City Council Introduction: **Monday**, September 14, 2009
Public Hearing: **Monday**, September 21, 2009, at **3:00** p.m.

Bill No. 09R-165

FACTSHEET

TITLE: A Resolution approving and adopting a proposed amendment to the **LINCOLN CENTER REDEVELOPMENT PLAN,** requested by the Director of the Urban Development Department, to add the "Block 68 Redevelopment Project", located on the block bounded by 10th, 11th, M and N Streets.

STAFF RECOMMENDATION: A finding of not in conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/26/09
Administrative Action: 08/26/09

RECOMMENDATION: A finding of "general" conformance with the Comprehensive Plan, except for the "Park Blocks" specification for M Street in the Downtown Master Plan (5-3: Esseks, Taylor, Larson, Francis and Lust voting 'yes'; Partington, Gaylor Baird and Cornelius voting 'no'; Sunderman absent).

1. The purpose of this proposed amendment to the **Lincoln Center Redevelopment Plan** is to add the "Block 68 Redevelopment Project", including a hotel and entertainment complex, mixed-use residential and commercial building with retail on the first floor, and parking facility for the proposed uses. The Project Area is located on the block bounded by 10th, 11th, M and N Streets.

2. The Planning staff recommendation to find that the proposed amendment is not in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.5-6 and p.23, concluding that the land uses described in the proposal are in general conformance with the Comprehensive Plan and some of the general goals of the Downtown Master Plan; however, the conceptual site plans are not consistent with the concepts and specifications in the Downtown Master Plan for "Marketplace" retail (grocery store), M Street "Park Blocks" and the "11th Street Promenade". The staff presentation is found on p.8-11.

3. Testimony in support on behalf of the property owner is found on p.12-14. The owner's attorney suggested that the language in the redevelopment statutes left room for the Planning Commission to find that the project is in general conformance with the Comprehensive Plan.

4. During the public hearing testimony, it was determined that the "Marketplace" retail and the "11th Street Promenade" are no longer an issue in this proposed project. The "Marketplace" (grocery store) is not specified for this block but rather the block between 9th and 10th. The "11th Street Promenade" is a detailed issue of how to treat the right-of-way that the city owns and controls. Therefore, the only remaining issue as to conformance became the M Street "Park Blocks". It was also clarified by the Chief Assistant City Attorney that the City Council must find the proposed amendment to the redevelopment plan in conformance with the Comprehensive Plan prior to approving a redevelopment agreement (See Minutes, p.10).

5. The Director of Urban Development did not dispute the Planning staff finding of non-conformance; however, he believes that he will be able to continue discussions and seek a finding of "general" conformance from the City Council, but most likely without the 50 feet of landscaped area specified in the "Park Blocks" concept. He questioned the practicality of pursuing the vision as laid out in the Downtown Master Plan.

6. The Planning Commission discussion is found on p.14-19. Comments centered around the importance of creating special places like the Park Blocks, and on the precedent that will be established with this case.

7. On August 26, 2009, the majority of the Planning Commission disagreed with the staff recommendation and voted 5-3 to find the proposed amendment to the ***Lincoln Center Redevelopment Plan*** to be in "general" conformance with the Comprehensive Plan, except for the M Street "Park Blocks" specification (Partington, Gaylor Baird and Cornelius dissenting, finding that there should be compliance with the "Park Blocks" specification (See Minutes, p.17-19).

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: September 8, 2009

REVIEWED BY:_____ **DATE**: September 8, 2009

REFERENCE NUMBER: FS\CC\2009\CPC.09005 Redev Plan

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 26, 2009 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 09005

PROPOSAL: Add a redevelopment project to the Lincoln Center Redevelopment Plan.

LOCATION: Block 68 between N. 10th Street and N. 11th Street and M Street and N Street.

LAND AREA: 2.06 acres, more or less

CONCLUSION: There was not a specific site plan submitted for review. A generic concept plan was submitted with the proposed land uses (see "Exhibit -IV-154"). The proposed amendment states that the site will include a hotel, an entertainment complex, residential, commercial, and a parking structure. The land uses described in the proposal are in general conformance with the 2030 Comprehensive Plan and some of the general goals of the Downtown Master Plan. However, the conceptual site plans shared with staff in informal discussions by the prospective developer are not consistent with the "Park Blocks" or "Marketplace" concepts detailed in the Downtown Master Plan.

RECOMMENDATION: Not in conformance with the Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4-10, Block 68, Lincoln Original Addition and the vacated east-west alley; Lots A-F, Cropsey's Subdivision and the vacated north-south alley adjacent thereto; Lots A-F, Brocks Subdivision and the vacated north-south alley adjacent thereto; all located in the northeast 1/4 of Section 26-10-6, Lancaster County, Nebraska.

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USE: Surface parking lot

SURROUNDING LAND USE AND ZONING:

North:	B-4 Lincoln Center Business District:	office and retail
South:	B-4 Lincoln Center Business District:	car rental, bar, and adult live entertainment
East:	B-4 Lincoln Center Business District:	bank and church
West:	B-4 Lincoln Center Business District:	parking, vacant commercial, and office

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2030 Comprehensive Plan Future Land Use map shows this area as Commercial. (P. 19)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (P. 16)

Downtown Lincoln is the heart of our community, a unique common ground for all Lincoln and Lancaster County residents. At the same time, Downtown Lincoln belongs to all residents of Nebraska because "downtown" is synonymous with the University of Nebraska, state government, and the State Capitol building. This state-wide ownership has strong economic implications, and for that reason, as well as the desire to maintain downtown as the "heart" of the community, the Comprehensive Plan will ensure that downtown remains a special place. The Plan will seek to preserve vistas and institutions of cultural importance, to reinforce the district as a center of entertainment, and to promote a rich diversity of activities and uses, including housing, education, government, offices and commerce. (P. 7)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (P. 10-11)

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. (P. 11)

Streets and public spaces should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities. The street network should facilitate calm traffic conditions, provide multiple connections within and between neighborhoods, using neighborhood development aspects such as four way intersections of residential streets, multiple connections to arterial streets, and reduced block lengths. (P. 11)

Development in the existing and expanded Downtown will maintain the urban environment, including a mix of land uses and residential types. Higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures is encouraged. (P. 37)

This area is identified as a "Regional Center" for commerce. (P. 41)

Among existing Regional Centers, Downtown Lincoln stands as a unique community resource. Downtown is the county's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses. It is home to numerous public facilities — including the Nebraska State Capitol, the University of Nebraska-Lincoln's main campus, and County-City Building — as well as private endeavors— including financing, insurance, and other business services. Downtown Lincoln has historically served as the community's dominant center of entertainment. (P. 42)

Streets and public spaces should be designed within each center to enhance pedestrian activity and support multiple modes of transportation. Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity. (P. 47-48)

Encourage mixed-use commercial centers, including residential uses on upper floors and at the rear of commercial buildings. (P. 49)

Pedestrian Districts - These areas are typically located in settings where people go to walk around, shop, eat, or conduct business. These districts attract large numbers of pedestrians on a regular basis. They include the Downtown (along with the main campus of the University of Nebraska-Lincoln), University Place, College View, and Havelock. Pedestrian level of service standards in these areas should be high. These areas should have direct, continuous sidewalks with safe street crossings. Visual interest and amenities should serve to attract people to these districts. Future large scale, mixed- use activity districts should be considered members of this category of pedestrian activity centers. (P. 91)

An existing bike lane is shown on S. 11th Street and a potential future bike lane is shown on M Street adjacent to this block. (P. 95)

S. 10th Street is classified as an urban principal arterial. M Street, N Street, and S. 11th Street are all classified as urban collectors. (P. 102)

DOWNTOWN MASTER PLAN SPECIFICATIONS:

This block is identified as the "Marketplace" and "New Parks and Open Space" on the Land Use Framework map. (P. 20)

This block is identified as “Marketplace Retail” on the Retail Framework map and “Served by adequate parking–especially by adjacent on-street parking”. (P. 21)

Marketplace Retail
A new “urban-style” neighborhood marketplace would be developed to serve both downtown and anticipated new housing, especially that planned for the south Haymarket District. The marketplace retail development should provide:

- 100,000 SF of retail – to meet the demand for neighborhood-serving retail uses anticipated by 2025.
- Pedestrian-orientation – with a majority of shop fronts oriented to engage the street.
- Support for local businesses –complementary neighborhood uses to strengthen existing small retail, restaurants, commercial and art gallery development currently existing on 9th and 10th Streets and other nearby streets.
- Anchor grocery store – a full-service neighborhood grocery store would be a hub for residential and commercial development. (P. 27)

The N Street side of this block is recommended to have a “build-to” line. (P. 29)

The N Street side of this block is recommended to have an “active edge”. (P. 30)

The M Street side of this block is identified as part of the “Bicycle Framework”. (P. 45)

The 11th Street side of this block is identified as a “Back-in Angled Parking” street. (P. 49)

M Street
Outside of the existing M Street right-of-way, and separated from the main travel lanes by a landscaped median, the new M Street streets would provide auto travel one-way westward – thus allowing autos traveling on the main, eastbound M Street roadway to loop back in the opposite direction at each block. These new streets are different from the “parallel access streets” discussed earlier as part of the Retail Boulevard; the parallel access streets are within the existing right-of-way (rather than adjacent to it) and provide travel in the same direction as the adjacent roadway (instead of in the opposite direction). (P. 59)

11th Street and M Street are both identified as being part of the “Bicycle Framework” (P. 67)

Improvements and additions to Lincoln’s parks and open spaces network include M Street Park Blocks -M Street between 7th and 11th Streets and between Centennial Mall and 21st Streets.

- East and West Park Blocks – M Street between 7th and 11th Streets and between 16th and 21st Streets.
- Urban Park Blocks – M Street between 11th and 16th Streets. (P. 91)

M Street Park Blocks (See images attached)
The Park Blocks are intended to provide a memorable, easily identifiable public open space for southwest and southeast downtown districts. The Park Blocks will:

- Provide a focus and amenity for nearby redevelopment.
- Provide green linkages connecting major recreational parks in South Haymarket and Antelope Valley.
- Provide lawn areas for passive and active impromptu recreation opportunities.
- Include a multi-use (bike/ped) pathway.
- The Park Blocks will require willing acquisition or dedication of approximately 50’ of setback within existing private parcels . These Park Blocks:
- Do not reduce the viability of development of any planned building type on adjacent parcels. Instead, they improve property values of adjacent parcels.
- Can be phased or added as parcels redevelop, although it is preferable that the Park Blocks are assembled and constructed in a single phase.
- Could require narrowing of existing M Street roadway facilities. (P. 92)

LINCOLN DOWNTOWN DESIGN STANDARDS (Chapter 3.76) SPECIFICATIONS:

Parking and driveways between a building and the street are prohibited with two exceptions:

- hotels may offer drop-off lanes at their principal entrance; and
- buildings situated on a parcel occupying an entire blockface may be built to one corner (fronting two streets) and may offer screened parking behind and/or beside the building. (P. 3)

Drive-through lanes, if used, must be located behind or beside buildings, and are prohibited between the building and streets. (P. 3)

Any ground-floor parking in structures must be screened from public sidewalks. (P. 4)

Entrances and exits shall be located and grouped to minimize curb cuts and other interruptions of pedestrian movement on sidewalks.

(P. 4)

Parking structures shall be designed with the appearance of horizontal floors, concealing sloped floors or ramps visible on street facades. (Entrance and exit ramps may be visible through openings on the ground floor.) (P. 4)

The applicant may request the Planning Director to waive strict conformance with the Lincoln Downtown Design Standards ("Design Standards"). The Planning Director may grant the request upon written finding that the design enhances its setting and meets the overall intent and spirit of the Design Standards. (P. 5)

ANALYSIS:

1. A detailed site plan was not included as a part of the proposed amendment. The general land uses proposed are consistent with B-4 Lincoln Center Business District, the Downtown Master Plan, and the Comprehensive Plan. However, without a detailed site plan, it is unclear as to whether the proposed development will meet the goals and spirit of the Lincoln Downtown Design Standards, the Downtown Master Plan, and the Comprehensive Plan.

2. M Street is shown in the Downtown Master Plan as part of the "Park Blocks" concept that would connect parks and recreational features in Antelope Valley with the Haymarket (see attached). The plan calls for an additional 50 feet of right of way. The extra right of way would allow for a pedestrian promenade and a separate parallel "slip road". See cross-sections attached to this report. A photo of an existing promenade is also attached as an example of the vision for the Park Blocks along M Street.

3. The four blocks east of 11th Street are part of a "Promenade" system which enhances the pedestrian, bicycle, and streetscape, but maintains the existing right of way width in recognition of the significant existing buildings. See cross-section attached to this report.

4. This block was identified in the Downtown Master Plan as a "Marketplace" for a grocery store and other neighborhood uses that would serve downtown residents. This proposal is not exactly consistent with that specific vision, but does propose a mix of land uses including commercial (which could have the potential to include a small grocery store), residential, a hotel, and parking, which is consistent with the general vision.

5. Planning staff is hopeful that, if negotiations proceed with the prospective developer, an agreement can be reached on a plan which may not exactly match the proposed cross-section for M Street in the downtown plan, but meets the spirit of a well-landscaped pedestrian promenade along M Street.

6. Planning staff finds that enough questions have been raised about the proposed plans that the proposed amendment cannot be found consistent with the principles in the adopted Downtown Master Plan. A finding by the Planning Commission that this proposal is not in conformance does not prevent the City Council from moving forward and approving a design scheme that does not meet the spirit, or the letter, of the Downtown Master Plan. However, it is a way of calling the City Council's attention to the original vision of the Plan for "Park Blocks" and deciding if it is worth preserving or modifying that vision.

7. Regardless of conformance to the Downtown Master Plan, the following should be resolved when a detailed site plan is developed:
   a) Pedestrian environment and traffic circulation. Impacts to a downtown pedestrian

environment should be minimized. This includes minimal driveway interruptions to sidewalks and on-street parking, landscaping between the curb and sidewalk, street trees, and traffic flow. The conceptual site plans shared with staff contained multiple driveways on 10th and 11th Streets.

b) On street parking. On street parking is a valuable public resource utilized by businesses on this block and adjacent blocks and also serves to separate pedestrians on the sidewalk from automobiles in the public streets. The site plans shared with staff would result in a net loss of approximately 35 on street parking stalls.

c) Bicycle circulation. The Downtown Master Plan shows M and N Streets as an enhanced environment for pedestrians and bicyclists, connecting Haymarket to Antelope Valley. The site plan should not preclude this connection from being implemented.

d) Lincoln Downtown Design Standards. Final plans should be developed in accordance with the new downtown design standards that were adopted in 2008. The site plans shared with staff show multiple driveways and a surface parking lot on a portion of the block, which seems out of place in the heart of downtown.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: August 17, 2009

APPLICANT : David Landis, Director
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COMPREHENSIVE PLAN CONFORMANCE NO. 09005

PUBLIC HEARING BEFORE PLANNING COMMISSION: August 26, 2009

Members present: Esseks, Taylor, Partington, Larson, Francis, Gaylor Baird, Lust and Cornelius; Sunderman absent.

Ex Parte Communications: None.

Staff recommendation: A finding of not in conformance with the Comprehensive Plan.

Staff presentation: **Brandon Garrett of Planning staff** submitted an addendum to the staff report to advise that the initial staff report did not cover in detail the 11th Street promenade component of the Downtown Master Plan. The Downtown Master Plan, among many of its concepts, has a component called the 11th Street Promenade. The details of that Promenade, specifically along 11th Street, show an enhanced pedestrian environment which would also be conducive to recreational activities, according to the Downtown Master Plan. The proposal as submitted does not address the 11th Street component of the Promenade. The 11th Street Promenade does not propose to take any additional right-of-way, all being within the existing 100' right-of-way being reapportioned and redesigned. This is another element of the proposal that is not in conformance with the Comprehensive Plan.

Regarding the "Marketplace" retail identification for this block in the Downtown Master Plan, the main component is a grocery store and this was meant to enhance any downtown living or housing so that the residents would have easy access. This is another reason for a finding of not in conformance. **(*Editorial note*:** *Later in the public hearing testimony, it was acknowledged by Planning staff that this is an error in that the grocery store is identified to be in the next block between 9th and 10th Streets in the Downtown Master Plan and not on this block).*
With regard to the M Street "Park Blocks" concept (directly south of this block along M Street), the Downtown Master Plan proposes to acquire an additional 50' to accommodate the concept, which would add a similar promenade and would accommodate additional trees, parking and a reverse lane of traffic. M Street is envisioned as a connector corridor between Antelope Valley recreational opportunities and anything in the future that might occur in the south part of the Haymarket. It also ties in with the notion of the promenade system. There would be a M Street promenade for the four blocks to the east, which has been narrowed because those 4 blocks have already been built out. This concept is also not addressed in the proposal before the Commission, and is yet another reason for a finding of not in conformance with the Comprehensive Plan.

Garrett advised that the Planning staff and Urban Development staff have agreed that this proposal is not in conformance with the Comprehensive Plan. A finding by the Planning Commission of not in conformance does not mean that the City Council could not go forward with a more identified plan that does not meet the goals or intent of the Downtown Master Plan. This is now an opportunity to voice concerns or raise the issues to put the Council on notice as to the conformity issues. (***Editorial note***: *Later in the testimony, Rick Peo of the City Law Department, advised that the City Council must find the proposal to be in conformance with the Comprehensive Plan before approving a redevelopment agreement pursuant to the Community Development Law in the state statute).*

Garrett further explained that this proposal takes up the whole block of M Street. The Downtown Master Plan is very detailed in identifying what is to occur block-by-block. There are three issues that occur on or adjacent to this block that would impact any proposal, i.e., the 11th Street Promenade, the Marketplace concept, and the M Street "Park Blocks" issue. We would be looking for something that either showed that 50' on the south side of M Street as green or open space, or at least something that met the spirit or intent of the linkage between Antelope Valley and the Haymarket.

Esseks wondered whether the property owners would have to give up the 50'. Garrett believes it would require further discussion. He would presume that the City would play a key role through negotiations.

Lust sought clarification that none of the other blocks in the Downtown Master Plan have any build-out or any plans for this promenade. Garrett stated that this would be considered the first opportunity to implement that concept. The Downtown Master Plan was adopted in 2005 and development in general has been very slow. This seems to be one of the softest blocks in terms of developing this concept because it is all surface parking today. Any development on this block should be able to conform to this idea.

Larson inquired whether the staff has negotiated with the applicant about the 50'. Garrett stated that a detailed site plan has not been formally submitted. He believes it is still being discussed, designed and negotiated. We are still talking about an enhanced environment along M Street. The general concept should be honored. Larson suggested that possibly the application is premature.

Cornelius confirmed that a finding of nonconformance by this body does not shut the door on this application but gives the Planning Commission opportunity to provide input to the City Council on what we think would be more suitable with the spirit and intent of the Downtown Master Plan and the Comprehensive Plan. Garrett agreed. The Planning Commission's role is to provide a recommendation to the City Council.

Esseks likes the idea that the Planning Commission cannot find a proposal in conformance with the Downtown Master Plan unless a fairly detailed site plan is also submitted.

Marvin Krout, Director of Planning, acknowledged that this may be an awkward process – this is a step of approving an amendment to the redevelopment plan. Then the next step is a redevelopment agreement with the developer. Thus, the Planning Commission does not get to review a detailed site plan. What we are attempting to convey is that the plans reviewed, but not officially submitted, do not conform to these aspects of the Downtown Master Plan. There is really no argument about that. The Planning Commission is almost bound to make a finding that, as submitted, the redevelopment plan amendment without some designation for an open space corridor, is not in conformance. The M Street "Park Blocks" concept is something that does need to be recognized at this stage of the plan, but he believes the discussion will continue with the developer about how to try to meet the spirit of this M Street connection, and that the City Council

will make their own decision when they review the redevelopment agreement and a site plan. Even a finding of nonconformance does not prevent the City Council from approving a plan that is not in conformance. A plan is a plan. It's not an absolute – it's a guide.

Rick Peo, City Law Department, disagreed and clarified that the determination of whether or not this proposal is in conformance is more important in this situation than typically in the applications reviewed by the Planning Commission. Under the zoning code, the issue of conformity is not as critical because the Supreme Court says that the Comprehensive Plan is a general guide. However, the Community Development Law of the state statutes provides that the governing body or the City Council may not approve a redevelopment plan amendment which is not in conformity. It is not a question of waiting for the redevelopment agreement to come forward. The City Council is going to have to find conformity before they can adopt the plan amendment to even add the project. It is Peo's opinion that the Planning Commission recommendation is going to be critical as to what the shortcomings might be because those might be able to be corrected between now and City Council action to bring it back into conformity. The Planning Commission is making a recommendation to the City Council. It is the City Council's decision as to whether it is in conformance or not, and the City Council must find it in conformance before moving to the next step. The City Council must make a finding of conformance before they can adopt the project as an amendment to the Redevelopment Plan. Peo acknowledged that the process has some deficiencies. He also pointed out that once a redevelopment plan or amendment is brought forward, the Planning Commission only has 60 days to make a determination, so it is not something that can be delayed.

Proponents

1. Dave Landis, Director of Urban Development, the applicant, explained that one of the motivating factors in bringing this forward in this manner is because the chief lender to make the project work is the use of federal HUD money that is stimulus package money. It is not open-ended. It's competitive money designed to get construction done and jobs filled. This is a significant motivating factor that is not normally present.

Landis stated that Urban Development is prepared to accept the finding of not in conformance. He also agreed that it does not conform to the M Street Promenade in the Downtown Master Plan, nor is it a grocery store. It is hard to pick where the developer will build what we want them to build. We don't have a "Marketplace" here, but instead about 110 hotel rooms, 550 stalls of parking and 120 rental units, with first floor retail – about a forty million dollar development. The development will comply with the Downtown design standards, but it is not a grocery store.

Landis suggested that the M Street promenade is a visionary view. It runs for about 16 blocks of Downtown Lincoln, 11 of which are occupied by buildings that do not comply with this rule.

Landis then suggested that the rental, parking, hotel and design standards are in conformity with the Downtown Master Plan because it is a mixed use, which is in conformance with the Comprehensive Plan. This is active commercial with retail on the first floor – that is conformity. This is off-street parking that takes 200 existing surface parking stalls and turns it into 550 stalls of parking, something that is a premium and something we want downtown. The density of this development compared to what is there now is consistent with the Plan. The under-utilized blocks

is another consistency. And there would be an enhancement to the streetscape. Landis does not dispute that it does not conform with the M Street promenade. They need the 50 feet because it is six floors of hotel, or 4 floors of parking, or 9 floors of rental.

Landis went on to discuss the promenade issue, which will require access to 50' of eleven different blocks. The four blocks in the middle are 100' wide, pushed to the south, with smaller sidewalk so that there can be more space on the north side. He would propose a different M Street promenade that does not require the 50'.

Landis stated that, “we can pull the plug today or we can continue to talk about and reflect on our options, including challenging the developer to make this block as sensitive, or we can simply just stop talking and not continue.” That’s where we are.

Landis confirmed that the entire block is currently owned by one landowner who will continue to own it – the developments will have long term leases. The HUD money will go to the rental units on the north side of the block.

Landis further stated that this is not a done deal. They are in the middle of negotiations and they may not get there. His best guess, however, is that they will not ultimately bring a design to the City Council that will have the 50'. The City Council will have to make a judgment as to whether every single aspect of the proposal does not conform to the Comprehensive Plan.

Larson observed that this block is extraordinarily important to th Downtown. Landis agreed, and it is the softest block for development, the least dense and the most available for intensification. This is the first of potentially eleven times the Commission may be faced with this issue. He does not predict that there will be a site plan that includes 50' of new city right-of-way on that block.

Lust asked Landis to clarify in one sentence what he wants and expects the Planning Commission to do today. Landis stated that he is fighting for a period of time to allow him to continue to work on the project and bring it to a level where the City administration can say it is a good project. Then he will go to the City Council. He will suggest that possibly it is not in conformance with the M Street promenade, but still could be found to be in “general” conformance with the Comprehensive Plan because it does so many things that we want to have happen in downtown Lincoln.

Partington suggested that if the Downtown Master Plan is standing in the way of a better idea, perhaps we adopted a Downtown Master Plan that is too tight and not flexible enough. Landis stated that he does not want to dispute the vision of that Downtown Master Plan – that kind of a street would be a magnet. But to get there from here, we are going to have to solve eight or nine other existing buildings. He does not dispute the vision or beauty of the Downtown Master Plan.

Esseks noted that a third issue raised by the Planning staff is the promenade plan for 11th Street, specifically the multiple driveways on 10th Street and 11th Street which could interfere with this promenade vision. Landis advised that he had a meeting with transportation and the developers about the multiple access points. Public Works was very clear and he believes the developers left the meeting understanding that they had an obstacle. It is going to take reconfiguration and rethinking for those two parties to agree. In the event they propose a design and project that does not serve the city’s interest or has safety problems or undermines civic objections, Urban

Development will respectfully decline the project. If the developer is faced with challenges that add to their cost and provides a site plan that is unworkable, “they will tell us we blew it and they will go someplace else.”

Cornelius stated that the Planning Commission is particularly sensitive to the idea that they are being asked to take on faith something that will come back and impact the Commission in the future. This has happened recently. We see a block with some lines drawn on it and some good feelings, and yet we also have a very specific plan that is the product of a great deal of public process, and possibly the one block where we will have the easiest time and good intentions. If this body decides this application is not in conformance with this specific plan (Downtown Master Plan), does that stop the conversation? Or can we make a recommendation that allows the conversation to continue? Landis stated that he is not asking the Planning Commission to take it on faith and promises. He acknowledges that there is a broader scheme of conformance and that is the City Council’s political question. Landis will not dispute a finding of nonconformance by the Planning Commission. He suggested that in the broader scheme of things, the question to the City Council is not identical. He believes there are many ways in which the project is in conformance.

Gaylor Baird was disappointed to see a real disconnect between Urban Development and Planning. Probably not practical and probably not cost-effective, but she does not want to lose the “Park Blocks” vision. It is exciting. If we see this ultimately develop without the “Park Blocks”, are we likely not to see any of the 11 blocks go that route? Landis again pointed out that the ultimate forum for this political question will be the City Council. If you really want the Downtown Master Plan as it is envisioned, he accepts that this is the test case and it is problematic. To get to that iconic street, you have to do this eleven times in which the existing landowners have no obligation to do anything different and have a right under the zoning law to rebuild the structures that they have. We’ll have to do this eleven more times and find a way to jump over the obstacle.

Gaylor Baird inquired how this street was picked during the Downtown Master Plan process for the “Park Blocks” concept. Landis suggested that it links to Antelope Valley.

2. Mark Hunzeker appeared on behalf of **Randy Acher,** the owner of this block, and the redeveloper. It is very important in the context of redevelopment and new development in our downtown area that we not let perfect be the enemy of good. Remember that the Downtown Master Plan is only a part of the Comprehensive Plan. The Planning Commission recommendation is whether or not this redevelopment plan amendment is in conformance with the Comprehensive Plan. The Downtown Master Plan is a subset of the Comprehensive Plan. The promenade concept is a small piece of that subset of the Comprehensive Plan. This project has housing, retail, hotel and entertainment in the Downtown, all of which we have been seeking or at least subsidizing for 30 years. There is a lot of good here that is clearly in conformance with the Comprehensive Plan. Hunzeker does not believe that it is incumbent upon the Planning Commission to make a recommendation which is black and white. The Planning Commission could find that this redevelopment plan amendment is in “general” conformance with the Comprehensive Plan, and could except from that recommendation whatever the Commission finds is not in conformance with the subset Downtown Master Plan, which is the promenade. He does not believe that this relatively small divergence from the Comprehensive Plan (a county-wide plan) requires the Planning Commission to find that the entire project is not in conformance. The Planning Commission can express their concerns for the promenade concept and for seeking agreement with the developer

to address those concerns as part of the redevelopment of this site without saying that it is not in conformance.

Hunzeker also pointed out that the statutory standard talks about the "general planned development for the city". It does not use the term "Comprehensive Plan". That is a term of art. The general plan for development of the city is a term much broader than the Comprehensive Plan. He believes this redevelopment plan amendment can be found to be in conformance with the general plan of development of the city to develop a square block of downtown with housing, retail and entertainment, and hotel and parking – that is a 40 million dollar investment that we would all like to see in downtown Lincoln.

Hunzeker asked the Planning Commission to consider the possibility of a finding of general conformance, subject to the concern with respect to the promenade.

Hunzeker also advised that the grocery store is not an issue with this block. The grocery store recommendation in the Master Plan is for the block between 9th and 10th, not 10th and 11th. He believes the staff made a mistake.

Marvin Krout acknowledged that the grocery store in the Downtown Master Plan is between 9th and 10th, which in some ways makes more sense being between the two major one-way streets. He apologized for this error. The grocery store is not an issue. That leaves the 11th Street promenade and the 10th Street Park Blocks issues. The 11th Street promenade is a detailed issue of how to treat the right-of-way. Krout suggested that if this block were to be in conformance with the Downtown Master Plan, it would show a strip of open space along N Street in addition to the commercial, parking and residential retail uses. It is up to the Planning Commission to decide how to interpret the finding and whether the "Park Blocks" issue is important enough. The 11th Street promenade is a landscape plan for the city right-of-way that the city owns and controls. It is up to the city to decide how it is going to allow driveways along that promenade. The site plan showed so many driveways on 11th that there was nothing left to promenade along.

Esseks does not believe the Planning Commission has enough understanding of what is being proposed. We have a staff report identifying three major deficiencies, and now we are down to maybe just one. It would be helpful to see how the plan does meet the major goals of the Downtown Master Plan. The Planning Commission is supposed to be a source of good advice to the City Council.

Hunzeker sympathized with the awkward position for the Planning Commission. This is different from the usual process of bringing forward a plan that is more or less completely fleshed out by the time it gets to the Planning Commission. In this type of situation, the detail ends up happening after the finding of general conformance and during the negotiations of the redevelopment agreement. All of that level of detail is yet to come. We are not interested in spending several weeks of meetings to get to that detail unless we know we will have a redevelopment plan to accommodate the development. The vision of this block is that the north 1/3 of the block along N Street is proposed to be a building that will house 120 units of rental housing above the first floor; the first floor will be retail and there will be surface parking for that retail behind the street facade along N Street. There will also be subsurface parking for the residential units in that area; there will then be a 500+ stall multi-story parking garage standing south of that building; and to the south of that will be a hotel projected to have 100-115 rooms with the street level of that being occupied in a large

part by an entertainment venue and banquet facilities. The M Street side will likely have a significant portion of the street level pulled back from M Street, with the hotel going up over an outdoor plaza area, along with a drop-off for hotel guests, etc. The development will have to meet all of the downtown design standards for the buildings. They have discussed dressing up the facade at the parking garage to meet the intent of the design standards; the time is very short on the residential portion because there are some deadlines that need to be met with respect to financing that building.

In addition, Hunzeker does not remember a time when Lincoln's Comprehensive Plan has not actively and strongly encouraged all of these kinds of uses in the Downtown area. To have the opportunity to do that on an entire block is very rare. If we were to put a price on 50' of a full block face of this property equivalent to what the city has paid for not even a full half block along Q Street, you would be looking at somewhere beyond three million dollars just for the land. This project needs to move forward. It is only out of conformance with one relatively small aspect of the Comprehensive Plan. In the big picture, Hunzeker believes that this is something that is clearly in conformance with what the Comprehensive Plan is about. He believes it is legitimate for the Planning Commission to find that the amendment to the redevelopment plan is generally in conformance with the Comprehensive Plan, but for the M Street promenade.

Hunzeker and Landis confirmed that the residential portion is a market rate project. It is stimulus package market rate, which means there is not a low or moderate income portion. It is designed to build and put people to work.

There was no testimony in opposition.

<u>Staff questions</u>

Partington believes the staff position and Hunzeker's position are pretty clear, but it is unclear to him what Urban Development is asking. The Planning Commission generally tries to support the staff position, and he wondered whether there is any flexibility now in the staff recommendation with the testimony today. Krout again apologized for the grocery store error. He also apologized for indicating that the City Council could approve something that is not in compliance with the Comprehensive Plan on redevelopment plans (which is different than CIP or zoning actions). Krout believes that the Downtown Master Plan is a significant piece of the Comprehensive Plan. That is what is going to make Lincoln different from other downtowns. If the Planning Commission believes it is worth the effort, the Commission would probably find that this is not in conformance with the Comprehensive Plan and Urban Development would still be able to discuss this issue with the developer and come to the City Council with something close to the spirit of the Comprehensive Plan. Then the City Council could take the broader view of making a finding that the redevelopment plan is in conformance. The City Council might find differently than the Planning Commission, but maybe there will have been some further negotiation along the way. If the Planning Commission believes that the "Park Blocks" idea is not practical and that it is unlikely to happen, then the Planning Commission might take Hunzeker's approach and find that there are many other ideas in the Master Plan and that this proposal is generally in conformance.

Francis believes that the Comprehensive Plan is a guide to be used. The Planning Commission is to review the land use - there will be more details at City Council. She believes that the Planning Commission has received more details on this than they do on a lot of things. She is okay with the lack of information since it is just preliminary.

Larson believes this is too good of a project to deny and he will be making a motion to find nonconformance technically, but generally it is so close that we would advise the City Council to find a way to make this project happen because we feel it is so important to the City. Krout believes that the Planning Commission can make that motion or a more black and white motion. Whatever the recommendation, the City Council will have to make a finding that it is or is not in conformance. The Planning Commission should indicate whether or not the issue of "Park Blocks" is important.

Gaylor Baird inquired about when and why the "Park Blocks" issue was included in the Downtown Master Plan. Krout suggested that many buildings were cleared in order to create the Boulevard in Paris. When Chicago created the Great Lake front, it had to acquire lots of land in small increments over a time and negotiate with developers who owned lake front land. We were challenged when the consultants came in to try to find the ingredients that fit Lincoln and would make Lincoln unique. What is unique is the grid and how it expands and the wide streets. The Master Plan enhances that character. If you think about it, there are no green spots in downtown Lincoln other than the Foundation Garden and Centennial Mall. Most downtowns have significantly more open space. It was an important vision at the time.

If this were not an application that was sort of being fast tracked because of stimulus funds, Cornelius wondered what level of detail the Planning Commission could expect. Krout indicated that it wouldn't necessarily be any more or any less information than what has been submitted in this case. Remember West Haymarket – we certainly have a lot more information about that project than we did at the time. That's true of other areas as well.

Cornelius asked Krout to clarify the remaining staff objections. Krout suggested that the grocery store is a non-issue. And because the 11th Street promenade is in the right-of-way and so detailed and so unlikely that Public Works will approve the number of access points, the Planning Commission does not need to make that a part of its consideration of conformance. The remaining issue is the "Park Blocks" concept – the idea of a wider right-of-way where you could have a double row of trees which takes at least 30' of right-of-way.

Esseks believes the big difference seems to be the slip road. Krout agreed that we probably don't need a slip road to do the "Park Blocks" concept. In fact, we suggested that the developer might find his auto access in back of the hotel in the alley rather than off the street. It is possible that they could move that access point to the rear and would not need the slip road and then you would not need 50' of right-of-way. Marvin suggested that if the Planning Commission votes that the plan is in conformance as presented, that is a signal to the City Council that the "Park Blocks" are not that important and that this project is more important than trying to make that concept happen. A finding of not in conformance tells the developer and the City Council that is what should happen as a part of this project.

Cornelius inquired whether there will be a negotiated redevelopment agreement prior to the City Council determination of conformance. Krout advised that the City Council will make its decision on the amendment to the redevelopment plan prior to reviewing the redevelopment agreement.

Cornelius asked, “how finely can we split this hair?” Are we discharging our duty if we say it is in “general” conformance with the overall Plan, but not in conformance with these details that are important. Peo advised that, “we are not looking to a degree of certainty”. It really is weighing the critical factors and the major features of the Comprehensive Plan that have to be met and satisfied. There is also an overlay district of the Master Plan having more significant detail for this area to show a wide boulevard type park feature. You have to weigh that as the significance of not being able to meet that element. It is going to be a judgment call by the Planning Commission. The Planning Commission is weighing the major features of the Comprehensive Plan in making the analysis whether the proposal falls short.

Gaylor Baird referred to Analysis #7 in the staff report:

> Regardless of conformance to the Downtown Master Plan, the following should be resolved when a detailed site plan is developed:
>
> a) Pedestrian environment and circulation....
> b) On-street parking...
> c) Bicycle circulation...
> d) Downtown Design Standards...

If the site plan is not created prior to City Council determination of conformance, Gaylor Baird wondered how binding any of these notations are to the actual development of the site plan. Krout indicated that they are not binding. They are for the City Council’s attention when the redevelopment agreement comes forward.

<u>Response by the Applicant</u>

Landis confirmed that the development will meet the design standards. The other pieces are in the middle of negotiation. He does not dispute the Planning Department’s conclusions. He believes there is a broader context which he expects to argue at the City Council level. Landis believes that the M Street promenade is a generational issue and it will take us a long time to get there. It has to have eight or nine separate development plan amendments. The whole purpose of this block is to move as expeditiously as possible. We are talking about being into the ground next year. The HUD funds are not the problem – the HUD funds are promised. If there is a problem, it will probably be the lender that supports the hotel. There are Public Works problems to solve on access points, sewer lines, water lines, electric lines, etc.

ACTION BY PLANNING COMMISSION: August 26, 2009

Motion #1: Larson moved a finding of conformance with the Comprehensive Plan, with the addendum that we recognize that it is not 100% in conformance, but because of the importance of this project we recognize the City Council can approve it, seconded by Francis.

Esseks would prefer the motion be amended to say that we recognize the problem with the M Street promenade and we hope progress toward achieving that goal is still possible. Larson accepted this as a friendly amendment.

Gaylor Baird commented that we all want to see things work for Downtown for both the short term and the long term. The problem with a friendly amendment like that is that we can hope that they will work it out, but by saying it is in conformance we are saying it is okay if not worked out and that it is not a key element of the Downtown Master Plan and Comprehensive Plan. She values green space and she cannot agree with that. She wants to be part of a generational change. She is not willing to give up on it. It is the character of our community to work hard for things. We can agree that there are things about this "Park Blocks" idea that are not practical, and are difficult and may cost money, but something that could be iconic for our community and could make people want to work here. Great cities look great. She would challenge developers to not only consider projects which are good for our economy but which are more vibrant visually. It provides more recreational opportunities. She wants to send the message to City Council that we recognize the practical considerations, but that we want a great vision and a great city.

Larson agreed, but looking at the whole project, there is going to be some problem on trying to conform with the "Park Blocks" concept between 10th and 11th, and certainly the problem is going to be even worse in the next two blocks, so there is going to have to be some sort of accommodation started and he thinks this could be the transitional block to squeeze trough the bottleneck between 11th and 13th.

Esseks applauded Gaylor Baird's image of the city and stated that he shares it. We have invested a lot of our resources in the Antelope Valley redevelopment which has very aesthetic and recreational goals; however, this particular proposal hopefully will evolve so that there will be somewhat less than 50' of right-of-way. The way to make M Street be a promenade in the foreseeable future is to work on a parcel-by-parcel basis to maximize the additional right-of-way for greenery and open space. He is afraid the idea of a slip road is probably impractical. The extra 20 to 30 to 50 feet for green space for walking will probably be our best chance for success.

Gaylor Baird urged that if the Commissioners believe that this is a key element to make something great, then it seems it should be found not in conformance to make sure that the message is conveyed. If we don't, every single block in this potential plan is going to be able to make a similar argument.

Taylor believes that this project fits well with the vision that he sees for our City. He does not look at this as necessarily being in conformance, but he agrees that it is in “general” conformance. It is going to be a hard thing to do but the most great accomplishments are achieved by making hard choices and hard decisions.

Cornelius believes 100% that this is the way we want to go with Downtown generally. He also 100% agrees that what we are talking about the very first block implementing this particular part of the Downtown Master Plan. While the Master Plan is a small part of the overall Comprehensive Plan, it is a key part, particularly for the city. While the “Park Blocks” concept is a small part of the Downtown Master Plan, it is a key part. The reason we are here is because our job is to advise the elected officials and while he is excited and enthusiastic about the project, he believes that saying it is more or less in conformance is not really doing our job as well as we can. He wants to find it not in conformance because it is not in conformance with these key parts. He does not want to discourage the project, but it gives guidance for negotiation between now and then. There is opportunity for creative architecture and interesting street facades.

Larson then suggested that maybe a vote for nonconformance is a clearer message and, upon further discussion, he withdrew his motion and Francis agreed as the seconder of the motion.

Motion #2. Cornelius moved a finding of nonconformance based on the “Park Blocks” issue, but encouraging the project, finding it generally exciting and interesting but we are compelled by the plans we have, i.e. the Downtown Master Plan and the Comprehensive Plan, seconded by Partington.

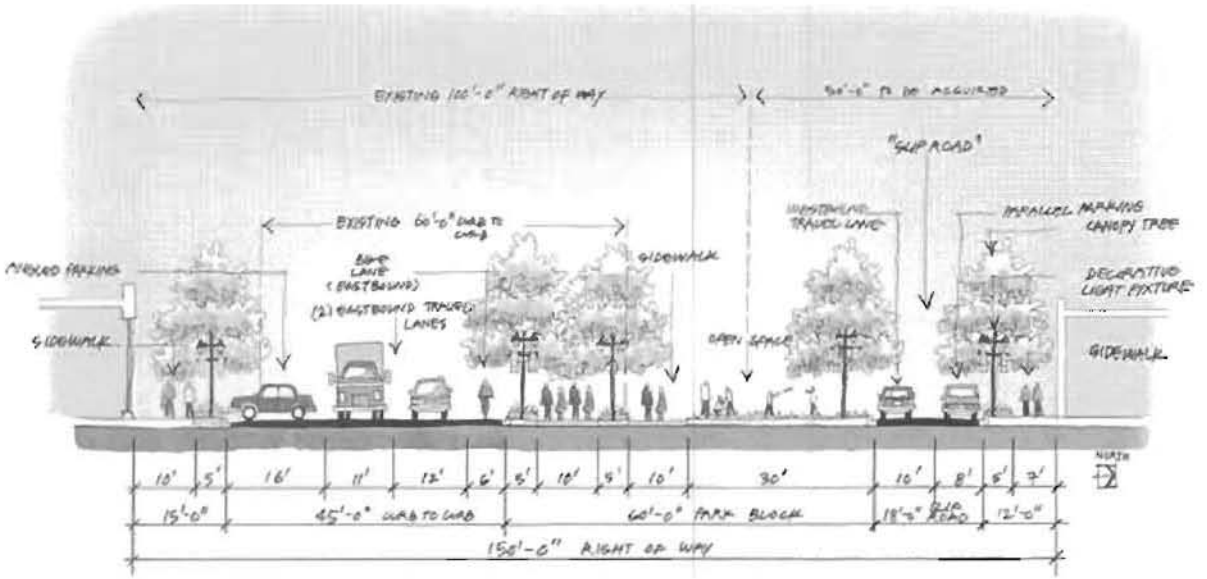
Lust disagrees with a finding of nonconformance. She agrees that we have a wonderful plan for the city but as this discussion has gone on, the only one objection is the “Park Blocks” concept and that gets down to the width of a slip road. It would make a lot more sense to say we agree that this project generally conforms with the Comprehensive Plan, except for this one element.

Esseks does not recall being part of the discussion regarding the M Street promenade. He thinks it has good possibilities, but he is not sure the slip road is necessary. The 100' can be well configured for open space and he likes the idea of working with individual property developers to give an additional 20-30 feet whenever they can. We are being too constrained if we insist every project along M Street meet this goal because there are so many buildings of relatively new construction. It is an interesting goal but it needs to be approached in a more pragmatic way. He does not believe we should be hanging everything on this one aspect. He thinks it is in general conformance.

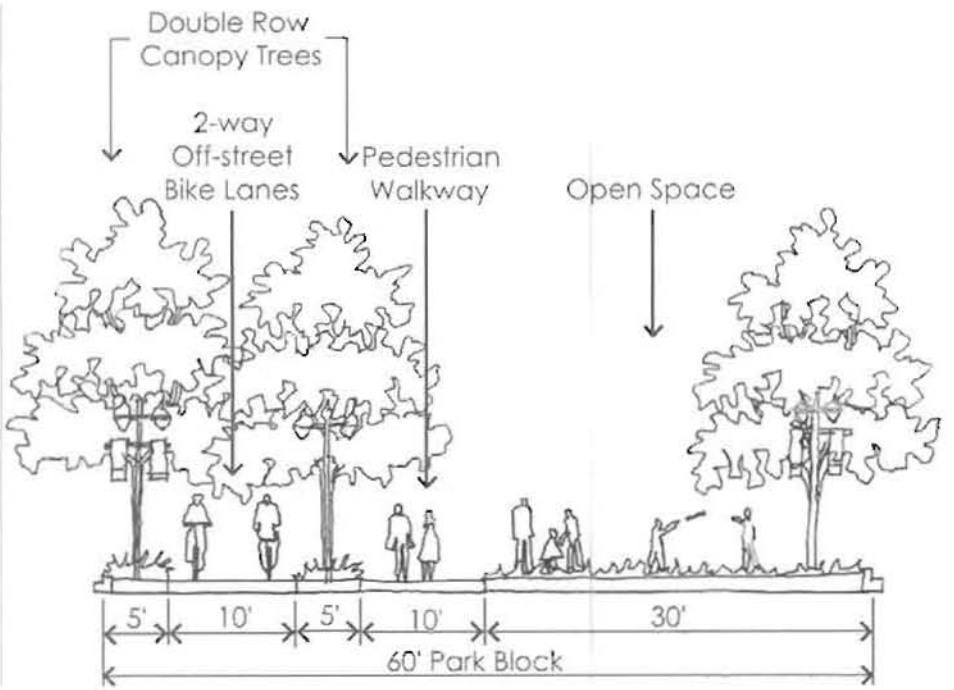
Taylor wants to find it in conformance, with the one exception.

Motion #2 for finding of nonconformance failed on a tie vote of 4-4: Partington, Larson, Gaylor Baird and Cornelius voting ‘yes’; Esseks, Taylor, Francis and Lust voting ‘no’; Sunderman absent.

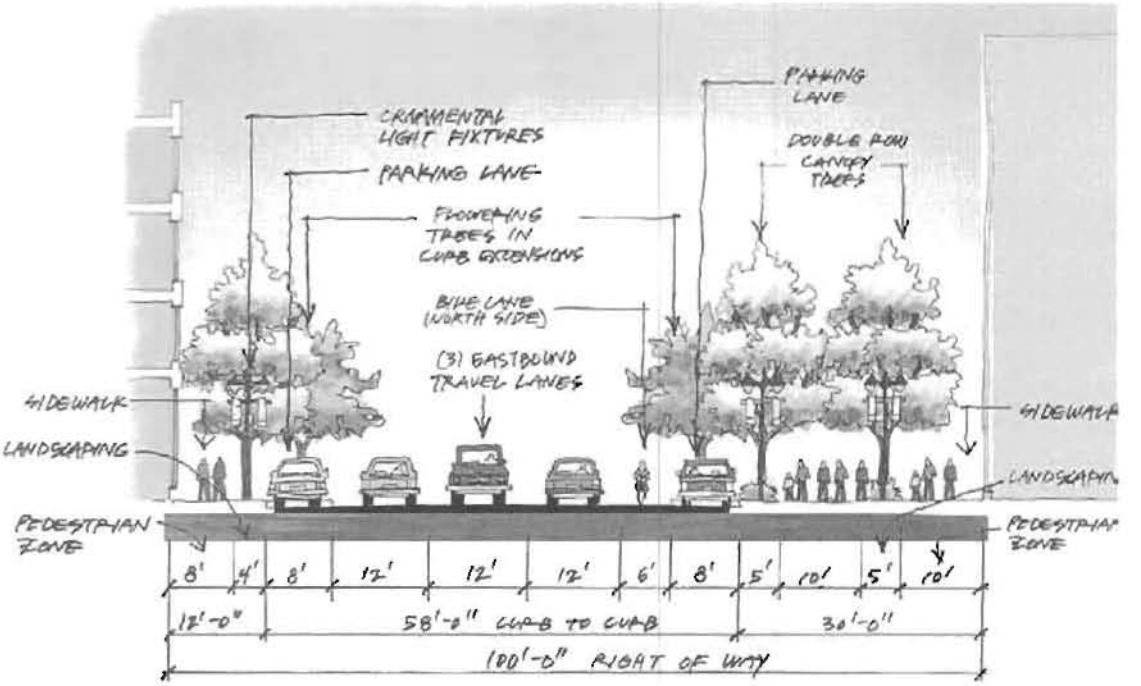
Motion #3. Lust moved a finding of general conformance with the Comprehensive Plan, with the exception of the "Park Blocks" specification for M Street, seconded by Taylor and carried 5-3: Esseks, Taylor, Larson, Francis and Lust voting 'yes'; Partington, Gaylor Baird and Cornelius voting 'no'; Sunderman absent. This is a recommendation to the City Council.



Proposed M Street Park Blocks: West Haymarket to 11th Street.



Proposed M Street Park Block detail.



Proposed M Street Promenade: 11th Street to Centennial Mall.

Promenade example from Jacksonville, Florida.

Promenade example from Washington, DC.

MEMORANDUM

TO: Planning Commission

FROM: Brandon M. Garrett, AICP BG

SUBJECT: CPC #09005

DATE: August 26, 2009

CC: file

Dear Planning Commission:

I want to bring to your attention an omission in the staff report for CPC#09005. Under the section titled "Downtown Master Plan Specifications", there should be details about the 11th Street Promenade. The 11th Street Promenade is a segment of a larger promenade system proposed by the Plan. The promenades create a loop by utilizing 11th Street, M Street, Centennial Mall, and R Street. The 11th Street Promenade is proposed to be along the west side of the street. That directly impacts the block related to this application. Please see attached excerpts from the Downtown Master Plan (pages 99, 105, and 106).

The promenade concept promotes an enhanced pedestrian and recreation environment. The promenade proposal consists of increased landscaping, two rows of street trees, enhanced lighting, wider sidewalk paving, and well-designed paving and crossings. The wider promenade could be used for recreational purposes such as strolling, jogging, roller blading, or family biking.

This is a detail that is not specifically mentioned in the proposal as submitted. Preliminary discussions on a conceptual site plan have not addressed the issue of an enhanced pedestrian streetscape along 11th Street for this block. This is another element of the proposal that should be found to be "not in conformance" with the Downtown Master Plan.

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

Promenade

The Promenade is intended to provide a highly-identifiable pedestrian loop around the downtown core. It should serve as an amenity for development and provide safe and convenient access to downtown districts and attractions.

A New Recreation Loop

The Promenade would be wide enough to provide for a variety of different users. The users of the Promenade would include.

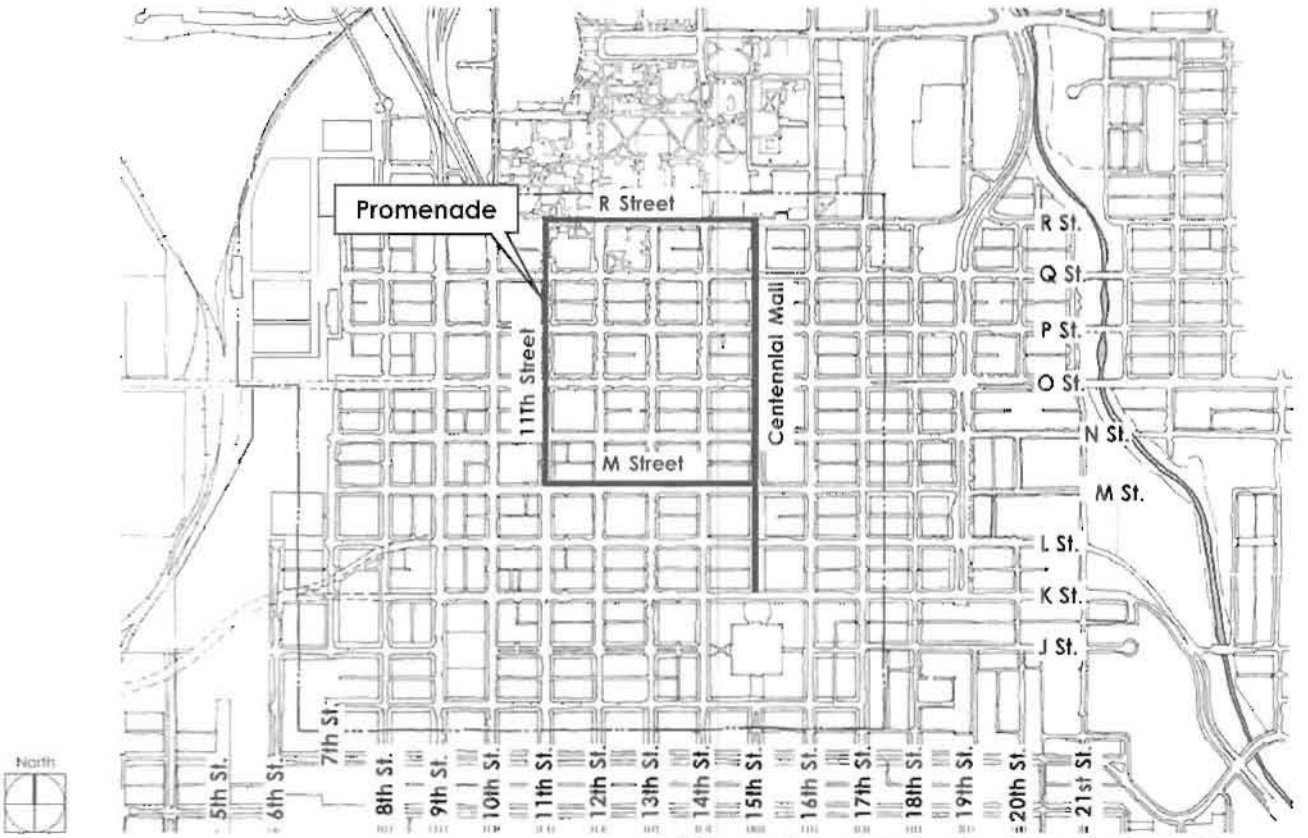
- Pedestrians.
- Strollers.
- Low-speed bicyclists – especially children and families.
- Rollerbladers or rollerskaters.
- Joggers.

The new pedestrian loop would:

- *Be constructed within existing public rights-of-way* – except short segments along R Street between 11th and 12th and 11th between O and R Streets where it crosses the UNL campus. This location needs further review to determine a suitable route that does not disrupt or interfere with UNL activities and facilities

- *Comprise four segments* – north-south on 11th Street from the UNL campus to M Street; east-west on M Street from 11th to Centennial Mall; north-south the length of Centennial Mall (from M to R Streets as well as south to K Street); and east-west from Centennial Mall at R Street to 11th.

The following pages describe in detail each of the four segments.



Off Street Bike and Pedestrian Emphasis Streets Diagram

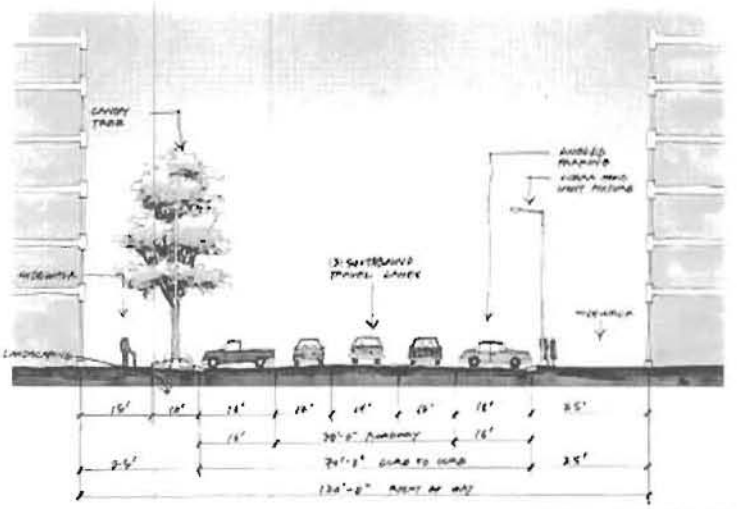
11th Street Promenade

The 11th Street Promenade would extend from the UNL campus south to N Street, connecting to existing and planned destinations including:

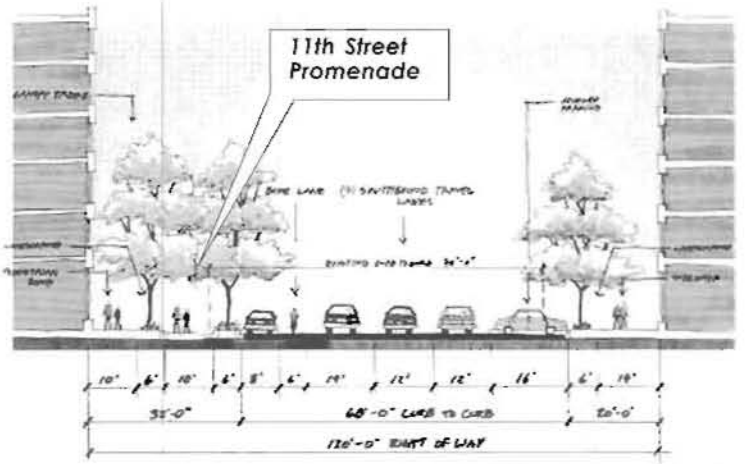
- Lied Center for Performing Arts.
- Embassy Suites Hotel.
- Douglas Grand Theater.
- Gold's Building.
- St. Paul United Methodist Church.
- P Street Primary Retail Corridor.

The Promenade would:

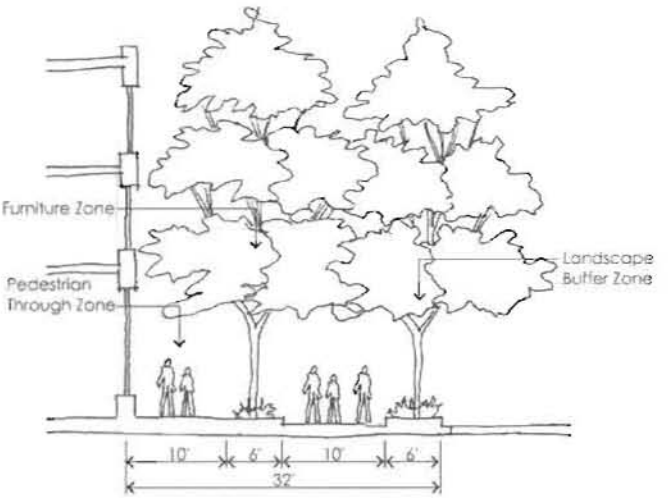
- Be located on the west edge of the right-of-way.
- Provide landscaping improvements including the addition of a double row of street trees.
- Include well-designed lighting and paving (i.e, sidewalks and crosswalks of scored concrete).
- Have wider sidewalks to accommodate a variety of recreation traffic.
- Include raised intersections wherever possible to emphasize and prioritize pedestrian access.



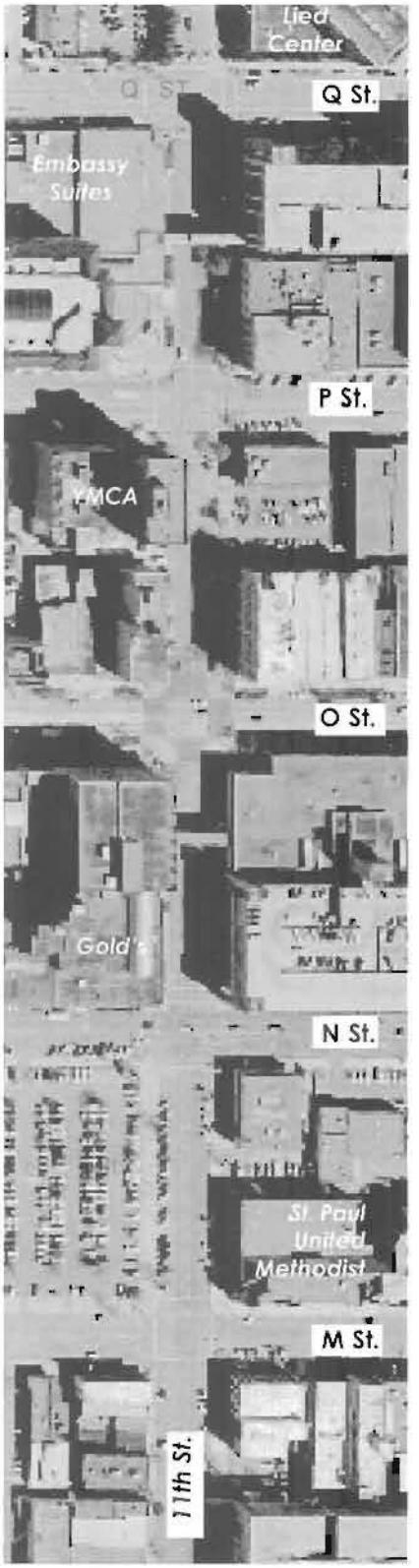
Existing 11th Street



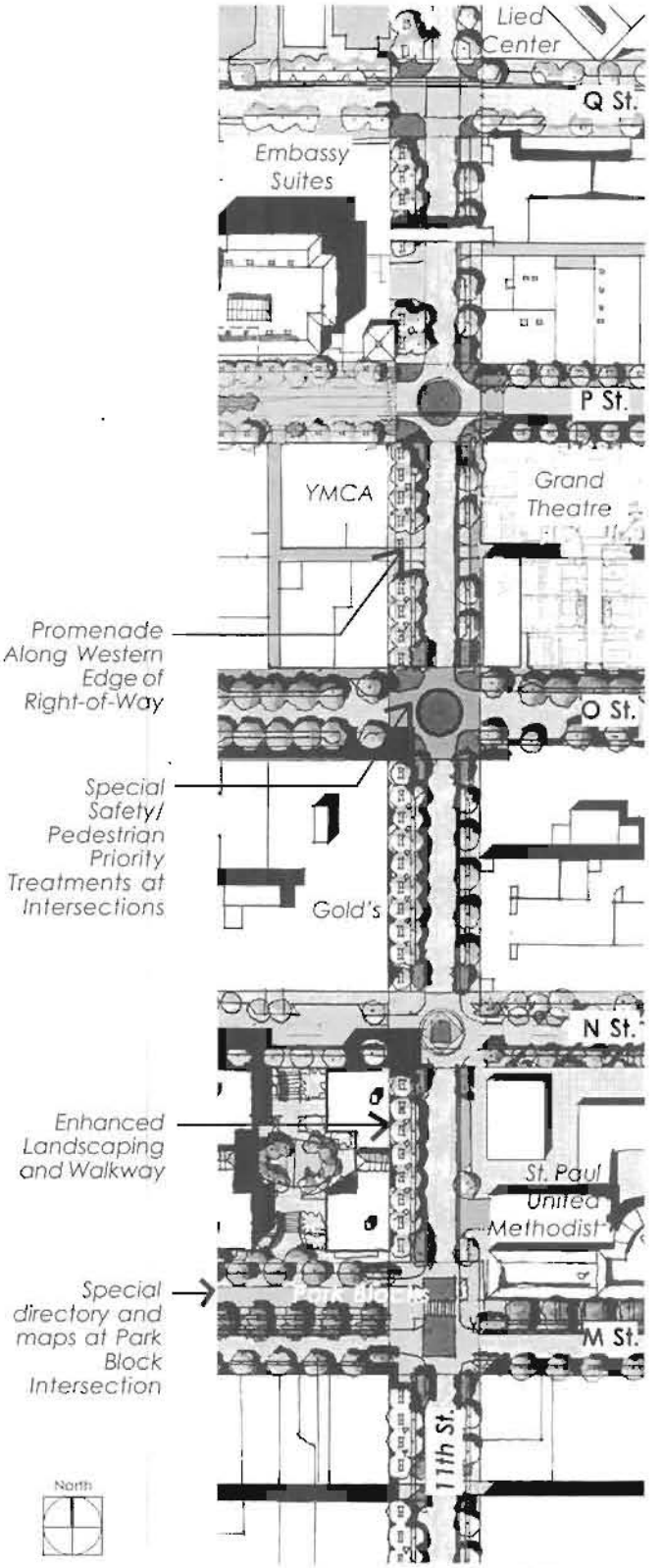
Proposed 11th Street Promenade



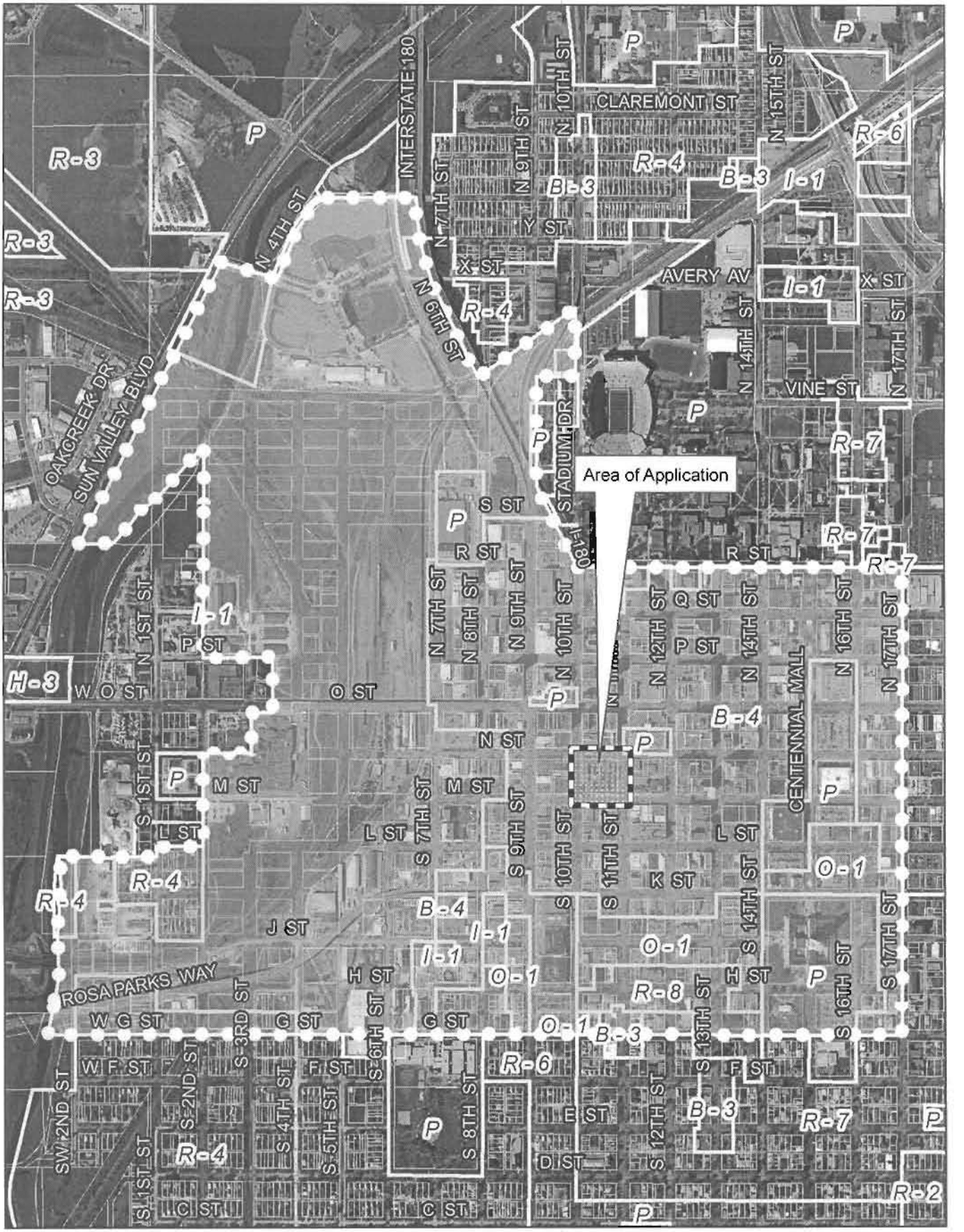
New 11th Street Promenade Requirements



Existing 11th Street Aerial



Proposed 11th Street Plan



Project Area

Lincoln Center Redev. Plan

Comp Plan Conformance #09005
10th to 11th from M to N Streets

027

2007 aerial

m:\plan\arcview\09_cpc\cpc09004

Review Comments for
Application #: CPC09005
S 10TH STREET AND N STREET

Comments as of: Tuesday, August 11, 2009

Status of Review: Active
Reviewed By: ANY
Comments:

Status of Review: Active
Reviewed By: Alltel ANY
Comments:

Status of Review: Complete
Reviewed By: Building & Safety Terry Kathe
Comments:

Status of Review: Complete 04/06/2009 11:09:38 AM
Reviewed By: Fire Department ANY
Comments: We have no issues from the perspective of our department.

Status of Review: Approved 04/02/2009 11:21:01 AM
Reviewed By: Health Department ANY
Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brandon Garrett DATE: April 2, 2009

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Block 68
EH Administration Redevelopment
CPC #09005

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the comprehensive plan conformance application with the following:

The LLCHD fully supports the concept of mix-use developments with one caveat. Depending on the types of uses, mix-used developments can create potential conflicts relative to the noise pollution.

028

Status of Review: Active

Reviewed By: Law Department ANY

Comments:

Status of Review: Complete 04/20/2009 7:59:39 AM

Reviewed By: Lincoln Electric System JULIE WISMER

Comments: April 8, 2009

TO: Brandon Garrett, City Planning

FROM: Mike Petersen (Ext. 7635)

SUBJECT: DEDICATED EASEMENTS CPC #09005
DN #02S-10E

Attached is the review for the review for Block 68 Redevelopment Project.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

Windstream, Time Warner Cable, and the Lincoln Electric System will not require any additional easements, at this time.

Per Larry Kathol, LES, Street Light Engineer:
"May need to relocate poles for drop off lanes, re-feed one light on 11th, and work with the City on Streetscape."

Status of Review: Active

Reviewed By: Lincoln Police Department ANY

Comments:

Status of Review: Active

Reviewed By: Parks & Recreation ANY

Comments:

Status of Review: Routed

Reviewed By: Planning Department COUNTER

Comments:

Status of Review: Active

Reviewed By: Planning Department BRANDON GARRETT

Comments:

029

Status of Review: Complete 04/07/2009 2:53:19 PM

Reviewed By: Public Works - Development Services SIETDQ

Comments: Memorandum

To: Brandon Garrett, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Block 68 Redevelopment Plan (Block 10th to 11th between M and N)
Date: April 7, 2009
cc: Randy Hoskins
Roger Figard
Greg MacLean

Engineering Services has reviewed the redevelopment plan for Block 68 and has the following comments:

1. There are public sanitary sewers that run through this block that serve the block and are the outlet for sewer serving other downtown blocks. These sewers will need to be rebuilt if buildings are built over them and new sewer will likely be needed to provide service to various uses identified within the block.

2. There are water mains in M Street, 10th Street, and 11th Street. A main may be needed in N Street depending on the development proposal along N Street.

3. No special development proposals have been shown and therefore access needs and proposals have not been shown or identified.

Status of Review: Active

Reviewed By: Public Works - Long Range Planning ANY

Comments:

030

Brandon M. Garrett

From: Dennis D. Bartels
Sent: Tuesday, April 07, 2009 4:31 PM
To: Brandon M. Garrett
Subject: FW: Block 68 Redevelopment Plan

From: Randy W. Hoskins
Sent: Tuesday, April 07, 2009 3:46 PM
To: Dennis D. Bartels
Subject: FW: Block 68 Redevelopment Plan

We do not want access to this site off 10th Street. RH

From: Tina D. Queen
Sent: Tuesday, April 07, 2009 2:52 PM
To: Randy W. Hoskins; Roger A. Figard; Greg S. MacLean; Steve Masters
Subject: Block 68 Redevelopment Plan

Memorandum

To: Brandon Garrett, Planning Department
From: Dennis Bartels, Engineering Services
Subject: Block 68 Redevelopment Plan (Block 10th to 11th between M and N)
Date: April 7, 2009
cc: Randy Hoskins
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3. **No special development proposals have been shown and therefore access needs and proposals have not been shown or identified.**

Tina Queen, Office Specialist
Public Works and Utilities
Engineering Services
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031

Brandon M. Garrett

From: David Landis
Sent: Monday, August 17, 2009 3:03 PM
To: Marvin S. Krout
Cc: Ed Zimmer; Brandon M. Garrett; Dallas A. McGee; Hallie E. Salem
Subject: Block 68 Redevelopment Project

I have met with the developer for the Block 68 Redevelopment Project and discussed their initial conceptual plans. We have discussed the 2005 Downtown Master Plan in relation to the conceptual plans of the project, noting the absence of the 50' alteration of the existing right of way. The project contemplates maintaining the existing dimensions of the right of way. As such, the project would not conform with the Downtown Master Plan, in my opinion. I am not asking for a finding of conformance, since I believe the project will not move forward with literal conformity with the Master Plan. The question for the City, the City Council, and the Urban Development Department is whether the expectation of the Plan remains desirable and realistically achievable. Dave

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Proposed Amendments to the Lincoln Center Redevelopment Plan for the Block 68 Redevelopment Project

Section III
Block 68 Redevelopment Project Area

The Block 68 Redevelopment Project Area is located on the block bounded by 10th, 11th, M, and N Streets, and is comprised of the entire block, including Lincoln Original, Block 68, Lots 4 through 10, Cropsey's Subdivision (of Block 68 Lots 1 thru 3 Original Plat) Lots A through F, and Brock's Subdivision (of Block 68 Lots 11 & 12) Lots A thru F, and the vacated alley, and adjacent right-of-way to the property lines on the north side of N, south side of M, west side of 10th Street, and east side of 11th Street. The goals of this project are to strengthen Downtown Lincoln with the build out of a vacant block into hotel and entertainment complex, mixed-use residential and commercial building with retail on the first floor, and parking facility for the proposed uses. This project will remove blighted and substandard conditions and will make a positive contribution to the continued revitalization of Downtown Lincoln. City support may include acquisition, demolition, and site preparation; utility improvements; street, streetscape, and other right-of-way improvements; façade improvements; parking and related amenities; and, other related public improvements.

Section IV

S. Block 68 Redevelopment Project Area

Revitalization Project Description
The Block 68 Redevelopment Project Area is located on the block bounded by 10th, 11th, M, and N Streets, and is comprised of the entire block, including Lincoln Original, Block 68, Lots 4 through 10, Cropsey's Subdivision (of Block 68 Lots 1 thru 3 Original Plat) Lots A through F, and Brock's Subdivision (of Block 68 Lots 11 & 12) Lots A thru F, and the vacated alley, and adjacent right-of-way to the property lines on the north side of N, south side of M, west side of 10th Street, and east side of 11th Street (see exhibit IV-152). The goals of this project are to strengthen Downtown Lincoln with the build out of a vacant block into hotel and entertainment complex, mixed-use residential and commercial building with retail on the first floor, and parking facility for the proposed uses. This project will remove blighted and substandard conditions and will make a positive contribution to the continued revitalization of Downtown Lincoln.

City support may include acquisition, demolition, and site preparation; utility improvements; street, streetscape, and other right-of-way improvements; façade improvements; parking and related amenities; and, other related public improvements.

The project is consistent with the goals of the Lincoln Center Redevelopment Plan, and is intended to support the goal of the Downtown Master Plan of creating a 24-hour Downtown. Project improvements correspond to several of the Downtown Redevelopment Goals identified in the Lincoln Center Redevelopment Plan. The redevelopment project addresses these goals by accomplishing the following:

- encouraging private redevelopment in and downtown Lincoln;
- utilizing an underdeveloped lot and removing blight;
- encouraging development of mixed-use projects that attract and maintain commercial activity and residential developments in Downtown;

- integrating streetscape and landscape improvements in the project area with existing public and private amenities;
- supporting the vision of a revitalized Downtown as the entertainment core of our city and a regional destination; and,
- supporting downtown business recruitment efforts.

Statutory Elements
The Block 68 Redevelopment Project may involve acquisition, demolition, sales, or reconveyances as provided by law and consistent with the plan. The City may acquire property for public infrastructure and other needs. Exhibit IV-154 identifies the proposed uses in the project area.

A total of approximately 120 residential rental units are proposed to be constructed within the project boundaries. No units exist within the boundaries today. The Mission Arts Apartments and Lincoln Building Condos are located on adjacent blocks to the north and northwest. The Redevelopment Authority considers this block to be a suitable location for residential units.

Land coverage will be completely altered in the project area with the construction of a combination of new buildings on a block that currently serves as a surface parking lot. The overall project will be of a much higher density than that which exists today.

The existing street system within the project area will not be changed as a result of this project, except for the possible reconfiguration of on-street parking, drop off areas, loading zones, and/or other configurations to accommodate the traffic flow around the development. Any and all changes will be reviewed and approved by the Public Works Department before entering into the redevelopment agreement.

Parking in the adjacent area includes the Center Park (1,061-stall) and Carriage Park (704-stall) public garages. Various on-street parking configurations are on the north, south, and east sides of the project area. The project will rely on both on-street parking stalls and a 500- to 600-stall parking facility constructed on site.

The area is located within the downtown B-4 business zone that allows for a wide range of uses, including the mixed-use development being proposed. Zoning will remain unchanged as a result of this project.

Proposed Costs and Financing
The estimated total cost to implement the private, mixed-use redevelopment is $45 million. The source of funds for public improvements will be Community Improvement Financing (commonly referred to as Tax Increment Financing or TIF), estimated to be $5 million, generated from the private developments within the project area.

Funding sources and uses will be negotiated as part of the redevelopment agreement, subject to approval by the Mayor and City Council.

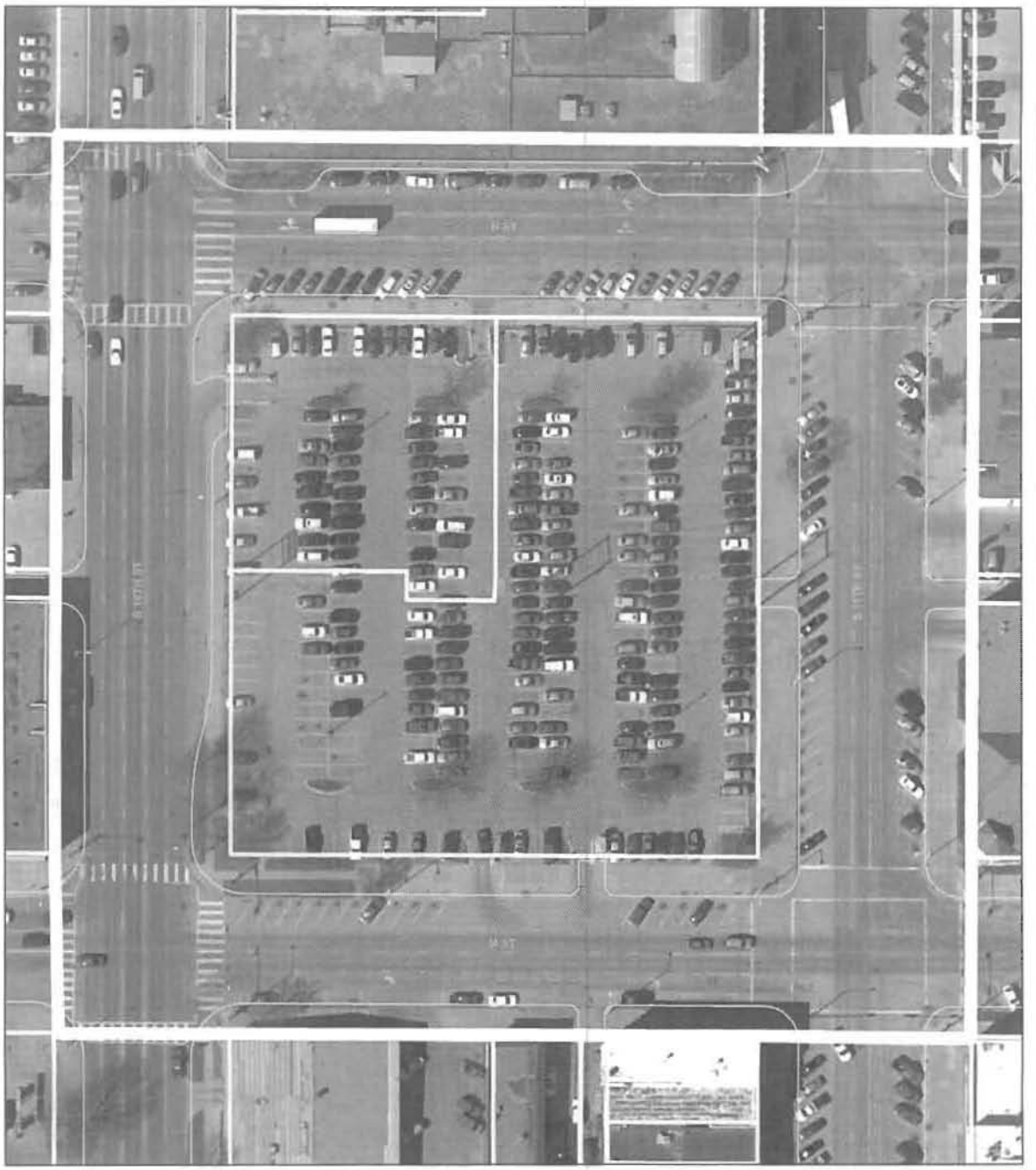

Exhibit - IV - 152

Existing Parcel Layout, (Via Assessors Dept)

Streets

Project Boundary

Block 68 Redevelopment Plan

Created by:
The City of Lincoln: UDD
Created on: 03/24/2009

NORTH

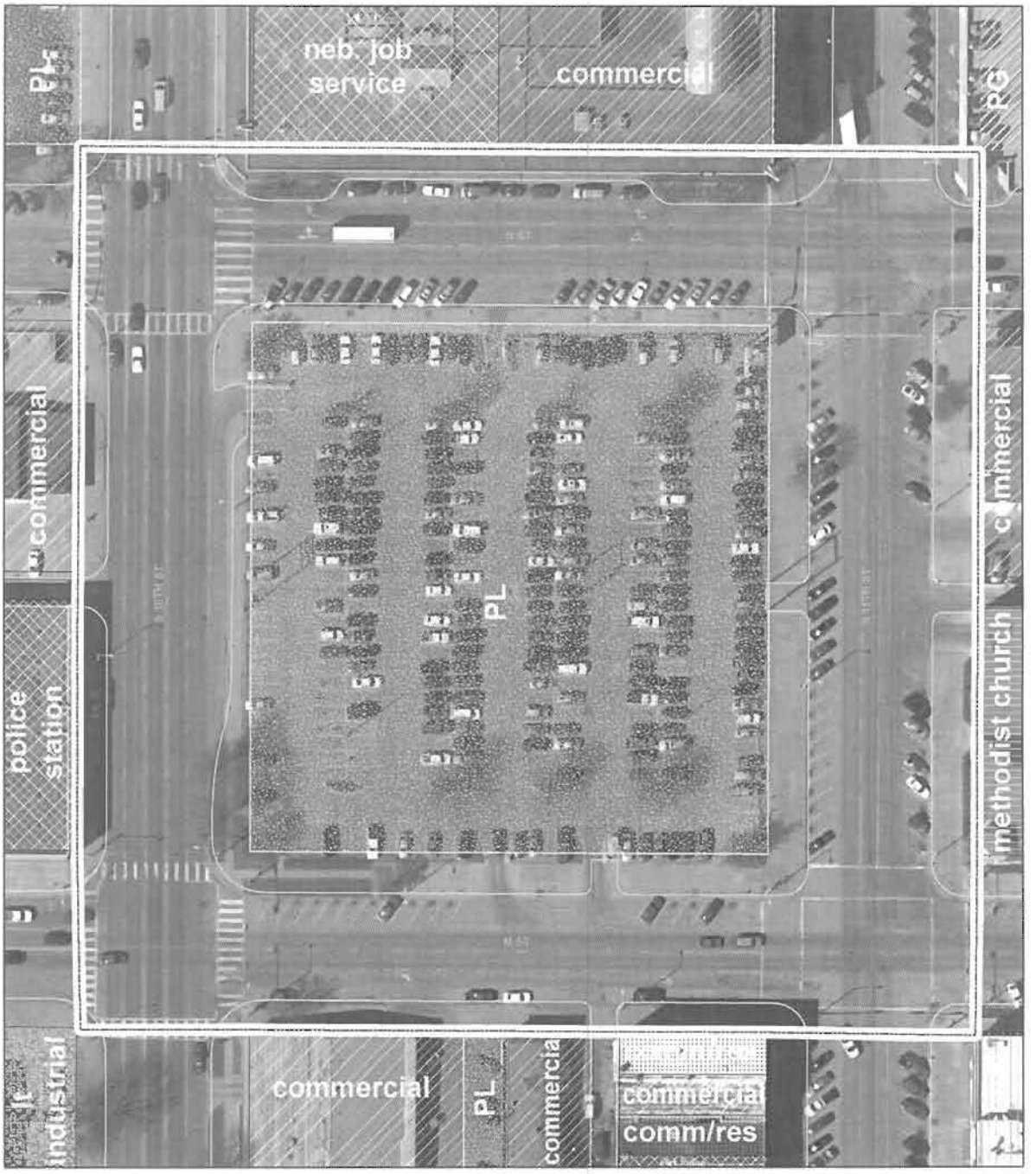

Exhibit - IV - 153

Current Land Use

Project Boundary
Streets

Current Landuse

Description

- Church, Synagogue, or Temple
- Commercial NEC
- Commercial w/Residential Unit(s) above
- Educational Institution
- Light Industrial
- Parking Garage (PG)
- Parking Lot (PL)
- Public & Semi-Public NEC (e.g., cemetery)

Block 68 Redevelopment Plan

Created by:
The City of Lincoln: UDD
Created on: 03/24/2009

NORTH

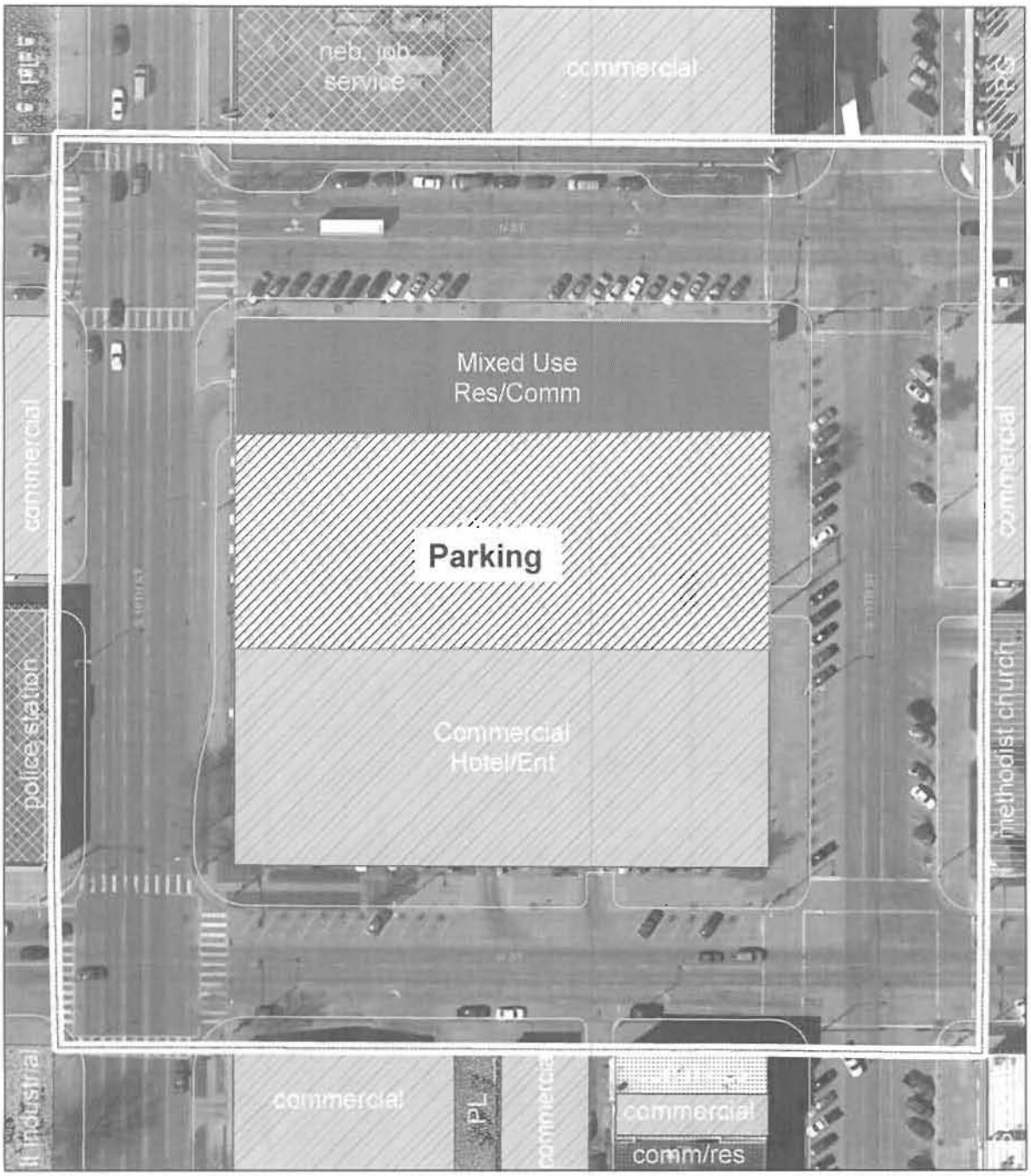

Exhibit - IV - 154

Proposed Land Use

Project Boundary
Streets

Proposed Landuse

Description

- Church, Synagogue, or Temple
- Commercial NEC
- Commercial w/Residential Unit(s) above
- Mixed Use w/Res/Comm
- Parking
- Educational Institution
- Light Industrial
- Parking Garage (PG)
- Parking Lot (PL)
- Public & Semi-Public NEC (e.g., cemetery)

Block 68 Redevelopment Plan

Created by:
The City of Lincoln: UDD
Created on: 03/24/2009

NORTH