

FACTSHEET

TITLE: A Resolution requested by the Director of the Urban Development Department declaring the **Gateway Senior Living Redevelopment Area** as blighted and substandard, as determined by the *Gateway Senior Living Redevelopment Area Blight & Substandard Determination Study*.

STAFF RECOMMENDATION: A finding of reasonable presence of substandard and blighted conditions (**Miscellaneous No. 12007**).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/11/12
Administrative Action: 07/11/12

RECOMMENDATION: A finding of reasonable presence of substandard and blighted conditions (6-0: Gaylor Baird, Butcher, Cornelius, Esseks, Francis and Sunderman voting 'yes'; Hove, Lust and Weber absent).

FINDINGS OF FACT:

1. This is a request to declare the **Gateway Senior Living Redevelopment Area** as blighted and substandard pursuant to Neb.Rev.Stat. § 18-2103. After an area is declared blighted and substandard, the City may proceed with the preparation and approval of a Redevelopment Plan. Redevelopment Plan activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements.
2. This study area consists of an estimated 11 acres, more or less, comprised of one duplex, garages, and one structure with 56 assisted living units. The Redevelopment Area is generally bounded by O Street on the south, North 56th Street on the east, R Street on the north and North 52nd Street on the west.
3. The staff recommendation to find the area to be blighted and substandard is based upon the "Analysis" as set forth on p.3-5, concluding that the **Gateway Senior Living Redevelopment Area** qualifies as substandard and blighted within the definition of the Nebraska Community Development Law, as determined by the *Gateway Senior Living Redevelopment Area Blight and Substandard Determination Study*. The Study is consistent with the redevelopment and revitalization activities identified in the 2040 Comprehensive Plan. The presentation by the Director of Urban Development is found on p.6.
4. Testimony in support on behalf of Gateway Senior Living and Gateway Properties is found on p.6.
5. There was no testimony in opposition.
6. On July 11, 2012, the Planning Commission agreed with the staff recommendation and voted 6-0 to find that there is a reasonable presence of substandard and blighted conditions in the **Gateway Senior Living Redevelopment Area** and that the area should be declared blighted and substandard (**Miscellaneous No. 12007**). See Minutes, p.6-7.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: July 23, 2012

REVIEWED BY: Marvin Krout, Director of Planning

DATE: July 23, 2012

REFERENCE NUMBER: FS\CC\2012\MISC12007 Blight

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JULY 11, 2012 PLANNING COMMISSION MEETING

- PROJECT #:** Miscellaneous No. 12007
Gateway Senior Living Redevelopment Area Blight and Substandard Determination Study
- PROPOSAL:** The Urban Development Department has forwarded a request to review the Gateway Senior Living Redevelopment Area Blight and Substandard Determination Study and to recommend the Area to be declared substandard and blighted.
- LOCATION:** An area generally located north of O Street, south of R Street, east of N. 52nd Street, and west of N. 56th Street.
- LAND AREA:** 11 acres, more or less
- CONCLUSION:** The consultant's study determines that the Gateway Senior Living Redevelopment Area qualifies as substandard and blighted within the definition set forth in the Nebraska Community Development Law, NEB REV STAT §18-2103. The Substandard and Blight Determination Study is consistent with the redevelopment and revitalization activities identified in Lincoln-Lancaster County 2040 Comprehensive Plan.

RECOMMENDATION:

Finding that there is a reasonable presence of substandard and blighted conditions in the Gateway Senior Living Redevelopment Area as per §18-2103 (11) Nebraska Revised Statutes.

GENERAL INFORMATION:

EXISTING ZONING: R-2 Residential and H-2 Highway Business District

EXISTING LAND USE: Elderly housing/assisted living and vacant land

SURROUNDING LAND USE AND ZONING:

North: Office (O-3) and Single-Family detached dwellings (R-2)
South: Convenience store, vacant land, restaurants, retail, and parking (H-2)
East: American Legion (O-2) and parking lot (R-2)
West: Bank (I-2), bank, convenience store, and vacant land (H-2),

ASSOCIATED APPLICATIONS:

CPC12010: Gateway Senior Living Redevelopment Plan submitted June 27, 2012.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Lincoln and Lancaster County Comprehensive Plan identifies this area as Urban Residential and Commercial in the Future Land Use Plan. (p.1.9)

Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use redevelopment and/or transit oriented development of existing commercial strips. (p. 5.14)

Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety. (p. 5.14)

Mixed Use Redevelopment should: Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure. (p. 6.2)

ANALYSIS:

1. This area is designated as Urban Residential, however, some of the area (along N. 52nd Street) currently has commercial zoning.
2. Redevelopment in this blighted area should consider a mix of uses and proper transition and/or screening to the adjacent neighborhood.
3. This is a request to determine whether the Gateway Senior Living Redevelopment Area should or should not be declared substandard and blighted per §18-2103 (11) Nebraska Revised Statutes. After an area is declared substandard and blighted, the City may proceed with the preparation and approval of a Redevelopment Plan. Redevelopment activities may include utilizing Tax Increment Financing (TIF) from private development to pay for public infrastructure and improvements.
4. The Urban Development Department hired a consultant who conducted the study to determine whether or not there was a presence of substandard or blighting conditions in the study area per §18-2103 (11) Nebraska Revised Statutes.
5. The area comprises approximately 11 acres. According to the land use categories identified in the Blight Study, approximately 68.9% is in multi-family use, 18.8% is vacant developable land, and 12.3% of the land is in street rights-of-way,
6. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
7. A **substandard** area is defined in the Nebraska Revised Statutes as containing a predominance of buildings or improvements with at least one of four conditions present:
 - 1) Dilapidation/deterioration
 - 2) Age or obsolescence
 - 3) Inadequate provision for ventilation, light, air, sanitation or open spaces
 - 4) a) High density of population and overcrowding; or
b) The existence of conditions which endanger life or property by fire and other causes; or
c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.
8. According to the Blight Study, the area qualifies as **substandard** because all four factors were found to have a strong presence.

- 1) Deterioration of structures is evident in 2 of the 4 structures (50%). (p. 22)
 - 2) Based on field evaluation 2 of the 4 structures are over 40 years of age. (p. 22)
 - 3) Inadequate provision for ventilation, light, air, sanitation, or open space is evidenced by the presence of one building in “deteriorating–major” condition, deteriorating site features such as parking lots and curbs, and aging private service lines over 49 years old. (p. 23).
9. A **blighted** area is defined in the Nebraska Revised Statutes as having the presence of one or more of the twelve following conditions:
- 1) A substantial number of deteriorated or deteriorating structures;
 - 2) Existence of defective or inadequate street layout;
 - 3) Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
 - 4) Insanitary or unsafe conditions;
 - 5) Deterioration of site or other improvements;
 - 6) Diversity of ownership;
 - 7) Tax or special assessment delinquency exceeding the fair value of the land;
 - 8) Defective or unusual conditions of title;
 - 9) Improper subdivision or obsolete platting;
 - 10) The existence of conditions which endanger life or property by fire or other causes;
 - 11) Other environmental and blighting factors
 - 12) One of the following five conditions:
 - a) Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
 - b) The average age of the residential or commercial units in the area is at least 40 years;
 - c) More than half of the plotted and subdivided property in the area is unimproved land that has been within the City for 40 years and has remained unimproved during that time;
 - d) The per capita income of the designated blighted area is lower than the average per capita income of the city or City in which the area is designated; or
 - e) The area has had either stable or decreasing population based on the last two decennial censuses.
10. The study found the following 10 **blighting** factors to be present to a strong extent in the study area:
- 1) 2 (50%) deteriorating structures. (p. 28)
 - 2) On-site private access driveway is in poor condition and provides inadequate access to only N. 56th Street. (p. 29)
 - 3) Lot layout is irregular and inefficient for the land use; inadequate vehicular and pedestrian access to other streets . (p.30)
 - 4) Insanitary or unsafe conditions due to age and quality of structures and aging private service lines to public utilities. (p. 31)
 - 5) Deterioration of site improvements such as sidewalks and driveways. Poor access and circulation and no sidewalk connection to public street/sidewalk system. (p. 32)
 - 6) Diversity of ownership is NOT a factor due to only one owner. (p. 33)

- 7) Tax or special assessment delinquency was NOT a contributing blight factor for this area. (p. 34)
 - 8) Defective or unusual conditions of title was not reviewed by the consultant. (p. 35)
 - 9) The subdividing of this property does not meet current standards and provides poor access to the site. (p. 36)
 - 10) Conditions which endanger life or property by fire and other causes is present due to the presence of two of the four buildings (50%) built prior to 1972, aging private service lines to public utilities, and fair to poor overall site conditions. (p. 37)
 - 11) Other environmental and blighting factors include functional and economic obsolescence. (p. 38)
 - 12) Additional blighting conditions: The average age of dwelling units in the area is over forty years old. (p. 39)
11. The study finds a reasonable to strong presence of three factors that constitute an area as substandard within the study area, and out of 12 possible factors that constitute an area blighted, 9 are reasonably to strongly present in the area. Therefore it is the conclusion of the study that sufficient conditions and factors meet the criteria of substandard and blight as evidenced in the Blight Study. These factors present a serious barrier to the planned and coordinated development of the area, have created an environment that negatively impacts private sector investment in the area, and serve as a detriment to the overall healthy economic growth and physical development of the community.
12. The Blight Study is on file with the Urban Development Department and the Planning Department.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: July 3, 2012

APPLICANT: David Landis, Director
Urban Development Department
555 S. 10th Street, Ste. 205
Lincoln, NE 68508

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MISCELLANEOUS NO. 12007

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 11, 2012

Members present: Gaylor Baird, Butcher, Cornelius, Esseks, Francis and Sunderman; Hove, Lust and Weber absent.

Staff recommendation: A finding that there is a reasonable presence of blighted and substandard conditions.

There were no ex parte communications disclosed.

Staff presentation: **David Landis, Director of Urban Development**, advised that the Gateway Senior Living Blight and Substandard Determination Study concludes that the statutory obligations of finding both blight and substandard conditions have been met. Two of the four structures were found to be in deteriorated circumstances. The buildings are older; the private service lines are 49 years of age; there are no sidewalk connections to the public street; the lot layout is irregular; the access driveway is in poor condition and not well-placed; and there are cracks in the concrete, all indicators that this is an area that meets the statutory definition of blight and substandard.

Landis stated that the city looks forward to doing business with the Gateway Senior Living Center in the future; Urban Development is proceeding toward a redevelopment plan and then drafting a redevelopment agreement in the event of a finding of blight and substandard conditions.

Esseks inquired about remedying the structural problems once the redevelopment is approved. Landis explained a couple of the improvements but suggested that that discussion occur during the deliberations on the redevelopment plan.

Support

1. Tom Huston, 233 S. 13th Street, Suite 1900, appeared on behalf of **Gateway Senior Living and Gateway Properties**. On June 13, 2012, the Planning Commission approved a change of zone to R-2 and a special permit to allow additional density at this site. What is before the Commission today is the blight study. He stated that he will reserve discussions about the expansion plans for the hearing on the redevelopment plan.

There was no testimony in opposition.

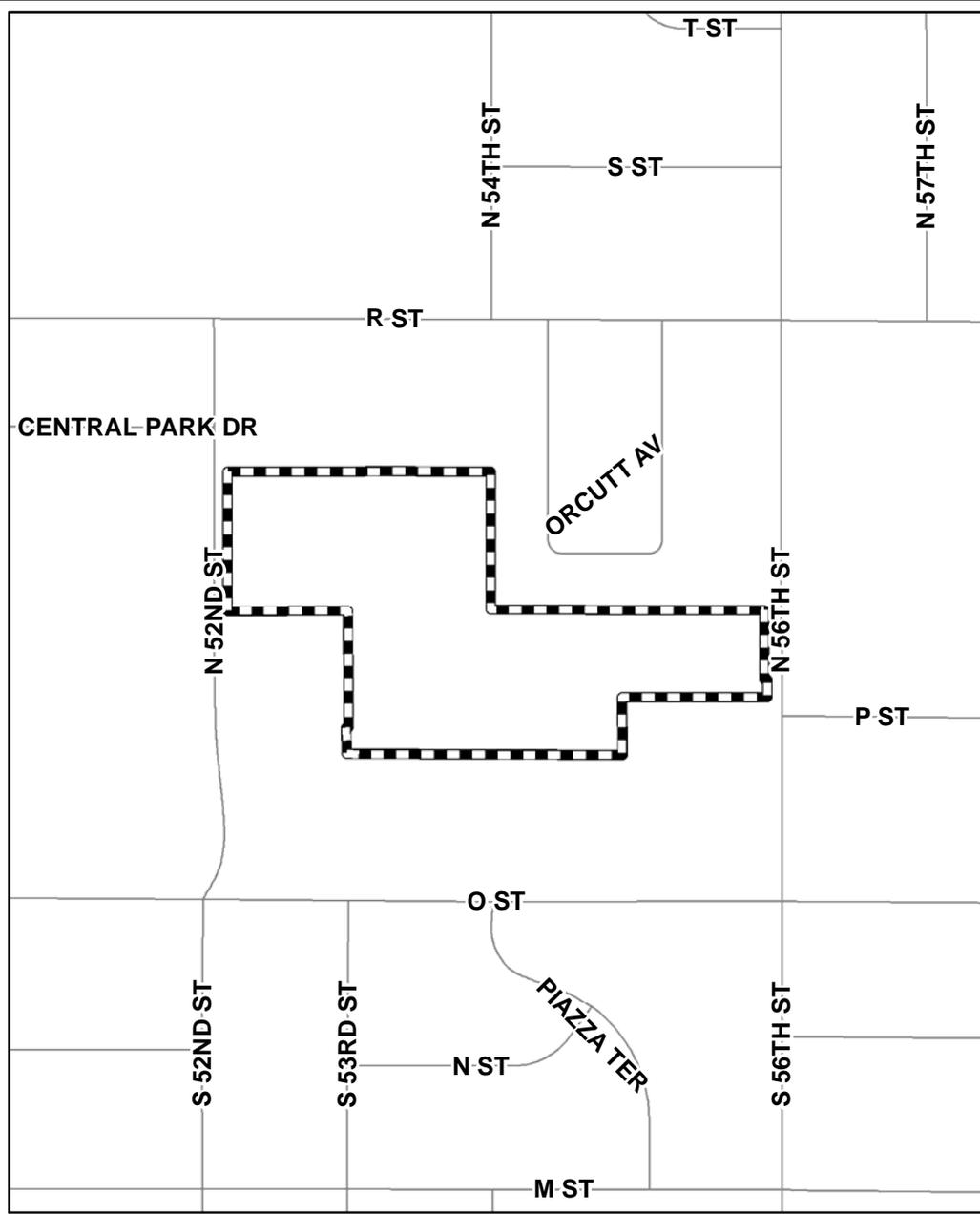
ACTION BY PLANNING COMMISSION:

June 11, 2012

Francis moved approval of a finding of a reasonable presence of blighted and substandard conditions, seconded by Butcher.

Butcher referred to his comments on previous blight studies, and he finds that this blight study encompasses the entire redevelopment plan area which the Planning Commission was briefed upon earlier today, so he will support this finding.

Motion for a finding of a reasonable presence of blighted and substandard conditions carried 6-0: Gaylor Baird, Butcher, Cornelius, Esseks, Francis, and Sunderman; Hove, Lust and Weber absent. This is a recommendation to the City Council.



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(MISC12007)

Miscellaneous #12007 Gateway Redevelopment Area

June 13, 2012

**CITY OF LINCOLN
NEBRASKA**

MAYOR CHRIS BEUTLER

lincoln.ne.gov

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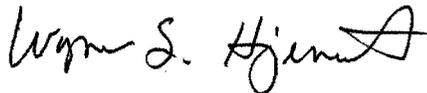
Dear Marvin:

Enclosed is the *Gateway Senior Living Redevelopment Area Blight and Substandard Determination Study*. Ten hard copies are included and a PDF will also be forwarded to your office today. The Study was completed in May, 2012 by Hanna:Keelan Associates, P.C. at the request of Gateway Senior Living.

Please forward the Study to the Planning Commission for their earliest consideration and review for conformity with the Comprehensive Plan. My understanding is that it should be on the July 11, 2012 Planning Commission agenda.

If you have questions or need additional information, please contact me at 441-8211 or by e-mail at whjermstad@lincoln.ne.gov. Thank you.

Sincerely,



Wynn S. Hjermstad, AICP
Community Development Manager

cc: Dave Landis, Director, Urban Development
Russell V. Peterson, Jr., Gateway Senior Living

enc.

LINCOLN

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