

**MEETING RECORD**

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, February 28, 2018, 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** Tom Beckius, Tracy Corr, Tracy Edgerton, Deane Finnegan, Maja V. Harris, Chris Hove, and Cristy Joy; Dennis Scheer and Sandra Washington absent. David Cary, Steve Henrichsen, Dessie Redmond, Brian Will, Geri Rorabaugh, and Amy Huffman of the Planning Department; media and other interested citizens.

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

Vice-Chair Corr called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Corr requested a motion approving the minutes for the regular meeting held February 14, 2018. Motion for approval made by Finnegan, seconded by Edgerton and carried 7-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, and Corr and voting 'yes'; Scheer and Washington absent.

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

February 28, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy; Scheer and Washington absent.

The Consent Agenda consisted of the following item: **TEXT AMENDMENT NO. 18003.**

There were no ex parte communications disclosed.

Hove moved approval of the Consent Agenda, seconded by Beckius and carried, 7-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, and Corr voting 'yes'; Scheer and Washington absent.

**Note:** This is a recommendation to City Council on **TEXT AMENDMENT NO. 18003** unless appealed to the Office of the City Clerk within 14 days.

**SPECIAL PERMIT NO. 18004, TO ALLOW A RESIDENTIAL HEALTHCARE FACILITY SERVING UP TO 20 PEOPLE ON PROPERTY GENERALLY LOCATED AT 4141 SOUTH 56<sup>TH</sup> STREET:**

February 28, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, and Joy; Scheer and Washington absent.

**Staff recommendation:** Conditional Approval.

Corr disclosed that she attended a College View Neighborhood Association meeting where the applicant provided information about their proposed move to this location.

**Staff Presentation:** Dessie Redmond of the Planning Department stated this request is for a residential healthcare facility for up to 20 individuals, for 24-hour peer counseling. Residence in the facility will be strictly voluntary. The existing building and associated parking are accessed off of South 56<sup>th</sup> Street and the applicant is not proposing any changes to the exterior. South 56<sup>th</sup> Street is an arterial street and is appropriate for this type of use. The property is partly within R-2 District and partly in R-4 District; residential healthcare is a permitted special use in both districts. A total of 12 parking stalls is required including 5 for residents and 7 for staff. The site has ample parking and exceeds this requirement. Residential healthcare includes uses like assisted living, memory care, convalescent home, or group home. This permit would be considered a convalescent home with services that include care, counseling, and treatment. It is a continuation of an existing special permit for residential healthcare issued in 1994, which was for up to 30 individuals and 5 staff. That permit also included daycare, but there is no request for that service here.

Harris asked why the number of residents has been reduced from the original permit that was granted in 1994. Redmond stated there was an amendment in 2012 to make a clarification to the number of residents permitted. This is a different business and they do not need to accommodate as many people, so they requested a smaller number.

Edgerton asked what kind of licensing, if any, is required by the State. Redmond said it is her understanding that there might be certified staff, but suggested that the applicant can speak more on that topic.

Beckius asked about higher intensity uses in this area. Redmond said there are condominium units to the southwest and a senior care facility directly south. In other directions, there are single- and 2-family units.

Corr asked about the request for the owner to relinquish a portion of street right-of-way to the City. Redmond said there is an area along the west of the property where the City has requested 30 feet be dedicated as right-of-way so that when the time comes for the City to improve the gravel road, they will not have to purchase the land at that time. Corr said it is her understanding that the property owner is different from the applicant. Redmond said that is correct. The property owner signs the application so they are aware of what is happening on their property.

Beckius asked about what looks to be a circular walking path on the western portion of the property. Redmond agreed it appears to be a walking path. There are amenities on the private property.

**Proponents:**

1. Kasey Moyer, Mental Health Association of Nebraska, 1645 N Street, came forward as applicant and Director of the Mental Health Association of Nebraska (MHA-NE). The Keya and Honu homes have proven track records in neighborhoods. Honu is within the same neighborhood as the proposed new site at 4141 S. 56<sup>th</sup> Street. Their program promotes wellness and recovery

for people with mental health and substance abuse issues. Staff are all individuals with lived-experience with many of the same types of issues. It is part of our own recovery to give back to the community and to collaborate and participate with neighborhoods. The organization is also very knowledgeable about community resources to help with medication managements, treatment, housing, food, etc. Our goal is to be the person who walks beside those who are struggling.

Finnegan said she is familiar with Keya House it is a wonderful asset to the community. She asked if the clientele would be the same. Moyer said it will be a mix. Honu is funded by the Department of Corrections. Many people with mental health issues end up incarcerated. There are other housing situations where there are a lot of calls made to LPD. Their houses are not among them.

Edgerton asked for more information about any required licensing. Moyer said because they are not considered clinical staff, no State license is required.

Hove asked if any improvements or changes will be made. Moyer said they have been working with neighbors, who have requested a fence. At this time, it is not anticipated that they can pay for it unless there is an option to buy the property in the lease. Residents pride themselves on being good neighbors and plan to plant flowers, a garden, and keep the property up.

Corr noted that Honu house is nearby. She asked if that location will be vacated when things move to the new site. Moyer said yes. Corr asked if it will be the same model of counseling and support provided. Moyer said yes. There is currently a 3-year waiting list, so it is important that this new facility will allow for more residents. Law enforcement is always very involved and they get to know both staff and clients.

Beckius asked Moyer to speak to how clients make use of the home and how the facility is used. Moyer said peer support is the biggest aspect of what they do; they share their own stories of recovery. Often, clients feel alone and helpless so the goal is to walk with them to provide support. There are no negative incidents because participation is strictly voluntary. Wellness recovery and action planning is provided. It is a system where people can work on what wellness looks like for them. Education about work expectations and renting is provided. The MHA-NE is also housed in the Region V system, so there is access to all of their training.

Corr asked if there is a cap on how long an individual can stay. Moyer responded that it is 90 days; however, some folks require more time and it is important to keep it individualized for people who may need more time. For an individual who has been in an institution since they were in their teens, who has never punched a time clock, signed a lease, etc., it takes time to develop those skills.

2. Destenie Commuso, 6905 S. 89<sup>th</sup> Street, stated she is currently the Reentry Coordinator. When she was 21 years old, she was addicted to methamphetamines and was charged in County Court for drug-related crimes. She did not want to be an addict and dreamed of simply going to sleep, going to a job, and having a normal life. She took full advantage of the services offered by the courts. The thing that has helped her the most is helping others. It gave her a purpose and changed her life. As a peer, she is able to provide hope to people that they can recover and change their lives. Free housing is provided to individuals for 90 days and staff makes sure that basic needs are met so individuals can transition more easily. One of the best parts is that

they are there to provide help 24 hours a day. She understands that with the population served by their services, neighbors may have concerns; however, they have never had violence at their other homes and their goal is to be involved in, and to improve their neighborhood.

Finnegan thanked Commuso for also volunteering for Suicide Prevention.

3. **Tessa Demers, 2840 R Street**, said that her struggle with mental and behavioral health led to addiction and several incarcerations. While at the correctional facility in York, she was introduced to Wellness Recovery Action Planning (WRAP). More than therapy or counseling, WRAP helped her to find balance. She has been clean for four years and is no longer on an emotional roller coaster. After she was paroled out, she still felt something was missing until she remembered MHA-NE. She asked to volunteer for them and started the very next day at the Keya House. It was there she found what she was looking for. She now does outreach in the community; most referrals come from Lincoln Police Department. She makes contact with people and shares her own experience and the hope that wellness can happen.

4. **Amie Jackson, 1329 Washington Street**, stated that peer support changed her life forever. After a life of chaos, addiction, and mental health struggles, she received love and support that helped her to stay clean and to gain control and be a better person. She rebuilt her life with a strong foundation. She is now employed full-time and making a difference in the community, where she gets to see life changing miracles. The people served deserve to enter into recovery and find purpose and hope.

5. **Michael Malmkar, 2325 S. 14<sup>th</sup> Street**, said that when he was just 19 years old, he hit and killed someone while drunk driving. He was sent to prison and later ended up in the crisis center. When he was paroled, he entered into a transitional living house. He had to pay a large fine and \$100 per week. Not many people can do that. At the transitional house, people were drinking all the time and there were drugs present. He did not feel safe. There was no support or staff to help. Out of the seven individuals in the house, only two, including him, did not go back to prison. Now, having worked at MHA-NE, he is certified as a peer support and wellness specialist. He has seen the successes of many men and women and that success speaks for itself. If he had been given the option, he would have taken full advantage of these services and it would have made his struggle so much easier.

Beckius asked what is involved in the certification process. Malmkar said certification is received after a 40-hour class where people learn basic concepts, techniques for working with people, and how to move forward towards something.

6. **Cory Mattly, 1820 Prospect Street**, said that his journey started at the age of 12 with drug use. He hid it all through childhood. When his family found out, he was kick out at the age of 17 and lived on the streets for a while. He made bad decisions and was involved with gangs and dealing drugs, which eventually led to a prison sentence. When he got out, he ended up back in the same neighborhood with no support system and nowhere else to turn. After repeating this pattern and ending up with a third prison sentence, he was done. He met people involved with the Wellness Recover Action Plan who showed him what to do to be well and to succeed in life. He took this to heart and ended up becoming a role model for other inmates. He felt safe and at home when he attended classes and was eventually asked to become a mentor, which he was very excited about. Two people from MHA-NE attended his graduation from the drug program, which was very meaningful since he had never had that kind of support before.

After his release, living in the Honu house, he learned how to be a person, to make appointments, be on time, open a bank account, use a cell phone, and things he needed to be successful and well. Eventually, he went from being a volunteer to an employee and is working his dream job. He will start college for human services in March.

Corr asked where he found his first job. Mattly said his first job was at Culver's.

Finnegan commented that one thing that people want is to become necessary; she congratulated Mr. Mattly on his accomplishments.

7. **Luke Jackson, 1401 Pawnee Street**, said that he lives down the street from Keya House and he would not have known it was a transitional house unless he was told. It looks and functions like a normal house. The percentage of people going back to prison after staying in one of these homes is much lower. He believes they have earned this new space.

8. **Laura Crabb, 3333 Portia Street**, stated she has lived with mental illness for over 25 years and addiction followed most of that time. She often felt out of control. Now she has been sober for eight years. Mental health problems do not discriminate. She came from a good family and has had a high degree of education. In the past, she committed crimes and did horrible things to people she loved. She is now reformed and wants to let people know that people can be reformed. At MHA-NE, she found a purpose and is now a benefits specialist, a peer support counselor, and a health and safety officer. This organization helps a lot of people and will be able to help a lot more in the new facility.

9. **Sadarah Laughlin, 6721 Benton Street**, said that she and her family were homeless three years ago. First she got into Fresh Start and was working, but was stealing from her employer. She did not want to live that life. She quit her job and began volunteering at Keya House on an on-call basis, and eventually went to Honu House. Because of insurance and other things gained there through employment, she was able to find her wellness, see a psychiatrist and therapist, and keep her family whole and well.

10. **Kara Magdanz, 841 W. Stockwell Street**, has been an employee of MHA-NE for 12 years and has seen new programs succeed and grow. When they first started with grants from corrections, she admitted she had some preconceived notions about what the population they would serve would be like. She realized that people were coming out of the system every day without support and they often ended up going back to familiar things and continuing the cycle of sickness and making bad decisions. After years of serving, she has opened her eyes to how people can be helped and how they are hungry for recovery. Many participants come in as volunteers, move to staff positions and are now spreading wellness and hope. Work is key to success and this program helps people learn how to get jobs, get cars, make it to appointments, get medications, and many other necessary skills. We help them to connect the dots and find other wonderful programs. She is thankful she no longer has those incorrect preconceived notions. She noted that the walking path mentioned earlier is overgrown right now, but plans are in place to make it look better. They plan on being good neighbors, improving their environment, and breaking down the stigmas associated with those who have had a really tough journey.

**Opponents:**

1. Oat Whitley, CEO of Lexington Assisted Living, 521 Madison Street, Denver, CO, came forward to state that the Lexington is located at 5555 Pioneers Boulevard, directly adjacent to the application site. He is not in opposition to the application, but is not exactly in support either. Their site has a license for assisted living for 104 residents. The Lexington helps folks at the lowest income levels and who have reached a place where they need help and, in that way, their organization is cut from the same cloth as MHA-NE. As one speaker stated, there are preconceived notions about clientele with drug addiction or who were in prison. A lot of research has been done and Ms. Moyer and her staff have helped to raise awareness of who will be living in their facility, which has gone a long way in allaying many concerns. Despite that, the negative preconceived ideas of some staff and people who tour the building may still exist. That is something we will continue to work with MHA staff on. The fence might provide some physical separation and the Lexington will probably assume the responsibility of install, since the applicants cannot agree to do it. They have suggested that they would consider reimbursement if they ever come to purchase the building. We appreciate that good will and they have been wonderful to work with. The final issue is concern over people walking through our parking lot. There have been issues in the past with people cutting through or smoking. Residents at the Lexington need to be kept safe; some are in wheelchairs or use walkers.

Finnegan thanked Mr. Whitley for his willingness to work with the applicant.

2. Jackie Domer, 5426 Pioneers Boulevard, stated she lives in one of the 10 duplexes directly south of the property in question; her bedroom window faces out directly to the building and yard. The duplexes are a 55+ community that includes five single women. She understands the need for this project and, in fact, has had a son in corrections. Even so, she has concerns and would like to see a fence go up to divide the properties. She is worried about how the proposed use might affect the value of her property. The bus stop that many of the clients will undoubtedly use is right in front of one of the duplex units on Pioneers Boulevard and there is concern about people waiting on the property for a bus. It is hoped there will not be any issues with people smoking or littering.

Hove asked if access to the bus stop would be affected if a fence were installed. Domer said people would probably have to go around on 56<sup>th</sup> Street.

Corr asked if any of the neighbors use the walking path. Domer said they do not since it is on private property. When Cedars was located in that spot, there were girls that used the walking path.

**Applicant Rebuttal:**

Moyer said she appreciates the relationship they have with the Lexington and the neighbors. Their organization did not become successful by being bad neighbors. She respects the request for the fence and understands why neighbors would ask for it. As an organization, they will do all they can to make sure people feel safe. Moyer also extended an invitation to the neighbors to use the walking path. This lease will last one year. They will work with law enforcement and neighbors to address any problems. If the group can find success at this location, they hope to buy the property someday.

Corr asked what a typical job is for people when they first transition out of institutions. Moyer said they work with the Substance Abuse Mental Health Services Administration to reach the goal of getting people into jobs that offer competitive living wages. At first, individuals may need to work two jobs. It is important for them to get through those kinds of developmental stages. The demand for workers is high in Lincoln. Some start out working jobs in construction or fast food. Other people have degrees and are lawyers and nurses. Many find entry level positions and move up to earn livable wages.

Corr asked if very many participants ride the bus. Moyer said public transportation is an important option. Others may carpool. People also work towards buying cars. All of the staff have cars and there is adequate parking on the site.

Beckius asked what circumstances would lead to removal of an individual from a house. Moyer said that they are very clear about expectations with all new people and a guest agreement is signed. When people are told they have to leave, they are more likely to become combative; therefore, their strategy is to let people know that they are choosing to go because they choose not to abide by the agreement. It is more effective to place the responsibility back on the individual for the choices they are making. Things that would lead to expulsion would be any circumstance where an individual would be compromising the recovery and safety of other people. In the history of this program, there have never been assaults, but that would be a reason for expulsion.

Beckius asked how many people have been served in the Keya and Honu houses. Moyer said that Keya has served over 700 unduplicated individuals. Honu house has served around 80 people.

Beckius asked for clarification that there has never been a need to remove someone due to physical violence. Moyer said that is correct. People are treated with dignity and respect and the program is for people who want to be there.

**SPECIAL PERMIT NO. 18004**

**ACTION BY PLANNING COMMISSION:**

February 28, 2018

Beckius moved for Conditional Approval, seconded by Finnegan.

Hove thanked everyone for their moving testimony.

Beckius agreed that the testimony has been appreciated. This use in this location makes sense since it is on an arterial street and surrounded by some higher density uses. He also appreciates the good reputation of the Keya and Honu houses. At the same time, he appreciates the neighbors providing testimony about their concerns.

Harris expressed her appreciation for the testimony which reflected the strength of each individual, and of the program, in taking people from destructive behaviors to one of the most productive behaviors, which is civil engagement.

Finnegan said she will also support this project. She thanked everyone for their testimony. Keya House has proven that they can be very good neighbors and provide a service this community really needs. She also thanked those who spoke in opposition for their well-reasoned comments about being good neighbors. Based on the record of the existing homes

run by this program, she is confident they will be good neighbors.

Corr said she had the benefit of getting to know Honu House when they came to the College View neighborhood. They approached the neighborhood association and have been great neighbors who serve and are involved. She extended her heartfelt gratitude for the brave testimony that was offered. This is a very beneficial service and she is glad to see them expanding.

Motion carried, 7-0: Beckius, Edgerton, Finnegan, Harris, Hove, Joy, and Corr voting 'yes'; Scheer and Washington absent.

There being no further business to come before the Commission, the meeting was adjourned at 2:17 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, March 14, 2018.