

## **FACTSHEET**

**TITLE:** A Resolution requested by the Director of the Urban Development Department declaring the **18<sup>th</sup> & “Q” Streets Redevelopment Area** as blighted and substandard, as determined by the *18<sup>th</sup> & “Q” Streets Redevelopment Area Blight & Substandard Determination Study*.

**STAFF RECOMMENDATION:** A finding of reasonable presence of substandard and blighted conditions (**Miscellaneous No. 12014**).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 12/12/12  
Administrative Action: 12/12/12

**RECOMMENDATION:** A finding of reasonable presence of substandard and blighted conditions (5-0: Lust, Weber, Butcher, Hove and Cornelius voting ‘yes’; Gaylor Baird, Francis and Sunderman absent).

### **FINDINGS OF FACT:**

1. This is a request to declare the **18<sup>th</sup> & “Q” Streets 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 4.7 acres, more or less, comprised of a single family dwelling, accessory garage and a parking lot, generally bounded by 18<sup>th</sup> Street and Antelope Valley Parkway, from “Q” Street to “R” Street.
3. The *18<sup>th</sup> & “Q” Streets Redevelopment Area Blight and Substandard Determination Study* document is being provided by the Urban Development Department under separate cover, or may be found on the internet at [www.lincoln.ne.gov](http://www.lincoln.ne.gov), keyword = PATS, Application No. MISC12014.
4. The staff recommendation to find that there is a reasonable presence of substandard and blighted conditions is based upon the “Analysis” as set forth on p.3-6, concluding that the **18<sup>th</sup> & “Q” Streets Redevelopment Area** qualifies as substandard and blighted within the definition of the Nebraska Community Development Law, as determined by the *18<sup>th</sup> & “Q” Streets 1<sup>st</sup> 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.7.
5. Testimony in support by Tom Huston on behalf of America First Real Estate Group is found on p.7-8, indicating that the future Redevelopment Plan and Redevelopment Agreement will propose to construct three stories of residential uses/condominium units above the existing parking garage, which will be an exciting counterpart to the Assurity project.
6. There was no testimony in opposition.
7. On December 12, 2012, the Planning Commission agreed with the staff recommendation and voted 5-0 to find that there is a reasonable presence of substandard and blighted conditions in the **18<sup>th</sup> & “Q” Streets Redevelopment Area** and that the area should be declared blighted and substandard (**Miscellaneous No. 12014**).

**FACTSHEET PREPARED BY:** Jean L. Preister

**REVIEWED BY:** Marvin Krout, Director of Planning

**REFERENCE NUMBER:** FS\CC\2013\MISC12014 Blight

**DATE:** December 27, 2012

**DATE:** December 27, 2012

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

### for DECEMBER 12, 2012 PLANNING COMMISSION MEETING

- PROJECT #:** Miscellaneous No. 12014  
18<sup>th</sup> and Q Redevelopment Area Blight and Substandard Determination Study
- PROPOSAL:** The Urban Development Department has forwarded a request to review the 18<sup>th</sup> and Q Redevelopment Area Blight and Substandard Determination Study and to recommend the Area to be declared substandard and blighted.
- LOCATION:** An area generally located between Q Street, R Street, N. 18<sup>th</sup> Street, and N. Antelope Valley Parkway.
- LAND AREA:** 4.7 acres, more or less
- CONCLUSION:** The consultant's study determines that the 18<sup>th</sup> and Q 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 18<sup>th</sup> and Q Redevelopment Area as per §18-2103 (11) Nebraska Revised Statutes.

#### **GENERAL INFORMATION:**

**EXISTING ZONING:** B-4 Lincoln Center Business District and P Public Use District

**EXISTING LAND USE:** One detached single-family dwelling and surface parking lots

#### **SURROUNDING LAND USE AND ZONING:**

North: University of Nebraska-Lincoln (UNL) student housing (P)  
South: City of Lincoln fire station and a commercial building (B-4)  
East: Parking garage associated with Assurity Life Insurance building (B-4)  
West: Parking garage associated with UNL (P)

#### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2040 Lincoln and Lancaster County Comprehensive Plan identifies this area as Public and Semi-Public in the Future Land Use Plan. (p.1.9)

Support compatible and pedestrian-oriented development and implementation of the *Antelope Valley* project and West Haymarket redevelopment, making use of the *Lincoln Downtown Design Standards*. (p. 5.4)

Maintain the urban environment, including a mix of land uses and residential types. (p. 5.4)

Encourage higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures. (p. 5.4)

#### Greater Downtown

A major focus for new residential reuse, infill, and redevelopment is in the Greater Downtown area. The Plan envisions an additional 3,000 dwelling units in this core area by 2040. (p. 6.3)

Maintain the urban environment, including a mix of land uses with a major focus on residential uses. (p. 6.3)

All of Downtown is shown as a Mixed Use Node on the Mixed Use Redevelopment Nodes and Corridors Map. (p. 6.5)

### **DOWNTOWN MASTER PLAN SPECIFICATIONS:**

Q Street adjacent to this area is shown as a "Streetcar Route". (pgs. 2 and 12 of 2012 update)

This area is shown as "Education" on the Land Use Framework map. (p. 20)

Incorporates the "zipper zone" envisioned in the campus master plan – the blocks between R and Q Streets where town and gown overlap would be supported and enhanced. (p. 40)

Encourages development of a mix of compatible uses – student housing, arts, administration and similar uses should be encouraged in this "campus zone" of downtown. (p. 40)

Pedestrian orientation – New development should emphasize a pedestrian-friendly environment in planned infrastructure improvements such as the downtown promenade loop, which contains a segment on R Street by the campus. (p. 40)

Enhances urban character – increased density and lot coverage are encouraged as opposed to low, sprawling new development. (p. 40)

### **ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:**

This area is shown as "UNL Research and Development" on the University/East Downtown Future Land Use Map. (p. 53)

### **ANALYSIS:**

1. This area is designated as Public & Semi-Public. However, a portion of the property is zoned B-4 Lincoln Center Business District. The entire site is in public ownership. UNL owns the majority of the block and the City of Lincoln owns a small surface parking lot in the southwest corner. A change of zone from P to B-4 for the rest of this block would be acceptable without an official change to the land use map due to the small area.
2. This is a request to determine whether the 18<sup>th</sup> and Q 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.
3. A private developer 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.

4. The area comprises approximately 4.7 acres. According to the land use categories identified in the Blight Study, approximately 61.7% is in street rights-of-way, 31.9% in public/quasi-public use, 4.2% undeveloped, and 2.1% for a detached single-family dwelling.
5. The Urban Development Department requests the determination study be reviewed by the Planning Commission for conformance with the Comprehensive Plan.
6. 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.
7. According to the Blight Study, the area qualifies as **substandard** because all four factors were found to have a reasonable or strong presence.
  - 1) Dilapidation of structures is evident in 2 of the 2 structures (100%) (strong presence). (p. 20)
  - 2) Based on field evaluation 2 of 2 (100%) structures are over 40 years of age (strong presence). (p. 21)
  - 3) Inadequate provision for ventilation, light, air, sanitation, or open space is evidenced by the presence of 2 buildings in “dilapidated” condition; deteriorating site features such as parking lots and open storm water drainage systems; and aging public utilities and a private service line over 40 years old (strong presence). (p. 22)
  - 4) Presence of dilapidated structures as mentioned above; aging public utilities as mentioned above; fair to poor site conditions for 4 out of 4 (100%) parcels were in “fair” to “poor” condition. All of these factors are considered to endanger life or property due to fire (reasonable presence). (p. 23)
8. 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 platted 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.
  
9. The study found the following 9 **blighting** factors to be present to a reasonable to strong extent in the study area:
  - 1) 2 (100%) dilapidated structures. (p. 27)
  - 2) Public streets excluding N. Antelope Valley Parkway are deteriorating asphalt. The surface parking lots are also deteriorating asphalt. Some sidewalk sections are in need of repair. (p. 28)
  - 3) The land was platted originally as Kinney's O Street Addition and the majority has been replatted as Antelope Valley 2<sup>nd</sup> Addition. The remaining small lots and limited access contribute to a strong presence of a faulty lot layout. (p. 29)
  - 4) Insanitary or unsafe conditions due to age and quality of structures and aging public utilities. (p. 30)
  - 5) 2 out of 2 structures within the redevelopment area were rated as "dilapidated". (p. 31)
  - 6) There are 2 different owners within the area. Diversity of ownership is not a blighting factor. (p. 32)
  - 7) Tax delinquency is not considered to be a contributing blight factor. (p. 32-33)
  - 8) Defective or unusual conditions of title was not reviewed by the consultant. (p. 34)
  - 9) The subdividing of part of this area does not meet current standards and provides poor access to the site (strong presence). (p. 35)
  - 10) Conditions which endanger life or property by fire and other causes is present due to the presence of 2 of the 2 buildings (100%) determined to be dilapidated, aging public utilities, and fair to poor overall site conditions (reasonable presence). (p. 36)
  - 11) Other environmental and blighting factors include functional and economic obsolescence of the existing structures (strong presence). (p. 37)
  - 12) Additional blighting conditions: The average age of the structures is at least 40 years old (strong presence). (p. 38)
  
10. The study finds a reasonable to strong presence of four factors (dilapidation/deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, and the existence of conditions which endanger life or property by fire and other causes) 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.

11. The Blight Study is on file with the Urban Development Department and the Planning Department.

Prepared by:

Brandon M. Garrett, AICP  
Planner  
402-441-6373 or [bgarrett@lincoln.ne.gov](mailto:bgarrett@lincoln.ne.gov)

**DATE:** December 4, 2012

**APPLICANT:** David Landis, Director  
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## MISCELLANEOUS NO. 12014

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 12, 2012

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

There were no ex parte communications disclosed.

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

Staff presentation: **David Landis of Urban Development** appeared as the moving party. UNL, the owner, and a private developer have had the blight study done, and the blight study finds that of the four statutory substandard factors, three of them had a strong presence, and of the twelve blight standards, nine were present, with dilapidated and deteriorated structures, age and obsolescence of the area.

This proposed redevelopment area is immediately adjacent to an area that has previously been designated as blighted and substandard, i.e. the Antelope Valley designation runs sort of north and south along the channel. This is the next block over. UNL and the private developer would like to ultimately get to a Redevelopment Plan, which the Planning Commission should see in January, and then they are working toward a redevelopment agreement to be approved by the City Council for development on that block.

The Commissioners did not have the blight study in their packets, so Landis provided further explanation. The vacant lots and structures are not in good status. It is eventually the hope that this will become a parking facility with some residential on top of it. The existing structures are in dilapidated and deteriorated state. It is public land in B-4. This will be garage space for UNL and privately owned residential which means it will have tax value.

As the first step, the property needs to be designated as blight and substandard. The block is currently a surface parking lot with a couple of old and deteriorated buildings. It is surrounded by areas that are already blighted and substandard. UNL owns the entire block.

Weber wondered why the area of application includes a roadway. Landis explained that the redevelopment plan often determines where the curb line should be. Money will be spent in the right-of-way and if there is the need for a deceleration lane, we would want the area described so that we could use TIF to pay for public enhancements that would occur in the City's right-of-way. It is very common to see the existence of the City's right-of-way in that designation.

**2. Tom Huston** appeared on behalf of **America First Real Estate Group**. He stated that the site is currently owned by the University and the only reason it was not included in the Antelope Valley Redevelopment Plan and blight study is because it was owned by the University. It is correct to characterize this site as meeting the criteria for reasonable or strong presence of substandard and 9 of 12 of the blighting factors. Why was this not included in a prior blight study? Because UNL

intended to build a parking garage, then decided to consider making it more than the typical parking garage. They issued the RFP and his client was successful and will be constructing more than just a parking garage. They intend to construct three stories of residential on top of the existing parking garage. The University will own the ground and private development will exist in the condominium units that will be separate from the University. Ultimately, this is step one. It is important for this to move forward. The RFP from UNL is insistent that the new parking garage has to be open in August of 2014. Based upon that schedule, they need to get into the ground in March.

Huston will be back before the Commission with a second package – the Redevelopment Plan, change of zone and street vacation vacating 18<sup>th</sup> Street to move the building further away from Antelope Valley Parkway to create more green space. This is an exciting counterpart to the Assurity project and will reflect a huge investment in the city and in Antelope Valley.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

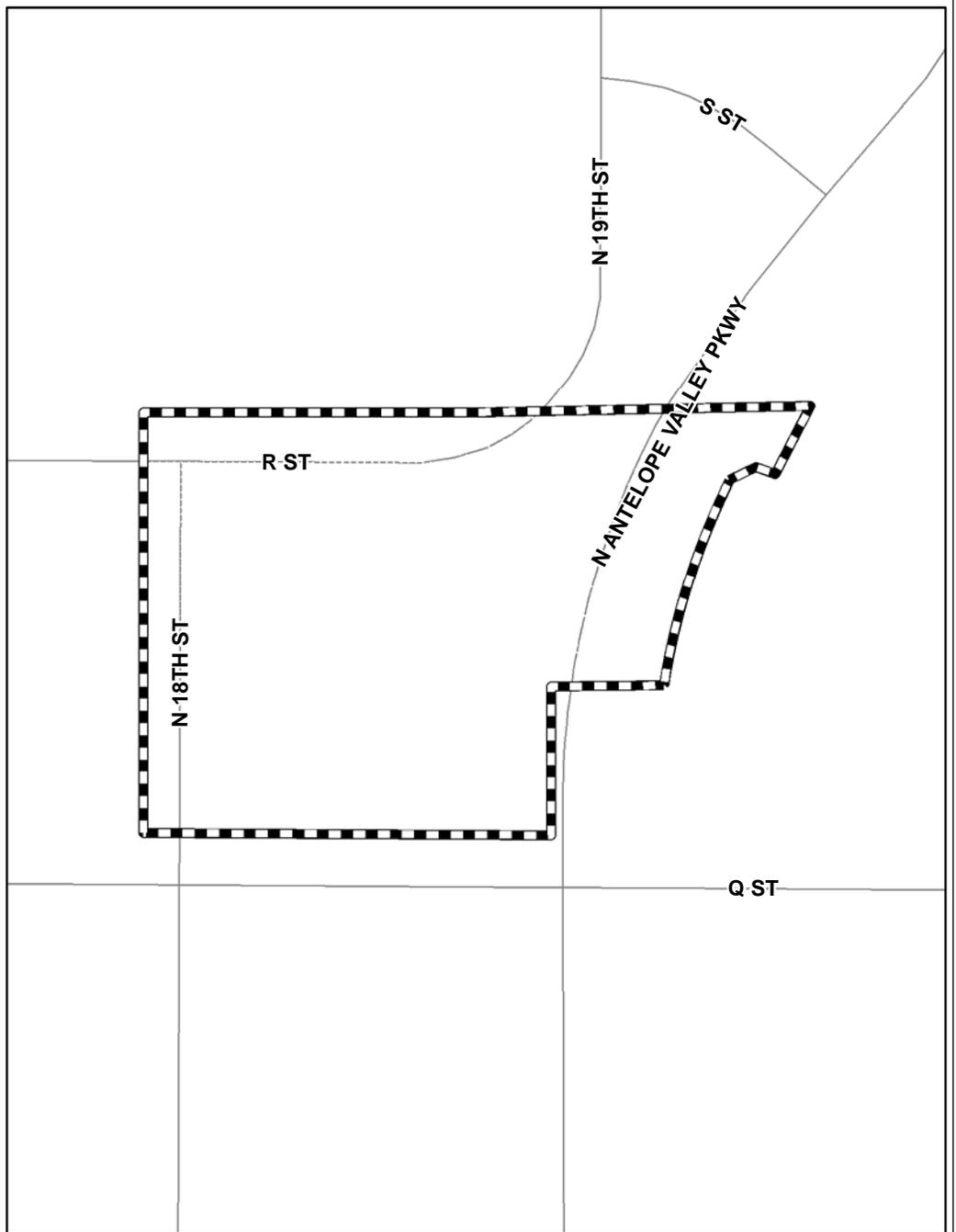
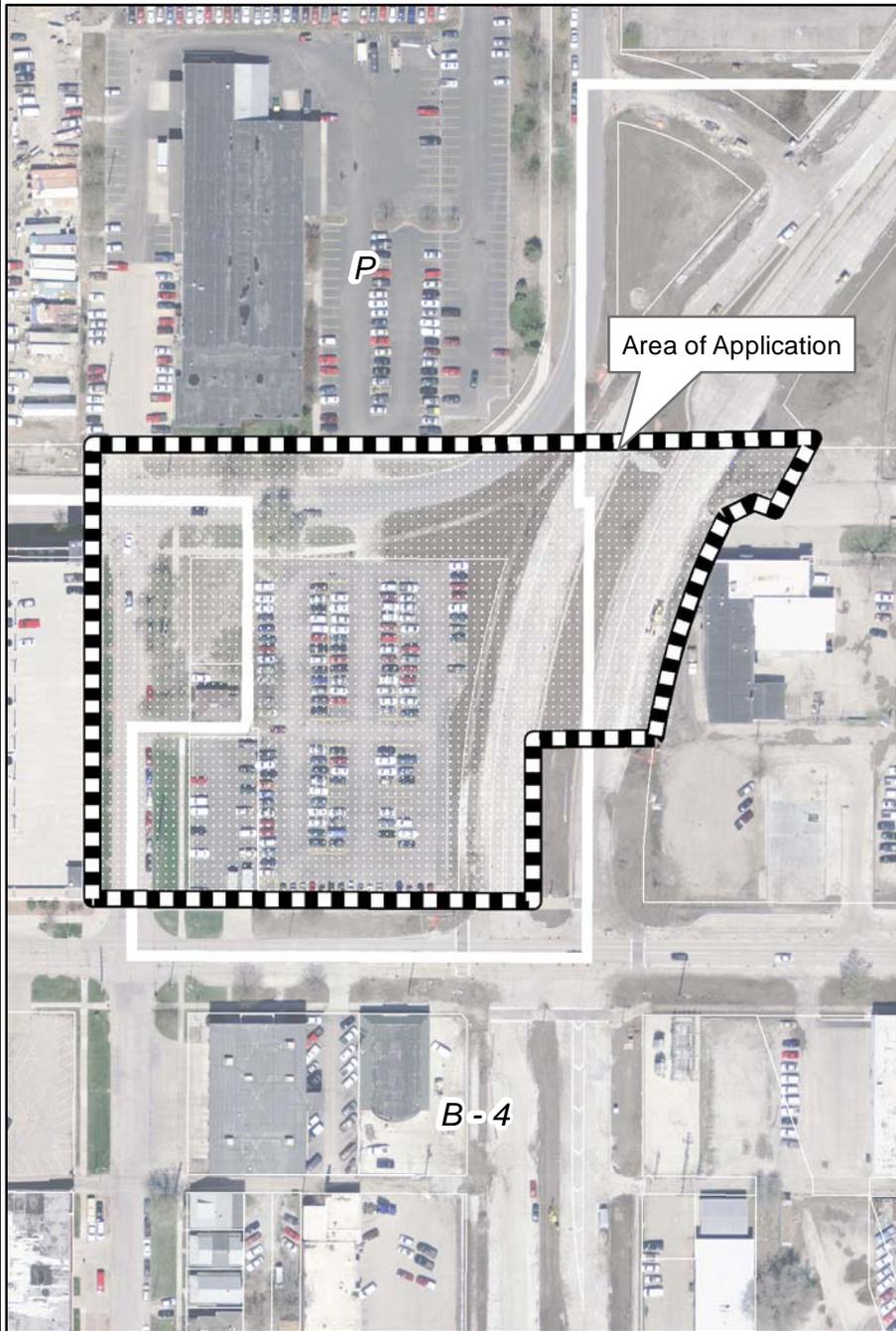
December 12, 2012

Lust moved to approve a finding of reasonable presence of substandard and blighted conditions, seconded by Butcher.

Lust thinks this looks like a great project.

Butcher noted that in this case, we are going to see redevelopment of the entire designated area and it is a great and exciting use for it.

Motion carried 5-0: Lust, Weber, Butcher, Hove and Cornelius voting 'yes'; Gaylor Baird, Francis and Sunderman absent. This is a recommendation to the City Council.



2010 aerial

# Miscellaneous #12014

## 18th & Q Streets Redevelopment Area

m:\plan\arcview\CPCRedevelopmentAreaDrawings.mxd (MISC12014)

**CITY OF LINCOLN  
NEBRASKA**

**MAYOR CHRIS BEUTLER**  
lincoln.ne.gov

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November 14, 2012

Brandon Garrett  
Planning Department  
City / County Building  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Brandon:

The 18<sup>th</sup> and Q Blight Study will be submitted through ePlan today.

Once reviewed, please forward the blight study to the Planning Commission for their consideration of its consistency with the Comprehensive Plan at the December 12, 2012 public hearing. We request that the amendment also be to City Council for introduction on January 7 and public hearing on January 14, 2013.

If you have any questions about the study or schedule, please contact me at 441.7866 or [hsalem@lincoln.ne.gov](mailto:hsalem@lincoln.ne.gov).

Best Regards,



Hallie Salem  
Planner II