

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 25, 2012, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Greg Butcher, Michael Cornelius, Dick Esseks, Chris Hove, Jeanelle Lust and Lynn Sunderman (Wendy Francis and Ken Weber absent); Marvin Krout, Steve Henrichsen, Brian Will, Tom Cajka, David Cary, Brandon Garrett, Sara Hartzell, Stacey Groshong Hageman, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius then requested a motion approving the minutes for the regular meeting held January 12, 2012, as amended. Motion for approval, as amended, made by Sunderman, seconded by Esseks and carried 7-0: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust and Sunderman voting 'yes'; Francis and Weber absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust and Sunderman; Francis and Weber absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 11005, CHANGE OF ZONE NO. 05068B, CHANGE OF ZONE NO. 11044, CHANGE OF ZONE NO. 11046 and COUNTY SPECIAL PERMIT NO. 187A.**

Ex Parte Communications: None

Item No. 1.1a, Annexation No. 11005 and Item No. 1.1b and Change of Zone No. 05068B, were removed from the Consent Agenda and scheduled for separate public hearing. **Item No. 1.2, Change of Zone No. 11044**, was removed from the Consent Agenda and called under Requests for Deferral.

Lust moved approval of the remaining Consent Agenda, seconded by Hove and carried 7-0: Gaylor Baird, Butcher, Cornelius, Esseks, Hove, Lust and Sunderman voting 'yes'; Francis and Weber absent.

Note: This is final action on County Special Permit No. 187A, unless appealed to the Lancaster County Board of Commissioners by filing a letter of appeal with the County Clerk within 14 days.

CHANGE OF ZONE NO. 11044
FROM P PUBLIC USE DISTRICT TO
R-7 RESIDENTIAL DISTRICT; FROM R-7 RESIDENTIAL
DISTRICT TO P PUBLIC USE DISTRICT; AND FROM
P PUBLIC USE DISTRICT AND I-1 INDUSTRIAL DISTRICT
TO B-1 LOCAL BUSINESS DISTRICT.
ON PROPERTY GENERALLY LOCATED AT
17TH & R STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

This application was removed from the Consent Agenda due to a request for a two-week deferral submitted by the Planning staff in response to a letter in opposition.

Lust moved to defer, with continued public hearing and action scheduled for Wednesday, February 8, 2012, seconded by Esseks and carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent.

**CHANGE OF ZONE NO. 11045,
FROM R-2 RESIDENTIAL DISTRICT, I-1 INDUSTRIAL DISTRICT
AND R-5 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL
DISTRICT**

and

**PRELIMINARY PLAT NO. 11002, MJ TENT,
ON PROPERTY GENERALLY LOCATED AT
NORTH 40TH STREET AND COLFAX AVENUE.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: Approval of the change of zone and conditional approval of the preliminary plat.

There were no ex parte communications disclosed.

These applications were called under Requests for Deferral due to a request submitted by the applicant for deferral until April 18, 2012.

Hove moved to defer, with continued public hearing and action scheduled for Wednesday, April 18, 2012, seconded by Sunderman and carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent.

ANNEXATION NO. 11005

and

**CHANGE OF ZONE NO. 05068B,
AN AMENDMENT TO THE WOODLANDS AT YANKEE HILL PUD,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 84TH STREET AND YANKEE HILL ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: Approval of the annexation, subject to a revised annexation agreement, and conditional approval of the amendment to the PUD.

There were no ex parte communications disclosed.

These applications were removed from the Consent Agenda at the request of Commissioner Gaylor Baird and had separate public hearing.

Staff presentation: **Brian Will of Planning staff** explained that this is an amendment to an existing planned unit development (PUD) approved in 2006. The eastern component of the amendment is 22 acres and the western component will be approximately 12 acres, accommodating an additional 265,0000 sq. ft. of commercial floor area and an additional 46 dwelling units.

Will also explained that when this development first came through the process, the staff did look at the larger overall concept plan for the entire development. Back in 2006, only a portion of that larger overall concept plan was actually annexed and zoned. Today, an amendment is being proposed to extend the boundaries, but still within the overall concept plan, to bring in an additional 35 acres – 22 acres on the east and 12 acres on the west.

Staff is recommending approval, with some minor conditions of approval. This amendment will require an amendment to the existing annexation agreement to reflect the new area of development.

Gaylor Baird explained that she removed this proposal from the consent agenda because of the Fire Department comments, some of which she had not seen before. What does the Fire Department mean when they say, “....with optional station location plan (Option A)...we recommend this annexation is completed in conjunction with plans for medical and fire protection.” Will indicated that the Fire Department representatives were unable to attend this meeting due to a scheduling conflict; however, Will believes that comment specifically relates to the effort over the last several years to assess where they have existing fire stations throughout the community as well as potential new facilities. When this plan was reviewed back in 2006, there was probably a comment something to the effect – stretching the limits of service or needing to address the additional demand for service at the boundary. The PUD was approved with those comments in mind. In the existing CIP, in this part of Lincoln, there is funding for renovation of the existing fire station at 84th and South Street and a new fire station is shown in the vicinity of Hwy 2 and Pine Lake Road. Will believes there has been an ongoing understanding that we are going to need these additional facilities and the Fire Department has been attempting to address that. The monies, however, are not programmed until 2014-15.

Relative to the response times, Will does not understand their comments to mean that the response time is unacceptable, but just that it is perhaps out of the parameter of what is now described in the Comprehensive Plan. This is just a continuation of the original approval back in 2006.

Gaylor Baird was still not certain what the Fire Department comments mean. Will stated that, in general terms, we all understand that there is a need for additional facilities in this part of Lincoln. He believes their comments are an attempt to recognize that we need to address that and he believes that has been done in the CIP. He did not take the comments to mean no more approvals until a new station is built.

Esseks believes this is a very important issue, particularly when you look at the likely density of housing in this area. He is hopeful that we have already built into our planning process that type of coordination between new homes and an appropriate place for medical/fire stations. Will suggested that the CIP works hand in hand with the Comprehensive Plan. He believes the issue has been addressed.

Proponents

1. Rick Krueger, President of Krueger Development, the applicant, showed a promotional rendering for The Woodlands, which shows a 15-lot subdivision and The Woodlands Enterprise Center on 84th Street. This is a continuation of the overall plan of development which started back in 2006. It is between 70th Street and 84th Street, south of Yankee Hill Road. There are currently 128 single-family lots. Currently, St. Michael's School is operating grades 1-6, with approximately 165 students, and the new convent is being built right next to the school with a day care for 80 children.

Krueger pointed out that they constructed Yankee Woods Boulevard from the circle out to 84th Street, with sewer and water, so it is in place now for the commercial. They had to get it opened as quickly as possible for the school.

Krueger also explained that The Woodlands Enterprise Center will allow some subdividing for some flex-type buildings – anywhere from 5,000 sq. ft. to 11,000 sq. ft. – or by putting lots together you could get up to 20,000 to 30,000 sq. ft. This is similar to the Yankee Hill Business Center at 14th and Yankee Hill Road. It will be flexible to meet the needs of the developers. 83rd Street and the other streets will be private as opposed to public.

Krueger also showed a rendering of 83rd Street looking south, showing the 40' wide paving with parking up next to the buildings. This is an attempt to build in flexibility to meet the needs relative to size, layout, etc.

Gaylor Baird asked Krueger whether he was aware of the Fire Department comments about response time for this area – that ambulance response will exceed 7 minutes and fire will exceed 7 minutes and 20 seconds, which is a bit longer than the target in the Comprehensive Plan. Krueger's response was that in his career of 36 years, that is continually coming up – that we need more fire and police stations and how we address it through the CIP. Krueger does not think any one development can answer this question, but it did come up when they opened Pine Lake Road on 56th Street. He knows that they put in a 12" line as part of their work on The Woodlands from Yankee Hill south to Yankee Woods Blvd. in order to provide for fire protection.

There was no testimony in opposition.

ANNEXATION NO. 11005

ACTION BY PLANNING COMMISSION:

January 25, 2012

Lust moved approval, subject to a revised annexation agreement, seconded by Hove.

Gaylor Baird noted that the comments from the Fire Department make it sound like potentially this is not in conformance with the Fire and Rescue portion of our Comprehensive Plan, which recommends standards for response time of closer to 6 minutes and 20 seconds for fire, and 6 minutes for medical calls. These comments give her pause. She acknowledges that the Fire Department is not objecting but it is clear that there is a problem that this particular development and others on the fringe of the city are not getting the same response that other parts of the city are getting. How do we grapple with this issue?

Esseks thinks it is serious enough that the staff report should specifically state that the response times are excessive. Hopefully, that will raise the issue through communication to the City Council and County Board, and maybe that will build up public support to come up with the resources to locate a fire and emergency medical station in that part of the city.

Hove understands the concern, but this is one project he certainly does not want to hold up because of that issue. This project needs to go forward.

Gaylor Baird stated that she is not proposing that this project be held up. We have had the same similar comments from Fire on previous annexations. And the more she sees these comments, the more important the issue becomes, but it is not specific to this annexation. **(As amended by Commissioner Gaylor Baird)**

Cornelius would agree that the staff report be more explicit about response times and existing plans and when those response times might be addressed in the future. Otherwise, Cornelius believes this is a relatively straight forward amendment to an existing PUD. While on the Planning Commission, he has seen that there is tension between ongoing development and the provisioning of public safety resources. The perceived difficulty is that you can over-provision and cover things that don't exist. And with the future being unpredictable, you may have resources that you do not need. When you allow development to go first, you have this situation where response time may be unacceptable for some period, and there is no easy answer for that. In spite of that, he believes we are trying to strike that balance and he will vote in favor.

Motion for approval, subject to a revised annexation agreement carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05068B

ACTION BY PLANNING COMMISSION:

January 25, 2012

Lust moved to approve the staff recommendation of conditional approval, seconded by Esseks and carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 11047
FROM I-1 INDUSTRIAL DISTRICT TO
R-4 RESIDENTIAL DISTRICT;**

and

**SPECIAL PERMIT NO. 04023A,
AN AMENDMENT TO THE FLAT IRON CROSSING COMMUNITY UNIT PLAN;**

and

**SPECIAL PERMIT NO. 11033
FOR A NEIGHBORHOOD SUPPORT SERVICES FACILITY
ON PROPERTY GENERALLY LOCATED
AT NORTH 33RD STREET & OVERLAND TRAIL.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: Approval of the change of zone and conditional approval of the amendment to the CUP and Special Permit No. 11033.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** explained that the area of the change of zone from I-1 to R-4 is on the north side of Overland Trail just west of 33rd Street. Currently, there is a little open grass area there and the rest is used as outside construction storage. The purpose of the change of zone is to develop 9 residential units and a parking lot on the east end. The parking lot will be associated with the special permit for the Neighborhood Support Services.

Special Permit No. 04023A is revising an existing CUP, Flat Iron Crossing, which was originally approved in July, 2004. This amendment will expand the boundaries of the CUP to include the area of the change of zone. An existing commercial building is where the Neighborhood Support Services building will be constructed. Currently, under the existing CUP, the area is shown as residential lots.

There are several waivers associated with this application. The waivers dealing with block length, recreation facility, and water and sanitary sewer, were all previously granted with

the original CUP. The new waivers are for reduction of setbacks. On Lot 24, the existing building is right on the lot line, so the request is to reduce that setback to zero to allow the expansion to stay in line with the existing building. On the north side, the request is to reduce the setback for the parking lot, which staff finds acceptable due to the unusual circumstance of having three street sides. The applicant is dedicating right-of-way on 33rd Street and on Apple Street.

Special Permit No. 11033 is for the “Neighborhood Support Services” building, which is being proposed by a nonprofit group called City Impact. City Impact would provide community support to the neighborhood – recreational activities, classes, church services, etc.

Esseks referred to page 4 of Special Permit No. 04023A, Analysis #2, which states that the number of dwelling units is being reduced from 34 to 30, but then the overall density permitted increases. Cajka explained that when you calculate the density for a CUP, you include the entire total acreage of the boundaries of the CUP and those calculations will depend upon the zoning and how many dwelling units are allowed. This proposal does not come even close to the allowable density. They are only showing 30 dwelling units, but they could have up to 76 dwelling units. The conditions of approval allow up to 45 dwelling units. By doing that, they would be allowed to rehab the Neighborhood Support Services facility into residential units or apartments by administrative amendment if for some reason the Neighborhood Support Services went away in the future.

Proponents

1. Gus Ponstingl, MAPCO, testified on behalf of City Impact, the applicant. The project will consist of two primary components: 1) City Impact homes – six new duplex and single-family homes for 14 new affordable rent-to-own units; and 2) “City Impact” will consist of recreational and educational programs for the neighborhood. This proposal will add nine residential lots and a 45-stall parking lot on the north side of Overland Trail. It will also modify existing Lots 9-14 (four residential lots) and Lots 23-34 to keep the existing building and expand it to the east and west and add a single residential lot on the west side of the building. The applicant is also requesting a special permit to allow the “Neighborhood Support Services” building to exist within the CUP. City Impact intends to use the building for social, educational, health and other support services. The building will be remodeled and expanded. It will help reshape Peter Pan Park, making it safer. The City Impact staff offices will move to the new building. They do not anticipate an increase in the number of guests per night but will increase the number of nights they are open. Parks and Recreation has agreed to a 10' building restriction easement that will allow windows along the south facade.

The change of zone request is for land between Overland Trail and Apple Street to allow the residential lots.

Ponstingl also addressed the request for reduction of setbacks – zero setback on the south lot line on Lot 24, and 10' setback along Overland Trail – because the existing building already uses these setbacks. They are also requesting 15' front yard setback along 33rd Street to allow for needed expansion of the building. They are also requesting the 15' front yard setback along 33rd Street and Overland Trail, and 10' along Apple Street to allow needed parking. At a similar size facility, City Impact uses 55 stalls at peak parking times, and at all other times around 40 stalls. This proposal shows 60 parking stalls.

Ponstingl believes that this is an excellent addition to the city. The residential uses and City Impact services are just the right thing for this neighborhood. They do have support of the neighbors.

Lust inquired about the rent-to-own aspect. Ponstingl explained City Impact would own the building and City Impact Homes, LLC, would own the residential component. They are separate entities.

Hove inquired whether the existing homes are related to City Impact. Ponstingl stated, “no, they are separately owned.”

Support

1. Brad Bryan, Executive Director and founder of **City Impact**, testified as the applicant. He and his wife founded the City Impact organization about 15 years ago. They began doing the work as volunteers in the community about 18 ½ years ago, investing in youth in the Malone Neighborhood. They moved into the Malone Neighborhood, and have rented facilities for the last 15 years for services. City Impact has grown and families have built relationships with them, and as they built those relationships the families began recommending the programs to other family members and they now have waiting lists. Their Impact reading center currently at Elliott Elementary is growing and expanding. They currently have 200 volunteers helping to raise grade level reading scores.

City Impact is a 501c3 nonprofit.

Esseks inquired why they selected this particular location. Bryan explained that it is right in the center of their target neighborhoods (Malone and Clinton) where they reach out to low income families.

Lust inquired about the two separate entities. Bryan explained that they have created a new entity to develop the housing, City Impact Homes, LLC, which is an affiliation with City Impact.

Gaylor Baird inquired about the number of children, the age of the children served and whether or not they will be playing outside in the adjacent park. Bryan advised that there will be 200-300 children in the facility every week and on various nights. They currently

have about 120 youth involved in the program on two different nights a week. They will increase the number of nights. They also plan to do rent classes in partnership with NeighborWorks and financial education classes. Services will be provided to pre-school age children all the way through college-age children and on into adulthood. It is very ideal to utilize the park. They are working with the Parks & Recreation Department to see that park revitalized with this project. **(As amended by Commissioner Gaylor Baird)**

Butcher asked for an explanation of the rent-to-own aspect. Bryan stated that it will be managed by Excel, a local development company. The property will be primarily owned by investors through tax credits – 99.9% for the first 15 years. After that, City Impact will own the property and sell to potential owners in the community.

2. Jessica Norton, BVH Architects, the architects for the building, presented renderings of the new building. There will be offices for administration of City Impact to the east; they are renovating the middle to be classrooms and a multi-purpose room and gym on the west side with workout area. The second story on the east addition will house future offices and adult gathering spaces. The main corridor throughout the building will have a lot of glass facing the park and potential trail access.

Gaylor Baird inquired if the about the main entrance off 33rd Street would be the main one and whether they anticipate that people will be parking across the street. Norton stated that there will be parking on the parking lot across Overland Trail. There is also an entrance to the north for staff. The main entrance would be off of 33rd Street. **(As amended by Commissioner Gaylor Baird)**

3. Cindy Hayes, 3805 Orchard Street, in the East Campus Community neighborhood, testified in support based on her experience with City Impact. She has lived in this area for 15 years. She has known about City Impact and has had contact with them for about 10 years. She has always been very impressed with the integrity of this organization, with the commitment that they have had to the neighborhoods that they serve and she has been inspired by the vision that they have for the community. She has seen first-hand the things that they do in the community. One of the more visible events of City Impact is an annual “Gifts of Love” Christmas store, where \$85,000 worth of brand new gifts are donated and the items are priced at 70% of the retail cost. Those families that qualify, based on income, can come in on certain days to buy gifts as parents for children and then the children are allowed to come in and purchase gifts for their parents. She and her children have volunteered in the gift store. Businesses are involved in reaching out to the community via City Impact.

Behind the scenes, Hayes has experienced the same efficiency, professionalism, integrity, commitment and genuineness. City Impact is always enthusiastic about what they do; they are committed to the community; they are here for the long term. She is very excited to

have this development so close to her home. The impact they are going to have is immeasurable. This is an organization that writes her a personal note anytime she gives a donation or volunteers.

4. Bob Reeves, 3236 Dudley Street, new President of the **Clinton Neighborhood Organization**, testified in support. They have met with the applicant. They were very impressed and everyone on the Board has said they do support the project. It will enhance the neighborhood. The programs already benefit a lot of the families that live in the neighborhood and they do need this centralized location to bring all the programs together. It will have a positive impact on Peter Pan Park. He understands the rezoning goes beyond the area upon which they are currently planning to build the housing and he believes that is very positive. They want more residential areas in the neighborhood. It is an eyesore now so it will be a great improvement.

Reeves also believes that the idea of affordable housing on rent-to-own basis is very good. It will help bring the area more into the neighborhood. City Impact is a very positive reuse of an older building.

5. Ken Arellano, Excel Development, explained the management structure of the rent-to-own component. Lust suggested that sometimes the term "affordable housing" can be a concern to the neighbors. Arellano explained that they have to fall within 60% of median income and the rents are based on income. After 15 years, the tenants would be allowed to purchase the home. Excel will handle all of the compliance and management which will verify income and take care of any maintenance issues that might arise. The houses will be new construction. They are working with a contractor to build the homes. The rent-to-own feature gives the tenant the opportunity to eventually purchase the home under the rent structure. The affordability of the home will be based on their income. These developments are structured with little debt so that at the end of the 15 year period, based on the number of homes built, the debt would be divided equally so that the person can afford that home and get a mortgage based on the debt at that time as opposed to the full market value. The purchase will include the home and the land.

Butcher gave an example – if a resident were to sign up and rent one of the properties for 5 years and leaves, does the time restart for a new tenant? Arellano stated that the 15-year clock starts at day 1. For example, the person that comes in year 14 gets the benefit to purchase after 1 year.

The clerk noted that there is a letter in support from the East Campus Community Organization (ECCO).

Gaylor Baird noted that the ECCO letter suggests a pedestrian crossing light will be necessary where the MoPac trail crosses 33rd Street, ~~and~~. We have heard from the applicant that there will be lots of children of many ages – including preschool ages – using the facility and playing going outside in the adjacent park; we have heard from the

architects that the main entrance to the new facility is right off 33rd Street; and we have heard from the neighbors that many people will have to park on the other side of this busy arterial street and then cross it to access the building. Can someone from Public Works or Transportation address this issue of a pedestrian crossing light? , etc. Is that something that can be addressed? **David Cary of Planning staff** advised that staff has been discussing what might be possible for that location and it is part of the trail system that is highly used. However, at this location, the amount of crossing does not yet warrant a signal but we are talking about other options such as flashing lights to draw attention to the crosswalk. There is no set plan to install an improvement there yet, but we are actively discussing that location. It has been identified as a needed item. **(As amended by Commissioner Gaylor Baird)**

Esseks inquired whether the change of zone goes all the way down to 30th Street. Cajka stated that the change of zone only applies to the area being added to the CUP. The rest of the I-1 Industrial will remain.

There was no testimony in opposition.

CHANGE OF ZONE NO. 11047

ACTION BY PLANNING COMMISSION:

January 25, 2012

Lust moved approval, seconded by Hove.

Gaylor Baird finds this to be an exciting project that supports the Comprehensive Plan –downzoning that will promote home ownership; it promotes excellent reuse of existing facilities; it is nice example of reuse; and there is a lot of neighborhood support. It also appears that Planning and Public Works/Transportation are addressing some concerns that neighbors do have. This will be a real enhancement to our existing city.

Esseks congratulated those who testified for this project. It was very well organized with leadership, personal experience, and a representative of the neighborhood association. “This was a really good way to get here and persuade us.”

Lust supports the affordable housing aspect of this positive development. When the Planning Commission was working on the Comprehensive Plan, they did have people speak about how affordable housing has become a problem in Lincoln. She is happy to see new construction that will be affordable for families with opportunity for home ownership in the future.

Butcher expressed appreciation to City Impact fo this outstanding project. The impact that it will have on Peter Pan Park and its prior reputation is going to improve the oversight and the use that will take place in that park. He is very excited for this.

Cornelius concurred with the other commissioners. He does not live far away from the

proposed development. He appreciates the positive impact that the Flat Iron development has brought to the area so far, and looks forward to more of the same in the future.

Motion for approval carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04023A
ACTION BY PLANNING COMMISSION

January 25, 2012

Hove moved to approve the staff recommendation of conditional approval, seconded by Esseks and carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is final action unless appealed to the City Council within 14 days.

SPECIAL PERMIT NO. 11033
ACTION BY PLANNING COMMISSION:

January 25, 2012

Hove moved to approve the staff recommendation of conditional approval, seconded by Gaylor Baird and carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

MISCELLANEOUS NO. 11007
TEXT AMENDMENT TO THE CITY OF LINCOLN
DESIGN STANDARDS TO FACILITATE ADOPTION
OF THE CITY OF LINCOLN ACCESS MANAGEMENT POLICY.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **David Cary of Planning staff** explained that this is a request from Public Works & Utilities which repeals Chapter 4 of the City of Lincoln Design Standards, which relates directly to access, as well as amendments to Chapter 1 to coordinate that repeal. This is a step that needs to be taken in order for the next step, which is action by the City Council to approve the new Access Management Policy document, which is expected to happen in the next few weeks. This step is necessary to make sure we have one single document and location for the Access Management Policy. That new policy has been developing over a long period of time and included the private sector. This

application is to amend the design standards to clear the way for adoption of the new Access Management Policy.

Esseks noted that the new “policy” is not in this proposal. He wanted to know why the Planning Commission is not making a recommendation on the new policy itself to the City Council. It appears that the Planning Commission is making a recommendation to clean up and create space for this new policy. Cary agreed. The Planning Commission is being asked to amend the Design Standards that have previously been used for access approvals. It takes that aspect out of the Design Standards so that the new policy adopted by the City Council is the sole location for the access management policies and standards.

Marvin Krout, Director of Planning, pointed out that the Planning Commission received a briefing on the new Access Management Policy and is welcome to offer comments informally. Any appeal of an access management issue will come to the Planning Commission. Krout further explained that most access management issues will be coming to the Planning Commission through special permits, PUD’s, plats, etc., which do talk about access. This policy will save a lot of time and in most cases, the Planning Commission will be part of the review process in establishing access through the proposals that come forward to the Planning Commission.

Lust asked for clarification of the documents attached to the staff report, the result of such clarification being that the “City of Lincoln Design Standards” will no longer deal with access management.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

January 25, 2012

Lust moved approval, seconded by Esseks.

Based on the briefing which the Planning Commission had, Lust congratulated everyone involved in coming up with the new policy. It was a great collaboration between city departments and people in the community. It is a great way for government to work.

Cornelius agreed.

Motion for approval carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

MISCELLANEOUS NO. 11008,
THE THERESA STREET REDEVELOPMENT AREA
BLIGHTED AND SUBSTANDARD DETERMINATION STUDY.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: A finding that there is a reasonable presence of blighted and substandard conditions in the redevelopment area.

There were no ex parte communications disclosed.

Staff presentation: **Wynn Hjermsstad of the Urban Development Department**, explained the area for the Blight Study, i.e., North 27th Street, Cornhusker Highway, Teresa Street coming out to 27th Street into the treatment plant, and outside of the area is Innovation Campus to the south. Based on state law, there are four factors that lead to the substandard designation and 12 different factors for blight. The study found that the Theresa Street Redevelopment Area meets the conditions, i.e. all four of the substandard and 10 of the 12 for blight.

The next step is the redevelopment plan; however, this case will not be a stand alone redevelopment plan but will be incorporated into the Innovation Campus Redevelopment Plan. Hjermsstad explained that the City is having conversations about potentially doing a land swap with Innovation Campus, benefitting both the City and Innovation Campus. The Theresa Street plant would then have opportunity to do some expansion and some additional utility work as part of the Innovation Campus. The purpose is to eventually get to a redevelopment agreement to access tax increment financing (TIF). The benefit would be that some of the utility work could be done with TIF.

Hjermsstad went on to explain that for ease of boundary lines, it was determined that all of the Theresa Street property owned by the City would be included. As they looked at it from a planning perspective, it then made sense to square the area off and go to the logical arterials creating a natural boundary for the area. Part of that decision was based on the good success story on North 27th Street south of this area. This provides potential for future public/private partnerships if there would be any desire to do some redevelopment. The City has done streetscape work on N. 27th Street south of this area so there could be potential to expand that by increasing the boundaries of this area. If the mobile home parks were in partnership with the city, including TIF, then there would have to be relocation costs. But at this point there has been no discussion outside of what's related to Innovation Campus.

Hjermstad stated that the next step is to be back in the next month or two with an amendment to the Innovation Campus Redevelopment Plan to incorporate this area and further expand on projects in Innovation Campus.

After discussing the handwritten notes on the blight study and the map, the Planning Commission was assured that those changes in the legal description had to do with inclusion of the street right-of-way and that indeed the blight study did cover the proper area – they just needed to clean up a couple of the maps in the study. Analysis #14 of the staff report addresses this issue. Brandon Garrett of Planning staff suggested that approval of the staff recommendation is based on the condition that the Blight Study be corrected accordingly. Hjermstad further explained that they intended to include the right-of-way on both sides of 27th Street in case there would be a streetscape project with lighting, etc. Those corrections will be made in the version that goes to the City Council and Hanna:Keelan, who did the Blight Study, has agreed that the additional right-of-way was included in the study.

Esseks expressed concern about the mobile home parks. The consultant found that 84, or 66.7%, of the structures were dilapidated, deteriorated, etc. What are we going to do about this area where 84 houses exist? It seems that if we just develop around it, we are ignoring an important or possible public benefit. Can this area be improved? Hjermstad acknowledged that mobile home parks are tough. The mobile home itself is considered personal property, not real estate. The whole park has a single owner, so the street conditions, etc., are all private. It is not city-owned. It is privately owned. Urban Development does offer an emergency repair program for which mobile home owners can qualify for emergency repair. If an owner of a park comes in and wants to do a redevelopment project, that is something that can be considered by Urban Development. Urban Development or the City will not try to do any acquisition unless approached by the owner.

Esseks sought confirmation that these bad conditions are on private property and the City cannot regulate them. Hjermstad suggested that they still have to meet housing code and violations could be reported and they would have to be repaired. But that is on a complaint basis and a code compliance issue.

Butcher inquired whether there is any residential in this area that is not mobile homes. Hjermstad stated, “no.” Butcher inquired whether it is standard in this kind of study to use the parcels for making the designation rather than looking at the actual area. Hjermstad stated that, “it varies.” Each plan is different. All of the factors are set forth in the state statutes. That is just one of the conditions that has to be met. It’s just one of the many factors that is looked at. Some of it is the density. Even though it is a small geographic area, it’s pretty dense.

For the new members on the Commission, Hjermstad explained that the factors are all set by the state statute, but it is not real clear as to how many conditions have to be met and

how bad it has to be. Ultimately, the City Council declares the area as blighted. Technically, the Blight Study is not required, but Urban Development has traditionally had the study done in order to be confident that the factors are met and that the law has been followed.

Hove inquired as to what can be done now that couldn't be done in the past without the blight designation. Hjernstad stated that technically, it is a legal designation. The next step is the redevelopment plan. That gives the City the authority to actually negotiate with private developers to do a redevelopment agreement. No one is committed to anything until there is a redevelopment agreement. The fact that something is in a redevelopment plan doesn't mean that it has to happen, but nothing can happen unless it is in the plan. The blight study itself is just a requirement that we do in order to do the next step – the redevelopment plan and then a redevelopment agreement. At that point, if an owner of any of the parcels would come to Urban Development, they could talk about doing a project and then amend the redevelopment plan.

Hove believes the area at 27th & Cornhusker and then south is a very high traffic area. Does it make sense that it should be blighted just because it is in the vicinity? Hjernstad suggested that it made an obvious boundary and there may be desire to do some work in the right-of-way at some point.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

January 25, 2012

Gaylor Baird moved to find that there is a reasonable presence of blighted and substandard conditions in the redevelopment area, seconded by Esseks.

Cornelius commented that this is an application that asks the Planning Commission to agree with the designation of a substandard and blighted area. Those designations are contingent on four factors in the case of a substandard area and 12 factors in the case of a blighted area. Then we are given a report that calls out for us the ways in which these areas meet those definitions or display those factors. This is a relatively technical process. This does not put a red stamp on a map that says this is a horrible area. The Planning Commission is looking at the study to see if we agree with its findings. He believes the study is valid for this area.

Where substandard residential areas have been identified, Esseks is hopeful that the city will have the resources to work with the owners of the mobile home parks to come up with some improvement of the land, and that if they have to be relocated, there would be resources for it. It would be unfortunate to have a redevelopment project and the continued deteriorating mobile home parks. What a terrible moral conflict that would be.

Gaylor Baird commented that this is an important first step in removing barriers to redevelopment.

Lust urged that people that live in a blighted area should not feel slighted. It is not necessarily a bad thing for the neighborhood but allows good things to happen – more redevelopment, more opportunity and more attractive for redevelopment.

Motion carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 2:45 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on February 8, 2012.