



## *Directors Meeting*

Monday, December 12<sup>th</sup>, 2022

555 S 10<sup>th</sup> Street, Luxford Studio

### **I. City Council Agenda & City Clerk Advisories**

- i. There is no City Council meeting on December 26<sup>th</sup> Honoring Christmas
- ii. There is no City Council meeting on January 2<sup>nd</sup> Honoring New Year's

### **II. Mayoral Advisories**

### **III. Directorial Advisories**

- i. BPC221207 - PC Final Action Notice - Shelli Reid
- ii. BPC221207 - 2 PC Action - Shelli Reid

### **IV. Boards, Committees, and Commission Reports**

### **V. Constituent Correspondence**

- i. Flood Protection Plan - Teresa Thompson
- ii. Flood Protections - Thomas Christie
- iii. Sound Familiar? - George Wolf
- iv. russell miller flood testimony part 1 - Russell Miller
- v. russell miller flood testimony part 2 - Russell Miller
- vi. Letter concerning flood protection updates - Crystal Bock Thiessen
- vii. Remembering Pearl Harbor at Auld Pavilion Dec 7, 11:55am - Diane Bartels
- viii. Amendments - Mary Burrow
- ix. comments re proposed flood standards - Lorrie Benson
- x. Public Comment for Floodplain - Grant Daily
- xi. Proposed Text Amendments 22012, 22011, and 22010 - Mark Brohman
- xii. Flood protections updates - Justina Clark
- xiii. Oppose Gender Identity Ordinance - Joan Aksamit

### **VI. Adjournment**

## PLANNING COMMISSION FINAL ACTION NOTIFICATION

**TO:** Mayor Leirion Gaylor Baird  
Lincoln City Council

**FROM:** Shelli Reid, Planning

**DATE:** December 7, 2022

**RE:** Notice of final action by Planning Commission: December 7, 2022

Please be advised that on December 7, 2022, the Lincoln City-Lancaster County Planning Commission adopted the following resolutions:

**Resolution PC-01835**, approving PRELIMINARY PLAT 22003, for a new Preliminary Plat, with two phases of development, and associated waivers, on property legally described as Lots 1 and 17, I.T. and the NE 1/4 of the SE 1/4, all located in the SE 1/4 of Section 24-10-7, Lancaster County, Nebraska, generally located at North 112th and O Streets.

**Resolution PC-01836**, approving SPECIAL PERMIT 18004A, to allow for a CUP (Community Unit Plan), allowing 8 dwelling units, with an associated waiver to the storm water detention requirements, on property legally described as the remaining portion of Lot 189 Southeast, located in the SE 1/4 of Section 5-9-7, Lincoln, Lancaster County, Nebraska, generally located at 4141 South 56th Street.

**Resolution PC-01837**, approving PRE-EXISTING SPECIAL PERMIT 28E, amending an existing Special Permit per the Lincoln Municipal Code Chapter 27.63.075, to increase the allowed height above the underlying R-6, and R-4, Residential zoning limit of 35 feet to a maximum of 80 feet, on property legally described as Lots 9-16, Block 2, & Lots 1-12, Block 15, College View; vacated Stockwell Street from east line of South 51st to the west line of South 52nd Streets; vacated Cooper Avenue from east line of South 51st to the west line of South 52nd Streets; vacated South 51st Street from line of Bancroft Street to north line of Prescott Avenue; vacated Bancroft Street from east line of South 49th to east line of South 51st Streets; vacated South 51st Street from south line of Calvert Street to north line of Bancroft Street; north/south alley of Block 15, College View; vacated South 49th Street from south line of Prescott Avenue north line of Lowell Avenue; the north 12' of vacated Prescott Avenue from east line of South 48th to west line of South 52nd Streets; Lot 1, College View 7th Addition; Lot 1, College View 8th Addition; Lots 5-12 Block 30, College View; vacated east/west alley of Block 30 adjacent to Lots 5-12, Block 30, College View; Lots 1-16, Block 31, College View; vacated east/west alley of Block 31, College View; south 13' of vacated Prescott Avenue from centerline of vacated S 49th Street to east line of Lot 5, Block 30, College View; north 12' of vacated Lowell Avenue from a point 90' west of the West line of vacated S. 49th Street to the East line of Lot 12, Block 30, College View; all located in the SE 1/4 of Section 5-9-7, Lincoln, Lancaster County, Nebraska, generally located at 3800 South 48th Street.

**Resolution PC-01838**, approving SPECIAL PERMIT 22039, to allow for the expansion of the non-conforming use of the existing pole sign, on property legally described as Lot 1, Tharaldson Addition, located in the NW 1/4 of Section 7-10-7, Lincoln, Lancaster County, Nebraska, generally located at 4231 Industrial Avenue.

The Planning Commission action on these applications is final, unless appealed to the City Council by filing a notice of appeal with the Planning Department 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](http://www.lincoln.ne.gov) (search for "PATs"). Click on "Planning Application Tracking Service (PATs)" at the top of the page, click "Selection Screen" under "PATs Tools" on the right side of the screen, type in the application number (i.e., PP22003, SP18004A, PESP28E, SP22039), click on "Search", then "Select", and go to "Related Documents".

F:\devreview\final action notices\cc\2022\120722

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

**NOTICE:** The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 7, 2022, at 1:00 p.m. in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

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

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

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

### **AGENDA**

**WEDNESDAY, December 7, 2022**

**[Commissioners Corr and Cruz absent]**

Approval of minutes of the regular meeting held November 16, 2022. **\*\*APPROVED: 6-1 (Ball abstained; Corr and Cruz absent)\*\***

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

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

- 1.1 COMPREHENSIVE PLAN CONFORMANCE 22024, to review as to conformance with the 2050 Lincoln-Lancaster Comprehensive Plan, a proposed amendment to the Antelope Valley Redevelopment Plan, to add the "Union at Antelope Valley Redevelopment Project", a multi-family project with approximately 187 units, on property generally located at Antelope Valley Boulevard and K Street.  
**Staff recommendation: In Conformance with the Comprehensive Plan**  
**Staff Planner: Andrew Thierolf, 402-441-6371, [athierolf@lincoln.ne.gov](mailto:athierolf@lincoln.ne.gov)**  
**Planning Commission recommendation: FINDING OF CONFORMANCE: 6-0 (Corr, Cruz and Joy absent), Public hearing before the City Council is tentatively scheduled for Monday, January 23, 2023, 3:00 p.m.**

## **ANNEXATION AND RELATED ITEMS:**

- 1.2a ANNEXATION 22013, to annex approximately 14.68 acres, more or less, on property generally located at North 112th and O 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 conditions of the staff report dated November 22, 2022: 6-0 (Corr, Cruz and Joy absent). Public hearing before the City Council is tentatively scheduled for Monday, January 9, 2023, 3:00 p.m.**
- 1.2b COMPREHENSIVE PLAN AMENDMENT 22006, to amend the 2050 Lincoln-Lancaster County Comprehensive Plan to amend the Future Land Use plan from Urban Residential to Urban Residential and Commercial, on property generally located at North 112th and O Streets.  
**Staff recommendation: Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**  
**Planning Commission recommendation: APPROVAL: 6-0 (Corr, Cruz and Joy absent). Public hearing before the City Council is tentatively scheduled for Monday, January 9, 2023, 3:00 p.m.**
- 1.2c CHANGE OF ZONE 22036, from AG (Agricultural District) to R-3 (Residential District), on property generally located at North 112th and O Streets.  
**Staff recommendation: Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**  
**Planning Commission recommendation: APPROVAL: 6-0 (Corr, Cruz and Joy absent). Public hearing before the City Council is tentatively scheduled for Monday, January 9, 2023, 3:00 p.m.**
- 1.2d PRELIMINARY PLAT 22003, for a new Preliminary Plat, with two phases of development, and associated waivers, on property generally located at North 112th and O Streets. The Planning Commission action is final, unless appealed to the Lincoln City Council. \*\*\* **FINAL ACTION** \*\*\*  
**Staff recommendation: Conditional Approval**  
**Staff Planner: George Wesselhoft, 402-441-6366, [gwesselhoft@lincoln.ne.gov](mailto:gwesselhoft@lincoln.ne.gov)**  
**Planning Commission "final action": CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated November 22, 2022: 6-0 (Corr, Cruz and Joy absent) Resolution No. PC-01835.**

## **TEXT AMENDMENT:**

- 1.3 TEXT AMENDMENT 22014, to amend Articles 4, 9, 13 and 18 of the Lancaster County Zoning Regulations and Section 4.07 of the Lancaster County Subdivision Regulations.  
**Staff recommendation: Approval**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**  
**Planning Commission recommendation: APPROVAL: 6-0 (Corr, Cruz and Joy absent), as set forth in the revised conditions of the staff report as offered by staff dated November 21, 2022. Public hearing before the Lancaster County Board is currently pending.**

### **SPECIAL PERMIT:**

- 1.4 SPECIAL PERMIT 18004A, to allow for a CUP (Community Unit Plan), allowing 8 dwelling units, with an associated waiver to the storm water detention requirements, on property generally located at 4141 South 56th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. **\*\*\* FINAL ACTION \*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**  
**Planning Commission “final action”: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated November 22, 2022: 6-0 (Corr, Cruz and Joy absent) Resolution No. PC-01836.**
- 1.5 PRE-EXISTING SPECIAL PERMIT 28E, amending the Union College pre-existing special permit to increase the allowed height above the underlying R-6, and R-4, Residential zoning limit of 35 feet to a maximum of 80 feet, on property generally located at 3800 South 48th Street. The Planning Commission action is final, unless appealed to the Lincoln City Council. **\*\*\* FINAL ACTION \*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**  
**Planning Commission “final action”: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated November 22, 2022: 6-0 (Joy declared a conflict of interest; Corr and Cruz absent) Resolution No. PC-01837.**
- 1.6 SPECIAL PERMIT 22039, to allow for the expansion of the non-conforming use of the existing pole sign, on property legally generally located at 4231 Industrial Avenue. The Planning Commission action is final, unless appealed to the Lincoln City Council.  
**\*\*\* FINAL ACTION \*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Emma Martin, 402-441-6369, [emartin@lincoln.ne.gov](mailto:emartin@lincoln.ne.gov)**  
**Planning Commission “final action”: CONDITIONAL APPROVAL, as set forth in the conditions of the staff report dated November 21, 2022: 6-0 (Corr, Cruz and Joy absent) Resolution No. PC-01838.**

### **STREET & ALLEY VACATION:**

- 1.7 STREET & ALLEY VACATION 22007, to vacate Sheridan Street east of S. Folsom Street adjacent Lots 1 and 2, Hofeling Subdivision on the north and Lots 232 and 233, I.T., on the south; generally located at 2400 South Folsom Court.  
**Staff recommendation: Conforms to the Comprehensive Plan**  
**Staff Planner: Tom Cajka, 402-441-5662, [tcajka@lincoln.ne.gov](mailto:tcajka@lincoln.ne.gov)**  
**Planning Commission recommendation: FINDING OF CONFORMANCE: 6-0 (Corr, Cruz and Joy absent). Public hearing before the City Council will be scheduled when the provisions 14.20 of the Lincoln Municipal Code have been satisfied.**

## 2. REQUESTS FOR DEFERRAL

### CHANGE OF ZONE AND RELATED ITEMS:

- 2.1a CHANGE OF ZONE 22035, from B-1 (Local Business District) to R-1 (Residential District) and B-2 (Planned Neighborhood Business District) and from R-1 (Residential District) to B-2 (Planned Neighborhood Business District), on property generally located at 2201 Old Cheney Road.  
**Staff recommendation: Approval**  
**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**  
**Planning Commission granted the request on behalf of the applicant for a deferral, with Continued Public Hearing and Action scheduled on December 21, 2022.**
- 2.1b USE PERMIT 22013, to allow for a Use Permit with an associated change of zone to B-2 (Planned Neighborhood Business District) and allow up to 75,000 square feet of commercial floor area, on property generally located at 2201 Old Cheney Road. The Planning Commission action is final, unless appealed to the Lincoln City Council.  
**\*\*\* FINAL ACTION \*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**  
**Planning Commission granted the request on behalf of the applicant for a deferral, with Continued Public Hearing and Action scheduled on December 21, 2022.**
- 2.1c SPECIAL PERMIT 22038, to allow for a CUP (Community Unit Plan) for up to 36 dwelling units, with associated waivers to the maximum block length and setback requirements, on property generally located at 2201 Old Cheney Road. The Planning Commission action is final, unless appealed to the Lincoln City Council.  
**\*\*\* FINAL ACTION \*\*\***  
**Staff recommendation: Conditional Approval**  
**Staff Planner: Ben Callahan, 402-441-6360, [bcallahan@lincoln.ne.gov](mailto:bcallahan@lincoln.ne.gov)**  
**Planning Commission granted the request on behalf of the applicant for a deferral, with Continued Public Hearing and Action scheduled on December 21, 2022.**

## 3. ITEMS REMOVED FROM CONSENT AGENDA: None

## 4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

### TEXT AMENDMENTS:

- 4.1 TEXT AMENDMENT 22013, amending Lincoln Municipal Code Sections 27.02.020 and 27.02.170 along with 27.62.080, 27.63.470, 27.63.730, 27.67.040, and 27.69.035 pertaining to the definitions of academies and private schools, 27.02.160 along with 27.06.100 concerning the definition of office and permitting health care facilities, non-residential in the office and commercial districts for the use group table, 27.63.010 and 27.63.020 related to general provisions for adjustments that can be made to regulations under special permits as already defined by each special permit type, 27.63.690 along with 27.67.040, 27.06.150 and 27.63.680 concerning removing community halls as permitted by special permit in AG zoning and allowing social halls in AG zoning through special permit, 27.67.040 Parking Requirements for hotels and motels removing accessory use requirement for parking, 27.72.080 Exceptions to the Front Yard Requirements concerning front yard setback where the average of existing setbacks is greater than the minimum zoning district requirement, and 27.72.120

Accessory Buildings for AG zoning district on lots 20 acre or more for accessory structure placement relative to the side lot line; and repealing Sections 27.02.020, 27.02.170, 27.62.080, 27.63.470, 27.63.730, 27.67.040, 27.69.035, 27.02.160, 27.06.100, 27.63.010, 27.63.020, 27.63.690, 27.06.150, 27.63.680, 27.67.040, 27.72.080, and 27.72.120 as hitherto existing.

**Staff recommendation: Approval**

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

**Planning Commission recommendation: APPROVAL: 7-0 (Corr and Cruz absent).**

**Public hearing before the City Council is tentatively scheduled for Monday, January 9, 2023, 3:00 p.m.**

\* \* \* \* \*

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

\* \* \* \* \*

**Adjournment: 1:23 p.m.**



**From:** [Teresa Thompson](#)  
**To:** [Planning](#); [Council Packet](#)  
**Subject:** Flood Protection Plan  
**Date:** Tuesday, November 29, 2022 7:56:55 PM

---

We appreciated hearing about the current Flood Protection Plan, as presented at our board meeting of the University Place Community Organization (UPCO) on November 8th.

Our members agreed that the plan to raise the foundation of new houses sounded reasonable to us. We understand that many of us are at risk when these flood events happen.

We support all efforts to make our community safer from floods that especially target those in our vicinity of Lincoln, many of us lying in a vulnerable floodplain.

Thank you for your continued, proactive vigilance in keeping neighborhoods as safe as possible in these uncertain times.

Teresa Thompson  
Secretary of the UPCO Board

**From:** [Thomas Christie](#)  
**To:** [Council Packet](#)  
**Subject:** Flood Protections  
**Date:** Wednesday, November 30, 2022 4:38:08 PM

---

Council members, as a long-time resident, I have witnessed many community members concerns about flooding. With the consistent climate change, it makes extreme weather more common in the most vulnerable communities. Therefore I strongly encourage you to pass the Flood Protections proposal. Based on the city's and other credible assessments, this proposal will help to protect the city's low-income housing develment needs of these neighborhoods and the city.

Would you please support this proposal for the future protection of all Lincoln's citizens.

Respectfully,  
Thomas Christie

**From:** [George Wolf](#)  
**To:** [Council Packet](#)  
**Subject:** Sound Familiar?  
**Date:** Friday, December 2, 2022 10:20:15 AM

---

Dear Council Members:

<http://www.ebar.com/story.php?ch=News&sc=News&id=321003>

George Wolf

**From:** [Russell Miller](#)  
**To:** [Council Packet](#)  
**Cc:** [Russell Miller](#)  
**Subject:** russell miller flood testimony part 1  
**Date:** Friday, December 2, 2022 3:06:37 PM  
**Attachments:** [page3image65044896.png](#)  
[page4image48847536.png](#)

---

From : Russell Miller  
5700 Fremont Street Apt 312 Lincoln, Nebraska 68507

To : Lincoln City Council

Enclosure : 1 Russell Miller's letter of 31 March 2004 to City Council  
2 Year 2004 photo of 3 houses built to different flood plain heights 3 Duplex built 2007 at 1240 S 1st

Subject : Updated flood protections 2022 Hello,

I am urging the Council members to support the concept of updating Lincoln property flood protections. We must recognize the floodwater height for a property in the floodplain is a constantly changing standard.

Enclosure 1 details the consequence of not requiring stormwater planning. Fortunately the 2007 Council passed laws requiring new developments to practice the concepts of "no adverse impacts," "no net rise" and "compensatory storage." That Council action was strongly opposed by the builder/real estate coalition. However, that Council action protected all property investors from increased floodwaters from upstream developments. Today's property investors should thank the 2007 City Council for taking that brave action.

The following are examples of investments that have reduced value because of the changing stormwater flood heights.

The first duplex (110 B st) in enclosure 2 was built in 1978. Notice the duplex is ground level which was permissible in that year because the Salt Creek levies were predicted to be high enough to contain a 100 year flood.

The second duplex (120 B st.) was built in 1994. Notice the duplex's first floor has been elevated to comply with the expected flood heights for that year.

The third duplex ( 128 B st.) was built in 2001. Notice its first floor is elevated even more than previous built structures.

Enclosure 3 illustrates a duplex built in 2007 that complies with the City stormwater standards of 2007 by adding a dirt fill (notice the ground is higher than the adjacent duplex) plus the first floor is elevated considerably when compared to the adjacent building.

Lincoln's current stormwater or flood ordinances protect property investments from floodplain "creep" caused by upstream developments that reduce the value of the

investment made in enclosure 2. The duplex at 110 B st. is approximately 2 feet below the flood plain with my estimated \$2,400 yearly flood insurance expense. BUT this floodplain

creep was and is caused by MAN MADE developments.

Today's Lincoln property investors are confronted with a new stormwater dilemma which is caused by an expected increase in rainfall and not upstream development. But the consequence of higher stormwater run off is identical. The only way to protect property investments today and in the future is to enact ordinances as proposed by the "Flood Protection Updates."

Prior to 2007 Lincoln made small, incremental changes to the floodplain level which cause financial harm to the earlier investors. This faulty thinking was corrected with the 2007 flood ordinances that address the cause of the problem.

This is an opportunity for Lincoln to be proactive rather than reactive in addressing future climate change events. The "Flood Protection Updates" addresses the problem in its entirety and, thus, Lincoln's future property investors will be protected!

Thank you, Russell Miller

## ENCLOSURE 2



1 st. house Duplex 110/112 B st built 1978 Middle house duplex 120/122 B st built 1994 3rd house duplex 128 B st. built 2001

ENCLOSURE 3 Duplex built 2007 at 1240 S 1st



1240 S 1st  
duplex built 2007  
assessed \$174,400 in year 2021

1109 S 1st  
duplex built 1978  
assessed \$112,000 in year 2021

**From:** [Russell Miller](#)  
**To:** [Council Packet](#)  
**Cc:** [Russell Miller](#)  
**Subject:** russell miller flood testimony part 2  
**Date:** Friday, December 2, 2022 3:10:26 PM  
**Attachments:** [pastedGraphic.png](#)  
[pastedGraphic\\_1.png](#)  
[pastedGraphic\\_2.png](#)  
[pastedGraphic\\_3.png](#)  
[pastedGraphic\\_4.png](#)  
[pastedGraphic\\_5.png](#)  
[pastedGraphic\\_6.png](#)  
[pastedGraphic\\_7.png](#)

---

From : Russell Miller 31 March 2004

241 S. 52

Lincoln, Nebraska 68510

To : Lincoln Lancaster Planning Commission

Enclosures: 1. Commercial damage from May,1950 flood

2. Northeast corner of 1st & C Streets facing west.

3. Northeast corner of 1st & C Streets facing west, house built 1910

4. House at 119 C St. built in 1960.

5. Duplex at 110/112 B St., built in 1978

6. Duplex at 120/122 B St. built in 1994

7. Picture showing the relationship of 110 ,120 and 128 B Street.

8. A St. bridge crossing Salt Creek, facing west.

Dear Commission Member,

As Mrs. Allen reported earlier today, floods and flood water can be very dangerous. Officially, Lincoln only received 1.17 inches. The water that almost killed her and her family was caused by heavy rains just to the south of 1950 Lincoln.

That flood plus a similar flood the following year motivated the business community to create the Salt Valley Flood Control project in 1958 which resulted in 10 dams and the Salt Creek Levees that were completed in 1968. This cost 12 million dollars (approximately 54 million in today's dollars) and it took Lincoln essentially out of the flood plain. In late 1970's FEMA conducted a new flood insurance study that put major parts of Lincoln back in the flood plain. Please review enclosure 1 which is a May 10,1950, Lincoln Star article detailing the business community flood loss of 200,000 dollars (approximately 1 million today). On the front side of enclosure 1 is a listing of those 1950's locations and who owns them today. My point is that businesses still occupy those locations plus new ones in adjacent locations have been established. These businesses are still at risk of being heavily damaged by every rain that exceeds a 50-60 year rain event.

THE QUESTION THAT MUST BE ANSWERED IS “WHY ARE WE IN DANGER TODAY AFTER SPENDING THE EQUIVALENT OF \$54 MILLION IN THE 1960’S THAT MADE US SAFE???” The Salt Creek levees were supposed to contain the 100 year rain event, not the 50-60 rain event as they are predicted to do today.

The answer in three words is BAD BUSINESS POLICY. That is the policy of permitting unregulated development without regard to the consequences to the businesses downstream. Everybody must appreciate and understand that his project will create more water run-off. In addition, if your project is in the floodplain, any new fill and new buildings will displace floodwater that will relocate on somebody’s property.

If the concepts of **NO ADVERSE IMPACT, NO NET RISE, and COMPENSATORY STORAGE** had been practiced starting in the 1960’s, today's Lincoln would not be in the floodplain and all of that money spent on the levees and dams would not have been wasted.

The following photos will show what happens when these three concepts are **not** practiced.

Enclosure 2 : Northeast corner of 1st & C Streets facing west. The lower blue line on the sign is the predicted flood water height using FEMA’s 1978 data or Base Flood Elevation (BFE). The upper red line is the flood height allowed by current Lincoln ordinance; the increase is caused by building or filling in the floodplain. Please note that the 1960’s levees were supposed to keep this area dry, not have water chest high.

Enclosure 3 : Same corner but facing north with the same fire hydrant as in enclosure 2. The house (108 C St.) was built in 1910 and it was elevated with dirt fill, (maybe for flood protection?), but notice that it still has basement windows and today's flood water will be above those windows.

Enclosure 4 : House at 119 C St. built in 1960. This house was protected by the levees but now the flood water could be entering through the basement windows. This is my first example of a financial investment that went bad because of other developers’ investments filling the floodplain and/or causing increased run-off, thus increasing the amount of flood water on their downstream neighbors.

Enclosure 5 : Duplex at 110/112 B St., built in 1978 before FEMA had completed their flood study. Another investment that went bad because of other investors’ actions.

Enclosure 6 : Duplex at 120/122 B St. built in 1994. This house typifies current floodplain building practices with first floor elevated above expected flood heights.

Enclosure 7 : Picture showing the relationship of 110 ,120 and 128 B Street. I am trying to illustrate the effects of changing water heights as each investor copes with a moving target of ever increasing flood heights.

Enclosure 8 : Standing on the A St. bridge crossing Salt Creek, facing west. Please note the difference in elevation of the business on the right (north side built in 2002) compared to the businesses on the left (south side built in 1979).

The point I am trying to make is that each of these good business investments turned sour and decreased in value because the standards of **NO ADVERSE IMPACT, NO NET RISE, and COMPENSATORY STORAGE** were not the law and were actively resisted by a small but very vocal business segment. Unless these standards are enacted today, all the investments currently being made will be in harm’s way in the very near future. Today's business strategy is to elevate the property above the predicted flood height. That only works if nobody else



does the same thing. As you know from the various projects that come before you, everybody is filling the floodplain and creating increased run-off. This displaced water results in a moving target as to how much fill is necessary to get your project above the flood. This is a very bad business strategy that can only be corrected by enacting the proposed flood standards before you.

I understand that the proposed regulations apply only to the areas outside of Lincoln's city limits and it would much better if these regulations applied to Lincoln also. Water only knows 1 law; fill the lowest location first. As citizens of Lincoln and Lancaster County we must recognized that our actions with stormwater will impact our neighbors and **our neighbor's actions will impact us**. I urge you to pass this law and make it retroactive to January 1, 2004.

Thank you.

Russell Miller

#### ENCLOSURE 1

Because of difficulty in reading the other side (but what can you expect from 52 year old micro-film) here is a listing of the businesses mentioned.

Lincoln Star May 10, 1950

	\$ amount of flood damage in 1950 dollars from newspaper no figure but thousands		Current owner
Lincoln Steel Works			Owen Industries fm Omaha
Hatchery plant	40,000	close to 56th & Beal Slough	
Prairie Maid Meat	4,500	327 F st	ARCK Foods fr Falls City
Van Sickle Glass & Paint	1,000	143 S. 10	
Mid-West Steel	3,000	703 N st.	Mid-West Steel
Wilson & Dana Produce	1,000	216 S. 7	Mid-West Steel
Grothe Milling	3,000	635 N and	IMS PROPERTIES
Grothe Milling		545 L	JDD Inc
Wilson Brickson & Lumber	1,015	660 N	Folmer Folmer Inc
American Stores	over 1,000	320 N	UNL Foundation???
Griswold Seed	2,500	729 N	Mid-West Steel
Amos Coal	5,000	502 L	IMS PROPERTIES
White Foundry	3,000-5,000	630 K	Jansky Inc
Lincoln Oil	3,000-5,000	240 P	Hergert Oil
Gooch Milling	1,000	540 South	Gooch Milling (ADM)

## ENCLOSURE 2



1ST AND C STREET FACING WEST



ENCLOSURE 3  
108 C STREET BUILT 1910



ENCLOSURE 4  
119 C st. house built 1960

ENCLOSURE 5







Duplex 120/122 B st. house built 1994

ENCLOSURE 7



1 st. house Duplex 110/112 built 1978

same as enclosure 5

Middle house duplex 120/122 built 1994

same as enclosure 6

3rd house duplex 128 B st.

built 2001

ENCLOSURE 8



Facing west on A st. bridge over Salt Creek picture taken September

north building built in 2002

south buildings (partially concealed by bridge construction dirt) built in 1979

**From:** [Crystal Bock Thiessen](#)  
**To:** [Council Packet](#)  
**Subject:** Letter concerning flood protection updates  
**Date:** Monday, December 5, 2022 7:20:53 PM

---

Council members,

I am writing to express the support of the South Salt Creek Community Organization (SSCCO) board for the flood protection updates on the City Council agenda for December 12th. South Salt Creek neighborhood lies directly east of Salt Creek and runs from O street south to Van Dorn Street. South Salt Creek is one of the oldest neighborhoods in the city settled by immigrant families in the 1870's and much of the neighborhood is landmark historic district. We celebrate our past, but also believe strongly in the future of the neighborhood as an affordable, diverse, and thriving place to call home.

Both the history and the future of the neighborhood are inevitably connected to Salt Creek itself. Prior to the levees being constructed in the 1960's, the homes in our neighborhood faced severe flooding and loss every time a major storm hit Lincoln. Even today, flooding and flood protections continues to be a significant concern for our neighborhood. As recently as 2015, the neighborhood was impacted severely by flooding. Some neighbors were rescued through emergency evacuation....some faced significant loss.

**Between 2019 and 2021, South Salt Creek board members served as neighborhood representatives on the Salt Creek Resiliency Stakeholder Committee and the drainage workshops hosted by the Lincoln Chamber of Commerce.** We worked together with technical consultants and experts to understand how changing climate and increasing rainfall totals presented additional challenges and risk to not just our neighborhood, but homes and businesses across the community located within the floodplain. The study showed how our flood maps do not accurately reflect the depth of floodwaters due to increased rainfall. The final study and report contained recommendations on how to increase flood protections for our community. The proposal approved unanimously by Planning Commission and now being considered by the City Council contains many of those recommendation and protections.

There has been good discussion on the impacts to older neighborhoods with the increased protections. It's understood there is a cost to building safely and the city has resources to help close affordability gaps. **Updating the standards is necessary so that people choosing to make a substantial investment in their home or business know that they are building safely, and that investment is protected.**

We know these updates are just one part of a number of flood protection strategies that the City has underway and will continue into the future. **These flood protection updates are an important step and we urge City Council to pass them without delay.** South Salt Creek Community Organization appreciates having been involved in these important community conversations and policies and look forward to continuing to work together for strong neighborhoods and community.

Sincerely,  
Crystal Bock Thiessen, President  
South Salt Creek Community Organization



**From:** [DIANE BARTELS](#)  
**To:** [Council Packet](#)  
**Cc:** [dbsharpie@aol.com](mailto:dbsharpie@aol.com)  
**Subject:** Remembering Pearl Harbor at Auld Pavilion Dec 7, 11:55am  
**Date:** Monday, December 5, 2022 10:42:50 PM

---

Good morning.

You may have already seen the City press release, but on behalf of the Veterans Memorial Garden event committee, I am issuing a special invitation for your presence.

The program is about 30 minutes in length. It will be a special opportunity to hear the sons of a Pearl Harbor survivor tell about their father who was on the USS Maryland on December 7, 1941.

Refreshments will be available about 10:30am. It will give you an opportunity to connect with Veterans and perhaps some of your constituents.

We look forward to seeing you.

Thank you.  
Diane Bartels

Veterans Memorial Garden  
Event Committee Member

402-429-3342  
[DBSharpie@aol.com](mailto:DBSharpie@aol.com)

**From:** [mburrow@windstream.net](mailto:mburrow@windstream.net)  
**To:** [Council Packet](#)  
**Subject:** amendments  
**Date:** Tuesday, December 6, 2022 10:29:40 AM

---

To City Council Members,

I am writing to urge you to pass the amendments to increase flood control in the city. I don't believe we need to wait on another study. Actions to deal with climate change need to be taken now. Thank you for your consideration of this matter.

Mary G. Burrow  
1600 Regency Drive  
Lincoln, NE 68506

**From:** [Lorrie Benson](#)  
**To:** [Council Packet](#)  
**Subject:** comments re proposed flood standards  
**Date:** Wednesday, December 7, 2022 9:52:30 AM

---

Lincoln City Council Members,

I support the proposed updated flood standards. The science is clear that we are and will continue to suffer more frequent and intense rain and flooding events in a changing climate. This has and will continue to harm the most vulnerable in Lincoln. We can address this environmental injustice in part by adopting the proposed standards.

The argument that the proposed standards will make housing more expensive for those who can least afford it is short-term thinking. We must instead commit to the long-term economic benefits to individuals and the city of reducing the risk of flooding.

Please make my comments part of the record for the public hearing on this topic. Thank you for considering my opinion.

Lorrie Benson  
7100 Holmes Park Rd, #103  
Lincoln 68506

**From:** [Grant Daily](#)  
**To:** [Council Packet](#)  
**Subject:** Public Comment for Floodplain  
**Date:** Wednesday, December 7, 2022 10:21:33 AM  
**Attachments:** [Grant Daily comments.docx](#)

---

Public comment on floodplain regulations for next week's city council meeting. Thank you.

Grant Daily  
632 N 25th Street

My name is Grant Daily and I was the former president of the South Salt Creek Community Organization (SSCCO) from 2017 to the end of 2019. I moved into the neighborhood in 2015 to achieve a Master of Community and Regional Planning (MCRP) at UNL. In 2016 and 2017, South Salt Creek became the focus neighborhood of two student small area planning efforts, where we studied neighborhood property conditions, surveyed residents, mapped data from the census, assessor, and crime stats from LPD. We also presented the history of the neighborhood: it is one of the oldest neighborhoods in the city (with the oldest city park, Cooper Park) and was settled by immigrant families in the 1870's. Much of the neighborhood is landmark historic district. It has also been a neighborhood with challenges – the area is crosscut with railroads and has always had a high flood risk, due to the proximity of Salt Creek. These assets and challenges were identified in the student plan presentations to area residents, but SSCCO, one of Lincoln's oldest neighborhood associations, had gone inactive. As I graduated from the MCRP program and started working for NeighborWorks Lincoln as a Community Builder, a primary goal of mine was helping South Salt Creek residents reactivate their neighborhood organization, to help area residents make their voices heard when issues such as this come before council.

Prior to the levees being constructed in the 1960's, the homes in the neighborhood faced severe flooding and loss every time a major storm hit Lincoln. Even today, flooding and flood protections continues to be a significant concern for the neighborhood. As recently as 2015, the neighborhood was impacted severely by flooding. Some neighbors were rescued through emergency evacuation and faced significant loss of their homes or possessions. Approximately two-thirds of the neighborhood's total land area is within the floodplain, making South Salt Creek residents especially vulnerable to flood risk. As we learned from student studies, homes closer to the floodplain were more likely to be aging rental homes owned outright, with a higher proportion of lower-income and new American tenants than the rest of the neighborhood.

I served as a neighborhood representative on the Salt Creek Resiliency Stakeholder Committee. We worked together with technical consultants, experts, **and developers** for approximately three years to understand how changing climate and increasing rainfall totals presented additional challenges and risk to not just the neighborhood, but homes and businesses across Lincoln located within the floodplain. The study showed how the flood maps do not accurately reflect the depth of floodwaters due to increased rainfall. The final study and report contained recommendations on how to increase flood protections for our community. The proposal coming forward to Planning Commission and City Council

contains many of those recommendation and protections.

**Building cheaply is not an excuse to build unsafely. The households already within the floodplain are some of Lincoln's most vulnerable residents, socioeconomically, which multiplies the risks of flood events.** If more houses are to be built in the floodplain, which is generally not advisable, then the **very least** developers can do is include the additional foot of freeboard, which would simply reflect the current flood risk which has not been depicted in our flood maps. This provision simply updates the current standard to reflect the **existing precipitation** rather than currently used data that is **decades** old. Additionally, the FEMA estimates for the costs of this additional foot of flood protection are quite low, and wouldn't pose any prohibitive costs on a project.

I want to emphasize that these current strategies **have already gone through multiple rounds of revision and compromises from the development community.** These changes are the minimum of what is needed to make sure **future development** doesn't replicate the same flood risks as past development, and **I ask you to vote in favor of these changes.**

Grant Daily, MCRP, AICP

**From:** [Mark Brohman](#)  
**To:** [Council Packet](#)  
**Subject:** Proposed Text Amendments 22012, 22011, and 22010  
**Date:** Wednesday, December 7, 2022 10:44:55 AM  
**Attachments:** [City Council 12-7-22 Floodplain.pdf](#)

---

Please accept our comments on the Proposed Text Amendments 22012, 22011, and 22010, dealing with flood and water quality protection measures.

Mark Brohman  
Executive Director  
Wachiska Audubon Society

## **Wachiska Audubon Society**

*Southeast Nebraska Chapter of the National Audubon Society*

4547 Calvert Street Suite 10 Lincoln NE 68506-5643  
402.486.4846 office@WachiskaAudubon.org



**Wachiska**  
Audubon Society

December 7, 2022

RE: Support of proposed Text Amendments 22012, 22010, 22011, all dealing with flood and water quality protection measures.

Lincoln City Council Members:

Wachiska Audubon is a local chapter of the National Audubon, and our office is in Lincoln. We own nine prairies and hold conservation easements on 23 properties in southeast Nebraska. We have over 320 members and many of those members reside in Lincoln. We support the Lincoln-Lancaster County Planning Commission's decision to approve updates to the floodplain regulations proposed by the city. We ask you to also vote, "yes".

National Audubon has done several significant peer-reviewed studies showing the connections between climate change and the health and very existence of many bird species. Since we understand that addressing the causes and effects of climate change is one of the biggest challenges now to all of us who respect the natural world, we were pleased to see the city's study of climate's effects on Lincoln in 2020 and the Council's adoption of the Climate Action Plan last year.

National Audubon urges us to speak up for environmental justice for all. Some developers say these proposed changes will make affordable housing more expensive. We say that we do not want anyone to be flooded out, especially low-income people. The Climate Study identified flooding as "one of, if not the most, important climate risks for the city." (p. 60). The Climate Action Plan calls for implementing the recommendations of the Salt Creek Resiliency Study (also called "the Olsson report").

Given that new flood maps from FEMA could be 5-8 years away, we believe that the information in the Climate Study and the policy directives adopted by the Council in the Climate Action Plan call for the city to adopt the updates to the floodplain regulations proposed by the city. This is a test of the Council's commitment to apply what we have come to understand about climate change. Understanding how dramatically a hotter and more unpredictable climate has changed our world lends urgency to this moment. Please do not delay.

We would ask that the Lincoln City Council support this proposal for increased water protection measures.

Thank you for your consideration,

Wachiska Audubon Society Board



**From:** [J Clark](#)  
**To:** [Council Packet](#)  
**Subject:** Flood protections updates  
**Date:** Wednesday, December 7, 2022 2:55:37 PM

---

Council members,

I am writing to express my support for the flood protection updates on the City Council agenda for December 12th. I live in the South Salt Creek neighborhood and served as President of the neighborhood association for 2 years. Our neighborhood understands the risks associated with flooding and the urgent need for updating the flood protections.

In 2021, I served as a neighborhood representative on the Salt Creek Resiliency/Lincoln Drainage Criteria Stakeholder Committee. Our meetings were hosted by the Lincoln Chamber of Commerce and included neighborhood leaders, engineers, lenders, developers, environmentalists, Council and County Board members, and more. We worked together to understand how the new flood protection proposals that came out of the Salt Creek resiliency study would be implemented and what the impacts would be for the community. Those discussions were held with the intention of bringing the updates forward to the City Council at the end of 2021. Our neighborhoods were eager to see new protections put into place.

Then, the proposal was delayed another 12 months in order to have even more public engagement. Four additional workshops were held over the summer/fall of 2022.

Now, we hear that developers are asking for the protections to be delayed once again. As someone who lives and owns property in a flood-impacted area, serves in a neighborhood leadership role, and was part of stakeholder committees that helped develop and shape the protections I can say that it is time to take action.

Neighborhoods depend on City staff to develop these updated guidelines to promote public safety and our quality of life. Neighborhood families are counting on the City Council vote yes to protect them and their property. Please do not delay and let more homes and businesses continue to be built unsafely too low within the floodplain.

Sincerely,  
Justina Clark  
South Salt Creek neighbor and  
Member of the Salt Creek Resiliency/Lincoln Drainage Criteria Stakeholder Committee

**From:** [Joan Aksamit](#)  
**To:** [Council Packet](#)  
**Subject:** Oppose Gender Identity Ordinance  
**Date:** Wednesday, December 7, 2022 4:13:30 PM

---

Hello,

I am contacting you to ask that you oppose the proposed ordinance redefining sex to include sexual orientation and gender identity in Title 11 of the Lincoln Municipal Code. We can all agree that everyone should be treated with dignity and respect regardless of sexual orientation or gender identity. Men who self-identify as female should not have access to private spaces designated specifically for biological women, such as restrooms and locker rooms. Disagreement is not discrimination. These policies take away constitutionally guaranteed freedoms and provoke intolerance toward people who have beliefs different from those in political power. Rather than being used as a shield against actual discrimination, these gender identity policies have been used as a sword against people who don't conform to one particular view on sex and gender. First Amendment freedoms and the privacy and safety of women should not be compromised by policies that empower the government to unfairly coerce those with whom it disagrees. I respectfully urge you not to redefine sex in Title 11 of the Lincoln Municipal Code. Thank you for your time and for considering my request.

This is not the Lincoln I grew up in.

Joan Aksamit  
3701 Wildbriar Lane  
Sent from [Mail](#) for Windows