

## MEETING RECORD

*Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, April 6, 2021.*

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, April 14, 2021, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska.

**MEMBERS IN ATTENDANCE:** Lorenzo Ball, Tom Beckius (arrived at 1:25 pm), Dick Campbell, Tracy Corr, Tracy Edgerton, Deane Finnegan, Cristy Joy, and Dennis Scheer; Cindy Ryman Yost absent. David Cary, Steve Henrichsen, Paul Barnes, Allan Zafft, Kellee Van Bruggen, Geri Rorabaugh and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Hearing

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

Chair Corr requested a motion approving the minutes for the regular meeting held March 31, 2021.

Motion for approval of the minutes made by Campbell, seconded by Joy and carried 7-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer and Corr voting 'yes'; Beckius and Ryman Yost absent.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

**APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer and Corr; Beckius and Ryman Yost absent.

**The Consent Agenda consisted of the following item: Miscellaneous 21001.**

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

Campbell moved approval of the Consent Agenda item, seconded by Finnegan.

Motion carried 7-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer and Corr voting 'yes'; Beckius and Ryman Yost absent.

Chair Corr called for **Request for Deferral**.

**COMPREHENSIVE PLAN CONFORMANCE 21004**  
**TO REVIEW AS TO CONFORMANCE WITH THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, A REQUEST TO DECLARE APPROXIMATELY 1.59 ACRES OF CITY OF LINCOLN-OWNED LAND AS SURPLUS, ON PROPERTY GENERALLY LOCATED AT F STREET BETWEEN 6TH AND 8TH STREETS.**

**BEFORE PLANNING COMMISSION:**

**APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer and Corr; Beckius and Ryman Yost absent.

**Staff Recommendation:** Applicant has requested this application be placed on hold until further notice.

The Clerk noted that the applicant has requested to place this application, Item 4.2 – Comprehensive Plan Conformance 21004, on hold until further notice; and, therefore, the application was removed from the Agenda and placed on hold.

Finnegan moved to place this item on hold until further notice, seconded by Campbell and carried 7-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer and Corr voting 'yes'; Beckius and Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 21007**  
**TO REVIEW AS TO CONFORMANCE WITH THE 2040 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN, TO ADD THE "PERSHING BLOCK REDEVELOPMENT PROJECT", A MIXED-USE PROJECT THAT MAY INCLUDE A NEW CENTRAL LIBRARY, RESIDENTIAL, COMMERCIAL, PARKING AND GREENSPACE, ON PROPERTY GENERALLY LOCATED AT 220 CENTENNIAL MALL SOUTH**

**AND**

**CHANGE OF ZONE 21012**  
**FROM P (PUBLIC DISTRICT) TO B-4 (LINCOLN CENTER BUSINESS DISTRICT), ON PROPERTY GENERALLY LOCATED AT 220 CENTENNIAL MALL SOUTH**

**PUBLIC HEARING:**

**APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer and Corr; Beckius and Ryman Yost absent.



options for that area, if it were not a library, and it would need to be consistent with the Downtown Master Plan.

Scheer asked if there was anything that stood out on this project as it relates to being in conformance with the Comprehensive Plan. Marvin stated with any construction project there will be challenges and providing low-income housing opportunities in the downtown area is needed and can be challenging, but this project checks a lot of boxes. He stated that this proposal is not a difficult question, and it is in conformance and fits with the plan that was adopted in 2018.

**Pat Leach, Director of Lincoln City Libraries**, came forward and stated that libraries started in the late 1860s in Lincoln as private associations, one for men and one for women. The Old Main Library, built in 1902, was located at the corner of 14th Street and N Street and after almost 60 years of being in service the library was demolished in 1961, and this made room for the Bennett Martin Library. The original library was built in an “L” shape and over the years additional space was added. There had been discussions of what should happen next, and in 2003 it was decided to move to a new or repurposed building. In 2013, there was a vision and concept study done with public input on what a library might need, what it would take, and after a basic evaluation of sites, the Pershing site was decided to be the most appropriate. In 2017-18 a Building Program was completed to get public input, to determine what services would be appropriate and what kind of space would be required. The program recommended a 100,000 square foot building, and when the plan was reviewed, it was revised to a 90,000 square foot building.

The Capital Improvement Plan (CIP) has the Library listed as a \$50 million project and \$5 million shown as other funding. The library is also in the process of bringing on a designer for the building to do a schematic design that will allow them to create estimates of actual costs. Leach stated that some of the ideas for the new library may include large and small meeting spaces, conference rooms, teen space, an area for children and family to enjoy together, and a maker space with technology available.

At 1:25 pm Beckius entered the chambers.

Campbell asked what the size of the Bennett Martin Library is now. Leach stated it is around 66,000 square feet.

Corr inquired if the auditorium area would be just for civic groups to use or if private businesses could also use the area. Leach stated that in the current policy, it is typically used for civic groups, and further stated that libraries, in general, are broadening their scope of who uses community rooms--there are several possibilities of who could use the space. Corr asked if it were being used by a business if there would be a charge for that use. Leach stated that other libraries they have looked at typically do charge a fee if it is a non-civic use, and she expects that they will do the same.

Campbell asked if they anticipate having the structural component being able to support additional floors in the future. Leach stated the new library can only go up to 57 feet in height and that is what they are planning.

Scheer inquired if they would be asking the designer for a building design that is sensitive to environmental conditions. Leach stated that they do intend to incorporate sustainability features in the design of the building, because these would be long-term cost benefits.

**Applicant:**

**Arun Agarwal, CEO of White Lotus Group**, came forward and stated that after several months of having discussions with the city, the public and stakeholders on what they wanted the Pershing Block to be, and that this proposal is a culmination of those discussions. He shared that they are proud of the project that is being presented because it is checking a lot of the boxes while still making this project sustainable and viable. Agarwal stated that Commissioner Corr inquired what would happen if the voters did not approve, which is something that they did need to consider. He stated that they have been approached by governmental, healthcare, educational, and corporate entities regarding this site, and further stated that they are confident that if the library were not approved, there would be other alternates available. Agarwal shared that this project will be done in two phases, which will give them flexibility and optionality.

Corr asked if some of the housing would be ADA accessible with wider doorways and walk-in showers. Agarwal said ADA accessible would be included in a unit mix.

No one came forward in support or opposition.

Campbell moved to close the public hearing on these items, seconded by Beckius and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 21007**

**ACTION BY PLANNING COMMISSION:**

**APRIL 14, 2021**

Campbell moved approval, seconded by Beckius.

Beckius state that it is time to move forward with the redevelopment of this block and he is looking forward to private investment coming back to this block, and with the potential of public investment on the block also. Beckius thanked White Lotus Group for looking at the redevelopment of this block as an opportunity to invest in Lincoln.

Scheer stated that this project does check all the boxes, as mentioned. The change of zone to B-4 is appropriate and will be beneficial during the redevelopment process. Scheer shared that he believes that this block is important to the development and renaissance of Lincoln. Scheer stated that it is the right time for this step to move forward.

Campbell urged everyone with knowledge of this project to let the public know that a library is not just books on a shelf anymore, and to explain the complexity of what a library can offer to be supportive of this portion of the project. Campbell stated that it is a well put together project.

Ball stated that he would like to expand on what his fellow commissioner has said and that this is an excellent opportunity to change what the downtown looks like. Having a library as a centerpiece to the downtown area and especially with the possibility of mixed uses and public activities that are all within walking distance of all the amenities that are coming and that already exist downtown. He shared that this is the right way to use this property and to make it fulfill what we are wanting to do, from the Comprehensive Plan perspective.

Finnegan stated that she just wanted to make sure that everyone watching today knows that this is just to decide if this project is in conformance with the Comprehensive Plan and the library will be voted on later.

Corr stated that this not only the includes a library, but it also includes housing units, retail and commercial, which is in conformance of the Comprehensive Plan, and that is important. Corr shared that she is anxious to see this block active again instead of being vacant. This will be huge for the city and downtown.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

**CHANGE OF ZONE 21012**

**ACTION BY PLANNING COMMISSION:**

**APRIL 14, 2021**

Campbell moved approval, seconded by Finnegan and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

[Break at 1:50 P.M.

Resumed at 2:00 P.M.]

**STREET & ALLEY VACATION 21002**

**TO VACATE PORTIONS OF NORTH 27TH STREET RIGHT-OF-WAY AND ENTERPRISE DRIVE RIGHT-OF-WAY, GENERALLY LOCATED AT NORTH 27TH STREET AND ENTERPRISE DRIVE**

**AND**

**USE PERMIT 103C**

**TO ALLOW FOR UP TO 250 MULTI-FAMILY DWELLING UNITS OR 110,500 SQUARE FEET OF COMMERCIAL FLOOR AREA ON LOT 3, ALONG WITH OTHER ADJUSTMENTS TO THE LAND USE TABLE FOR COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND ENTERPRISE DRIVE**

**PUBLIC HEARING:**

**APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr; Ryman Yost absent.

**Staff Recommendation:** Street & Alley Vacation 21002 In Conformance with the Comp Plan  
Use Permit 103C Conditional Approval

Commissioner Beckius disclosed that he had seen a marketing flyer regarding this site during the normal course of business.

There were no ex-parte communications disclosed relating to site visits.

**Staff Presentation: Steve Henrichsen, Planning Department,** came forward and stated this site is generally located on the east side of North 27<sup>th</sup> Street, south of the Interstate, north of Folkways Boulevard, and between North 27<sup>th</sup> Street and North Star High School. The site has been zoned B-2 for almost 25 years and approved for commercial space, but nothing has been developed on this site. The use permit is wanting to keep the amount of commercial space at around 500,00 square feet and adding 250 dwelling units. This application would not have had to come forward to the Planning Commission if dwelling units had been approved or if they could have converted the commercial floor area to dwelling units. This application already has an approved access that generally lines up with Enterprise Drive and an access off Folkways Boulevard. There is not an access between this development and North Star High School for vehicles or pedestrians. Henrichsen stated that with the grading of this site, the higher portion will be adjacent to 27<sup>th</sup> Street, which will be developed with commercial uses. On the east side, if the site on Lot 3 would be for the apartments and Lincoln Fire and Rescue (LFR) had stated with the grading and no street connection, it would be a long route for LFR to travel to get to the northern part of this site. LFR was also concerned about there only being one way in and out of the development. If this property does develop with the apartments, the Planning Department would want to see a back-up access that would go through North Star High School for LFR to use and not open to the public, and a pedestrian easement would go through that area as well. Because of the hill, it will probably not be possible for the access to meet the ADA standards, but there would be a longer route that would meet those standards.

Henrichsen stated that the memo sent out was worked out with the developer and would eliminate the condition regarding the granting of public access and utility easement along North 27<sup>th</sup> Street, which Lincoln Transportation & Utilities (LTU) agreed that the additional easement was not needed. If Lot 3, Block 2, is developed with a multifamily use, there would need to be an administrative amendment with respect to providing an emergency access and revises the condition regarding the pedestrian route to state that the route will be finalized by administrative amendment. The memo also clarifies the condition to grant access for Lot 48, which is adjacent and located south of the use permit boundary, and it would specify that access will be granted as a public access easement to the satisfaction of the developer, Planning Department and LTU, with the owner of Lot 48 contributing towards construction and maintenance.

As a condition of vacating the right-of-way with the associated street and alley vacation, the applicant is providing a permanent access driveway within the development for the Crossbridge Church to the north to ensure the church's ability to reach the future full access intersection at North 27th Street and Enterprise Drive.

**Applicant:**

**Jay Lerner, Lerner Company, 10855 W Dodge Road, Suite 270, Omaha**, came forward and stated in 2003 his company opened Lincoln Crossing Shopping Center that is located on 27<sup>th</sup> Street and Superior Street, which is a block away from today's proposed site that has been empty for the past 27 years. He shared that one of the difficulties with this site is that there is a 60-foot drop from 27<sup>th</sup> Street to North Star High School. Lerner explained that they are planning on doing a 2-level project with the retail in the front and the other uses in the back.

**Tom Huston, Cline Williams, 233 South 13<sup>th</sup> Street, Suite 1900**, came forward on behalf of the Lerner Company and stated that this site has set vacant for over 20 years because of its grade challenges. The Lerner Company has come up with a creative plan to bifurcate the site and separate the east and west uses combined with the grading plan that will allow this project and development to move forward. He shared that they have spent six months working with Lincoln Public Schools (LPS) and North Star on the grading plan. Some easements were traded with LPS to allow the grading to occur so they could achieve the best grade possible for the high school and this site. The west portion, as indicated, will continue to be developed with approximately 300,000 to 350,000 square feet or more of commercial and the east portion they want to create the opportunity for either multifamily or commercial development. Huston stated that a condition in the street and alley vacation obligates the developer to restore the access to the Crossbridge Church, and the developer agreed with the city that in exchange for providing a permanent access driveway within the development for the church, they should not be responsible for paying for the right-of-way. Huston stated that the developer would like this included in the recommendation that will go to City Council. The developer is in support of the conditions of approval for this site.

Corr asked if the eastern portion does develop as residential multifamily housing, will the developer include affordable housing. Huston stated that they are not that far along in the project yet. The Lerner Company primarily is a retail developer, and they may put that portion of the site on the market for a multifamily development; at that point, it would be up to that developer.

Lerner came forward and introduce Rick Quinlevan and Ben Meier who are members of the Lerner Company and part owners of this project.

Campbell asked how the transition would be done with the 60-foot grading change and asked if it would be walls. Huston said that it would not be walls and it will be a steep grade. The grading plan is trying to implement the least amount of slope as possible, but it will still be a steep slope.

**Proponents:**

No one came forward.

**Opponents:**

**Vern Schulte, 2800 Crossbridge Place**, came forward on behalf of Crossbridge Church and stated that they are not in opposition to the vacation, if the developer follows the Comprehensive Plan that was developed for the area. He stated that the slope for this development has been mentioned a lot by the developer and others, and they have concerns with this. He stated that it looks like the drainage swale on the east portion of the development will drain to the north and the drainage swale from the north side will to drain to the east. Schulte stated that the water was diverted a few years ago and went from standing water to running water. When there is a significant rain event, the church will have water backing-up and going 40 feet into the backyard. Schulte stated with the new development going in above the church, they are concerned about the additional runoff onto their property and would like to know what mitigation will be put in place to avoid slow drainage of water on their property. He stated another concern with this slope is that there is a substantial retaining wall that is on the south side of the church property and the north side of the development. Schulte stated the development plans indicate that on the side of the retaining wall there is a zero-foot setback, and they are concerned that with heavy equipment and buildup in that area it would compromise or weaken that retaining wall.

**Applicant Rebuttal:**

**Brad Marshall, Olsson Associates, 601 P Street, Suite 200**, came forward and stated that he has spoken with Mr. Schulte about his concerns and updated him on the site plans. He shared that there would be an alternate path for the church to go through the development and they would still have the ability to get to Enterprise Drive. Marshall shared that there would be a point that the connection would need to be closed for construction, which will be communicated with them.

Corr inquired if the access to 27<sup>th</sup> Street would remain open until a portion of the construction would be done or if it would be closed during construction. Marshall stated that there will need to be a full closure due to construction, at some point. Corr stated that the plans are showing a parking lot next to the retaining wall that Mr. Schulte voiced concerns about. Marshall stated that there is a zero-foot setback along the north property line and explained that pipes would be put in for drainage to be sent north along the property line and the easement over those pipes that will create a natural setback, which is shown on the site plan. Marshall stated that they will do some investigative work with their Geotechnical Engineers who will be involved to ensure that the retaining wall is not compromised, especially during the construction phase. The drainage along the north property line will be captured and sent from west to east and there will be swales where they discharge. In the swales, there will be a 6- to 8-foot berm to ensure that the drainage is transitioning to the east. Marshall stated that they have worked through all the grading details with Watershed Management and the plan was done administratively.

Marshall stated that he explained to Mr. Schulte that adjacent to their property they have a tributary to Salt Creek and that tributary typically has backwater from Salt Creek and as the creek fills up that is what is causing the ponding and flow of water across the church property. The variance related to the detention area for this development will be a benefit to the church because the water from the site will not be held back and sent to Salt Creek before the rise of water that the church would normally see. Corr stated that must be why Mr. Schulte mentioned that they had noticed a change in flow over the years. Marshall stated that the property has been dormant for the past 20 years and he is unsure of the reason for that change.

Campbell stated that there is an island that does not allow a left turn from the church and asked if they would be allowed to do a U-turn on the north end of the island. Marshall stated that he has never gone down to Fletcher to see if a U-turn would be allowed at that location.

Scheer asked about the flow of water from the property to the tributary. Marshall said all the drainage will be collected on the north end and head to the east or it is collected on east and heads north and it all collects in the northeast corner and from the water would go to the tributary.

Beckius moved to close the public hearing on these items, seconded by Joy and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

**STREET & ALLEY VACATION 21002**

**ACTION BY PLANNING COMMISSION:**

**APRIL 14, 2021**

Beckius moved approval, seconded by Campbell.

Beckius stated that the street and alley vacation is appropriate and a fair compromise to give this development the ability to move forward. The use permit allowing for the multifamily dwelling units in addition to the commercial space will be a nice addition to the area because it is adjacent to a public high school. He stated that this proposal is a thoughtfully well laid out plan and he is looking forward to it coming to fruition.

Campbell stated that he applauds Olsson and the Lerner Company for figuring out how to handle the significant variation in the slope on the site.

Beckius stated that he is indifferent as to the exchange of right-of-way and dollars for the access point. He shared that if a determination has been made to what works for them, he is fine with that.

Corr stated that she appreciates the work that has gone into this and understands why it has sat vacant. She shared that she has no problems with the street and alley vacation, and it is normal to allow for a residential and commercial exchange and encourages that when this comes to

fruition for its development if it is residential that affordable housing would be considered, which will be important because this development is close to a public high school.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

**USE PERMIT 103C**

**ACTION BY PLANNING COMMISSION:**

**APRIL 14, 2021**

Campbell moved approval with the revisions offered by staff in the memorandum dated April 14, 2021, and made a recommendation to the City Council that because the developer is building a permanent driveway connection from the access point at North 27<sup>th</sup> Street and Enterprise Drive with a public access easement serving property for the Crossbridge Church and taking the vacation of the city right-of-way should offset the cost and there should not be any cost to the developer, seconded by Beckius.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

Note: This is FINAL ACTION on Use Permit 103C unless appealed by filing a letter in the Office of the City Clerk within 14 days.

**SPECIAL PERMIT 21011**

**TO ALLOW FOR A 17 LOT CUP (COMMUNITY UNIT PLAN), WITH WAIVERS TO SETBACKS, MINIMUM LOT AREA, SANITARY SEWER FLOW OPPOSITE STREET GRADES, STREET CENTER LINE RADIUS, TANGENT LENGTH BETWEEN CURVES, TANGENT LENGTH AT INTERSECTION, DEPTH OF SANITARY SEWER, HAMMERHEAD TURNAROUND LOCATED IN A FRONT YARD SETBACK, AND DESIGN STANDARDS FOR A PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT 6500 SOUTH 56TH STREET.**

**PUBLIC HEARING:**

**APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr; Ryman Yost absent.

Scheer recused himself from the public hearing on Item 4.4 – Special Permit 21011 and, therefore, abstained from any action related to Special Permit 21011; he exited the chambers for this portion of the hearing.

**Staff Recommendation:** Conditional Approval

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

**Staff Presentation: Steve Henrichsen, Planning Department,** came forward and stated that is a request for a Community Unit Plan (CUP) and property is located on the east side of South 56<sup>th</sup> Street, and primary access to the arterial street will be back through adjacent developments using the growing internal local street network. This property is already zoned R-3 and the CUP falls within that density, and the townhomes that are proposed fit in nicely with the townhomes to the south. To the north of this project is land that was already approved in a CUP for development, and it will have a street coming in off South 56<sup>th</sup> Street bending and connecting to the east side of this development. If there were a typical private roadway between the lots, there would not be space on the south side for any dwelling units, so it has been worked out with the applicant to have a driveway serve both sides of the development. He stated that doing this will allow them to have five more dwelling units on the property. Once submitted, Lincoln Fire and Rescue (LFR) stated that it would be clearer for their mapping if they named it as a private roadway. He stated that because of the size of this site and the fact that it is in between two CUPs, the Planning Department is waiving a lot of the private roadway standards, which will label the area as a private road and it will have a blue sign to make it easier for LFR to find. Henrichsen stated that with that change, they now have an agreement with the developer. The memo revises the staff report with some corrections to the design standards that are being waived and then there is one condition that the Engineer for the developer to the north has requested, which is that a small swale put in along the north property line to drain into the future culverts to the east.

Beckius asked if the shaded area identifies the lots that would be taking access to the private drive. Henrichsen stated that the private drive would be a named private roadway, and yes, they are. Henrichsen stated that he wanted to clarify that the streets to the east of this site will be done as public streets.

Corr asked if the development to the south had lot sizes that were comparable to the proposed development. Steve said yes and they may be a little bigger than what is to the south. Corr asked when the existing home would relinquish their driveway access to 56<sup>th</sup> Street. Henrichsen stated that generally it would happen at the time of the first final plat, so when they put in the street the driveway goes away.

Campbell asked what the buildings to the east were. Henrichsen stated that he thinks that they are accessory buildings, and the applicant would be able to address this question.

**Applicant:**

**Marcia Kinning, REGA Engineering, 601 Old Cheney Road, Suite A,** came forward on behalf of 6500 South 56<sup>th</sup> Street, LLC. Kinning stated that the existing driveway that goes out to 56<sup>th</sup> Street is in the second phase of this project and the developer is trying to let that resident stay until the next phase is implemented. When the second phase is started, is when the driveway access to 56<sup>th</sup> Street would be relinquished, and the existing house would be demolished. Kinning stated that there was a request for a turnaround at the end of the street and the site plan has been revised to accommodate that request.

Corr asked if they held a neighborhood meeting. Kinning stated that they did hold a neighborhood meeting on April 3, and there was no opposition to the site plans. Corr inquired if the plan for these units is that they will be owner occupied. Kinning said yes. Corr asked if it would be stated on the building permits that an ejector pump would be required in each basement. Kinning said yes.

No one came forward in support or opposition.

Beckius moved to close the public hearing on these items, seconded by Campbell and carried 7-0: Ball, Campbell, Edgerton, Finnegan, Joy, Beckius and Corr voting 'yes'; Scheer declared Conflict of Interest; Ryman Yost absent.

**SPECIAL PERMIT 21011**

**ACTION BY PLANNING COMMISSION:**

**APRIL 14, 2021**

Beckius moved approval with the revisions offered by staff in the memorandum dated April 14, 2021, seconded by Finnegan.

Beckius stated that it seems to be a natural extension of what is adjacent to the south and it is a thoughtful use of the land that they had to work with.

Campbell stated to the north of the Pine Lake Road was acreages and most of them are filling in now in an appropriate fashion. He shared it is nice to see the infill.

Corr said that this is a great project in a tight area, but it addresses all the concerns, and they are making it work.

Motion carried 7-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Scheer declared Conflict of Interest; Ryman Yost absent.

Note: This is FINAL ACTION on Special Permit 21011 unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Scheer returned to the chambers at 2:48 PM

**COMPREHENSIVE PLAN CONFORMANCE 21006**

**TO REVIEW AS TO CONFORMANCE WITH THE 2040 LINCOLN LANCASTER COUNTY COMPREHENSIVE PLAN, THE CITY OF LINCOLN'S 6 YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FY 2021/2022 TO FY 2026/2027**

**PUBLIC HEARING:**

**APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr; Ryman Yost absent.

**Staff Recommendation:** In Full or General Conformance with the Comprehensive Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

**Staff Presentation:** Kellee Van Bruggen, Planning Department, came forward and stated this is for the 2021/2022 to 2026/2027 Capital Improvement Program (CIP) for the City of Lincoln. She stated this request is to determination conformity with the Comprehensive Plan with the projects that are listed within the CIP. Van Bruggen stated that finance approved a 1-year budget, which only advanced one year of the last CIP, and now we they will advance year two and add a year six to the CIP.

Van Bruggen stated that they asked departments to review their current program and submit any changes to their funding sources that may need to be updated. Departments were also asked about projects that needed to be shifted around due to timing, funding needs or limitations. The draft CIP looks fairly similar to what was presented last year and most of the projects did advance forward from year two to one.

There was a new request from the Finance Department for a project to enhance technology for City and County services for \$3 million that is listed in year one and two.

Bennett Martin Library advanced forward to years two and it is outside of the budget year but is moving forward within the budget plan.

The Parks and Recreation Program did have a shift in one of the projects, which was the Public Gardens Greenhouse that was advanced to year one for design and construction.

The Public Safety which includes the Lincoln Fire and Rescue Department and Lincoln Police Department. The critical project of fire station modifications and repairs is in year one and they have additional funding for this project in years three and five.

Van Bruggen stated the memorandum that the commission received today has a few changes with modifications to the Transportation Program, which will also be reflected in the Transportation Improvement Program (TIP) that will be discussed later in today's hearing. There were minor changes in the Transportation System Preservation, Transportation System Optimization and Transportation System Growth. The Optimization Program showed a \$5 million allocation bond which was a typo and funds were intended to be in Growth. They were shifted to the growth category and then the entire six years of the Highway Allocation Funds were missing within the program, which was clarified in the memorandum. In the Transportation System Preservation, none of the funding was changed but there were typos in the project description that were updated. For the Transportation System Growth, the \$5 million allocation bond, is listed that was previously listed incorrectly. The final page is an update of the transportation projects summaries with the correct funding totals listed.

The draft received has an initial finding of conformance from staff, and the Planning Department's recommendation is that the entire CIP is in full or general conformance with the Comprehensive Plan.

Finnegan stated for information purposed what is the difference between full or in general conformance. Van Bruggen stated that in full conformance would be that it explicitly specifies that project in the Comprehensive Plan. In general conformance, it would not be implicitly there, but there would text that would support those types of projects.

**Proponents:**

No one came forward in support.

**Opponents:**

1. **Peter Katt, 1248 O Street, Suite 600**, came forward in opposition and stated that there needs to be conversation on how to make it better. He shared that there are a couple of projects that frustrate him and, if the boxes keep getting checked, things will not get better. In Fire Ridge at 98<sup>th</sup> Street and Van Dorn Street, several years ago the community spent several million dollars to extend the sewer trunk to the Steven's Creek Sewer, but they are unable to develop the area because they are waiting for roads and water in the area and, in this CIP, the water main is still two years out. Katt shared that on the South Beltway Project the city still does not know which roads in south Lincoln will be connected to it. He stated that there is not a strategy for the area and part of the problem is that the departments work on their own items. Katt stated what if they approach making these huge public expenditures as questions to be asked, and then solved them as part of making their spending decisions. He stated that a better job needs to be done at figuring out how property that the marketplace produces can be affordable, because it is not being done today. This program should be focused on how to create opportunities for workforce housing that people can afford to live in. There is no consistent strategy or vision in the CIP.

Beckius stated that he did not anticipate the South Beltway occurring in the time that it has and asked Mr. Katt if it would be appropriate to divert funding from other projects to facilitate growth along that corridor in exchange for a lack of growth in other areas. Katt said absolutely and explained that he does not think that the marketplace wants a lot of development in that area because the growth has been to the south. Katt stated that it is a policy and a choice that needs to be made as a community. Beckius stated that he appreciates the feedback and there is something to be said about a more organized approach when it comes to sectors of the city being able to be serviced by utilities at the same time and maybe that gets coupled with a stronger annexation policy as well, so there is not a trunk sewer installed and unused for decades.

Campbell moved to close the public hearing on these items, seconded by Joy and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

**COMPREHENSIVE PLAN CONFORMANCE 21006****ACTION BY PLANNING COMMISSION:****APRIL 14, 2021**

Campbell moved approval with the revisions offered by staff in the memorandum dated April 14, 2021, seconded by Beckius.

Campbell stated that the remarks made by Mr. Katt were very appropriate, and that he lives on Pine Lake Road and the roads were not upgraded in the area when they should have been. Now, the city is behind on Yankee Hill Road and some of the roads. He shared that there is a lot of land in Stevens Creek Basin if they could get the sewer further south, and there is some truth to what Mr. Katt has said.

Scheer stated that he thinks that is true as well and, as stated by Mr. Katt, when updating the Comprehensive Plan, it would be good to think about the vision of the city and future dreams. Scheer stated that there is a lot of truth in the need to trying and get this coordinated better and this is a little troubling.

Corr stated that it is very interesting and food for thought. She stated that to her it is about achieving efficiencies and talking together and coordinating everything and it can be tricky to get everything lined up at the same time.

Scheer said in all these cases the issue might be tied to timing and not being exactly the way that they see it. He shared that some things slip in and other get delayed because circumstances and conditions change, and further shared he does not know how to predict any of that.

Corr stated that this is a good plan, and it is setting the stage for the next six-years and is hard to know what is going to happen. Corr stated that there are always fiscal restraints, and this could slow down or speed up projects.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

**MISCELLANEOUS 21002****TO REVIEW THE DRAFT FY2022/2025 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) FOR CONFORMANCE WITH THE CURRENT LINCOLN METROPOLITAN PLANNING ORGANIZATION (MPO) LONG RANGE TRANSPORTATION PLAN (LRTP). THE PLANNING COMMISSION RECOMMENDATION WILL BE FORWARDED TO THE LINCOLN MPO FOR FINAL ACTION****PUBLIC HEARING:****APRIL 14, 2021**

Members present: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr; Ryman Yost absent.

**Staff Recommendation:** In Conformance with the Long Range Transportation Plan

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to site visits.

**Staff Presentation: Allan Zafft, Planning Department**, came forward and stated this is for the FY2022/2025 Transportation Improvement Program (TIP) and was discussed at the March 31, 2021, briefing. The TIP is a 4-year program of projects completed annually and are brought forward to the Planning Commission annually. The TIP includes projects that receive federal funds, projects that are reasonably significant and projects that require federal action. All projects in the TIP must be listed specifically or generally listed in the Long Range Transportation Plan (LRTP). Zafft stated that the staff's review found them in conformity with the LRTP. TIP is financially constrained, and it must indicate the project's funding, its schedule and phase. The TIP is coordinated with plans from the City, County and State. The State's plan is the Surface Transportation Program, and Lancaster County's plan is the One- and Six-Year Program. The MPO Project Coordination Committee of the Technical Committee meets throughout the early process to coordinate projects and funding. The TIP includes projects from the Nebraska Department of Transportation, Lancaster County, City of Lincoln, Lincoln Transportation and Utilities (LTU), StarTran, Railroad Transportation Safety District (RTSD), Parks & Recreation and others. Comments made at today's meeting will be attached to the TIP and forwarded to the Nebraska State Department of Transportation. This then goes on to the MPO Technical Committee April 19, 2021, and then the MPO Officials Committee on May 19, 2021. This TIP will be included in the State TIP, with public review and when approved it will go to the Federal Highway Administration for approval, which is normally approved in September and becomes effective officially on October 1, 2021.

The changes that were made to transportation in the CIP will be reflected in the TIP.

No one came forward in support or opposition.

Beckius moved to close the public hearing on these items, seconded by Joy and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

#### **MISCELLANEOUS 21002**

#### **ACTION BY PLANNING COMMISSION:**

**APRIL 14, 2021**

Beckius moved approval, seconded by Joy.

Corr thanked staff for all of their hard work because it is hard to coordinating between both plans, with all of the departments, and everyone involved.

Motion carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

Chair Corr stated at this point we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments, please direct them to [Plan@lincoln.ne.gov](mailto:Plan@lincoln.ne.gov) or by calling 402-441-7941.

Campbell moved to adjourn the Planning Commission Meeting of April 14, 2021, seconded by Joy and carried 8-0: Ball, Campbell, Edgerton, Finnegan, Joy, Scheer, Beckius and Corr voting 'yes'; Ryman Yost absent.

Meeting adjourned 3:20 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, April 28, 2021.

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