City Council Introduction: **Monday**, November 5, 2007
Public Hearing: **Monday**, November 19, 2007, at **5:30** p.m. Bill No. 07R-228

FACTSHEET

TITLE: A Resolution approving and adopting a proposed amendment to the **ANTELOPE VALLEY REDEVELOPMENT PLAN,** requested by the Director of the Urban Development Department.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

ASSOCIATED REQUESTS: Comprehensive Plan Conformance No. 07022 (07-171), Change of Zone No. 07055 (07-172) and Special Permit No. 07047, 10th & Military Community Unit Plan (07R-229)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/24/07
Administrative Action: 10/24/07

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (7-0: Cornelius, Larson, Carroll, Gaylor-Baird, Francis, Esseks and Taylor voting 'yes'; Moline and Sunderman absent).

FINDINGS:

1. This proposed amendment to the **Antelope Valley Redevelopment Plan** was heard in conjunction with the associated declaration of surplus property, Change of Zone No. 07055 from P Public Use to R-4 Residential and Special Permit No. 07047, 10th & Military Community Unit Plan.

2. The purpose of this proposed amendment to the **Antelope Valley Redevelopment Plan** is to add a housing project to provide new rental housing for low income and low income seriously mentally ill (SMI) people, and new single family homes for low and moderate income people, on property generally bounded on the west by Hayward Park, on the north by the Salt Creek channel, on the east by N. 10th Street, and on the south by the east-west alley north of Claremont Street (old Naval Reserve Building site). The specific text for the proposed amendment is found on p.25 and the site plan is found on p.26.

3. The staff recommendation is based upon the "Analysis" as set forth on p.5-6, concluding that the proposed amendment is in conformance with the goals and policies of the Comprehensive Plan; however, there are issues that must be addressed in the design phase of the project (See p.2). The staff/applicant presentation is found on p.8-11. Testimony in support is found on p.11-12.

4. Testimony in opposition is found on p.12-16. The North Bottoms Neighborhood Association is opposed to development in the floodplain and certain design elements of the project (p.12-13, Also See p.64-71); the Lower Platte South NRD expressed caution about development in the floodplain and urged a "no net rise" requirement (p.14-15; also see p.62-63); and six individuals testified in opposition to the loss of the shooting range (p.14-16). The record consists of questions posed to the developer by the North Bottoms Neighborhood Association and the responses submitted by the developer (p.37-52). The record also consists of six communications in opposition to removal of the shooting range (p.55-60). The record also consists of a letter from the North Bottoms Neighborhood Association to clarify that the neighborhood did not support the project when they had a neighborhood meeting in 2005 (p.53).

5. On October 24, 2007, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed amendment to the ***Antelope Valley Redevelopment Plan*** to be in conformance with the 2030 Comprehensive Plan (**Comprehensive Plan Conformance No. 06001**).

6. The applicants have requested that all four associated requests have public hearing and action on November 19, 2007.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: October 30, 2007

REVIEWED BY:_____ **DATE**: October 30, 2007

REFERENCE NUMBER: FS\CC\2006\CPC.06001 Redev Plan Amendment+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 24th, 2007 PLANNING COMMISSION MEETING

P.A.S.#: Comprehensive Plan Conformance CPC06001

PROPOSAL: Review an amendment to Antelope Valley Redevelopment Plan to include the addition of the Housing Project for Low Income Seriously Mentally Ill Redevelopment Project Area to determine conformity with the *Lincoln City/Lancaster County 2030 Comprehensive Plan*.

CONCLUSION: This proposal is in conformance with the goals and policies of the 2030 Comprehensive Plan. In the design phase of this project the following issues must be addressed:

1. Clear title to this property for redevelopment.
2. Arrange for relocation as appropriate of the gun range and Public Building Commission storage facility.
3. Address the comments of Parks and Recreation Dept. and the Parks Advisory Board regarding the functions and aesthetics of Hayward Park.
4. Address the comments of Public Works & Utilities, Watershed Management Division and Engineering Services regarding:
   a. Flood storage areas and compensatory storage. As the stated goal of the Antelope Valley Redevelopment Plan is to leverage Antelope Valley project flood control improvements, it is important that every effort is made to protect from increases in flood elevations.
   b. Concern regarding the placement of SMI residents in the floodplain.
   c. Affect of grading on adjoining Park property.
   d. Access onto 10th Street.
   e. Pedestrian circulation
   f. Location of flood storage as it impacts utilities
   g. Utility of the Park
5. Obtain design review by the Urban Design Committee

RECOMMENDATION:	Find that this request is in conformance with the Comprehensive Plan if issues noted can be addressed

GENERAL INFORMATION:

LOCATION: A request from the Urban Development Department to amend the Antelope Valley Redevelopment Plan by: adding the Housing Project for Low Income Seriously Mentally Ill Project Area southwest of the corner of N. 10th & Military Rd..

EXISTING ZONING: P - Public Use

EXISTING LAND USE: Indoor Shooting Range, Property Management shop and storage facility, vacant former Naval Reserve Quonset, parking, drive aisles, and open space.

SURROUNDING LAND USES:

North	Salt Creek levee system and waterway
South	R-4 Residential, single family homes
East	National Guard base
West	Hayward Park

ASSOCIATED APPLICATIONS: CPC07022 Surplus Property
CZ07055 Change of Zone P-Public to R-4-Residential
SP07047 R-4 Community Unit Plan

HISTORY: As required by the Nebraska Community Redevelopment Act, the City commissioned a Blight and Substandard Determination Study which was completed in April, and adopted in July of 2003. The Antelope Valley Redevelopment Plan was adopted by the City Council on November 29, 2004. The Antelope Valley Redevelopment Plan has had three amendments to add a total of 6 redevelopment projects, including the relocation of the Triplets, the Synergy Project, and the North Bottoms Streetscape Project.

This application was made in February of 2006. Several meetings were held with City staff and the applicant during 2006 to address concerns regarding floodplains, grading, utilities, and access to N. 10th Street.

PURPOSE: Nebraska Community Development Law, NEB REV STAT § 18-2112 requires the Planning Commission to review amendments to the redevelopment plan as to its conformity with the Comprehensive Plan. A recommendation of the Planning Commission is required to be provided to the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2030 Comprehensive Plan identifies this area as Public Use.

"*Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity." (P. 9)*

"Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile." (P. 10)

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community.

Encourage the development, maintenance, and preservation of safe and decent affordable and special needs housing for ownership and rental by low- and moderate-income households; remove barriers to fair housing and home ownership; and strengthen our policy and institutions to support affordable housing throughout the City as identified in the goals and objectives found in the FY 2005 - 2009 City of Lincoln Strategic Plan for HUD Entitlement Programs.

New residential development is generally discouraged in areas of environmental resources such as endangered species, saline wetlands, native prairies and in floodplain corridors.

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods." (P.65)

"Encourage a variety of housing types in the Downtown and Antelope Valley area." (P. 72)

"Give special consideration to the Salt Creek floodplain from Van Dorn Street to Superior Street where the FEMA Flood Insurance Study recommends preserving flood storage so as not to increase flood heights greater than one foot.

Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property.

The Urban Design Committee should serve as an advisory board on the design of city buildings and other public projects, major public/private developments, and any private projects constructed on city right of way or other city property.(P. 129)

<u>From the Antelope Valley Redevelopment Plan (AVRP)</u>

The AVRP shows the area as Mixed Use Retail. (AVRP Figure 18, P. 55). The Plan also identifies this area as the site of a possible redevelopment project to add a small shopping area which could possibly include grocery and neighborhood services (AVRP Pages).

<u>Mixed Use Retail</u> *"Neighborhood retail centers. While an allowable use is retail, there could be other uses such as residential/office/services or Mixed-Use buildings with retail on the first floor and office or residential on the upper floors."*

<u>*Guiding Land Uses and Design Principles:*</u>

> *2. **New Residential Products** - Encourage a range of housing types... giving citizens of different incomes, ages and family sizes a wide range of choices."*
> *3. **Compaction** - Compact development patterns help assure that a city uses its land, infrastructure, transportation and human resources wisely."*
> *5. **Easy Walking Distance** - As many activities as possible should be located within easy walking distance of trails and transit stops. (AVRP P.67)*

Potential Redevelopment Concepts

10. ***North Bottoms Grocery/Retail:***

- *Grocery store sized to meet the needs of the neighborhood and 10th Street travelers to the north.*
- *Retail and commercial uses provide neighborhood level services, e.g. cleaners, laundry, gas, convenience. (AVRP P.86)*

ANALYSIS:

1. The Antelope Valley Redevelopment Plan has as its purpose the leveraging of Antelope Valley Project flood control and transportation projects to provide an environment attractive to creative, private sector redevelopment.

2. Pursuant to State Statutes, as formal Redevelopment Projects are proposed in the Antelope Valley Area, written amendments to the Redevelopment Plan need to be reviewed for conformity to the Comprehensive Plan.

3. This is a request to review a proposed amendment to the Antelope Valley Redevelopment Plan for a determination of conformity with the Comprehensive Plan. The amendment includes the addition of a low income residential infill project which would include approximately 60 for-rent apartment units, 20 of which are to be reserved for Seriously Mentally Ill (SMI) individuals, and 10 Rent-to-Own attached single family units. All rental and rent-to-own dwelling units are reserved for households at 60 to 80% of median income. The apartment complex will include a club house/services building with meeting and community space, and offices for case management and other services for SMI tenants. A residential manager apartment is also planned in this building

4. Mixed Use Retail does allow for other uses such as residential/office/services or mixed-use buildings with retail on the first floor and office or residential on the upper floors.

5. Although the AVRP identifies this area as a possible site for a neighborhood grocery, the Plan also states that it "is not rigid but mean to be a flexible guide to the future. The maps and illustrations are not mandatory, but are attempts to show new possibilities" (AVRP P.11)

6. This project will require that the property be surplussed and transferred to the developer, a change of zone from P-Public to Residential, and a community unit plan. These applications have been made and are running concurrently with this application.

7. The project's public activities may include:

   - Demolition of existing buildings
   - Relocation of Parks and Recreation facilities
   - Relocation and construction of utilities
   - Construction of a new street off of 10th Street
   - Construction of sidewalks
   - Replat and rezone as needed
   - Street trees

- Pave and landscape outside of property line

8. Total cost of this project is estimated at $8.5 to $9 million for public and private costs. Sources of funding might include tax increment financing, tax credits, and private funding.

9. Concerns have been raised by Public Works and Utilities and the Department of Natural Resources regarding the appropriateness of placement of seriously mentally ill persons in an area which will experience flood depths of 1 to 5 feet during a 100-year storm event.

10. Public Works and Utilities, Watershed Management and Engineering Services have submitted the attached comments. Note: one set of comments was submitted to address all four applications. Some of these comments are more appropriately addressed in staff reports for other applications.

11. The Lincoln-Lancaster County Health Department (LLCHD), and Parks & Recreation departments have reviewed the application and have no objections to the application.

12. The Parks and Recreation Dept. and Parks Advisory Board is supportive of creation of flood storage on Hayward Park property provided the functions and aesthetics, as outlined in the attached email from Lynn Johnson, Parks and Recreation Director, can be preserved or improved.

13. The Public Building Commission finds the storage building and the portion of the former Naval Reserve building to be necessary structures which will need to be replaced.

14. Per the recommendations of the Adopted 2030 Comprehensive Plan, as a major public/private development, the Urban Design Committee should review this project as part of the design process.

Prepared by:

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DATE: October 9, 2007

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COMPREHENSIVE PLAN CONFORMANCE NO. 06001, COMPREHENSIVE PLAN CONFORMANCE NO. 07022, CHANGE OF ZONE NO. 07055 and SPECIAL PERMIT NO. 07047, 10TH & MILITARY COMMUNITY UNIT PLAN

PUBLIC HEARING BEFORE PLANNING COMMISSION: October 24, 2007

Members present: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll; Moline and Sunderman absent.

Ex Parte Communications: None.

Staff recommendation: A finding of conformance with the Comprehensive Plan on Comprehensive Plan Conformance No. 06001 and Comprehensive Plan Conformance No. 07022; approval of the change of zone; and conditional approval of the community unit plan.

Sara Hartzell of Planning staff submitted one additional letter in opposition to removal of the shooting range and comments about development in the floodplain from the Lower Platte South NRD.

Staff presentation:

1. **Sara Hartzell of Planning staff** explained that Nebraska Community Development Law requires that any new project in a redevelopment plan be reviewed by the Planning Commission for conformity with the redevelopment plan and with the Comprehensive Plan. This project is at 10th & Military and involves a parcel of land currently in city ownership. The proposal is to develop 61 apartment units, 20 of which would be for severely mentally ill and the others for individuals with low to moderate income, and 10 townhouses along the southern border. The project area in the Antelope Valley Redevelopment Plan is identified as mixed use retail; however, the plan specifies that the maps within the plan are flexible guides and that the illustrations are not mandatory. Within the mixed use retail description, they also describe allowing residential, office and mixed use buildings.

Hartzell acknowledged that there are issues that need to be addressed as set forth in the conclusions in the staff reports. There are some questions about the building titles and ownership issues with the federal government that need to be cleared up. There are two facilities being used by city departments that will need to be relocated. Parks would like to make sure that the park to the west is left in as good or better condition than prior to development. Public Works and Watershed have comments regarding flood storage to make sure everything is done possible to preserve the flood storage, etc. This project should also be reviewed by the Urban Design Committee.

There are similar issues of concern with regard to the declaration of surplus property with regard to no loss of flood storage. The staff is also asking that the legal description be revised to move the north boundary slightly south 10' to allow for the eventual expansion of Military Road. There are also concerns of the Parks Advisory Board which need to be considered.

2. Tom Cajka of Planning staff explained the change of zone and community unit plan. To the west, the north and also to the east across 10th Street is all zoned public. To the south is R-4 Residential, single family and some duplexes. To the southwest area is an apartment complex. The R-4 would be in character with the surrounding area and staff supports the change of zone.

The community unit plan includes apartment complexes for 61 units, one being for an on-site apartment manager and 60 units for rent for low to moderate income. 20 of those 60 units are set aside for tenants classified as seriously mentally ill (SMI). There are also 10 attached single family, more like a duplex setup, which are rent-to-own, which would be rented for 15 years with option to purchase.

Cajka explained the waiver requests:

1) allow streets to be lower than 1' below the 50 year flood elevation – this is a subdivision requirement. A lot of the surrounding streets are already lower than that and in order to match those streets, they are seeking this waiver.

2) allow the elevation for building sites to be lower than 1' above the 100-year floodplain elevation – the applicant is proposing that these buildings be on raised foundations instead.

3) reduction in parking - the CUP has a parking requirement of two stalls per unit. The applicant is asking for 1.5 stalls per unit. In speaking with CenterPointe about the population of the SMI, it appears that the majority of those tenants would not have vehicles, so by removing the 20 units for SMI, the parking stalls they show would meet a 2:1 ratio. There is also going to be additional parking with a new Court Street from 9th to 10th. 9th Street would be extended up to the north. These are both public streets so the right-of-way would allow parking on both sides of the streets.

4) landscaping/screening waiver - the perimeter of the CUP is required to be screened and there is another requirement for multi-family complexes. With the park to the west and open space, the waiver for those two sides is justified. The staff is requesting that in lieu of the typical screening requirement, additional evergreen trees be planted along 10th Street and along Court Street in addition to street trees.

5) reducing front yard setback from 20' to 10' on south side of Court Street. This is supported by staff. This is only for the townhomes and putting them closer to the street is in character with older neighborhoods.

6) connection of Court Street to 10th Street - City design standards state that streets should only intersect with major streets every 1/4 mile. 10th Street is considered a major street but Planning believes that Court Street intersecting at that point is justified with the street pattern

of the neighborhood to the south and provides two ways in and out of the development.

7) recreational facility - Parks Department supports this waiver due to the proximity of the park as long as there is a sidewalk connection to the park and a loop trail within the park.

8) stormwater detention - Public Works has recommended approval due to the proximity to Salt Creek.

Proponents

1. David Landis, Director of Urban Development, acknowledged that the shooting facility has been there a long time. The Parks Department is looking for an alternative location. Landis acknowledged that the Naval Reserve structure has boarded over windows, asbestos in the walls, holes in the ceiling and a cost to bring down of about $400,000. The city does not have the money to demolish this building, so if there is a chance to get rid of this eyesore, it is going to be through development of some kind. This development offers to do that at private expense. It is an area that could well use urban development.

There is a park in this vicinity, with a soccer field (not crowned), which means the rain stays on the ground and it becomes inoperable and muddy. One of the opportunities is to grade that soccer field so that the water runs rather than sits flat. There is not money to crown the soccer field. The park will stay as it is and will be underutilized unless it is developed. This project will improve the park facility.

What about the actual development? There is a need for the 60 apartments for low and moderate income. Twenty of those apartments will be for the severely mentally ill, and the Department of Health and Human Services has found that there are at least 2,500 SMI in the low income area that needed housing. He does not know of another project designed by a private developer to meet this woefully under-served group of people.

Landis acknowledged that the interests of the city are not identical to the neighborhood or the users of the shooting gallery. This neighborhood has undergone a significant change of home owners from over 50% in 1980 to the mid to lower 20% as of the 2000 Census. It is crowded for parking, filled with students and not what it was 20-30 years ago. It is not part of that trend that would be furthered by this development. This development does something to ameliorate that problem, i.e. opportunity for 10 home ownerships for rent to own. There are 60 more units, but the parking is on-site and it fits relatively well with the ultimate interests of the city.

2. Fred Hoppe of Hoppe, Inc., 1600 Stony Hill Road, testified as the developer and applicant for the change of zone and community unit plan. He is proposing to put together “Creekside Village Apartments and Townhomes”. It is 71 units - 60 units of one- and two-bedroom apartments (20 being designated for the SMI). 10 townhomes, which essentially are five duplexes in a row across the lower side of Court Street. The entire project is targeted at 60% median income and below. It is a low income tax credit project under Section 42 of the Tax Code. It allows us to leverage financing to not only develop the project, but to develop a lot of public improvements in connection with the project. We can clean up the site and create a positive entrance into the city from N. 10th. We create an additional access through Court Street from the neighborhood out to 10th Street. The

neighbors indicated that they have parking problems so we were concerned about providing additional parking on our property and also an outlet to 10th Street to ameliorate what has been described by some as the "student animal house", another apartment complex further into the neighborhood.

Why are we picking this site? This site is a qualified census tract, allowing us to leverage low income tax credits to get 30% more tax credits into the project and do the public improvements and put into the project an on-site office for CenterPointe for case services for those SMI residents. That allows us to pay a salary for a staff person. That kind of leveraging is extremely important because it costs a lot when you are looking at trying to keep rents affordable for people below 50% median income. In addition, the site is on public transit, and it is close to downtown – two criteria that are extremely important for the SMI community. But it is also important to develop a green concept to infill this neighborhood so that any tenant could do without a car, which is one of the goals of this project.

Hoppe acknowledged the waiver requests. This development is a tag-along to an older neighborhood. The waivers are all an attempt to fit this proposal into the concept and design of the abutting neighborhood.

Hoppe advised that there are two predominant issues: Parking (the goal is to have residents who do not drive cars) and development in the floodplain. All of the residential units and utilized space will be 1' above the floodplain. The buildings will be put over crawl spaces so that water can flow through those buildings and not create a flood hazard. The townhome garages will come in at entry level and the living space for the houses will be up a couple of steps. They want to minimize the amount of fill and the amount of density coverage for this space. If this land weren't city-owned, 35% of that site could be covered with either fill, buildings, or whatever. In the new FEMA map which is currently in the approval process, that number would rise to 60%. This proposal is at 11.7%, so it is not perfect zero net rise, but it is minimized by the waivers being requested.

Hoppe agreed with the conditions of approval, and promised to work with the city all the way through this project.

Support

1. Becky Schenaman, a life long resident of North Bottoms, testified in support. She lived on Claremont Street and has seen all the changes in the neighborhood. She stated that she supports some development in this neighborhood; however, she was hoping for a grocery store. There does need to be some diversified things happening in the neighborhood. Her biggest concern is the floodplain, but she is willing to take a chance on this development. She lives in a house that was originally a horse farm and she does not have a basement. This neighborhood is very, very dark and they need street lighting. If this project is allowed, they should give the whole neighborhood better street lighting. The Naval Reserve is dangerous and it needs to be demolished. She is trusting the developer and the city to do something good.

2. Topher Hansen, Executive Director of Centerpointe, testified in support. He is excited about this partnership that is going to bring some needed development to an area with some permanent safe affordable housing for people with serious mental illness. CenterPointe is trying to develop

housing units in the city that are safe and permanent housing for SMI. The individuals that they contemplate occupying these 20 units have been through treatment, are in recovery and living an independent lifestyle. SMI individuals need support services to maintain their health and CenterPointe intends to provide that service in the budget of the project. This is a private partnership that does not exist in Lincoln right now. The community support type functions are typically state-supported and not privately- supported, as this one would be.

CenterPointe began its services in 1973, and currently operates about 92 units of subsidized housing with another 40 units in development at the present time. The proximity to services, transportation, ability to walk downtown and be in a neighborhood are key to consumers. CenterPointe's goal has been to develop housing that meets the needs of their consumers and in which any of us would live. SMI individuals tend to be victims more than perpetrators of crime.

Hansen confirmed that the full-time employee would be dedicated to that location 40 hours per week. The whole idea is that the on-site manager would be in contact with the 20 individuals doing things to mix with the people and provide the services that they need.

Opposition

1. Ed Caudill, President of the North Bottoms Neighborhood Association, testified in opposition to development in the floodplain. This property is up against the biggest floodplain in the City of Lincoln. The neighborhood had a meeting with Fred and John Hoppe and Topher Hansen over two years in the fall of 2005. This project keeps changing. In 2005, the neighborhood was given the understanding that this was a 100% CenterPointe project. Since that time, there has been no contact with the neighborhood. In 2005, the neighborhood association did not take a position on this project. Two years pass, and Caudill receives an e-mail from David Landis saying a meeting on this proposal sooner would be better than later. Therefore, they got a neighborhood meeting together in less than a week and met on October 2, 2007. That is the first contact the neighborhood has had with this developer since 2005. In 2005, the neighborhood representatives requested to be given the opportunity to provide input into this project. In October of 2007, we listened to the proposal, which has changed. The residents at this meeting did not look favorably upon this proposal. There has been no dialogue. It seems to be a train that is running down the tracks and no one is willing to put the brakes on. There are a lot of unanswered questions.

Caudill disagreed that this is a "private" project – the neighborhood was told that this project is an 8-9 million dollar project, with 7.5 million in public funds, and $650,000 to $1,000,000 in TIF. This is really a "public" project. This is being paid for by taxpayers.

In addition, Caudill stated that the neighborhood was told there would be no one on staff, and now it appears that there will be. None of the neighbors are against getting rid of the blighted condition, or a brownfield, and none of the neighbors have a problem with providing homes for low income or people with serious mental illness, but in the floodplain? It just doesn't make sense. He does not believe that this conforms with the Comprehensive Plan, based on what he read in the staff report.

Caudill then showed photographs of flooding problems in the neighborhood, 14th Street bridge and 10th Street bridge. He is concerned about putting some of our most vulnerable citizens right next to these flooded areas. Not one inch of property in the North Bottoms got removed from the floodplain in the Antelope Valley Plan.

Another issue of the neighborhood is the public park. In the 1970's there was a project that was going to do a wonderful thing to the park, but the park got moved to where it is now and it fills with water. These details have not been worked out. The neighborhood would like to work with the developer and the Parks Department. The North Bottoms residents built the shelters in that park. They planted 300 trees in that park. And now, the neighborhood does not know what they are going to do except make a soccer field sized drainage ditch. What about the baseball field?

Caudill pointed out that the Comprehensive Plan provides the retention of city and county property in the floodplain in public ownership – the city owns this property in the floodplain. If anything, bulldoze that building down and keep this a public space. Give Salt Creek a place to retain some water. All of the flood documents recognize the need for areas in the city that can absorb water, but we're talking about putting vulnerable people right in the middle of a floodplain.

Caudill requested that action be delayed until some of the issues are clarified. He has not even had an opportunity to review the response by the applicant to his questions which he received just yesterday. Please force the developer to work with the neighborhood. There are two streets shown on the city maps - extensions of Military Road and 9th Street. The North Bottoms Neighborhood is opposed to a new street connecting out onto 10th Street. They would like to see Military Road brought over to 9th Street.

Larson noted that the photographs were back in the 1940's and 1950's. Caudill concurred that they depict the 1950 and 1951 flood. Caudill is not aware of any floods that have occurred like that since then. Larson believes there has been some floodplain development in this area. Caudill's response was that it is maddening to watch development in the floodplain. When you fill a bathtub, the water goes up.

2. Annette McRoy, 1142 New Hampshire, testified in opposition because she believes this proposal conflicts with city policy. Her biggest concern is the declaration of surplus property. She agreed that the Naval Reserve center needs to go. But, she is concerned that there was not a RFP process before declaring this property as surplus. Is this the highest and best use of this land? It fronts a major street in our community. This project has been selected and is moving forward at a very rapid pace. It doesn't give any other developer a chance. We did not have a public process regarding this surplus property. We have some great projects that were done as great public-private partnerships, but they all went out for RFP. Everyone got a chance to get to the table. She is concerned about the lack of a fair and public process.

McRoy is also concerned about relocating the Public Building Commission facilities at a time when budgets are very tight. Does that make sense? What about the shooting range? It is being utilized. We have had national champions who have trained at this shooting range. It brings in income. On football Saturdays, the neighborhood parks cars for the city under contract – money that the city gets.

McRoy's third concern is the floodplain. The City Council has spent hours and hours compromising and working on our floodplain regulations. Now we see that these conditions are not being met, yet the regulations have been adopted. Despite concerns from Public Works dated October 4th, there are three pages of concerns regarding the floodplain, yet we're just going to "work these out and let them go". McRoy agreed that the project has merits and she would welcome affordable housing in the neighborhood. But there are 32 conditions of approval before a final plat can be approved. The Planning Director will make the final approval. She trusts the Planning Director, but where is her opportunity for input as a resident of this community with 32 conditions that have to be met? There needs to be more public input if we want to shoehorn in a project like this. She pointed out that the project also needs approval by the Corps of Engineers.

McRoy agreed that this project may have its merits, but it has gone down the track very fast and there is a lot of conflict with flood policies. She urged the Commission to take a step back, delay, work with the developer and work out some of these issues.

3. Anthony Coleman, resident and homeowner in North Bottoms for seven years, testified in opposition with concerns about development in the floodplain. Salt Creek and its connecting tributaries drain over 1,000 sq. mi. of area, which equates to a couple counties of land draining to this part of Lincoln. He also requested a two-week delay. The neighborhood really wants time to get their questions answered and to address their concerns. The neighborhood is not opposed to development or this type of housing, but they are opposed to having decisions crammed down their throats that could be adverse to the neighborhood.

4. Tom Jensen, resident right next door to the proposed development, testified in opposition with concerns about the setbacks. What sort of mental health issues are there? He has a 6-year-old son. He purchased his property because it was "by itself". He is very concerned about drainage and where the drainage will go. He also requested a delay.

5. Glenn Johnson, Lower Platte South NRD, stated that the NRD is not in support nor in opposition, but the District has long looked at these proposals throughout the city and has continued to raise similar issues. The property is in the 100-year floodplain of Salt Creek. It is publicly owned property. Two-thirds is within a 500' critical area setback from Salt Creek. This is new criteria post-Katrina that the Corps has put in place on all federal levees throughout the United States, i.e. within that 500' setback there is a much more detailed review. We have spent a lot of money buying public right-of-way to preserve, acquire and protect floodplains. The NRD believes it is inconsistent when publicly owned property is considered for transfer or transfer into private ownership and it is no longer preserved.

Secondly, if this proposal goes forward, the NRD certainly would encourage and hope that the “no net rise” requirement would be placed on this since it is already in public ownership – not just the 60%. This would compensate for the loss of already public-owned property. At any point before it goes forward for any type of construction, there is a process that needs to be followed for any impact upon the levee system.

July 1993 was the last time that we had a very significant high water event. The flood control levees were built in the mid-1960's after that flood in the 1950's; however, the dams and the levees do not provide protection from a 100-year flood, so the water would be over the top of the levees operating basically as if the levees were not there. The 60% allowable fill takes into account the dams and the levees and the system that is in place today, so it is an accurate representation of the flood threat in the area.

Esseks inquired of Mr. Johnson what to do with a parcel like this, which wasn’t acquired for recreational or open space or flood control purposes. It looks as though the city inherited it from the federal government. He thinks we are talking about apples and oranges. Johnson agreed, suggesting, however, that it is somewhere in between apples and oranges. It is not land that is used strictly for public recreation – it had other public purposes and served those for many years. It has not been private property. There is a dilemma. But to relinquish the fact that it is public and provides a certain level of flood storage without at least the corresponding no net fill impact would be a real shortcoming.

Larson asked how the no net rise could be achieved. Johnson suggested that if you are going to import fill and elevate on any portion of that property, there is going to have to be a corresponding removal of material to compensate for that loss of storage. It can certainly be done with reshaping of the park area and lowering it to create that additional flood storage to offset. Doing as they are doing with not fully elevating the buildings and the pads above the 100-year, but having flow-through crawl spaces, does compensate for some of that.

In the case of the 100-year flood, Cornelius wondered whether the levees hold the capacity that they normally hold. Johnson stated that in most cases, the levees will contain at least a 50-year flood event. When you get above the 50-year it starts to spill over. In less than the 50-year event there is an issue behind the levees in that the local drainage from rain events right there normally will drain out through a pipe into Salt Creek, but that pipe is going to be held shut so all that drainage generated is going to be backing up and storing in this park. Even without a 100-year event, there is still a ponding of stormwater within the park area. We saw that in 1993.

6. Carl Page, 3531 North 11th Street, testified in opposition. He is a member of the REOMA Board, member of Everett Neighborhood, Board member of North Bottoms and heavy investor. He agreed that the Naval Reserve is a bad looking building as you come into Lincoln from the north, but the federal government gave it to the city to use, and the city lacked the responsibility of taking care of it. Why would you approve housing in the Salt Creek, Oak Creek, and Antelope Creek floodplain? Why would it be okay to put SMI residents in a floodplain around college kids that party and drink all hours of the night, and while there are small kids that play in the park? Are we asking for trouble? Cedar Homes has a place on South Street and they have had calls about every night. Why don’t we let CenterPointe purchase two 20-plexes on E Street within a block of their offices on

S. 13th Street? There are no sidewalks going across Salt Creek or Oak Creek for these people to use. He used the shooting range and was a competitor.

7. Rachel Carlson, 2820 Sumner Street, testified in opposition to losing the shooting range. Approximately 10 people involved in the shooting range stood in support of her testimony. She has been shooting at the range since she was 10 years old and it has been a well-kept and successful facility. The city has invested a lot in this range over the years, which has contributed to making the range a safe, year around facility. Is it worth taking down a working building and using taxpayer money to build a new one? The citizens of Lincoln have benefitted from the programs. This range provides safety classes for youth. Education classes are also provided for adults. It provides a safe place for gun owners to practice marksmanship. The old Naval Reserve building is a hazard, but the range takes up a very small area of the proposed development. Surely there is a way to work around this building. It is part of the city of Lincoln's history and it is not surplus. If the range were to go, it will be difficult to find the programs it provides. Carlson pleaded with the Commission to delay this proposal until there is a full plan in place or equivalent or better facility for shooters in this area. Carlson has heard of some plans for relocation, but they are not definite and she does not want this range done away with before there is an alternative location.

8. Shane Harters(sp)**,** 3731 Faulkner Avenue, testified in opposition to the loss of the shooting range. He just moved to Lincoln a couple of months ago with his family of five. They are so excited about the rifle range facility. The classes and programs are so affordable for children and adults. He doubts that Parks will create a new facility or have the funds if this one is lost. If Parks tries to continue a shooting program for youth and adults in another privately owned facility, he believes that the prices will go up and it will limit the availability of these safety programs to the general public. Parks and Recreation has managed the facility for 25 years and he understands that there has not been an accident. This proposal needs to be denied or at least deferred so that there won't be a gap in the Lincoln shooting programs.

Staff Response

Marvin Krout, Director of Planning, assured that there are more steps ahead for this project. There are lots of hoops that this project has to go through and they are trying to get through this project to apply for a federal grant for assistance. It is anticipated that this area will be the subject of a redevelopment agreement. There will be opportunity for more interaction with the neighborhood. He does not believe that all of the questions raised today can be answered in two weeks, but there will be opportunities as this project moves forward.

In relation to the Comprehensive Plan, Krout acknowledged that sometimes the Commission will see conflicting objectives in the plan. Yes, the plan says that we want to try to save public land to be open space for flood storage purposes. But, on the other hand, we have the Antelope Valley Redevelopment Plan which says this land shall be developed for commercial purposes. The proposed amendment is to change it to residential because there have not been any commercial prospects.

Krout also suggested that in an area like this, it is appropriate to make some compromises to the typical design standards. 10th Street has access every 300 feet to the south. If you are trying to minimize the amount of fill, then you would grant the waivers to the street requirement and to allow for the crawl space and the elevated first floor. It is a question of balancing objectives.

Esseks observed that a lot of the opposition has to do with the design features of the community unit plan. What if we were to delay the community unit plan for two weeks and vote on the other three items? Krout believes that would need to be answered by the applicant, although he believes they need all four items at Council at the same time.

As far as the choice of this land, Esseks wondered whether it has to do with the financial liability of low and moderate income housing and housing for the SMI that we cannot otherwise provide in Lincoln. Are we really in a bind here because the land elsewhere is too expensive? Krout believes that this site meets the objectives of being close to downtown and in the transportation network.

Francis suggested that part of this site's attractiveness is the fact that it is in a targeted census tract so that there is funding available. Krout agreed.

Gaylor-Baird inquired as to the costs to the city for this project. Krout stated that the rebuilding of the range is not included in the costs previously disclosed, and relocation of the Public Building Commission facilities is not included. The Director of Parks believes that he can obtain grants to rebuild the gun range and not incur any capital fund costs. Krout believes that all demolition is a part of the cost.

Cornelius expressed concern about the Comprehensive Plan conformance finding on surplus because the Planning Commission was recently directed to vote up or down. The recommendation from staff is a finding of conformance, with certain provisions. He believes that this conflicts with the advice that has been given to him in the past. Krout clarified that the staff does recommend that the Planning Commission find that it is in conformance with the Plan. The provisions are just pointing out that there are lots of "loose ends that need to be tied." The city may not be able to sell this land. Krout explained that the state statutes call for a yes or no vote on the conformance issue.

Francis inquired as to the timeframe between finding a new shooting range and the demolition of the current shooting range. Could something be delayed so that they are not displaced? Krout stated that the Director of Parks indicates that it would be several months before he could find out whether the grant would be available, and there would have to be a period of planning and design for that facility. It is probably going to take 12-18 months. There may be a period of time, however, before this project can be developed because of all of the other issues and the redevelopment agreement.

Carroll suggested that for the Planning Commission it is the fear of the unknown because we have never been asked to approve something with so many waivers. Once we vote, it leaves our hands forever. We don't have all of the information – we have to trust our staff – there is still a very large unknown about the city park and we have to rely upon Parks to decide what is best overall. There is a lot that the Planning Commission does not know and maybe we cannot

agree because of the fear that something might change between the Planning Commission and the City Council.

Krout acknowledged that this proposal is not like West Haymarket where the Planning Commission will see any Transportation Plan amendments. Even though this has not typically been done, Krout suggested that the Urban Development Director would probably be pleased to have a workshop with the Planning Commission before this would go to sale and a redevelopment agreement to the City Council. Then the Planning Commission could indicate informally whether or not the plan as it continues to evolve meets their expectations.

Gaylor-Baird asked Krout to speak to the RFP process. Krout stated that there have been many cases where the city has not used the RFP process on surplus property declarations. Landis agreed, stating that the city does business in a number of different ways and sometimes the city initiates action by actively soliciting offers. The more common circumstance is that developers bring options to the city that they would like to do and we don't use a RFP process. We can go either way. Both of them are available. Of the two, developers are generally the moving parties. The city could be the moving party in this circumstance, but nothing would be happening.

Esseks again wondered about delaying the community unit plan. He knows there is a funding deadline but some funding is very flexible. Landis agreed that the timeline does have to do with funding. Part of this is a very clear planning issue, i.e. are we in substantial conformance with the Comprehensive Plan? He thinks it is fair to say there is a rub between parts of the Plan and the strategy about publicly owned land. If this land was in private hands today, it would be in perfect conformance of the Plan. The fact that the land is owned publicly places one element of the Plan at odds. The rub is building in a floodplain area when it is publicly owned land. The shooting gallery is an intricate political choice and political priority for spending and public services.

Cornelius wondered how Urban Development might give the North Bottoms neighborhood more opportunity for input in the negotiations on the redevelopment agreement. Landis does not believe the neighborhood liked the plan two years ago. There was a meeting with some of the neighbors in September, and there was a neighborhood meeting on October 2nd. He agreed that there are unanswered questions. Landis offered to do a workshop as the negotiations on the redevelopment agreement go forward.

Rick Peo, City Law Department, responded to the concern about the RFP process on the surplus property. He explained that the city cannot go out for a RFP until the Redevelopment Plan amendment has been approved. This project may or may not have required a RFP. Statute allows owners to develop their own property without a RFP. If the ownership of this property is transferred prior to contract, then we would not need a RFP. More frequently, the city does go out for a RFP, but usually there is a project in mind, e.g. Embassy Suites. Typically people come to the City first. We are not bypassing the RFP process. It is premature at this point.

10-minute break

JJ Yost of Parks & Recreation Department advised that the Parks Department has initiated conversation with Nebraska Game and Parks about the potential of partnering on a new facility and new location for the shooting range, and they have received some very favorable response. Game

and Parks has the ability to seek some federal funding. There are some other grant sources that can also be explored. They have just started looking at alternatives, but they do have a good feeling that there are some options. The city has a site at Boosalis Park for a campus type approach for a shooting range to go along with an archery range and the gun club is immediately adjacent. There is nothing definite at this time, but they do have some ideas of where to go, and, depending upon this project, they will start to pursue those alternatives. It will take some time and there are no definites right now.

With regard to Hayward Park, the Parks Department has talked with the developer who wants to do some compensatory storage in the park area. They believe that can be done in a manner conducive to the park. The Parks Department does have experience of collocating play facilities in flood storage areas. If done right, it can be an amenity to the park. It requires grading and re-establishment of the vegetation. That can happen in this park if it needs to. Parks does advise, however, that an accessible connection be made from the development into the park to the playground itself, which does not exist today. Because of the proximity of this development to the park, Parks has suggested that rather than the developer creating their own recreation plan, that they provide some enhancements to the park, including a perimeter trail.

Response by the Applicant

Hoppe explained that this project has been a long time coming and it was targeted for the SMI. Several years ago, he began working on this project following the release of a report showing the deficiency in housing for that group of residents in the City of Lincoln. He scoured the city for sites and this is about the only site in a qualified census tract, that is on an arterial street, that has bus service and in walking distance of the downtown core. If it's the only site that qualifies, it is pretty important, and that is one of the balances that has to be determined. Being a qualified census tract is huge in this project because it leverages the financing. We can provide low rents with a case worker on site. That is extremely important for that population and makes the whole program work.

Hoppe stated that he cannot afford a delay because all parts of this proposal need to get to the City Council and be approved by the end of November because of the funding deadline. Because of the City Council's schedule in November, a two-week delay at Planning Commission won't work. He raised this deadline issue with the city months ago and he has been working with the city from the beginning. In order to get in the cycle for low income tax credits, the project must be approved by November 30th. The city doesn't work very fast. Today is the last available Planning Commission meeting date to meet that deadline. Hoppe reiterated that they did have several neighborhood meetings – two years ago, October 2, 2007, and he has talked with Ed Caudill in between. He tried to be responsive to the neighborhood concerns that were raised two years ago in the design. The neighborhood is the moving target. Our principal change in this project was the reduction of the number of SMI individuals from 100% down to 33%. This needs to move forward. They tried to work with the neighborhood; they have worked with the city; and he agrees with all of the conditions of approval.

Francis asked Hoppe to explain the affordable housing trust fund. Hoppe explained that November 30th is the deadline to tap into the Department of Economic Development money through either home funds or affordable housing trust funds, as well as the deadline for application to the Investment Finance Authority for low income tax credit funds. If we agree to lease to low income

occupants for a period of 15 years, and those low income occupants are 60% median income and below, we can get a tax credit each year for 10 years, and the amount of the tax credit is based on the amount of improvements you put on the property. This proposal will result in approximately eight million dollars of improvements that qualify for low income tax credits. Through the sale of those tax credits to corporations, insurance companies, etc., we can bring in capital that can be put into the project instead of a mortgage. This means that we can keep the rent low, but it has to be targeted to 60% median income and below. In order to qualify, we have to pledge the project for 45 years – minimum of 30 years commitment to low income occupants, or 45 years for additional point scoring. At the end of 15 years, the occupants of the 10 townhome units have first right of refusal at a programmed price to purchase those units. The nonprofit has the first right of refusal on the 60-unit apartment project at a programmed price to keep it in affordable housing. We cannot have full-time students in the low income project. The program recognizes that students don't have income, but this housing is not for students while in school. However, there are some exceptions to allow full-time students in the housing but they must be students getting government assistance, students in training programs, etc.

Hoppe indicated that he does not foresee any construction starting until the spring of 2009, so there is plenty of time to get organized for the shooting range.

COMPREHENSIVE PLAN CONFORMANCE NO. 06001
ACTION BY PLANNING COMMISSION: October 24, 2007

Larson moved a finding of conformance, seconded by Esseks.

Cornelius would like to see the Commission direct Urban Development to include residents from the area in any negotiations in terms of the redevelopment agreement.

Motion for a finding of conformance carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 07022
ACTION BY PLANNING COMMISSION: October 24, 2007

Larson moved a finding of conformance, seconded by Francis and carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 07055
ACTION BY PLANNING COMMISSION: October 24, 2007

Larson moved approval, seconded by Francis and carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 07047
ACTION BY PLANNING COMMISSION: October 24, 2007

Esseks made a motion to approve the staff recommendation of conditional approval, with amendments as follows:

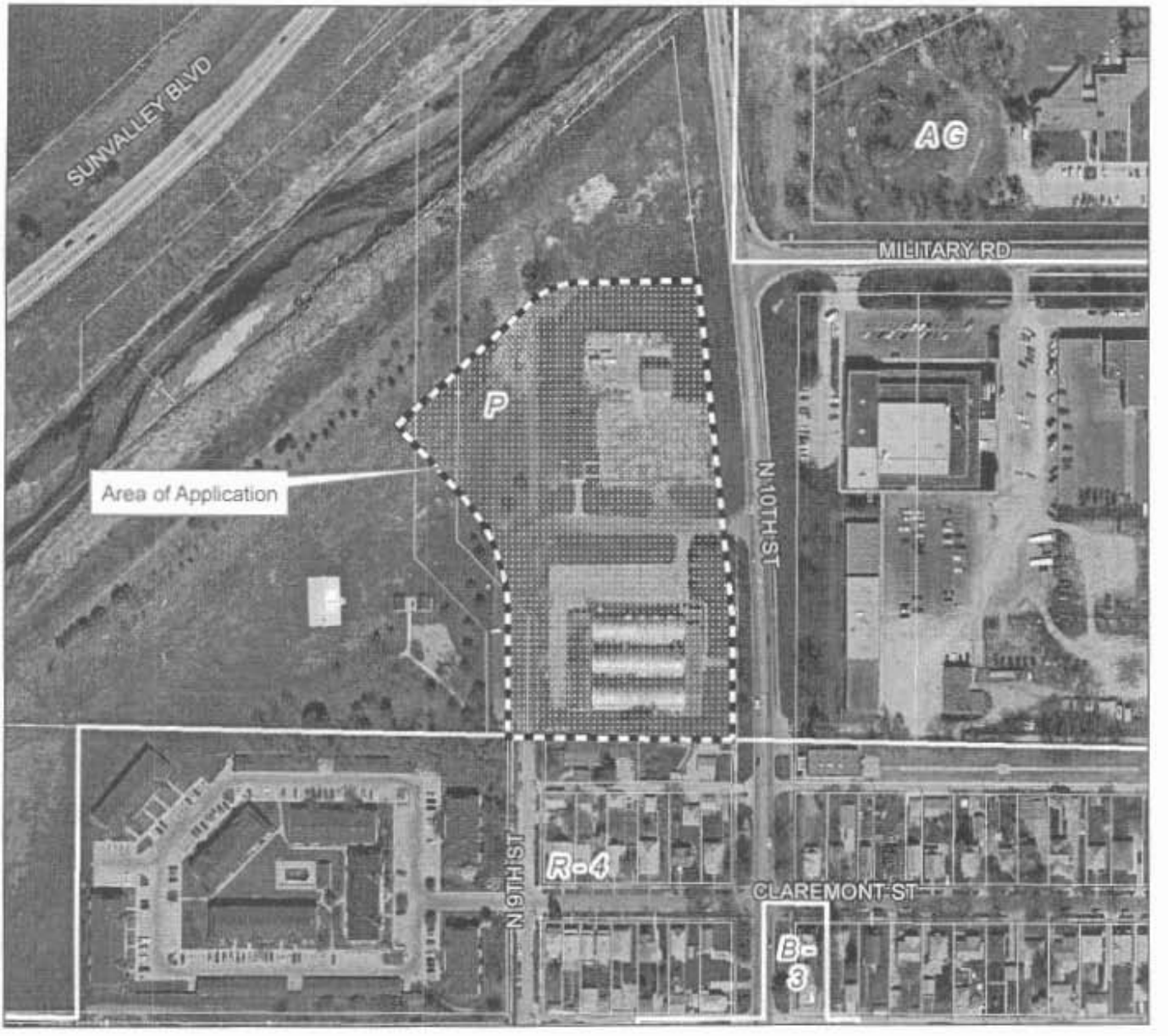
--that there be no net loss of flood storage as a result of this development; and

--that the Urban Development Department involve the neighborhood in negotiations on the redevelopment agreement, and that the Urban Development Department convene a meeting between the developers and the North Bottoms Neighborhood Association to discuss the project in time so that the Association can provide input to the City Council before it considers these four recommendations.

The motion was seconded by Larson.

Carroll commented that there are a lot of variables that are unknown and the Commission has faith in our Planning and Urban Development staff to negotiate a good redevelopment agreement to protect the citizens of Lincoln. If we move this forward, that is what is going to happen. We want the neighborhood to be involved as it comes forward. This development is needed in the neighborhood and in the city of Lincoln.

Motion for conditional approval, with amendments, carried 7-0: Taylor, Esseks, Larson, Gaylor-Baird, Cornelius, Francis and Carroll voting 'yes'; Moline and Sunderman absent. This is a recommendation to the City Council.



Comp Plan Conformance #06001
N 10th St & Military Dr

2005 aerial

Zoning:

One Square Mile
Sec. 14 T10N R06E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

m:\planarnview\07_cncz07055

CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG

lincoln.ne.gov

Urban Development Department
Marc Wullschleger, Director
Haymarket Square
808 "P" Street
Suite 400
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

FEB 1 - 2006

February 1, 2006

Marvin Krout, Planning Director
Lincoln Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Marvin:

Enclosed please find an amendment to the *Antelope Valley Redevelopment Plan.* The amendment adds new housing for severely mentally ill (SMI) and new single family homes for low and moderate income people. The location is at 10th and Military, the site where the functionally obsolete old naval reserve building is now located.

The potential developers have met with the North Bottoms Neighborhood Association who had no objections to the project. This location was selected due to its proximity to downtown and the services available there, its location on the bus line, and its location within an existing neighborhood, yet not adjacent to existing residential areas.

At this time, I am including just five copies for review by planning staff. If staff recommend any changes or corrections, those changes/corrections will be made and then copies delivered for the Planning Commission.

Please schedule the amendment for consideration by the Planning Commission at their earliest convenience. If you have questions or need additional information, please contact Wynn Hjermstad at 441-7606 or whjermstad@ci.lincoln.ne.us.

Thank you.

Sincerely,

Marc Wullschleger, Director
Urban Development Department

cc: Wynn Hjermstad, Urban Development
enc.

LINCOLN
The Community of Opportunity

CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER
lincoln.ne.gov

Urban Development Department
David Landis, Director
Haymarket Square
808 "P" Street
Suite 400
Lincoln, Nebraska 68508
402-441-7606
fax: 402-441-8711

September 25, 2007

Marvin Krout, Planning Director
Lincoln Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear Marvin:

Enclosed please find an amendment to the *Antelope Valley Redevelopment Plan*. The amendment adds new housing for severely mentally ill (SMI) and new single family townhomes for low and moderate income people. The location is at 10th and Military, the site where the functionally obsolete old naval reserve building is now located.

At this time, I am including just five copies for review by planning staff. If staff recommend any changes or corrections, those changes/corrections will be made and then copies delivered for the Planning Commission.

Please forward the amendment to the Planning Commission for their consideration of its consistency with the Comprehensive Plan. My understanding is that the amendment will be on the October 24th Planning Commission agenda. Thank you.

Sincerely,

David Landis
Director

enc.

LINCOLN
The Community of Opportunity

Antelope Valley Redevelopment Plan Amendment 2

Revised 10/03/07

following page 74

G. Housing Project for Low Income Seriously Mentally Ill

1. Site Description:

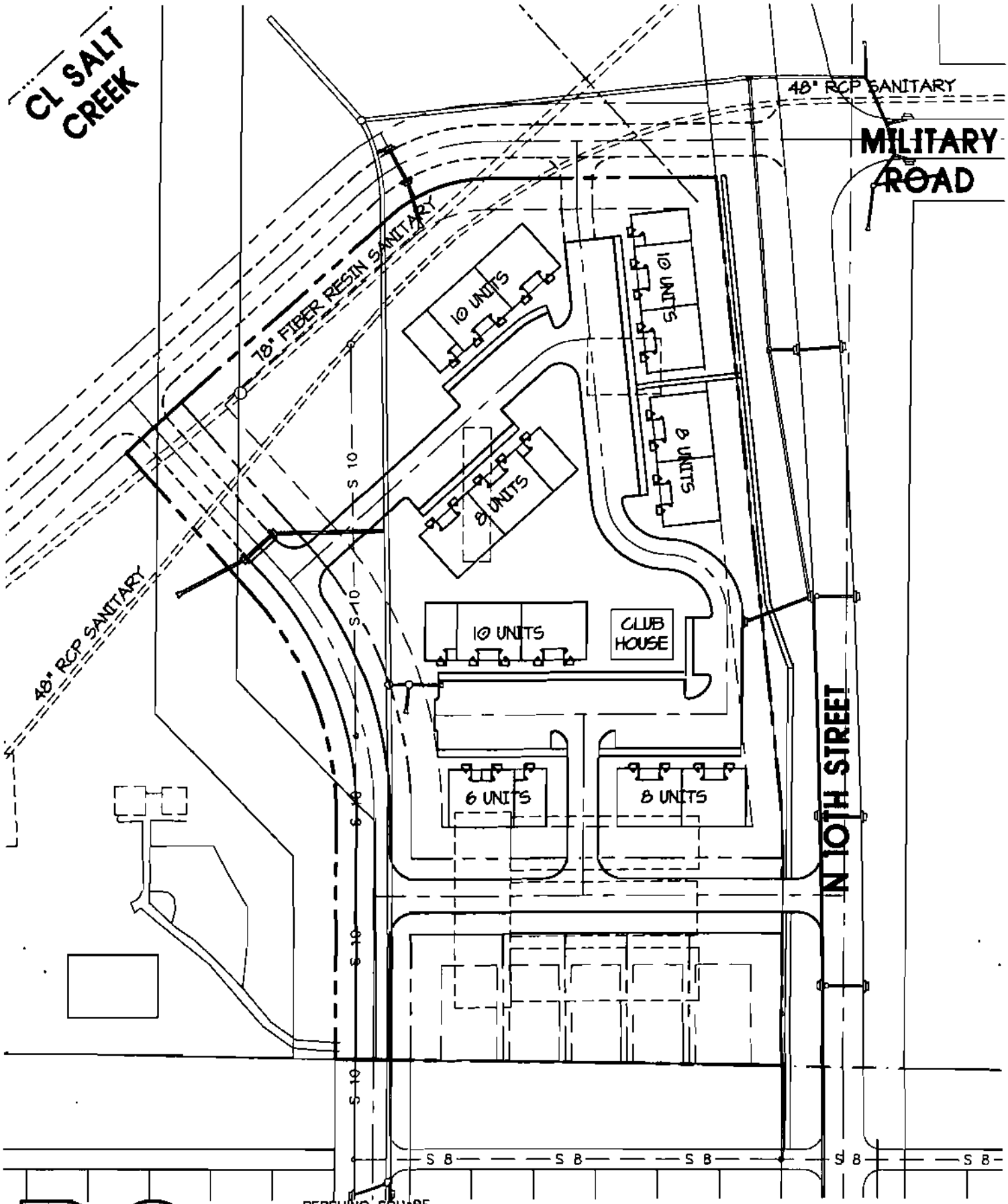
This project is located at 10th and Military, on the west side of 10th Street. The site is comprised of the old Naval Reserve Building and Parks and Recreation Facilities. It is currently zoned "P." The Future Land Use Map, Figure 18, page 54, identifies the site as Mixed-Use Retail. While an allowable use is retail, there could be other uses such as residential/office/services or mixed-use buildings with retail on the first floor and office or residential on the upper floors.

2. Project Elements:

This is housing for low income and low income seriously mentally ill (SMI). The project should include the construction of up to 60 units of housing and include a club house/services building that will include meeting and community space, and offices for case management and other services for the SMI tenants. A residential manager apartment should also be located there. Ten (10) affordable single family townhouses will also be part of the project, built as a buffer to the neighborhood and targeting homebuyers at 60 to 80% of median income. A new road off of 10th Street will provide access to the project site and also serve as a buffer between the new single family residential construction and the higher density housing project. The project's public activities may include:

- demolition of existing buildings
- relocation of Parks and Recreation facilities
- relocation/construction of utilities
- construction of a new street off of 10th Street
- construction of sidewalks
- replat and rezoning, as needed
- street trees
- pave and landscape outside of property line

A potential site plan can be seen on the following page.



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fax: 402/474-4045
desassoc@inebraska.com
DESIGN ASSOCIATES OF LINCOLN, INC

Potential Site Plan

10TH & MILITARY

026

SCALE: 1" = 100'

19 JUN 2007

PUBLIC BUILDING COMMISSION
COUNTY-CITY PROPERTY MANAGEMENT

Don Killeen, Building Commission Administrator
920 "O" Street, Suite 203, Lincoln, NE 68508

402-441-7355
402-441-7386
FAX: 402-441-8101

MEMORANDUM

TO: **Sara Hartzell**
Planning Department

FROM: **Don Killeen, Building Administrator**
Public Building Commission

DATE: **October 12, 2007**

RE: **Old Naval Reserve Property**

The Public Building Commission, at it's October 9, 2007 meeting, requested that I respond to the Planning Department's request for information related to a declaration of surplus property at 10th and Military. The Public Building Commission currently uses two areas of this property. A portion of the old Reserve Center itself has been used to collect, store, and ultimately ship fluorescent (mercury containing) light bulbs for recycling. The second area is the old block building to the north which is used as The Public Building Commission's shop and vehicle storage area. This building along with the surrounding fenced in area is used to house The Commission's vehicles, heavy equipment, grounds, and snow removal equipment. It is also used as a shop area for a large portion of the Department's maintenance equipment. The sale of this property would require The Commission to rent, buy, or build alternate space for these uses. This in turn would require the costs charged to City and County Departments for services to increase.

If you should need any additional information, please contact me.

027

Commission Members
Larry Hudkins Jonathan Cook Bob Workman Jon Camp Linda Wilson

Marvin S Krout /Notes
10/15/2007 04:09 PM

To Sara S Hartzell/Notes@Notes
cc Thomas J Cajka/Notes@Notes, David M Landis/Notes@Notes
bcc
Subject Fw: Comments from Parks on 10th & Military

fyi/attach to staff report on surplusing

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

—— Forwarded by Marvin S Krout/Notes on 10/15/2007 04:07 PM ——

Lynn Johnson /Notes
10/15/2007 04:02 PM

To Marvin S Krout/Notes@Notes
cc jyost@ci.lincoln.ne.us
Subject Re: Comments from Parks on 10th & Military

Marvin: The Parks and Recreation Advisory Board conducted a special meeting on Thursday, October 11 to discuss the proposal for a housing development in the vicinity of No. 10th Street and Military Road. Specifically we discussed the possible changes within Hayward Park to provide offsetting floodwater storage, and the proposed demolition of the indoor shooting range. The Board was supportive of creation of the proposed floodwater storage areas within Hayward Park, provided that the function and aesthetics of the park be at least as good as the pre-development condition of the park, and prefeably better. This would include replacement of the playground, park shelter, and basketball court. The detention area(s) should be sized to serve as playfields, have positive drainage, and have shallow side slopes for ease of accessibility. Suggestions for enhancements to the park include a walking path loop and security lighting around the relocated playground and park shelter. The Board accepted demolition of the existing shooting range facility, under the condition that the facility be replaced to preserve existing programs and activities, particularly youth programs and activities. We have initiated conversations with representatives of Nebraska Game and Parks regarding partnering to develop a new facility. Game and Parks has access to state and federal funding that could be used to develop such a facility. We are discussing Boosalis Park at N. 44th and Superior Streets as a possible location. Please let me know if you have questions, or would like additonal information.

Lynn Johnson, Director
Parks and Recreation Department
2740 'A' Street
Lincoln, NE 68502
402/441-8265

Marvin S Krout/Notes

Marvin S Krout /Notes
10/10/2007 04:33 PM

To Lynn Johnson/Notes@Notes
cc
Subject Comments from Parks on 10th & Military

M e m o r a n d u m

To: Sara Hartzell, Tom Cajka - Planning Dept.

From: Dennis Bartels - Engineering Services DB.
Ben Higgins - Watershed Management BH

Subject: Comp Plan Conformance 07022, Special Permit 07047, Change of Zone 07055

Date: October 4, 2007

cc: K. Fredrickson, R. Figard, R. Hoskins, N. Fleck-Tooze, S. Masters

Engineering Services in association with Watershed Management has reviewed the subject application for residential development at 10th and Military and has the following comments:

Floodplain and Stormwater

1. **Flood Storage Volume.** This area is in the 100-year floodplain of Salt Creek. The Comprehensive Plan includes the following strategy regarding surplus property in the floodplain:

   "Retain City or County property in the floodplain in public ownership, and consider the purchase of easements of land when other publicly-owned property in the floodplain is proposed for surplus. Retain conservation easements to protect floodplain functions where unusual circumstances merit the consideration of surplus floodplain property." (P. 80)

   Due to the public involvement in this site through the surplus property declaration, and as noted in a memo to Urban Development dated August 8, 2006 and stated earlier to the applicant, we continue to recommend that the development strive to meet a "no loss of flood storage" standard so as to have no adverse impact on flood heights or flood storage. However, at a minimum, the development is required to meet a "40% allowable fill" standard where no greater than 40% of the flood storage volume is lost to fill or structures. Specific information regarding the flood storage volume has not been provided in the submittal.

2. **Compensatory Flood Storage Areas.** The plan as submitted does appear to show compensatory flood storage in Hayward Park west of the development. However, information documenting this (e.g. cut and fill calculations) has not been submitted. This grading and excavation creates stormwater ponding areas that overtop the city's 78" and 48" sanitary trunk sewers. Wastewater strongly recommends against storm water cells being built in the area of these trunk sewers and their easements. Options to consider for alternate flood storage locations include reducing the number of units, relocating the picnic shelter in Hayward Park to shift flood storage south (while addressing the associated cost), and/or consideration of flood storage areas (outside the sewer easement) in the southwestern- most

portion of Hayward Park near I-180 at approximately Claremont Street. As noted in the August 2006 communication, excavation in Hayward park should be done only to the extent that it results in no adverse impacts to the park.

3. **Land Use.** As noted in August 2006 (and as recently noted in a letter from the Department of Natural Resources to Nebraska Housing Resources) we continue to have concerns about the appropriateness of this location for housing for the severely mentally ill. The 100-year flood elevation is 1150.3' in this area, which means flood depths of 1 to 5 feet for areas that are not elevated.

4. **Building and Street Elevations.** The application is showing creation of lots and therefore should meet submittal requirements per Chapter 26.24.020 of the subdivision ordinance. No reference is made to the subdivision ordinance requirements. The townhouse lots are shown to be graded below the floodplain. The ordinance requires all areas subject to flooding after grading to be limited to open space, streets and parking. Adverse impacts are required to be considered and mitigated. All the existing and proposed streets in the vicinity of the subdivision appear to be well below the 100 year flood surface and access will be limited to this plat even if residential structures are raised above the flood plain. Streets are required to be no lower than 1-foot below the 50-year flood elevation (1148.9').

5. **Drainage Study and Calculations.** No drainage study or calculations have been submitted for this application so the drainage plan cannot be reviewed. Elevating the townhomes to meet subdivision ordinance requirements will change the grading plan and the plan must show that the grading will not adversely affect adjoining property. In addition, zoning design standards require the parking lots be designed to drain to a parking lot storm sewer system. The required drainage system and grading needs to be shown with a revised drainage study and calculations, including the stormwater elevations in the flood storage areas.

6. **Missing Information.** Missing information that must be shown includes the following:
   - 100-year flood elevations
   - Floodplain cross-sections
   - Percentage by volume of fill and compensatory storage (cut and fill calculations)
   - Elevation of streets relative to 50-year flood elevations per subdivision requirements and waiver request and justification if not meeting requirements
   - Lowest finished floor elevations for buildings
   - Drainage study and calculations
   - Drainage system and grading to meet design standards

7. **Salt Creek Levee Requirements.** The grading of the compensatory flood storage and other portions of the development are within 500 feet of the centerline of the Salt Creek dikes. Any grading in the vicinity of the dikes will require approval of the Army Corps of Engineers (review generally takes four to eight weeks). Their approval may not be given, even if the City Council approves this plan.

8. **Park Drainage.** Based on existing contours on the plan, the park property does not have adequate surface drainage. The proposed grading does not improve it and potentially makes the park drainage worse. Revisions should be made to the plan to ensure that the park property is not adversely impacted.

9. **Stormwater Detention.** A waiver to the stormwater detention requirements is acceptable given the proximity to Salt Creek.

Streets and Sidewalks

1. **Access and Intersections.** Tenth Street in this vicinity is an arterial street. By design standards access to arterial streets should be at approximately one quarter mile spacing. The plat as submitted shows platting Court Street intersecting 10th Street 600' from the existing 10th and Military Road intersection. Tenth and Military is a potential signalized interseetion identified in the Antelope Valley project. The plan also shows a private alley interseeting 10th Street. Public Works recommends that the plan be revised to eliminate both accesses to 10th Street and meet City design standards by extending Military Avenue to 9th Street. This concern was raised in Public Works report on February 8, 2006 concerning the Comprehensive Plan conformity of the amendment to the Antelope Valley Redevelopment Plan for this same project.

2. **Street Paving and ROW.** The subdivision ordinance requirement is that all streets adjacent to a plat be installed. The plan submitted shows paving only a portion of 9th Street and none of Military Road. If Military Road is built it will likely be required to be a minimum of 3 lanes wide at its interseetion with 10th Street. The plan shows a 60' right-of-way for the entire frontage which does not meet subdivision ordinance requirements for right-of-way for the 3 lane portion of Military.

3. **Sidewalks**. Sidewalks are not shown or acknowledged in the notes for the ordinance required sidewalks for this plat.

Utilities

1. **Wastewater trunk sewers.** No dimensions are shown on the easements for the 78" and 48" sanitary trunk sewers. Building envelopes are shown adjacent to these easements. These sewers need to be accurately located and dimensioned and all building envelopes including overhangs outside this easement. Note 6 must be revised to exclude overhangs or other building appurtenances from the sewer easement.

DB:gg

STATE OF NEBRASKA

Dave Heineman
Governor

DEPARTMENT OF NATURAL RESOURCES
Ann Bleed
Director

September 20, 2007

IN REPLY TO:

RECEIVED
SEP 21 2007
CITY BUILDING & SAFETY

Roger Massey
Nebraska Housing Resource
Suite 240 Commerce Court
1230 O Street
Lincoln, NE 68508-1402

RE: 60-Unit Housing Proposal for 1635 N 10th Street – Lincoln

Dear Mr. Massey:

The Nebraska Department of Natural Resources has reviewed this proposed project and has the following comments:

Surface Water/Ground Water

No comments.

Floodplain Management

Please consult the enclosed floodplain map and aerial photograph with floodplain coverage overlay. Although there is a sliver of non-regulated floodplain (500-year floodplain) in the project area, the bulk of this project will take place in the regulated floodplain (100-year or 1% annual chance floodplain).

Being that this is a housing project which involves low-income, severely mentally ill, and physically handicapped persons, this presents several challenges for a review. Although floodplain development is not prohibited in situations such as these, it is NDNR's general policy to discourage floodplain development whenever possible. Bear in mind that government-financed housing which is damaged by a flood will not look good for all parties involved.

How will these buildings be constructed in compliance with the City's floodplain management ordinance? If fill will be brought in, the City of Lincoln has adopted a percentage fill calculation methodology for different storage areas identified for the Salt Creek floodplain. According to the City's Planning Department website, this project is located in Storage Area #14. If fill will not be used, then the other most likely construction techniques would be either elevation or

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construction on a crawl space. Since there are several questions related to the City's floodplain management ordinance, you are encouraged to include the City's floodplain administrator from the beginning of your development plans. No matter what, floodplain development permits will be required. According to our records, the City's floodplain administrator is:

Lana Tolbert
Plans Examiner Assistant
555 South 10th Street
Lincoln, NE 68508
Telephone: (402) 441-6885

There are other questions which should be asked for a project like this:

- If the properties are shown in the floodplain, who will be purchasing the flood insurance?
- Will the renters be told that they are at a flood risk and be informed that they have the option to purchase a flood insurance policy for their contents?
- Will any plan be made for evacuation of the renters with limited mobility?
- Have alternate locations been ruled out so that this site in a floodplain is the only viable one?

Lastly, if federal funds involved in this project, you are required to perform an additional review pursuant to Executive Order 11988.

If you have any questions about this letter, please call me at (402) 471-3957.

Sincerely,

Steve McMaster
Natural Resources Planner Coordinator

Enc.
cc: Lana Tolbert, Lincoln

Status of Review: Complete

Reviewed By 911 NCSSXH

Comments:

Status of Review: Complete

Reviewed By Building & Safety NCSSXH

Comments:

Status of Review: Complete 02/23/2006 11:36:03 AM

Reviewed By Health Department NCSSXH

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

, , TO:, Sara Hartzell, , , DATE:, , February 23, 2006

DEPARTMENT:, Planning, , , FROM:, , Chris Schroeder

, , , ,

Status of Review: Complete 02/17/2006 1:18:17 PM

Reviewed By Parks & Recreation NCSSXH

Comments: Memo, , , , , ,
To:, Sara Hartzell, Planning Department
From:, Mark Canney, Parks & Recreation
Date:, February 16, 2006
Re:, CPC06001
Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and no comments.
If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

Status of Review: Routed

Reviewed By Planning Department COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department RAY HILL

Comments:

Status of Review: Complete

Reviewed By Planning Department SARA HARTZELL

Comments:

035

Status of Review: Complete 02/09/2006 8:27:21 AM

Reviewed By Public Works - Development Services SIETDQ

Comments: Memorandum, ,

To:, Sara Hartzell, Planning Department
From:, Dennis Bartels, Engineering Services
Subject:, February 8, 2006
Date:, CPC #06001, 10th and Military
cc:, Randy Hoskins
Roger Figard
Wayne Teten

,
Engineering Services has reviewed the proposed residential project amendment to the Antelope Valley Redevelopment Plan at 10th and Military and has the following comments:

1., Nowhere in the application is shown a legal description or a dimensioned site plan with street names. I think I am reviewing the appropriate site but am not sure. Information specifically designating the site should be required.

2., This area appears to be in the 100 year floodplain of Salt Creek where allowable fill may be limited. The site sketch does not show utilities but it appears the site is crossed by existing utilities. The utilities include large storm and sanitary sewers that may not be feasible to relocate.

3., The site plan and text references a new intersection from 10th Street providing access. Engineering Services recommends that access be provided from an extension of what appears to be Military Road rather than a new intersection to the south. 10th Street is designated as an arterial and the number of intersections should be minimized.

4., The shape of the parcel appears to be defined by an extension of Military. Until a purpose or use for Military Road to the west and south is known or defined, it is difficult to make meaningful comments.

Status of Review: Complete

Reviewed By Public Works - Watershed Management NCSSXH

Comments:

036

"Ed Caudill"
<edcaudill@juno.com>
10/19/2007 01:36 PM

To fred@hoppeharner.com
cc dlandis@lincoln.ne.gov, jspatz@nasbonline.org, mayor@lincoln.ne.gov, plan@lincoln.ne.gov
bcc
Subject Navel Reserve Proposal - Neighborhood Questions

To: Fred and John Hoppe

cc: Mayor Chris Beutler, Dave Landis, John Spatz, Planning Commission

Fred -

Below is a list of questions for you and John H complied by member of the neighborhood association. Sorry it took so long but as a rag tag neighborhood association we don't have the resources to quickly produce something like this on such a short notice.

We would appreciate it very much if you would ask for 2 week delay in your application hearing before the planning commission. That would allow us time to work together to answer the many questions and concerns surrounding your proposal.

We hope we get a change to work with you both on your proposal. We want to insure the right thing is done with these public properties located in our neighborhood.

We will be submitting some other questions to city officials and we'll be sure you are copied in on what we ask.

Thanks!

Ed

Ed Caudill - President/North Bottoms Neighborhood Association/402-770-4948

DEVELOPER:

During the first presentation to the neighborhood in 2005 we were given the impression the developer for this project was Topher Hansen and CenterPointe. We were told the intended target residents would be 100% CenterPointe clients who were individuals being treated or recovering from mental conditions, drug and/or alcohol addictions.

Who is the developer of this project?

What is Centerpointe's involvement?

Why was Centerpointe not represented at the Oet 2nd neighborhood meeting?

Why did the proposed population change from the 2005 meeting from 100% to now 33% CenterPointe clients?

What projects has the developer previously done in the city?

Are any of the projects similar to this project in design and target populations?

Of the projects the developer has built which are still managed by the developer?

How has the developer worked with other neighborhoods in the past?

Why did the developer wait 2 years from the initial meeting to make any eontact with the North Bottoms neighborhood?

Why did the developer not bring any handouts or a copies of their plans or their September 26th application to the planning commission to the neighborhood meeting?

Why was the neighborhood only informed your application was already flied at the end of the October 2nd meeting and by members of the city planning department?

TIME LINE:

When is the proposed development scheduled to be constructed and completed?

When is work on Hayward Park scheduled to begin and end?

When is demolishing work scheduled to begin and end for:

- the shooting range?
- the old Naval Reserve building?
- the County garage?

FUNDING:

At the Oct 2nd meeting the neighborhood was told the projeet is projected to cost between $8.5 to $9 million and would be paid for with $7.5 million in "tax eredits" and between $650,000 to $1 million in city provided TIFF money.

Since a significant amount of funding (maybe all?) is coming from public sources sucb as the Nebraska Investment Financc Authority, federal brownficld incentives, Federal tax incentives and city TIFF funds, can you detail the public funding involved in this project?

What if any money is coming from the developers?

Who will own the projeet when it's finished?

Can the developer sell the completed project to whomever they so chose?

To whom do the proceeds of any sale go?

PROJECT DESIGN:

We had to personally go to the County City Building to get a copy of the planning application listing the four waiver requests made by the developer.

Can the developers explain the rationale for the 4 waivers:

- screening waiver?
- parking requirements from 2.0 to 1.5 per dwelling?
- reduction of front yard setback along court street to 10'
- storm water detention waiver?

When will the neighborhood see any 3-D elevation drawings of the building designs and site plans?

Will the neighborhood be allowed any input on the designs?

What if any coordination has been done concerning making the developments 10th street streetscape match the one proposed by the neighborhood and amended into the Antelope Valley plan?

HAYWARD PARK:

At the October 2nd meeting the neighborhood got to listen to a lecture on how our current park is under utilized. We're sure most Lincolnites are unaware of the history of Hayward Park and how the park came to be located where it is now at the end of a dirt road behind an abandoned building.

Back in the 70's a developer and the city came to the neighborhood with similar proposal as were discussing now. At that time Hayward Park was located where the current Claremont Park Apartments now sit. It extended up to the corner of 9th and New Hampshire streets adjacent to the Hayward School building.

It was hard for some of the older residents to listen to that lecture because before the park was moved it was nearer to the the middle of the neighborhood and was heavily used. It had no drainage problems as the current park and nobody was afraid to send their kids to the park because it was hidden behind old abandoned buildings.

Another thing most Lincolnites probably don't know is the neighborhood association members

built most of the improvements in the park, including the two shelters, the sidewalks and the water fountain. They planted over 300 trees in the 80's.

At the Oct 2nd meeting we were told we'd lose the baseball field, the newly constructed basketball eourt would be moved and the soccer field would be moved into a drainage area with 2% grade going toward the drains.

Also at the Oct 2nd meeting it was stated that the developer would be making $65,000 available for "improvements" to Hayward Park.

How is that money being spent?

Does that money include the work to get the needed fill for your project?

Does that money include the cost to move the basketball and baseball fields?

Does that money include the cost of needed area drainage?

What happens to the current parking lot for park visitors?

What parking specifically for Hayward Park visitors is included in your plans?

What facilities are being added to the park that currently don't exist?

What facilities are being taken away from the park that currently exist?

Will any trees be lost due to this project? If yes, how many?

Will landscape sized replacement trees be planted in a one to one ratio?

Are there any other soccer fields in Lincoln with a 2% gradc? If so, where?

Does thc proposed soccer field meet specifications for regulation play?

NAVAL RESERVE PROPERTY AND CURRENT FACILITIES:

Who currcntly owns all the property involved in the project?

What is the eurrent zoning and the proposed zoming of all the property?

How much is the developer paying and to whom for:

- the land?
- the Parks and Rec shooting range building?
- the County garage building?

There seems to be some variance in the amount of the cost of demolition and asbestos removal of the Naval Reserve Building. Is a more accurate estimate available?

Who determined there was asbestos in the building?

Where is the asbestos loeated?

STREETS AND PUBLIC RIGHT OF WAYS:

Will your projeet involve the extension, paving, curbs etc to extend 9th street up to the northern most end of your project?

Will your project involve the extension, paving, curbs ete to extend Military avenue across 10th street to mect up 9th street?

TARGET POPULATION AND MANAGEMENT:

At the Oct 2 meeting Fred Hoppe told the neighborhood 33% of the target population would consist of "severely mentally ill" individuals.

What is the clinical definition for that group?

Can you provide typical profilcs including but not limited to age, mental problems of 4 - 6 hypothetical individuals who might fit the above group?

What assurance can you provide that percentage proposed in the current proposal (33%) will not be increased?

What kind of ease management services are going to be available to that group?

What hours will these services be available to that group?

Who makes up the other 66% of the target population?

How will you keep this facility from becoming another student "Animal House" as the nearby Claremont Apartments?

Do you think it wise to mix young students who are known to drink and party at all hours with the "seriously mentally ill"?

Who's going to manage the complex on a day to day basis?

What criteria will be used to ensure the 10 proposed townhouses will be owner occupied?

If the original owners sell their townhouse, is there any restriction on future use, such as a rental ban?

Why are there only 10 owner occupied homes part of this project?

Can the number be increased?

If only 5 of the townhouses sell to owner occupants within a period of time, what will happen with the unsold houses?

FLOOD PLAIN ISSUES:

Why is the project being proposed in a flood plain?

Should the severely mentally ill be living in a flood plain right next to the three sources for any future floods, Salt Creek, Oak Creek and Antelope Valley Creek?

Are you meeting no net rise?

How are you meetmg no net rise?

How mueh fill dirt will be removed from Hayward Park?

Can you show us where the fill will be removed via a color aerial photo over the plans?

-END-

October 22, 2007

To the Board of the North Bottoms Neighborhood Association: A large number of these 64 questions were answered verbally at the Neighborhood meeting on October 2, 2007. We received your questions last Friday and hope you find this Monday evening response timely. For those who were not in attendance we are happy to put these answers in writing.

DEVELOPER:

During the first presentation to the neighborhood in 2005 we were given the impression the developer for this project was Topher Hansen and CenterPointe. We were told the intended target residents would be 100% CenterPointe clients who were individuals being treated or recovering from mental conditions, drug and/or alcohol addictions.

Who is the developer of this project?

Ward F. Hoppe and John Hoppe, Jr. who own and manage Hoppe, Inc.

What is Centerpointe's involvement?

Centerpointe has agreed to handle case management for the SMI tenants of the project.

Why was Centerpointe not represented at the Oct 2nd neighborhood meeting?

We didn't ask them to attend since we are the party with ultimate responsibility and we're confident in their abilities to handle case management services of such a nature. They currently manage a number of SMI tenants in the Indian Center complex and there have been no known incidents or neighborhood disruption.

Why did the proposed population change from the 2005 meeting from 100% to now 33% CenterPointe clients?

In 2005 the trend of treatment and case management was toward dedicated campus style treatment. Since that time the trend is to integrate the SMI population with others and not concentrate such a population.

What projects has the developer previously done in the city?

Many projects over the years including Haywood School which is located in your neighborhood. Cyrilla Crown, Ltd. and Old Mill Crown are two other projects. Waterpark (30th and A) was another project in which Ward F. Hoppe was one of the principal developers.

Are any of the projects similar to this project in design and target populations?

The SMI is a unique population. We know of no similar projects designed to meet a need the Nebraska Department of Health and Human Services identified as

upwards of 3600 units statewide.

Of the projeets the developer has built whieh are still managed by the developer?

The developers manage approximately 75 residential units at seattered sites across Lineoln. The developers also manage commercial property.

How has the developer worked with other neighborhoods in the past?

Fine.

Why did the developer wait 2 years from the initial meeting to make any contact with the North Bottoms neighborhood?

The administration changed at City Hall. Previously we had little assistance in solving design questions. We also felt the need persisted to assist this special needs population while eliminating an blighted condition.

Why did the developer not bring any handouts or copies of their plans or their September 26th applieation to the planning commission to the neighborhood meeting?

We brought a map of the proposal. On reflection perhaps handouts would have been helpful.

Why was the neighborhood only informed your application was already flied at the end of the October 2nd meeting and by members of the city planning department?

The application was primarily to determine surplus property. We understood the neighborhoods interests to be our intentions and design concepts. We focused on that agenda.

TIME LINE:

When is the proposed development scheduled to be constructed and completed?

The devclopment should be completed in 2010. It will be constructed between now and then.

When is work on Hayward Park scheduled to begin and end?

Same schedule. Both demolition and park are primarily site improvements or site work. The construction project starts with the site work. The site work at the park will be done early while other improvements may be later in the construction schedule.

When is demolishing work scheduled to begin and end for?

- the shooting range?

- the old Naval Reserve building?
- the County garage?

During 2009 all three of these elements should be completed.

FUNDING:

At the Oct 2nd meeting the neighborhood was told the project is projected to cost between $8.5 to $9 million and would be paid for with $7.5 million in "tax eredits" and between $650,000 to $1 million in city provided TIFF money.

Since a significant amount of funding (maybe all?) is coming from public sources such as the Nebraska Investment Finance Authority, federal brownfield incentives, Federal tax incentives and eity TIFF funds, can you detail the public funding involved in this project?

The project will be under section 42 of the Internal Revenue Code using low income housing tax credits allocated by application through the Nebraska Investment Finance Authority. HOME funds or Nebraska Affordable Housing Trust Funds have been requested. Tax Increment Financing has been requested.

What if any money is coming from the developers?

All the development and construction capital that is needed to get the projeet to completion will be the responsibility of the developers.

Who will own the project when it's finished?

The project will be owned by a limited partnership with Hoppe, Inc. or one of its entities as the general partner.

Can the developer sell the completed project to whomever they so chose?

No. The low income housing tax credit rules under section 42 of the Internal Revenue Code limit the transferability of the project for a fifteen year low income occupancy compliance period. At the end of that period, the town homes will be offered to the then occupying tenants who will have a first right of refusal on the sale of the units. Nebraska Housing Resource a not for profit 501 (c) (3) will be given a first right of refusal subject to the tenant's first right to purchase the town homes or the apartment portion of the project at the end of the initial compliance period.

To whom do the proceeds of any sale go?

Under the above first rights there is a formula price which goes to the limited partnership that owns the project.

PROJECT DESIGN:

We had to personally go to the County City Building to get a copy of the planning application listing the four waiver requests made by the developer.

Can the developers explain the rationale for the 4 waivers:

- screening waiver?
- parking requirements from 2.0 to 1.5 per dwelling?
- reduction of front yard setback along court street to 10'
- storm water detention waiver?

A planned unit development usually waives some design limits and in return secure tighter concentrations which allow more common green space. This makes the whole project greener and more efficient. There are many planned units developments Lincoln with approved waivers. Specifically to your question: Screening: The screening requirement is normally to insulate the CUP from the neighborhood. Here we have put single family homes neighborhood style as a buffer to the south. The north side is a levy. On the East side are Military buildings. The West is a park. There is no purpose for such screening. Our project is intended to be a pleasant entrance down 10th street so no screening is deemed appropriate on that side. Parking: The SMI population, generally, are not drivers or auto owners. Twenty of the units are intended for this population. Thirty of the units are one bedroom. The project is designed to be low intensity automobile. One of the advantages of the site is proximity to the mass transit. Reduction in front yard set back: This was done to make the units fit the neighborhood. Storm water detention: The proximity of the site to the creek suggests that the water should run off expeditiously. This requirement is normally waived when there is a close and adequate drainage route.

When will the neighborhood see any 3-D elevation drawings of the building designs and site plans?

We will have elevations as the plans progress. We are in concept until the City Council has approved the initial concepts. We have directed our architect to work with the City historic architect in the design of the project.

Will the neighborhood be allowed any input on the designs?

We would be happy to listen to any constructive input from the neighborhood. We have already offered four design alterations to the neighborhood.

What if any coordination has been done concerning making the developments 10th street streetscape match the one proposed by the neighborhood and amended into the Antelope Valley plan?

Our architect has been instructed to use the 10th streetscape plan as a minimum for

the design.

HAYWARD PARK:

At the October 2nd meeting the neighborhood got to listen to a lecture on how our current park is under utilized. We're sure most Lincolnites are unaware of the history of Hayward Park and how the park came to be located where it is now at the end of a dirt road behind an abandoned building.

Back in the 70's a developer and the eity came to the neighborhood with similar proposal as were discussing now. At that time Hayward Park was located where the current Claremont Park Apartments now sit. It extended up to the corner of 9th and New Hampshire streets adjacent to the Hayward School building.

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Another thing most Lincolnites probably don't know is the neighborhood association members built most of the improvements in the park, including the two shelters, the sidewalks and the water fountain. They planted over 300 trees in the 80's.

At the Oct 2nd meeting we were told we'd lose the baseball field, the newly constructed basketball court would be moved and the soccer field would be moved into a drainage area with 2% grade going toward the drains.

Also at the Oct 2nd meeting it was stated that the developer would be making $65,000 available for "improvements" to Hayward Park.

How is that money being spent?

The City Park and Recreation will handle this. We welcome neighborhood input.

Does that money include the work to get the needed fill for your project?

No.

Does that money include the cost to move the basketball and baseball fields?

Yes.

Does that money include the cost of needed area drainage?

The needed drainage is already in the park. The land just needs to be graded appropriately.

What happens to the current parking lot for park visitors?

We are not asking for changes in current parking.

What parking specifically for Hayward Park visitors is included in your plans?

Parking will be part of the part renovation. Neighborhood interest in closing 9th Street was expressed at the neighborhood meeting. We are uncertain how to handle parking when the views on how to handle 9th Street are unclear.

What facilities are being added to the park that currently doesn't exist?

The City Park and Recreation Department will have a considerable amount of money to answer this question.

What facilities are being taken away from the park that currently exists?

We know of none. None are proposed.

Will any trees be lost due to this project? If yes, how many?

No. If construction requires tree removal, we intend to relocate those trees or replant on site.

Will landscape sized replacement trees be planted in a one to one ratio?

The intent is to replant in a one to one ratio. We are unfamiliar with "landscape sized replacement trees."

Are there any other soccer fields in Lincoln with a 2% grade? If so, where?

Don't know.

Does the proposed soccer field meet specifications for regulation play?

The neighbor made elear that rain eurrently renders the park muddy and unusable. A two pereent grade should increase the use-ability of the park which is our intent. We don't know whether the current field or a slightly sloped and graded field is "regulation".

NAVAL RESERVE PROPERTY AND CURRENT FACILITIES:

Who currently owns all the property involved in the projeet?

The City.

What is the current zoning and the proposed zoning of all the property?

Current zoning is P. The proposed zoning is H-4 with a CUP.

How much is the developer paying and to whom for:

- the land?

- the Parks and Rec shooting range building?
- the County garage building?

Once it becomes surplus property, the property will be subjeet to negotiation and purchase.

There seems to be some variance in the amount of the cost of demolition and asbestos removal of the Naval Reserve Building. Is a more accurate estimate available?

We shared our estimates at the neighborhood meeting. I am not aware of variance. The site work and demolition is $266,372 although it may adjust if the none site fill material would come from a close location. The asbestos work is right at $125,000. The city had a higher number for asbestos removal but that was dated information.

Who determined there was asbestos in the building?

The developers hired Pat O'Neill from Grand Island to test for asbestos.

Where is the asbestos located?

Mostly in the Armory.

STREETS AND PUBLIC RIGHT OF WAYS:

Will your project involve the extension, paving, curbs etc to extend 9th street up to the northern most end of your project?

9th will extend North, the end point is not yet determined.

Will your project involve the extension, paving, curbs etc to extend Military avenue across 10th street to meet up 9th street?

Military Avenue is not part of the project.

TARGET POPULATION AND MANAGEMENT:

At the Oct 2 meeting Fred Hoppe told the neighborhood 33% of the target population would consist of "severely mentally ill" individuals.

What is the clinieal definition for that group?

We're not qualified to give a clinical definition but it is generally mental illness that has significant and prolong effects on a person life.

Can you provide typical profiles including but not limited to age, mental problems of 4 - 6 hypothetical individuals who might fit the above group?

It's difficult to profile the group of individuals with SMI who need elean, safe, permanent and affordable housing. The Nebraska Department of Health and

Human Serviees may an appropriate resource for your question.

What assurance can you provide that percentage proposed in the eurrent proposal?

(33%) will not be inereased?

Twenty is the number of certificates from the Lincoln Housing Authority targeted to this special needs housing. Twenty is the number for which we are contracting supportive services.

What kind of case management services are going to be available to that group?

The developers will provide an office in the elub house for a case management worker which will work there and in the client's homes.

What hours will these services be available to that group?

Business hours except as needed. We are contracting with what we believe are quality supportive services providers. We think it is reasonable to assume that will provide those services in a profession and competent manner to service their clients.

Who makes up the other 66% of the target population?

Low income households earning 60% median income and below.

How will you keep this facility from becoming another student "Animal House" as the nearby Claremont Apartments?

The rules set out by section 42 of the Internal Revenue Code prohibit leasing to what we would eharacterize as the "student 'Animal House'" constituency. The rules prohibit lease to full time students. The execption to the prohibition are: i) a student receiving assistance under title IV of the Social Security Act or enrolled in a job training program reeeiving assistance under the Job Training Partnership Act or similar program; or ii) occupied entirely by full time students if such students are single parents and their children and sueh parents and children are not dependants of another individual or married and filing a joint return.

Do you think it wise to mix young students who are known to drink and party at all hours with the "seriously mentally ill"?

They will not be mixed within this project.

Who's going to manage the complex on a day to day basis?

We will have a trained apartment manager.

What criteria will be used to ensure the 10 proposed townhouses will be owner occupied?

They will be rent to own to qualified families. We screen the applicants for those

who desire this option.

If the original owners sell their townhouse, is there any restrietion on future use, such as a rental ban?

There are no sales during the 15 year low income housing tax credit compliance period. Once the units are purchased by the tenants through their option to purchase the unit, there will be no more restrictions on sale than any other house in the neighborhood. The option to purchase is offered only to the occupant. If the occupant refuses then Nebraska Housing Resource, a Nebraska not for profit dedicated to providing affordable housing will have a first right of refusal to purchase the unit at the formula price. It is presumed since that organizations mission is to provide affordable home ownership that they would purchase any units to put into affordable home ownership.

Why are there only 10 owner occupied homes part of this project?

The owner occupied homes are intended to be a buffer between the apartments and the neighborhood and to be a transition to the apartments from the rest of the neighborhood.

Can the number be increased?

We think this is adequate transition. The number is determined by the geography (one side of the street) and appropriate lots sizes to the R-4 zoning as of the rest of the neighborhood.

If only 5 of the townhouses sell to owner occupants within a period of time, what will happen with the unsold houses?

The units will be leased to low ineome families for fifteen years then eaeh then current oceupant will be offered the homes at a formula price.

FLOOD PLAIN ISSUES:

Why is the project being proposed in a flood plain?

We are trying to clean up the area along with developing the project and it happens to be in a flood plain. The site is in a "qualified census tract" whieh means that the tract is economieally stressed (median income of the tract is less than 50% median income of the locality.) This allows additional leverage in the low income housing tax credit program which leverages funds for the cleanup of the site and park improvements. The site has an unsightly building containing environmental issues which the project intents to clean up. The site meets other needs for our intended use. It is on a bus route and is close to downtown so tenants can walk to get services located there. Together this reduces automobile use.

Should the severely mentally ill be living in a flood plain right next to the three sources for any future floods, Salt Creek, Oak Creek and Antelope Valley Creek?

This population can be found living throughout the community which probably includes a flood plain. Should they have a nice place to live? Yes. Is this population of extra danger (than the normal population) in such an event? No. The population, generally, is ambulatory and not uncooperative in the event of an evacuation call.

Are you meeting no net rise?

No. However, we are more than meeting the allowable coverage ratios for development in this area according to FEMA guidelines (approximately 35% currently going to approximately 60% with the proposed FEMA map>)

How are you meeting no net rise?

We're not.

How much fill dirt will be removed from Hayward Park?

Everything removed from the park will stay on the project.

Can you show us where the fill will be removed via a color aerial photo over the plans?

We don't have that available but we have submitted plans to the City regarding topography that we can provide.

-END-

"Ed Caudill"
<edcaudill@juno.com>
10/22/2007 02:58 PM

To mkrout@lincoln.ne.gov

cc mayor@lincoln.ne.gov, plan@lincoln.ne.gov, dlandis@lincoln.ne.gov, jspatz@nasbonline.org

bcc

Subject 10th & Military Proposal

North Bottoms Neighborhood Association

October 22, 2007

Marvin Krout, Planning Director
Lincoln Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

Dear Mr. Krout:

The purpose of this letter is to correct a factual error in a letter dated February 1, 2006, from the city of Lincoln Urban Development former Director Marc Wullschleger to you.

The above referenced letter has been incorporated in the documentation to support a proposed development at 10th and Military.

Specifically, the error of fact is: "The potential developers have met with the North Bottoms Neighborhood Association who **had no objections to this project**."

At issue is the phrase: had no objections to this project.

The North Bottoms Neighborhood Association states as fact:

1. Marc Wullschleger was not in attendance at the meeting with the developers.
2. After the developers had left the meeting, an informal vote was taken among attendees. **Not one person supported the project.**
3. None of the Association board members was ever contacted by Marc Wullschleger, any of the developers or any other city staff regarding the project as it was presented in Fall 2005.

At this time, the North Bottoms Neighborhood Association has many questions about the proposed project for which it is seeking answers from the developers, city officials and others as this project is reviewed.

Sincerely,

Ed Caudill

Ed Caudill - President
North Bottoms Neighborhood Association

Cc: Mayor Chris Beutler

Planning Commission Members
Dave Landis, Urban Development Department Director
John Spats, Lincoln City Council

OPPOSITION

ITEM NO. 4.1a,b,c,d: **COMP PLAN CONFORMANCE #06001**
COMP PLAN CONFORMANCE #07022
CHANGE OF ZONE NO. 07055
SPECIAL PERMIT NO. 07047

"Craig Loeck"
<craig.loeck@woodsbros.com>
10/17/2007 04:43 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject RE: Shooting Range

October 17, 2007

RE: Jack Magorian Shooting Range

To Whom it may concern:

The news is out that you will be selling off city owned land for development and this land will eliminate the current location of the indoor range.

Where will the new range be built?

It would be a mistake to eliminate Lincoln's only city owned indoor shooting range. You have one place for target shooters to go. You have only one place for Parks and Recreation to offer BB Gun and Air Rifle safety and marksmanship courses.

You would eliminate the Lincoln Shooting Stars competition BB/Air Gun team.

Your young people, trained at the range, have gone on to the Olympics, school scholarships and winning countless awards in competitions all over the United States. The Shooting Stars have gone to the NRA National Tournaments several times and the Lincoln Jaycees have sponsored years of tournaments at the range.

The young people that have trained at the City owned range will be the most responsible hunters, competitors and gun owner in the nation. Not all of your youth are interested only in soccer, baseball, football, basketball.

Where will the new range be located?

Craig Loeck

Craig Loeck
Associate Broker

Woods Bros Realty - Lincolnshire
7141 'A' Street
Lincoln, NE 68510
craig.loeck@woodsbros.com
Website: craigloeck.com
402-434-3872

If you consider this message a solicitation and prefer not to receive future messages from this sender, click 'reply' and add the text 'remove' to the subject line

To Whom It May Concern:

My name is Luke Scholl and I feel it is a great loss to the target shooting programs in the City of Lincoln to demolish the Jack Magorian Shooting Range.

I started taking BB gun safety classes at the range when I was 8 years old. Jack Magorian was my instructor. It is more important than ever that kids be able to learn the safety of guns today. To my knowledge, there has never been an accident at the range or involving a child that has taken the safety courses. The range is so important in the teaching of safety with all firearms.

I have shot air rifle and also shoot air pistol. I am interested in shooting a .22 rifle. The range allows me to do that.

I have participated at Nationals 3 different years in BB Gun and once in air pistol. This last year, I placed 1st at Nationals in the air pistol in my division. This would not have been possible without being able to practice and be trained at the range.

Before the city decides to demolish a building that major improvements were just made in the last two years, I would hope they would seriously consider what effect the demolition would have on the youth in the city. The range was recently renamed the Jack Magorian Shooting Range and now the city is planning to demolish it. Where is the honor in that?

Please remember the youth and the programs that have been built up and do not destroy the progress that has been made.

Sincerely,

Luke Scholl

(kllandm@juno.com)

RECEIVED
OCT 22 2007
LINCOLN CITY/LANCASTER COU
PLANNING DEPARTMENT

Jean L Walker/Notes
10/23/2007 08:28 AM

To
cc
bcc
Subject Fw: zoning at 10th & Military Ave.

-----Original Message-----
From: kellen restau [mailto:kellster102292@yahoo.com]
Sent: Monday, October 22, 2007 9:03 PM
To: dmarvin@lincoln.ne.gov
Subject: zoning at 10th & Military Ave.

Hi I am sending out this E-mail concerning the zoning at 10th & Military Ave. I am concerned about this as I am a current user of the facilities of the Lincoln Parks and Rec. shooting range. I am on the Lincoln Shooting Stars the team that represents Lincoln every year in tournaments and every other year at nationals.

One of my concerns is that the last mayor went to all that trouble to rename the range after Jack Magorian, the man who made the range what it is today. He worked there for so many years and taught kids and adults to safely shoot while having an enjoyable experience.

The range has also just recently been remodeled with a new roof, added on storage areas, new paint job, other interior range equipment, and a new bathroom. Most of this was possible by tax dollars so the city of Lincoln paid for it not the range.

Another is that since the team uses this range what would happen to us? This is my main concern with this. If you were to tear this place down would you build another one or would you tell us that it wouldn't happen? We need a place to shoot and teach kids how to be safe while interacting with a fire-arm.

The range is and has been being used by all. We have group shoots of Madonna patients, boy scouts, adult pistol and rifle class, 22 class, BB gun basics, intermediate, and advanced. In these shoots and classes we give the young and elderly the chance to shoot in a safe learning environment. This gives them knowledge down the road to be safe when shooting or when coming across a fire-arm.

We as a team have traveled not only in Nebraska, but to nationals in Kentucky, Colorado, and South Carolina. Every time we have tried to qualify to go to
nationals we have succeeded in getting there. We shoot in state 4H, state Jaycees and many more tournaments all representing the city of Lincoln.

From the team and the range have came very talented shooters that have used it to get to college and other opportunities. For example Sarah Broker has been able to go to Kentucky State University to be on there distinguished shooting team. Rachel Spiry has been on the USA record setting team.

Personally I would be devastated if this was done to the range. There are to many memories here. I went through the BB gun classes and i made my way to the team where I am now at in my shooting passion. I am currently 14 years old and i can shoot BB gun this year as my last. Also I do pistol and we started the pistol team about a year ago and we can already make it to nationals. It takes my mind off the world for a while and I can just focus on getting my score up. I have been working for a couple years to get my Distinguished Expert ranking and I am almost there.

Here are some of my personal awards and some that the team have gotten over time.
Personal awards
~3 top shooter awards
~2nd,3rd in Annual overall shooting score of the year
~1st,2nd in 2007 Cornhusker State Games
~2nd,3rd in 2006 Cornhusker State Games
~3rd in 2004 Cornhusker State Games
~3rd place in 2007 State Jaycees prone
~6 gold awards
~8 silver awards
~13 bronze awards
~5 4th place awards
~7 5th place awards

I have gotten all of these classes
-Marksman
-Marksman 1st class
-Pro Marksman
-Sharp Shooter
-Bar 1 through 9
-Expert
-By the end of the month Distinguished Expert
-Qualification at 15 meters with a rifle
-USA Shooting Team 2002
The Team awards
~2000 State Jaycees Falls City 2nd place
~2001 State Jaycees Falls City 1st & 3rd place
~2002 State Jaycees Falls City 2nd place
~2003 State Jaycees Falls City 2nd place
~2005 State Jaycees Beatrice 2nd & 3rd place
~2005 National BB gun postal match 2nd place
~2007 State Jaycees Falls City 2nd place

Thank you for reading my E-mail in regards to the zoning action at 10th & Military Ave. I hope this has added some new ideas and thought about this topic.

Do You Yahoo!?

ITEM NO. 4.1a,b,c,d: COMP PLAN CONFORMANCE NO. 06001
COMP PLAN CONFORMANCE NO. 07022
CHANGE OF ZONE NO. 07055
SPECIAL PERMIT NO. 07047
(p.51 - Public Hearing - 10/24/07)

To Whom It May Concern:

As a parent of two students from the Lincoln Parks and Recreation Shooting Program, I am deeply concerned of a decision that appears to already have been made to demolish the Jack Magorian Shooting Range. From the information that I have read and received, this property has to be termed "surplus property" before the changes can take place.

A question I would have is what exactly constitutes "surplus property"? Webster's Dictionary defines surplus as "something left over and not required". The range certainly does not fall into that category as there are many programs that depend on its existence. It is the only indoor shooting range in the City of Lincoln. It has programs that emphasize the safe handling of guns. Many students have gone through the BB Gun Safety Classes. Some of those students then becoming target shooting enthusiasts and moving on to air rifle, air pistol or small-bore.

In a note dated 10/15/07 from Lynn Johnson, Director, the Parks and Recreation Advisory Board "accepted demolition of the existing shooting range facility, under the condition that the facility be replaced to preserve existing programs and activities . .." They have asked that the function and aesthetics of the park be at least as good as the pre-development condition of the park and preferably better. I would ask the same of the shooting range. IF demolition of the range is necessary, I would like to be assured that the demolition of the Jack Magorian Shooting Range will NOT take place until a building and/or facility is in place so that the shooting programs do not lapse or suffer during the time of construction. It is vital that these youth have a range to practice/train for competitions. Discussions are good and partnership with Nebraska Game & Parks is fine but where does it state that something will definitely be done/built if the range is demolished?

In the last couple of years, long-awaited major improvements and $$ have been expended on the range. This range was just renamed less than 6 months ago to honor Jack Magorian. I feel it is very disrespectful to the family of Jack for the City to rename a facility in his honor and then demolish it shortly afterward. The new facility should bear some honor to Jack Magorian. Once a facility has been provided that will be at least as good and preferably better than the existing range (this means it would have to handle small-bore) – then the existing range can be considered "surplus".

Please keep these facts in mind when making your decisions.

Sincerely,

Lois Scholl
Parent

Kllandm@juno.com

ITEM NO. 4.1a,b,c,d: COMP PLAN CONFORMANCE NO. 06001
COMP PLAN CONFORMANCE NO. 07022
CHANGE OF ZONE NO. 07055
SPECIAL PERMIT NO. 07047
(p.51 - Public Hearing - 10/24/07)

Randy Carlson
<rncarlson11@inebraska.com>
10/23/2007 09:53 AM

To plan@lincoln.ne.gov
cc
bcc
Subject Parks & Rec Range

Dear Sirs and Madams:

I believe that the Shooting Range on N. 10th St. serves a vital educational and recreational need for the larger community.

Please leave the Range alone, or, if you must change the zoning, at least strongly recommend that the city replace the Range with an upgraded facility.

This would make for a win-win situation.

Thanks

Randy Carlson
2820 Sumner St.
Lincoln, NE 68502

ITEM NO. 4.1a,b,c,d: COMP PLAN CONFORMANCE NO. 06001
COMP PLAN CONFORMANCE NO. 07022
CHANGE OF ZONE NO. 07055
SPECIAL PERMIT NO. 07047
(p.51- Public Hearing - 10/24/07)

ABurbach@les.com
10/24/2007 10:55 AM

To plan@lincoln.ne.gov
cc
bcc
Subject Support of the North Bottoms Neighborhood Association's Position as it Relates to:

PROPOSAL: Review an amendment to Antelope Valley Redevelopment Plan to include the addition of the Housing Project for Low Income Seriously Mentally Ill Redevelopment Project Area to determine conformity with the Lincoln City/Lancaster 2030 Comprehensive Plan.

As a resident of North Bottoms and a member of the North Bottoms Neighborhood Board, I fully support the position to be presented by members of the neighborhood at the Planning Commission hearing set for today. There are too many unknowns with the project that need to be detailed before the plan is even considered for approval. The project may never receive support of the neighborhood given its nature, but clearly the developer should have met with the neighborhood residents in a more timely manner to fully define the project and its impact on the neighborhood.

Alan D. Burbach
1200 Claremont Street
Lincoln, NE 68508
(402) 477-4351

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RECEIVED
OCT 24 2007
LINCOLN/LANCASTER COUNTY
PLANNING DEPARTMENT

Memorandum

Date: October 12, 2007

To: Sara Hartzell, Tom Cajka --- City /County Planning Department

From: Glenn D. Johnson, General Manager

Subject: Comments on CPC07022, SP07047 CUP, and CZ07055, 10th and Military

Lower Platte South Natural Resources District staff have reviewed the subject application and materials and offer the following comments:

The property proposed to be declared surplus and developed for residential uses is publicly-owned, is located entirely within the 100-year floodplain of Salt Creek, with the north approximately 2/3 lying within the 500 foot critical zone setback from the Salt Creek levee.

It is the District's recommendation that the property remain in public ownership and not be declared surplus. The District and City recently completed and the City adopted new floodplain maps and ordinances for Salt Creek that reinforce the importance of retaining flood storage and open space. The District and City have acquired and continue to pursue ownership and easements on other parcels in the Salt Creek and other floodplains to preserve floodplain storage. The Lincoln/Lancaster County Comprehensive Plan contains a clear strategy statement about retaining public property in the floodplain in public ownership. For all of these reasons, declaring this existing public property surplus and selling it for development would be an inconsistent action.

If the decision is made to go forward with the surplus designation and allow development, we offer the following comments and recommendations:

1 The new floodplain maps and ordinances restrict fill to 40% of the available flood storage volume. (Information was not provided to determine the impact of the specific proposal). Since it would be a conversion of public property to private, we would recommend that a 0% fill be followed, or a "no net loss of flood storage."

2 The proposal shows seven buildings, either wholly or in part, located within the 500 foot levee critical area. Since this is a federal levee, the US Army Corps of Engineers will have to review any construction, excavation, or fills within this area with the primary focus as to any adverse impact on the structural integrity of the levee. The District, as the local sponsor/owner of the levee system will ultimately determine what construction activity will be allowed in that area.

3 The proposal also shows excavation of two cells, immediately on the land side of the levee and a future extension of Military Road. We presume the cells are to

offset or compensate for the storage loss from fill in the development, but no data was available to review. Those activities would also be subject to the 500 foot critical area review. The District is very concerned about the potential impact on the levee from these activities.

4 The two excavated cells proposed do not show any facilities for outflow of stormwater drainage. Their applicability to serve as detention or compensating storage is reduced by the volume that would be occupied by retained stormwater.

pc: Larry Zimmerman, Chair
Ron Svoboda, Vice-Chair
Jason Hayes, Urban Subcommittee Chair

All the information below was taken directly from CPC06001. ***Comments from the North Bottoms Neighborhood are in bold italic.***

P.A.S.#: Comprehensive Plan Conformance CPC06001

PROPOSAL: Review an amendment to Antelope Valley Redevelopment Plan to include the addition of the Housing Project for Low Income Seriously Mentally Ill Redevelopment Project Area to determine conformity with the Lincoln City/Lancaster 2030 Comprehensive Plan.

COMPREHENSIVE PLAN SPECIFICATIONS:

"Affordable housing should be distributed throughout the region...to provide housing choices within every neighborhood...promote the creation of new affordable housing throughout the community"

"New residential development is generally discouraged in...floodplain corridors."

This complex would sit next to Salt Creek. It's within yards of where Salt Creek, Oak Creek and Antelope Valley Creeks meet. It's in all three flood plains. You can't get a spot closer to the epicenter of Lincoln's flood plains.

"Encourage a variety of housing types in the Downtown and Antelope Valley area."

The North Bottoms is almost 100% low income now. How is this project adding anything new or improved to the mix? There is no mix now and this will not provide any mix. We get more of the what we already have, low income housing.

"Encourage the development, maintenance, and preservation of safe and decent affordable and special needs housing for ownership and rental by low- and moderate-income households;..."

Why does government including the City of Lincoln not encourage housing in flood plains? Because it's not safe! And this development targets the some of the most vulnerable individuals in our community, the "Seriously Mentally Ill."

"Give special consideration to the Salt Creek floodplain from Van Dorn Street to Superior Street where the FEMA Flood Insurance Study recommends preserving flood storage so as not to increase flood heights greater than one foot."

This project is right in the middle of this target area floodplain.

"Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus."

It's as if these words were written specifically for the area where this project is proposed.

From the Antelope Valley Redevelopment Plan (AVRP)

"The AVRP shows the area as Mixed Use Retail. The Plan also identifies this area as the site of a possible redevelopment project to add a small shopping area which could possibly include grocery and neighborhood services (AVRP Pages)."

North Bottoms neighborhood representatives were present at AV meetings and worked to have this language added to the AVRP. We specially asked that no large scale residential projects be located directly next to Salt Creek and nothing at ground level.

ANALYSIS:

1. "The Antelope Valley Redevelopment Plan has as its purpose the leveraging of Antelope Valley Project flood control" and transportation projects to provide and environment attractive to creative, private sector development."

Flooding potential is main reason why the AV plan was proposed. The only way this project can be done is by bringing more fill into the AV floodplain and thereby increasing the flooding potential.

Keep in mind, while the North Bottoms is part of the Antelope Valley flood plain, it is not one of the areas that is removed from the flood plain. Not one inch of ground in the North Bottoms is removed from the flood plain due to Antelope Valley work.

2. "Pursuant to State Statutes, as formal Redevelopment Projects are proposed in the Antelope Valley Area, written amendments to the Redevelopment Plan need to be reviewed for conformity to the Comprehensive Plan."

The majority of the comments in this document complied by city planning staff demonstrates and proves the project does not conform to the Comprehensive Plan.

4. "Mixed Use Retail does allow for other uses such as residential/office/services or mixed use buildings with retail on the first floor and office or residential on the upper floors."

Mixed Use Retail as described above is what the North Bottoms neighborhood requested and was adopted into the AVRP. This proposed project does not meet the description.

6. "The project will require that the property be surplussed and transferred to the developer, a change of zone from P-Public to Residential,..."

The Comprehensive Plan states "Retain City or County property in the floodplain in public ownership, and consider the purchase of easements or land when other publicly-owned property in the floodplain is proposed for surplus."

8. "Total cost of this project is estimated at $8.5 to $9 million for public and private cost. Sources of funding might include tax increment financing, tax credits, and private funding."

At an Oct 2, 2007 meeting the Neighborhood Association was told there would be $7.5 million in tax incentives, and an additional $650,000 to $1 million in TIFF funds. That

would make the project almost entirely funded by public money, but the developer would own and control the project.

9. "Concerns have been raised by Public Works and Utilities and the Department of Natural Resources regarding the appropriateness of placement of seriously mentally ill persons in the an area which will experience flood depths of 1 to 5 feet during a 100-year storm event.

Attachment to proposal: Letter dated September 20, 2007 from Steve McMaster - Natural Resources Planner Coordinator to Roger Massey - Nebraska Housing Resource states, "it is the NDNR's general policy to discourage floodplain development whenever possible. Bear in mind that government financed housing whicb is damaged by a flood will not look good for all parties involved."

We agree 100 percent.

He goes on to ask, "who will be purchasing the flood insurance? Will any plan be made for evacuation of the renters with limited mobility? Have alternative locations been ruled out so that this site in the floodplain is the only viable onc?"

10. Public Works and Utilities..have submitted the attached comments."

"Engineering Services recommends that access be provided from an extension of what appears to be Military Road rather than a new intersection to the south. 10th Street is designated as an arterial and the number of intersections should be minimized."

We agree 100 percent. No additional traffic should be encouraged onto the narrow Claremont street which is already loaded with traffic from the Claremont Apartment complex.

Attachment to Special Permit No. 07047 - A Memorandum dated October 4, 2007 from Dennis Bartles -Engineering Services, and Ben Higgins - Watershed Management to Sara Hartzell and Tom Cajka - Planning Dept states, "The subdivision ordinance requirement is that all streets adjacent a plat be installed."

We agree that no additional access to 10th street other than a new Military Road intersection should be permitted. Should this development be allowed the extension of 9th street and Military Road should be required as stipulated in city ordinance.

12. "The Parks and Recreation Dept...is supportive of creation of flood storage on Hayward Park property provided the function and aesthetics, as outlined...can be preserved or improved."

The devil is in the details. What current park improvements will be removed or moved and what will be replaced? While Lynn Johnson's attached email mentions the moving and/or replacing the playground, park shelter (that should be plural since there are currently two shelters that were built by the neighborhood association), and basketball court. There is no mention of the baseball field. Will that be replaced?

The neighborhood should be included in any details as to what will be done to Hayward Park and we feel that should be done prior to approval of any of the applicant's petitions.

13. "The Public Building Commission finds the storage building and the portion of the former Naval Reserve building to be necessary structures which will need to be replaced."

Who's going to pay to replace County garage/storage facility and the space used in the Naval Reserve building?

14. "Per the recommendations of the Adopted 2030 Comprehensive Plan, as a major pubic/private development, the Urban Design Committee should review this project as part of the design process."

We're happy this will be reviewed by the UDC. However, at the first Neighborhood meeting in 2005, Fred Hoppe told the group they would be happy to work with us on the design details. When they came back to us with their revised proposal on October 2nd <u>after 2 years of no contact</u>, there seems to be no chance for any real input on the design details. The neighborhood would like that opportunity prior to any approvals for this applicant.

The Hoppe's have done nothing to work with the neighborhood. Instead their trying a Hail Marry pass at the 11th hour. Lincoln has not allowed this kind of action on the part of developers in recent times, It is our hope that the Planning Commission will not allow this to happen in this instance.

Camera Catches Lincoln Flood Scenes

LINCOLN'S 14TH STREET BRIDGE OVER SALT CREEK—Salt Creek Saturday had reached a flood stage in Lincoln of 42.3 and had jammed debris collected as it overflowed its entire banks through Lincoln into the 14th street bridge. The above picture taken Saturday morning, is almost a duplicate of a picture run in The Journal a year ago on May 9, 1950, when Salt Creek last went on the rampage. It was in last year's flood that the concrete bridge collapsed. The wooden platform was later added to permit traffic to cross the bridge. By Saturday noon water was swirling through the concrete railing. (Journal Photo.)

690

Saturday, November 26, 2005

Feds look to tighten loophole in system

ESPN.com

A number of college athletes, including several football players at the University of Iowa and other Top 25 schools, are living in apartments set aside for the poorest Americans.

ESPN's Outside the Lines will explore the subject on Sunday (ESPN, 9:30 a.m. ET).

The investigation found some of the most successful programs in college athletics have players living in subsidized housing, including Virginia Tech, which has 19 players living in Cambridge Square apartments, a federally-subsidized Section 8 complex in Blacksburg paid for by the government to house needy people.

Section 8 refers to federal code that includes subsidized housing.

As first brought to light by the Des Moines Register, dozens of full-scholarship Hawkeyes players, who received money for housing, paid little or no rent to live in the housing. Among them was offensive lineman Brian Ferentz, the son of Iowa head coach Kirk Ferentz, who was found to be living in an apartment subsidized by taxpayers.

Federal regulators have since tightened requirements for student athletes, many of whom receive a housing stipend intended to cover room and board expenses as part of their full scholarships. The stipends are based on what it would cost to live on campus.

But Outside the Lines, led by reporter John Barr, found students at Nebraska living in Section 8 housing as well.

College athletes receive a housing stipends intended to cover room and board expenses as part of their full scholarships -- stipends based on what it would cost to live on campus.

The NCAA says scholarship athletes are free to live off campus and spend their housing stipends however they want.

The Department of Housing and Urban Development, which oversees federal housing, says scholarship athletes who get housing stipends can still qualify, in some cases, for low rent or no rent apartments.

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