

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, March 19, 2014, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Cathy Beecham, Michael Cornelius, Tracy Corr, Maja V. Harris, Chris Hove, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber; Marvin Krout, Steve Henrichsen, Brian Will, Paul Barnes, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

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

Lust requested a motion approving the minutes for the regular meeting held March 5, 2014. Hove moved approval, seconded by Scheer and carried 5-0: Cornelius, Hove, Lust, Scheer and Sunderman voting 'yes'; Beecham and Corr absent at time of vote; Harris and Weber abstained.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

**March 19, 2014**

Members present: Beecham, Cornelius, Harris, Hove, Lust, Scheer, Sunderman and Weber; Corr absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 14004 and STREET AND ALLEY VACATION NO. 14002.**

There were no ex parte communications disclosed.

Cornelius moved approval of the Consent Agenda, seconded by Hove and carried 8-0: Beecham, Cornelius, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'; Corr absent at time of vote.

**COMPREHENSIVE PLAN CONFORMANCE NO. 14002  
TO REVIEW AN AMENDMENT TO THE ANTELOPE VALLEY  
REDEVELOPMENT PLAN TO ADD THE “18<sup>TH</sup> & P MULTIFAMILY  
REDEVELOPMENT PROJECT” AS TO CONFORMANCE WITH  
THE 2040 COMPREHENSIVE PLAN.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 19, 2014

Members present: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr and Lust; Sunderman declared a conflict of interest.

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

There were no ex parte communications disclosed.

Staff presentation: **David Landis, Urban Development Director**, testified as the moving party. The developer wants to work on three buildings in Antelope Valley. The project area to be added involves 17<sup>th</sup> Street, 18<sup>th</sup> Street, Antelope Parkway, “O”, “P” and “Q” Streets. There are some extensions into the right-of-way along those streets because we often find ancillary landscaping and streetscaping to be a part of the project. The actual buildings being considered consist of 500 bedrooms in 185 residential units, some for owner-occupancy, with first floor retail and a garage. The vision includes students, but not exclusively student housing. These are studio up to three bedroom units, but in that proximity to the University, the expected marketplace is young professionals and students.

Landis advised that the developer is now relaxing the development of this project by one year.

In terms of the Comprehensive Plan, Landis pointed out that we do want downtown residency. Antelope Valley has been a major investment in order to have an attractive residential development. This project has active edges and will serve some of the retail envisioned in the Downtown Master Plan and Comprehensive Plan. The staff report suggests that this use, in this location, in this zoning, is consistent with the Comprehensive Plan. The proposed project is not a done deal. The developer faces issues of financing and land acquisition, but the developer wants to be able to go forward once those issues are resolved.

Beecham inquired whether it is normal to proceed with the Planning Commission acting on the Comprehensive Plan conformance issue when there is going to be such a delay. It seems very early in the process for the Planning Commission to be involved. Landis responded, stating that the developers have requested that this step in the process proceed so that they can show the city’s involvement. Aspen Company is the developer. They have done a number of these projects around the country. Beecham requested confirmation that there will be no ramifications if the Planning Commission approves the project this far in advance. Landis pointed out that this is just an amendment to the

Redevelopment Plan; we are just saying that it is in conformance with the Comprehensive Plan and that it is authorized to be considered when a deal comes forward. There is not a conflict between the concept and the Comprehensive Plan. There may well be street usage or utilities or the use of TIF, but this step just confirms that a large scale dense residential use with mixed use accessory uses and parking at this location is consistent with the Comprehensive Plan – and staff agrees.

With regard to the whole area, Beecham noted that when the environmental impact study was done for Antelope Valley, some landmark buildings were identified adjacent to this area. How does this plan protect the historic buildings that are around it? Landis responded, stating that this amendment does not create a problem for a historic building that we know of. It does not endanger historic buildings at this location.

Beecham further noted that the Comprehensive Plan does address preservation of historic buildings. Did that discussion come up at all? Landis believes it would have been part of the staff review if there was an issue.

Harris asked Landis to address the fire station and its location. Landis stated that there is no implication for moving the fire station. The city locates fire stations to do fire business – not to assist or get out of the way of the development process. In other words, fire trumps development, and we plan fire stations by where they can handle response time and where there are rooftops now or will be in the future, so he does not see an implication here. We protect people’s property from fire before we tear down a building to let a developer make more money.

Support

**1. Andrew Willis** of the Cline Williams Law Firm, 233 South 13<sup>th</sup> Street, appeared on behalf of the developer to answer any questions. He acknowledged that the schedule has been delayed slightly but the developer is hopeful that this step in the process will be approved now. The Redevelopment Plan will streamline the process and assist in fully achieving this project.

Beecham inquired whether there are any changes that might require coming back before the Planning Commission at a later time. Willis suggested that the plan amendment will say that the project as conceived right now is in conformance with the Comprehensive Plan. As far as the specifics of the plan, the developer is far away in negotiating any details.

There was no testimony in opposition.

Response by the Applicant

Landis advised that if the project ended up with different boundaries that did not fall inside these boundaries, it would come back to the Planning Commission. The developer must be inside these boundaries with the project.

Corr reiterated that the fire station will not be moved, and that is not part of this action. Landis agreed. Corr stated that she is hesitant because the details are not settled, but if that fire station has to be moved, is the Planning Commission going to see this again?

**Marvin Krout, Director of Planning** approached, stating that part of Planning Commission's responsibility is to review any sale of city property for conformance with the Comprehensive Plan, so if the sale of the fire station was contemplated, that would have to come back to the Planning Commission.

**ACTION BY PLANNING COMMISSION:**

March 19, 2014

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

Lust commented that the Planning Commission is being asked to find that the proposed amendment to the redevelopment plan, in general, is in conformance with the Comprehensive Plan, and she believes the staff report and the presentation find that to be true.

Motion for a finding of conformance with the Comprehensive Plan carried 8-0: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr and Lust voting 'yes'; Sunderman declared a conflict of interest. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 985A,  
AN AMENDMENT TO THE KESS KOVE COMMUNITY UNIT PLAN,  
ON PROPERTY GENERALLY LOCATED  
AT SOUTH 60<sup>TH</sup> STREET AND KESS DRIVE.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 19, 2014

Members present: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust.

Staff recommendation: Conditional approval.

There were no ex parte communications disclosed.

Proponents:

1. **Mark Hunzeker** appeared on behalf of the owners of the property, stating that after these many weeks, the owners and the staff have successfully negotiated construction of the road in accordance with the exhibit which he submitted for the record. Hunzeker believes that both Planning and the County Engineer are agreeable with the exhibit, and the applicant is agreeable to the conditions of approval as set forth in the staff report.

There was no testimony in opposition.

**Brian Will of Planning staff** agreed with Mr. Hunzeker's testimony and that the applicant and the staff have come to an agreement as shown by the exhibit.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

March 19, 2014

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

Lust stated that she is always very well pleased when things can be worked out and she is glad that the deferral process allowed that to happen in this case. She is glad to see a compromise was reached.

Motion for conditional approval carried 9-0: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

**STREET & ALLEY VACATION NO. 06007**  
**TO VACATE PINE RIDGE LANE,**  
**GENERALLY LOCATED WEST OF WESTSHORE DRIVE**  
**AT APPROXIMATELY HIGHWAY 2 AND ASHBROOK DRIVE.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 19, 2014

Members present: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust.

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

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** pointed out that this application came up several months ago at the same time as the Broadmoor Ashbrook Apartments Community

Unit Plan. The Planning Commission did not support that special permit and, as a result, the Planning Department recommended that this request to vacate be delayed until the City Council took action on the special permit. That special permit was ultimately approved by the City Council, and with that approval, the staff is recommending approval of the proposed street vacation.

Support

1. **Colin Mues** of the Baylor Evnen Law Firm, appeared on behalf of Pine Lake Association to answer any questions. There were none.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

March 19, 2014

Scheer moved to approve a finding of conformance with the Comprehensive Plan, seconded by Cornelius.

Lust observed that the deferral process worked out nicely in this case and it is time for this to move forward.

Motion for a finding of conformance with the Comprehensive Plan carried 9-0: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust voting 'yes'. This is a recommendation to the City Council.

There being no further business, the meeting was adjourned at 1:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on April 2, 2014.