

**Addendum**  
**DIRECTORS’/ORGANIZATIONAL AGENDA**  
**ADDENDUM**  
**Monday, April 6, 2020**

**I. DIRECTORS CORRESPONDENCE**  
**PLANNING DEPARTMENT**

1. Action dated April 1, 2020

**URBAN DEVELOPMENT**

1. Street Vacation No. 19008 - North 17<sup>th</sup> Street between Vine and “X” Street(s)

**II. CONSTITUENT CORRESPONDENCE**

1. Proposed Tax Suspension - Jim Frohman

## **\*\*ACTION BY PLANNING COMMISSION\*\***

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, April 1, 2020, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

The Lincoln/Lancaster County Planning Commission will meet on Wednesday, April 1, 2020, at 12:00 p.m. in the Council Chambers, for a pre-briefing to review the Capital Improvement Program and Transportation Improvement Program.

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

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

**In order to limit the number of people gathering at any one time and our effort to adhere to required "social distancing" protocols, we are staggering the times of various hearings over several hours. These times are identified in ( ) next to each agenda item. We are encouraging attendees to arrive no more than 15 minutes before their scheduled hearing. An agenda item will not begin before the time posted.**

### **AGENDA**

**WEDNESDAY, APRIL 1, 2020**

**[Commissioners Finnegan and Scheer absent]**

Approval of minutes of the regular meeting held March 4, 2020. **\*\*APPROVED: 7-0;**  
**(Finnegan and Scheer absent)\*\***

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

## **ANNEXATION AND RELATED ITEMS:**

- 1.1a ANNEXATION 20001, to annex 49 acres, more or less, on property generally located at 40th Street and Rokeby Road.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated March 18, 2020: 7-0 (Finnegan and Scheer absent; Scheer declared a conflict of interest). Public hearing before is pending.**
- 1.1b CHANGE OF ZONE 20002, from AG (Agricultural District) to R-5 (Residential District) PUD (Planned Unit Development) and from AG (Agricultural District) to O-3 (Office Park District) PUD (Planned Unit Development), with associated waivers, on property generally located at 40th Street and Rokeby Road.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated March 18, 2020: 7-0 (Finnegan and Scheer absent; Scheer declared a conflict of interest). Public hearing before is pending.**
- 1.2a ANNEXATION 20005, to annex approximately 34.89 acres, on property generally located at NW 12th Street and Aster Road.  
**Staff recommendation: Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated March 5, 2020: 7-0 (Finnegan and Scheer absent; Scheer declared a conflict of interest). Public hearing before the City Council is tentatively scheduled for Monday, April 20, 2020, 3:00 p.m.**
- 1.2b CHANGE OF ZONE 05085C, from AG (Agriculture District) to R-3 (Residential District) PUD (Planned Unit District), on property generally located at NW 12th Street and Aster Road, for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 100 new residential lots west of Tallgrass Parkway.  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**  
**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated March 5, 2020: 7-0 (Finnegan and Scheer absent; Scheer declared a conflict of interest). Public hearing before the City Council is tentatively scheduled for Monday, April 20, 2020, 3:00 p.m.**

## **CHANGE OF ZONE:**

- 1.3 CHANGE OF ZONE 08066A, from B-3 (Commercial District) Planned Unit Development (PUD) and from R-6 (Residential District) to R-6 PUD to add additional residential area, with waivers, for the expansion of the Antelope Village PUD, located on approximately 12.75 acres, more or less, on property generally located at North 24th and Q Streets.

**Staff recommendation: Conditional Approval**

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

**Planning Commission recommendation: CONDITIONAL APPROVAL, as set forth in the staff report dated March 18, 2020: 7-0 (Finnegan and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, April 20, 2020, 3:00 p.m.**

- 1.4 CHANGE OF ZONE 20009, from R-3 (Residential District) to R-3 PUD (Planned Unit Development) to allow up to 130,000 square feet of commercial floor area and up to 322 single and multiple-family dwelling units with waivers to the zoning and subdivision regulations, on property generally located at South 59th Circle and Pine Lake Road.

**Staff recommendation: Conditional Approval**

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

**Planning Commission granted the request on behalf of the applicant for a 2-week deferral.**

### **SPECIAL PERMIT:**

- 1.5 SPECIAL PERMIT 20009, to allow for a 30,000-gallon propane tank, on property generally located at 1305 Broad Street, Lancaster County, Nebraska.

**\*\*\* FINAL ACTION \*\*\***

**Staff recommendation: Conditional Approval**

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

**Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated March 16, 2020: 7-0 (Finnegan and Scheer absent). Resolution No. PC-01696.**

- 1.6 SPECIAL PERMIT 20010, to allow for on-sale alcohol associated with a restaurant, on property generally located at 6105 Havelock Avenue. **\*\*\*FINAL ACTION\*\*\***

**Staff recommendation: Conditional Approval**

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

**Planning Commission 'final action': CONDITIONAL APPROVAL, as set forth in the staff report dated March 18, 2020: 7-0 (Finnegan and Scheer absent). Resolution No. PC-01697.**

### **TEXT AMENDMENT:**

- 1.7 TEXT AMENDMENT 20001, amending Lincoln Municipal Code Section 27.72.120 Height and Lot Regulations for Accessory Buildings, to remove the condition that accessory buildings with a conditioned area shall be no taller than the main building on the same lot, and repealing said section as hitherto existing.

**Staff recommendation: Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**Planning Commission recommendation: APPROVAL: 7-0 (Finnegan and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, April 20, 2020, 3:00 p.m.**

2. **REQUESTS FOR DEFERRAL: See Item 1.4.**

3. **ITEMS REMOVED FROM CONSENT AGENDA:**      **See Item 1.4.**

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

**(\*\* 1:00 P.M. PUBLIC HEARING ITEMS: \*\*)**

**TEXT AMENDMENT:**

4.1      TEXT AMENDMENT 20002, to amend the Lincoln Municipal Code Section 27.02 Definitions, 27.02.040(c) Campgrounds and 27.02.190(r) Recreational Vehicle, and amend Special Permit for Campgrounds per Section 27.63.270, and repealing said sections as hitherto existing.

**Staff recommendation: Approval**

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

**Planning Commission recommendation: APPROVAL: 6-1 (Beckius dissenting; Finnegan and Scheer absent). Public hearing before the City Council is tentatively scheduled for Monday, April 20, 2020, 3:00 p.m.**

**STREET & ALLEY VACATION:**

4.2      STREET & ALLEY VACATION 20002, to vacate that portion of West Saunders Avenue lying west of the west line of NW 10th Street and east of the east line of Cornhusker Highway, generally located at 1010 West Cornhusker Highway.

**Staff recommendation: Does not conform to the Comprehensive Plan**

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

**Planning Commission recommendation: FINDING OF CONFORMANCE WITH THE COMPREHENSIVE PLAN: 7-0 (Finnegan and Scheer absent).**

**Public hearing before the City Council will be scheduled when the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.**

**(\*\* 2:00 P.M. PUBLIC HEARING ITEMS: \*\*)**

**SPECIAL PERMIT:**

4.3      SPECIAL PERMIT 20008, to allow for the development of a CUP (Community Unit Plan) with up to 28 dwelling units, with requested waivers to lot dimensions, setbacks, and the Private Roadway Design Standards, on property generally located at Fletcher Avenue and Telluride Drive.

**Staff recommendation: Conditional Approval**

**Staff Planner: Rachel Jones, 402-441-7603, [rjones@lincoln.ne.gov](mailto:rjones@lincoln.ne.gov)**

**Planning Commission recommendation: CONDITIONAL APPROVAL. This matter had public hearing. However, in order to readvertise as "FINAL ACTION" by the Planning Commission, action on this application was deferred for 2 weeks with continued public hearing.**

**(\*\* 3:00 P.M. PUBLIC HEARING ITEMS: \*\*)**

**SPECIAL PERMIT:**

- 4.4 SPECIAL PERMIT 20005, to allow for an alternative-to-imprisonment facility with up to 6 persons in an existing residence, on property generally located at 420 South 28th Street. **\*\*\*FINAL ACTION\*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**  
**Due to enhanced public interest on this application, the Lincoln-Lancaster County Health Dept. Director issued Directed Health Measure Order 2020-02, postponing the public hearing.**

**ADMINISTRATIVE ADMENDMENT:**

- 4.5 ADMINISTRATIVE ADMENDMENT 20007, an appeal to the Planning Director's denial to amend the land use/trip table for properties located within the Appian Way Regional Center Phase II commercial center, generally located at South 87th Street and Highway 2. **\*\*\*FINAL ACTION\*\*\***  
**Staff recommendation: Denial**  
**Staff Planner: Brian Will, 402-441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)**  
**Planning Commission 'final action': DENIAL: 7-0 (Finnegan and Scheer absent). Resolution No. PC-01698.**

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**SUSPENDED THE OPPORTUNITY FOR ANYONE WISHING TO SPEAK ON AN ITEM  
NOT ON THE AGENDA UNTIL FURTHER NOTICE.**

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**Adjournment 4:14 p.m.**

**PENDING LIST:** *Special Permit 15062A, to allow for the expansion of the sale of alcohol for consumption on and off the premises, on property, generally located at 925 Robbers Cave Road.*

## INTEROFFICE MEMORANDUM

TO: Mayor Gaylor Baird  
& City Council Members

FROM: Michelle R. Backemeyer  
Real Estate & Relocation  
Assistance Agent

DEPARTMENT: City Council Office

DEPARTMENT: Urban Development Department

ATTENTION:

DATE: April 6, 2020

COPIES TO: Teresa J. Meier  
David Cary, Planning  
Jeff Kirkpatrick, City Attorney  
Byron Blum, Public Works  
Geri Rorabaugh, Planning  
Soulinnee Phan, City Clerk's Office  
Jennifer Brinkman, Mayor's Office

SUBJECT: Street Vacation No.19008  
N. 17<sup>th</sup> Street, Between Vine and  
X Streets

A request has been made by the University of Nebraska to vacate 17<sup>th</sup> Street between Vine and X Streets. UNL is requesting the vacation to accommodate a building addition near Vine Street, student plaza, open space and private usage of the street near the northern end of the vacation. The area to be vacated has varying widths but is on average approximately 66 feet in width for a total of 1.31 acres or 57,085 square feet in size. There are multiple utilities in the street (private and public) which will either be retained or relocated in accordance with the University's plan. The existing storm sewer system will become private and maintained by the University. Six building addresses will be affected by the vacation which need to be addressed for emergency vehicles. Fire will also need access to the area for all emergency vehicles and fire apparatus.

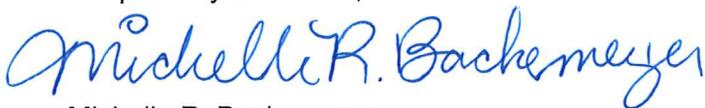
An appraisal was completed by Tom Kubert of Kubert Appraisal Group. Consistent with City Municipal Code, the appraisal of the property was based on the market value of the subject property and not based on investment value to any particular investor. The property includes 57,085 square feet, of which approximately 36,609 square feet will be included in required easements for existing public utilities. Based on the shape and dimensions of the site, along with the impact of the required utility easements, redevelopment of the property as a standalone site is considered limited. The highest and best use of the site is for restricted uses such as yard areas and general greenspace, with a similar value for potential redevelopment as a private parking facility.

The comparable sales used by Mr. Kubert indicate an adjusted value range from \$0.69 to \$1.59 and he determined market value at \$1.25 per square foot. With that, the area to be vacated is calculated as follows:

$$57,085.17\text{sf} \times \$1.25 = \$71,281, \text{ rounded to } \$71,300$$

Therefore, if the area is to be vacated, it is recommended that the area be sold to the applicant for \$71,300.

Respectfully submitted,



Michelle R. Backemeyer  
Real Estate & Relocation  
Assistance Agent

## Angela M. Birkett

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**From:** Jim Frohman <jimfrohman@outlook.com>  
**Sent:** Friday, April 03, 2020 9:25 AM  
**To:** Council Packet  
**Subject:** Vote No on Tax Suspension

**CAUTION: This email comes from a sender outside your organization.**

The ordinance amendment to Chapter 3.30 of the Lincoln Municipal Code should not be approved.

The proposed change does nothing. It provides no benefit to businesses or consumers. In fact, the proposed changes would require extra work by the businesses to properly manage the occupation tax revenue during the suspension.

This appears to be a political ploy by some of you so that you can tell voters that you are helping local businesses when in fact you would be imposing additional financial management issues and work on the businesses.

Please trash this bad amendment. It provides no benefits to anyone while adding additional work on local businesses.

### 3.30.120 Temporary Suspension of Tax. 10

The occupation tax imposed by Chapter 3.30 upon restaurants and drinking places shall be 11 modified in the following manner:

- a. The submission of the tax shall be suspended beginning March 1, 2020.
- b. The amount of taxes that are imposed during the suspension shall be due and payable on the 25th day of June 2020.
- c. The filing of the returns and reports required by LMC Section 3.30.040 shall not be suspended and shall be prepared and filed pursuant to the requirements of LMC Section 17 3.30.040.
- d. Interest and penalties shall not be imposed on any taxes imposed during this suspension if such taxes are paid by the 25th 19 day of June 2020.

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Lincoln, NE 68506  
402.617.2484  
[jimfrohman@outlook.com](mailto:jimfrohman@outlook.com)