

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 20, 2021.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, April 28, 2021, 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: Lorenzo Ball, Tom Beckius, Dick Campbell, Tracy Corr, Tracy Edgerton, Deane Finnegan, Cristy Joy, Cindy Ryman Yost (arrived at 1:04 P.M.) and Dennis Scheer; Deane Finnegan absent. David Cary, Steve Henrichsen, Brian Will Geri Rorabaugh and Rhonda Haas 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 April 14, 2021.

Motion for approval of the minutes made by Campbell, seconded by Beckius and carried 8-0: Ball, Campbell, Edgerton, Joy, Scheer, Beckius and Corr; Finnegan and Ryman Yost absent.

Ryman Yost entered the chambers at 1:04 P.M.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

APRIL 28, 2021

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

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 21008, Comprehensive Plan Conformance 21009, Comprehensive Plan Conformance 21010, Change of Zone 04075I, Change of Zone 21010 and Miscellaneous 21003.

Scheer declared a Conflict of Interest on Item 1.2 – Comprehensive Plan Conformance 21009 and will be abstaining from any action related to Comprehensive Plan Conformance 21009; he exited the chambers for this portion of the hearing.

The Clerk noted that the applicant has requested to defer Item 1.4 – Change of Zone 04075I, for two weeks to the regular Planning Commission hearing on May 12, 2021; and, therefore, the application was removed from the Consent Agenda for separate action.

Item 1.1 – Comprehensive Plan Conformance 21008, was removed from the Consent Agenda for a separate hearing and action.

There were no ex-parte communications disclosed.

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

Campbell moved approval of the remaining Consent Agenda items, seconded by Beckius.

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

Scheer returned to the chambers at 1:07 P.M.

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

CHANGE OF ZONE 04075I

TO AMEND THE EXISTING VILLAGE GARDENS PUD (PLANNED UNIT DEVELOPMENT) FOR THE CONSTRUCTION OF MULTIPLE-FAMILY DWELLING UNITS WITH WAIVERS TO ADJUST HEIGHT AND PARKING, ON PROPERTY GENERALLY LOCATED AT 56TH STREET AND PINE LAKE ROAD BEFORE PLANNING COMMISSION: **APRIL 28, 2021**

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

Staff Recommendation: Two-week deferral.

There were no ex-parte communications disclosed.

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

Campbell declared a Conflict of Interest on Item 1.4 – Change of Zone 04075I and will be abstaining from any action related to Change of Zone 04075I.

The Clerk noted that the applicant has requested a deferral on Item 1.4 – Change of Zone 04075I, for two weeks to the regular Planning Commission hearing on May 12, 2021.

Ryman Yost moved to grant the request for a 2-week deferral for public hearing and action on May 12, 2021, seconded by Scheer and carried 7-0: Ball, Edgerton, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Campbell declared a Conflict of Interest; Finnegan absent.

COMPREHENSIVE PLAN CONFORMANCE 21008

TO REVIEW AS TO CONFORMANCE WITH THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, A PROPOSED AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN, THAT ADDS THE "25TH & VINE REDEVELOPMENT PROJECT", ON PROPERTY GENERALLY LOCATED AT 25TH AND VINE STREETS

PUBLIC HEARING:

APRIL 28, 2021

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

Staff Recommendation: In 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:

Dan Marvin, Urban Development Director, 555 South 10th Street, came forward and stated this is for a 36-unit apartment complex that will be built along Vine Street. There are areas noted where public improvements could be made. Marvin stated that the developer of this project has agreed to maintain 6 of the 36 units for affordable housing, which is more than what would typically be required, but that is because this project has a longer 20-year term for Tax Increment Financing (TIF). Marvin stated that is why the developer was asked to maintain additional units for affordable housing, and they have been working with the developer on an energy efficient building. Marvin explained that affordability on rental units would be people making 60 percent of area median income that they would not be cost burdened, which means that their rent and utilities combined balances would not be greater than 30 percent of their income.

Ball asked how they determined the number of affordable housing units there would be. Marvin stated that they had originally discussed a 15-year TIF with the developer, which would be about 10 percent of the units. Then, when it became apparent that the new legislation through the state would allow for a 20-year TIF, in this particular area, there was a conversation with the developer and the number of units was increased by 50 percent.

Applicant:

Ann Post, Baylor Evnen, 1248 O Street, Suite 600, came forward on behalf of the developer, L.A. Real Estate and shared that they have been in discussions with the Planning Department and Urban Development for quite a while to get all the details worked out. Post stated that parking is always an issue and they have been able to work out those details. Moving forward

there will be a Community Unit Plan (CUP) with setback waivers and it will show that the parking ratio has been met, and then they will do the redevelopment agreement for TIF funds.

Campbell asked how the buildings would be placed on the site. Post stated that there will be two buildings along Vine Street that are in an “L” shape with parking in the middle of the buildings and additional parking is across the alley. The main access for this development would be through the alley off North 25th Street.

Corr inquired why the developer decided to do all the units the same size with two bedrooms and one bathroom. Post stated that the developer has several buildings in Lincoln and their experience in this area has shown them that this is the size that the market is interested in. Corr asked if the developer is anticipating that students or families will be living in these units. Post explained that the developer is anticipating a mix of both students and families.

Proponents:

1. **Ed Patterson, 700 North 24th Street**, came forward and stated that he is in general support of the project and is associated with the neighborhood association. He shared that he has been involved in trying to keep the center medians functioning as an attractive entrance to the main research campus of the University of Nebraska and that there is a disconnect on who is responsible for the upkeep of the center median and the Vine Street corridor. Patterson shared that in the winter months snow, ice, and chemicals are pushed onto the bike path and that the city should invest in a snow auger instead of the blade that they are currently using. He shared that there needs to be irrigation for the center medians if they are going to have flowers, because the University is not doing anything towards upkeep. Patterson stated that he has been paying for the fertilizer each year for the center median.

Opponents:

No one came forward.

Staff Questions:

Corr inquired if the Vine Street medians could be included and funded with TIF, because of the issues Mr. Patterson shared. Marvin said yes that the medians would be included. Corr asked if they would look at tree replacement and irrigation also. Marvin said yes.

Joy stated when this was presented to Urban Design, a civil engineer was included when the project was shown and then discussed and asked if that discussion included some of the comments and questions that Mr. Patterson mentioned. **Dallas McGee, Urban Development Department, 555 South 10th Street**, came forward and stated that the meeting did discuss topics in a more general way. Currently, they are putting together the redevelopment agreement, which will specifically identify what TIF funds will be used for, and further stated that they will make sure that these comments are addressed.

Applicant Rebuttal:

Post stated that this is just one of the steps in the process and they are still looking at the CUP as well as the redevelopment agreement, which may be able to address some of these issues. She shared that the developer is working with a Landscaping Architect to try to meet the expectations of the neighbors and to have an attractive site. She shared that this development would have utilities that work, and they have had discussions with Lincoln Transportation and Utilities (LTU) regarding this development. Post shared that this development would increase the parking in the area and provides parking for the development at the 1.5 parking stalls per unit. Post stated that they are aware of some of the concerns, and they are working to address them with this plan.

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

COMPREHENSIVE PLAN CONFORMANCE 21008**ACTION BY PLANNING COMMISSION:****APRIL 28, 2021**

Beckius moved approval, seconded by Campbell.

Beckius stated that the proposed plan for redevelopment should fit the goals of the Comprehensive Plan nicely. He stated that he recognizes the concern of neighbors when it comes to median landscaping; however, as the redevelopment moves forward and the applicant is looking to enhance landscaping on their own property and provide for the perpetual maintenance of their landscaping, he is fine with that, in lieu of TIF funds being used for the common areas because they may have funding issues moving forward.

Corr stated that it looks like a great project and will look nice when done.

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

Chair Corr stated that anyone wishing to speak on an item not on the agenda may come forward and do so; no one came forward.

Beckius moved to adjourn the Planning Commission Meeting of April 28, 2021, seconded by Campbell and carried 8-0: Ball, Campbell, Edgerton, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Finnegan absent.

Meeting adjourned 1:34 p.m.

Immediately following the regular hearing on this date, the Lincoln/Lancaster County Planning Commission met for a briefing to allow staff to share information on the proposed text amendment for

*Short-Term Rentals. **Please Note** Planning Commission briefings are for informational purposes only and no public testimony will be taken.*

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, May 12, 2021.

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