

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, October 7, 2009, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Roger Larson, Jeanelle Lust, Jim Partington, Lynn Sunderman and Tommy Taylor (Wendy Francis absent); Marvin Krout, Steve Henrichsen, Christy Eichorn, Brandon Garrett, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Lynn Sunderman called the meeting to order and requested a motion approving the minutes for the regular meeting held September 23, 2009. Motion for approval made by Taylor, seconded by Cornelius and carried 8-0: Gaylor Baird, Cornelius, Esseks, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Francis absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

October 7, 2009

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09010, CHANGE OF ZONE NO. 09023 and CHANGE OF ZONE NO. 09026.**

Ex Parte Communications: None

Item No. 1.1, Conformance No. 09010, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Gaylor Baird.

Lust moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Gaylor Baird, Cornelius, Esseks, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Francis absent.

**COMPREHENSIVE PLAN CONFORMANCE NO. 09010
TO REVIEW A PROPOSED AMENDMENT TO THE
LINCOLN CENTER REDEVELOPMENT PLAN
ADDING THE “HAYMARKET HOTEL AND TOOL HOUSE
REDEVELOPMENT PROJECT”.**
PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 7, 2009

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

Ex Parte Communications: None.

This application was removed from the Consent Agenda at the request of Commissioner Gaylor Baird.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Staff presentation: **Brandon Garrett of Planning staff** presented the proposal requested by the Urban Development Department. The project proposes a mixed use redevelopment of essentially the west half of the block in the Haymarket at North 8th Street and Q Street on the northeast corner. The redevelopment project consists of a hotel with retail on the first floor, and then a mixed use residential and commercial renovation of the existing structure on the corner.

Garrett advised that this project has been reviewed by the Historic Preservation Commission (HPC) and has received a series of approvals in its design, and there are some further approvals that will occur with the HPC beyond this point.

Proponents

1. Dave Landis, Director of Urban Development, the applicant, explained that this is a case in which the plan amendment is proceeding at the same time as the specifics of the project itself. They are working on the site plan and trying to resolve Public Works and Utilities problems as there are a number of technical issues because of utilities and traffic. The developer has brought HPC in early in the process. The Tool House is a historical building and that building is being honored by the proposed design. The last portion (which was later built onto the Tool House) will come down but the Tool House will be kept in its appropriate historical fashion and a number of design elements are being used to link that feel in the rest of the project.

There are two pieces that remain to be solved: 1) how to allocate and spend the TIF because in a project like this there will be any number of expenses that will be TIF eligible (Landis believes they will reach common ground on this issue); and 2) the parking necessary to support a project of this magnitude. This project is very proximate to the

Haymarket parking garage and there are several redevelopment agreements that precede this one for the use of that garage. 70 stalls support the hotel and they are now searching a way to meet as much of the additional demands and needs that the developer has. The residential use will need a particularly intense use of parking.

Landis advised that he will be taking a plan to the City Council which will be designed to the comfort of the Historic Preservation Commission, the City and the community.

Esseks pointed out that the Comprehensive Plan promotes good access to new developments, and he believes good access also means parking. He wondered how serious the parking problem is for the housing element. Should it affect the Planning Commission's recommendation? Landis suggested that it should not affect the Planning Commission recommendation - "we are at a conceptual level here." He anticipates having a consultant recommendation on the parking issue this week.

2. Craig Smith, Speedway Properties, the developer for this project, stated that he has been working with a hotel group and is very close to having all of the details worked out with them. He has worked through the design process with the Historic Preservation Commission. The hotel and exteriors are designed. There is one issue as far as the addition on the top of the Tool House that will be before the Historic Preservation Commission for final review. That is the only element that is at issue. Smith believes this is a very viable project and he is excited about the streetscape because it is going to allow some retail spaces all along 8th Street with some smaller retail type operators. We are down to the parking issues. He believes that some of the commitments that have been made on some of the other buildings can be shifted around to relieve some of the pressure on that parking garage to make this work.

Larson inquired as to the number of floors in the hotel. Landis stated that there is a height restriction that is being observed. The current design is four floors of hotel above the first level.

There was no testimony in opposition.

Staff questions

Cornelius referred to the parking study attached to the staff report, and he inquired whether the Planning Department has reviewed that study as part of the staff recommendation. Garrett referred to Analysis #3 in the staff report:

Additional parking demands resulting from this intensified land use are expected to be handled by existing parking facilities (both public and private) and with the use of on-street parking spaces.

It has been determined that the parking demand created by this project could be relieved through future projects if it cannot be handled today.

Cornelius interprets that essentially reallocation of spaces that have previously been allocated but not used, will be reallocated to other parts of the Haymarket – that is an adequate solution to any parking issues connected with development. Garrett believes that to be an adequate solution.

Landis further commented, stating that the 70 parking spaces needed for the hotel have been identified. The 20 spaces for the retail might fit with the existing use. They are still working on a solution for the 60 residential units. That is the focus of their attention at this time. “It is essential and we understand that.” However, there is need to be cognizant of the tax-free status of the bond for the existing garage.

Esseks wondered about putting the parking for the residential units in the garage on 8th and Q. Landis suggested that there are tax situations that need to be considered and the City’s tax counsel is researching this. One of the chief sources of revenue for a garage is football parking, which is public parking, so there is the opportunity of having one of the two tests met. We will not want to run afoul of the tax status of the bonds. We have a couple of tools to get there.

Lust inquired whether the bond issue was just for the Haymarket garage or for the entire city garage system. Landis believes it was for this garage.

ACTION BY PLANNING COMMISSION:

October 7, 2009

Gaylor Baird moved a finding of conformance with the Comprehensive Plan, seconded by Lust.

Gaylor Baird explained that she pulled this from the Consent Agenda because even though this redevelopment is still in the conceptual phase, it looks like a lot of outstanding work has been done. This project has a number of virtues that make it in conformance – it intensifies use on a low utilized parcel; the mixed use and hotel is good for the Haymarket and good for the Downtown; active street level uses are consistent with the Downtown Master Plan; it integrates nice streetscape and landscape improvements; the design plans respect the historic character of our Haymarket; it appears to be thoughtful development of a historic district while it may truly be a bit more costly for the developer and requires some patience and a lot more time. She understands the developer will continue to work closely with the Historic Preservation Commission and is hopeful that this project turns out as visually vibrant as it seems to be. She believes that it is going to be something special. Gaylor Baird strongly suggested that this project gives the developer an opportunity to be a steward of our community. “When you do redevelopment work, you are setting a standard for other developers and for the community. When you set a high bar and invest in doing redevelopment well, you create something worthy of our tax dollars and TIF financing and

worthy of our appreciation in our generation and generations to come.” Gaylor Baird stated that she pulled this application from the Consent Agenda to thank the developer for their efforts.

Esseks does not believe the project is in conformance if the parking problem is not solved because the Comprehensive Plan states or implies that adequate public access includes adequate parking. He agrees it is in conformance if they solve the parking situation. That should be part of our public record. We should be aware of the variety of principles that the Plan expects us to uphold.

Larson stated that he will vote in favor because we have a great example of public/private partnership between Speedway and Urban Development. This will provide sort of a gateway into the westward expansion of the Haymarket to meet the proposed expansion with the arena project. He thinks it is great timing.

Taylor stated that he is also concerned about the parking because he believes there is a problem in Haymarket now. But, with the plans for this development, he believes that the parking issue will be worked out. He agrees with Esseks that it is something that needs to be considered and that we need to do due diligence to make sure that we have the parking problem solved, making it convenient and pedestrian friendly. He applauded the developer.

Larson further commented that the parking situation is something that is very important, but in the development of the Haymarket area, we have always been ahead of ourselves or behind ourselves where we can't grow the parking exactly with the growth of the businesses. He had a lot to do with that parking garage and he worried for a long time that we would lose a lot of money, but it is going to be overflowing. He believes these things can work themselves out and as we get more development we will probably have to build another parking garage.

Lust asked for staff clarification. Is the parking problem taken care of or is it not? **Marvin Krout, Director of Planning**, observed that the parking study found that there are surplus spaces available regardless of whether or not we build a second garage. You need to take into consideration that this area is zoned B-4, and B-4 does not have any parking requirements – thus, there is not a requirement for parking. It is the private developer's responsibility from a market standpoint, and the city has some responsibility to keep up over time. Even without the garage, there is evidence in the study that says there are surplus spaces in this area. It is in compliance.

Esseks does not believe the issue is whether it is going to be in conformance with B-4, but whether it is in conformance with the Comprehensive Plan. The Comprehensive Plan is concerned about access, and it's going to be a hotel. Krout pointed out that the Plan also talks about encouraging different modes of transportation, and that includes bicycle, walking and transit. And there are many cities that say you can't build any additional

parking, or you have a max that you are allowed to build in order to encourage different kinds of modes of transportation. Downtown and Haymarket are going to be congested at some times, and that is not bad. There are indications in the Plan that places like Downtown and the Haymarket are going to be congested and that will be considered an adequate level of service because it is a bustling area.

Sunderman can't wait to see this project fulfilled. Haymarket has turned into a jewel for the City. He enjoys it because of the life and congestion and hustle and bustle, yet it is real easy to get to. He believes that as this project moves forward, market conditions themselves will assure that there is enough parking. He is comfortable that there are parking issues to take care of, and he is comfortable with the plans and the process to satisfy those issues.

Motion for a finding of conformance with the Comprehensive Plan carried 8-0: Gaylor Baird, Cornelius, Esseks, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'; Francis absent.

There being no further business, the meeting was adjourned at 1:40 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on October 21, 2009.