

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 12003, requested by the Director of Planning at the request of Countryside Mobile Home Park, to amend the 2040 Lincoln-Lancaster County Comprehensive Plan by changing the land use designation from Residential to Commercial and to designate a new Community Center, on property generally located at North 1st Street and Cornhusker Highway.

SPONSOR: Planning Department

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

RECOMMENDATION: Approval (6-0: Lust, Weber, Gaylor Baird, Butcher, Hove and Cornelius voting 'yes'; Francis and Sunderman absent).

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: 1st & Cornhusker Redevelopment Plan (13R-35); Directed Arterial Street Impact Fee Transportation Improvement Agreement (13R-36); and Change of Zone No. 12029 (13-14)

FINDINGS OF FACT:

1. This Comprehensive Plan Amendment and the associated 1st & Cornhusker Redevelopment Plan and Ascentia PUD were heard at the same time before the Planning Commission.
2. This is a request to amend the 2040 Future Land Use Plan to change approximately 27 acres from Urban Residential to Commercial at the northeast corner of North 1st Street and Cornhusker Highway and to designate the general area as a "Community Center" in conjunction with a proposed redevelopment plan and planned unit development.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that the proposed land use amendment and Community Center designation are appropriate based upon the proposed 1st & Cornhusker Redevelopment Plan and the Ascentia Planned Unit Development. The general area is identified as a Mixed Use Redevelopment Node, which supports higher residential densities and additional commercial floor area in this location. The staff presentation is found on p.5-8.
4. The applicant's testimony is found on p.8-10.
5. Testimony in opposition is found on p.11-13, and the record consists of three letters in opposition (attached to the Factsheet for Change of Zone No. 12029). The main issues of the opposition, related to the associated redevelopment plan and planned unit development, were concerns about proper notification and relocation assistance for the owners and tenants in the existing mobile home parks.
6. On December 12, 2012, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of this Comprehensive Plan Amendment, with the understanding that the applicant would attempt further public outreach with the mobile home park residents and owners, and arrange another neighborhood meeting prior to the public hearing before the City Council (See Minutes, p.13-14). **Note:** An additional neighborhood meeting was held by the applicant on January 22, 2013.
7. On December 12, 2012, the Planning Commission also voted 6-0 to find the proposed 1st & Cornhusker Redevelopment Plan (Bill #13R-35) to be in conformance with the 2040 Comprehensive Plan, and voted 6-0 to recommend conditional approval of the associated Ascentia Planned Unit Development (Bill #13-14).
8. The Directed Arterial Street Impact Fee Transportation Improvement Agreement, which is a condition of approval of the planned unit development, is also being introduced on February 4, 2013, as Bill #13R-36.

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: Marvin Krout, Director of Planning
REFERENCE NUMBER: FS\CC\2013\CPA12003+

DATE: January 28, 2013
DATE: January 28, 2013

LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT
for December 12, 2012 Planning Commission Meeting

Project #: Comprehensive Plan Amendment #12003

PROPOSAL: Amend the 2040 Future Land Use Plan to change approximately 27 acres of land from Urban Residential to Commercial at the northeast corner of N. 1st Street and Cornhusker Highway.

CONCLUSION: Based on the proposed "N. 1st & Cornhusker Redevelopment Plan" and the proposed Planned Unit Development, the land use amendment is appropriate.

<u>RECOMMENDATION:</u>	Approval of the proposed amendment
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GENERAL INFORMATION:

LOCATION: North and south of Nance Avenue between N. 1st Street and N. 4th Street.

EXISTING LAND USE: Two adjacent mobile home parks

ASSOCIATED APPLICATIONS:

Comprehensive Plan Conformance #12020

Planned Unit Development Change of Zone #12029

HISTORY:

November 16, 2006 The 2030 Lincoln/Lancaster County Comprehensive Plan showed this area as Urban Residential.

October 31, 2011 The 2040 Lincoln/Lancaster County Comprehensive Plan was adopted by City Council. The plan shows this area as Urban Residential.

October 29, 2012: City Council approved Miscellaneous #12008 for the 1st and Cornhusker Redevelopment Area Blight and Substandard Determination Study.

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)

It is the policy that Commercial and Industrial Centers in Lancaster County be located:

- Where urban services and infrastructure are available or planned for in the near term.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors. (p. 5.5)

Disperse Commercial Centers throughout the community to support convenience of access and to lessen impacts on infrastructure. (p. 5.7)

Locate Commercial Centers where they will have access to arterial streets with adequate capacity and be supported by transit, trails, sidewalks, and local streets. (p. 5.7)

Community Centers may vary in size from approximately 250,000 to 600,000 square feet of commercial space. Typically, new Community Centers will range from 300,000 to 400,000 square feet, with those meeting the incentive criteria having up to 600,000 square feet. (p. 5.11)

Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and should include a mix of residential uses. When properly located, some light manufacturing or assembly when accessory to an office function may be appropriate. (p. 5.11)

This area is identified as a Mixed Use Redevelopment Node. (p. 6.5)

Refer to the staff report for CPC#12020 for additional Comprehensive Plan Specifications related to the Redevelopment Plan.

ANALYSIS:

1. The proposed amendment for a change from Urban Residential to Commercial land use is in conjunction with a request for a 78 acre Planned Unit Development and Redevelopment Plan that encompasses the entirety of both mobile home parks.
2. The proposed amendment to add a “Community Center” commercial designation to this area is consistent with the definition and description outlined on pages 5.10-5.11 of the Comprehensive Plan.
3. The area of change is zoned R-2 Residential and is adjacent to H-3 Highway Commercial to the south.
4. This general area is identified as a Mixed Use Redevelopment Node. This supports the notion of a mixed use redevelopment with higher residential densities and additional commercial floor area in this general location.

SUMMARY:

The change of land use designation to Commercial and the addition of a new Community Center is consistent with numerous principles and strategies outlined in the Comprehensive Plan.

PROPOSED AMENDMENT:

Amend the 2040 Lincoln/Lancaster County Comprehensive Plan as follows:

1. Amend the Lancaster County Future Land Use plan on pages 1.8 and 12.2 and the Lincoln Area Future Land Use Plan on pages 1.9 and 12.3 to reflect Commercial land use, and all other maps, figures, and plans where the land use map is displayed.
2. Amend the Existing and Proposed Commercial Centers map on page 5.6 to identify a new “Community Center” northeast of the intersection of N. 1st Street and Cornhusker Highway.

Prepared by:

Brandon M. Garrett, AICP
Planner

402-441-6373 or bgarrett@lincoln.ne.gov

DATE: December 4, 2012

APPLICANT/CONTACT: Mike Eckert
Civil Design Group, Inc.
8535 Executive Woods Drive, Ste. 200
Lincoln, NE 68512

OWNER: Countryside Mobile Home Park
2 W. Dry Creek Circle
Littleton, CO 80120

**COMPREHENSIVE PLAN AMENDMENT NO. 12003,
COMPREHENSIVE PLAN CONFORMANCE NO. 12020,
and
CHANGE OF ZONE NO. 12029,
ASCENTIA PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 12, 2012

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

There were no ex parte communications disclosed.

Staff recommendation: Approval of the Comprehensive Plan amendment; a finding of conformance with the Comprehensive Plan on the redevelopment plan; and conditional approval of the planned unit development.

Staff presentation: **David Landis, Director of Urban Development**, addressed the Redevelopment Plan, which is the second of three steps the City would take along with the owner in movement towards an ultimate redevelopment of the land. The first step was that the land has been declared blighted and substandard. The second is to outline a general area for the redevelopment area with plans representing a higher and better use than what is there today, and, if approved, the City would then negotiate a Redevelopment Agreement which would go before the City Council for approval of the use of TIF to assist in the public benefits and public enhancements that would accrue should there be redevelopment of the property.

The proposed Redevelopment Plan contains all the statutory elements and describes the public improvements that are identified as being appropriate. The public improvements are a series of changes in the roads. The roads are private inside the two developments other than Nance Avenue, which is a city road but it is gravel. The public improvements would include a right turn lane at 1st & Cornhusker Highway; conversion of 1st Street from three to four through lanes; right turn lane at 1st & Belmont; realign existing intersection between Saunders Avenue and W. Dawes Avenue; allow right-in, right-out at intersection of 1st and Furnas Avenue; and construct turn lanes on Adams Street. These improvements would handle any significant increase in traffic.

The private improvements which are outlined in the Redevelopment Plan which are necessary to be in the Plan include free-standing retail of up to 150,000 sq. ft., specialty retail at a little over 5,000 sq. ft.; 100-room hotel, fast food restaurant, and office space of 190,000 sq. ft. The reason it is important to have these improvements in the Redevelopment Plan is that should a developer step forward, should financing be available and should they wish to use TIF, the improvements must be outlined in the Plan as it is today. It is possible to amend the plan, but this is a vision for what could be done with this land. And if a developer was found, the City would be able to act consistent with this plan and then undertake the negotiation of a Redevelopment Agreement. If the developer wants to do something different, the Redevelopment Plan would have to be brought back to the Planning Commission.

Landis stated that there is no developer at the present time, but there is an owner who wishes to prepare to redevelop.

Landis pointed out that there are two controversial questions: 1) this is important land with 200+ household uses – changing that use which dispossesses those 200+ housing units – that is a considerable impact on the residents; and 2) what are the relocation options that are available? In the event the City was a party by offering TIF, and there were people living at this location at the time of the redevelopment agreement, the City would be responsible for relocation consistent with the Relocation Act and it would be a TIF expense. The City would have the obligation to see that relocation standards are met. If there are changes before there is a redevelopment agreement, the responsibility for relocation assistance would be the responsibility of the owner.

What about the change of land use? Landis pointed out that most of the mobile home owners have the situation of a 30-day lease, and if we were to describe the worst case scenario, it would be for the owner to say he was going to get out of business and the tenants would be required to move in 30 days. That is within the legal framework the owner would have. Landis also indicated that no one is suggesting this is what is going to happen, but that is what happens with leased land. That's the underlying relationship.

Landis reiterated that there is not a specific plan today, but the land is very well positioned for being consistent with improvement for entryway purposes; there is a property owner that can vision a higher and better use, and that higher and better use is consistent with what the City would want to have happen; that is, nodes like this at a major intersection on the entryway with mixed use development.

Lust commented that if there are no TIF funds used or if the City is not involved in the redevelopment process, there is no guarantee of any relocation assistance. Landis acknowledged that there is not a relocation provision in existing leases. The underlying agreement is between the landlord and the tenant. Lust inquired whether it is the redevelopment agreement which is the point at which the City would work with the owner on relocation assistance. Landis suggested that the applicant should respond to this question; however, if somebody came to Urban Development for a Redevelopment Agreement and it required the relocation, it would be the City's obligation to have a relocation plan in place that meets federal and state law; however, that is only if the Redevelopment Agreement includes TIF financing. Landis does not have an example of any Redevelopment Agreement without TIF financing. Landis does not see that there is a requirement to use TIF in a Redevelopment Agreement but we would have every reason to do so because the purpose of the agreement is to access a financing tool.

Brandon Garrett of Planning staff discussed the Comprehensive Plan Amendment. The applicant has requested a land use map change. The current land use designation on the 2040 Comprehensive Plan future land use map is Urban Residential. The request is to change a portion of that area from Urban Residential to Commercial. The southern portion of the site is zoned H-3 and currently does have a commercial designation. The proposed PUD is showing a Commercial designation for the now Urban Residential area.

Garrett pointed out that page 6.5 of the Comprehensive Plan refers to mixed use redevelopment and the Nodes and Corridors Map does identify this general area as an appropriate site for mixed use redevelopment.

Garrett also pointed out that the Comprehensive Plan outlines different types of centers. There are neighborhood centers, community centers, regional centers, etc. In this case, the square footage proposed would fall in the range of a “community center”, so the proposed Comprehensive Plan Amendment would also be adding a community center designation at this site at 1st & Cornhusker. It is a type of commercial center. Community centers are to be spaced throughout the community. There are no community centers designated in the whole general area of northwest Lincoln. The nearest is on North 84th Street. After that you would look to 14th & Yankee Hill Road.

Garrett stated that the staff has determined that the applicant’s proposal for a land use map change from Urban Residential to Commercial and to add the community center designation would be appropriate.

Lust commented that just because we change the zoning and the land use map doesn’t mean that anything will change immediately in the area. In other words, the existing dwelling units just become a nonconforming use at that point. Garrett responded, stating that the Comprehensive Plan outlines the future appropriate land use, so we are not talking about zoning. The Comprehensive Plan Amendment just covers the future appropriate use of the land.

Tom Cajka of Planning staff presented the proposed Ascentia Planned Unit Development. This application is for a change of zone from H-3 Highway Commercial and R-2 Residential to R-3 PUD on approximately 72 acres. The property is north of Cornhusker Highway; the west boundary is 1st Street; the east boundary is 4th Street; and the north boundary is Adams Street. Currently, there are two mobile home parks on this property. The site is adjacent to single-family and two-family residential on the north and east; there is single-family residential and another mobile home park and some vacant property to the west; there is a small park; and to the south across Cornhusker Highway is Oak Lake Park.

Cajka explained that the proposed PUD proposes a 450-unit apartment complex, a hotel and 392,000 sq. ft. of commercial floor area, including both retail and office use. The site is shown as a mixed use redevelopment node in the Comprehensive Plan today. The proposed PUD would be classified as a “community center”, which can range in size from 250,000 sq. ft. to 600,000 sq. ft. Currently, there are no community centers in the northeast part of Lincoln.

Cajka also explained that the proposed PUD will require street improvements, including a traffic signal at 1st & Belmont; westbound dual left turn lanes at 1st & Belmont; right turn lane from N. 1st Street to Belmont Avenue; right hand turn lane from Cornhusker Highway to N. 1st Street; turn lanes in other interior streets and widening of 1st Street.

The PUD proposes design standards including pedestrian orientation, streetscapes, landscaping, siting of buildings and facades, and types of building materials to be used. This is an entryway corridor into Lincoln so the staff believes that some site design standards are appropriate to enhance this area.

Cajka then addressed the waivers being requested by the applicant:

- 1) information accompanying a preliminary plat to be submitted with an administrative amendment. This information would be more detailed plans such as grading and drainage, street profiles, utility plans and a more detailed site plan – this is a typical waiver with a PUD.
- 2) allow block lengths to exceed 1,320 feet. This waiver is acceptable due to the large commercial center plus there is a large drainageway that cuts through the property. Being bounded on one side by Cornhusker Highway prohibits any access to Cornhusker Highway.
- 3) parking in side yard. This waiver is standard in large commercial areas.
- 4) to allow cross-parking between lots in Area 1. This is common in large commercial centers where the parking does not necessarily have to be on your own lot with shared parking across lot lines.

Cajka stated that this proposal for a mixed use development and the proposed design standards could be a significant improvement to the area and entryway to Lincoln. It will provide needed services in northeast Lincoln.

Gaylor Baird understands the waiver of the block length on the side of the property that is along Cornhusker Highway, but she wonders whether it makes sense to have those sorts of waivers on the interior connected to the commercial areas which are supposed to be pedestrian-oriented. Cajka suggested that the internal street pattern could change in the future, but they are limited to access points on 1st Street and creating more streets crossing the drainage ditch is a substantial cost. A large apartment complex would not have a lot of streets.

Proponents

1. Mike Eckert of Civil Design Group appeared on behalf of the applicant. His firm was engaged by the applicant over a year ago to begin the process of looking at this property, i.e. how can we go about the process of getting the zoning in place so that they are ready to market the property at some point in the future. The off-site improvements have been determined and they have already agreed with staff on some design standards.

The role of Civil Design Group was to do the traffic study with more traffic study issues requested by staff, and they also worked on some design issues in order to establish hypothetical uses for the traffic study. As part of that, Eckert feels very good about the agreements they have reached with staff on the off-site improvements and believes this was a

good approach. What is going to happen is out in the future. The developer will decide when to market this property.

Gaylor Baird inquired as to why the block length waiver is necessary. Eckert stated that it depends on how the block lengths get set up in the commercial area. It is unlikely that it will be broken but the applicant wanted to be able to do that if it becomes necessary.

Eckert also pointed out that there was a significant amount of work done on the hydrology. The drainage areas are shown as preserved minimum corridor areas.

With regard to the block length waiver, Cornelius believes they are usually discussed with respect to things like pedestrian easements and orientation. He is concerned about the design standard for pedestrian orientation and how that may or may not conflict with the waiver. He is hearing that there are separate conceptual units of development with pedestrian movements internally that might be divided by roadways that exceed the block length limit. Is that correct? Eckert responded yes, potentially, but the standard for pedestrian way easements is different than block length. We are not asking for a waiver of the pedestrian way easement, which is 1,000 ft.

2. Tom Huston, 233 S. 13th Street, Suite 1900, appeared on behalf of **Ascentia Real Estate** and its affiliates, **Countryside Mobile Home Park and Lincoln Mobile Home Park**. The PUD is a conceptual PUD – it does not have specific site planning tools, which is intentional. Rarely do we have clients with this kind of foresight – with a 5- to 10-year perspective in a planning process. That's what is happening here. The real matters of interest deal with the property, his client's plan for the property and the effect on the residents of the two mobile home parks. His client does not have a project planned or contemplated at this point. He is taking a 5- to 10-year perspective in planning for the future. His client recognizes it is unrealistic that the property will remain as it exists today, and he is trying to plan for higher and better use at some point in the future. He is trying to get some perspective on the requirement for internal and off-site improvements. It has been a planning exercise. He understands the concerns of the residents.

Huston stated that to date, his client has informed him that originally there was a letter sent to the residents in March, accompanied by a community meeting held on April 3rd. Another letter was sent in August, with another meeting held on August 29th. At those meetings, the owner pledged: 1) that they would continue to communicate with the residents; 2) that there are no current plans for the property; 3) that there would be a minimum of three months notice before any change would occur; 4) that any redevelopment would occur in phases, if at all; and 4) promised that the residents will be provided assistance with several options, including financial support.

Huston acknowledged that if his client asks for TIF funding, that would implicate the relocation rights; however, his client plans to implement a private relocation plan, excluding involvement of the City. His client has also pledged that any private relocation would comply with all statutory requirements.

Huston advised that there are a total of 420 lots or pad sites within the property. As of December 1, 2012, 274 of those lots are occupied, leaving 146 vacant lots. The owners of the property also own the adjacent mobile home park located west of N. 1st Street, i.e. Gaslight Village, with 137 vacant lots as of December 1, 2012. There are 274 occupied lots within the two mobile home parks,

of which 14 of those lots contain mobile homes that are owned by the property owner. What are the rights relative to the residents that could be affected? Huston interprets that there are three possible profiles and scenarios:

1) pure renters – individuals that do not own the mobile home, renting as it is situated on a lot owned by the owner. Under the regulations, there are two aspects that would be available. There is a supplement to cover the differential in the cost of rent and utilities for up to 42 months, capped at \$5,250. For example, if the existing rent for a mobile is \$1,000/month, and for a comparable property in a different mobile home park the rent is \$1,100/month, that \$100 differential is a part of the supplement calculated for up to 42 months, i.e. \$4,200 available as part of the relocation package. In addition, the statute makes clear that the renter is also entitled to actual and reasonable costs to move personal property within a 50-mile radius.

2) moving homeowners – homeowners that own the mobile home that would be moving the mobile home to a different facility, hopefully Gaslight Village. This type of homeowner would be entitled to a similar type of benefit, i.e. a supplement to cover the differential of increased rent and utilities for 42 months, capped at \$5,250. In addition, they are entitled to actual and reasonable costs to move the mobile home and personal property. The base cost starts around \$1500 to move the mobile home – in addition, there are costs to moving decks, fences, car ports, etc. This type of profile that would be relocating the mobile home is entitled to that cost plus the rent differential.

3) remaining owners - because of the condition of the property or because they choose not to move the mobile home. There are mobile homes that are in deteriorating condition that are not capable of being moved. The statute provides a third level of benefit including the two above, plus a supplement to cover increased cost of acquiring a comparable replacement mobile home, subject to cap of \$22,500. Huston interprets that it is really the cost of a comparable mobile home, less any salvage value of a home that cannot be moved.

Before his client considers repositioning this property, Huston stated that he wants to design and implement his own private relocation plan based upon the federal and state standards before a redevelopment project would move forward. His client has promised to stand by these standards.

Lust appreciates the outline of relocation benefits, but when the words “pledge and promise” are used, what enforcement mechanism is available for that pledge or promise? How do we have any guarantees? Huston suggested that the City does not have to approve any redevelopment agreement unless his client has honored the commitment and pledge. Without a private relocation plan, then all of the residents would be eligible for the benefits described. Lust pointed out that if the City is not involved in the redevelopment agreement, the City does not have to come up with a relocation plan. The private owner can do what he wants. Huston’s response was that he has never met a developer that would walk away from the TIF opportunity. The cost of the infrastructure will necessarily implicate TIF. Lust confirmed then that there is no enforcement mechanism. Huston suggested that his client would not be going through this process if TIF were not involved.

Eckert offered that the off-site improvements are over one million dollars. The developer anticipates the TIF will be used to assist in the payment of that. Would he forego potential TIF dollars and still be stuck with those obligations? Eckert suggested that it would be very unusual for someone to not utilize that tool.

Butcher wondered whether there are properties which might fall under multiple categories, such as some subleasing? Huston thinks that is possible but his client does not have any knowledge of any subleases. The benefits may be allocated a little differently but they would still be basically the same.

Cornelius asked Huston about the level of resident participation in the neighborhood meetings. Huston did not have the information.

Cornelius inquired whether there is an estimate or projection for the cost to implement the private relocation plan. Huston believes it would be over seven million dollars.

Lust inquired about the letters that were distributed to the mobile home owners. Huston did not have them with him to share. Huston did not know how the letters were distributed.

Opposition

1. Raul Alvarado, 267 Belmont Avenue, testified in opposition. He has lived there for three years. He owns his trailer and pays \$350/month for lot rent. He lives there because it is cheap. He can't afford anything more. He suggested that the issue should be fixing the dirt road that makes everything look like a ghetto and dusty. His parents work hard and his father just built a shed for his house and now they are talking about us having to leave. It is not right. Please take this into consideration. He did receive the notice on his windshield. He did not receive anything in the mail. He did not attend the neighborhood meeting because he did not know about it.

2. Ema Gonzales, 275 Furnas Avenue, testified in opposition. She has lived there for eight years. She suggested that there are not very many people at this hearing because many of the residents do not speak English and they do not understand what the letters says. What can I do? Where do I move? I have three children.

3. Helen (?), resident of 258 Garber Avenue, testified in opposition. She purchased the mobile home for \$2,000. It was in a very disgusting situation and she has remodeled and spent all of her savings (\$8,000) to remodel. People do not understand the language. They need to at least take the time to make them understand. They need to understand that we are low income families.

Butcher asked how many of the residents are Latinos. Helen did not know but some are from Honduras, Guatemala, Mexico. She has been there for one year. The biggest concern is that the owner needs to understand that they do not speak the language. Why do they not take time to have a good meeting and talk about it? It is like someone is coming to destroy our home with a bomb and we don't know when. She knocked on doors to tell people about this hearing but they cannot take off work.

4. Steve Rogers, 2612 N. 3rd, testified in opposition. He has lived in the neighborhood for 15 years. His is an older home, which he fears will not be able to be moved. It is a double-wide and he does not know the condition underneath. The house is 35 years old. He has been somewhat

reassured today with at least the appearance that there may be relocation plans or help. If they said, "let's relocate you today, we'll pay for it and get you moved," he would go for it today. It sounds positive, at least more than he thought, but he is still concerned. He would like more reassurance.

5. Yolande, DeLeon, 2700 N. 2nd Street in Woodlawn Estates, testified in opposition. She has lived there about 3 years and she is on disability. She had to retire from teaching and she has used her entire retirement fixing up her mobile home. It might not be able to be moved because it is a 1974 trailer and she is sick to her stomach because she has put \$15,000 into it. She found a letter underneath a rock on her steps. She just had her bathroom redone for \$5,000. This is not right.

6. Jaime Gomez, 2734 Candlewood Lane, testified in opposition. He has lived there for 14 years, and he lives week-to-week. He does not have any money to move the trailer. The other people didn't come because they don't speak English.

7. April Robinson, 318 Countryside Lane, agreed with the opposition. She moved in a year ago and her husband has remodeled the whole trailer. They purchased it for \$2,000 and it's probably now worth \$8,000 or \$9,000.

8. Rosa Hernandez, 2320 N. 3rd, testified in opposition. She has four children and they are very sad and worried about what is going to happen.

9. Kathleen Jenkins, testified on behalf of her parents who live at 215 Belmont. Basically, if they can be assured that the owner has honorable intentions and wishes to comply with what has been presented, then that will take their worries away. Unfortunately, things change and you cannot make people be honorable. Her parents are retired, on a very limited income and not well. They worry about these things and by the manner of communication, they do not know what is going on. It would help if they could have clear direction of what's happening.

Cornelius asked Jenkins how the owner should communicate. Jenkins suggested that the letter should be mailed several weeks in advance. Putting the letter on the windshield just doesn't work.

10. Yolanda Arroyo, 245 Alexander Road, testified in opposition. She came to the meeting because she does not know what is going to happen. She has lived there for 22 years, and she knows Lincoln is growing and getting beautiful. She is a single parent with two children, and she works really hard to have what she has. She is afraid. She would like to know more information of what's going to happen by turning that into a commercial area. It will look beautiful but what's going to happen to us? She is comfortable where she is. She has remodeled. She has put everything into the house. What is going to happen with all of that? What am I going to do? If they will tell me there is a beautiful house for my children, I am happy. But who is going to provide it? Are they going to buy the mobile homes? There are a lot of Latinos that do not speak or read English. Where am I going to go when they tell me I have 30 days to move out?

Cornelius wondered whether Ms. Arroyo feels better now after the information that has been provided at this hearing. Ms. Arroyo stated that she needs more information.

Ms. Arroyo had the letter from the Planning Department advising her of this hearing. Butcher asked whether she had received any of the letters from the owner. She does not remember seeing any other letters. She heard from people talking about it.

Response by the Applicant

If the Planning Commission supports these applications today, Huston stated that he will recommend to his client that the City Council hearing be deferred until at least one more resident meeting is held where they can do a better job of notifying people and have some interpreters available.

COMPREHENSIVE PLAN AMENDMENT NO. 12003

ACTION BY PLANNING COMMISSION:

December 12, 2012

Hove moved approval, seconded by Cornelius for purposes of discussion.

Lust stated that she is really torn on this action. When the Planning Commission discussed the blight study, they were all very concerned that the finding of blight wasn't going to benefit the residents that were living there. She certainly understands the existing situation that all of these people could be evicted with 30 days notice anyway, but it is very concerning that we're going forward with a process that is likely to use city tax dollars that is likely to displace people that are trying to do the right thing by investing in their own homes that they can afford; they have improved those homes; and just because the land use wants to change they may be displaced. She is somewhat comforted that there is relocation assistance available and happy that the owner's counsel is going to recommend additional neighborhood meetings. If the residents have some reassurance about what is going to happen; that this is long term planning – years in the future; that there is relocation assistance available; if they had an understanding of how their homes could be moved, etc., Lust believes that would eliminate a lot of the concerns she has about the process. That said, she is going to support the applications that are before the Commission today, with the understanding that the applicant will defer City Council approval while they meet with the residents and explain to them what is going to happen, with interpreters present. She is hearing a lot of fear. If that can be alleviated, this process may turn out well for everyone involved.

Weber agreed. There is a lot of fear and confusion, and a lot of miscommunication. A lot of the fears can be helped by better communication in the future and explaining in detail what could happen whenever this might redevelop and that there is assistance available. Right now, a lot of people think they will be out on the street and no one here wants that to happen. He will vote in favor with the hope that the owner will communicate and answer questions and help people with their fears.

Gaylor Baird agreed with Lust. It might be helpful to the residents if the applicant would also provide more interpretation and if the letters about the meeting would be bilingual as well so that they can be mailed and understood.

Weber suggested that the time of the meetings with the residents ~~the Council hearing~~ be considered in terms of residents who work during the day, etc. **(**As amended on 1/09/13****

Hove stated that he will support the motion, also with the understanding that there will be relocation plans and following through with communication.

Butcher pointed out that the Commission is not here to define the contractual agreements between the homeowners and the landowner. It is an unfortunate situation that exists. Clearly, he also agrees that there needs to be as much open communication as possible in regard to the meetings,

but his hope is that we don't find ourselves in a situation where a few months down the line some of these expectations are not followed through. He strongly, strongly encouraged the applicant to follow through on the guarantees and hold true.

Cornelius agreed. It is unfortunate that the Commission has been very focused on the relocation issue because the other side of the coin is that the applicant should be commended on the foresight to look into the future – to take a very long planning horizon of five to ten years and to try to line up everything to make this happen with the minimal amount of upheaval for the residents. It is unfortunate that because of barriers to communication, we have arrived at this moment where we are asked to vote with a fair amount of opposition and fear. He will support with the understanding that there will be letters in the languages involved delivered through the mail, and that the meetings will be at times when people can attend and that their fears can be allayed as this project moves forward.

Motion for approval carried 6-0: Lust, Weber, Gaylor Baird, Butcher, Hove and Cornelius voting 'yes'; Francis and Sunderman absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 12020
ACTION BY PLANNING COMMISSION:

December 12, 2012

Lust moved to approve a finding of conformance with the Comprehensive Plan, seconded by Hove and carried 6-0: Lust, Weber, Gaylor Baird, Butcher, Hove and Cornelius voting 'yes'; Francis and Sunderman absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 12029
ASCENTIA PLANNED UNIT DEVELOPMENT
ACTION BY PLANNING COMMISSION:

December 12, 2012

Lust moved to approve the staff recommendation of conditional approval, seconded by Hove.

Cornelius expressed his frustration with not being able to provide reassurance to the residents because of language barriers. He stated that he will still support the proposal but it does give him pause.

Motion for conditional approval carried 6-0: Lust, Weber, Gaylor Baird, Butcher, Hove and Cornelius voting 'yes'; Francis and Sunderman absent. This is a recommendation to the City Council.



CPA # 12003 : N 1st St & Cornhusker Hwy

Res Land Use Category

 Area of Amendment

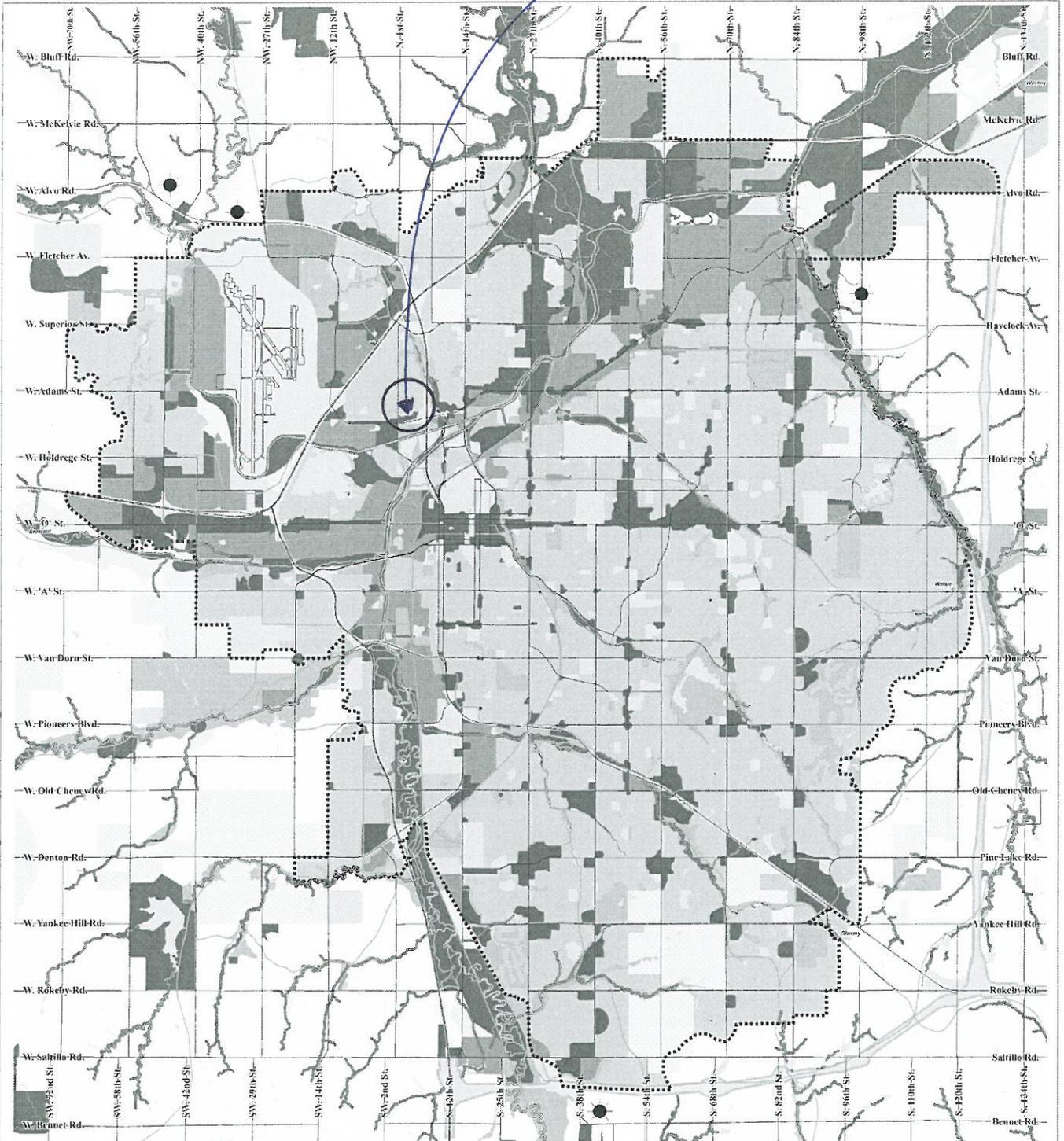
 Future Land Use

 Ownership Parcels

Proposed Future Land Use



1ST AND CORNHYSKER

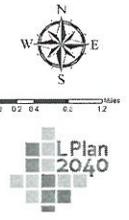


2040 LINCOLN AREA FUTURE LAND USE PLAN

- | | | |
|--|------------------------------|-------------------------|
| Agricultural | Commercial | Green Space |
| Residential - Urban Density | Industrial | Environmental Resources |
| Residential - Low Density | Public & Semi-Public | Lakes & Streams |
| Potential Large Employer Opportunity Areas | Agricultural Stream Corridor | Future Service Limit |

The location of each land use designation is generalized. The appropriateness of a particular zoning district for a particular piece of property will depend on a review of all of the elements of the Comprehensive Plan. Please consult other sources for exact locations of environmental resources such as wetlands, native prairie and floodplain. Not all of these resources are displayed on this figure.

The incorporated town plans are displayed on this figure. In many circumstances the land use categories in the town plans were different from the categories used in the Lincoln Lancaster County Plan, so some adjustments were made for the purposes of this display. These communities and their specific adopted plans should be consulted as the source for decisions within their zoning jurisdictions.



Map 1.2: Lincoln Area Future Land Use Plan

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the environmental resources section of this Plan.

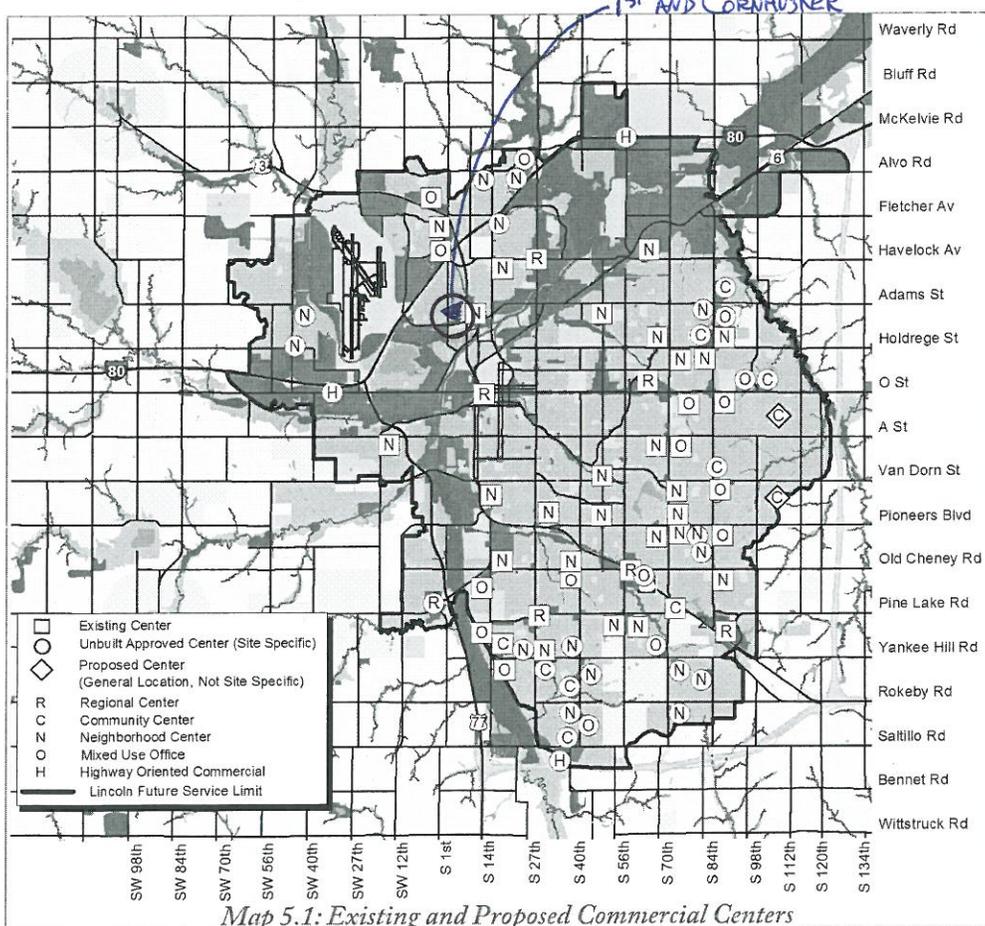
- Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
- Explore additional opportunities for streamlining the permitting process.

COMMERCIAL CENTERS

Based on the projected population growth rates, the Plan identifies the potential for 58.6 million square feet of occupied retail, office, and service uses by 2040. A substantial portion of this future commercial capacity will be accommodated on sites already zoned or approved for commercial development or that have been identified in the Plan for future commercial land use.

“Commercial Centers” are defined as areas containing a mix of retail, office, service, and

residential uses, with some light manufacturing and warehousing in selected circumstances. Other land uses such as child care centers, assisted living facilities, and recreational facilities should be integrated within the development. They can include shopping centers or districts (such as neighborhood centers, large scale retail malls, strip centers, and traditional store-front retail settings), residential mixed use centers, office parks, business parks, stand-alone corporate office campuses, research and technology parks, and Downtown Lincoln. Commercial Centers are distinguished from Industrial Centers by their dominance of commercial uses over industrial uses, and in the types of industrial uses located in them — that is, the uses are less intrusive in terms of lighting, noise, odors, truck and vehicular traffic, and pollutants. Where properly sited, light manufacturing uses may be a part of larger Commercial Centers, except for Neighborhood Centers.



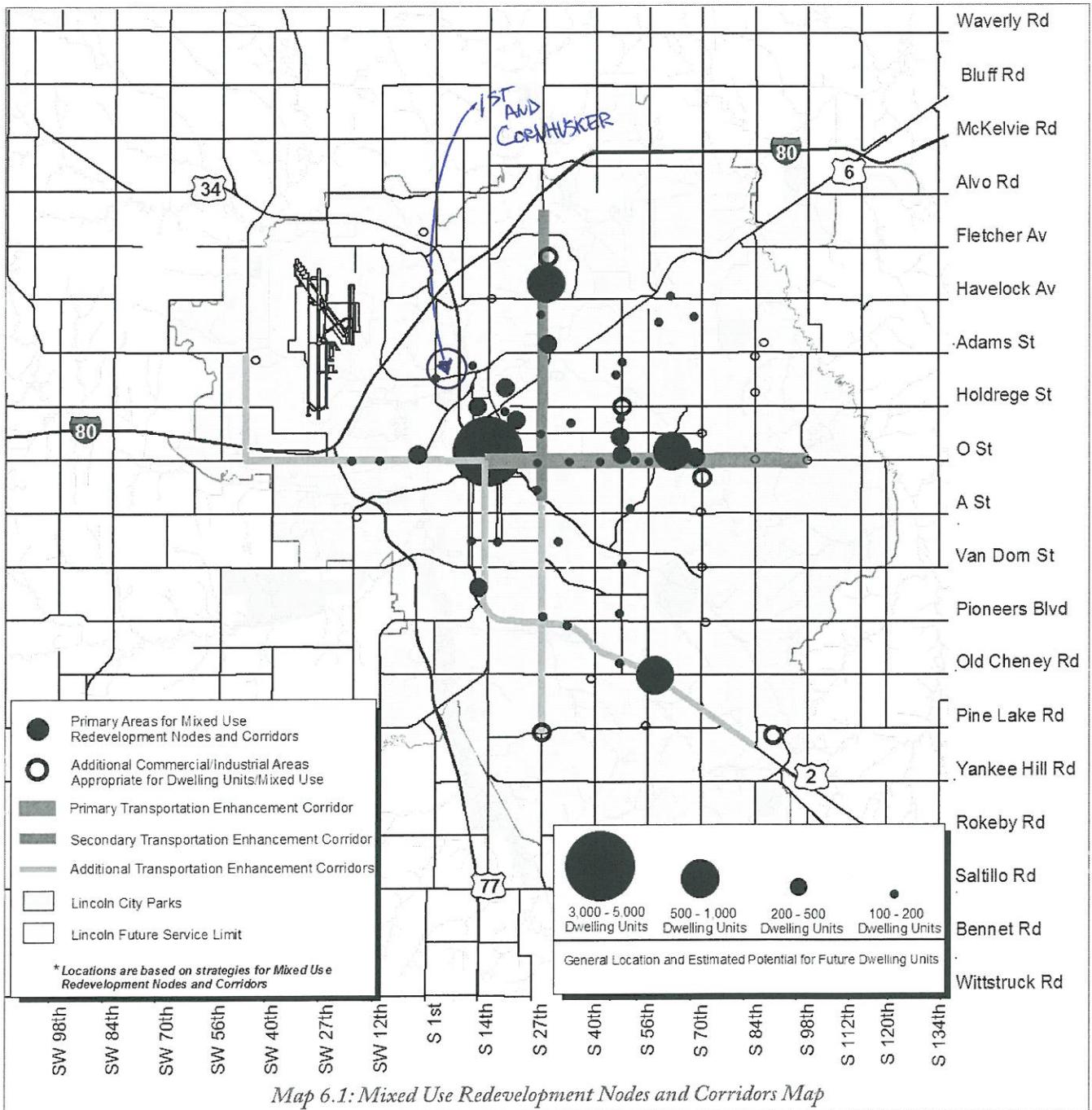
Map 5.1: Existing and Proposed Commercial Centers

The Commercial Centers concept gives recognition to the evolving role of commercial and industrial uses in the life of cities. Commercial Centers encompass a broad range of land uses and are intended to encourage the mixing and integration of compatible land use types. Residential mixed use is encouraged in some commercial areas; especially for Regional, Community, Neighborhood, and Mixed Use Office Centers. Transitional uses (such as offices or commercial uses) should develop between Moderate to Heavy Industrial Centers and residential uses. In redeveloping areas, smaller setbacks between commercial

multi-modal transportation including a complete sidewalk network, transit stops, automobile parking and circulation, and storage of bicycles. This concept is designed and intended to be mutually beneficial for existing adjacent neighborhoods and the new mixed use neighborhood created by the redeveloped center. Newer commercial centers that are not yet fully developed are encouraged to

utilize this concept as a guide for amending their approved plans to develop as mixed use centers.

Corridors represent priorities for future public transportation enhancements (such as increases in level of service), areas to encourage mixed use redevelopment of commercial strips, and connections for Mixed Use Redevelopment Nodes and/or commercial centers. Corridors are typically





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November 14, 2012

Mr. Marvin Krout
Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Comprehensive Plan Amendment
Ascentia Property located at North 1st Street & Cornhusker Hwy.
CDG Project #2011-0035**

Dear Mr. Krout:

On behalf of Ascentia Real Estate Investment Company, we submit the above mentioned request for a Comprehensive Plan Amendment. This request is in coordination with the Ascentia PUD application that has been submitted to the Planning Dept. As shown in this PUD site plan, a portion of this property will incorporate future commercial uses and therefore we are requesting an amendment to the 2040 Comprehensive Plan to show those uses in the areas that currently shown as residential.

In conjunction with this submittal we have included the following:
Comp Plan Amendment Fee - \$330.00

As always, please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: Ascentia REIC

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