

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 05011, by the Director of Planning, at the request of the Lancaster County Agricultural Society, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan by changing approximately 14 acres of Public/Semi-Public and Green Space to Commercial, on property generally located at the southeast corner of North 84th Street and Havelock Avenue.

STAFF RECOMMENDATION: Denial, revised to approval, subject to a Memorandum of Understanding.

ASSOCIATED REQUEST: Memorandum of Understanding (05R-302).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/18/05; 08/17/05; and 09/28/05
Administrative Action: 09/28/05

RECOMMENDATION: Approval, subject to a Memorandum of Understanding (5-4: Krieser, Taylor, Strand, Esseks and Sunderman voting 'yes'; Pearson, Larson, Carroll and Carlson voting 'no').

1. This proposed amendment to the Comprehensive Plan would change a 14-acre portion of the overall site of the Lancaster Event Center to commercial development, 6.5 acres of which would be internal driveways for the Event Center, which would be used for access to the commercial area which envisions 44,000 sq. ft. of retail space, 8,000 sq. ft. of drive-thru restaurants and a 75-room motel.
2. The staff originally recommended denial in its staff report dated April 22, 2005, citing issues in regard to the impact on the road network, floodplain, how this proposal relates to the overall Event Center development plans, and to the plans of the community as a whole (See p.4-9).
3. The applicant's response to the staff recommendation of denial is found on p.25-28.
4. On May 11, 2005, Mayor Seng issued a request to the Planning Commission to place this application on pending (See p.24 and Minutes, p.10. The record also consists of a letter from the Downtown Lincoln Association in support of the Mayor's request (p.29).
5. On May 15, 2005, at the request of the applicant, the application was deferred and scheduled for continued public hearing on August 17, 2005 (See Minutes, p.10). On August 17, 2005, at the request of the applicant, this application was again deferred and scheduled for continued public hearing on September 28, 2005 (See p.31).
6. Planning staff re-evaluated the request based on several factors:
 - the Mayor had organized an Event Facilities Task Force with the purpose of considering and coordinating the decisions of the facility providers;
 - the timeframe for the Task Force to complete its work was uncertain;
 - the Law Department was advising that the Planning Commission should not defer this request indefinitely; and
 - the issues regarding traffic and floodplain development seemed capable of being resolved through negotiations, separate from the larger issue of coordinating the development of new event facilities.
7. On September 28, 2005, the Planning staff issued a Memorandum revising the staff recommendation to approval, subject to a Letter of Agreement which addresses the floodplain and traffic issues (See p.2 and Minutes, p.12)

8. On September 28, 2005, the Auditorium Advisory Committee for Pershing Center submitted a letter requesting that this application be "...tabled until the Mayor's Task Force has issued its recommendations and until the conclusions of the Economic Impact Study are examined and the underlying assumptions verified". (p.32-33).
9. The applicant's testimony, subsequent to the revised staff recommendation of approval, is found on p.13-15.
10. There was no testimony in opposition.
11. On September 28, 2005, a motion to defer for eight weeks failed 4-5 (Pearson, Larson, Carroll and Carlson voting 'yes'; Krieser, Taylor, Strand, Esseks and Sunderman voting 'no'). See Minutes, p.15-16.
12. On September 28, 2005, the majority of the Planning Commission agreed with the revised staff recommendation and voted 5-4 to recommend approval, subject to a letter of agreement (Krieser, Taylor, Strand, Esseks and Sunderman voting 'yes'; Pearson, Larson, Carroll and Carlson voting 'no'). See Minutes, p.15-17.
13. The Memorandum of Understanding has been negotiated and completed and is also being submitted to the City Council for hearing and action (Bill #05R-302).
14. Since the Planning Commission vote, the Event Facilities Task Force issued a report calling for all governmental bodies to approach the issue of event facilities in a unified manner. The report specifically calls for further study with the goal of combining the operations of the State Fair Board and Agricultural Society into a single location. That study is underway and expected to take six months. Planning staff suggests that it would be most appropriate to place this request on pending until the current study is completed. In response to the Agricultural Society's desire for a more immediate solution to their loss of revenue because the State will not allow off-site advertising on their electronic sign, staff has suggested a rezoning of a portion of the Event Center including the sign area.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 5, 2005

REVIEWED BY: _____

DATE: December 5, 2005

REFERENCE NUMBER: FS\CC\2005\CPA.05011

MEMORANDUM

TO: Planning Commission

FROM: Stephen Henrichsen, Planning 

SUBJECT: *Comprehensive Plan Amendment #05011: Revised Staff Recommendation*

DATE: September 28, 2005

COPIES: Bill Austin, Event Center
Ann Harrell, Mayor's Office
Marvin Krout, Kent Morgan, Planning Department
Nicole Fleck-Tooze, Devin Biesecker, Dennis Bartels, Public Works & Utilities
Rick Peo, City Attorney

STAFF RECOMMENDATION:

In a series of recent meetings, members of the Lancaster County Agricultural Society and their representatives have worked with staff to resolve many issues. As a result of this discussion in the spirit of compromise and cooperation by the Agricultural Society and City staff, a verbal agreement has been reached with the Lancaster County Agricultural Society in regards to floodplain and traffic issues regarding the proposed amendment for commercial use at 84th and Havelock Avenue. Thus, we now recommend approval of the amendment, subject to scheduling with City Council upon completion of a Letter of Agreement.

BACKGROUND:

The area of proposed commercial development is currently designated as Green Space and Public/ Semi-Public in the City/Lancaster County Comprehensive Plan. The April staff report in regards to this amendment noted several concerns:

"The application for commercial development raises many issues in regards to the impact on the road network, floodplain, how this proposal relates to the overall Event Center development plans and to the plans of the community as a whole."

These issues have now been addressed.

In June, the Mayor's Event Facility Task Force began meeting to discuss the facilities in the City, including the Event Center at 84th and Havelock Avenue. While this task force is may yet take a month to complete their work, staff is satisfied that this task force and their resulting report and review is a good forum for discussion on the event facilities and how the Event Center works into the overall community's plan.

In regards to the road network and floodplain, several meetings have been held to work these issues out. In general, the following points have been agreed upon:

- Compensatory storage or no rise standard will be achieved for the fill to be placed in the commercial area from area in the flood way and floodplain on site
- Previous approved fill permits will be reduced and including agreement to not fill 2.6 acres east of the commercial area previously included in the fill permit. The amendment to the current fill permit will be completed prior to any change of zone
- Compensatory storage areas will be preserved through the a letter of agreement between the Agricultural Society and the City of Lincoln and noted in future subdivision/ zoning actions
- In order to compensate for the loss of floodplain and green space uses and the filling of 2.9 acres of land in the commercial area, 5.8 acres (2 to 1 ratio) will be preserved in open space uses such as farming, ball fields, pedestrian or horse trails or grass areas (grass areas may be used occasionally as unpaved overflow parking for large events)
- A number of street improvements were identified with the phasing and funding of these needed changes to be addressed in a future annexation agreement and/or future use/special permit
- Additional right-of-way will be dedicated along Havelock Avenue for a future 4 lane street and along North 84th Street for a future 6 lane road, including potentially additional easements for LES – which may require adjustment in setbacks

In addition, the discussion focused on the most appropriate manner in which to develop the site commercially. This portion of the Agricultural Society land, since it will be leased for private development, will be subject to zoning and subdivision. The following site items were also worked out preliminarily:

- A limitation that only one existing off-premise sign would be permitted – pending details on the sign and how this might be accomplished
- Letter of agreement that specifies the commercial area will be subject to zoning provisions and design standards of the City of Lincoln

These items will be addressed in more detail in a Letter of Agreement between the Lancaster County Agricultural Society and the City of Lincoln. Once these details have been resolved, the Comprehensive Plan Amendment will be scheduled with the City Council.

84th & Havelock Avenue
Lancaster County Event Center

Applicant	Location	Proposal
Ron Snover, President of the Lancaster County Agricultural Society	N. 84 th & Havelock (southeast corner)	Change approximately 14 acres of Public/Semi-Public and Green Space to Commercial use
<p>Recommendation: Denial</p> <p>The application for commercial development raises many issues in regards to the impact on the road network, floodplain, how this proposal relates to the overall Event Center development plans and to the plans of the community as a whole.</p>		

Status/Description

The Lancaster Event Center is on the southeast corner of 84th and Adams Street and currently hosts special events such as the Lancaster County Fair, horse expositions, sports, trade and home shows. The Lancaster County Agricultural Society (Ag Society) owns over 160 acres south of Havelock Ave. between 84th Street and east to Stevens Creek. A 14 acre portion of the overall site is proposed for commercial development. The Event Center envisions future restaurants, retail or motels on the proposed site. The 14 acre site includes about 6.5 acres that is internal driveways for the Event Center, which would be used for access to the commercial area as well. The application envisions 44,000 square feet of retail space, 8,000 sq. feet of drive-thru restaurants and a 75 room motel.

About half of the 14 acres proposed for commercial development is in the FEMA 100 year floodplain. The City is in the process of submitting information to FEMA to update the 100 year floodplain based on information developed as part of the newly adopted Stevens Creek Watershed Master Plan. Approximately five acres of the 14 acres proposed are in the new flood prone area.

In March 2002, the Ag Society submitted a request that this 14 acres be designated as commercial as part of the development of the 2025 Lincoln/ Lancaster County Comprehensive Plan. The Planning Commission reviewed this request and others and recommended they be held until after the Comprehensive Plan was adopted. The City Council and County Board adopted the 2025 Comprehensive Plan in May 2002. On October 16th, 2002 the Planning Commission held a public hearing on this proposal as Comprehensive Plan Amendment 02002.9 and recommended denial by a 6-3 vote. The Ag Society then withdrew the request.

This amendment is the same request submitted in March 2002 and recommended for denial by the Planning Commission in October 2002. This newest application did not include any specific information on floodplain other than an exhibit showing a previous floodplain fill permit. The application this year did include for the first time a traffic study and site plan for the overall Ag Society land for review.

The traffic study and site plan include a future new “main arena” with 6,000 permanent seats in a 113,000 square feet building. It also includes a future large third pavilion of 160,000 square feet, in addition to the two existing pavilions and the existing 65,950 square feet exhibition hall. The traffic study is based on the peak generator of an event in the 6,000 seat arena.

Comprehensive Plan Implications

The review of the proposal examines the implications of the amendment in three areas: floodplain, traffic and community facilities.

Floodplain Implications

The proposal did not include enough information to show that there will be any floodplain compensation for the proposed commercial development in the floodplain. There may be opportunities on this site to provide compensatory storage for floodplain areas that are filled. It is recommended that a no-rise plan for the entire Lancaster County Event Center site be submitted which identifies areas for compensatory storage and to offset the impacts to the floodplain prior to considering the designation of commercial land uses within the floodplain.

Page F 78 of the Comprehensive Plan notes that:

“...there is an opportunity to reduce the risk of flood damages to life and property and to preserve the important functions of floodplains by designating areas for future urban development outside of floodplain and floodway areas.”

Public Works and Utilities Watershed Management notes:

“This proposal indicates a land use change “from Agricultural to Commercial” for the Lancaster County Event Center. However, the current land use designation is ‘Public/Semi-Public’ in the area outside the floodplain and ‘Green Space’ within the floodplain.... An important management strategy embodied in the Comp Plan is to designate areas for future development outside of the floodplain to avoid introducing new development to flood risks and to preserve the important functions of the floodplain. The Green Space designation is intended to identify areas to be used predominantly for active recreation.

The first floodplain permit issued for the Lancaster County Event Center in 1999 showed little or no grading in the northwest corner of the property adjacent to 84th and Havelock Streets and was thus generally consistent with the Land Use Plan in this area. In 2003, a floodplain permit to fill the area west of the north-south driveway was applied for and approved prior to an overall development plan for the site. As we have recommended with previous land use proposals for the event center, the staff continues to recommend the need to evaluate these proposals in the context of a master plan for the Event Center that demonstrates No Net Rise/Compensatory Storage strategies and how other floodplain areas will be preserved if a small portion is developed, in order to be consistent with the Comprehensive Plan. This information has not been submitted and the staff continues to recommend (no rise), contrary to the application which suggests that a ‘no rise’ evaluation is no longer necessary.”

On March, 28th & 29th, 2005 the City Council and County Board adopted Comprehensive Plan Amendment #05001 which refined the boundary of the Green Space designation to match the updated floodplain information developed through the Stevens Creek Watershed Master Plan.

Previously, the Lower Platte South NRD also noted concerns about filling in the floodplain. The NRD is acquiring floodplain easements upstream of the Murdock Trail (immediately south of the Event Center). The NRD stated that “we are concerned that filling of the flood fringe in this area reduces the total flood storage unless fill is utilized from within the flood plain.”

Traffic Implications

There is already a significant amount of commercial space approved or designated in the Comprehensive Plan

along the N. 84th Street corridor. From south of O Street (State Farm offices) to Leighton Avenue there is 1.6 million square feet of office and retail space approved – at least half of which is not yet built. In addition, there is the potential for another 500,000 to 800,000 square feet of commercial space on the east side of 84th Street and Adams Street under consideration.

Additional commercial development along North 84th Street could potentially add to traffic delays on this roadway, particularly at the intersection of 84th and Havelock. Particularly during large events, over 95% of the traffic is assumed to leave either west on Havelock or south on 84th Street.

North 84th Street, from O Street to Cornhusker Highway, is currently 4 lanes, but is shown in the Plan for 6 lane development due to projected traffic volumes in the future. Since there is probably not enough customers at periodic events to support the proposed 52,000 sq. ft. of commercial space plus a motel, most of the proposed commercial development would be on the arterial streets, not internal to the site.

Public Works and Utilities Department notes:

“The addition of commercial traffic in this area could also cause the Event Center driveway to meet traffic signal warrants where it meets 84th St. This is a situation that needs to be avoided, since the Event Center's driveway is not a desired location for a signal along 84th St.

The traffic study also identified locations that do not operate at desirable levels of service today that will be exacerbated by the addition of commercial development at the Event Center. Since the report indicates that it would be the City's responsibility to improve these locations, and the City does not have sufficient funding to make these improvements, any traffic increases in this area will further degrade intersection operations and safety at these locations.” (Randy Hoskins, City Traffic Engineer, Public Works and Utilities Department, comments of April 22, 2005)

Community Facilities Implications

The Event Center proposal includes a traffic study and site plan for a described future 6,000 seat arena. The traffic study doesn't list what type of events could be in the arena. The arena could be used for ceremonies, uses accessory to the Event Center's horse shows and other agricultural oriented events. However, the arena could also be used for hosting concerts, sporting events, trade shows and other entertainment events not related to agriculture. Many of these could be events that are currently hosted in the Downtown or could be in the future.

One of the key guiding principles for the “Comprehensive Plan Vision” is that the Downtown is the heart of the community. This means that the Downtown should serve as the central focus for the community and special activities, such as entertainment, festivals, parades, celebrations, or conventions. The role of the Downtown is stated in the Plan on page F 16:

“Downtown Lincoln - the Heart of our Community

Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form.”

The Comprehensive Plan specifically encourages entertainment facilities, such as museums, live performance theaters, movie theaters, stadiums and arenas to be located in the Downtown. In the Business and Commerce section of the Plan on page F 48 it states the principles for the Downtown:

“Principles for Downtown

The City should preserve and enhance Downtown’s role as:

- *the major office and service employment center of the City*
- *the focus of all levels of government*
- *the City’s principal cultural and entertainment center*
- *the hotel and convention center for the City*
- *the City’s financial center*
- *a hub of higher education*
- *specialty retail geared toward employees, area residents, convention visitors and University population*

Lincoln’s successful Theater Policy must be maintained and reinforced. New entertainment attractions should be encouraged to located in the Downtown.”

The Chamber of Commerce recently funded a study of local event facility needs and concluded with a recommendation for a new larger arena in the Downtown area to replace Pershing Auditorium. The Downtown Master Plan has been underway over the past year. As part of that discussion, potential arena sites in the Downtown are under consideration. A draft planning document is anticipated to be submitted for formal public review some time during the summer of 2005.

The current facilities at the Event Center have cut into the market of events that traditionally had gone to Pershing Auditorium, resulting in a worsening fiscal impact on the City’s operating budget while taxpayers are also paying for the Event Center’s facilities. Don Herz, City Finance Director noted the City operating subsidy to Pershing grew from approximately \$275,000 in 2000 to \$347,000 in 2002 to over \$593,000 by 2004. Herz states:

“The operating deficit was initially negatively impacted by September 11, 2001. This event resulted in a downturn in the arena business on a national level. Now that this industry has recovered on a national level, Pershing has been again negatively impacted locally by the opening of the Qwest Center in Omaha, the Mid-America Center in Council Bluffs and the Lancaster Events Center in Lincoln. It is my concern that the new proposed arena at the Events Center will further negatively impact the bottom line at Pershing because it will create another facility that will be pursuing some of the same events that Pershing currently books.”

The Event Center is also subsidized by the public. For the current fiscal year, over \$900,000 will go to the Ag Society and Event Center.

There is no question that the construction of the proposed arena at the Event Center will take more events away from Pershing and cast serious doubt on the feasibility of building a new arena in the Downtown. Event Center officials have indicated that the lease or sale of land for commercial development is a significant source of funding for their proposed building expansion. Unless and until a coordinated community wide plan for event facilities with the appropriate focus on Downtown is implemented, this source of funding should be denied.

Conclusion

It is possible that the Lancaster County Agricultural Society could agree to develop and floodplain plan to compensate for the fill proposed on the whole site and agree to address the fiscal costs of their proposal. However, at this time, neither of these actions have been taken by the Ag Society. In addition, the Ag Society could also postpone plans for their planned 6,000 seat arena and work with other governmental agencies and organizations on a community facilities plan that works best for all parties. However, at this time, that is also not the case.

Private commercial development within the Event Center plan has raised several specific issues:

- “ The application also proposes development in the floodplain, which is contrary to the goals of the Comprehensive Plan. Even if the Event Center has already completed some of the floodplain fill, they could compensate for this fill by providing additional storage elsewhere on their 163 acre site. The proposal did not include enough information to show that there will be any floodplain compensation for the proposed commercial development in the floodplain.
- “ The addition of commercial traffic in this area could cause the Event Center driveway to meet traffic signal warrants where it meets 84th St. which should be avoided, since the driveway is not at a desirable location. In addition, the traffic study identified locations that do not operate at desirable levels of service today that will be exacerbated by the addition of commercial development at the Event Center. The City does not have sufficient funding to make these improvements, any traffic increases in this area will further degrade intersection operations and safety at these locations.
- “ The long term master plan for the Event Center includes additional buildings including a building with 6,000 permanent stadium seats. A large portion of the parking to serve arena events will be 1/4 to 1/2 mile and farther away. The land proposed for commercial use might be better reserved for parking for the larger events, particularly given how close it is to the Event Center facilities.
- “ The proposed future uses, both public and private, need to be in conformance with the commercial and environmental policies of the Comprehensive Plan. In particular, they need to be compatible with policies in regards to the future of Downtown Lincoln. The community is still in the process of addressing the future needs for event facilities. Plans for this site should await the outcome of that decision by the community.

The Event Center has stated their interest in commercial development oriented to event visitors. However, the amount of retail floor area proposed is probably far more than could be supported by the periodic gatherings at the Event Center. It is unlikely that 44,000 square feet of retail space oriented to occasional horse shows or the annual County Fair could be supported. This site is on the edge of the city and is still distant from a large residential population. The proposed two story motel would need to have visitors beyond those attending the Event Center, even though it is several miles from the Interstate 80 traffic. Thus, the retail, motel and restaurant will probably primarily generate customers and traffic from the larger market and not function primarily to serve the Event Center. Further south on 84th Street there is over 2 million square feet of potential commercial space to provide for the commercial needs of this area of town.

Any commercial development should be part of an overall plan for the entire Event Center. There are still too many questions at this point about how the Event Center proposal for a 6,000 seat arena fits into the community's plans. The additional commercial development can not be considered without the arena plans being finalized.

There are numerous potential options that could more efficiently use public resources while better serving the public than multiple facilities. Options that have been considered include the Event Center operations rejoining the State Fair Park location. Then perhaps the public subsidy to the Ag Society and Events Center could be more effectively used to improve the State Fair Park for both the State Fair, Lancaster County Fair and Ag Society activities, under a partnership agreement similar to the one that existed previously. Then the Events Center property at 84th and Havelock could be sold to the private sector and placed on the tax roll. The site provides several opportunities for economic development and potential light industrial development, outside of the floodplain.

The Lancaster County Agricultural Society as a governmental agency should work cooperatively with the City and other government agencies on the arena plans for the entire community. Cooperation among government agencies

will be the most efficient and ultimately cost effective for the citizens of the community as a whole. Various agencies independently making plans for potentially overlapping facilities is wasteful and may ultimately lead to all of the facilities failing. One of the guiding principles of the Comprehensive Plan and the “One Community Vision” as stated on page F 15 is that:

“All of the communities and people of Lancaster County work together to implement a common plan providing for mutual benefit.”

Prepared by
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Prepared April 22, 2005

COMPREHENSIVE PLAN AMENDMENT NO. 05011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 15, 2005

Members present: Carlson, Sunderman, Krieser, Larson, Carroll, and Bills-Strand (Taylor and Pearson absent).

Staff recommendation: Denial.

Ex Parte Communications: None.

Marvin Krout, Director of Planning, submitted a letter from the Downtown Lincoln Association expressing support for the Mayor's request to place this item on pending. The DLA supports the Mayor's intention to invite stakeholders who are involved in providing public facilities for special events in the community to get together and talk about how these future improvements can be provided in the most effective and efficient matter.

Krout stated that the Mayor understands that the Ag Society, the applicant, has submitted a request to place this item on pending for a 90-day period, which would place this back on the Planning Commission agenda for continued public hearing on August 17, 2005. Krout advised that this is acceptable to the administration. The Mayor's original request was to place the application on indefinite pending, but the 90 days is acceptable. The Mayor is proceeding to contact the stakeholders and intends to have a first meeting in early to mid-June.

Krout also pointed out, however, that the letter from the Ag Society expressed their feeling that the only issues to be discussed were traffic and floodplains relating to the commercial site. The Ag Society does not reference the Mayor's initiative or her letter at all, so Krout assumes that was an oversight and that the Ag Society intends to participate fully in the discussion the Mayor's office intends to have over the next few months.

Proponents

1. **Bill Austin** testified on behalf of the applicant, **Lancaster County Ag Society**, indicating that the Ag Society will not be making a formal presentation today. The Ag Society letter of May 13, 2005, begins to address the concerns raised in the staff report. Today, the Ag Society simply wishes to request a 90-day delay with the intent of working with the city to resolve the concerns raised in the staff report. The Ag Society believes it can show that the Events Center is a unique facility with unique clientele that are not being served. Austin is hopeful to return in 90 days with a positive recommendation from the staff.

There was no testimony in opposition.

Carroll moved to place on the Planning Commission pending list for 90 days, with continued public hearing and action scheduled for August 17, 2005, seconded by Carlson and carried 6-0: Carlson, Sunderman, Krieser, Larson, Carroll and Bills-Strand voting 'yes'; Pearson and Taylor absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 17, 2005

Members present: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand.

Staff recommendation: Denial.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested an additional deferral, with continued public hearing and action scheduled for September 28, 2005.

Taylor moved to delay until September 28, 2005, seconded by Carroll and carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes'.

Public Testimony

The applicant was not present.

1. Peter Katt appeared on behalf of **Prairie Homes**. This amendment relates indirectly to the Prairie Village North project that will be on the Planning Commission agenda on August 31st. This property lies in the 84th/Havelock/Adams Street area. The boundary on the south side is the Murdock Trail and directly south of this property is the Prairie Village North project which is coming forward again in two weeks. One of the issues is dealing with floodplain, which affects the Events Center property and a significant portion of the Prairie Village North project. The proposed Events Center site plan is predominantly floodway and floodplain. Katt stated that the point is that "we are planning North 84th Street". The Events Center property is significant in terms of the overall plan. Prairie Homes is bringing forward a project directly to the south and the question is a policy question: How should these projects on both sides of the Murdock Trail relate? He has tried to involve the city in discussions on the Murdock Trail and it seems to be an impermeable barrier. Katt believes there should be some planning for how to remove Murdock Trail as a barrier between these two projects and address the floodplain area. We need to take advantage of the floodplain opportunity on the Events Center property and the property to the south, and make a good use of that property in this area.

In terms of this Comprehensive Plan Amendment, Katt does not see the floodplain issue as a problem, but an opportunity to be taken advantage of in the overall development of these two properties.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 28, 2005

Members present: Krieser, Taylor, Pearson, Larson, Strand, Carroll, Esseks, Sunderman and Carlson.

Staff recommendation: Denial; revised to approval on September 28, 2005, subject to a letter of agreement between the applicant and the city.

Ex Parte Communications: None.

Additional information submitted for the record: Steve Henrichsen of Planning staff submitted a letter from the Pershing Auditorium Advisory Committee requesting that action on this amendment be tabled until the Mayor's Event Facility Task Force has issued its recommendation and conclusions, and the economic development impact study prepared by Agricultural Society has been examined and verified.

Henrichsen also submitted a memo from the Planning Department revising the staff recommendation from denial to a recommendation of approval, subject to scheduling this item on the City Council agenda upon completion of a letter of agreement between the city and the applicant. The letter of agreement will address the issues of floodplain and traffic. The staff believes that the Task Force recommendation might be best formed in terms of looking at how the Events Center fits best into the overall community's plan. The Ag Society and the city have agreed to work out a compensatory storage or no net rise standard. There is a previously approved fill permit on this site and the applicant has agreed not to implement a good portion of that fill permit and that any areas that are going to be used as part of their compensatory storage would be preserved. The staff is proposing that a letter agreement may be the best way to more formally handle this. The Ag Society has also agreed to preserve 5.8 acres in open space uses such as ballfields or continued farming, leaving grass area that may potentially be used as overflow parking on occasion, in exchange for filling the 2.9 acres of land in the floodplain in a commercial area. The street improvements which have been identified can be adequately addressed and the applicant has agreed to dedicate additional right-of-way on both Havelock Avenue and N. 84th Street.

With regard to the site plan, the applicant has agreed to limit any potential zoning of the site that would allow for multiple off-premise signs; that while the Ag Society is another government agency that is exempt from zoning, the area of their commercial development would follow all of the regulations.

It has also been agreed that the letter of agreement must accompany this amendment when it goes forward to the City Council.

In summary, Henrichsen explained that this amendment now changes a smaller area from green space, public and semi-public to commercial.

In addition, Henrichsen suggested that the forum of the Mayor's Task Force was probably the best forum to have the dialog and discussion as to how the Events Center's overall development fits within the community's plans.

Larson believes that approving this now would seem to muddy the waters. He is on that task force and they are moving toward a recommendation. One of the things that seems to be the consensus is that while the County Fair and State Fair are both essential events, we can only afford one venue. So the decision will come out that there needs to be an appraisal of which site will be the best for the two events. He thinks it would be inappropriate to approve this amendment now while the task force is still in the discussion stage and nearing the end of the discussion stage. He intends to make a motion to delay this amendment for six or eight weeks.

Esseks noted that this is a recommendation to change the Comprehensive Plan. Are there any implications as to the type of zoning and as to the nature of the site plan? Henrichsen stated that, in general, the Comprehensive Plan designation is just one of commercial. When the specific changes of zone come forward, they will be reviewed on a case by case basis. The zoning is also

an issue to be discussed in the letter of agreement that goes forward to the City Council.

Taylor wondered whether approval of this now is a blanket approval, or whether it would come back for refining. Henrichsen explained that this amendment would not be scheduled with the City Council until the letter agreement has been agreed upon and completed.

Proponents

1. Bill Austin appeared on behalf of the **Lancaster County Agricultural Society**. The Ag Society is the applicant for this amendment and they are asking for the Commission's favorable approval of the change from green space to commercial. This is not a new idea and it has always been anticipated that the development of that corner for commercial uses would complement the Ag Society. In 2002, this same change was proposed and the staff at that time indicated there was insufficient detail in order to be assured what would occur on this corner. The application at that time was withdrawn.

Now, in 2005, the Ag Society came back with additional detail showing the extent of the campus plan anticipated for expansion by the Ag Society, and they also showed the nature of the retail uses that would be contemplated – proposed conceptually a hotel/motel of 75 units, 44,000 sq. ft. of retail and 8,000 sq. ft. of restaurant. All of these uses they believe would not only complement the site but also be useful to the area in general. Notwithstanding the additional submittals provided initially, the staff still felt that there was insufficient data on specific areas and recommended denial. In particular, the staff focused on floodplain concerns, traffic concerns and community facilities. Months ago, the applicant asked for deferral and asked for the opportunity to meet with staff to work out some compromise. He believes they have now reached a point of agreement on the land use issues. In the spirit of compromise, the Ag Society has indicated a willingness to relinquish considerable amount of otherwise authorized filling; agrees to engage in compensatory filling of the commercial site; and agrees that there will be a reservation of about 5.8 acres of open space to compensate for the 2.9 acres removed through this change. Austin believes this is a reasonable approach to dealing with the floodplain issues. They have also agreed to the no net rise study. The biggest concern on traffic was whether or not they would be asking for a traffic light at the 84th Street entrance. The Ag Society realizes that no one wants a light there. Then there was concern about whether they understood the on and off-site traffic improvements necessary; and they have agreed to defer those until such time as the actual use permits come in for this site. The Ag Society recognizes that those traffic improvement requirements will be imposed. Austin believes that the land use issues have now been addressed.

Austin explained that the one issue they did not address with the staff in coming to agreement was the one of the task force. The Ag Society's understanding was that there is now a mechanism in place to address the facilities issue in Lincoln. Austin urged that the task force issue has almost nothing to do with the expansion or proposed expansion or anticipated expansion of any of these facilities and, in particular, the Lancaster County Events Center. It exists. This was an idea and concept and desire of the Ag Society even before they contemplated an expansion. Regardless of what happens in terms of an expansion of this facility, the proposals at this time by the Ag Society will complement their existing use and it will place properties back on the tax rolls. It will complement the area. This corner has to be

commercial in the future. It allows for economic development in that area. Completely separate and apart from the idea of whether expansion is appropriate or not, Austin requested that the Commission look at this from a land use standpoint.

With regard to the Pershing Auditorium Advisory Committee letter, Austin suggested that that task force work is a separate and distinct issue. Those are appropriate issues to be addressed, but that has little to do with this amendment. Use of this site for commercial purposes will assist the Ag Society and will lessen their tax burden. While the County and State Fair locations may be discussed, the reality is that there is an 11 million dollar facility sitting at 84th and Havelock Avenue that fits the needs of the Ag Society at this time, and the idea that they are going to reunite should not drive the issue being discussed in this application. He agrees that the study should be examined, but it does not address the land use issues that the Planning Commission is being asked to address today. The issue is whether commercial designation is appropriate for this site.

Austin also pointed out that the actual development will be long term and the Planning Commission will have an opportunity to review those actions. This is only the designation in the Comprehensive Plan. The Planning Commission will see the change of zone and use permits and/or special permits. The Ag Society does not have anyone knocking at the door for the use permits at this point. They do have an immediate need because there is a sign at the 84th & Havelock site, a portion of the operation that is not consistent with federal and state requirements, but the designation of commercial would make it consistent.

Carlson does not understand how the Commission can be asked to consider that these are two separate issues – the commercial issue and the expansion issue – when the Ag Society's own letter of application includes a master plan for expansion and specifically talks about how the commercial can enhance the revenues for the expansion. Austin believes that it was the staff that asked for a comprehensive look at the whole site. The Ag Society wanted to focus on only the change to the commercial designation but there was a request from staff to look at a campus plan. There was discussion about this generating revenue for expansion, but that additional revenue will help the Ag Society with the ongoing operation.

Pearson asked for clarification of the Ag Society entity. Austin explained that it is a county agency, funded by the county and by whatever revenues it derives from operation. It is a statutorily-created entity, but they are essentially an arm of the county. Pearson then commented that there has been a lot of information floating around about the amount of money that went into building the facility and how much money they actually make or don't make. And the Ag Society hired someone to study the economic development impact, so to say you are not going to add onto it seems a little odd. Pearson believes there are big fiscal questions. Austin stated that from day one the Ag Society contemplated development of this site for commercial purposes to provide complementary uses. The Ag Society certainly did go out and obtain an economic development study to show what one could anticipate from the use of this venue, but to some extent that is a defense, because if you can't go in and show what you are doing, why and what you contribute to this community, you are left without a defense. Austin believes they have a pretty good case to say not only is this a facility that provides a considerable amount of economic development drive for this community, but also to a very large extent this is simply not a facility that is competing with existing facilities. It is an equestrian, agriculture related facility. Those aren't things that can be handled in Pershing Auditorium or a new convention center. They have a specialty niche facility that has been complementary to the economic development of this community.

Strand suggested that in the worst case scenario where the task force says we want the Ag Society to reunite with the state and the Ag Society wants to sell the building, wouldn't it be more valuable and easier for taxpayers to recoup if the property were zoned commercial? Austin agreed.

There was no testimony in opposition.

Pearson asked whether Public Works is satisfied that the floodplain issues have been addressed. Nicole Fleck-Tooze of Public Works & Utilities indicated that she was also involved in the discussions and she thinks they worked hard to find some common ground and is satisfied with the compromise.

ACTION BY PLANNING COMMISSION:

September 28, 2005

Larson moved deferral for eight weeks, seconded by Pearson.

Larson reiterated that the task force has been meeting weekly for about three months and they are reaching consensus. He is not saying that the State Fair might not move to this location. There are some advantages for that to happen. There are also some advantages for this event to move back to the State Fair, but it is becoming increasingly clear that we cannot afford both venues in this community. He has a tremendous amount of personal history with this situation, being on the Lancaster Agricultural Society when the decision was made to move to this location. He was not in favor of it and got off the board. Since then the history has been one of almost uncontrolled growth. It was originally decided to be a rather small horse arena to have horse shows and a County Fair. It ended up being an eleven million dollar facility. It is still not an economically viable situation without tax money and they want to expand into an area where the demand for those kinds of things is decreasing. It just seems prudent for us to delay this until this task force finishes its sessions and makes a recommendation to the Mayor, and then the Mayor makes her recommendation to the community. As far as he knows, there is no advantage or disadvantage to the applicant for this move to be made right now.

Esseks is in favor of approving this change based on the letter of agreement. He is impressed with the willingness to compromise and resolve the floodplain issues. He thinks the property is appropriate for commercial use. They came before us in good faith.

Pearson acknowledged that we have the Events Center talking to the Planning Department, but that is the only agreement they have made. She does not know that there has been a consensus except between the applicant and the Planning Department. She thinks deferral to hear the report is critical when talking about city/county resources and where it is going to go over the next year. Can't we wait eight weeks to decide where a lot of money out of the taxpayer pocket is going to go? It is not wise to let people spend county money to do something that has not been agreed upon by the residents. She will vote to defer.

Taylor commented that there are two parties in agreement. All the Planning Commission is doing is making an amendment to the Comprehensive Plan to change it from green space to commercial. He is in favor of moving forward.

Rick Peo, City Law Department, reminded the Commission that when an applicant has a request before the Commission, it is the duty and function of the Commission to make a recommendation and not to basically hold the applicant hostage for a period of time without the applicant's consent.

This is a request by the Ag Society. If there is an appropriate place and time for deferral, then that can be decided by the City Council and the Mayor's veto prerogative. It is the Planning Commission's function to make a recommendation to the City Council.

Carroll stated that he is opposed. He would think the Agricultural Society would be in favor of protecting the wetlands as opposed to reaching a compromise. He thinks this site has been wrong and their new master plan is wrong. The design of the new building with parking a long way away for the commercial buildings is more mistake and more problems. From the very beginning this site has had problems. It has been funded by the public and there has not been taxpayer opportunity to put their say into how it is run. It is the wrong time to change this to a commercial area.

Carlson commented that this is a difficult decision when we have a government agency involved. In terms of the Comprehensive Plan, we have a downtown as the cultural entertainment center. He believes the task force recommendation is important before making this decision.

Motion to defer failed 4-5: Pearson, Larson, Carroll and Carlson voting 'yes'; Krieser, Taylor, Strand, Esseks and Sunderman voting 'no'.

Strand moved approval, subject to the letter of agreement, seconded by Sunderman.

Larson stated that he is still opposed. He had hoped to get more information. There is no doubt that what is happening is that the Ag Society is trying to expand an operation that is questionable at the present time. And to throw more money into it now before we decide on the community-wide issue of where these two venues are going to be located seems foolish. Nothing is going to happen immediately, but if we approve this it will give this a blessing that the other areas involved don't have. It is going to sound like the Planning Commission favors this particular spot and he doesn't think they do. He believes that the Planning Commission should take a neutral position until the task force finishes its work.

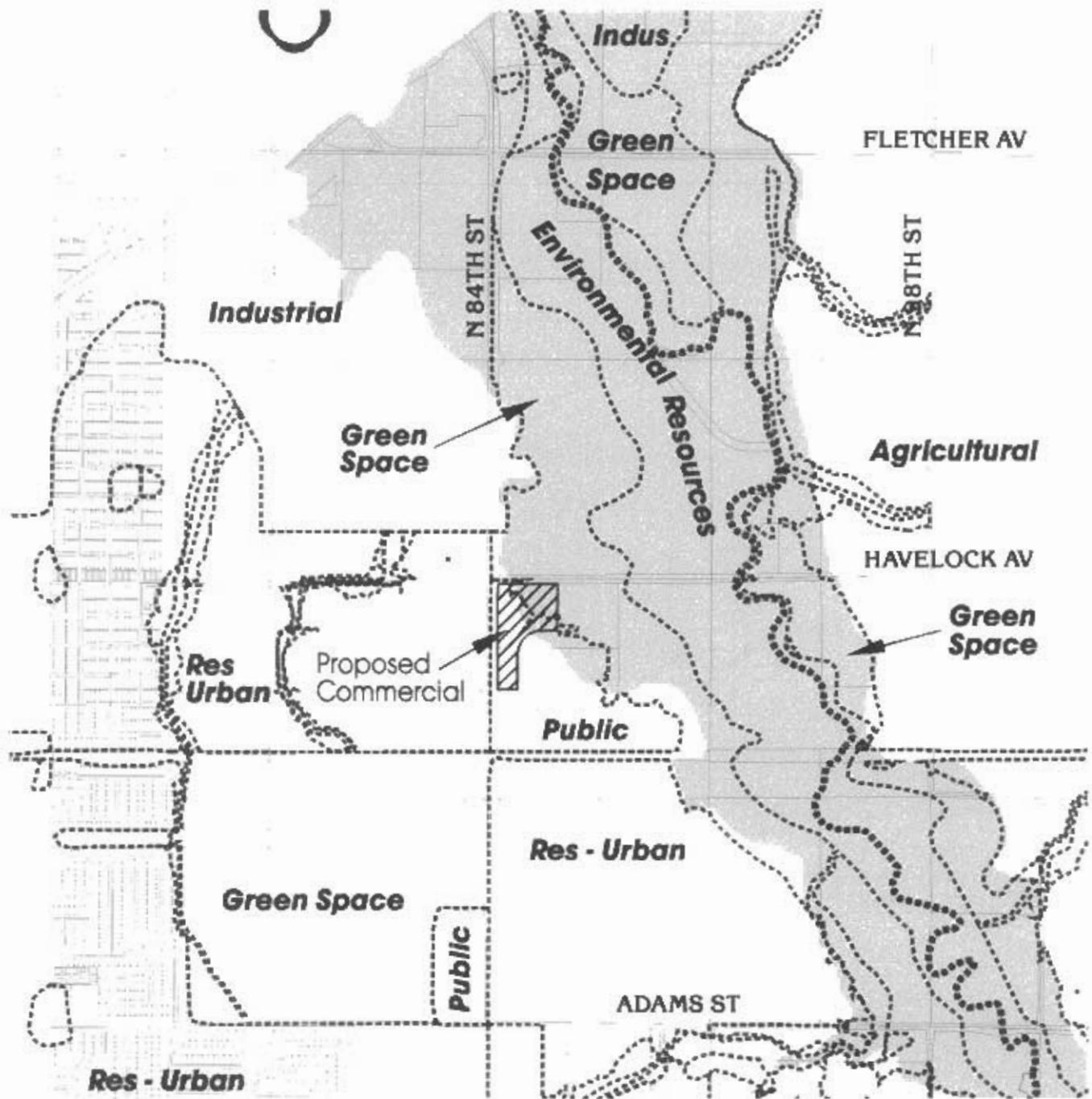
Pearson does not understand where all of the money is coming from. Funding for the State Fair came from the taxpayer; funding for the Event Center will come from taxpayer dollars; and funding for the Lancaster County Events Center comes from taxpayers. She does not understand why government officials continue to support development in three different locations. There has been no proven study showing that all of these event centers need to happen. She disagrees that the Agricultural Society has unique facilities that are not duplicated anywhere, except the State Fair. The State Fair and Agricultural Society are competing for taxpayer dollars. The Planning Commission should stay out of it and let the decision makers decide where the taxpayer money goes.

Taylor stated that he is in favor. We should let the process move forward.

Carlson stated that he absolutely disagrees that these are two separate issues. From day one of this plan, before it was even approved, it showed a master plan showing commercial to generate revenue to fund development. It may seem like a great idea for this commercial to generate dollars, but what is actually happening is that the Ag Society is an arm of government wanting to create commercial enterprises. This was a bad idea from the start. It is a bad idea to come forward as a Comprehensive Plan amendment because this amendment is not comprehensive in nature. It does not look at the competition, the impacts, the overall picture. He believes it wastes

taxpayer dollars and hurts existing enterprises.

Motion for approval, subject to the letter agreement prior to scheduling on the City Council agenda, carried 5-4: Krieser, Taylor, Strand, Esseks and Sunderman voting 'yes'; Pearson, Larson, Carroll and Carlson voting 'no'. This is a recommendation to the City Council.



N. 84th & Havelock Av.

Proposed Amendment # 05011

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
- //// From Public/Semi-Public and Green Space to Commercial
- 100 Year Flood Plain





LANCASTER COUNTY FAIR

P.O. Box 29167, Lincoln, NE 68529 ~~~ (402) 441-6545 ~~~ Fax: (402) 441-6046 ~~~ lecenter@alltel.net

January 26, 2005

Mr. Marvin Krout
Planning Director
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Comprehensive Plan Amendment- Change from Agricultural to Commercial on 14.4 acres proximate to the Lancaster Event Center- 84th and Havelock Avenue

Dear Mr. Krout:

On behalf of the Lancaster County Agricultural Society, I am submitting an application to change the designation of approximately 14.4 acres of ground located at the southeast corner of the intersection of North 84th Street and Havelock Avenue from Agricultural to Commercial on the Lincoln Lancaster County Land Use Plan and any associated maps and text. Transmitted herewith are copies of the completed Comprehensive Plan Amendment Application and Questionnaire. Also included in support of the application and for your information are the following documents:

- Master Plan for the Lancaster Event Center (LEC) campus;
- Development Plan for the 14.4-acre parcel where commercial land uses are proposed;
- Traffic Impact Analysis; and
- Flood Plain Permit #030035

The LEC Master Plan, Attachment "A", includes existing and proposed site improvements that are located outside of the requested Comp Plan amendment. The improvements are as follows: future main arena, exhibition hall/indoor arena, pavilion 1, pavilion 2, future pavilion 3, small animal exhibit building, outdoor riding arena, midway, recreation vehicle parking, storm water detention and patron parking.

The Commercial Plan, Attachment "B", shows the limits of the requested amendment and proposed land uses within the commercial site. The area of the requested amendment includes the area surrounding the proposed commercial development (7.9 acres) and internal driveways (6.5 acres) necessary to provide access to the commercial area from the public right-of-way. The proposed uses include:

Retail uses of 44,000 square feet;
Restaurant/drive-through- 8,000 square feet; and
Motel containing 75 rooms

The attached Traffic Impact Analysis, Attachment "C", includes information regarding trip and parking generation for 'buildout' of the Lancaster Event Center, not located within the proposed commercial designation of the site; and details of base assumptions, trip generation data, vehicle trip assignments and buildout volumes for intersections within the area of influence of the proposed commercial development. Off-site improvements are identified that mitigate expected increases in traffic resultant from the proposed commercial development.

A portion of the proposed amendment is located within the limits of the recently revised flood plain for Stevens Creek. The limits of the approved flood plain permit #FP030035 and proposed commercial site plan are shown in Exhibit "D". Review of this exhibit shows the approved area of fill is limited to the easterly portion of the amendment. We previously agreed to limit the amount of fill approved in FP#030035 to the area located west of the north/south driveway that accesses Havelock Avenue since commercial development of the area east of the driveway is not proposed. Previously, city staff has requested a 'no-rise' evaluation of the LEC site. In light of the recently approved revisions to the Stevens Creek flood plain and the limited fill for the commercial development, it appears that a 'no-rise' evaluation is no longer necessary.

The following is offered in response to the Part II of the Comprehensive Plan Amendment Application:

1. The proposed amendment is described in detail in the above text. This amendment is limited to amending the land use plan. Review of the Traffic Impact Analysis reveals that off-site improvements are warranted to mitigate impacts to the adjacent arterial streets. Those improvements are limited to construction of separate turning lanes at three intersections. Typically, minor intersection improvements do not require amendments to the transportation portion of the Comprehensive Plan.
2. The property is currently shown as agricultural in the Comprehensive Plan. The requested amendment would allow use of the northwesterly portion of the LEC campus by commercial land uses. The proposed land uses are identified in the text above. The change in land use was initiated for several reasons: including response to LEC patron requests; to allow development of a source of supplemental revenue that will offset operational costs of the LEC; and to allow continued use of the existing variable message sign located north of the 84th Street driveway.
3. This amendment is not expected to adversely affect the surrounding area with respect to environmental or social issues. The site within this application has been designed to minimize impact to the flood plain with elimination of a portion of the previously approved flood plain permit. Secondly, the surrounding area is currently undeveloped, thus eliminating other issues that normally affect existing neighborhoods. As previously noted, a Traffic Impact Analysis accompanies this application. The Analysis has identified intersection improvements that will require installation as part of the site development. It is anticipated that development of the LEC commercial site will provide an influx of revenue to the community through additional sales tax dollars and additional revenue from real estate taxes with removal of this property from its present exempt status.
4. This application will provide convenient and accessible retail and service for the traveling public that now use or will use 84th Street. (Future Commercial Needs and Plan, "Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services." (Page 54). The site is proposed not only to serve area residents, but will also provide products and services for LEC patrons. Usage of the commercial development by LEC patrons is expected to reduce trips by LEC patrons during special events, much like neighborhood shopping centers experience with their adjacent neighborhoods.
5. Community meetings have not occurred for this application. However, similar applications to amend the land use designation for this property have been made in prior years. Those applications resulted in comments from staff regarding the availability of parking for the LEC, traffic concerns and flood plain related issues. An attempt has been made to address those concerns with the information included with this submittal.

Thank you for your consideration of this request. Please feel free to contact me if additional information is needed for your staff's review.

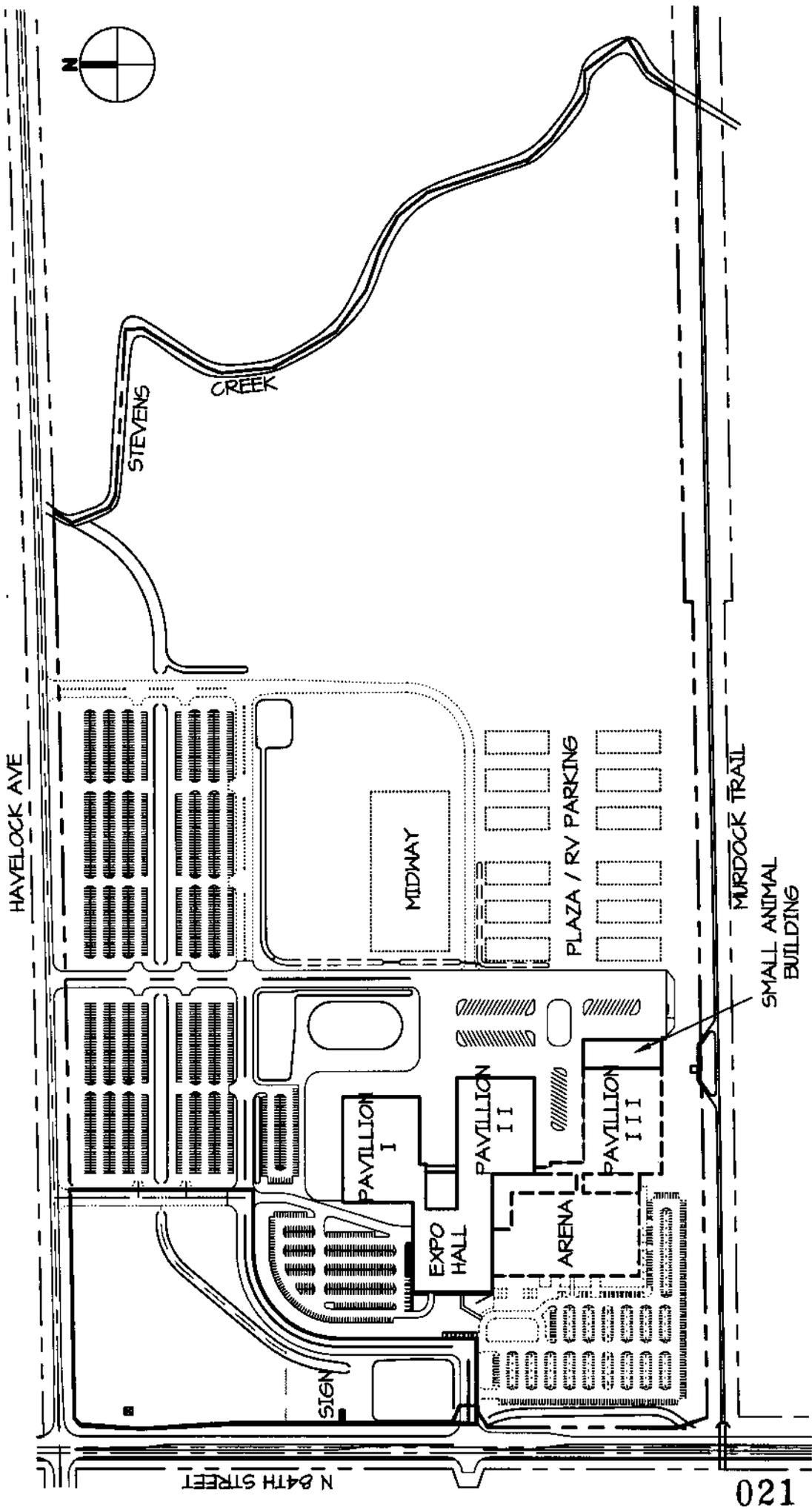
Sincerely,



Ron Snover, President Lancaster County Ag Society

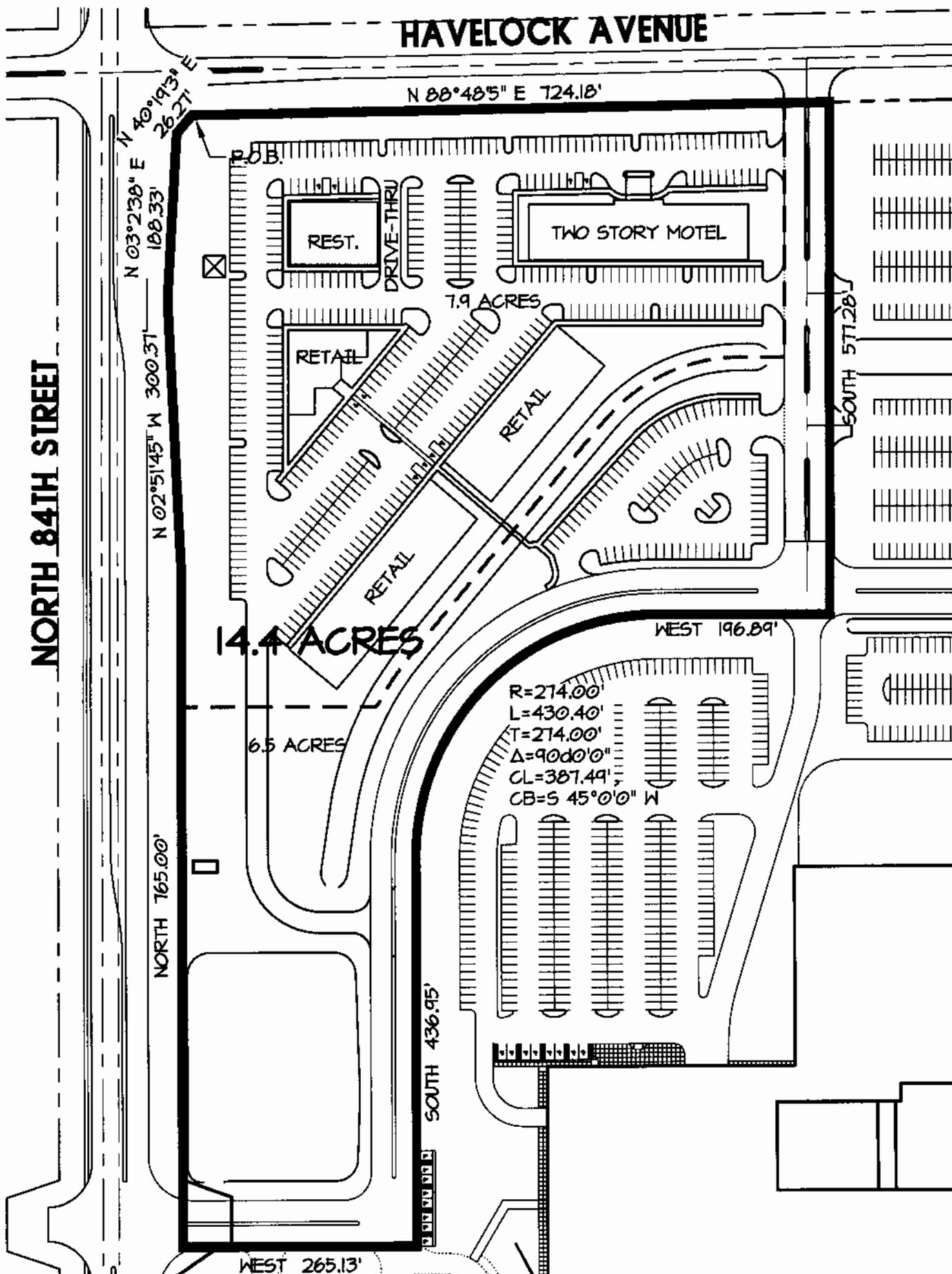
Copy Exhibit C to P.W. 1/28/05

020



PERSHING SQUARE
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voice: 402/474-3000
fax: 402/474-4045
desassoc@nebraska.com





HAVELOCK AVENUE

NORTH 84TH STREET

SOUTH 571.28'

14.4 ACRES

6.5 ACRES

7.9 ACRES

R=274.00'
 L=430.40'
 T=274.00'
 Δ=90d0'0"
 CL=387.49'
 CB=S 45°0'0" W

N 03°2'30" E 108.33'
 N 40°19'3" E 26.27' E

N 88°48'5" E 724.18'

N 02°51'45" W 300.37'

NORTH 765.00'

SOUTH 436.95'

WEST 265.13'

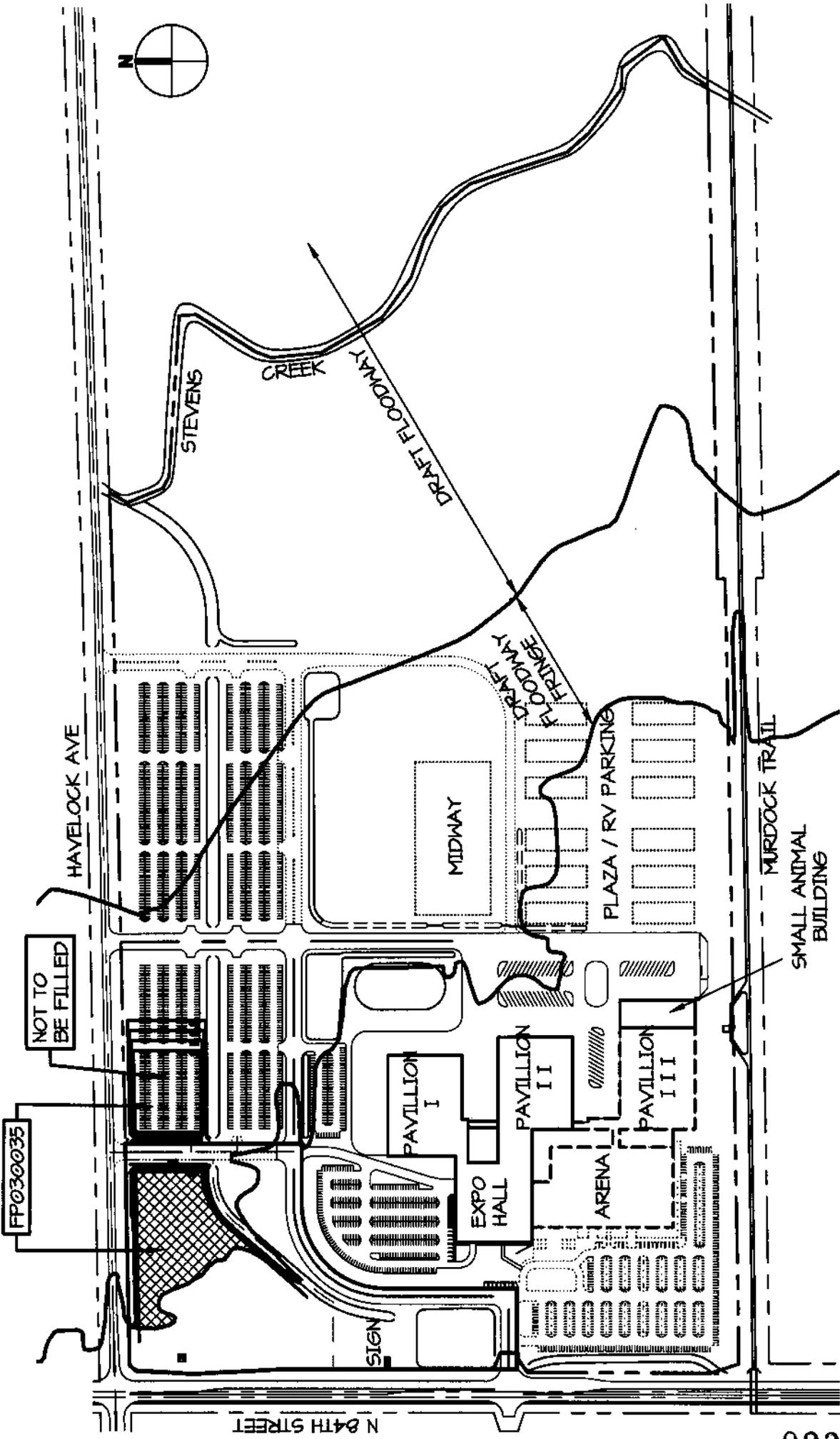


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 deoassoc@inebraska.com

DESIGN ASSOCIATES OF LINCOLN, INC

COMMERCIAL DEVELOPMENT PLAN
 ATTACHMENT B

022 25 JAN 2005



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DESIGN ASSOCIATES OF LINCOLN, INC

APPROVED
 FLOODPLAIN PERMIT
 ATTACHMENT D
 25 JAN 2005

May 11, 2005

Lincoln-Lancaster County Planning Commission
Mary Bills-Strand, Chair
Lincoln-Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Chairwoman Bills-Strand:

On May 18, 2005, the Commission is scheduled to hold a public hearing on the Lancaster County Agricultural Society's Comprehensive Plan Amendment No. 05011, to rezone land at the Lancaster Event Center for commercial development. I am writing to request that at the conclusion of the public hearing the Commission vote to place this request on pending.

There are several ideas circulating in the community about possible new event facilities. Before any action is taken on the Event Center request, Lincoln must determine how all these facilities would complement or compete with each other in the long run. We can't afford not to have this discussion.

The community's financial resources are limited and the lack of coordination between these separate venues speaks to the need to create a focused vision for the future. I will be inviting leaders who represent each of these venues to join me in charting a course for that future.

To remain competitive, Lincoln needs a new arena and more high quality convention space. The Convention, Sports and Leisure study released in December 2004 urged Lincoln to add convention space and to replace Pershing Center. If any doubt remained about the need, it should have vanished when the high school state wrestling tournament announced it would leave Lincoln because the current facilities no longer meet their needs.

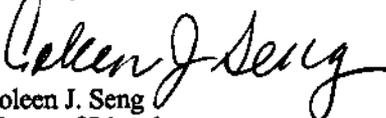
The Lancaster County Agricultural Society has indicated adoption this amendment would be a first step toward building an arena and another pavilion. Recently, a group of private business people and the City has been exploring John Q. Hammons' offer to partner with the City on a future facility that could replace Pershing Center and create additional quality convention space.

Meanwhile, State Fair Park, which is owned by the State of Nebraska, also is developing plans for its future that must be considered. Finally, we have to think about the future role of the Devaney Center, which is part of the University of Nebraska-Lincoln.

I support the Comprehensive Plan. But most importantly, Lincoln needs to prevent duplication. Working together, we must make the most of our limited public resources to ensure success. Pursuing different strategies without regard to the impact on other facilities may well result in failure.

I therefore ask that after the public hearing on the Lancaster County Agricultural Society's Comprehensive Plan Amendment No. 05011, to rezone land at the Lancaster Event Center for commercial development, the Planning Commission vote to place this request on pending.

Sincerely,


Coleen J. Seng
Mayor of Lincoln

cc: Lincoln City Council
Lancaster County Board
Lancaster County Agricultural Society
Chancellor Perlman, University of Nebraska-Lincoln
Rick Bjorklund, Nebraska State Fair
Pershing Center Advisory Board



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

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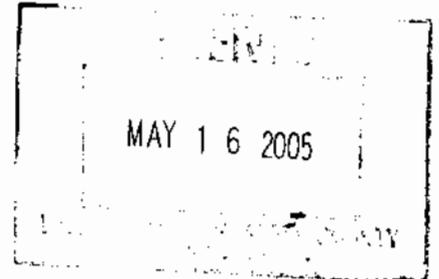


LANCASTER EVENT CENTER

P.O. Box 29167, Lincoln, NE 68529 ~~~ (402) 441-6545 ~~~ Fax: (402) 441-6046 ~~~ www.lancastereventcenter.com

May 13, 2005

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Comprehensive Plan Amendment
Lancaster Event Center
84th and Havelock Avenue

Dear Mr. Krout:

On behalf of the Lancaster County Ag Society, I am writing in response to your recommendation of denial for the Comprehensive Plan Amendment #05011. The following is offered:

The Report mentions that this application is the same as previously submitted. Unlike our 2002 application, the current application includes a master plan, addresses flood plain issues and provides a Traffic Impact Analysis that identifies on-site parking requirements and potential off-site improvements to mitigate anticipated increases in traffic resultant from the commercial development. All of these are in response to staff's basis for denial of the 2002 application.

The Report states: 'one of the key principles for the comprehensive plan vision is that the downtown is the heart of the community.' We are a little confused with this statement. It appears this statement is discussing the 'by-right' expansion of the LEC facility and not the commercial development included in the Comprehensive Plan amendment. If so, we suggest that discussion of activities outside of the application area are not relevant to the pending request.

The Report states: 'the Chamber of Commerce recently funded a study of local event facility needs.' It is our recollection the city's consultant did in fact complete their study and stated publicly the LEC will not compete with other facilities such as Pershing, Devaney or the downtown arena that is now in a conceptual stage. Once again, comments relating to any activity other than the proposed commercial development are inappropriate for reasons previously stated.

The Report states: 'the current facilities at the Event Center have cut into the market of events that traditionally had gone to Pershing Auditorium, resulting in a worsening fiscal impact on the City's operating budget while taxpayers are also paying for the Event Center's facilities... The operating deficit was initially impacted by September 11, 2001. This event resulted in a downturn in the area business on a national level... Pershing has been again negatively impacted locally by the opening of the Qwest Center in Omaha, the Mid-America Center in Council Bluffs and the Lancaster Events Center in Lincoln. It is my (*Don Herz*) concern that the new proposed arena at the Events Center will further negatively impact the bottom line at Pershing because it will create another facility that will be pursuing some of the same

events that Pershing currently books.' Once again, issues not related to the Comprehensive Plan amendment for the commercial development are inappropriately included in the staff report. It has been and will continue to be our position that LEC is not in competition with Pershing due to differences in our clientele. Pershing has through the years promoted itself as an entertainment center with passive attractions while the LEC is quickly becoming a destination for active activities such as livestock and equestrian shows, as well as other agriculture orientated organizations that have not been associated with Pershing for one reason or another, thus creating new events for the city. Review of past activities at LEC reveals a very small overlap of activities that would be inclined to utilize Pershing, as confirmed in recent comments to the *Lincoln Journal Star* by Pershing staff. Review of financial records shows that LEC showed a loss of revenue from our opening for a period of time. Our loss was not due to outside interests, as suggested in the staff report, but was due to improper management. Recent changes in management now provide LEC with a positive revenue stream.

The Report states: 'there is no question that the construction of the proposed arena at the Event Center will take more events away from Pershing and cast serious doubt on the feasibility of building a new arena in the Downtown.' This issue continues to be out of the realm associated with the submitted Comprehensive Plan amendment and appears to be quite subjective.

The Report notes 'a 14-acre portion of the overall site is proposed for commercial development.' Our introduction letter dated January 26, 2005 stated that of the 14.4 acre parcel consists of 7.9 acres of commercial area with an additional 6.5 acres of internal driveway necessary to provide access to the commercial area. Our application for commercial development could be reduced to less than 14 acres with the addition of access to both 84th Street and Havelock Avenue, both of which would likely not be in the public's best interest for safety reasons. We continue to view this corner much like the city does most other intersections of two section line roads (such as 84th with its intersection with Adams and Holdrege; 70th Street with "O", "A", Van Dorn, Pioneers, etc.) where the city has routinely been supportive of limited commercial development, such as shown in our concept development plan.

The Report states: 'about half of the 14 acres proposed for commercial development is in the FEMA 100 year flood plain.' In fact, the actual area of flood plain within the limits of the amendment is 4.418 acres. Of this area, fill is limited to 2.911 acres. The remaining flood plain within the area of application includes driveways and green areas where no fill is proposed, as well as the drainage way constructed with the initial LEC construction that provides storm water storage for LEC and accommodates the needs of the drainage basin upstream from LEC, including the city-owned Mahoney Park and Golf Course.

The Report states: 'this newest application did not include any specific information on flood plain other than an exhibit showing a previous flood plain fill permit.' Review of this exhibit shows an overlay of the approved flood plain permit on the LEC master plan with text regarding the recent completion of the Stevens Creek basin study. Not stated in the letter is the use of the new flood plain and flood way information in the LEC master plan prior to approval of this requirement by the city council.

The Report states: 'the proposal did not include enough information to show that there will be any flood plain compensation for the proposed commercial development in the flood plain.' A flood plain permit has been issued to fill within the limits of the commercial development. That permit was issued prior to compensatory storage requirements. LEC has agreed, as part of the previous Comprehensive Plan amendment and continues to agree, to reduce the fill in the approved flood plain permit to that portion of the flood plain permit located west of the westerly driveway accessing Havelock Avenue. We will further agree to utilize fill material found on the LEC site for any additional filling of the 2.911 acres in the commercial development, thus providing compensatory storage. We continue to disagree with the need for

no-rise due to the recent completion of the Stevens Creek update and the insignificant amount of fill that has been approved by the city.

The Report states: 'we have recommended with previous land use proposal of the event center...to evaluate these proposals in the context of a master plan...that demonstrates No Net Rise/Compensatory Storage...' There is only one difference between staff's continued request for a no-rise and the recently completed revisions to the Stevens Creek flood plain: Installation and verification of the approved fill in the proposed commercial development. If the fill had been placed as approved by the city, Public Works stated the city's application to FEMA would show the filled area commercial area located outside of the flood plain, thus making the need for a no-rise and all conversation regarding flood plain moot points.

Reference is made to 'opportunities on this site to provide compensatory storage for flood plain areas that are filled.' LEC has previously stated to Planning staff that any approved filled placed in the commercial area would be reduced from the amount of fill already approved by the city (**prior to implementation of the compensatory storage legislation**) would be compensated by reducing approved fill in other areas of the LEC campus. Our position has deviated slightly to utilize fill material from the LEC site to satisfy the city's improper use of compensatory storage with this Comprehensive Plan amendment.

The Report states: 'a future new main arena with 6,000 permanent seats.' The present design of the arena is approximately 3,500 permanent seats with temporary concourse seating for approximately 1,500 seats. The 6,000 seats indicated in the TIA was utilized to evaluate a 'worst-case-scenario' to avoid confusion regarding the maximum parking demand.

The Report states: 'the Event Center proposal includes a traffic study and site plan for a described future 6,000 seat arena. The traffic study doesn't list what type of events could be in the area.' Review of the LEC Comprehensive Plan amendment shows the application is limited to commercial development located at the northwest corner of the property. The existing LEC facility, future arena and pavilions shown in the master plan are allowed 'by-right' with the property's existing zoning and require no further review by city staff, with exception of building permits. Inclusion of information regarding use of the existing and proposed LEC buildings outside of the commercial development were provided only for the purpose of calculating parking demand for the entire campus in response to the Planning Department's insistence that the area shown for commercial development should be maintained to satisfy a perceived shortage of on-site parking.

Reference is made to the traffic study being based on the peak generator of an event in the 6,000-seat arena. The Traffic Impact Analysis (TIA) includes two evaluations: Master Plan and Commercial Development. The evaluation for the Master Plan includes trip and parking generation information for the LEC campus, exclusive of the commercial development, for the purpose of identifying parking demand and supply for 'special events.' This evaluation found a surplus of parking for special events located outside of the proposed commercial development. Since 'special events' typically occur outside of the peak hour traffic of the adjacent street system, a separate evaluation was prepared for the Commercial Development. The Commercial Development portion of the TIA was prepared to address the typical concerns resultant from the development of commercial property, as this amendment would allow. This evaluation identified potential users, estimated traffic volumes for the A.M. and P.M. peak hours and offered intersection improvements to mitigate traffic resultant from the commercial development.

The Report states: 'the addition of commercial traffic in this area could also cause the Event Center driveway to meet traffic signal warrants where it meets 84th Street. This is a situation that needs to be avoided, since the Event Center's driveway is not a desired location for a signal along 84th Street.' It is our

understanding that access to both sides of 84th Street was determined by city staff in conjunction with Lancaster County's 84th Street widening project. It is our further understanding that the accesses to undeveloped property were placed specifically to allow signalization, if warranted in the future. The separation along 84th Street between Havelock Avenue and the LEC is approximately 1,300 feet, which in the past has been utilized by the city as an acceptable separation between signals in a developed urban area. However, we were advised during our conversations with Public Works, prior to submittal of the Comprehensive Plan amendment, that channelization at the LEC driveway would be implemented in lieu of signalization.

The Report states: 'the traffic study also identified locations that do not operate at desirable levels of service today...' The TIA noted specific improvements to each intersection that will be affected by the commercial development. In each case, intersection improvements were offered to mitigate traffic resultant from the commercial development. These improvements were offered to allow city staff the opportunity to include these or other off-site improvements to conditions of approval with future changes of zone/use permit applications that will be necessary prior to development of the commercial area.

In conclusion, when all of the non-related issues are removed from the staff report, two real issues exist: flood plain and traffic. Based upon the information stated above, these two items appear to be issues that can be resolved with further discussion.

It is the desire of the Ag Society and LEC management to discuss and seek agreement on these issues with staff prior to public hearing at the Planning Commission and City Council. We therefore request a 90-day postponement of the amendment's public hearing.

Sincerely,

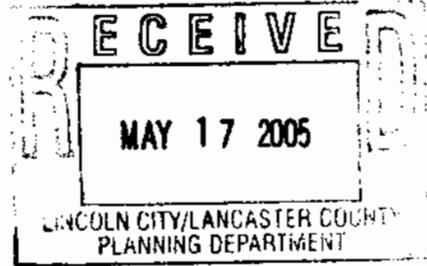


Ron Snover, President
Lancaster County Agricultural Society

CC: Mayor Seng
Lancaster County Board of Commissioners
Lincoln/Lancaster County Planning Commission
Lancaster County Agricultural Society Board of Directors



Lincoln-Lancaster County Planning Commission
 City-County Building
 555 South 10th Street
 Lincoln, NE 68508



Dear Planning Commission Members,

The Downtown Lincoln Association (DLA) supports Mayor Seng's request to you to place on pending the proposed zoning change from the Lancaster County Agricultural Society which is before you today as part of the Comprehensive Plan annual review process.

With the upcoming release of a Downtown Master Plan, the recently-completed Conventions, Sports and Leisure (CSL) study of Lincoln's multipurpose facility needs, the loss of the state high school wrestling tournaments and the increase in local lodging tax which will go into effect in July, the Lincoln community faces important strategic decisions about our future.

As representatives of an area of our city that plays a major role in Lincoln's tourism industry, DLA looks forward to participating in a process involving city, county, state, UNL and State Fair representatives as well as other business organizations such as the Chamber and LIBA to address how to best leverage local tax dollars and private investment to position Lincoln's tourism industry for the future.

Any action on the Lancaster County Agricultural Society's zoning change request is premature until decisions on how best to ensure Lincoln's future competitive position are reached.

Sincerely,

Michelle Waite, Chair
 Downtown Lincoln Association

Polly McMullen, President
 Downtown Lincoln Association

CC: Mayor Coleen Seng
 Marvin Krout

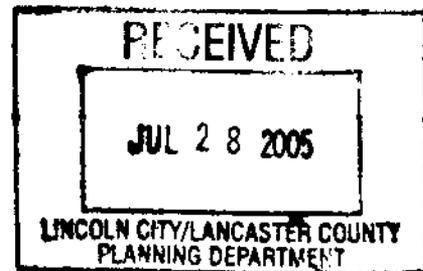


LANCASTER EVENT CENTER

P.O. Box 29167, Lincoln, NE 68529 ~~~ (402) 441-6545 ~~~ Fax: (402) 441-6046 ~~~ www.lancastereventcenter.com

July 27th, 2005

Marvin Krout
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Comprehensive Plan Amendment
Lancaster Event Center
84th and Havelock Avenue

Dear Mr. Krout

On behalf of the Lancaster County Ag Society, I am writing to request a postponement of public hearing for the Ag Society's application to amend the Comprehensive Plan for commercial land uses at the southeast corner of 84th and Havelock Avenue. We would appreciate scheduling our application on the Planning Commission agenda scheduled for September 14, 2005. This request is to allow the Mayor's task force to make public their recommendations regarding placement entertainment venues in our community that are scheduled to be announced on or about September 1, 2005.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Snover".

Ron Snover, President
Lancaster Event Center

CC: Mayor Seng
Lancaster County Board of Commissioners
Lincoln/Lancaster County Planning Commission

ITEM NO. 4.3: COMP PLAN AMENDMENT NO. 05011

(p.159 - Cont'd Public Hearing 8/17/05)

LAW OFFICES

ERICKSON & SEDERSTROM, P.C.

A LIMITED LIABILITY ORGANIZATION

8/17/05

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August 16, 2005

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Steve Henrichsen
Lincoln Lancaster Planning Department

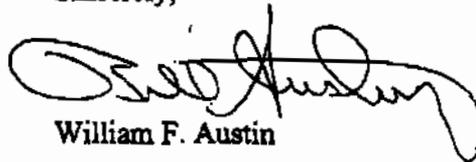
VIA FACSIMILE TO 441-6377

Re: Comprehensive Plan Amendment 05011-Request for Commercial
Designation of Southeast Corner of 84th Street and Havelock Avenue
Our File No.: 13841.47637

Dear Steve:

As a follow-up to our telephone communications, I would like to request, on behalf of the Lancaster County Agricultural Society, that the hearing on the above-referenced Comprehensive Plan Amendment, which is currently scheduled for hearing tomorrow, August 17th, be delayed until September 28th. The Agricultural Society had earlier requested a continuance until September 14th, but the Society requests a further delay to allow the presentation of an economic study to the County Board on the 15th and would like to have the opportunity to present that study prior to the hearing on the Comprehensive Plan Amendment. Thank you for your consideration.

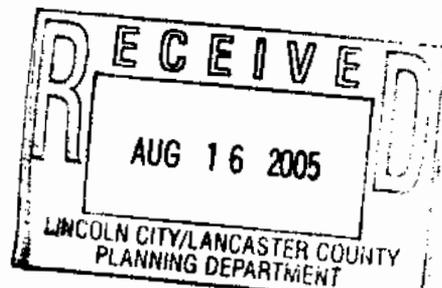
Sincerely,



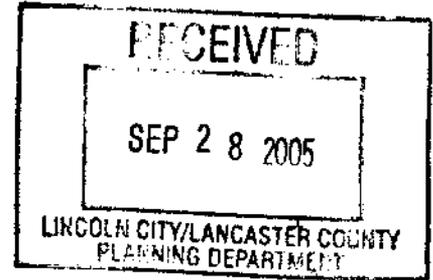
William F. Austin

WFA:rlh

cc: Ron Snover
Alan Wood
J. D. Burt



AUDITORIUM ADVISORY COMMITTEE
FOR PERSHING CENTER
LINCOLN, NEBRASKA



September 28, 2005

Marvin Krout, Director
Lincoln-Lancaster County Planning Department
555 S. 10th St., Suite 213
Lincoln, NE 68508

Mr. Krout,

This letter represents the concerns and recommendations of the Auditorium Advisory Committee for Pershing Center and the Pershing Center staff.

The Lancaster County Agricultural Society is currently seeking an amendment to the city-county Comprehensive Plan to allow development on the property where the Lancaster Events Center (LEC) is currently located. Our concerns and comments are as follows:

- It is inappropriate at this time for the Lancaster County Ag Society to continue to pursue negotiations for additional development and expansion on the 84th street site while the Mayor's Task Force on venues is still meeting and has not yet issued its findings and recommendations. The Lancaster Event Center is a key participant in this Task Force. While participation in this process does not bind an entity to accept the recommendations of the panel, the participating entities should at least refrain from advancing individual agendas and plans until the Task Force has completed its work and issued its recommendations.
- As the Task Force drafts its recommendations, one key recommendation that the Pershing Advisory Board would propose will be that the LEC and the Nebraska State Fair discuss potentially reuniting in a single location. The Advisory Board currently sees a significant duplication of efforts by LEC and the State Fair and a splitting of a single market. It would seem prudent that any changes in comprehensive plans, changes in zoning or new construction approvals be done only after the discussion surrounding the short and long term viability and location of these entities is given time to resolve.
- The Lancaster County Agricultural Society recently engaged Goss & Associates, Economic Solutions, LLC to prepare a study entitled "The Economic Impact of Phase 2 LEC Construction and Operations on the Area Economy". The economic conclusions of that study have been cited as justification for the expansion of the LEC into second phase. Our examination of the conclusions that a \$15 - \$20 million dollar expansion of

the LEC would result in a yearly annual impact of somewhere between \$155 million and \$162 million would lead us to ask for a close examination of the assumptions underlying the study. The suggested economic impact, the suggested annual statewide tax increase and the new job creation estimates seem overly optimistic and should be examined and put in context before they are used as a part of the justification for expansion of the LEC.

We respectfully ask that further action on the request from the Lancaster County Agricultural Society for changes in the Comprehensive Plan be tabled until the Mayor's Task Force has issued its recommendations and until the conclusions of the Economic Impact Study are examined and the underlying assumptions verified.

Sam Nelson
Chairman of the Auditorium Advisory Board of Pershing Center

CC: City Council of Lincoln, Nebraska
Lancaster County Board
Mayor Seng
Dick Campbell, Chairman of the Mayor's Task Force on Venues