

FACTSHEET

TITLE: Adopting a Resolution approving the proposed **NEBRASKA INNOVATION CAMPUS (NIC) REDEVELOPMENT PLAN**, requested by the Director of the Urban Development Department, on property adjacent to the University of Nebraska-Lincoln city campus and including the former Nebraska State Fair Park.

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

ASSOCIATED REQUEST: Change of Zone No. 10018, Nebraska Innovation Campus (NIC) Planned Unit Development (10-135).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/06/10
Administrative Action: 10/06/10

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Gaylor Baird, Partington, Taylor, Cornelius, Lust, Francis, Esseks, Larson and Sunderman voting 'yes').

FINDINGS:

1. This proposed Redevelopment Plan and the associated Change of Zone No. 10018, Nebraska Innovation Campus (NIC) Planned Unit Development were heard at the same time before the Planning Commission.
2. The Redevelopment Plan Area is adjacent to the University of Nebraska-Lincoln city campus and includes the former Nebraska State Fair Park. The boundaries are generally from North Antelope Valley Parkway to North 27th Street, between Salt Creek and the Burlington Northern Santa Fe Railroad corridors. The purpose of the Nebraska Innovation Campus (NIC) is to create partnerships with private sector firms to develop and maximize economic opportunities and to leverage the research capacity, faculty and student resources of the University of Nebraska-Lincoln. The NIC Redevelopment Plan document may be found at <http://lincoln.ne.gov/city/urban/redevel/NICplanDFT.pdf>
3. The staff recommendation to find the proposed Nebraska Innovation Campus (NIC) Redevelopment Plan to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.4-5. The staff presentations are found on p.6-8.
4. Testimony in support is found on p.8-11.
5. There was no testimony in opposition.
6. On October 6, 2010, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed **Nebraska Innovation Campus (NIC) Redevelopment Plan** to be in conformance with the 2030 Comprehensive Plan (Comprehensive Plan Conformance No. 10006).
7. On October 6, 2010, the Planning Commission also voted 9-0 to recommend conditional approval of the associated Nebraska Innovation Campus (NIC) Planned Unit Development, as set forth in the revised staff report (Change of Zone No. 10018, Bill #10-135).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: October 18, 2010

REVIEWED BY: _____

DATE: October 18, 2010

REFERENCE NUMBER: FS\CC\2010\CPC.10006+ Redev Plan

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for OCTOBER 6, 2010 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No.10006

PROPOSAL: Review the Nebraska Innovation Campus Redevelopment Plan to determine conformity with the Lincoln and Lancaster County 2030 Comprehensive Plan.

LOCATION: N. Antelope Valley Parkway to N. 27th St. between Salt Creek and the Burlington Northern Santa Fe Railroad corridor.

LAND AREA: 249 acres, more or less

CONCLUSION: The proposed redevelopment plan is in conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING ZONING: P-Public and H-3, Highway Commercial.

EXISTING LAND USE: Former State Fair Park and campground.

SURROUNDING LAND USE AND ZONING:

North:	I-1, Industrial P, Public	Light industrial Theresa St. Waste Water Treatment Plant
South:	I-1, Industrial	Burlington Northern Santa Fe Railroad corridor. Residential south of railroad corridor.
East:	I-1, Industrial	Light industrial
West:	P, Public R-2, Residential I-1, Industrial	Nebraska National Guard Single family residential Auto sales and light industrial

ASSOCIATED APPLICATIONS:

CZ#10018, Innovation Campus Planned Unit Development

HISTORY:

- February 8, 2010 Miscellaneous #09010 for the State Fair Park Redevelopment Area Blight and Substandard Determination Study was approved by the City Council.
- Nov. 20, 2009 The Board of Regents approved the Nebraska Innovation Master Plan and Nebraska Innovation Campus Business Development Strategy.
- 2008 The Nebraska State Legislature approved, and the Governor signed LB116 which relocated the Nebraska State Fair to Grand Island and transferred the former Nebraska State Fairgrounds to the University of Nebraska Board of Regents.

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development

on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.(p.9)

Natural and environmentally sensitive areas should be preserved within neighborhoods. (p.9)

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as designs standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (p.10)

The success of the University's research and development is important to the future of the city. The City and private sector should continue to support UNL's efforts to obtain grants for research. (p.30)

Capitalize on Public Infrastructure Investments – The community should seek to efficiently utilize the community's investments in existing and future public infrastructure (i.e., Homestead Expressway, Antelope Valley, Beltways) to advance economic development opportunities. (p.30)

The community actively encourages public-private partnerships, strategic alliances and collaborative efforts (such as the Lincoln Partnership for Economic Development and the UNL Technology Park including all relevant partners such as the University of Nebraska, City of Lincoln, Lancaster County, the Lincoln Chamber of Commerce, Lincoln Independent Business Association, Downtown Lincoln Association, small business representation, and Lincoln's working men and women) as a means to accomplish its future economic objectives. (p. 30)

Expansion of UNL research facilities on campus by the Beadle Center in Antelope Valley also provides an opportunity to retain students in the community and to attract private employers. Collaborations and interaction between the City, local businesses and UNL should continue. The University Tech Park is a great result of these partnerships, and interactions between UNL and the business community should expand. (p. 32)

Public property, especially publically owned historic property, is a community trust and should be maintained, preserved, and utilized in an exemplary fashion.(p.141)

The demolition of significant historic properties and destruction of other sites and distinctive neighborhoods diminishes the character of our community. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (p.141)

The following are from the Nebraska Innovation Campus (NIC) Master Plan:

NIC will provide an interdisciplinary research and mixed use environment that will support collaboration among private sector interests, university faculty and researchers, and government research within UNL's core competency programs, particularly in the areas of food, fuel and water. (p.2)

The primary vision for NIC is to optimize the sustainability and long-term viability of three factors: economic, academic and environmental. (p.2)

The goals for NIC are to advance research and generate economic growth for Nebraska. (p. 24)

NIC has been planned to include:

- greater use of interdisciplinary programs and facilities
- mixed-use development– a live, work, learn and play environment
- development that is guided by a set of development standards to ensure a quality environment. (p24)

The program for NIC includes university research and interdisciplinary research labs focused on current and related future centers of excellence. (p.25)

ANALYSIS:

1. This is a request to review the Nebraska Innovation Campus (NIC) Redevelopment Plan for a determination of conformity with the Lincoln and Lancaster County 2030 Comprehensive Plan. This area includes an estimated 249 acres.
2. The 2030 Comprehensive Plan identifies this area as Public/Semi-Public. At the time the 2030 Comprehensive Plan was adopted, the Nebraska State Fair was still being held at State Fair Park and there were no plans of moving the state fair.
3. The development of the PUD is anticipated to be done under the control of the Nebraska Innovation Campus Development Corporation (NICDC), an entity established by the University of Nebraska Board of Regents.
4. While the Lincoln/Lancaster County Comprehensive Plan promotes the preservation of publicly owned historic resources, and the City therefore hopes that an economically feasible re-use can be found for the building, decisions about the Industrial Arts building will ultimately be made by its owner–the University.
5. The main purpose of the Redevelopment Plan is to provide guidance for redevelopment activities within the redevelopment area that create a vibrant, attractive, friendly and safe place for residents, businesses and visitors.
6. The guiding principles of the Comprehensive Plan and the NIC Master Plan should be used as a guide for redevelopment activity at NIC. The Master Plan identifies elements to be used as a guide for development of NIC, These elements include:
 1. An organizational concept and framework plan
 2. An illustrative plan that conceptually shows the layout at full build out.
 3. A proposed circulation plan
 4. A proposed transit plan
7. The goals for NIC are to advance research and generate economic growth through a mixed-use development.

8. No specific redevelopment projects have been identified at this time. Redevelopment activities may include streets, sidewalks, trails, public utilities, lighting and parks.

Prepared by:

Tom Cajka
Planner

DATE: September 21, 2010

APPLICANT: Urban Development Department
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CONTACT: Wynn Hjermsstad
Urban Development Department

**COMPREHENSIVE PLAN CONFORMANCE NO. 10006,
NEBRASKA INNOVATION CAMPUS REDEVELOPMENT PLAN
and
CHANGE OF ZONE NO. 10018,
NEBRASKA INNOVATION CAMPUS
PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 6, 2010

Members present: Cornelius, Taylor, Esseks, Larson, Partington, Gaylor Baird, Lust, Francis and Sunderman.

Ex Parte Communications: None.

Staff recommendation: A finding of conformance with the Comprehensive Plan on the Redevelopment Plan, and conditional approval of the Planned Unit Development.

Staff presentation:

Dallas McGee, Assistant Director of the Urban Development Department, presented the proposed Nebraska Innovation Campus (NIC) Redevelopment Plan on behalf of David Landis, requesting that the Planning Commission find the proposal to be in conformance with the Comprehensive Plan. Most people are aware that the NIC is located at the site of former State Fair Park, now under ownership of UNL, to create public-private partnerships to develop and maximize economic opportunities and to leverage the research capacity, faculty and student resources of UNL. This will generate economic growth for Nebraska. This redevelopment plan is another step in that process.

The Blight and Substandard Determination Study was previously submitted and the area was found to be blighted and substandard in February of this year. That designation gives legal authority to proceed with the Redevelopment Plan. The Redevelopment Plan is a guide for redevelopment, and includes several guiding principles, including Comprehensive Plan principles as well as the sustainability principles from UNL's Master Plan.

The Comprehensive Plan offers a description of the primary target businesses for marketing and attraction purposes important for Lincoln and Lancaster County including biotechnology, value added agriculture, specialty electronics, entrepreneurship and expansion of UNL research facilities on campus.

The sustainable master plan principles established for NIC to guide the development of the master plan include adopting environmentally sensitive land use practices; a plan for innovative, sustainable buildings and landscapes; a range of transportation options; and a move toward a net zero energy and carbon neutral campus.

McGee explained that upon a finding of conformance with the Comprehensive Plan, the next step will be approval of the redevelopment plan by the City Council. Amendments to the redevelopment plan will come before the Planning Commission as specific projects develop.

Esseks stated that he submitted a question to the Planning staff about how much, if any, of the NIC is in the 100-year floodplain, and it appears to be 75%. Although this is in the older developed part of town and not subject to restrictions on floodplain regulations as in the newer areas, he wanted to know what UNL plans to do to mitigate the possible problems of flooding. McGee indicated that Christine Jackson should be able to address this question on behalf of the University.

Tom Cajka of Planning staff presented the proposed NIC Planned Unit Development (PUD). He submitted the comments from Watershed Management regarding the 100-year floodplain and stormwater runoff. Watershed Management states that approximately 75% of the PUD is in the floodplain; however, not all of the PUD will be developed. Only about half of the land in the floodplain within the PUD is proposed for development. There will be a 14% net loss in flood storage and the increase in the floodplain is less than 0.05 feet. To mitigate some of the stormwater runoff, the applicant has proposed Best Management Practices (BMP) such as pervious pavement, utilizing some pervious type of construction on parking lots, and a lot of landscaping with sustainable types of grasses and plants throughout the development.

Cajka further explained that the change of zone is from P Public to O-3 Office Park with a PUD overlay. The PUD is proposed to be a research park, with private/public partnership. It is requested for a total of two million square feet of commercial/office/research type uses. Approximately 1.5 million of that 2 million square feet will be research-related. The PUD also requests up to 250 dwelling units and up to 135 hotel rooms. There would possibly be some minimal amount of retail throughout the PUD.

Some of the research type themes from the Master Plan include agricultural biotechnology, life sciences, food and nutrition, computer sciences, material sciences, water resources, clean energy technology and transportation. The PUD proposes that all of the proposed new streets within the development will be public as well as the utilities.

The PUD covers the former State Fair Park, but does not include the Devaney Sports Center. The site plan proposes some fairly large lots that could be broken down into smaller lots in the future. All of the internal streets will be new, and there will be public utilities, mostly within the right-of-way.

Cajka advised that the applicant has asked for several waivers:

1. To allow parking on one side of 34' wide streets. Staff supports this waiver. The design standards require a 39' wide street, so they are reducing that by 5'. If there is a problem in the future, Public Works has the authority to remove that parking and require "no parking" on the street if it creates a problem.
2. To allow a 24' wide street, Venture Drive, with no access to that street and no parking on the street. Staff is in agreement.

3. Screening and landscaping for buildings. The O-3 zoning district requires that 10,000 sq. ft. or larger buildings have additional landscaping. Since the Master Plan has proposed its own interior landscaping with sustainable type plants and with regulation by the Nebraska Innovation Campus Development Corporation (NICDC), the staff is in agreement. They would still be required to meet the design standards for screening of parking lots.
4. To waive the stormwater detention requirements. Their Best Management Practices should keep stormwater runoff at a minimum, so staff supports this waiver.

Cajka also pointed out there will be a huge outlot that will remain as open and green space. Cajka submitted a revised staff report setting forth some minor changes that have been negotiated with the applicant:

Waiver #5, to allow fill within the floodplain for Lot 1, Block 3, prior to compensatory mitigation being completed, has been eliminated. After review by Watershed Management and further discussions, it was determined that this was not actually a waiver and what they are asking for is something that is allowed.

Analysis #6 on page 5 of the revised staff report includes some revised language about a transportation management plan. Planning was requesting that the University submit some type of transportation management plan with the PUD. The revised language suggests that NICDC will develop “strategies to reduce traffic congestion” as opposed to a transportation management plan.

Analysis #8 has been revised such that the relocation of three access points “will be coordinated with” the Nebraska Department of Roads and Federal Highway Administration. It has been determined that the relocation of these access points does not require “approval” by NDOR. Any costs of relocating streets would be the developer’s responsibility.

Esseks inquired whether the “strategies” to reduce traffic congestion will become part of the PUD. Cajka stated that the strategies are required prior to building permits, and will be approved by Public Works and Planning.

Proponents

1. Christine Jackson, Vice Chancellor of Business and Finance at UNL, testified in support of the NIC Redevelopment Plan and PUD. Looking back only a few years, the community forums sponsored by Vision 2015 were the genesis of NIC. The Lincoln community identified the need for a university research development corridor. The community forums identified strong support to locate a research campus at the former State Fair Park. The property was transferred to UNL. UNL’s first step was to create a master plan for the property. A stakeholder committee including community representatives from Lincoln and Omaha and Mayor Beutler verified the plan components. The Board of Regents approved the plans in November 2009 and UNL submitted them to the State Department of Administrative Services and the Clerk of the Legislature in December, 2009. These plans established the basis for this Redevelopment Plan and PUD. Since then, the University has been working closely with their engineering consultants and city staff.

Nebraska Innovation Campus will be a public/private development that will leverage the research strengths and innovation of University faculty with private industry. It is anticipated that the majority of the buildings will be occupied by private companies. The NIC will not be an extension of the academic campus. Moreover, UNL will not govern the development of the site, rather the University Board of Regents established the Nebraska Innovation Campus Development Corporation as a separate board that includes Nebraska business leaders. The Board of Regents and the NICDC have executed a master lease agreement for the NICDC to oversee the development.

It is anticipated that the first phase will include the research building and green houses for agricultural research service, renovation of the 4-H building, incubator space, area for seminars, research space and several privately developed research-oriented buildings. TIF will be critical for the infrastructure in the first phase.

The NIC is a major initiative for the future of the University, for the city and for the state.

2. Joel Pedersen, General Counsel for the University of Nebraska, stated that the applicant needs flexibility, and he publicly acknowledged that this is something upon which the staff has been working very hard. Pedersen emphasized that the NICDC fits the public/private nature. The underlying ownership is to be retained by the Board of Regents. They hope to be able to use TIF for the buildings and improvements.

Pedersen then discussed General Note #17, which states:

Other than Block 3, Lot 1, grading work for Phase 1 will be confined to areas outside the floodplain until grading for compensatory mitigation in Phase 1A is completed.

Pedersen stated that this Note #17 is going to be a little problematic and he requested that it be deleted. The University will comply with existing floodplain regulations regardless, and he does not believe this note is necessary. Flexibility is important because we don't know who the potential buildouts will be.

Pedersen also stated that the new streets becoming public is an important part of the flexibility. It provides a good way to productively spend some TIF money, but also a good way to talk about considering new and creative ways to get the infrastructure financed. They will want to continue this conversation as developers identify themselves. Impact fees may be included in discussions about intersections and planned developments.

With regard to the traffic issue, it is anticipated that full buildout will be in 15-20 years. Pedersen submitted that they do want to be cognizant of the traffic congestion, but they are not ready to present a plan today because they do not know how long part of the buildout will take. But the commitment is there and it is real. The NICDC will report to the Board of Regents with copy to the City.

Lust clarified by Pedersen that he is requesting that General Note #17 for the PUD be eliminated because he is not sure if it would be convenient to do the grading work on that first lot before anything else. Pedersen responded that they are complying with the existing floodplain regulations. If the grading is confined to that lot, they have to build some other things to get there and there may be some need to do some other grading.

Larson asked who appoints the members to the NICDC. Pedersen stated that the members are appointed by the University Board of Regents – the NICDC is a subsidiary of the parent corporation, both created by the Board of Regents and appointed by the Board of Regents, who can also remove members, if necessary.

3. Tonn Ostergard, President and CEO of Crete Carrier Corporation, who serves on the NICDC, is a member of the 2015 Vision Steering Committee, as well as Chair of the Lincoln Chamber of Commerce, testified in support. It was determined that the highest and best use of what was then State Fair Park was to establish a research campus to leverage the private and public partnerships. This land is also a vital link between East Campus and the City Campus as well as the cornerstone of the Antelope Valley development. He believes this development will be a critical component to the growth and economy of our City, the County and the entire State for generations to come. This will attract research companies from all over the world. The ultimate benefit of a research university is to transfer ideas of innovation through that public/private partnership collaboration and this will provide that opportunity with new jobs and investment in our community. New startup companies will have the opportunity to develop. The buildout will represent a significant investment in new facilities and infrastructure that will significantly enhance our community.

Larson inquired whether the buildings will be owned by the NICDC, or privately owned? Ostergard stated that the intent is that they will be jointly owned, but a significant amount will be privately held. The TIF will be a part of that, but hopefully they will eventually be on the tax rolls.

4. Tom Henning, President and CEO of Assurity Life insurance Company, also serving on the NICDC, testified in support. He is excited about the potential for this to positively impact our economy in Lincoln and across the state of Nebraska. He also served on the 2015 Steering Committee. He believes this project has the potential to impact the economy of the whole state by creating new high paying jobs and improving our tax base. It will be key to creating entrepreneurship in our community and out-state. The best jobs created in our community start and come from entrepreneurship. Innovation can help us develop a more entrepreneur climate in Lincoln and the State of Nebraska. It is critical to get this project off the ground and started quickly. He requested that the Planning Commission not apply unnecessary regulation or restrictions. We are still feeling the effects of the economic downturn and the importance of creating good high paying jobs has never been greater.

5. Kyle Fischer, 1135 M Street, testified in support on behalf of the **Lincoln Chamber of Commerce**, agreeing with the two previous speakers, who are leaders of the Chamber and leaders in the business community. On behalf of the 1,425 other Chamber members, Fischer believes that this development is in conformance with the Comprehensive Plan. Our community's overall plan is to grow and to grow jobs. This project helps meet that goal. This project meets the comprehensive goals of the Lincoln Partnership for Economic Development for job growth and job

creation. As a Chamber, our mission is to grow our members' businesses. The growth that can be accomplished through the NIC will benefit members of the Chamber as well.

6. Rick Krueger testified in support on his own behalf. He stated that he likes the layout, and would be interested to see if they can make use of the sewage plant for some heat and cooling. How will they fund the infrastructure? Is the developer a nonprofit or for profit development entity? Is the land area subject to real estate taxes? How will that work if the University retains ownership? The property is in an impact fee zone, so will these buildings be subject to impact fees? Will sales tax be collected on materials used for construction?

There was no testimony in opposition.

Lust asked staff to address the applicant's request to remove General Note #17 from the PUD. Cajka stated that at this time, the staff does not agree to removing this note. The staff would like to have time to discuss it further with Public Works, and the staff would recommend that Note #17 be retained for now. If it is determined that it can be removed or modified, that change could be made prior to the public hearing before the City Council. Staff understands that the grading work would be confined to areas outside the floodplain, but part of Lot 3, Block 1, is in the floodplain and they could grade there right now until some of the mitigation plans were finalized.

Devin Biesecker, Watershed Management, explained that when they do phase one, they have proposed to offset some of their floodplain impacts in what is currently the horse racing area of State Fair Park. Phase one will occur before the horse race area is gone, so Note #17 was put in place to try to limit what they could fill before they could offset their floodplain storage. We don't know what the impacts on the floodplain would be from that phase one area. We still want to tie them down to just how much they can fill before they offset their floodplain fill in the future.

Esseks inquired as to the danger of fill. Biesecker stated that their overall plan with full buildout and the offset of their fill in the floodplain results in very little rise in the floodplain. We don't know at this time what phase one would do with the floodplain with no offset of fill in the floodplain. We would like to discuss that further before changing the language.

Response by the Applicant

Joel Pedersen responded to some of the questions raised. The NICDC is a nonprofit corporation. Proceeds, if any, are returned to UNL. The Board of Regents does not have the internal expertise to oversee the development and could have outsourced or they could have staffed a department or something inside UNL. They chose to create the NICDC in trying to get the best of both worlds. This will be a very impressive board representing the private sector and UNL thinks it's a good fit. The NICDC will keep us focused and responsive on the mission.

With regard to TIF, Pedersen explained that the underlying land ownership will be retained by the Board of Regents. The master lease is through the NICDC. The next step will be the phased development. The NICDC will either own the private improvements or have additional leases or a separate sublease. There was a constitutional amendment in Nebraska whereby UNL reports privately held leases on publicly owned land and those are subject to property tax. The reality is that the major source of property tax will be in the buildout of the improvements.

Lust asked Pedersen how he feels about the Planning Commission approving the PUD with Note #17 remaining in place. Pedersen would agree as long as they can work with staff prior to City Council. They don't have the diagram and layout of what will happen, but he agreed that they would follow up with the city and hopefully can reach agreement before this goes to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 10006

ACTION BY PLANNING COMMISSION:

October 6, 2010

Larson moved to find the redevelopment plan in conformance with the Comprehensive Plan, seconded by Taylor.

Gaylor Baird noted that there is a fair amount of guidelines in the Comprehensive Plan that addresses this sort of project, such as the economy statement that Lincoln can develop entrepreneur capacity through public and private partnership; emphasizing the creation of office sites for job growth and that more should be done to encourage entrepreneurship and encourage efforts of technology. These ideas and goals are specifically listed in the Comprehensive Plan. The success of UNL research and development is important to the future of the city. This is a great example of the city and private sector working together for UNL to get grants for research and production of work opportunities. It meets many of the central guiding principles of the Comprehensive Plan.

Motion for a finding of conformance carried 9-0: Cornelius, Taylor, Esseks, Larson, Partington, Gaylor Baird, Lust, Francis and Sunderman voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 10018,
NEBRASKA INNOVATION CAMPUS PUD

ACTION BY PLANNING COMMISSION:

October 6, 2010

Esseks moved approval, with conditions as set forth in the revised staff report dated October 6, 2010, seconded by Francis.

Cornelius commented that the main point of contention seemed to be Note #17, with the University and NICDC requesting flexibility. We have heard from staff that there is willingness to have more conversation on that and trying to develop some compromised language, and then this will go to the City Council which will provide further opportunity for whatever compromise is necessary.

Sunderman stated that he is excited to see what this will look like when it's all said and done, but it's going to take 15-20 years and we need to be patient. It will be a huge positive change for the city – job growth, vibrancy.

Motion for conditional approval as set forth in revised report dated October 6, 2010, carried 9-0: Cornelius, Taylor, Esseks, Larson, Partington, Gaylor Baird, Lust, Francis and Sunderman voting 'yes'. This is a recommendation to the City Council.

