MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, January 19, 2005, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Jon Carlson, Gene Carroll, Roger Larson**,** Dan Marvin, Mary Bills-Strand, Lynn Sunderman and Tommy Taylor (Gerry Krieser and Melinda Pearson absent); Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Becky Horner, Tom Cajka, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Mary Bills-Strand called the meeting to order and requested a motion approving the minutes for the regular meeting held January 5, 2005. Motion for approval made by Marvin, seconded by Carlson and carried 5-0: Carlson, Carroll, Marvin, Bills-Strand and Sunderman voting 'yes'; Larson abstaining; Taylor, Krieser and Pearson absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: January 19, 2005

Members present: Carlson, Carroll, Larson, Marvin, Bills-Strand and Sunderman; Taylor, Krieser and Pearson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04083, a text amendment to Title 27 of the Lincoln Municipal Code.**

Sunderman moved to approve the Consent Agenda, seconded by Marvin and carried 6-0: Carlson, Carroll, Larson, Marvin, Bills-Strand and Sunderman voting 'yes'; Taylor, Krieser and Pearson absent.

This is a recommendation to the City Council.

MISCELLANEOUS NO. 04014
TO AMEND TITLE 26 OF THE
LINCOLN MUNICIPAL CODE
TO SIMPLIFY AND STREAMLINE THE
SUBDIVISION PROCESS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: January 19, 2005

Members present: Sunderman, Marvin, Carlson, Carroll, Taylor, Larson and Bills-Strand; Krieser and Pearson absent.

Staff recommendation: Approval, as revised on January 19, 2005

Ex Parte Communications: None.

Proponents

1. **Tom Cajka** of the Planning staff submitted two proposed amendments:

   Revise Section 26.11.040(f) to delete "All other street trees, except adjacent to outlots reserved for future development, within four years of final plat approval.", and replace with, "Street trees along non-major streets shall be installed within four years of final plat approval. The Planning Director may waive street trees along outlots reserved for future development."

   Revise Section 26.19.035 ©) to delete, "The name of the certified landscape contractor selected by the subdivider to install street trees shall be noted on the landscape plan.", and replace with, "The landscape plan shall have a note stating a certified landscape contractor as approved by the Parks & Recreation Department shall be used to install street trees."

Cajka also submitted a letter from the Lincoln Housing Authority in support of the proposed changes, with the exception of the requirements for a certified landscape contractor. L.A. does not want to have to specify who the certified landscape contractor would be on the landscape plan since they have to put that out to bid and would not know who the contractor would be at the time of final plat. Cajka believes the proposed amendment to Section 26.19.035 ©) alleviates their concern.

Cajka presented the proposal to amend the land subdivision ordinance to streamline the process and make it simpler for the developers to get through the process; these amendments are also part of a larger package. Cajka highlighted some of the major changes included in this proposal:

- to eliminate the 30-day review and Planning Director letter on a preliminary plat. A preliminary plat would be submitted and scheduled for public hearing before the Planning Commission in about 30 days, following the same scheduling as changes of zone, special permits, use permits, etc.

- #5 of the Analysis in the staff report addresses the procedure for guaranteeing improvements for sidewalks and street trees. The current procedures require installation of sidewalks and street trees four years after the approval of the final plat. The proposed amendment would allow options, e.g., if the final plat abuts a major street and that street has not yet been improved, the developer would pay the city a cash equivalent to the cost to install the sidewalks and street trees; then the city would install those improvements at the same time that the street is improved. The developer would not be tied to the four year requirement. If the major street is already improved and sidewalks have not been installed, the developer would have two years instead of four years to install the sidewalk and street trees.

- outlots that are reserved for future development would not have to have any type of escrow posted until that outlot comes back in as a final plat with buildable lots.

- with regard to release of sureties for street trees, currently, 100% have to be installed before the developer can ask for the release. The proposed amendment would allow partial releases at 50% and 75% of the installation.

- referring to #13 of the staff Analysis, the proposal changes the language on turning over private improvements to a homeowners association. The proposed amendment would require a registered professional engineer or nurseryman to certify that the improvements have been installed to city specifications. After the installation has been certified, then the subdivider can turn the maintenance over to the homeowners association.

- the Planning Director can waive improvements on a final plat if no new lots are being created.

Carlson referred to the change in the escrow for sidewalks and pedestrian ways. He believes that sidewalks along major streets are dealt with by impact fees. This amendment drops the surety 25% for sidewalks along non-major streets. What are we doing to make sure the sidewalks are installed? Cajka explained that the sidewalks will be tied to the occupancy permit and the four years after final plat approval. They cannot get the occupancy permit unless the sidewalk has been installed. Ray Hill clarified that no sidewalks are covered by impact fees.

With regard to a pedestrian way, Carlson observed that the pedestrian way is to be installed when adjacent streets are surfaced, yet the surety is being dropped. It seems like we have had several instances where pedestrian ways have not been put in. Cajka explained that the proposal attempts to make that a little tighter by saying it is required when the street is surfaced. When Public Works signs off on the street, the sidewalk will be required to be installed in the pedestrian way at the same time.

Marvin inquired how "certified landscape contractor" is being defined. How many are there? Lynn Johnson, Director of Parks & Recreation, explained why Parks has worked with the landscape contractors and nurseries in the area. Street trees are a living public improvement and Parks is responsible for management of those trees after they have been installed, and, if they die, Parks is responsible for replacing them. Funding is an issue. Therefore, it is important to have good plant material and to get them well installed. That is what led to this "certified landscape contractor" idea. This program would involve an annual training program. Anyone who is landscape contractor or nurseryman would be allowed to go through the training. There are none at this time. Parks will develop the training and will have a list of those that are certified. The training would be conducted annually to review the standards for plant materials and planting methods and to review the guidelines for tree placement within the right-of-way. For every tree planted, Parks tries to maintain a record and they will be asking that the certified landscape contractor use the same documentation and spreadsheet so that they can transfer the records to the Parks Department inventory. The intent is not to exclude anyone from being certified. But if we find someone not following the standards and guidelines, they would be removed from the list for a year.

Johnson stated that the Parks Department is in support of the amendment proposed by the Planning staff on this issue. However, Parks would like to work with Planning administratively on the final plat application and get the name of the certified landscaper on that form. Rather than having it on the face of the plat, he would like to incorporate it into the application form.

Marvin inquired whether the certification and training will require a fee. Johnson stated that it will be an annual training requirement but he does not anticipate charging a fee initially. Marvin does not want to restrict the number of players that can plant trees by making it cost too much to be certified. Johnson stated that all nursery and landscape contractors will be invited to the training. They will be required to go through the training every year.

Taylor asked Johnson to discuss the intent on the permanency of trees that are planted. Johnson indicated that the intent is to get the right tree in the right place so that we don't have to remove them as they overgrow the space. The intent is for the tree to be there for its natural lifetime. The only instance where the City would remove an existing mature tree is in the situation of a road widening. Parks sees every tree in the city about every 10 years for pruning. The challenge is to place the proper tree in the proper location. This type of criteria will also be included in the training.

Marvin questioned the need for the certified landscape contractor to be a current member and certified professional of the Nebraska Nursery and Landscape Association, and the need to be licensed according to the Nebraska Administrative Code for Plant Protection and Plant Pest Act. How many people in this community are members and what are the costs? Johnson stated that it is very common for nurseries and landscape contractors to be members of both. We have tried to establish some minimum guidelines for eligibility. These two criteria are fairly common. He believes the fees are less than $100/year.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: January 19, 2005

Larson moved approval, with the amendments proposed by staff today, seconded by Taylor and carried 7-0: Sunderman, Marvin, Carlson, Carroll, Taylor, Larson and Bills-Strand voting 'yes'; Pearson and Krieser absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 04013
TO REVIEW A PROPOSED AMENDMENT TO THE
ANTELOPE VALLEY REDEVELOPMENT PLAN FOR THE
EAST DOWNTOWN HOTEL REDEVELOPMENT AREA
AS TO CONFORMANCE WITH THE COMPREHENSIVE PLAN.
PUBLIC HEARING BEFORE PLANNING COMMISSION: January 19, 2005

Members present: Marvin, Carlson, Carroll, Taylor, Larson and Bills-Strand; Sunderman declared a conflict of interest; Krieser and Pearson absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Ex Parte Communications: None.

Proponents

1. Dallas McGee of the City Urban Development Department, presented the proposed amendment to the Antelope Valley Redevelopment Plan to enable significant private reinvestment in the Antelope Valley area. The request is that the Planning Commission find the proposed amendment to be in conformance with the Comprehensive Plan.

This is the third step of a multi-step process that will enable redevelopment in Antelope Valley.

- The first step occurred in July 2003, when the Antelope Valley Redevelopment Area was declared blighted; that blight declaration process was consistent with the Nebraska Community Development statutes and allows for tax increment financing (TIF) to assist with the redevelopment.

- The second step occurred last November when the Antelope Valley Redevelopment Plan was adopted by the City Council. This plan identified conceptually how redevelopment can occur within the Antelope Valley area. Included in the plan is a redevelopment concept that identifies how redevelopment could occur in the area bounded by 17th Street, 19th Street, "O" Street and "Q" Street. This amendment will detail that plan and proposes redevelopment for one of those blocks – between 17th and 18th Streets, "P" and "Q" Streets.

McGee further informed the Commission that John Q. Hammons, who built Embassy Suites, has indicated an interest in development on this block. He has provided a conceptual plan to build a four-story, 150 room hotel, which would occupy the entire block and would include parking. After the redevelopment plan amendment is acted upon by the City Council, Urban Development will then proceed to the fourth step, i.e. to officially select a developer.

A RFP will be prepared and advertised, and a developer will be selected for the project.

The fifth step is the adoption of a Redevelopment Agreement between the city and the developer, identifying in detail the specifics of the hotel and identifying the city's responsibilities in assisting in the redevelopment. Once that agreement is approved by the City Council, Urban Development will have the authority to proceed to make offers on the property, purchase property and begin assembly of the site.

McGee submitted that the proposed amendment is consistent with the Antelope Valley Redevelopment Plan – it is good for Antelope Valley; it is good for Downtown and the city as a whole. If Hammons is selected as the developer, he has indicated that he would like to begin construction this summer.

McGee stated that Urban Development does recognize that assembling a site of this nature is not without concerns, particularly for business and property owners located on the site. The ultimate solutions have not yet been identified, but Urban Development is working with business and property owners and pledges to address their concerns to the best of its abilities.

2. Polly McMullen, Downtown Lincoln Association, testified in support. DLA encourages the Commission to act today to amend the Antelope Valley Redevelopment Plan to include the proposed project. The "Residence Inn" project holds great potential for

Downtown Lincoln and Antelope Valley, and also meets the needs for an extended stay hotel facility which we do not have Downtown or near UNL. Mr. Hammons has a track record in Lincoln as well as nationally, and his interest to continue to invest in our community is a real vote of confidence in Lincoln and in Downtown. DLA will assist the city in addressing the relocation needs for the businesses on the block.

3. Lynnie Green Scheibler, General Manager of Embassy Suites, testified on behalf of Mr. Hammons, the owner of Embassy Suites. Mr. Hammons is committed to building another upscale property here in Lincoln and is excited for this opportunity. They plan to build 150 rooms. Embassy Suites has 252 rooms, so it would be smaller. Mr. Hammons invests in cities that have government and universities, so this extended stay hotel would be for people coming with business at UNL.

Carlson inquired about the number of new jobs. Scheibler indicated that Embassy Suites currently employs 225 associates, so she would anticipate about 100 associates for the new hotel. The wages would be anywhere from $8.25/hour up to $100,000/year for upper management.

4. Kent Seacrest appeared on behalf of the **Antelope Valley Design Team,** in support. He pointed out that the Antelope Valley Redevelopment Plan will free the UNL campus of the designated floodplain. This proposed amendment to the Redevelopment Plan is consistent with the visions outlined in the Redevelopment Plan and there is detailed criteria to help insure an open and fair process on the selection of a developer and assistance to property owners and tenants that might be displaced.

Marvin noted the comment that this is good for Antelope Valley, good for the Downtown, and good for UNL, but it will be displacing people who are already there. How do you balance that? What is the philosophy? Seacrest responded, stating that the government can take the land for public purposes and must pay fair compensation and fair market value. The courts have historically found that removal of blight and substandard conditions and creation of the inner city are in the public's interest. It has been deemed a public purpose to keep your "core" healthy so that you don't cause flight to the edges. We know that when we need to widen a street, that is a public purpose. When we need a park, that is a public purpose. Keeping the economic development of the core and keeping blight and substandard factors from increasing are also important public purposes. There are checks and balances to verify that there is a public purpose. Antelope Valley has been deemed to be a public purpose by the City Council.

Marvin commented that the right-of-way of a road is a public road. We're mutating public purpose into Mr. Hammons' hotel being a privately held entity and we're calling that public purpose. Seacrest suggested that the public purpose is defined as a geographical area and is not just one block. The City will have to do a RFP and anyone is welcome to apply. This is the tough part of redevelopment because these are real people and real businesses. You are weighing the factors of number of jobs, the property values, the vitality, does it help

the university, does it help the surrounding neighborhood? But if you do not allow the potential of condemnation to go forward, you're then on a "willing buyer, willing seller" basis. If one does not want to sell, it stops projects. The elected officials have to weigh the vitality of the important people we are displacing. The Redevelopment Plan will provide assistance to those being displaced.

Opposition

1. Rick Krueger testified on behalf of his partners and tenants. About four and one-half years ago, he and his partners bought the lot at 19th and "O" and the parking lot at the corner of 18th and "Q" (the Duteau Properties). They thought there might be a redevelopment opportunity in part because of what was happening in Antelope Valley. They currently have 76 parking stalls on the lot in question and another 122 parking stalls on the other lot. At the time of the purchase, they had meetings with various staff members of the city and discussed a number of options for redevelopment including residential, demolition, interior self-storage units, etc. At that time, the staff told them that Public Works would work to install some angle parking on 18th Street. There are no meters on that parking. After a time, Krueger and his partners decided to go ahead and upgrade the building with all new windows, electrical, plumbing, roof, repaving and the installation of an elevator. They have worked with Physicians Group, Madonna and others to create a physicians building with 26,000 sq. ft. While this was occurring, on July 21, 2003, the city declared the property blighted. "We were there redeveloping and the city came along and declared it blighted."

Krueger further explained that as part of the leases with their tenants, there are assigned parking stalls. On the lot in question, there are currently 52 assigned stalls out of the 76. Those are a part of the lease. The entire first floor has been remodeled. Unless the long term parking issues can be dealt with, Krueger believes he and his partners' property interest is diminished.

Krueger pointed out two other important aspects of the amendment to the Redevelopment Plan. They will lose parking on 19th Street, and the plan shows residential as a part of the redevelopment on the north half of the block where Krueger's other parking is located. He demonstrated on the map the amount of his land that is in jeopardy. There is a cloud over his financial investment and it is hard to market the property if you cannot show people where they are going to be able to park.

Krueger acknowledged that he was invited to a meeting at Urban Development the morning that this story broke. At that time, Krueger was very clear and expressed his displeasure at losing this lot without any apparent long term solution for the parking needs. Currently, he has a lease that has been negotiated for 17,000 sq. ft. on the first floor that is on hold until this issue is resolved. He has met with staff almost five times and they have discussed numerous temporary solutions. They even discussed a possible joint venture for a parking garage, but he was told that the money in the parking enterprise fund is to be

used for a parking garage west of 16th Street. They also discussed a real estate exchange with the city, but this is not possible because it would be wrong under Nebraska state law. He suggested that possibly Hammons could be required to acquire additional property and do an exchange with Krueger and his partners. But, Krueger was told that Hammons would move on down the road if that requirement was imposed. "Or maybe Mr. Hammons could just buy us all out."

Krueger reiterated that there is the history on this property of not getting any movement on the installation of parking on 18th Street, thus he does not have any comfort in the "happy talk". Krueger wants to get comfortable and he requested that this amendment to the Redevelopment Plan be put on hold until this issue is dealt with. Barring that, he does not want to foreclose his opportunity of dealing with this issue down the road by not testifying at these hearings. He and his partners are already investing several millions of dollars and they want to make sure the property is secured.

Krueger also pointed out that Mr. Hammons also views parking as an integral part. If he acquires that property, he will have 75 stalls. Thus, Krueger feels like he is transferring his parking over to Hammons.

Krueger suggested that the real issue here is that there are no street improvements, sanitary sewer, etc. It is purely an economic decision that has to be made. He then recited from a Nebraska Supreme Court Case, "....the corner lot might be coveted as an eligible spot on which to build a hotel. .....The hotel is not for public use in the sense of the constitution. ..... Hotels can be dispensed with."

Krueger agrees that this is a hard question. His issue is parking. He is there with his private dollars and he would like to stay there and control his own destiny. If this goes forward without dealing with this issue now, Krueger believes he will not be able to recover the value of his property.

2. Mark Whitehead, President of Whitehead Oil Company, operator of the U Stop Convenience Shops, with property on the southeast corner of 17th & "Q" Streets, testified in opposition. When he built in this area, he ended up getting financing for the improvements, even though it is now declared blighted. Whitehead has a unique business at this location. He is also contemplating how to improve the property to handle and improve the business. This is a business that has been driven by demand. Whitehead Oil operates about 3/4ths of the property with one bay being leased out. This location handles both the Downtown market and UNL. Whitehead indicated that he has discussed options with Urban Development, but he cannot take a position without knowing the destiny of his business. The condemnation process is designed to be objective, but he would feel more comfortable dealing with the issues before coming to the Planning Commission and the City Council. He will not be comfortable until an offer is made. In all the drawings he has seen on Antelope Valley, he has not seen any conceptual renderings for a convenience store use. Even if Whitehead could find another location along "P" or "Q" Street, he does not

believe it would yield the same sort of business that this location does now. He would feel much more comfortable having some of the issues resolved prior to endorsing this taking. There are a lot of people affected by this action.

3. Sean Wieting, owner of **Samurai Sam's** at 230 N. 17th Street, leases from Whitehead Oil. This came as a total shock to him. He found out from a newspaper reporter. The value of his business is this location. He wants to keep an open mind, but if this does pass, relocation is his only option. Since he is only a tenant, he will receive very limited resources to apply toward the cost of relocation. He would have to close the doors of his business. He cannot afford to finance 90% of the cost of relocation. Just because it is Antelope Valley doesn't make it right. It's a moral issue. It appears that our city government can take out small businesses who are trying to do whatever they can to keep going. This is going to set a precedent. Wieting is not a property owner. He has invested over $120,000 in his business. Everything that he has worked for in the last five years to build up his business and to support his family and employees is out the window. If he was given fair market value for his business, then he would be okay. However, he understands that because he is not a property owner, he won't get anything but help moving his equipment.

Rick Peo of the City Law Department reminded the Commission that the decision today is based on Comprehensive Plan conformance and not on the merits of the Redevelopment Plan. The Planning Commission is to look at whether the amendment to the plan proposed is in conformance with the Comprehensive Plan. Secondly, with respect to the issue of "taking", the taking is not for the hotel. The taking is for the underlying purpose of declaring the area blighted and substandard, and that is to remove blight and substandard conditions in the area. The public use is the removal of the blight and substandard condition. Once the public use has been accomplished, then there is the ability and authority in place to transfer the property acquired back over to private entities for redevelopment. This is not the same as the case before the United States Supreme Court, which dealt purely with whether it is permissible for a city to choose one type of economic development activity over another. That is not the situation here because this whole area has been declared blighted and substandard. It is the overall concept of the area as a whole. The merits of the amendment to the Redevelopment Plan, whether or not appropriate morally or right, is going to be a City Council decision.

Marvin noted that if Mr. Whitehead's building was partially built with TIF funds, then that would have meant there was some blight designation at that point. Peo assumes that if it was in the Antelope Valley plan area, just because it was improved does not mean the blight designation was removed. Marvin wondered how many times you can "go back to the well" on TIF. Peo stated that there is a 15-year time line. The clock does not start over every time you create a new project.

Marvin sought confirmation that the loss of $120,000 by Samurai Sam's cannot be a factor for consideration. Peo again reiterated that this action is a finding of conformance or non-

conformance with the Comprehensive Plan. It is not based on the individual merits of a particular person. There is no evidence as to exactly what Mr. Wieting is or is not entitled to. There are entitlements under the Relocation Assistance Act under state and federal law. The details will have to be worked out as the project moves forward.

Bills-Strand commented that she anticipated mixed uses in the area, including but not limited to parking, hotels, offices, residential or research and development facilities. This is eliminating parking for public use. So part of the plan may conform but the Commission may not feel that all of the elements conform. Peo stated that would be a decision of the Planning Commission as to whether it is in conformance in whole or in part.

Carlson pointed out that there are passages in the Comprehensive Plan that talk about encouraging local business and respecting rights of existing property owners. The staff report talks about commercial centers, but he does not believe the criteria for judging this project as to conformance with the Comprehensive Plan is there. Ed Zimmer of Planning staff, who wrote the staff report, pointed out that both the Planning Commission and City Council have previously acted upon the Antelope Valley Redevelopment Plan recently, so that is the most specific guidance he could reflect on this proposal. One project won't fill all the elements of the plan. There are many broad provisions, but there is a very specific Redevelopment Plan that has been adopted very recently that speaks directly to this area.

McGee clarified that the city did not assist with the Whitehead property with TIF.

Larson asked whether there would be any impact if the Commission delayed this action. McGee believes a delay may make it difficult to meet the objectives of proceeding with the project. Because this project is funded with TIF, it cannot be implemented until the Redevelopment Agreement is approved by the City Council. Appraisals have been initiated so that Urban Development can begin answering some of the questions about what the property owners will be offered for their property. This information is desirable prior to the approval of the Redevelopment Agreement by the City Council. No money can be spent until the agreement is adopted by the City Council.

Marvin asked what impact this will actually have on Samurai Sam's. McGee stated that he is not the person that can speak in terms of the exact relocation assistance; however, Urban Development will pledge to work with Mr. Wieting. DLA has actively pursued a number of different possibilities for this business so that they could relocate downtown. McGee assured that Urban Development and DLA will continue to work to find Samurai Sam's a suitable location.

Taylor asked whether players other than Hammons will be allowed to bid. McGee clarified that it is not settled that Hammons would be the developer. Once the amendment is approved by the City Council, a RFT will immediately be drafted that will go out and will be advertised. Any proposal submitted will be evaluated. He anticipates having the proposals in hand by the middle of March. The Mayor would then appoint a selection committee.

Taylor inquired whether this is the normal time line for securing the proposals and making a decision. McGee acknowledged that this is about as aggressive as the time line could occur. In some cases, the time line has been longer for responses to RFP's. Taylor wanted to know why this one is so aggressive, and McGee stated that it is because there is interest and it is very good for Antelope Valley, the Downtown and for Lincoln. Once the developer is selected, then the specifics of the Redevelopment Agreement are negotiated as to what will be built, when, the value and how the city will participate. Typically, the city will participate by assembling the site like what was done with the Grand Theater.

Marvin inquired whether there would be any compensation for impact on property outside of this location. McGee stated that the appraiser has been told to consider the impact on the Krueger building as well as the value on the subject lot.

Carlson inquired about the cost benefit analysis. McGee stated that the cost benefit analysis is being developed now. It will look at employment, the impact of that employment, the employment that is there today and how it will be impacted.

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Larson moved a finding of conformance, seconded by Carroll.

Larson would hope that all of the city departments will give every break they can to the owners and tenants. This project is so important to the city as a whole and does exactly what was anticipated by the Antelope Valley plan from the beginning, i.e. encourage private/public partnership and encourage private investment in an area that was blighted. He is sure this investment will encourage others.

Carlson expressed that he is having some difficulty. He understands the need for these big projects and believes Lincoln has been fairly aggressive about planning for these big projects. We've not always been less than clumsy about carrying out all of these big projects. But, he is concerned because it seems like what always gets forgotten are the existing up and running property owners and the small businesses. In these interim periods, the people that take the brunt are the people that keep things moving Downtown. Are we respecting the people that create those bridge businesses that keep us going in the interim? This may not be the perfect analogy but it is perfect in the broader sense that we should respect the existing investment and the existing property owners that are there. We need to be broad in our vision and implementation, but it is a big disrespect if we don't respect the people that are doing the work without the public investment.

Larson agrees, but he sess no value in delaying this. It's a once in a lifetime opportunity. Our city is fortunate to have a man of Mr. Hammons' stature take an interest in this city and invest in this city.

Marvin believes that this is begging off on the question because he thinks the taking of the land is a serious question. He knows that the Planning Commission's role is a finding as to conformance with the Comprehensive Plan, but he thinks that is a real nebulous document. You can pick and choose what pieces you want to conform with and ignore the others, and you're probably good to go. That being said, the spirit of Antelope Valley was to try to do more upscale Downtown operations – large buildings that feed into the University and to create a coordinated effort so that we get some kind of benefit. The question here is whether this hotel serves that purpose, or do the existing businesses serve that purpose? He does not know whether he can answer the question as to whether this is a public use because these are private buildings. He will support the finding of conformance and cross his fingers and hope that a lot of these things can get worked out in the next weeks.

Carroll pointed out that the block was targeted in the Antelope Valley Plan originally, so we knew it was going to be redeveloped. This is the next step with economic development and we need to take this step. We are not talking about what's going to happen on the block but whether it is in conformance with the Comprehensive Plan. He believes it is in conformance with the Antelope Valley Plan and thus the Comprehensive Plan.

Taylor agrees that it does conform to the Comprehensive Plan, but he is not convinced the proper dialogue has taken place that addresses the interest and concerns of the private business owners. He is wondering whether we are taking enough time to properly address the concerns of the property owners. Taylor would like to see this placed on pending for a couple weeks so he will probably vote against it.

Bills-Strand struggled with declaring 48th and "O" blighted when there were properties we did not feel were blighted, but it was explained that it all needed to be declared blighted in order to take care of the drainage issues. She is not sure this whole area is blighted, but the role of the Planning Commission is to follow the Comprehensive Plan. She strongly encouraged the property owners to testify before the City Council.

Motion for a finding of conformance with the Comprehensive Plan failed 4-2: Marvin, Carroll, Larson and Bills-Strand voting 'yes'; Carlson and Taylor voting 'no'; Sunderman declaring a conflict of interest; Krieser and Pearson absent.

There not be five affirmative votes, this application was held over for continued public hearing and action on February 2, 2005.

COUNTY SPECIAL PERMIT NO. 04055,
FOUR STONES COMMUNITY UNIT PLAN,
and
COUNTY PRELIMINARY PLAT NO. 04025,
FOUR STONES, ON PROPERTY GENERALLY
LOCATED AT S.W. 29TH STREET AND STAGECOACH ROAD.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: January 19, 2005

Members present: Sunderman, Marvin, Carlson, Carroll, Taylor, Larson and Bills-Strand; Krieser and Pearson absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

The Clerk announced that the applicant's attorney, Kent Seacrest, has requested a four-week deferral, with continued public hearing and action on February 16, 2005.

Carlson moved to defer, with continued public hearing and action scheduled for February 16, 2005, seconded by Marvin and carried 7-0: Sunderman, Marvin, Carlson, Carroll, Taylor, Larson and Bills-Strand voting 'yes'; Krieser and Pearson absent.

OTHER ITEMS:

UPDATE ON THE DOWNTOWN MASTER PLAN: January 19, 2005

Members present: Sunderman, Marvin, Carlson, Carroll, Larson and Bills-Strand; Krieser, Taylor and Pearson absent.

Kent Morgan, Assistant Director of Planning, gave a briefing on the Downtown Master Plan process and some of the ideas that are emerging. The last Downtown Master Plan was adopted in December, 1974. This project is jointly funded by the City and the Downtown Lincoln Association, and is supported by a number of consulting firms. The Downtown Action Team (DAT) is a 22-member team appointed by the Mayor that is responsible for coming up with a plan to be forwarded to the Planning Commission, City Council, Mayor and Downtown Lincoln Association. There have been no discussions about financing yet. The consultant is charged with coming forward with the costs and how to finance it.

There being no further business, the meeting was adjourned at 3:20 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on February 2, 2005.