MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, July 25, 2012, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Michael Cornelius, Dick Esseks, Wendy Francis, Chris Hove and Ken Weber (Leirion Gaylor Baird, Greg Butcher, Jeanelle Lust and Lynn Sunderman absent); Marvin Krout, Steve Henrichsen, Brian Will, 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 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 July 11, 2012. Motion for approval made by Francis, seconded by Hove and carried 5-0: Cornelius, Esseks, Francis, Hove and Weber voting 'yes'; Gaylor Baird, Butcher, Lust and Sunderman absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: **July 25, 2012**

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

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 12028 and WAIVER NO. 12010.**

Ex Parte Communications: None

Francis moved approval of the Consent Agenda, seconded by Weber and carried 5-0: Cornelius, Esseks, Francis, Hove and Weber voting 'yes'; Gaylor Baird, Butcher, Lust and Sunderman absent.

Note: This is final action on Special Permit No. 12028 and Waiver No. 12010 unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

COMPREHENSIVE PLAN CONFORMANCE NO. 12010, AMENDMENT TO THE 48TH & O STREET REDEVELOPMENT PLAN TO INCLUDE THE GATEWAY SENIOR LIVING CENTER RETIREMENT CAMPUS, ON PROPERTY GENERALLY LOCATED AT 52ND & 0 STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2012

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

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

There were no ex parte communications disclosed.

Staff presentation: **David Landis, Director of Urban Development,** observed that the Gateway Senior Living blight study for this area of 11 acres, was recently approved by the Planning Commission, and ultimately, the end game is 54 independent living units and 18 skilled nursing beds, this being the only skilled nursing facility north of O Street.

Landis then explained the construction and improvements anticipated, acknowledging that this plan does not look like a redevelopment plan in the traditional sense. It is more like the function of what Urban Development does in the Focus Area plans, i.e. let's think of all the ways this area could be improved. In the Redevelopment Plan, we link the blighted status with a determination that this project conforms with the Comprehensive Plan, which is the question for today. Then the City Council will be asked to accept the redevelopment plan and an agreement between the city and the developer which meets the public's interests. Landis submitted that the Gateway Senior Living Center is eligible to be part of the North 48th & O Street Redevelopment Plan, and this project is consistent with the Comprehensive Plan with its jobs, its medical facilities, its new buildings, and its improvements of the area.

Landis stated that the preliminary estimate is $12.5 million of private investment, with total build-out at $35 million; the assessed value is estimated to increase by $7 million and should create TIF of $1.6 million.

Esseks referred to Analysis #7 in the staff report which points out that the redevelopment project should include a private sidewalk network that connects to the public sidewalk system to accommodate pedestrian trips between the facility to nearby destinations. Esseks asked Landis to address this sidewalk issue, which is clearly called for in the Comprehensive Plan. Landis suggested that this is a question for the developer.

Proponents

1. Tom Huston appeared on behalf of **Gateway Properties** and the administrator of **Gateway Senior Living.** In June, this Commission approved a special permit expanding the dwelling units at this facility and approval of a change of zone from H-2 to R-2. Two weeks ago, this Commission recommended approval of the blight and substandard declaration. Huston stated that this application is an expansion of the Redevelopment Plan existing for the 48th & O Street Redevelopment Area to include the Gateway Senior Living Center campus. This amendment includes three phases of redevelopment. Currently, the property has 54 independent living units and 18 skilled nursing units; at full build-out this project will embody what is characterized as the continuum of care concept with independent living and assisted living all the way to skilled nursing living arrangements.

The existing structure that consists of 54 independent living units and 18 skilled nursing beds now will be renovated into independent living in Phase 1. Directly to the east will be a four-story skilled nursing facility with 80 beds, and to the south there will be new garages. Phase 2 would involve a new structure to the north that would encompass 85 independent living units, and then Phase 3 will include an additional new structure to the west for 75 dwelling units.

In terms of consistency with the Comprehensive Plan, Huston pointed out that the Comprehensive Plan calls for increased density. He suggested that the density in this project will increase from 54 independent living units and 18 skilled beds to approximately 312 dwelling units or living arrangements at full build-out. That is also consistent with the nodes and corridors concept of the 2040 Comprehensive Plan. Specifically, one of the concepts of full build-out is to make this site much more walkable to connect to the public sidewalk system because it is close to transportation services, bus stops, grocery stores and other services.

Huston then discussed the transportation issues and future access points.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: July 25, 2012

Hove moved to approve a finding of conformance with the Comprehensive Plan, seconded by Francis.

Francis commented that it is exciting to see something new happening in this area. It is long overdue.

Cornelius acknowledged that the Planning Commission was led through a number of ways in which this is in conformance with the Comprehensive Plan, and the Redevelopment Plan does call for sidewalks and connectivity.

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

COMPREHENSIVE PLAN CONFORMANCE NO. 12009,
HOLDREGE/IDYLWILD REDEVELOPMENT PLAN;
CHANGE OF ZONE NO. 12018,
HOLDREGE/IDYLWILD REDEVELOPMENT PLANNED UNIT DEVELOPMENT;
AND
STREET & ALLEY VACATION NO. 12004,
TO VACATE NORTH 35TH STREET FROM STARR
STREET TO HOLDREGE STREET, AND THE EAST
200' OF THE EAST-WEST ALLEY,
ON PROPERTY GENERALLY LOCATED AT
NORTH 35TH STREET AND HOLDREGE STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2012

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

Staff recommendation: A finding that the Redevelopment Plan is in conformance with the Comprehensive Plan; conditional approval of the PUD and a finding that the street and alley vacation is in conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation:

1. David Landis appeared on behalf of **Urban Development,** reminding that the Commission has agreed that this is a blighted and substandard area and that determination is moving forward. This Redevelopment Plan is project driven and is consistent with the Comprehensive Plan. This proposal includes the three-story AGR Fraternity and two new three-story buildings between 8,000 sq. ft. and 10,000 sq. ft. The area includes the two-block area on Holdrege from the existing Valentino's to Idylwild. Valentino's will be relocated. As part of the project, 35th Street and the east/west alley will be vacated.

Landis estimated an investment of $11.3 million which should create TIF of $1.7 million. The private investment is $9.70 for every $1.00 of public investment.

The area to the south on Idylwild and the park are also part of the project because we want this redevelopment to be good for the neighborhood as well as the developer. There is some infrastructure that needs to be improved. Urban Development has been working with the neighborhood and the developer to include this area to make sure that there are beneficiaries beyond just the investors in this case.

This Redevelopment Plan is consistent with the Comprehensive Plan because it includes the business and economy principles, the mixed-use development driving principles, the neighborhood and housing principles and the parks, recreation and open space principles. It is a benefit to the city. It will be good for the developer, and the mixed-use it brings will be good for this neighborhood as well as the city.

2. Steve Henrichsen of Planning staff presented the PUD and street and alley vacation requests. The PUD is generally on the south side of Holdrege including 35th Street and both sides of Idylwild. It includes the B-1 around the existing Valentino's, with the parking lot on east side of 35th Street and Valentino's on the west. The four residential structures included will be demolished as part of the redevelopment. The PUD includes a maximum of 66,000 sq. ft. of commercial space and 40 new dwelling units. Henrichsen noted that these are maximum numbers and it would probably be nearly impossible to build both of those without a parking deck, so we are anticipating to see some kind of mix. The PUD also includes the fraternity on the east side of Idylwild so that the boundary of the PUD could include 3 acres. There is a change of zone, special permit, and zoning agreement on the fraternity, which are being incorporated into this PUD. None of the conditions of that special permit are changing. There is just one waiver being requested in order to keep the existing ground sign. The main focus for the PUD site plan is everything west of Idylwild Drive.

With regard to the street and alley vacation, Henrichsen explained that what is currently 35th Street today would be vacated. It appears there is support from the neighborhood association. There is also an east/west alley connecting with 35th Street. That portion west of this project will remain open to allow residents to access through the alley.

Henrichsen submitted that the proposed PUD and street and alley vacation are in conformance with the goals of the Comprehensive Plan in that the PUD includes a mix of uses; buildings placed closer to Holdrege; pedestrian-oriented; and very much mixed use. There are several waivers being requested, all of which are appropriate due to the mixed use, pedestrian-oriented redevelopment, and older neighborhood.

Esseks inquired about the review by the Historic Preservation Commission (HPC). Henrichsen stated that the HPC did review the plan as a whole and did recommend approval as proposed. Esseks observed that there may have been some demolition occurring prior to approval by HPC. Henrichsen explained that the demolition is occurring on the east side of Idylwild, which is the location of the fraternity which was reviewed many months ago by both the HPC and Planning Commission via the special permit application. The new action is on the west side of Idylwild.

Esseks inquired whether the Idylwild improvements and the park at the south end are receiving TIF money. Landis answered in the affirmative, stating that it is also contemplated that in a fever of charitable sensibilities, the developer will also make some non-TIF contributions toward the ongoing maintenance. Thus, some of the TIF will go to

those blocks and there will be some assistance that has nothing to do with TIF occasioned by understandings with the developer who wants to contribute to the community.

Proponents

1. Mark Palmer of Olsson Associates appeared on behalf of the developer and expressed appreciation to the neighbors and city staff for working with them on this project. There are multiple parcels and multiple owners, so there have been a lot of moving parts and a lot to coordinate.

Palmer stated that the developer is in agreement with the conditions of approval on the PUD. The waivers are needed to gain the mixed-use redevelopment aspect.

2. Jordan Berger of WRK, the developer, showed images and reiterated appreciation to Planning, Public Works and Urban Development as well as the neighborhood. He also expressed appreciation to Valentino's in its donation to help fund the maintenance and make that park and boulevard special.

Berger explained that they are contemplating two three-story buildings built in phases. The first phase will be the east end. Valentino's will relocate within the Redevelopment Area. In an effort to keep their business open, their new building will be built in the first phase. The footprints are 8,000 sq. ft. and three-story. The PUD provides the flexibility to allow the developer to see what the market is going to bear. The developer is comfortable with the parking waiver and they have had meetings with the neighborhood. The sign waiver is requested to allow the relocation of the Valentino's historic pizza sign. The fraternity house will be in scale with the new buildings. They are contemplating mixed-use with residential, commercial and some retail.

Support

1. Mary Eisenhart, 1420 N. 37th Street, President-elect of the **East Campus Community Organization** (ECCO), testified in support. The neighborhood is very supportive of the request to relocate and keep the pizza sign. She expressed appreciation to WRK and Valentino's for being willing to work with the neighborhood, which enthusiastically supports this proposal. Ann Bleed went door-to-door to make certain that all the people most concerned would be at the neighborhood meeting. At the last meeting, they voted by show of hands, and 95% raised their hand in support, with no one raising their hand in opposition. Eisenhart read excerpts from the letter submitted by Ann Bleed as President of ECCO and urged that these applications be approved. She pointed out that Valentino's is dedicated to remaining in the neighborhood and contributing toward development of the boulevard and the park. The neighborhood believes that this redevelopment would achieve all of the objectives of the Comprehensive Plan. ECCO has a long history of being a commercial and mixed-use area. Many of the homes are in a historic district and the Historic Preservation Commission has reviewed and approved this plan. The neighborhood

supports the two arterials, which will be a way to link the neighborhood with Innovation Campus. This proposal will not decrease any R-2 zoning in the neighborhood, and would shift some high density to commercial zoning. The street and alley vacation is also supported by the neighborhood. They support the request for parallel parking along Holdrege Street, which might help to slow down traffic. There is a lot of pedestrian crossing there. Parking issues are huge in the neighborhood. With this plan, pedestrian crossings in the area will increase and the parallel parking may help to avoid some problems. The neighborhood also expresses appreciation to the Mayor for providing his support for this application.

2. Tony Messineo, 6730 Park Crest Court, appeared on behalf of **Valentino's.** They have been working with WRK for a little over a year. It has involved many negotiations, planning and realigning things and he is extremely pleased with the way the plans are proposed at this time. It is a great development for the area and a great fit for the neighborhood. He is excited that Valentino's can remain in the plan. They have had two great meetings with the neighborhood association, and their input has been incorporated into these plans. At the last meeting, there was unanimous support by the neighborhood. Valentino's is very pleased to contribute some funds to the playground and park. This is a great fit for the neighborhood and he looks forward to the development.

There was no testimony in opposition.

Landis reappeared to state that this is a particularly well done project. We wish that other neighborhoods and developers worked as directly and as respectfully, and ultimately as successfully as they did in this case.

COMPREHENSIVE PLAN CONFORMANCE NO. 12009
ACTION BY PLANNING COMMISSION: July 25, 2012

Hove moved to approve a finding of conformance with the Comprehensive Plan, seconded by Francis.

Esseks observed that this has been outstanding testimony from the neighborhood, from the owner of the major property, and from the architect and developer. The staff report is outstanding. He hopes to see more cases like this.

Cornelius stated that he is abundantly pleased with the albeit preliminary renderings that were shown. This is the fruit of the LPlan 2040 process starting to be born and it looks exactly like what he believes the LPlan Advisory Committee was trying to accomplish – these multi-story, mixed-use, street-facing buildings on arterials, with nodes and corridors. It looks just great.

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

CHANGE OF ZONE NO. 12018
HOLDREGE/IDYLWILD REDEVELOPMENT PLANNED UNIT DEVELOPMENT
ACTION BY PLANNING COMMISSION: July 25, 2012

Hove moved to approve the staff recommendation of conditional approval, seconded by Francis and carried 5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 12004
ACTION BY PLANNING COMMISSION: July 25, 2012

Weber moved to approve a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent. This is a recommendation to the City Council.

COUNTY CHANGE OF ZONE NO. 12020
FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL
ON PROPERTY LOCATED AT
10200 STAGECOACH ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2012

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Steve Henrichsen of Planning staff** presented the proposal for a change of zone from AG to AGR on 17 acres located east of 96th Street and Stagecoach Road. There are two other areas in the general area which are also zoned AGR, with most of the rest of the area being shown as AG Agricultural. This is an area in the Land Use Plan shown for low density residential and appropriate for AGR zoning. In addition to the designation on the land use map, the Comprehensive Plan provides guidance including paved roads, water availability, water quality, soil conditions, and character of the area. Having reviewed this guidance in the Comprehensive Plan, the staff believes that this change of zone complies with the criteria. It is near a paved road; generally the area has adequate water; this is not particularly prime farm land; and there are quite a few other small acreages along Stagecoach Road and 96th Street.

Proponents

1. Scott Samuelson, the owner and applicant, appeared to answer any questions.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: July 25, 2012

Francis moved approval, seconded by Hove.

Cornelius commented that this is straight forward and simple, with Comprehensive Plan support and guidance.

Motion carried 5-0: Esseks, Hove, Weber, Francis and Cornelius voting 'yes'; Gaylor Baird, Lust, Sunderman and Butcher absent. This is a recommendation to the Lancaster County Board of Commissioners.

CHANGE OF ZONE NO. 12022
TEXT AMENDMENT TO SECTION 27.07.030
OF THE LINCOLN MUNICIPAL CODE
RELATING TO AMUSEMENT LICENSES GRANTED
BY THE LANCASTER COUNTY BOARD IN THE
AG AGRICULTURE DISTRICT.
PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2012

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

Staff recommendation: Approval.

There were no ex parte communications disclosed.

Staff presentation: **Steve Henrichsen of Planning staff** advised that this application comes from the Lancaster County Board, which is charged with reviewing amusement licenses that are outside any incorporated community in Lancaster County. Typically, it is a once-a-year type of event. The amusement license application is sent to county agencies for review to determine any concerns about traffic, water, sanitation, etc. The events might include, for example, a running race, fund raiser, etc.

Henrichsen explained that the amusement license event that brought about this text amendment was a swap meet for a church being held on another site, thus requiring conformance with the zoning. Previously, these amusement licenses had not been routed to Building & Safety or Planning for review, and they have recently begun to do so. This is one where the applicant was in the city's zoning jurisdiction and there is nothing in the

city regulations to allow this kind of event. That is the reason for this text amendment, which allows one event per calendar year, with consecutive days if the event is more than one day. In other words, one event is meant to be an event that has a number of days and is generally a short period. The staff believes that it is appropriate to make this provision in the city zoning jurisdiction. It is not the primary use on the property – it is just for a once-a-year type of event.

Francis asked for clarification that this came about because the city didn't have something that mirrored the county's regulations. Who is responsible in the 3-mile area? Henrichsen stated that because it is outside of the city limits, the amusement license is still the responsibility of the County Board. The other part is conformance with the zoning. When inside the 3-mile but outside of the city limits, the County grants the amusement license, but the City Council has to grant the zoning authority. This text amendment will take care of that.

Weber did not understand that it would be limited to one event per year. Henrichsen clarified that there is the opportunity to get a multiple amount of amusement licenses, but this text amendment is saying that in terms of zoning, you would only be allowed one per year on your property when the event is not related to the property. For example, a church might go forward and hold several fund raisers on their property - each one requiring an amusement license. Since the fund raiser is accessory to the church, it conforms with the zoning. The application in question is primarily a farm doing a fund-raiser to help a church, but it is not accessory to their use as a farm or private residence. Thus they have to have this text amendment and it will limit them to one event per year.

Support

1. Janice Hauser, 11505 N. 14th Street, testified in support. She has received an amusement license permit for three years for the church to hold a swap meet at her property on 40 acres. She estimated that around 200-250 people come to her home. She has two driveways. The property is flagged and signed. No one is allowed to park on North 14th Street. She has never had any incidents. She is a member of Raymond United Methodist Church and has promoted this event.

2. Dan Warren, 1411 N. 37th Street, testified in support. He is interested in sponsoring mountain bike race events on the south side of Saltillo Road. He spent $1200 on insurance to get the amusement license, only to find out that it fell within dual jurisdiction and the County did not have the authority to grant the amusement license because he was in violation of the city zoning. He would like to continue with the mountain bike race and do an event that supports the Lincoln bike community.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: July 25, 2012

Weber moved approval, seconded by Francis.

Francis suggested that this is a housekeeping matter to make sure the jurisdiction is equal between the city and county.

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

CHANGE OF ZONE NO. 05012A,
AN AMENDMENT TO THE WOOD BRIDGE
PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED AT
PINE LAKE ROAD AND HELEN WITT DRIVE.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2012

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

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Staff presentation: **Steve Henrichsen of Planning staff** showed the general area of the application on the map. There is an existing apartment complex to the west and an apartment complex to the south under construction. The self-storage is to the east; detention area and single-family homes to the north; Shopko to the northeast; and Scott Middle School to the northwest.

Henrichsen advised that this amendment to the site plan is for the last part of the site not yet developed. The church owns the property which is coming forward as part of an expansion of the self-storage, including two additional self-storage buildings, adding 25,000 sq. ft. There will not be any additional access to Helen Witt Drive to the west. There is minimal traffic impact. The developer will provide additional landscaping along the west side of the building.

Esseks noted that there is multi-family on two sides – south and west. How do these people learn about these changes to have opportunity to express their approval or disapproval? Henrichsen advised that a zoning action sign is posted on the site and property owners within 200' are notified by letter. The applicant did talk with the property

owners to the west. Esseks inquired about the individual apartment dwellings. Henrichsen acknowledged that the notice goes to the owner of the property as opposed to individual residents in the apartments.

Proponents

1. Chris Krueger of Krueger Development, the applicant, advised that the church did not need the property and came to Krueger Development to see if they could do something with it. Krueger Development proposed to expand the self-storage facility. It will be two buildings. There is main building to the north. They will use the existing entrance.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: July 25, 2012

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

Cornelius announced that the regular meeting of the Planning Commission scheduled for August 8, 2012, has been canceled due to lack of agenda items.

There being no further business, the meeting was adjourned at 2:10 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on August 22, 2012.

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