

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, January 6, 2016, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Michael Cornelius, Tracy Corr, Maja V. Harris, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman, and Ken Weber (Cathy Beecham absent); David Cary, Steve Henrichsen, Rachel Jones, Andrew Thierolf, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

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

Hove requested a motion approving the minutes for the regular meeting held December 16, 2015. Motion for approval made by Scheer, seconded by Weber and carried 6-0: Cornelius, Corr, Scheer, Sunderman, Weber, and Hove voting 'yes'; Beecham, Harris and Lust absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 6, 2016

Members present: Cornelius, Corr, Harris, Scheer, Sunderman, Weber and Hove present; Beecham and Lust absent.

[Harris arrived at 1:03 p.m.]

The Consent Agenda consisted of the following items: **Special Permit No. 1869C** and **County Special Permit No. 15074**.

Corr moved approval of the Consent Agenda, seconded by Cornelius and carried 7-0: Cornelius, Corr, Harris, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham and Lust absent.

Note: This is final action on **Special Permit No. 1869C** and **County Special Permit No. 15074** unless appealed to the City Council or County Board by filing a letter of appeal with the City or County Clerk within 14 days of action by the Planning Commission.

Chair Hove asked that any **Requests for Deferral** be called.

SPECIAL PERMIT NO. 15064

AVALON EVENT PARADISE

ACTION BY PLANNING COMMISSION:

January 6, 2016

Public testimony is closed on this item.

Corr moved to place this item on indefinite pending until such time that the applicant is ready to move forward, seconded by Cornelius and carried 7-0: Cornelius, Corr, Harris, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham and Lust absent.

COMPREHENSIVE PLAN CONFORMANCE NO. 15033

ANTELOPE SQUARE REDEVELOPMENT PROJECT

ON PROPERTY GENERALLY LOCATED AT

23RD AND Q STREETS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 6, 2016

Members present: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove present; Beecham absent.

[Lust arrived at 1:17 p.m.]

Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: David Landis of the Urban Development Department came forward as applicant. The "Antelope Square Redevelopment Project" area is spread over a two block area within the "Antelope Valley Redevelopment Plan" area, east of the Antelope Valley Project and Union Park. It will consist of 24 units, at least 6 of which will be low income housing. Nearby is also a pre-existing project by NeighborWorks. We are proceeding in a significant way towards a Redevelopment Agreement, more than \$5 million of investment, and the application for use of approximately \$800,000 in TIF funds in this area.

Landis said that staff has outlined several ways in which the project is in conformance with the 2040 Comprehensive Plan. Two neighborhood meetings were held, which has yielded letters in support of this project. The design shows attached, single-family, owner-occupied homes with shared green space. Urban Development found the use of porches and decks on top of garages very appropriate. The project is a natural 'next phase' of the NeighborWorks project and is a move in the right direction. Older citizens who have lived in Lincoln for decades were unable to identify the Malone neighborhood due to the changes that have been made in recent years. These projects have brought significant and meaningful changes including further in-fill and growth in this core area and an upgrade in the range and quality of housing and price points.

Proponents:

1. Tom Huston, Cline Williams Law Firm, 233 S. 13th Street, came forward representing NeighborWorks and Assurity Life, who are jointly undertaking this project. He introduced Mike Renken and Shawn Ryba from NeighborWorks, and Brett West from Assurity Life. This is a 24 unit, mixed-income project with home ownership opportunities. The focus today is on why this amendment to the redevelopment plan is consistent and in conformance with the Comprehensive Plan. This project focuses on building a strong downtown, promotes new residential development on an infill basis, helps to meet the goal of establishing over 3,000 residential units within the downtown area, and represents additional investment in the Antelope Valley area, which was one of the objectives of that project.

2. Brett West, Assurity Development, 2032 Sheridan Boulevard, came forward as the lead developer. It is easy to see why Assurity is interested in this site and why they have been working with NeighborWorks for months to acquire these properties. There will be 10 units built as part of Phase 1, which will be targeted to low, moderate and market rate buyers. Phase 2 will include what is now the Thomas Auto site and the area facing Antelope Creek. Those have the highest probability of being market rate units, but all of them will have the same amenities inside and out. We are excited to activate this neighborhood even more.

Corr asked what the three industrial buildings in the north portion of the site area are. West said they are existing buildings. One is a bait and tackle shop, one is a single family home, and the last is a duplex. He stated they were not able to acquire those sites, or the auto center on the corner, although the owners were approached. We are currently working with the owner of the duplex to help that building blend in with the new homes more. The other two owners attended the neighborhood meetings and are in support of the project.

Corr asked if the new buildings will require any additional demolition on the south side of the block, especially of any houses. West said no. Thomas Auto is on the south side. NeighborWorks owns the parking lot. The City owns an area that will be purchased through the redevelopment agreement. On the north, NeighborWorks has purchased properties, two of which have been demolished already, and another two are in disrepair. This project will take a lot of blighted and undeveloped areas and improve and blend them in. The property next to Thomas Auto is also a single-family house, so this will also get rid of some non-conforming uses surrounding it.

Opponents:

There was no opposition to this item.

ACTION BY PLANNING COMMISSION:

January 6, 2016

Corr moved approval, seconded by Scheer.

Corr commented that this looks like a good project. Sometimes there are concerns if houses are torn down to make way for new development, but she trusts NeighborWorks if they say these structures need to come down. They are a great redeveloper in Lincoln.

Hove stated that he echoes those thoughts. He complimented NeighborWorks for doing a great job in this neighborhood.

Motion carried 8-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham absent.

CHANGE OF ZONE NO. 15039

**TO DESIGNATE THE BETZ-VANANDEL HOUSES AS HISTORICAL LANDMARKS
ON PROPERTY GENERALLY LOCATED AT
1037-1039 AND 1045 SOUTH 13TH STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 6, 2016

Staff recommendation: Approval of Landmark Designation.

AND

SPECIAL PERMIT NO. 15075

**TO ADJUST PARKING, HEIGHT AND LOT REQUIREMENTS
ON PROPERTY GENERALLY LOCATED AT
1037-1039 AND 1045 SOUTH 13TH STREET.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 6, 2016

Staff recommendation: Conditional Approval.

Members present: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove present; Beecham absent.

There were no ex parte communications disclosed.

Staff Presentation: Ed Zimmer of the Planning Department came forward to state that this lot includes three dwelling units within two American foursquare style structures that were built in 1912 by the same developer. It was sold to the VanAndel family who lived at that location until 1970. The Historic Preservation Commission has recommended approval of the Landmark. The purpose of the Special Permit is unusual and the applicant is here to explain more about that. Essentially, this is two houses built on a single lot and they need help to be subdivided in order to continue the good stewardship of the properties.

Zimmer stated the Landmark Designation is based on both historical and architectural factors. Foursquares are common in Lincoln, but these are constructed of particularly fine materials. They were built as a pair, at the same time, one as a single family home and one as a duplex, which shows the flexibility of this style. Both structures are crowded onto one lot. Originally, a house that sat on the corner was moved to the north end, so there were four units and three houses on the lot. This reflects neighborhood organization and the growth of the City at the time. The third house was removed many years ago, but the current configuration still presents some challenges today.

Proponents:

1. Jeff Heerspink, 1045 S. 13th Street, came forward as applicant. He stated that he and his family want to live in and be a blessing to this neighborhood. He is the pastor of the F Street Neighborhood Church. These homes were in foreclosure when purchased. Although he has no intention of selling, subdividing this property is an important step to facilitate any potential future sale. He said that increasing home ownership in this area is a passion of his; right now, the rental rate is around 95 percent. The immediate issue relates to maintenance of the property. There is a leaking water line that runs under his home to both houses that needs to be replaced. The City will only allow one water line per lot, so separating the two would allow for that.

Corr asked about the area where the garage is currently located between the two properties. She wondered if the driveway and cutout will remain once the garage is torn down. Heerspink said he is not sure yet, but the ideal would be that a parking spot would remain, even though the property line would go through there. It would also allow the addition of a little more green space because there isn't much on the lot. Zimmer added that it is not uncommon for driveways to have easement conditions and, in a case such as this, where both properties have the same owner, it makes sense. In the matter before you, we would adjust parking on the corner lot so we were not preventing the purpose of

achieving the subdivision, where the corner lot can't subdivide and retain a parking stall on its own. The applicant will have to take care of that and is in a position to do so since he owns both properties.

Opponents:

There was no testimony in opposition.

CHANGE OF ZONE NO. 15039

ACTION BY PLANNING COMMISSION:

January 6, 2016

Lust moved approval, seconded by Weber.

Hove stated this is an appropriate Change of Zone. This is a great investment in a challenging area.

Motion carried 8-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham absent.

SPECIAL PERMIT NO. 15075

ACTION BY PLANNING COMMISSION:

January 6, 2016

Corr moved approval, seconded by Lust and carried 8-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham absent.

**COMBINED SPECIAL PERMIT / USE PERMIT NO. 11H
TO REDEVELOP SEVERAL AREAS OF THE SHOPPING CENTER
ON PROPERTY GENERALLY LOCATED AT
SOUTH 27TH STREET AND PINE LAKE ROAD.**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 6, 2016

Staff recommendation: Conditional Approval.

Members present: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove present; Beecham absent.

There were no ex parte communications disclosed.

Staff Presentation: Rachel Jones of the Planning Department came forward to state this amendment to the combined Special Permit/Use Permit No.11H reflects the demolition and construction of several buildings on the east end of the SouthPointe Shopping Pavilions site. The existing food court building will be demolished and redeveloped and the remaining Valentino's restaurant will move to another location within the mall. A new Scheels location will be constructed north and east of its current location and the existing Scheels building will eventually be demolished and redeveloped. There will be a new parking garage constructed west of the new Scheels building that will include retail bays on the exterior first floor. There is a requested waiver to reduce the parking requirement to 1 stall per 300 square feet, which is consistent with other parking reductions approved at other shopping centers recently. There are also two height waivers to accommodate the central atriums and architectural features of the Scheels building up to 73 feet, and for architectural features and lighting up to 45 feet on the parking garage. The trail connection to SouthPointe mall will be maintained but reconfigured slightly. The main concerns raised by neighbors at public meetings held in December related to traffic speed and congestion in the area. The applicant has committed to several things to address various concerns. They will help to pay for street signal timing changes at 32nd Street and Pine Lake Road, where traffic backs up all the way to the roundabout directly to the north. They will install improvements to the trail connection, including the installation of a traffic table and curb extension, both to slow traffic. The applicant has also agreed to install additional landscaping and berms, in addition to a 14-foot screening wall to help with any noise and visual impacts. Jones noted that there was a last minute comment from a neighbor suggesting an alternate layout that would move Scheels farther away from the residential areas directly to the north.

Corr asked to be shown the original SouthPointe boundary stating that there is related discussion in the Staff Report about Williamsburg Road. Jones showed that the original boundary of the B-5 zoning included an area slightly farther to the north.

Corr asked about the configuration of the private roadway that runs through SouthPointe. Jones said the ring road will be reconfigured to curve along the new parking garage. Corr asked if it was the southwest corner that has the curve. Jones suggested the applicant can speak to the exact layout of the road curves.

Corr said that the Staff Report also talks about the main commercial center several times and referred to a portion being increased up to 60 feet. She wondered what is considered the "main commercial center" of this property. Jones stated it is the central part of the mall that is connected through interior sidewalks and connections. One lot within a previous final plat had the height increase. Corr wondered if the current Scheels building is part of that. Jones confirmed that it is. The general eastern boundary of that lot is west of S. 30th. Corr wondered if the current Scheels building is the only building that is that tall. Jones said she was not sure, but that the movie theater was previously approved for an entrance facade up to 46 feet.

Harris asked for more details about the reconfiguration of the trail. Jones said the trail will remain in the same location. Right now it has a switchback configuration. There will be some grade changes, but it will remain largely the same. Harris asked if the connection will be in the same place. Jones said yes, and it will direct people under the parking garage to a sidewalk along the west side of the Scheels building.

Corr asked if the trail will go under the garage. Jones said that is where pedestrians and bicyclists will be directed from the trail connection. The garage will be just south of the connection. Corr went on to ask if the current trail goes through SouthPointe. Jones said it runs along the north. Hove added that the exit is there and one can get off the trail to access the mall.

Harris asked if there will be bicycle parking in the garage. Jones said that is up to the developers.

Corr asked what the curb extensions are. Jones said that instead of the curbs being straight on either side of the trail, they would bump out in order to create a shorter crossing distance for pedestrians and bicyclists. It also slows traffic.

Corr also asked what the traffic table is. Jones said it is a raised, flat speed bump that is larger in scale.

Proponents:

1. Kent Seacrest, 1111 Lincoln Mall, came forward representing the applicant.

2. Jeff McMahon, 4918 W. 87th Street, Prairie Village, KS, came forward as one of four partners of RED Development. He introduced his development team, who were on hand at today's meeting. He was raised in Lincoln and served as architect of the original SouthPointe project built in the late 1990s. SouthPointe is nearly 20 years old now. When approached by Scheels to do a flagship store, we were very excited. Retail is an evolving process and 20 years is a good marker at which to refresh a project such as the mall so it can remain vital into the future.

McMahon said the Scheels flagship store provides an entirely unique experience. This 220,000 square foot store will be a regional draw. Other sites were considered, but remaining at SouthPointe was determined to be the best option. As one enters the flagship store, they walk under a massive aquarium and into the main atrium with a ferris wheel. Within, there are multiple interactive activities. At the current location, 38% of shoppers come from outside the county and that number is expected to rise to 50% once the new store is completed.

Of SouthePointe shoppers, 39% are there to visit Scheels. The next largest draw at the mall is 6%. They are a great company with great benefits and they contribute directly to this community, such as the \$500,000 contribution that was made to a local gym.

He went on to say that the ring road is important to maintain the easy flow of traffic. The only change is that it will go under the new parking garage. That garage will be kept up high to accommodate truck traffic. It will also be safe and well lit. The trail is going to remain active. Contractors will put up barricades on the south side. There will be times when trees will be added. There are currently bike racks and there will be more in the future to encourage bicycle traffic. The trail itself will not go under the deck of the parking garage, but there is an exit so people can come off the trail and into Scheels. We agree with the addition of the traffic table and will work with Public Works. There is another traffic table to the north, so it will not be new for the area.

3. Korey Schulz, 1801 McGee Street, Kansas City, MO, came forward as the landscape architect. He presented the current configuration of the landscape plan along the trail and the back of the existing building. The current building has an access drive near the trail which will be removed. That will eliminate truck traffic from that area and help to create a more park-like feel on the south side of the trail and near the back of new Scheels building. Currently, there are existing 20- to 30-foot evergreens in decent shape. There is a gap in the middle where evergreens had been cut down. In the last few years, the current owner has put down smaller plants, but that gap is not well screened now. We are proposing transplanting the smaller growth along the areas with the larger evergreens so that when those die out, the smaller growth will have filled in the area. The central area will start with a clean slate. Earth berms will be built up as high as is possible and we have a preliminary list of plants to fill the area, which includes large 16- to 18- foot evergreens and other ornamental shade trees.

Lust noted that the reason landscaping has been dying in one area is due to a lack of irrigation. Neighbors have been doing what they can to take on the maintenance of the plants. She asked what the plan will be for making sure it is well cared for in the future. Schulz replied that topic was discussed at the neighborhood meeting.

Scheer said the maintenance of the landscaping was an issue for him as well. When looking at the size of the trees that are proposed, those will take a lot more initial maintenance and care to get established. He wanted to make sure they are planning to accommodate it and make it work. That buffer is great and a wonderful asset between the neighbors and the shopping area, but it must be lush and growing. The comments from the neighbors about the lack of maintenance are troubling. He asked for assurance that it is being planned for. McMahon responded that he does not know why irrigation was not installed in the area in the first place. The east, south and west sides are all irrigated, so

it makes no sense that it was not done in this one area. They are committing to doing that. He added that the areas behind the office building to the west are owned by someone else. There is another pad to the west. His firm has plans to offer to add additional landscaping in those areas, even though they do not own the property.

Corr asked if the trees will get enough sun in the area behind the building. Schulz said that the plants are being chosen specifically for that location.

Corr went on to ask for clarification that traffic is being removed from the area behind the building and that they will not take delivery on that side. Schulz pointed out the area to the east where deliveries will be made. Seacrest said that there is currently a service road behind the existing building which brings lights, trucks and unusual people making deliveries at unusual times, so that is being removed. Corr wondered if the wall will also help to contain the noise and lights. Seacrest said they spoke directly with neighbor who raised that concern. Corr asked if it will be a solid wall. Seacrest said it will be constructed out of brick and will be solid. McMahon noted that the architecture at the back of the building is attractive, with nicer finishes and the characteristic arch. It looks like an entrance, though it is not. In their opinion, the backs of the current buildings are not great. Even though the building is higher, by eliminating the truck access and adding the landscaping, the finished product is much nicer.

Lust asked if the truck deliveries will come in through the roundabout at 32nd street and if that is part of the reason for adjusting the traffic light. Seacrest said it is only part of the reason. Right now, the neighborhood wants to make sure they will be able to access the arterial streets with ease. What is happening now, the timing of the light for cars going east on Pine Lake Road is off, so traffic backs into the roundabout and nobody moves. We have worked with Public Works and this is an opportunity to give longer left-turn arrow time at that intersection. It is one of the conditions that we agree to pay for with this.

Harris referenced a rendering provided in their packets that showed a view of the new store from the point of view of neighbors to the north. She asked what materials will be visible above the canopy. McMahon said they would see the 4-sided architecture. Harris asked if this is the decorative elements they see. Schulz said yes. McMahon noted the glass is also a major feature of the atrium. The flagship store has an airplane hanging in that location. Seacrest added that there is also screening around the HVAC elements. McMahon agreed that they are more than 210 feet from the residences and are hidden by the parapet.

Seacrest stated that Scheels is an extremely popular business. This will amount to a 3-fold growth and will be a very attractive bump. Lincoln is lucky they chose to remain in this spot and that they are one of the higher paying retailers, providing good benefits to employees, and getting 4-star ratings from employees and business reviewers. The property values of shopping centers and surrounding areas go hand-in-hand. Both have life cycles with growth, maturity and decline. The challenge for shopping centers is to continue to attract

shoppers and tenants. They must continually reinvest to keep their market coming. Three components of doing this are expansion, providing new sources of entertainment, and uplifting smaller surrounding businesses. This Scheels expansion accomplishes all three of those. Shoppers spend hours in this store, not just to buy, but to be entertained. The surrounding homes came in after the shopping center was built. There is a restrictive covenant that they are buying and building next to center that allows changes to center. The traffic pattern that was done accommodated something bigger than what is there today, so no big changes are required in that regard. Overall, the applicant has been a good neighbor. Opportunity was taken at the neighborhood meeting to address other concerns unrelated to this application, such as the hours of sweeping and cleaning the lots. The improvements to the trail crossing will make for a safer crossing. Solutions to problems with the roundabout have been discussed. We feel that if this project is successful, the neighborhood will be too. This plan conforms to the goals set out in the Comprehensive Plan by expanding the tax base and sales tax revenue and by retaining business. Construction alone will bring in \$628,000. The Comp Plan also encourages infill. We view this as infill and rehabilitation that uses current infrastructure and prevents us from entering a new neighborhood. We are increasing jobs and making a large private sector investment. Seacrest concluded by stating that the applicant agrees to all of the conditions. He thanked staff for all their hard work.

Corr asked if the parking lot in front of Trader Joe's and Office Max will be resurfaced. McMahon and Seacrest stated yes.

Corr said she would still like to know what is 60 feet now. McMahon said the phasing on this project is very complicated. The existing Scheels will be kept in place while the new building is under construction. It will be an overnight turn. The 60 feet is located along the spine of the existing Scheels. The parapets are around 50 to 52 feet, which is the same height on the proposed building. The amendment we are looking for is for the spine on the new building, which is larger. There was an exception made for the theater as well.

Opponents:

There was no testimony in opposition.

COMBINED SPECIAL PERMIT / USE PERMIT NO. 11H
ACTION BY PLANNING COMMISSION:**January 6, 2016**

Lust moved approval, seconded by Harris.

Harris said this is a great project that she will support. She noted that the parking reduction was not discussed much. Planning Commission recently approved the same parking reduction at Gateway Mall. In previous years, two others were approved. At this point it seems the 1:300 ratio is established practice and it is time to codify that and she would welcome that change from the Planning Department.

Lust stated that she used to live in the Southern Hills neighborhood and she knows that when the mall first went in there were concerns, but the feeling generally is that it has been a great asset for the neighborhood and growth in the area, and being able to walk to it and the entertainment options. It is great to see this reinvestment so that it maintains its quality, so she is happy to support this application.

Corr said that any time changes occur, there is hesitation, especially for neighbors for whom the landscape will change, and especially with this large of a height increase. She applauds the applicant for providing images so that neighbors could understand what the new landscape will be. Once this is done, this is going to be a good project that will not seem so overbearing. Sometimes it just takes time to get used to the new landscape. Neighbors are getting some good concessions, and the applicant is going above and beyond in providing the irrigation, extra trees, and the roadway improvements. It makes it easier to approve projects of this scale.

Hove stated intends to support this project. RED Development is doing a great job and Scheels is an asset to the area.

Motion carried 8-0: Cornelius, Corr, Harris, Lust, Scheer, Sunderman, Weber and Hove voting 'yes'; Beecham absent.

There being no further business to come before the Commission, the meeting was adjourned at 2:18 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, January 20, 2016.