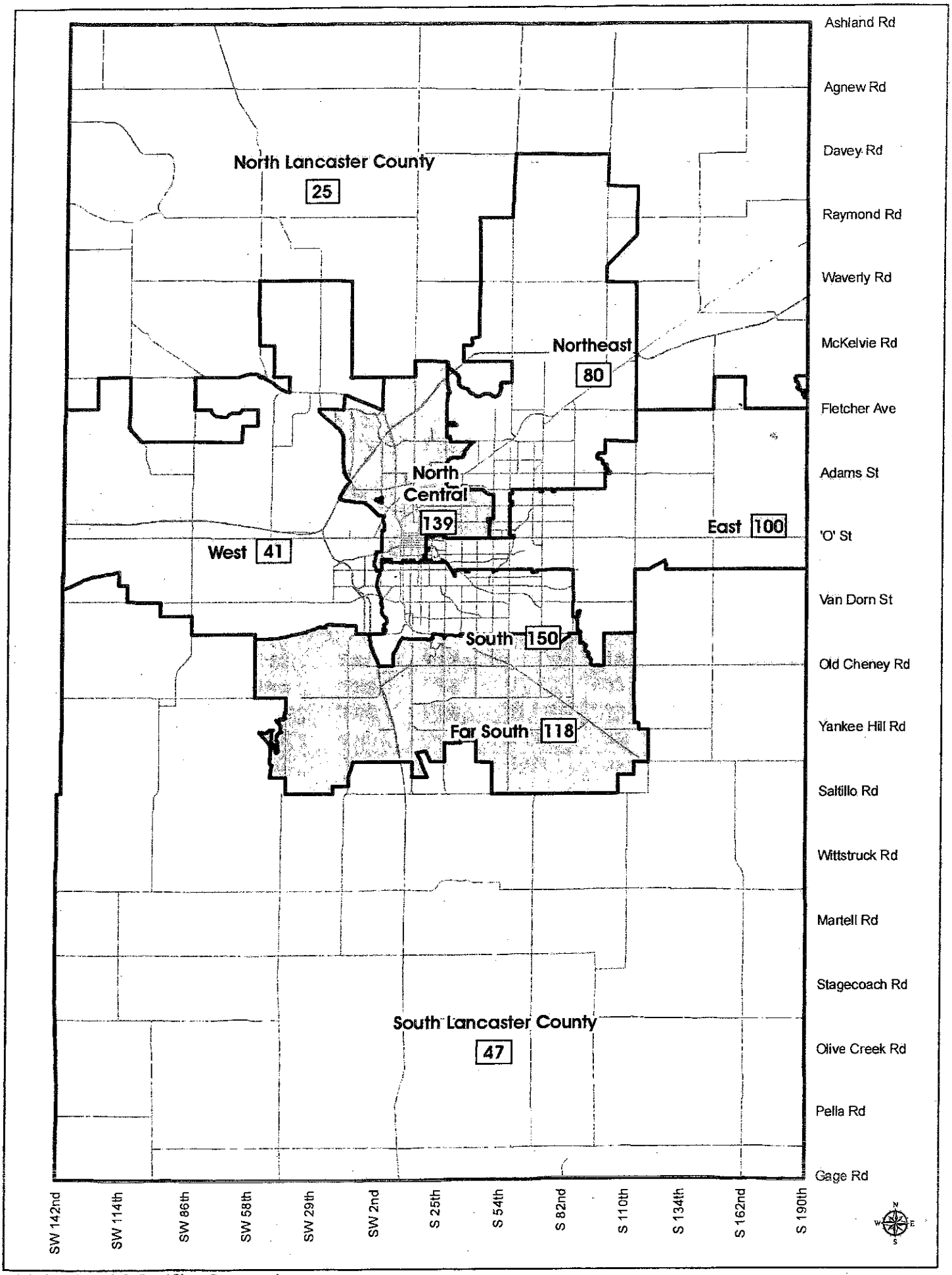
		Geographic Area						
	Total (n=700)	North Central (n=143)	North East (n=83)	East (n=105)	South (n=150)	Far South (n=129)	West (n=52)	Lanc. County (n=38)
Invest in clean energy	2.89	2.79	2.95	2.88	2.95	2.91	3.00	2.70
Develop and maintain parks	2.83	2.84	2.87	2.87	2.86	2.81	2.85	2.45 **L**
Develop water conservation policies	2.78	2.85	2.93	2.80	2.70	2.70	2.88	2.68
Widen North-South roads	2.77	2.68	2.78	2.65	2.63	3.07 **H**	2.75	3.00 **H**
Preserve quality of rural life	2.75	2.79	2.84	2.71	2.62	2.68	2.82	3.13 **H**
Preserve natural resources	2.72	2.76	2.88	2.59	2.84	2.55	2.73	2.74
Develop highways/beltways	2.67	2.53	2.63	2.50	2.60	2.97 **H**	2.85	2.87 **H**
Development preserve character of neighborhoods	2.65	2.64	2.67	2.77	2.80	2.48	2.63	2.26 **L**
Small neighborhood retail	2.63	2.66	2.71	2.57	2.71	2.48	2.71	2.53
Green building standards	2.62	2.60	2.77	2.63	2.56	2.70	2.65	2.26 **L**
Better airline service	2.60	2.45	2.65	2.69	2.53	2.84 **H**	2.37 **L**	2.64
Widen East-West roads	2.55	2.39	2.58	2.46	2.52	2.65	2.71	2.82 **H**
Retail in older neighborhoods	2.51	2.58	2.55	2.56	2.61	2.30 **L**	2.37	2.46
Encourage carpooling and alternatives	2.49	2.45	2.48	2.58	2.54	2.36	2.63	2.47
Further develop trails/sidewalks	2.48	2.40	2.48	2.47	2.63	2.48	2.48	2.19 **L**
Encourage development Downtown	2.41	2.40	2.40	2.35	2.46	2.45	2.31	2.37
Protect and improve entrances to Lincoln	2.40	2.39	2.52	2.33	2.46	2.41	2.44	2.11 **L**
Develop County roads	2.31	2.32	2.46	2.33	2.18	2.23	2.27	2.92 **H**
Increase bus service	2.29	2.35	2.45	2.32	2.32	2.11	2.31	2.16
More compact growth	2.23	2.25	2.21	2.32	2.14	2.12	2.50 **H**	2.27
Spend funds for streets/ utilities in new areas	2.14	2.01	2.28	2.17	2.01	2.25	2.37 **H**	2.00
Additional large retail centers	1.87	1.88	1.99	1.77	1.71	1.95	2.10 **H**	1.79

Ratings that are .20 points or more higher (H) or lower (L) than the total are marked

TABLE 12
IMPORTANCE OF PLANNING OBJECTIVES/PRIORITIES
BY RESPONDENT AGE AND RESIDENCE WITHIN CITY LIMITS
(Mean Ratings)

	Total	Respondent Age				Lincoln City Limits:	
	2010 (n=700)	18-44 (n=169)	45-54 (n=200)	55-64 (n=188)	65+ (n=143)	Inside (n=628)	Outside (n=72)
Invest in clean energy	2.89	2.85	2.89	2.95	2.88	2.91	2.73
Develop and maintain parks	2.83	2.95	2.81	2.82	2.70	2.85	2.58 **L**
Develop water conservation policies	2.78	2.76	2.81	2.80	2.75	2.79	2.74
Widen North-South roads	2.77	2.91	2.73	2.77	2.66	2.76	2.89
Preserve quality of rural life	2.75	2.69	2.75	2.75	2.81	2.71	3.10 **H**
Preserve natural resources	2.72	2.73	2.84	2.70	2.59	2.73	2.64
Develop highways/beltways	2.67	2.83	2.70	2.57	2.59	2.67	2.75
Development preserve character of neighborhoods	2.65	2.59	2.67	2.68	2.63	2.68	2.38 **L**
Small neighborhood retail	2.63	2.72	2.68	2.66	2.41 **L**	2.64	2.56
Green building standards	2.62	2.61	2.62	2.69	2.54	2.64	2.43
Better airline service	2.60	2.50	2.49	2.68	2.77	2.60	2.63
Widen East-West roads	2.55	2.63	2.54	2.60	2.38	2.53	2.69
Retail in older neighborhoods	2.51	2.51	2.57	2.56	2.34	2.52	2.41
Encourage carpooling and alternatives	2.49	2.45	2.47	2.49	2.57	2.49	2.50
Further develop trails/sidewalks	2.48	2.62	2.57	2.49	2.17 **L**	2.49	2.34
Encourage development Downtown	2.41	2.59	2.42	2.31	2.29	2.41	2.35
Protect and improve entrances to Lincoln	2.40	2.25	2.48	2.44	2.44	2.41	2.31
Develop County roads	2.31	2.22	2.36	2.37	2.26	2.25	2.76 **H**
Increase bus service	2.29	2.20	2.29	2.33	2.36	2.32	2.08 **L**
More compact growth	2.23	2.20	2.23	2.30	2.15	2.21	2.37
Spend funds for streets/ utilities in new areas	2.14	2.23	2.08	2.10	2.15	2.13	2.15
Additional large retail centers	1.87	1.95	1.82	1.87	1.83	1.87	1.83

Ratings that are .20 points or more higher (H) or lower (L) than the total are marked



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TABLES and FIGURES:

TABLE 1: Change of Zone Requests, AG to AGR, 2001 to Present

CZ Applications 51 total	Comp Plan Designation AG	Staff Rec.	PC Rec.	Comp Plan Designation AGR	Staff Rec.	PC Rec.
Approved (57%)	15	A 6 (40%)	A 10 (67%)	14	A 14 (100%)	A 12 (86%)
		D 9 (60%)	D 5 (33%)		D 0 (0%)	D 2 (14%)
Denied (12%)	4	A 0 (0%)	A 0	2	A 2 (100%)	A 0
		D 4 (100%)	D 4 (100%)		D 0 (0%)	D 2 (100%)
Withdrawn (31%)	16	No Staff 2*	No PC 11*	0	A 0 (0%)	
		D 14 (87%)	D 5 (31%)		D 0 (0%)	
TOTAL	35 (69%)	A 6 (17%)		16 (31%)	A 16 (100%)	
		D 29 (57%)			D 0 (0%)	

GREEN represents Approval, RED represents Denial
**Some applications were withdrawn before staff had time to make a recommendation, or before the recommendation was ever forwarded to the Planning Commission.*

RURAL AREAS LOT INVENTORY

Updated 10/19/2011

All structure and parcel data for Tables 2 – 5 are from Lancaster County Assessor/Register of Deeds archived files based on year built, property class and/or parcel size.

Table 2: NEW RESIDENTIAL STRUCTURES
(Excludes all incorporated places)

YEAR	TOTAL	(1) COUNTY	% TOTAL	(2) LOW DENSITY	% TOTAL
2010	77	57	74.0%	20	26.0%
2009	64	48	75.0%	16	25.0%
2008	88	62	70.5%	26	29.5%
2007	100	69	69.0%	31	31.0%
2006	135	95	70.4%	40	29.6%
2005	120	90	75.0%	30	25.0%
2004	174	130	74.7%	44	25.3%
2003	129	89	69.0%	40	31.0%

NOTES: (1) Excludes Lincoln city limits; 1 and 2 mile jurisdictions of incorporated places; and all areas designated 'Low Density Residential' in the 2030 Comprehensive Plan.

(2) Includes only those areas designated 'Low Density Residential' in the 2030 Comprehensive Plan within Lincoln's 3-mile jurisdiction or County jurisdiction.

Table 3: TOTAL PARCELS 20 ACRES OR LESS, IMPROVED VS. UNIMPROVED

(Excludes all incorporated places)

	Lincoln's 3 Mile ETJ			Other 1 & 2 Mile ETJs			(4) Balance Of County			TOTAL		
YEAR	**IMP**	**UNIMP**	**TOT**	**IMP**	**UNIMP**	**TOT**	**IMP**	**UNIMP**	**TOT**	**IMP**	**UNIMP**	**TOT**
2010	2,754	1,085	3,839	591	268	859	2,104	868	2,972	5,449	2,221	7,670
2009	-	-	-	-	-	-	-	-	-	-	-	-
2008	2,662	1,152	3,814	570	325	895	1,954	850	2,804	5,186	2,327	7,513
2007	2,792	1,195	3,987	531	266	797	1,948	854	2,802	5,271	2,315	7,586
2006	2,649	1,166	3,815	468	307	775	1,850	869	2,719	4,967	2,342	7,309
2005	2,427	1,133	3,560	444	286	730	1,856	977	2,833	4,727	2,396	7,123
2004	2,392	1,143	3,535	431	282	713	1,800	933	2,733	4,623	2,358	6,981
2003	2,361	1,096	3,457	402	300	702	1,738	938	2,676	4,501	2,334	6,835

NOTES: (4) Excludes Lincoln city limits; Lincoln's 3-mile jurisdiction; and 1 and 2 mile jurisdictions of incorporated places.

Table 4: DEVELOPED AND UNDEVELOPED LOTS

(Excludes all incorporated places)

	AG CUPs / 2-3s Per 40		'Yellow' Areas / AGR	
PROPERTY CLASS	**NO.**	**% TOT**	**NO.**	**% TOT**
R-1: Residential Improved	262	41.5%	1,786	75.6%
R-2: Residential Unimproved	199	31.5%	366	15.5%
C-1: Commercial Improved	1	1.0%	7	0.3%
C-2: Commercial Unimproved	1	1.0%	7	0.3%
A-1: Ag Improved	25	4.0%	60	2.5%
A-2: Ag Unimproved	144	22.8%	137	5.8%
Total Parcels	632	100.0%	2,361	100.0%
Improved Platted Parcels	272	46.9%	1,430	77.2%
Unimproved Platted Parcels	308	53.1%	423	22.8%
Total Platted Parcels	580	100.0%	1,853	100.0%

TABLE 5: Minimum Lot Size in Agricultural, or Similar, Districts in Counties Surrounding Lancaster

County	District	Minimum Lot Size	Exceptions	Other
Butler	None		No zoning	No Comprehensive Plan (inmigration 136)
Cass	AG-1 Agricultural	40 ac	***Clustering on 3 ac (maintain 1/40 density)*** Ag easement over remaining parcel	Transitional Ag (20 ac) clustering on 3 ac (maintain 1/20 density) may be reduced if central sewer or rural water (outmigration 234)
Douglas (Omaha)	Agricultural	20 Ac	***Dwellings on less than 20 acres*** by conditional use permit which requires PC approval, but must ***maintain 1/20 ac density.*** Clustering, farmsteads and grandfathered lots	
Douglas County	Agricultural	20 Ac	20 ac/dwelling, farmstead splits	Rural Residential 1 (2ac) Rural Residential 2 (3 ac) with a sliding scale percentage of required open space
Gage	Agricultural	40 ac	***One DU allowed on 3 ac but only 4 dwellings units allowed per ¼ section***	Transitional Agriculture (5 DU per ¼ section), Agriculture Conservation (2 DU per ¼ section), Urban Reserve (3 ac) (inmigration 109)
Otoe	Open Space Ag District	20 ac	Grandfathered lots, farmstead splits	(outmigration 107)
Saline	Open Space Agriculture	20 ac	Grandfathered lots, farmstead splits	Use same definition of farm – 20 acres and $1000 of product each year, (inmigration 712)
Sarpy	Agricultural Farming	20 ac	Grandfathered lots	Agricultural Development District (10 ac) AG Residential (5 ac)
Saunders	Agricultural District	20 ac	Grandfathered lots, clustering	Use same definition of farm – 20 acres and $1000 of product each year. Transitional Agricultural (3 ac), Lakeside Residential (3 ac), Residential Estate (3 ac) (outmigration 129)
Seward	Agricultural Preservation	20 ac	***New res. on 5, existing on 3 (farmstead split), no more than 2 DU per ¼ section,*** grandfathered lots	Transitional Ag (10 ac) but no more than 4 DU per ¼ section (essentially 1/40 ac) (outmigration 202)

TABLE 6: Minimum Lots Size in Agricultural, or Similar, District in Jurisdictions within Lancaster County

City or Village	District	Minimum Lot Size	Exceptions	Other
Bennett	Agricultural	10 Ac		
Davey	Exclusive Agricultural	39 Ac		
Denton	Exclusive Agricultural	10 Ac		Agriculture Rural (3 ac) with common sewer and water
Firth	Agricultural	4 Ac		
Hallam	Exclusive Agricultural	39 Ac	Grandfathered lots	Agricultural Rural (3 ac)
Hickman	Transitional Agriculture	40 Ac	Grandfathered lots	Residential Estates (20,000 sqft)
Lincoln	Agricultural	20 Ac	Grandfathered lots, farmstead splits, CUPs	Agricultural Residential (3 ac)
Malcolm	Agricultural	10 Ac		
Panama	Exclusive Agricultural	39 Ac		Agricultural Rural (5 ac)
Raymond	Agricultural	20 Ac	Grandfathered lots	Agricultural Residential (3 ac)
Roca	Agriculture Exclusive	39 Ac		Agriculture Rural (5 ac)
Sprague	Agriculture Exclusive	39 Ac		Agriculture Rural (5 ac)
Waverly	Agriculture	20 Ac	10 Ac per housing unit	Rural Residential (10 ac)

	TABLE 7: POPULATION						
	2000 Population	2010 Population	Population Change	% Change	Annual Growth Rate	% of County Population in 2000	% of County Population in 2010
Lancaster County	250,291	285,407	35,116	14.03%	1.32%	100.00%	100.00%
A. Lincoln	225,581	258,379	32,798	14.54%	1.37%	90.13%	90.53%
B. Unincorporated	18,208	19,061	853	4.68%	0.46%	7.27%	6.68%
C. Small Towns	6,502	7,967	1,465	22.53%	2.05%	2.60%	2.79%
Bennet	570	719	149	26.14%	2.35%	0.23%	0.25%
Davey	153	154	1	0.65%	0.07%	0.06%	0.05%
Denton	189	190	1	0.53%	0.05%	0.08%	0.07%
Firth	564	590	26	4.61%	0.45%	0.23%	0.21%
Hallam	276	213	-63	-22.83%	-2.56%	0.11%	0.07%
Hickman	1,084	1,657	573	52.86%	4.33%	0.43%	0.58%
Malcolm	413	382	-31	-7.51%	-0.78%	0.17%	0.13%
Panama	253	256	3	1.19%	0.12%	0.10%	0.09%
Raymond	186	167	-19	-10.22%	-1.07%	0.07%	0.06%
Roca	220	220	0	0.00%	0.00%	0.09%	0.08%
Sprague	146	142	-4	-2.74%	-0.28%	0.06%	0.05%
Waverly	2,448	3,277	829	33.86%	2.96%	0.98%	1.15%
Butler County	8,767	8,395	-372	-4.24%	-0.43%	100.00%	100.00%
A. Towns	4,909	4,900	-9	-0.18%	-0.02%	55.99%	58.37%
B. Unincorporated	3,858	3,495	-363	-9.41%	-0.98%	44.01%	41.63%
Cass County	24,334	25,241	907	3.73%	0.37%	100.00%	100.00%
A. Towns	13,680	13,061	-619	-4.52%	-0.46%	56.22%	51.75%
B. Unincorporated	10,654	12,180	1,526	14.32%	1.35%	43.78%	48.25%
Gage County	22,993	22,311	-682	-2.97%	-0.30%	100.00%	100.00%
A. Towns	16,763	16,474	-289	-1.72%	-0.17%	72.90%	73.84%
B. Unincorporated	6,230	5,837	-393	-6.31%	-0.65%	27.10%	26.16%
Johnson County	4,488	5,217	729	16.24%	1.52%	100.00%	100.00%
A. Towns+Prison*	2,706	3,565	859	31.74%	2.80%	60.29%	68.33%
B. Unincorporated	1,782	1,652	-130	-7.30%	-0.75%	39.71%	31.67%
Otoe County	15,396	15,740	344	2.23%	0.22%	111.22%	110.85%
A. Towns	10,936	11,164	228	2.08%	0.21%	79.00%	78.62%
B. Unincorporated	4,460	4,576	116	2.60%	0.26%	32.22%	32.23%
Saline County	13,843	14,200	357	2.58%	0.25%	100.00%	100.00%
A. Towns	10,701	11,376	675	6.31%	0.61%	77.30%	80.11%
B. Unincorporated	3,142	2,824	-318	-10.12%	-1.06%	22.70%	19.89%
Saunders County	19,830	20,780	950	4.79%	0.47%	100.00%	100.00%
A. Towns	11,504	12,225	721	6.27%	0.61%	58.01%	58.83%
B. Unincorporated	8,326	8,555	229	2.75%	0.27%	41.99%	41.17%
Seward County	16,496	16,750	254	1.54%	0.15%	100.00%	100.00%
A. Towns	10,988	11,521	533	4.85%	0.47%	66.61%	68.78%
B. Unincorporated	5,508	5,229	-279	-5.07%	-0.52%	33.39%	31.22%
Neighbor Counties	126,147	128,634	2,487	1.97%	0.20%	100.00%	100.00%
A. Towns	82,187	84,286	2,099	2.55%	0.25%	65.15%	65.52%
B. Unincorporated	43,960	44,348	388	0.88%	0.09%	34.85%	34.48%

Source: 2010 Census

*Note: Johnson County's prison population was 0 in 2000 and 955 in 2010. For the purposes of this table to separate unincorporated areas, the prison has been added to the "Towns" total for Johnson County.

County-to-County Migration Data for Lancaster County, Nebraska: 2000 to 2009
Source: IRS County-to-County Migration Flow Files
Compiled and Prepared by: David Drozd, UNO Center for Public Affairs Research

Inmigration to Lancaster	Butler	Cass	Gage	Johnson	Otoe	Saline	Saunders	Seward	Totals
2000	131	229	249	43	192	263	218	235	1,560
2001	104	235	248	50	192	253	181	275	1,538
2002	83	266	256	49	155	269	239	296	1,613
2003	110	241	206	43	157	201	190	315	1,463
2004	107	239	275	41	191	207	202	286	1,548
2005	94	289	284	62	199	263	197	331	1,719
2006	74	243	277	56	231	336	265	305	1,787
2007	61	215	334	69	214	265	209	335	1,702
2008	65	237	322	89	220	282	253	326	1,794
2009	62	200	251	63	186	240	260	331	1,593

Outmigration from Lancaster	Butler	Cass	Gage	Johnson	Otoe	Saline	Saunders	Seward	Totals
2000	116	289	268	37	171	220	235	340	1,676
2001	85	235	311	30	224	199	192	313	1,589
2002	79	279	296	50	174	180	211	240	1,509
2003	84	271	211	49	167	199	214	336	1,531
2004	80	282	312	62	184	166	229	375	1,690
2005	56	336	222	59	259	154	258	357	1,701
2006	76	281	313	54	238	188	242	335	1,727
2007	59	219	222	61	246	170	256	336	1,569
2008	50	207	227	47	218	193	284	351	1,577
2009	70	229	211	57	163	198	222	254	1,404

Net migration for Lancaster	Butler	Cass	Gage	Johnson	Otoe	Saline	Saunders	Seward	Totals
2000	15	-60	-19	6	21	43	-17	-105	-116
2001	19	0	-63	20	-32	54	-11	-38	-51
2002	4	-13	-40	-1	-19	89	28	56	104
2003	26	-30	-5	-6	-10	2	-24	-21	-68
2004	27	-43	-37	-21	7	41	-27	-89	-142
2005	38	-47	62	3	-60	109	-61	-26	18
2006	-2	-38	-36	2	-7	148	23	-30	60
2007	2	-4	112	8	-32	95	-47	-1	133
2008	15	30	95	42	2	89	-31	-25	217
2009	-8	-29	40	6	23	42	38	77	189

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for December 14, 2011, Planning Commission Meeting

PROJECT #: Comprehensive Plan Amendment #11002

PROPOSAL: Amend language on page 7.12 to specify that build through standards should only apply to areas within the Lincoln 3-mile jurisdiction.

CONCLUSION: Build through development is a useful tool in providing for the growth of the City of Lincoln into areas that have had low density residential development prior to full urbanization. This tool should be use in all the future growth tiers of Lincoln.

RECOMMENDATION:	Denial

GENERAL INFORMATION:

1 Acreage development on the fringes of any city can pose difficulties when urbanization of the surrounding land begins. Without forethought, homes are sited on lots in a way that makes later subdivision difficult to impossible. The challenges of establishing street rights-of-way and easements for various utilities across parcels under multiple separate ownerships can lead to questions of who will bear the cost of constructing utilities and roads, and to significant cost to the City if condemnation for utility easements is required in order to cross the acreage area to reach other willing subdividers. Later, when City services are available, the homeowners find it difficult to afford to improve the roads or extend water and sewer lines through their neighborhood. The City's potential revenue to recoup the cost of infrastructure investments is limited by the inability to develop the land more efficiently.

2 Build through development includes drawings establishing future lot lines, building envelopes, utility easement and road rights-of-way. When the City reaches this development in the future, utilities can be established in these easements and land owners can begin subdividing their lots to more urban densities. Homes will have been built in the building envelopes that take into account these future lots, utilities and roadways. Landowners will have been informed of the future urbanization plans and will have signed agreements not to oppose these changes when the time comes, although they always maintain the option not to subdivide their land.

3 Build through regulations were established in the City of Lincoln Zoning and Subdivision Regulations in October of 2004 after a period of extensive analysis and input from elected and appointed officials, an Acreage Resource Group assembled in May of 2002, and consultant RDG - Shukert, hired to assist in drafting the requirements. The resulting amendments to the zoning and subdivision code were recommended 8 to 0 by the Planning Commission and received unanimous support by the City Council. Since that time there have

been 10 acreage developments that have been approved with build through standards.

4 Lincoln's zoning and subdivision jurisdiction reaches 3 miles beyond the City limits. Within this area build through requirements are in effect. However, the future growth areas of Lincoln, referred to as "Growth Tiers", do reach beyond this 3-mile jurisdiction and so are not within the control of the City of Lincoln but rather in Lancaster County's jurisdiction. Approximately 216 acres of Lincoln's Tier II (anticipated to develop after 2040) and almost 24,000 acres (37.3 square miles) of Tier III (anticipated to develop after 2060) are beyond the 3-mile jurisdiction.

5 Although build through regulations were not adopted by the County Board, language was included in the Comprehensive Plan to encourage the Board to take into account the Growth Tiers of the City of Lincoln and to allow them to require build through development when acreage developments were proposed in these Growth Tiers within the County jurisdiction. This was an option left to the judgement of the County Board.

6 The City of Lincoln continues to make significant investments in utility services that are designed and built to serve the ultimate urbanized area of the City. In some areas, particularly the Steven's Creek basin, these services may be in service sooner than others. Acreage development without build through provisions in these areas could pose a blockade to urbanization.

7 The requested change to the Comprehensive Plan language is:

> New acreage development is not encouraged in the *"Map 1.3: Growth Tiers with Priority Areas"* for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development. Development in ~~these tiers~~ the three-mile ETJ should only be permitted under the "build-through" model that has been established, and without use of Sanitary Improvement Districts (SIDs). ~~For areas outside of the Lincoln three mile jurisdiction but inside a future Lincoln growth tier, the County should consider adopting and applying "build-through" standards.~~ The build-through model ~~includes provisions that are~~ included in the City of Lincoln' subdivision and zoning ordinances is intended to facilitate a later transition to urban densities when city services are extended, including:"

This change, in effect, confines the build-through tool to the Lincoln jurisdiction without even the consideration of its application by the County Board.

ANALYSIS:

1 Build through is a useful tool for planning the future urbanization of rural areas.

2 The City of Lincoln designs facilities such as sewer and water and roadways to serve the ultimate urbanized area, usually planned along drainage basins, such as Stevens Creek.

3 Drainage basins may extend beyond the 3-mile jurisdiction of Lincoln, which puts them beyond the regulatory control of the City.

4 The County is currently given the option to require build through standards in these areas, in a spirit of cooperation and support of the City's growth plans.

5 While the County does not require build through, the **option** of applying the standards to developments that are within the City's Growth Tiers should be maintained.

CONCLUSION:

The language maintaining the option of build through standard within the Growth Tiers, beyond the 3-mile jurisdiction of Lincoln, should be kept in the Plan. This language could be amended to more explicitly state that there is no need for build through standards to be adopted by the County and that the decision to apply the City's standards should be made on a case by case basis with some areas, such as Steven's Creek, being more likely to see urban development sooner rather than later.

The Planning Department proposes the following language:

New acreage development is not encouraged in the *"Map 1.3: Growth Tiers with Priority Areas"* for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development. Development in these tiers should only be permitted under the "build-through" model that has been established, and without use of Sanitary Improvement Districts (SIDs). For areas outside of the Lincoln three mile jurisdiction but inside a future Lincoln growth tier, the County should consider ~~adopting and~~ applying "build-through" standards, on a case-by-case basis, when a proposed development is in a location that is more likely than others to have city services extended in the foreseeable future. The build-through model includes provisions that are intended to facilitate a later transition to urban densities when city services are extended, including:"

Prepared by

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402-441-6371 or shartzell@lincoln.ne.gov

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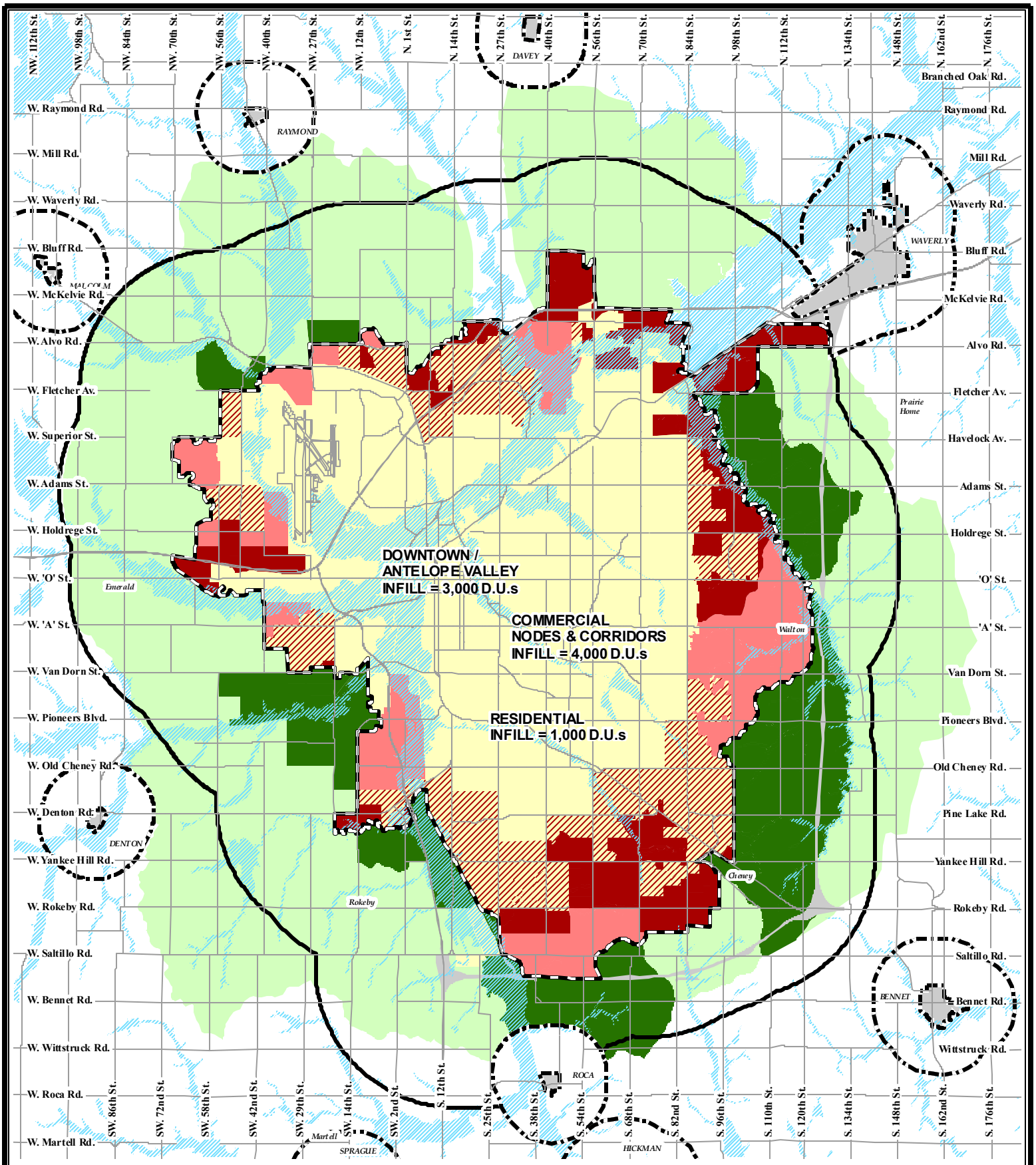

2040 PRIORITY GROWTH AREAS

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for December 14, 2011, PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Amendment No. 11003

PROPOSAL: Amend the County Future Land Use Plan on pages 1.8 and 12.2 to show commercial and industrial uses at the intersection Highway 2 and Highway 43/ S. 162nd Street and add language to page 5.5 that clarifies the intent that the commercial uses be those that generally support the agricultural and traveling community and the industrial area be reserved for a potential large employer.

AREA: Interchange of Highway 2 and Highway 43/S. 162nd Street

CONCLUSION: There is a long history of directing commercial and industrial development to the City of Lincoln and other incorporated towns in Lancaster County, as evidenced by a review of the City/County Comprehensive Plans over the past 35 years. This history is the result of many public conversations with City, village and rural residents who have consistently expressed a desire to maintain the rural landscape the Lancaster County has a long history of protecting. The 2040 Comprehensive Plan continues this long tradition by encouraging new commercial and industrial development within Lincoln and the other incorporated towns of the county as a way to strengthen the tax base, provide reliable services to businesses, and provide jobs convenient to the residents of those places.

For this reason the Planning Department does not support this amendment and recommends its denial.

RECOMMENDATION: Denial

HISTORY:

2040 Comprehensive Plan Process:

LPlan 2040, the update of the Lincoln and Lancaster County Comprehensive Plan, is a public process that began in spring of 2010. The process involved input from elected and appointed officials, a 20 person advisory committee, City, County, State and Federal staff, business and special interest groups, and thousands of members of the public. In July of 2011 a draft of this plan was posted to the website and distributed to the public. In September of 2011 the Planning Commission approved an amended draft and forwarded it to the City Council and County Board for their consideration. A public hearing was held on October 18th with both City Council and County Board in attendance.

During the County Board's review, three amendments affecting the County' jurisdiction were suggested by Board members which they were unable to act upon without review and action by the Planning Commission. These related to the ways that smaller lots can be subdivided and sold, "build-through" standards, and the land use designation at the Bennet Corner in the area of S. 162nd and Highway 2. The 2040 Plan was adopted without these amendments by the County Board on October 25 and by City Council on October 31, with the understanding that these three amendments would be sent to the Planning Commission subsequently as proposed Comprehensive Plan Amendments.

Prior Applications:

This corner has been the subject of conversation at several times over the past many years. On several occasions the Village of Bennet has been approached on the matter and their input has been collected.

There have been a few applications for change of zone to this section over the past 8 years. In 2004 an application for a change of zone from AG to Industrial (I) on the Northeast corner of S 162nd and Highway 2, for the development of a cement plant. This application was recommended for approval by the Planning Department and Planning Commission, but denied by the County Board. Also in 2004 a special permit for a wireless facility was approved on the southwest quarter of the section.

In 2005 an application for change of zone from AG to AGR on 80 acres in the northeast quarter of this section was withdrawn before the decision of the Planning Commission, in part to await final design of the roadway now known as Hooper Road. In early 2008 an application for change of zone from AG to AGR and B on this same site was denied by the Planning Commission and withdrawn by the applicant before it reached the County Board. Later in 2008 a third application for a change of zone for this same site from AG to AGR was approved. In 2010 a preliminary plat for this same site was approved for 19 acreage lots, six of which have since been final platted.

Public Input:

On September 29, the Board directed staff to mail notices to property owners about a special public hearing that the County Board has set for October 11 to consider an amendment to the proposed land use for this area. There were two members of the public and one representative who came forward to testify on this possible amendment at that meeting. One individual represented the Village of Bennet Planning Commission and Village Board. He did not speak for or against the proposal, but did request more time to study the issue. Another was an acreage owner who expressed some concern about the intensity of the development and the possible light, noise and odor issues that could arise. Ken Halvorsen testified that Lancaster Rural Water District 1 did have service to this area and depending on the actual uses, should be able to serve development there. In addition, the County Board received two formal requests, from the Village of Bennet Planning Commission and Village Board, to postpone action and allow the village more time for consideration of the proposal. Additional comments were received via email. The Bennet Planning Commission and Village Board are scheduled to review this proposal on November 30 and December 12, respectively.

Comprehensive Plan:

There is a long history of directing commercial and industrial development to the City of Lincoln and other incorporated towns in Lancaster County, as evidenced by a review of the City/County Comprehensive Plans over the past 35 years. There is also a long history of showing the area bordered by Highway 2, S. 148th Street, 162nd Street and Hooper Road as "agricultural". The Agricultural Land Use category is defined as "Land principally in use for agricultural production. Agricultural land may be in transition to a more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silvaculture, aquaculture) on site." (p.12.4). This section has been shown as Agricultural, since Lancaster County began planning. The Comprehensive Plan history at the end of the Analysis section of this report provides further details.

ANALYSIS:

1. This is a proposal by the County Board to amend the 2040 Comprehensive Plan as follows:
   a. Designate an area of over 200 acres for commercial and/or light industrial use about two miles north of Bennet, surrounding the intersection of Highway 2 and Highway 43/South 162nd. This would be a change to the "2040 Lancaster County Future Land Use Plan" which appears as Map 1.1 on page 1.8 and Map 12.1 on page 12.2 of the new plan to show approximately 75 acres of commercial land use surrounding the interchange of Highway 2 and Highway 43/S. 158th Street, and approximately 140 acres of industrial land use to the northwest of that interchange. (See page 11, Option C)

   b. Add language to page 5.5 of Business & Economy: Lancaster County, Outside of Lincoln to read:

      Uses near the interchange of Highway 2 and Highway 43 (the Bennet exit) should be limited to commercial immediately surrounding the interchange that generally supports the agricultural community and those traveling through the area. The remainder of the designated area should be reserved for a potential large industrial employer which may desire to locate in a rural area with limited services and would be compatible with the surrounding rural residential area.

2. On October 11, the Lancaster County Commissioners directed the Planning Department to begin the process of gathering public input and bringing this proposal, along with two other proposals, to the Planning Commission for their consideration. Three alternative land use patterns were prepared for discussion with the County Board on October 27 (see p. 11). Of these three possible land use patterns, Option C was chosen to proceed for discussion with the public.

3. The 2040 Comprehensive Plan emphasizes the importance of directing

commercial and industrial development toward the incorporated areas, both to preserve the agricultural character of the unincorporated areas and to support municipalities by directing tax and fee paying business to their jurisdictions and providing close by jobs for their residents. This has proven to be a very successful policy as evidenced by the relatively stable economies of Lincoln and other Lancaster County towns and by the lack of sprawl seen in the unincorporated areas.

4. The Comprehensive Plan has, for many decades supported the development of residential, commercial, and industrial development within the City of Lincoln and other Lancaster County towns. At the same time, options for residential development in the agricultural areas of the county have also been supported in the Plan. However, the development of Commercial and Industrial uses in the unincorporated areas of the county has been discouraged for many reasons, including the following important considerations:

   a. *Municipalities lose tax and utility revenues:* Commercial and industrial developments inside municipal areas contribute to the tax base of those municipalities **as well as** to county government, allowing the towns to provide affordable public services for their residents and property owners. To the extent that these unincorporated sites are successful, cities will lose the payback on tax dollars they have invested in infrastructure, and will miss out on tax revenues that business and industry traditionally bring to the cities in which they locate.

   b. *Municipalities have existing capacity:* By encouraging business locations in unincorporated areas through the lure of cheaper land and fewer taxes, a new form of competition will be created for sites that are ready or being readied in Lincoln and the other municipalities. The research for LPlan 2040 indicates that the City of Lincoln has about 6,000 acres available for commercial development, and another 4,500 undeveloped acres zoned for industrial development, including tracts of similar size to the County Board's proposed site. In addition, the current and proposed plans identify several “potential opportunity areas” for major employment centers that require a full square mile or more and may require rail access – neither of which is met by the County Board's proposed new site. Those designated areas are outside of Lincoln’s 30-year growth area, but close enough to Lincoln that priorities could be adjusted and services extended to properly support new development. These sites would be able to provide the urban services required for a very large employer, such as an IBM.

Bennet also has future commercial and industrial land identified in their comprehensive plan. Approximately 20 additional acres of commercial on the north side of Bennet and 10 additional acres of Industrial on the south side are shown. An additional commercial area of about 5 acres is shown on the southwest corner of Highway 43 and Highway 2, reflecting the existing 5 acre gas station site on the southeast corner. These land uses are shown in the Lancaster County Future Land Use Plan as well.

c. *Public service availability:* Lincoln and the other cities offer a full array of public services to support this kind of development. Experiments by commercial and industrial developments in locating outside of cities have frequently resulted in outcomes that are not happy for the businesses or the community. Individual sanitary sewage treatment systems commonly fail and pollute local area water resources. Individual water supply systems are not treated and may become polluted, or are inadequate in quantity.

Even in the case of a rural water district (the Bennet Corner can be served by RWD #1), the supply does not provide the pressure or sustained flow to assist with firefighting. Rural fire districts are not equipped to get to the scene of a fire or chemical spill quickly or have the training and equipment to deal with those issues. Insurance costs for businesses without adequate fire protection are significantly higher.

Roadways surrounding this area were designed to serve agricultural uses and would require significant upgrades (at taxpayer expense) to be able to serve commercial and industrial development of this size. According to the professional opinion of the County Engineer the existing two lane roadway will not be adequate to handle volumes generated by 200 acres of commercial and industrial development. Hooper Road would likely require redesign to a four lane section from Highway 2 to Yankee Hill Rd. Although the Nebraska Department of Roads is reluctant to comment without specific site design and traffic counts, it is reasonable to assume the existing two lane bridge with left turn lanes would not be adequate to serve this development. Any large employer who might consider opening a new plant in Lancaster County will look for sites that have full public services and are as close as possible to its labor force; the Bennet corner simply does not meet this definition.

d. *Available housing:* The 2040 Plan reinforces the idea that housing and employment places should be concentrated to reduce the time and length and cost of travel in the county. This kind of “rural sprawl” will result in more

travel, which will increase energy consumption and air pollution in the county.

The 2040 Plan reinforces the importance of "place-making" in Lincoln and the county – in paying more attention to the visual character of our community: building to good design standards, protecting entryway corridors to the state capital such as Highway 2. The County zoning code is not equipped to handle this kind of development; there are no standards for landscaping, screening, lighting, noise and odors, and the highway frontage could very well end up being lined by large billboards. In fact County Board members in the past have decried the appearance of commercial areas that they approved, such as at O and 134th Streets. The Bennet corner without full municipal services is most likely to attract more marginal type businesses, with primarily open storage uses, used car lots, etc. that will detract from the plan's goals.

e. *Precedent for others.* The Bennet corner, along with the intersection of Hwy 77 and 33/Roca Road, are the only rural locations not on I-80 with grade-separated highway interchanges. But that should not be the sole criterion used to determine the appropriateness of a land use. More important, this distinction will be lost on landowners in other parts of the County who will see this dramatic change in policy and encouragement for them to request the same kind of designation.

5. The Bennet corner area is a mile beyond the one mile zoning and planning jurisdiction that is guaranteed by statute to cities of the first class. But Bennet's self-designated planning area extends up to Highway 2, and the proposed land use change certainly is close enough to have a significant impact on their community. City officials said no to commercial development when asked in 2008 and no commercial development beyond the ten acres on the south side of Highway 2 shows in their official plan. It is understandable for towns to be wary of the impact of commercial/industrial development along highways outside their limits, with many communities having seen their Main Street businesses die out due to new business areas developing on the highways outside their jurisdiction. The Bennet Planning Commission, when informed last month of the County Board's proposed land use change, officially requested that the County Board delay action and work with Bennet in a more deliberate, inclusive manner on this issue.

6. If some land in this area were to be designated and developed for commercial/industrial use, the south side of Hwy 2 would seem to make more sense than the north side suggested by the County Board. It would expand on

already existing commercial development/zoning on that side of the highway, and could be more easily served by and annexed into Bennet someday.

7. As discussed earlier, there is some history of zoning requests in this general area. There are other areas of the county where requests for commercial and industrial zoning have been made, although relatively infrequently. The zoning regulations for the county commercial and industrial uses have generally served the purpose of regulating the existing, pre-zoning era uses, described in the section discussing the 1977 plan above. These regulations are not designed to manage new development and are without the controls and regulations standard in zoning regulations that are so designed. This is a reflection of the intent of the county zoning regulations, rather than by any sort of oversight.

COMPREHENSIVE PLAN HISTORY:

1977 Comprehensive Plan

- Commercial and industrial uses in unincorporated Lancaster County, corresponding directly to historical commercial and industrial uses at SW 42nd and Pella Road (Sheldon Station, NPPD), SW 12th and Highway 33 (Centerville gas station), Saltillo Road at about Highway 77/S 14th Street, N 134th and Highway 34/East O St., N 148th and Waverley Road, and N 190th and Mill Road, and uses in the unincorporated villages of the county.
- Bennet corner identified in the future land use map as future Agricultural
- "Major portions of the county should be designated for agricultural uses. Uses to be permitted should include primarily farming and the facilities and services necessary to support this activity. Residential, commercial, recreational, and other activities not necessary to the conduct of farming operations should not be allowed. (p. 59)"
- Other applicable policies: 1) Encourage a vigorous agricultural industry throughout the county; 2) Encourage continued agricultural production through strong control of urban sprawl, and protect existing rural areas from urban sprawl through planned development; 3) Concentrate new growth in the Lincoln urban area and in the villages throughout Lancaster County; 4) Restrict commercial uses in rural areas other than existing villages. (p. 59)

1985 Comprehensive Plan

- Bennet corner shown Agricultural
- "Land uses permitted should primarily include farming and the facilities and services necessary to support this activity. Residential, commercial, recreational,

and other activities not necessary for farming operations should not be allowed." (p. 56)

- Southeast corner of Highways 43 and 2 is shown as Commercial/Industrial as part of a 1988 amendment to this plan.
- "The rural land use plan includes a few locations for industrial, commercial, and public or semi-public land uses. These locations are existing land uses which are expected to remain during the planning period. The plan discourages future expansion of these uses into adjacent agricultural areas and, in general, new industrial, commercial, and public and semi-public uses are not expected beyond the urban area." (p. 59)

1994 Comprehensive Plan

- Bennet corner shown Agricultural which is described as areas that "encompass land principally used for agricultural purposes." (p. 43).
- 5 acres of commercial shown southeast of Highway 43 and Highway 2 intersection
- "It is the policy of the Comprehensive Plan that new growth be located in the cities and villages of the county where services can be provided. Strategies: Encourage the location of commercial and industrial uses at existing communities." (p. 65)
- "Strategies: Actively communicate and coordinate growth and implementation with other incorporated places in Lancaster County. Actively direct new growth opportunities to the other incorporated communities of Lancaster County." (p. 76)

2006 (2030) Comprehensive Plan

- Vision for Economic: "Residential, commercial and industrial development take place in the City of Lincoln and within incorporated towns. This ensures that there are convenient jobs and a healthy tax base to support the public safety, infrastructure and services within the communities. While location in the cities and towns of the county is a priority, unique site requirements of a business may necessitate consideration of other suitable and appropriate locations in the county." (p. 7)
- Guiding Principles for Community Form: the Rural Community "Support new commercial, residential, and industrial development within the incorporated towns in the county." Is one of five guiding principles (p. 9)
- Additional 5 acres of commercial land on the southwest corner of Highways 43 and 2, reflecting the Bennet Comprehensive Plan which shows areas beyond the Bennet jurisdiction in the "horizon" plan.
- Location criteria for commercial and industrial districts, including: "within the City of Lincoln or incorporated villages; where urban services and infrastructure are available or planned for in the near term; in site supported by adequate road

capacity; in areas compatible with existing or planned residential uses; so that they enhance entryways or public way corridors, when developing adjacent to these corridors". (p. 35)

- "All new commercial and industrial development should be within Lincoln or the incorporated communities." (p. 38)

2011 (2040) Comprehensive Plan:

The above Comprehensive Plan history is the result of many public conversations with City, village and rural residents who have consistently expressed a desire to maintain the rural landscape the Lancaster County has a long history of protecting. The 2040 Comprehensive Plan continues this long tradition by encouraging new commercial and industrial development within Lincoln and the other incorporated towns of the county as a way to strengthen the tax base, provide reliable services to businesses, and provide jobs convenient to the residents of those places.

CONCLUSION:

The effect of commercial development so near the existing main street commercial area of a small town could be devastating to that small economy. Small towns generally have businesses such as restaurants and taverns, mechanic shops, grain elevators, beauty and barber shops, small groceries and other retail. The residents of the small town often patronize these businesses on a regular basis, but the business owners also rely on those living in the surrounding area to provide the sales volume needed to survive. If these, or similar, businesses are located outside of small towns they will not contribute to the life of the community and may draw off customers from the surrounding area that would otherwise have taken the short detour to enter the town and patronize the local businesses. Without the additional business from residents of the surrounding area, the small town businesses may not be able to survive.

The Planning Department is not opposed to revisiting the current and proposed longstanding policies, and discussing the potential for limited scale commercial development at certain locations in the county -- particularly if related to the local agricultural industry or providing travel services. But a blanket designation for over 200 acres along a mile-long strip of Highway 2 land, with no public services available, is in direct opposition to the growth policies that have served Lancaster County well for over 30 years.

The Planning Department maintains the principles held in the Comprehensive Plan for the past several decades, encouraging the preservation of rural areas, supporting growth in small towns and Lincoln, and directing commercial and industrial development to areas

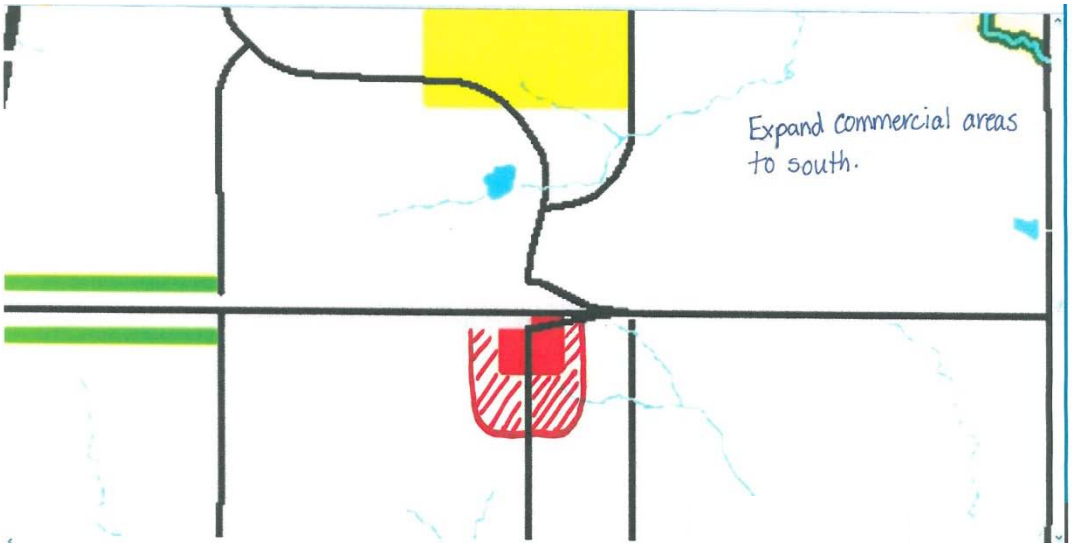
where it can be properly supported with full infrastructure and nearby employees and customers. It is possible there may be some room for discussion of commercial and industrial uses that are appropriate for more rural areas, particularly those that support agricultural needs and the traveling public along major highways. The Planning Department is willing to review these policies and discuss future additions to the County zoning regulations. However, under the current regulations and planning policies, this amendment is not appropriate.

Prepared by:

Planner

Q:\PC\CPA\2040 Plan\CPA11003\CPA11003_nft.wpd

Option A



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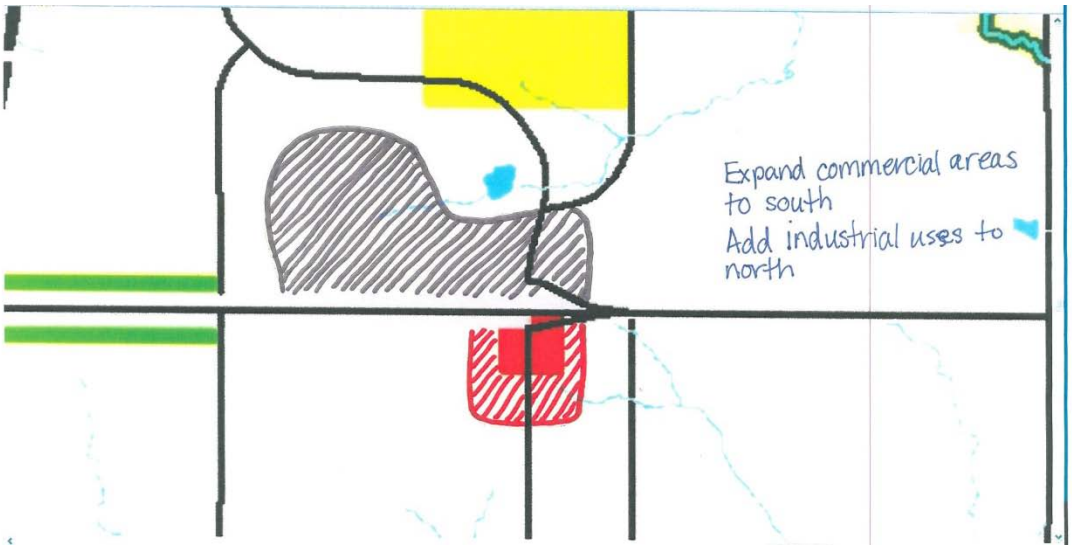
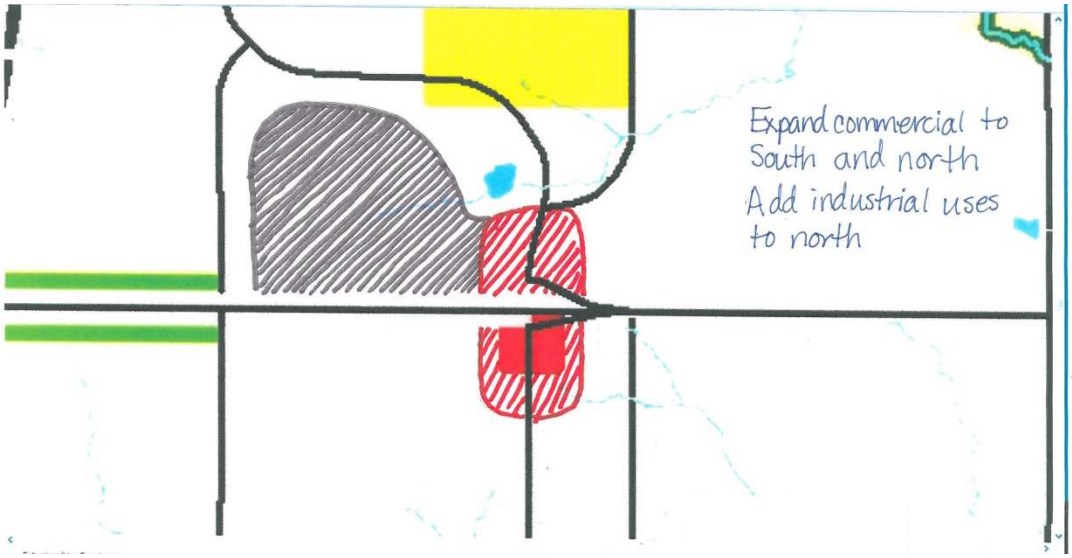


Option C



City of Lincoln
Planning

Historic Preservation Commission and Urban Design Committee

The City of Lincoln's Urban Design Committee and Historic Preservation Commission will hold joint public meetings on Thursday, **November 10, 2011**.

The meeting will convene at **1:00 p.m. in Room 214, 2nd floor, County-City Building,** 555 S. 10th Street, Lincoln, Nebraska, to consider the following agenda.

For more information contact the Planning Department at (402) 441-7491.

November 10, 2011

1. Approval of joint HPC/UDC meeting record of October 13, 2011.
2. Review of parking garage design, R Street at "Arena Drive". (Davis Design)
3. Continued discussion of West Haymarket Streetscape concepts (The Clark Enersen Partners, Sinclair Hille Architects, etc.)
4. Misc.

History List

Jean Preister

From: Michele M. Abendroth
Sent: Friday, November 04, 2011 2:37 PM
Subject: Announcement: LPlan 2040 Approval and Proposed Amendments

On October 25 and October 31, 2011, the Lancaster County Board and Lincoln City Council approved the 2040 Lincoln-Lancaster County Comprehensive Plan, "LPlan 2040," after the completion of a year-and-a-half long public process. You can view and print the final Plan at lincoln.ne.gov/city/plan/lplan2040.plan.htm.

The development of the new City-County Comprehensive Plan was coordinated with the formulation of the Long Range Transportation Plan (LRTP). The LRTP is consistent in all its principles and policies with the Transportation chapter of the City-County Comprehensive Plan, but it contains additional detail on finances and project priorities as required by the federal government to maintain our eligibility for federal transportation funds. The LRTP must be adopted by the Lincoln Metropolitan Planning Organization (MPO), a separate agency with representation from City, County and State officials. The MPO Officials Committee is scheduled to review and adopt the LRTP on December 1, 2011. You can view or print a copy of the draft LRTP at lincoln.ne.gov/city/plan/lplan2040.lrtp.htm.

Six amendments are proposed for the 2040 Comprehensive Plan that will have public hearing before the Planning Commission during their regular meeting on December 14, which begins at 1:00 pm in the Council Chambers. Three amendments are requested by the County Board that represent more substantive revisions, and thus are addressed with more detailed staff reports; these three reports are being made available in advance of the regular agenda to provide adequate time for review, and are available together with a memorandum provided to the Planning Commission at lincoln.ne.gov/city/planlplan2040.subcomment_cpa.htm. As described in the memorandum, three additional amendments are also proposed that represent more minor revisions noted during and after the adoption process for the 2040 Plan. Links to staff reports for these additional amendments will be available on the website at the time the regular Planning Commission agenda is posted on December 8, 2011.

If you have questions, please contact Nicole Fleck-Tooze at ntooze@lincoln.ne.gov or 402-441-6363.

Nicole Fleck-Tooze
Long Range Planning Manager
Lincoln/Lancaster County Planning Department
402.441.6363

Mary M. Meyer

From: Chelton Solutions [cheltonsolutions@gmail.com]
Sent: Thursday, November 03, 2011 7:54 PM
To: Mayor; Doug Emery; Eugene W. Carroll; Adam A. Hornung; Jon Camp; DiAnna R. Schimek; Jonathan A. Cook; Carl B. Eskridge; Council Packet
Subject: Regarding Occupy protest

Mayor and City Council,
Please restore our downtown without tents back to the beauty it is. I know the protester have a right to there speech but do they have the right to trample Centennial Mall with there tents which in the spring the city will need to re-plant many of the greenery. Allow the protester to use there speech but remove there tents. Lincoln is NOT a 3rd World Country and I would prefer it not look like one.

Kevin Chelton
cheltonsolutions@gmail.com

Mary M. Meyer

From: WebForm [none@lincoln.ne.gov]
Sent: Sunday, November 06, 2011 8:06 AM
To: Council Packet
Subject: InterLinc: Council Feedback

InterLinc: City Council Feedback for
General Council

Name: Alyssa Davison
Address: 121 Centennial Mall S Apt 10
City: Lincoln, NE 68508

Phone:
Fax:
Email: sevn@live.com

Comment or Question:
Hello,

I have a question about the wheel tax increase. Since 1993, it appears that all wheel tax increases have taken effect on January 1st. I would like to know why the most recent increase took effect on October 1st of this year and why future increases will take effect on September 1st in 2012 and 2013. This means that I and everyone else whose registrations are due September 1st or later will be paying more in wheel taxes over the 2011-2013 time period than those whose registrations are due prior to September 1st. I have a regular passenger car and my registration is due this month. This means that over the next three years, I will be paying $10 more in taxes than those whose registrations are due in September and $20 more in taxes than those whose registrations are due in the months of January through August. Increases that take effect in January are fair to everyone because everyone pays the same rate throughout the year. Making increases effective in October and September, or any month other than January is not fair for all taxpayers and I would like to know the reason for the deviation from the usual increase date of January 1st, which has been the norm since 1993.

Thank you,
Alyssa Davison

Mary M. Meyer

From: Ynottoby@aol.com
Sent: Sunday, November 06, 2011 11:14 AM
To: Council Packet
Subject: Sunday Alcohol Sales ?

Dear Council Members,

I was wondering what the chances of changing Sunday alcohol sales hours. I believe the noon start time was changed once when Fourth of July fell on a Sunday? At that time I think one council member mentioned it might be time to look at the hours. We no longer have the strange election day hours do we? My basic reasoning is this, I like to shop Super Saver or Walmart early on Sunday mornings to beat the crowds. Again this morning I would have liked to pick up some beer and the Captain Morgan that was on sale. But alas, I'll have to go back later in the day.

I don't know what it takes to change Sunday hours but I'd like to see if it's something that can be looked into. I managed N Street West and The Prospector back in the days before grocery stores even sold alcohol. Long before anyone could sell in town on Sundays. Now those were some crazy days.

Please consider changing Sunday sales hours. Just to make life easier for us older folks that like to be home before everyone else gets out and about.

Thank you,
Kerry Ryan

Mary M. Meyer

From: Jeanette Fanmeyer [jako@inebraska.com]
Sent: Monday, November 07, 2011 6:41 AM
To: Council Packet
Subject: infant daycare

Do not eliminate this permitting process for daycare providers. Finding daycare for infants is difficult and best and often a nightmare for parents. Until builders pay the full cost of utility hook-ups, why are we subsidising them and thinking of illiminating this service? Both are businesses and while daycare providers are not large political contributors with a strong lobbying orginization, they provide a vital service to all in Lincoln.

LAW OFFICE
DUANE J. DOWD
220 NORTH 89TH STREET, SUITE 201
OMAHA, NE 68114
(402) 391-5033
(402) 391-5182 FAX

November 7, 2011

VIA E-MAIL to mmmeyer@lincoln.ne.gov

Lincoln City Council
555 South 10th Street, #111
Lincoln, Nebraska 68508

Re: Ringneck Development, L.L.C.
I-80 West Lincoln Business Center PUD-N.W. 48th & Interstate 80

Dear Council Members:

On behalf of Dowd Grain Company, I appeared in front of you at the Public Hearing held on October 3, 2011 and expressed my concerns concerning access to the Dowd Grain property and the fact that the NDOR, the City of Lincoln and Ringneck had been meeting over the past two years and negotiating a deal that effected my client's property rights, despite the fact that Dowd Grain was not invited to, did not attend, and had no knowledge of such meetings and negotiations. On October 10, 2011 I wrote you a letter and requested that the above matter be continued in order to give the parties time to have meaningful discussions about the access issues. The Council laid this matter over until its November 7, 2011 meeting.

On October 18, 2011 a meeting was held in Lincoln concerning this matter. Present at the meeting were representatives of the City, the NDOR, Ringneck and Dowd Grain. The meeting consisted of the Dowd representatives stating their position that they should have been included in the discussions that affected their access and the NDOR and Ringneck stating their positions as to why Dowd wasn't included and why the proposed access shouldn't be changed. The meeting concluded with Dowd directly asking Ringneck if they would agree to a further extension of time to address the substantive issues related to the access. Within two hours after the meeting's conclusion Dowd received an e-mail from Ringneck's counsel advising them that Ringneck would not agree to any further extensions.

On November 3, 2011 Dowd's counsel sent an e-mail to the NDOR, the City and Ringneck with very specific objections to certain provisions of the "NW 48th Street Agreement" which is an agreement presently before the city Council. A copy of that e-mail is attached. At approximately the same time, Dowd's engineer sent two alternative proposals for the routing of the access to the Dowd property to Ringneck and the City. Ringneck rejected the Dowd proposals but did respond to the issues raised in the November 3rd e-mail by proposing certain amendments to the NW 48th Street Agreement. These proposals were received by Dowd at

approximately 10:30 on Friday November 4, 2011. Although Dowd has not had enough time to fully analyze the proposed amendments, a preliminary analysis would indicate that they do not solve the issues raised in the November 3, 2011 e-mail. Additionally, these changes are substantial and should be reviewed by the Planning Commission.

On February 28, 2008 Dowd received a copy of a letter from the NDOR to the City which in pertinent part stated as follows:

> It is the Department's position that the City of Lincoln, the developers and the property owners in this area must work together to solve their access concerns during the permitting and development process. If the above parties can reach a mutually acceptable agreement for the location of the new access, even though it may be different than the State's approved location, the state could again consider the request for access with all the merits of the new location documented. The State feels that it is in the best interest of everyone involved, including the taxpayer, that this access problem be solved before the process moves forward.

Despite the statements in the February 28th letter, all parties but Dowd met over a period of time and negotiated a deal concerning the NW 48th Street access issues.

In excluding Dowd from the meetings, discussions and negotiations regarding the NW 48th street access issues, the NDOR, the City and Ringneck have adversely affected Dowd's significant property rights.

The fact that Ringneck now proposes to amend the agreement is justification for the proposition that Dowd should have been involved in the negotiations from the beginning and also should have the opportunity to engage the NDOR, Ringneck and the City on the issues related to the proposed amendments. To deny Dowd this right would only continue to deprive it of its property rights in violation of the Constitution of the State of Nebraska.

Once again, I urge you to postpone consideration of this matter for a period of time sufficient to allow the parties to make meaningful attempts to resolve these issues.

Yours very truly,

Duane J. Dowd

DJD:jb
Enc.

Jeff Farnham

From: Jeff Farnham [jbf@jbfarnhamlaw.com]
Sent: Thursday, November 03, 2011 11:34 AM
To: Jeff Schroeder (jeff.schroeder@nebraska.gov); Brad Thornton (brad.thornton@nebraska.gov); Miki Esposito (mesposito@lincoln.ne.gov); DaNay Kalkowski (danay@sk-law.com)
Cc: Duane Dowd (joedowd13@cox.net); Mike Eckert (meckert@civildg.com)
Subject: FW: exhibit with troublesome note
Attachments: ringneck annexation note in exhibit C-2 of NW 48th Street agreement.jpg; Jeff Farnham.vcf

Good morning,

One of the things that we find the most troubling about the "NW 48th Street Agreement" is depicted on the attachment to Mike's email which is being forwarded to all of you. My recollection is that both Ringneck and the NDOR made representations in our meeting at the City/County building that access to the Dowd Grain property had been considered and provided for in the Ringneck proposal. As you can see from the attachment to Mike Eckert's email, which is an exhibit to the NW 48th Street Agreement, this is simply not the case. The notation states:

"NW 50th AS A PUBLIC STREET, PRIVATE ROADWAY OR A PRIVATE DRIVE WITH A PUBLIC ACCESS EASEMENT"

The Dowd property is bordered by the Interstate on the south, 48th Street on the East, and property owned by Ringneck on the North and West and the only access they have is the presently existing joint access on the Dowd North property line with Ringneck. The Ringneck proposal contemplates that they will give up their rights in the existing access and will then have access at two other locations North of the joint access. Not only has Ringneck given up its ability to dedicate its portion of the original joint access, which we believe is actionable and violates certain duties they have to the other joint access owner, but they have negotiated a deal that apparently allows them to determine what the access to the Dowd property will be on NW 50th—I say apparently because I'm not sure the NW 48th Street Agreement is clear about who would determine the character of NW 50th—the only thing for certain is that Dowd did not have, and will not have, any input into this decision.

I understand the arguments DaNay has made concerning moving Ringneck's proposal forward, however, all of those arguments assumed that the Ringneck proposal provided for access to the Dowd property, even though there were still issues with respect to the timing of the construction of NW 50th Street, particularly if the Dowd property developed first. That very important assumption is incorrect.

I would like to appeal to all of you to step back and take a look at what is happening here. How does it make any sense, from anyone's viewpoint, not to try and work this out. Doesn't the City have some responsibility to an adjoining landlocked landowner to make certain that they have access? How is it in the City's best interests not to have a plan that encourages development of the entire area? An agreed upon resolution of issues relating to the existing joint access and the new access to both the Dowd and Ringneck properties is certainly in the best interests of the NDOR and the taxpayers it serves. One possible result of this deal is that the NDOR may have to buy the entire Dowd property at some point in the future---how does that make any sense? A resolution of these issues will avoid a protracted dispute between Ringneck and Dowd.

Dowd has provided two alternatives to the West Vine entrance and the interior road that would access the Dowd properties. These proposals are not meant to be exclusive and we are willing to sit down and consider any reasonable proposal that settles the access issues once and for all. Ringneck has stated that it may have a possible purchaser for a large portion of its property. I would submit that working the access issues out can be done in a way that does not interfere with any prospective purchase, certainly it would be in everyone's interest to get some activity in this area.

Once again, we request that all parties agree that action on the Ringneck proposal by the Lincoln City Council be postponed for a period of time sufficient to allow the parties to engage in good faith discussions and negotiations about these issues.

I will appreciate your serious consideration of my thoughts. Miki, I would ask that you supply the City Council members with a copy of this email and the attached pdf map.

Jeff Farnham

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From: Mike Eckert [mailto:meckert@civildg.com]
Sent: Thursday, November 03, 2011 10:35 AM
To: 'Jeff Farnham'
Subject: exhibit with troublesome note

Jeff, here is the exhibit with the note in question.

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MINUTES
DIRECTORS' MEETING
MONDAY, NOVEMBER 7, 2011

Present: Gene Carroll, Chair; Adam Hornung, Vice Chair; Carl Eskridge; Doug Emery; DiAnna Schimek; and Jonathan Cook

Absent: Jon Camp

Others: Mayor Chris Beutler; City Clerk Joan Ross; Chief of Staff Rick Hoppe; Lincoln/Lancaster County Health Director, Judy Halstead; Pat Borer, Deputy Fire Chief; David Landis, Urban Development Director; and Marvin Krout, Planning Director

Chair Carroll opened the meeting at 2:00 p.m. and announced the location of the Open Meetings Act.

I. CITY CLERK

Ross announced Items1 through 4 relate to the Downtown Business Improvement District and Core District Overlay. The Board of Equalization will be November 14th. On Item 11 Pershing has outdoor events with this being a Husker home game. Items to call together are 13/14; 15/16/17; 20/21/22 and will read an abbreviated description. With Item 27, have Motions to Amend 1 and 2 with 2 replacing 1, and will distribute at meeting.

II. MAYOR

1. NEWS RELEASE. Separation of grass and leaves continues through November.

Chris Beutler, Lincoln City Mayor

Mayor Beutler stated he will discuss bikes, bike lanes, bikes in the streets, and where we're going. The Comprehensive Plan has a transportation commitment, using a variety of forms. Included is the proposition and likelihood of encouraging bikers. He explained how Lincoln has a terrific trails system, which facilitates the use of bicycles.

Mayor Beutler added there are essentially two pathways to downtown from the city's outer regions along bike paths. One runs parallel to the east side downtown, the other essentially running parallel to downtown on the west side. When bicyclists are downtown it is congested, and to some extent dangerous. Heard disagreement with the 14th Street bike trail and do agree. Now with the Downtown Planning process a proposition has been brought forth to have a very safe, protected bike lane, from the east side downtown system to the west side system. Bikers would be able to negotiate downtown on safe, protected bike lanes. Mayor Beutler believes protected bike lanes are the future, with the downtown area being a great place to start our biking system, as we build more housing downtown and in the West Haymarket area.

Dave Landis, Urban Development Director
Marvin Krout, Planning Director

Landis presented information on streets; sidewalk to sidewalk, a path for cars, pedestrians, and bikes. Downtown have moved a couple of bike paths, 14th Street being the most obvious. The bike paths are not heavily utilized but not unsafe, and people complain about bikes on sidewalks downtown. Landis presented a plan showing the separation for bikes, sidewalks, vehicle parking, and traffic lanes. The bike lane does not compete with other lanes and illustrated how bike lanes could have design variations. He examined how sidewalks, bike paths, and vehicle parking are all important, and how a bike path on N Street would not effect the sidewalks or parking. Landis questioned how much could the City afford on revamping the Downtown Master Plan, with our partner being DLA who wants several issues looked at. Bike paths are an original agenda item, and a collaborate decision. Will present a draft in December with comments from

people/groups stating skepticism, complete agreement, and wanting more information. Have not heard this would be a project to stop.

Hornung commented he bike rides for recreation and exercise, but lived in different large metropolitan areas where bikes are used for transportation, with some communities having no bike lanes, but bicyclists go with the traffic. What are we trying to accomplish as we try to connect paths downtown? We have a 3 lane system on N Street allowing bikes to be in 3 different traffic lanes. If traffic is heavy we shouldn't take away a traffic lane, but if not busy there should be room for bikes on the road. With this plan bicyclists would not move faster, no advantage of using this lane for time. By putting parking on your right side, with one way traffic from one direction, it may create a blind spot for bikers. What new advantage would be given to a bicyclist with the plan? They could be on the roads as vehicle speed is slow. How does a designated lane serve the goals, and makes sense to spend this amount? On 14th Street we eliminated a lane of traffic, frustrating people, with a bike lane in the middle which didn't turn out as imagined. What will be accomplish here?

Mayor Beutler replied there are mechanics to work out identified problems, but have shown we can handle. The primarily advantage is safety. A significant number of people would bike, but do not want to be on a 14th Street situation or in free flowing vehicle lanes. Mayor Beutler stated he has seen bicyclists in regular lanes of traffic and did witness a bicyclist death. We need safe lanes for bikers to participate.

Landis added in some cultures bikes proceeded cars, not like now. 14th Street needs to be better, as we didn't improve as much as wanted in giving up a lane of traffic. Do numbers show we need the lanes for vehicles? Or is there availability to surrender a lane and move cars reasonably? If so the chances are the surrendered lane would be better than a middle lane. A large number of Lincolnites are bicyclists but need to feel safe, which a separation would accomplish. Safety will improve and the utilization increases.

Krout stated in larger U.S. cities, as around the world, these rights of way are being retrofitted as protected bike lanes. Cook asked with a one way street, would we have a one way bike lane, or two way with the reply being two way. Cook commented then would have a signal component for bikes. Landis added would retrofit and treat the bike, in that lane, as you would treat, or harmonize, with the pedestrian flow. Both bike lanes would be together, each three feet directionally, and signalized as if they were quickly moving pedestrians. Krout stated that's not a necessary component, it is possible with signage and strengthening. Hornung stated this is probably the first step, but we need to take a very cautious look. You could make safe with signals but disrupt downtown traffic. People ride bikes here but there are a lot more people driving cars. We need to deal with priorities, concern ourselves with safety, and movement of traffic.

Eskridge added he is a downtown worker and resident and has problems with bikers all the time. We are very fortunate nothing serious has happened on 14th Street. Will there be one plan option, or more? Landis thinks unless they hear substantially would present one plan. Do have a master plan which identifies 11th and 14th streets for bikers.

CITIZEN POLICE ADVISORY BOARD

1. Decision of the Citizen Police Advisory Board (CPAB) on Complaint #02-11.

III. DIRECTORS

FINANCE/AUDITING

1. Pre-Audit Report to the Mayor and Audit Committee of the City of Lincoln, Nebraska from BKD.

HEALTH DEPARTMENT Judy Halstead, Health Department Director

Halstead stated first an update on the Work Site Wellness Program. In September we added an additional Work Site Wellness coordinator for the City of Lincoln. Work Well has been a program of the Health Department for approximately 25 years, working with different industries to provide consultation and technical assistance to their wellness programs. With an inner department hiring committee, we were able to hire the coordinator, Keerun Kamble, who will start on Monday. She has experience in Work Site Wellness and will be the City's coordinator. The integral part of the program is to monitor employee health status, so a health risk appraisal will be available. We'll ask for those to be completed. Halstead then discussed data on Work Site Wellness.

Regarding the Health Department fire last week Halstead stated Pat Borer was the Battalion Chief responding. Borer explained how the department categorizes fires. With this fire 3 units were sent, when they arrived staff was evacuating and they proceeded to the basement. In this area there was smoke and water flowing, and he upgraded the number of units responding. Halstead presented a Power Point of the fire, which originated in a storage room. Photos of the fire damage were in the presentation, with the fire being created by batteries being stored together, touching each other.

Halstead pointed out the drywall was dried, eliminating mold, using new technology. All staff is back to work with the lower level being renovated. The sprinkler system was updated in 2005, at a cost of $40,000 for the older part of the building. Before the sprinklers had sensors causing them to activate when there was smoke, on all floors with smoke. Now we had three sprinkler heads which went off in the area with the fire, preventing extensive damage to the other floors. Halstead thanked the Public Building Commission representatives for supporting this upgrade.

PARKS AND RECREATION

1. Agenda for meeting on November 10, 2011.
   a) Meeting minutes of October 13, 2011.
   b) Letter to Joe Tidball, Parks and Recreation Advisory Board Chair, from Mayor Beutler on recommendation regarding Capital Improvement Project Funding.
   c) Schedule of meeting dates for 2012.

Lynn Johnson, Parks and Recreation Director

Johnson stated Parks and Recreation utilize numerous volunteers and had approximately 19,000 hours of volunteer labor last year, the equivalent of about 9 FT's. In the spring and fall a large volunteer project is Sunken Gardens. In the spring have a planting program and in the fall we hand spade the garden. The volunteers save a tremendous amount.

Johnson stated this last year the Lincoln Parks Foundation has had a mini grant program, and made small grants to neighborhood associations for a variety of projects, which include mowing, flower bulbs, etc.

PLANNING COMMISSION

1. Action by Planning Commission on November 2, 2011.

2. Planning Commission Final Action on November 2, 2011.

PLANNING DEPARTMENT

1. The November 2011 Urban Design Committee meeting has been canceled due to lack of agenda items.

WEED CONTROL AUTHORITY

1. Combined Weed Program, City of Lincoln, October 2011 Monthly Report. Also available on the web site at http://lancaster.ne.gov/weeds/planrpts.htm

IV. COUNCIL MEMBERS

No comments

V. MISCELLANEOUS

None

VI. CORRESPONDENCE FROM CITIZENS

1. Correspondence from Peter W. Katt regarding the Ringneck project, with comments from Miki Esposito, Public Works & Utilities.

No comments

VII. ADJOURNMENT

Chair Carroll adjourned the meeting at 2:43 p.m.

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