MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, September 7, 2011, 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, Wendy Francis, Roger Larson, Jeanelle Lust, Jim Partington, Lynn Sunderman and Tommy Taylor; Marvin Krout, Steve Henrichsen, Nicole Fleck-Tooze, Brian Will, David Cary, Brandon Garrett, Sara Hartzell, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Chair Michael Cornelius called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Cornelius then requested a motion approving the minutes for the regular meeting held August 24, 2011. Motion for approval made by Francis, seconded by Larson and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.

The two items on the Consent Agenda were removed and called under Requests for Deferral.

CHANGE OF ZONE NO. 11031
FROM B-1 LOCAL BUSINESS DISTRICT
AND R-3 RESIDENTIAL DISTRICT
TO R-5 RESIDENTIAL DISTRICT,
AND FROM R-1 RESIDENTIAL DISTRICT
TO R-4 RESIDENTIAL DISTRICT
and
SPECIAL PERMIT NO. 459A,
AN AMENDMENT TO THE GEORGETOWN APARTMENTS,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 70TH AND VAN DORN STREETS.
REQUEST FOR DEFERRAL: September 7, 2011

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

Staff recommendation: Approval of the change of zone and conditional approval of the special permit amendment.

These two applications were removed from the Consent Agenda and called under Requests for Deferral due to a request from the applicant to defer the public hearing for two weeks in order to advertise a waiver request on the special permit amendment.

Motion to defer made by Francis, with continued public hearing and action scheduled for Wednesday, September 21, 2011, seconded by Esseks and carried 9-0: Taylor, Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'.

The applicant did not make a presentation.

Opposition

1. Robert Hunt, 7129 Shamrock, appeared in opposition on behalf of the **Carriage Park Neighborhood Association,** which borders the Georgetown Apartment complex. Carriage Park is R-1 zoning. The property upon which the new apartment building is being requested is currently R-1 zoning. Hunt pointed out that the R-1 zoning that exists on the Georgetown property has been intended as a buffer zone for 35 years. If the Georgetown group is allowed to rezone to R-4, then the Carriage Park residents have lost that buffer between the Georgetown community and the Carriage Park Neighborhood Association.

Hunt advised that the Board of Directors of the Carriage Park Neighborhood Association has met and wishes to go on record opposing the rezoning from R-1 to R-4 adjacent to Carriage Park. The property was originally designed R-1 to serve as a buffer between Carriage Park and the Georgetown complex. Rezoning to R-4 would have a negative impact on homeowners to the north in terms of real estate property values and the enjoyment of their homes. These homes are going to be seriously affected by parking, by auto engines, noises, parties at the apartment complex and headlights bearing on the homes. These homes are now protected by a very nice area of grass and a slope down to the complex.

Hunt suggested that If the rezoning is approved, the Carriage Park Neighborhood Association would recommend that a 24-unit 2-story building be allowed rather than the 36-unit 3-story building. This is a very large building, 200 feet long. The other five buildings in the apartment complex are much smaller and the proposed 3-story building would be a very large intrusion. The aesthetics would be more acceptable to the residents adjacent to the proposed building if it were a 2-story building. The Carriage Park residents are primarily elderly people over 60 years of age.

Hunt also suggested that the Carriage Park Board of Directors would request that the entire east end be green space and free of parking spaces, and that at least the north half on the west end be designed as green space also, giving relief to the residents north of the

building. Hunt pointed out that the applicants agreed in a community meeting to provide green space on the east side of the building.

In addition, if this rezoning is approved, the Carriage Park Neighborhood Association requests that trees or other acceptable vegetation be planted between the apartment building and Carriage Park to maintain the view enjoyed by the residents north of the property. Carriage Park would also want to be apprised of the type of trees and vegetation with the right to veto certain types if deemed unacceptable.

In summary, Hunt urged that this proposed development is quite an intrusion on the Carriage Park community. Looking at this as a community issue, Hunt believes there is adequate opportunity for Georgetown to renovate their current 5 buildings without adding an enormous 200' building on the R-1 zoning that is a buffer for the Carriage Park community.

These applications will have continued public hearing and action on September 21, 2011.

CHANGE OF ZONE NO. 11019
TEXT AMENDMENT TO TITLE 27
OF THE LINCOLN MUNICIPAL CODE
RELATING TO "ENTERTAINMENT RESTAURANT".
REQUEST FOR DEFERRAL: September 7, 2011

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

Staff recommendation: Approval.

The Clerk announced that the applicant's representative has requested that this application be placed on the Planning Commission pending list, with no date certain, understanding that the application will need to be readvertised prior to placing back on the agenda for public hearing.

Lust moved to place on pending, with no date certain, seconded by Gaylor Baird and carried 9-0: Taylor, Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'.

SPECIAL PERMIT NO. 11022
FOR SOIL EXCAVATION
ON PROPERTY GENERALLY LOCATED
AT HIGHWAY 34 AND N.W. 48TH STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: September 7, 2011

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

There were no ex parte communications disclosed.

Staff recommendation: Conditional approval.

Staff presentation: **Sara Hartzell of Planning staff** explained that this is an application for a special permit for excavation and soil mining, specifically removing 200,000 cubic yards from 19 acres located at NW 48th & Hwy 34. The land is currently zoned AG and H-3, both if which allow this use by special permit. The final excavation would create a ridge along Highway 34 at a general slope to the southeast. The mining operations are limited to daylight hours, Monday through Saturday. The topsoil is to be stored on-site and the property returned to AG use. The County Engineer and Nebraska Department of Roads is requiring that access be taken off of Highway 34.

Hartzell explained that the site currently has two other special permits: one for a limited landfill which expires December 1, 2011, and another for a heritage center, originally approved in 1993 and amended. The conditions of approval request that the heritage center special permit be rescinded through this process by a letter to the Director of Planning because the heritage center is not really compatible with the soil mining operation.

Hartzell also pointed out that Public Works notes that the location of the topsoil storage area is not appropriate and should be moved, and that the silt fence being used at the south end and north end should be redesigned to use something other than a silt fence. These issues are covered by the conditions of approval.

Hartzell also pointed out that Building & Safety has requested that the 100-year floodplain is very close to the south boundary and should be shown, and that visual screening be shown along the length of Hwy 34 as an entryway corridor.

Proponents

1. Derek Zimmerman appeared on behalf of the applicant to answer any questions and stated that the applicant is in agreement with all conditions of approval set forth in the staff report.

Gaylor Baird inquired whether the applicant is comfortable with the berming required to help screen this site given it is on an entryway corridor. Zimmerman answered in the affirmative, indicating that the applicant knows that the Comprehensive Plan makes such provisions for entryway corridors.

There was no testimony in opposition.

Larson inquired whether there is any provision for inspection when the process is done to make sure the topsoil is redistributed. Hartzell explained that there will be a performance bond posted in the amount of $9,975 that will be held until the permit is closed. The closure of the permit must be certified by a registered engineer and it must be in compliance with the USDA.

ACTION BY PLANNING COMMISSION: September 7, 2011

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

Cornelius commented that it appears that the work that has been done in the past regarding soil mining issues seems to be working. We have a system in place for managing these facilities, which appears to have resulted in an uncontested application today.

Motion for approval, with conditions, carried 9-0: Taylor, Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

THE "DRAFT" LINCOLN-LANCASTER COUNTY
2040 COMPREHENSIVE PLAN
and
THE "DRAFT" LINCOLN MPO
2040 LONG RANGE TRANSPORTATION PLAN
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: September 7, 2011

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

Ex Parte Communications: Cornelius reported that each Commissioner was individually contacted by Rick Hoppe of the Mayor's office, presenting the same information to each individual Commissioner which was also presented in an open meeting held use before this session.

Gaylor Baird disclosed that she contacted Rick Hoppe as a courtesy when she developed a proposed amendment to let him think about it and give feedback. She also contacted several of the other Commissioners for the same purpose.

Staff recommendation: Approval, as revised in the change documents dated September 2 and September 7, 2011.

Staff presentation: **Nicole Fleck-Tooze of Planning staff** briefly summarized the additional information provided to the Commission since the last meeting held on August 24, 2011, referring to the change document dated September 2, 2011, as follows:

--additional public comments, as well as a response to those comments from Esseks relating to Parks;

--comment received today regarding the importance of light rail;

--additional revised staff recommended changes to the plan, the majority of which are fairly minor grammatical changes or clarifying language, relating to redevelopment, transportation, commercial centers, level of service for parks and other minor revisions;

--revision to County Land Use Plan in the Waverly jurisdiction to reflect the updated version of the Waverly Comprehensive Plan;

–motions to amend prepared at the request of Gaylor Baird relating to challenges of redevelopment, strategies for PUD, and to increase the sidewalk rehabilitation funding to 1.5 million annually (with a parallel amendment prepared for LRTP) and an exhibit describing how that would change the roadway capital projects.

Fleck-Tooze also submitted an additional change to the staff recommendation as a result of this morning's briefing session to amend the strategy related to pedestrian and bicycle facilities, specifically sidewalk rehabilitation as follows:

> The Mayor and City Council should examine funding options prior to the 2012-13 city budget year that more closely match funding with identified needs in the sidewalk rehabilitation program. (Chapter 10, Transportation: Pedestrian and Bicycle Facilities: Strategies).

Public Testimony

1. **Barb Fraser,** 3210 Laredo Drive, Chair of the Pedestrian/Bicycle Advisory Committee (PBAC), testified to reinforce the position on funding for sidewalk maintenance and repair. When the PBAC originally provided a letter of support, the Plan invested one million dollars in sidewalk maintenance and repair, which is a better approach to fixing the current sidewalk problem. The PBAC would prefer to see the "needs based" plan funded, which includes 2.5 million. The PBAC stated that the current funding of $500,000 is insufficient. The PBAC supports the Complete Streets approach as we move forward with transportation projects.

2. Rosina Paolini, 1850 Dakota Street, pointed out that there is a lot of language in the Plan regarding fiscal constraint and the ability to tax as we look toward the year 2040. In her mind, those are things/issues that whoever is in office is going to have to deal with – they are budgeting issues, which is separate from the issue of what this city needs for growth. When we limit the amount of park space that we will have in the future or limit the potential number of pools that we may revise, refurbish, etc., Paolini suggests that to be a budgetary issue separate from a "what does our community need" issue. We know that crime rates for adolescents go down when we have neighborhood pools, recreation centers and parks. Yes, they cost money to build and maintain, but if we can engage children in their future early by spending the money ahead, we will save so much in the future. When we put limitations from 6 to 1.1 pools or 2.4 to 1.3 acres, are we limiting the possibilities for our future? The other side of that, especially with park land, is that we know it increases the value of your home if the home is near a park, and we know that the permeable soil is going to benefit ecologically down the line. We also know that park land is going to be cheaper now than if we decide in 2030 we are going to be able to increase the acres of park land but the price went up. These are things that go through her mind when she looks at the changes. Neighborhoods need to remain strong if we are going to keep the crime rate down and keep people working together, and that includes a walkable grocery store, restaurant, park, swimming pool, recreation center and library. That's a lot of what pulls a neighborhood together.

Paolini stated that she has learned so much through this process and expressed appreciation to the Planning Commission members for taking time to volunteer so many hours.

Esseks stated that the Commission has been very impressed by Paolini's frequent attendance at the meetings. "You have been there learning, but also speaking out and informing us. Thank you."

2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN
ACTION BY PLANNING COMMISSION: September 7, 2011

Lust moved approval of the staff recommendation, as revised on September 2 and September 7, 2011, seconded by Esseks.

Motion to Amend #1: Gaylor Baird moved to amend the staff recommendation on various pages of Chapter 10: Transportation, by increasing the sidewalk rehabilitation program funding to $1.5 million annually, beginning in 2012-2013, seconded by Lust, as follows (this motion deletes the staff's September 7th revision regarding sidewalk rehabilitation set forth above):

> "Amend the staff recommendation **by increasing the sidewalk rehabilitation program funding to $1.5 million annually beginning in Year 2 of the Plan** (FY 12-13) on various pages of Chapter 10: Transportation as follows:

Page #	Amendment
10.41	[Update **City of Lincoln Needs Based Capital Roadway Projects and Programs** table to account for $1.5 million annual sidewalk rehabilitation program]
10.47	[Update **Table 10.1 Forecasted Current and Year of Expenditure Total Revenues ($1 M)** to show impact of $1.5 million in sidewalk rehab program]
10.51	[Revise 2nd paragraph in **Bicycle and Pedestrian Program**] This Financially Constrained Plan funds ~~recommends~~ the sidewalk rehabilitation program at ~~be funded to~~ a level of $500,000 ~~$1 million~~ $1.5 million per year…
10.52	[Update **Table 10.5 Bicycle and Pedestrian: Current and Year of Expenditure Revenues and Costs ($M)** to indicate $1.5 million annual sidewalk rehabilitation program]
10.56	[Revise 2nd paragraph in **Financially Constrained Roadway Plan**] As can be seen, the total financially constrained funding for roadways is approximately $41.66 million ~~$37,375,000~~ for 2012. Total roadway funds by year of expenditure through 2040 are approximately $1.88 ~~$1.92~~ ~~$1.68~~ billion.
10.57	[Update **Table 10.8** with new funding amounts to account for $1.5 million annual sidewalk rehabilitation program]
10.60	[Update Green Text Box] In total, there are ~~were~~ 54 ~~60~~ local ~~45~~ projects (note: this includes some projects with multiple segments) identified that could be constructed within the remaining roadway capital budget.
10.60	[Revise 4th paragraph in **Roadway Capital Project Details**] In total, there are ~~were~~ 54 ~~60~~ local ~~45~~ projects (note: this includes some projects with multiple segments) identified that could be constructed within the remaining roadway capital budget.
10.61	[Use updated **Financially Constrained Roadway Plan** map to account for $1.5 million annual sidewalk rehabilitation program]
10.62/ 10.63	[Use updated **Table 10.9: Roadway Capital Projects: Current and Year of Expenditure Revenues and Costs ($M)** to account for $1.5 million annual sidewalk rehabilitation program]

Discussion: Gaylor Baird stated that by the year 2040, Lincoln and Lancaster County is projected to see a significant increase in population – likely to grow to 410,000 – which is a 65% increase over our population today. Simply put, there are going to be a lot more people moving around in our community, both on streets and sidewalks. Typically, with greater density, we have more people. This will result in a significant increase in population density in part of our community, which will result in the desire to have more options about moving about our community – more people who want to walk and bike. We need to plan for this by improving our pedestrian and bicycle infrastructure. The current budget number for sidewalks falls far short of estimates to even maintain them. Sidewalks are currently underfunded by a factor of 5. Sidewalks help preserve connectivity, insure walkable and livable neighborhoods, reduce traffic congestion, help with air quality and help to make sure that people have a safe pathway moving about our community.

Gaylor Baird went on to state that the City Council has some tough decisions to make about funding as a community given the constraints and resources. There are tradeoffs they are going to have to make. That is not our job – the job of the Planning Commission is to tell the City Council what we think is going to happen in our city and how the city should plan and prepare for it. The City Council gets to make those tough decisions about funding year to year, but she wants to be very clear that no one thinks the money allocated for sidewalks is enough. The "needs based" plan calls for $2.5 million. The amendment which she is proposing is based on a year-long public process and would increase sidewalk funding from $500,000 to $1.5 million, with funds being available by shifting capital roadway projects past the 2040 time horizon.

Gaylor Baird commented that in the briefing held before this meeting, the Commissioners and staff had a great debate about the role of the Planning Commission and it seems that that role might be up for some revision. And everyone seems to agree that needs to happen quickly. The Planning Commissioners need to understand their role and how their role might be changing if it is becoming more intertwined with the dollar amounts that go with their recommendations.

Until Gaylor Baird knows more specifically about that new role as a Planning Commission member, ~~and until~~ she is more comfortable ~~about~~ providing advice about what is best for our community based on the experts, data, and input of many, many people who have written and testified~~, she is offering this amendment~~. She recognizes that it is awkward offering ~~it~~ this amendment in the context of the briefing just held, but until she understands her new job description as a Planning Commission member, she feels more comfortable politely agreeing to disagree with those whom she respects and admires very, very much, while respecting her environment very, very much. In her opinion, this is a very valid amendment to make a quality plan. **(**As amended on 9/21/11**)**

Larson, having missed the briefing, asked for clarification of the amendment. Gaylor Baird stated that it is a recommendation that the amount in the bicycle and pedestrian rehabilitation program for sidewalk maintenance be $1.5 million instead of the current

allocation of $500,000. The “needs based” plan calls for $2.5 million. This would require some shifting of some roadway projects with minimal impact in the near term, with six projects shifted into a future time horizon beyond 2040. We are happy about the new funding and amount of work that will go on in our community. She just wants to make sure the people who walk the sidewalks can celebrate too.

Larson stated that he appreciates the need for better maintained sidewalks, but does not think we should be so specific as to take it out of the roads budget. As he understands, this would come out of additional state funds being received by the City because of the Fisher amendment. **David Cary of Planning staff** explained that the shift in funding is not specific to LB 84, but it is specific to the capital roadway program. Larson stated that he will vote against the amendment. While he would be in favor of increasing the sidewalk budget, he is not comfortable reducing the roads budget.

Lust stated that she will support the amendment. She fully understands the Mayor’s urging that we not get this specific about what is in the budget; however, she believes that the Planning Commission has spent a lot of time on coming up with a Comprehensive Plan that is dependent upon the idea that growth in the future is going to be more dense; that we are going to live in a more urban environment; and she believes that under-funding sidewalks puts the entire Comprehensive Plan at risk. She believes it has to be a priority of the community to have a funded sidewalk system in the Comprehensive Plan; otherwise, the Comprehensive Plan that we are adopting is simply not going to work, and frankly, we will not see the fruition of what we think we can be in the future if we underfund this element. What has her most convinced that this amendment deserves support is the numbers that were run by staff on the exhibit. Without the additional funding, there were 18 projects that were not going to be completed during the 2040 program period. Now, with the additional funding, even with this amendment, only six of those projects will not get funded. When we originally adopted a draft Comprehensive Plan, we never thought we’d get as far as we did. The fiscally constrained plan got so much less done than we now can get done, even if we fund sidewalks fully. Lust stated that she is especially encouraged by the fact that none of these projects go away – they just get delayed. For example, if we fund sidewalks at $1.5 million, phase three of S. 33rd through S. 56th on Old Cheney Road gets done 7 years from now instead of 6 years from now. Another year delay in a project like that is not going to make as big of a difference in the long term as underfunding sidewalks when we have a Comprehensive Plan that is trying to encourage density and people to walk. We have an obesity challenge in this county; we have an environmental challenge in this county. To underfund something that gets people out of their cars is just not the right decision for the city.

Esseks stated that he agrees with Baird and Lust, i.e. there is a real need to improve our inventory of sidewalks and have sufficient money to build good sidewalks in the near future; however, we learned that there are federal regulations regarding certain types of expenditures, including roads and sidewalks, and we are in partnership with the City administration and the City Council in setting monetary goals for expenditures. We have

been asked explicitly by the City administration to give them a month or so to develop plans for fully meeting or certainly approaching the goals that have been articulated. They have asked us for this reprieve; they have also agreed that we can "hold their feet to the fire" in the sense that if they do not come up with funding levels that we think necessary, we can then amend the Comprehensive Plan during the annual review process to include the $1.5 million. Right now, they would like us to approve the amendment that is now part of the staff recommendation as follows:

> The Mayor and City Council should examine funding options prior to the 2012-13 city budget year that more closely match funding with identified needs in the sidewalk rehabilitation program.

Since the Planning Commission members are partners (closer than Esseks thought) with the City administration and City Council in these budgetary matters, Esseks believes it is prudent to give them the time they need to develop these new funding sources. Therefore, Esseks stated that he will regretfully oppose the amendment in which he believes out of respect for working together with the City administration and the City Council.

Being on the Planning Commission for 12 years now, Taylor is concerned that we are disingenuing ourselves from the issues that are vital to the life of the community, i.e. more density, more connectivity, and the health of our community. He supports the motion to amend. It just makes really good sense in terms of the dollar matching that is being done federally, but we must think in terms of the life of our community in doing some really substantial change that will improve the quality of life in our community.

Francis expressed appreciation to Gaylor Baird for bringing this forward so that it can be discussed. Sidewalks are important to us and we have had a history in the Comprehensive Plan where we have not had enough funding for them. She appreciates the fact that we could put $1.5 million into the future Comprehensive Plan for this, but it is not the role of the Planning Commission to say where that funding comes from. She appreciates the Mayor's Chief of Staff attending and offering this amendment. We do need to be partners. It is a great topic. It has been brought to the forefront and we are having an open discussion on it. She wishes she could say "yes" to take money from the roads, but she does not believe that is her decision to make as a Planning Commissioner.

Larson wants to give the City administration the opportunity to find places where funding for sidewalks might come from.

Gaylor Baird again pointed out that in the fiscally constrained plan that was initially proposed, there were dollars listed and projects were prioritized. We had the good fortune as a community to have $7 million more dollars identified for transit and transportation.

This is not something that is likely to happen again anytime in the future. But, with this infusion, not one penny of that $7 million went to sidewalks. In fact, money was taken away from sidewalks as allocated in the fiscally constrained plan (from $1 million to $500,000) to help fund roads. She does not see this as money being taken away from roads but replenishing money for sidewalk maintenance and spreading the bounty which largely goes to roads. **(**As amended on 9/21/11**)**

Lust conveyed a staff question regarding the concept that if we fund sidewalks, we are taking money away from roads. As she understood it, sidewalks, trails, etc., were part of the LRTP that we had to do as part of the Comprehensive Plan, so we had to have a line item for sidewalks. It is not like we have decided that sidewalk funding can now come from roads. David Cary advised that it has been a longstanding policy of the Comprehensive Plan to have a balanced transportation system – and that in order to be balanced, we need to provide some level of funding for sidewalk rehabilitation in order to have a transit program and a trails program. It is a longstanding community goal. With that in mind, we therefore have an obligation to fund, to some level, all of the different aspects of the transportation system. It is part of the plan to have those programs funded. As to the amount, that is what is truly up for consideration and debate. Lust then confirmed that as part of the process and Chapter 10, sidewalks are part of that transportation plan. Cary answered, “yes”.

Larson inquired as to how much of the total transportation funding comes from the state. Cary advised that approximately 25% comes from state funding. The remainder is local and federal funds. Local is approximately 50%. Larson inquired whether we are restricted at all by the state as to how we use those funds. Cary explained that there are different sources of state funding, but he does not believe there is any restriction on use of sidewalk funds. LB 84, the Build Nebraska Act, has more specific ties to it as far as the use of the money. In that case, the money is to be used for the state system, i.e. expressway system. There is a portion which comes to local funds and we have incorporated that additional funding in our local program. Once that money comes to local agencies, it is up to the local agency to spend it within reasonability, and sidewalks is not off the list.

Larson believes we have the classic situation where we have more needs than we have funding. Everyone wants better sidewalks and everyone wants better roads. He agrees that sidewalks do improve the quality of life and will foster economic development, but roads do the same “in spades”. He still believes that the Commission should give the city administration the opportunity to make adjustments that will be able to take care of sidewalks as well as the roads, which is part of the staff recommendation.

Sunderman agreed with what everyone says about sidewalks being underfunded and not maintained. The amendment moved with the original motion says nothing about a dollar figure – it just provides the administration the opportunity to sit back and work on the budget next year – they don’t want to be constrained with a dollar amount. Sunderman struggles with being an appointed official and now being thrust into a stronger role as far

as the budget goes and dictating how tax dollars are spent. He is not comfortable diving into that too quickly. The Planning Commission has the ability to come back and address this in the spring, and make a more forceful movement at that time if we are not satisfied with what the Mayor and City Council come up with. All we are doing with the main motion is giving the Mayor and City Council the opportunity to work through this.

Partington agreed with Sunderman. He also opposes the amendment because when we started this process we had a 20-member committee that came up with the Plan. He is not comfortable increasing the Committee's recommendation by a factor of three without talking with the rest of the committee.

Gaylor Baird pointed out that the fiscally constrained plan put together by the committee did provide $1 million for sidewalks, not $500,000. She is moving to increase that to $1.5 million to make the point that the $1 million was a part of the fiscally constrained plan and did not account for the $7 million infusion. That additional $7 million should include at least a few pennies for sidewalk maintenance.

Lust stated that part of her hesitancy with the staff recommendation giving the Mayor and City Council more time to analyze this issue is that now is the time that we are debating this Comprehensive Plan and the vision for the future. Although she has not been on the Planning Commission all that long, every year when the proposal for sidewalk funding has come forward, we have looked at the proposal and commented with chagrin about the underfunding of the sidewalks and made public our displeasure. I think that now is the time to be bringing this issue forward, especially when it is part of a larger plan and we can point to its importance. She is hesitant to wait when now is the right time to give this issue the attention it deserves.

Esseks believes that this has been the most controversial issue as we approach the vote to approve the plan. We are making a very clear point to the administration, City Council and the community that we are concerned about this. He agrees that something has got to change. It puts a burden on the city authorities to come up with additional funding. They say they will look for it and he would like to know how much more. Yes, we discussed sidewalks being underfunded but we do not have the reports on the inventory of sidewalk issues, how to overcome those problems, how to prioritize them, etc. If we are going to take part in this budgetary decision regarding sidewalks, then let's do a thorough job and work with the administration and the City Council. He predicts that the Commission will get progress from the administration.

As far as waiting until spring, Sunderman stated that he has full faith that this subject will not die away. And as far as working with the City Council and the Mayor on the budget, what really happened is that they worked through their budget and the Planning Commission was working on the Comprehensive Plan and LRTP in parallel. We were not working together. That was the main problem. This really is a wake-up call. We may be talking about sidewalks, but there are other issues that are there and working separately

needs to stop. We need to begin to work together. The Planning Commission needs to be brought into the process a little more to understand the issues on the budget. Sunderman is firmly convinced that the original amendment on the main motion is what should be approved.

Taylor suggested that the reason the Commissioners are appointed is to respond to the constituencies and fellow citizens and we can make recommendations that are not necessarily popular with the elected officials. We are performing our function very well. At this point, it is very important that we go forward and approve this motion. He agrees that $1.5 million is arbitrary, but $500,000 is not acceptable. What we do in between would be at least a showing that there is attention properly applied and that the voices of the community will be heard.

Cornelius stated that he came prepared to make an impassioned speech on this amendment. He feels strongly about the way sidewalks have been repeatedly underfunded in the past. He commended Commissioner Gaylor Baird on all the work she did on this amendment; he does not think $1.5 million is necessarily an arbitrary number but a number that reflects the will of the LPlan Advisory Committee, the members of which came up with a $1 million figure. It reflects a windfall that the city received recently that was applied to transportation, and that is an important distinction. Roads are part of the transportation system, trails are part of the transportation system, mass transit and sidewalks are part of the transportation system. It boggles his mind how we found $7 million and lost $500,000 in the process. We had a chart that had dollar figures on it that we were recommending to the elected officials and the dollar figure for sidewalk rehabilitation was $1 million. The job of the LPlan Advisory Committee and the Planning Commission is to study these issues and make a recommendation to the Mayor and City Council. Cornelius stated that he will echo Gaylor Baird and say that he is not comfortable allocating that responsibility to give the best possible advice to those bodies because they need it to make a good decision. The LRTP requires us to put forth a fiscally constrained plan. That means we have to create a document and we decide what we think. That document has line items with dollar signs. Cornelius will support the amendment.

Motion to Amend #1 failed 4-5: Taylor, Gaylor Baird, Lust and Cornelius voting ‘yes’; Partington, Francis, Larson, Esseks and Sunderman voting ‘no’.

Motion to Amend #2: Gaylor Baird moved to amend the staff recommendation regarding challenges to redevelopment, seconded by Taylor, as follows:

Amend the staff recommendation **regarding Challenges to Redevelopment by changing the amended text on page 6.10** as follows:

~~**CHALLENGES TO REDEVELOPMENT**~~

~~Although there have been a few successful developers pursuing redevelopment projects in Lincoln, most developers choose to do projects on the city's fringe. A few developers, when asked why they do not do infill or redevelopment projects, responded that:~~

- ~~Land is too expensive in the existing city~~
- ~~Land assembly is too expensive and unpredictable~~
- ~~Local banks are uncomfortable lending money for that type of development~~
- ~~The public process for development and financial incentives (such as Tax Increment Financing) is too long and unpredictable~~
- ~~Zoning issues, including parking and setbacks, can be problematic~~

~~Another challenge for infill and redevelopment projects is the time and uncertainty when zoning approvals or financing assistance is required, especially when neighbors express opposition to the project, a reaction that is understandable when proposals have not been anticipated in neighborhood plans or when the proposed development has not been designed to be sensitive to the context of the surrounding neighborhood.~~

Strategies for Facilitating Redevelopment

Facilitating infill and redevelopment in the existing city requires both a nuanced understanding of the challenges associated with redevelopment projects and a well-thought out set of strategies to overcome them. Commonly cited challenges to infill and redevelopment include land cost and assembly, access to financing, zoning requirements, and consensus building among project stakeholders. The Comprehensive Plan seeks to address these concerns and encourage successful infill and redevelopment through the following strategies:

- Raise public awareness of and support for infill and redevelopment.

Discussion: Esseks proposed a friendly amendment to add "including neighbors" after "project stakeholders". Both the maker of the motion and the seconder agreed.

~~Gaylor Baird~~ Lust suggested that this is excellent clarification language because it reaches a consensus between wanting to point out that there are barriers to redevelopment but doesn't "bullet point" them out and make them as upsetting to some neighborhood associations as the way it was written before. (****As amended on 9/21/11**)**

Sunderman stated that he struggles with this amendment. It is well written and a nice way of putting across some of the issues, but he does not think it as clearly defines the

obstacles and challenges that go with infill and redevelopment. As we change the way the city develops and we move more toward a denser environment, it changes how we have grown in the past. Without clearly stating the obstacles that we will be dealing with, he believes we are kind of missing the boat. The staff recommended language doesn't blame neighborhoods or anyone at all. It even states that the obstacles are "understandable when proposals have not been anticipated in neighborhood plans or when the proposed development has not been designed to be sensitive to the context of the surrounding neighborhood." Sunderman does not believe the language proposed by Gaylor Baird is as effective as that proposed by staff. However, Sunderman stated that he will support the amendment as proposed to produce a less inflammatory document in the end.

Cornelius stated that he will support the amendment. He believes the staff did a good job of rewording, but Gaylor Baird's amendment is "a little bit pithier".

Francis also stated that she will support the motion to amend. The illustrations provided by the staff were helpful to her.

Motion to Amend #2 carried 9-0: Taylor, Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'.

Motion to Amend #3: Gaylor Baird moved to amend the strategy for PUDS, seconded by Francis, as follows:

> Amend the staff recommendation **regarding the strategy for PUDs by changing the bullet on page 6.11** as follows:
>
> • Where compatible mixes of uses, appropriate site layout, and quality design standards still can be upheld, r~~R~~educe the minimum size for Planned Unit Developments to promote mixed use redevelopment on smaller parcels in identified Mixed Use Redevelopment Nodes and Corridors.

Discussion: Gaylor Baird suggested that the Commission received a lot of comment on this issue as well. The public's issue with the reduction in ~~The~~ minimum size ~~of~~ for PUDs has to do with trying to ensure that no more low-quality, incompatibly designed infill (think, of those windowless multiplexes we saw pictures of during the LPAC discussions) gets squeezed into ~~development slipped in next to residential. Investors and~~ established neighborhoods with minimal buffers for the existing investors in those neighborhoods~~. are very concerned about this happening as density increases~~. As Planning staff rightly has pointed out, high quality infill does exist and is most certainly the intention here. She pointed out that, during the past year, each time our LPLAN Advisory Committee discussed infill redevelopment, ~~this was discussed with the LPlan Advisory Committee~~, we also discussed the necessity of establishing clear design standards for these types of projects ~~so~~ such that residential investors and developers alike would judge the redevelopment process to be ~~the process if~~ fair, predictable and successful. To address the concerns that

the public still clearly has about reducing the minimum size of a PUD, ~~I~~it makes sense to be absolutely explicit about ~~our~~ these good intentions, and staff is not opposed to this change. **(**As amended on 9/21/11**)**

Francis believes that this is a great option that allows for redevelopment in older neighborhoods and shopping centers, while giving the developer the notion that we are agreeable to look at PUDs that are smaller than the current 3-acre sites.

Cornelius pointed out that all of this Comprehensive Plan seems to be very interconnected, more so than in the past, and as Lincoln moves toward greater density of population, things like design standards are going to be critical and being explicit about that is good in the 2040 Plan.

Motion to Amend #3 carried 9-0: Taylor, Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'.

Discussion on main motion, as amended:

Lust stated that she is not proposing an amendment, but she wanted to point out something that is of concern to her in the Comprehensive Plan. She encourages the County officials to take another look at re-adopting some areas as being appropriate for a grid of development sites that were shown as acreage development sites in the 2030 plan. The LPlan Advisory Committee did accept the recommendation of the County Board. However, in accepting that, Lust wants the public to be aware that they need to not necessarily be relying on the map – there is a lot of language in the plan and elsewhere that indicates that there are things that may not be appropriate about acreage development for those sites and would encourage the County Commissioners to take another look at this issue because she is not sure we are doing a public service by showing certain land as being appropriate for acreages when it truly is not. That could lead to some confusion on the part of the public and she would prefer not to do that. She understands the County Board's desire to protect the investment and she is not proposing an amendment, but she wants to raise public awareness of that issue.

Sunderman commented that a lot of work went into this plan including 12 other people that served on the committee that are not here now. In addition, the staff put a horrendous amount of effort into this plan and did a wonderful job. The biggest thing he took out of the process was steering the growth of the city by focusing more on the inside. The ground work is in these documents to increase that process. The challenges are great. Changing public opinion on mixed use development and things that happen in a neighborhood will be a huge challenge. The future is bright. We are making a good step. He is confident that while 40 years may not be exactly what was accomplished, he thinks progress was made.

Cornelius commented that we can't know what Lincoln will look like in 2040, but he thinks we are pushing it in the right direction. He expressed appreciation to the staff, the LPlan Advisory Committee and the Planning Commission for their work on this.

Main motion approving the staff recommendation as revised on September 2 and September 7, 2011, as amended by Motion to Amend #2 and Motion to Amend #3 above carried 8-0: Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'; Taylor absent at time of vote. This is a recommendation to the Lincoln City Council and Lancaster County Board of Commissioners.

2040 LONG RANGE TRANSPORTATION PLAN
ACTION BY PLANNING COMMISSION: September 7, 2011

Sunderman moved to approve the staff recommendation, as revised on September 2 and September 7, 2011, seconded by Francis.

Cornelius pointed out that everything everyone wanted to discuss in the LRTP was closely related to the Transportation Chapter of the Comprehensive Plan and was covered during that discussion. We discussed some important items and it is worthy of further review. We are going to be "holding people's feet to the fire" during the next Capital Improvements Program and Comprehensive Plan annual review.

Motion approving the staff recommendation, as revised on September 2 and September 7, 2011, carried 8-0: Partington, Francis, Larson, Gaylor Baird, Sunderman, Esseks, Lust and Cornelius voting 'yes'; Taylor absent at time of vote. This is a recommendation to the Lincoln MPO Officials Committee.

There being no further business, the meeting was adjourned at 2:30 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 21, 2011.

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