

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING: Wednesday, July 8, 2020, 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: Tom Beckius, Dick Campbell, Tracy Corr, Tracey Edgerton, Cristy Joy and Cindy Ryman Yost; Deane Finnegan and Dennis Scheer absent; 9th Seat Vacant; Steve Henrichsen, David Cary and Geri Rorabaugh, and Rhonda Haas (via broadcast) of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

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

Chair Corr requested a motion approving the minutes for the regular meeting held June 24, 2020.

Motion for approval of the minutes made by Campbell, seconded by Beckius and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

JULY 8, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Finnegan and Scheer absent.

The Consent Agenda consisted of the following items: Comprehensive Plan Conformance 20009, Change of Zone 20020, Comprehensive Plan Conformance 20010, Special Permit 05015B, Special Permit 18023A, and Text Amendment 20004.

Item 1.3 Special Permit 05015B, was removed from the Consent Agenda for a separate public hearing.

There were no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Beckius moved approval of the remaining Consent Agenda items, seconded by Joy and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 05015B** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Chair Corr called for **Request for Deferral**.

SPECIAL PERMIT 17030A

TO ALLOW FOR A MEDICAL CLINIC SPACE, IN ADDITION TO A COMBINATION OF OFFICE SPACE AND DWELLING UNITS, ASSOCIATED WITH A DESIGNATED LANDMARK, ON PROPERTY GENERALLY LOCATED AT 2202 SOUTH 11TH STREET

PUBLIC HEARING:

JULY 8, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Finnegan and Scheer absent.

Staff Recommendation: Two-week deferral.

The Clerk noted that the applicant has requested a deferral on Item 2.1, Special Permit 17030A, for two weeks to the regular Planning Commission hearing on July 22, 2020.

Campbell moved to grant the request for a 2-week deferral for public hearing and action to July 22, 2020, seconded by Joy and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

SPECIAL PERMIT 05015B

TO ALLOW UP TO 312 SINGLE-FAMILY LOTS AND REVISION OF THE LAYOUT AND DRAINAGE STUDY, WITH WAIVERS TO LOT DIMENSIONS, BLOCK LENGTH, PEDESTRIAN WAY EASEMENTS, ALLOW FOR DOUBLE FRONTAGE LOTS, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE

PUBLIC HEARING:

JULY 8, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Finnegan and Scheer absent.

Staff Recommendation: Conditional Approval

There were no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Steve Henrichsen, Planning Department, came forward and stated this is a request to amend the previously approved special permit for Hartland's Garden Valley Community Unit Plan (CUP). This amendment reflects several changes to the layout and street design. The lots fronting on Fletcher Avenue have been changed to take access from an internal street and a traffic circle was added at the intersection of North 11th Street and Pennsylvania Avenue. Fletcher, Pennsylvania and Humphrey Avenues are collector streets and not arterial streets, which would keep the speeds lower. They have reduced the total number of dwelling units from 347 to 312. There is a drainage way and LES power line that runs through the site, which resulted in some of the block lengths being slightly longer than typical.

Corr stated that they have received a letter of concern regarding the animals that are native to the area, and she asked if there is a department that looks at this. Henrichsen stated that with this type of review, at a local level, they would not check to see if it had an impact on the animals that moved thru the site.

Joy inquired if the deferment of Fletcher Avenue is taking into consideration the future road construction. Henrichsen said yes, instead of the right-hand and left-hand turning lanes, a traffic circle would be constructed. Joy asked if this would be designed so future improvements could happen. Henrichsen said yes, there would be a small change to show the circle at the intersection.

Applicant:

Marcia Kinning, REGA Engineering, 601 Old Cheney Rd., Ste. A, came forward on behalf of HH Development and stated she wanted to address the questions received from the public. She shared that the family was unaware things were happening in the existing structures on the south side of the property and, now that they are aware of this, they do plan to take care of them, which is in the last phase of this project.

Corr inquired if taking care of them means that they would be torn down. Kinning said yes. Corr stated that there was a question about a pump house. Kinning shared that she is unsure of what they were asking about because the next phase can have sewers. Corr stated that the letter implied one is needed. Kinning explained that one of the last phases in the northwest corner could not have a sewer line because it would need to go through property not owned by the applicant, and maybe they were thinking that area needs the pump house.

Kinning stated with the question on the water runoff, the 10- and 100-year studies that were done shows a decrease in the runoff with the development, although the 2-year does show an increase and they have been working with watershed on this. Corr inquired what is being done that creates the decrease. Kinning stated that she thinks that it has to do with the pipe size used, which allows the water to slowdown and not go through so fast, and she further stated that there are detention ponds also.

Kinning stated that the connection to Fletcher Avenue would be the last phase and the development is not connected to Fletcher Avenue, at this point. The pedestrian easement that they are asking for a waiver on and not putting it in is because there are other connections to the open space already.

Edgerton asked about the timeline for moving forward. Kinning stated that they hope to start the first phase in the fall and spring.

Corr asked if there was a traffic study. Kinning said no.

Proponents:

No one came forward in support.

Opponents:

Keith Spilker, 900 Fletcher Avenue, came forward in opposition and stated that he owns the property adjacent to this development. He shared that he would like an additional condition added to the special permit and completed prior to approval. He stated that there are two houses on part of this property, which are a hazard and they would like the developer forced to clean up the property prior to this development being started--just saying plans are in place is not good enough. This property has been an issue for 15years and there are frequent trespassers, as one of the properties cannot be seen from the roadway. He shared pictures of the houses with the commissioners (see Exhibit "1").

Corr asked Mr. Spilker when the pictures were taken. Spilker said at the end of May. Corr asked if they have done mowing since. Spilker said no.

Charlie Vogel, 921 Fletcher Avenue, came forward in opposition and stated that he has been working with City Council on the houses that they want taken care. He shared that this needs to be done prior to the start of the development. Vogel showed pictures of the current condition of the houses (see Exhibit "2"). He shared that something needs to be done with this property and he wants a date when that will be.

Beckius asked how the trespassers were able to get onto the property. Vogel stated they just drive on the driveway.

Staff Questions:

Corr inquired if they could add a condition of approval where the applicant needs to clean up the properties. Henrichsen stated that would be appropriate given the condition of the property. He explained they could add conditions to Item 2.3, stating that completed demolition permits and remove all structures at 1000 and 1220 Fletcher Avenue, prior to their next final plat. He shared it would not be appropriate to delay the permit, but requiring it done prior to

the final plat would give the applicant time to complete. Corr asked how long before the applicant would be coming forward with the final plat. Henrichsen stated the applicant could answer that.

Joy inquired what the process would be for future applicants, if they did not have this same window of opportunity. Henrichsen explained that they would need to work with Building & Safety on the structure and its current condition, and he further stated the applicant could board up the windows to secure the structure.

Beckius stated just to clarify that the relinquishment of these two driveways onto Fletcher is part of the proposal. Henrichsen said correct.

Joy asked if they would be removed prior to this phase with the demolition. Henrichsen said that with the demolition, the focus is on removing all of the structures, and he is unsure if the driveway would be part of the demolition.

Applicant Rebuttal:

Kinning stated that she did not see any reason that the applicant would not support having the buildings removed, but they may want to keep one driveway to have the ability to access the property to take care of it.

Beckius stated instead of doing the demolition now, because it would need done anyway with the grading for this project, and he asked if they would have a problem with abandoning the driveways now, which would remove all car access to the properties. Kinning stated that she feels the buildings need taken care of now, and they are planning on turning in their application for a final plat in a couple of weeks.

Corr asked if the houses are down and there are still people using the driveway, who would the neighbors contact, and she further asked if they could add a barrier to stop access to the drive. Kinning stated that would be something that they could possibly do.

Campbell asked if there was fencing around the properties. Kinning said she did not think that there was. Beckius stated that there is very little shoulder on Fletcher and if in a car they would need to park in the ditch or driving down the driveway. Kinning said that is correct, and they would be willing to put in a gate. Joy asked Ms. Kinning if they would support add this as a condition. Kinning said yes.

Edgerton moved to close the public hearing on this item, seconded by Ryman Yost and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

SPECIAL PERMIT 05015B**ACTION BY PLANNING COMMISSION:****JULY 8, 2020**

Beckius moved approval, seconded by Campbell.

Joy moved to add an amendment adding a condition that require the completion of demolition permits and removal of all structures at 1000 and 1220 Fletcher Avenue prior to the next final plat and to include a secure entrance on the driveways, seconded by Ryman Yost.

Beckius stated that at times raw land might contain structures that are not in the best shape, and several new developments could come before Planning Commission that could have these types of structures on the land. He explained that he does not want to get into the habit of making them go away while development occurs, because it would be easier to take care of this type of issue at the time of grading, rather than independently. Beckius stated that he would support a gate on both of the driveways in lieu of demolition to control access. The applicant has done a good job with the limitations presented to them. Beckius stated that he is looking forward to this development.

Campbell moved to amend the proposed amendment to add that there needs to be a signed contract, which could serve as proof of the impending demolition. He shared if they have a signed contract with the company that would be doing the demolition, it should be acceptable.

Edgerton stated maybe she did not understand, and asked if they needed to have their permits in place for the demolition and not actually have the demolition done prior. Campbell stated the demolition is to be done prior to the applicant's final plat. Henrichsen stated the draft says to have completed demolition permits, which means that you not only apply for the permits but the demolition would need to be completed and the site inspected. Henrichsen suggested that they state, ". . . to remove all structures at 1000 and 1220 Fletcher Avenue, prior to the next final plat, including a secure entrance for any remaining driveways."

Campbell requested to remove his amendment.

Corr stated that she is in support of Commissioner Joy's amendment and appreciates Commissioner Beckius' concerns, but these properties already are having problems and since the applicant is willing, she is going to support this. She stated that due to the neighborhood concerns and frustration that they have had getting this addressed and the timing of the phases, she will be in support. She shared not all dilapidated structures are found by vandals but, since this one has been, she wants to act on it.

Tim Sieh, City Attorney's Office, came forward and suggested wording for the inclusion of the gated entrance to say "including installation of a secured entrance".

Clerk stated that this would be adding a new Condition 2.3, "Complete demolition permit and remove all structures at 1000 and 1220 Fletcher Avenue prior to the next final plat, including installation of a secured entrance to limit access."

Motion on amendment carried 5-1: Campbell, Edgerton, Joy, Ryman Yost and Corr voting 'yes'; Beckius voting 'no'; Finnegan and Scheer absent.

Main motion, as amended, carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 05015B** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

SPECIAL PERMIT 20020

TO ALLOW FOR AN ALTERNATIVE-TO-IMPRISONMENT FACILITY WITH UP TO 6 PERSONS WITHIN AN EXISTING RESIDENCE, ON PROPERTY GENERALLY LOCATED AT 838 F STREET

PUBLIC HEARING:

JULY 8, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Finnegan and Scheer absent.

Staff Recommendation: Conditional Approval

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: Steve Henrichsen, Planning Department, came forward and stated this is a request for a special permit for an alternative to imprisonment facility on the north side of F Street between South 8th and South 9th Streets. They are proposing for up to six individuals to live in an existing residence, who are being released from state prisons or county jails under post-release supervision provided by one to two staff at a time. The intent is to provide transitional housing for 12 weeks or less. The external land use effects are not any more significant than a duplex would be and the existing house will retain its appearance, which could be converted back to a single-family residence. Lincoln Public Schools (LPS) has been contacted and they are not taking a position either way.

Applicant

Alison Janecek, Cline Williams, 233 South 13th Street, Suite 1900, came forward on behalf of New Life Place. She stated this a request for a special permit for an alternative to imprisonment facility located at 838 F Street. The proposal is for up to six individuals to reside in the existing residence who have been released from state prisons, county jails, under a term of post-release supervision and some of these residents are just on probation and have never been in prison or jail. The intent is to provide supportive, temporary housing, which offers in-house programming/services to facilitate the transition to independent living. The court can impose

conditions, as it deems necessary to ensure that the offender will lead a law-abiding life. New Life Fit is an approved service provider for Nebraska State Probation, and its function is to provide transitional housing that offers programming and services. Janecek stated that they do recognize that people have issues with this because a permit or license is not needed to do this, but there are requirements that need to be met to get on the provider list. New Life Place has owned this property since 2019, and three women have been residing there with no complaints. The house is in good condition. Building & Safety is requiring some improvements be made to the property for this special permit before the building permit is issued. She stated that they did reach out to the neighbors and did not receive any concerns from them. Janecek stated that she wanted to make a point of clarification, and she explained that the application submitted stated that someone would be onsite 16 hours a day Monday thru Friday. She stated it would not be a continuous 16-hours where someone would be at the facility, and she further stated that they would be stopping in several times a day for different lengths of time, because these women are not in lockdown.

Campbell asked how far away from the facility the two individuals are. Janecek stated that would be a question for the applicant.

Dameon Gilfillan, 7519 South 72nd Street, came forward and stated that he is a licensed Alcohol and Drug Counselor and the owner of Alcohol and Drug Solutions.

Campbell asked how long it would take him to reach the facility, if needed. Gilfillan stated 10 minutes, and there is a couple that stops in throughout the day.

Edgerton asked if they have a set timeframe on the weekends for someone to stop in. Gilfillan stated they do curfew checks seven days a week, and if a client is not where they need to be, a probation officer is notified immediately and they would notify him, as well. On Saturdays, there is a mandatory house meeting with a counselor to address any issues in the house. The staff needs to be flexible with the hours that they are working because the clients' schedules can vary.

Ryman Yost asked how many facilities they currently operate. Gilfillan stated that they have a women's facility in York and a men's house in Lincoln.

Corr inquired if this location would only be for women. Gilfillan said correct. Corr stated that she wanted to clarify that there have been three women living at this residence since March 2019. Gilfillan said correct. Corr stated that the site plan shows only five bedrooms and she asked if everyone would have their own bedroom. Gilfillan said no, two of the rooms are shared.

Beckius asked if the house has been fitted with sprinklers. Janecek stated this needs to be done as a requirement for the building permit.

Corr stated that she understands they will not be housing anyone that has done violent crimes, and she asked if the proximity of the school and park would make it so that sex offenders would not be allowed at the house. Gilfillan said correct, and shared that this type of offender would not be referred to their house.

Ryman Yost inquired about the times listed in the staff report, which it states Monday through Friday, from 7:00 a.m. to 7:00 p.m. and one to two staff present. Gilfillan stated that should say Monday through Sunday. Ryman Yost asked where the women would go at discharge. Gilfillan explained that he has 84 days to help find them a place to live and be successful and some may live with their families. Ryman Yost inquired what trauma informed and evidence-based curriculum is used. Gilfillan stated they use the matrix model curriculum. Ryman Yost asked who supplies the food. Gilfillan said the residents, but he gets them started with food. Ryman Yost asked if the van was a shared van. Gilfillan said the van is shared but not kept onsite.

Proponents:

No one came forward in support.

Opponents:

Maureen Neal, 2701 South 13th Street, came forward and stated that she is fearful that the resale value of her home has gone down and no one will purchase when they find out who lives next door. The State Police have been at the residence at least once to serve warrants for minor things, but it was for two of the individuals in the house. She stated if there is a curfew then they are not implementing it or they are not aware of what is going on. She feels this facility came in under the radar and established themselves and then applied for a permit.

Justina Clark, 1008 South 8th Street (via zoom), she stated that she is the President of the South Creek Organization, but she is not speaking on their behalf due to a timing issue with the receipt of the notice and their meeting date. She stated that she is happy to hear this facility will only be for non-violent women. She stated that she is very concerned that this facility is located a block from a middle school and a park. She has concerns with the lack of supervision and is disappointed that no one from LPS came forward on this permit, but she explained that there are extenuating circumstances now with the craziness of the pandemic. This neighborhood is already facing challenges.

Corr asked if there have been problems with this facility, since it began in March 2019. Clark said no, but is concerned about the increasing the number to six.

Staff Questions:

Corr stated that she wanted to clarify, that when a special permit is approved it goes with the property, and not the property owner. Henrichsen said correct. Corr inquired if this business owner decides to sell this facility to someone, then the new owner could run the facility without coming back to Planning Commission for a special permit. Henrichsen said correct, the special

permit goes with the property and not the owner. Corr stated if they decided to house men instead of women they would not need to come back to Planning Commission. Henrichsen said correct, the specific conditions that are listed just mentions persons.

Edgerton stated this is in an R-6 area, and asked if that was correct. Henrichsen said correct. Edgerton asked about the zoning for the last application that was similar. Henrichsen said that area had been changed from R-4 to R-2 zoning. Henrichsen stated that he wanted to clarify that as an R-6 zoning, which allows for multi-family, and that one dwelling unit could be built for every 1100 square feet of lot area. With a 7,000 square foot lot, they could build a six-plex on the property and each unit could have three non-related people living in it with 18 people total.

Applicant Rebuttal:

Janecek stated in response to the concerns with the proximity of the park and the school, she shared that a lot of these women are moms and have their own child that they are trying to work to get back to them and are not predators. These women have not been convicted of a crime that would restrict them from living in this facility. She stated that the name of the application is slightly misleading with what it implies, and she further stated this is a housing option for people with unsupportive housing that are at risk and at risk of homelessness. With respect to the neighborhood outreach, she shared that they did reach out to all of the neighbors that they thought would be affected, and matched the list from the Planning Department, and zoning signs have been posted for a couple of weeks.

Corr inquired when they had mailed their letter to the neighbors. Janecek stated June 25, 2020. Corr asked if planning recommended they reach out to the neighborhood association. Janecek said they did not.

Gilfillan asked at what point is this considered discrimination, because they are tired of being pushed out of neighborhoods and being told that they cannot recover and start their lives over in normal neighborhoods with parks and schools. He stated they are told they should be by industrial areas. He shared, as someone that has recovered, it is really frustrating and disheartening to have this much of a problem in 2020, in Lincoln, Nebraska.

Corr asked if Mr. Gilfillan would ever consider having a mix of men and women staying in the same facility. Gilfillan said absolutely not.

Ryman Yost asked if the residents could have overnight visits with their children. Gilfillan said yes, that staff would work with the resident on this.

Campbell moved to close the public hearing on this item, seconded by Beckius and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

SPECIAL PERMIT 20020**ACTION BY PLANNING COMMISSION:****JULY 8, 2020**

Campbell moved approval, seconded by Beckius.

Campbell stated there needs to be some parameters set on this type of facility, because they are going to keep coming forward, and they should. He shared that he can understand some of the reasoning stated in the letters of opposition, but this is not something that the Planning Commission has control over and something needs done to correct this. He stated that he would be supporting this.

Beckius stated that he, too, would be supporting this motion. He stated there have been many questions asked that are not relevant to today's proceedings. Beckius thanked Mr. Gilfillan for what he does, and he further stated that he does not feel that it is relevant if this will serve men or women at this location. There are many questions asked because people are curious, but at the end of the day, this use fits with this situation. Lawmakers say that this is important and Commissioner Beckius believes the integration of people into society is very important, as well, and that people need to get comfortable with this because they are not there yet, and you can see that.

Edgerton stated that she is struggling with this application with similar concerns as the last application that was before them. She stated she still struggles with the fact that this special permit was put into place 10 years before the transitional living program was. She stated there is an opportunity or need to consider whether the conditions of a special permit needs adjusted in light of the new transitional program, which was brought forward by the state. She stated that the program could change once the special permit is in place, and that is challenging for everyone to understand. She shared that this property is different from the last, because of the proximity of the school and park, and she is struggling with this, as well,

Joy stated that she agrees with her fellow commissioners, and the issues discussed that they are struggling with. She shared she does believe supporting this type of program is the directive that has been handed down from the legislature, and believes that this needs defined better, because of the 10-year period as Commissioner Edgerton stated.

Ryman Yost thanked the applicant for answering so many questions. She stated when it was discussed that some information was not completely correct, and she felt that she needed to do her due diligence to bring those items forward to help with the neighborhood concerns. She stated that she, too, feels that it is important to intergrade them back into society.

Corr stated that she appreciated the explanations, and she further stated that she agrees with her fellow commissioners that the city and county need to look at putting some parameters in place on this type of permits. She stated the difference for her with this application from the last application was even though the outreach was done to the neighborhood, she said that she

was not hearing about problems and that is huge. She stated that they have been flying under the radar with no issues and that is a good neighbor. Corr stated that the proximity of the school and park are a blessing in this case, because that will prevent some of the more violent offenders from staying at this facility.

Motion carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

Note: This is **FINAL ACTION** on **Special Permit 20020** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

ANNEXATION 20006

TO ANNEX AN AREA SOUTHEAST OF SW 56TH STREET AND WEST O STREET, ON PROPERTY GENERALLY LOCATED AT SW 56TH AND O STREETS;

AND

CHANGE OF ZONE 20011

FROM AG (AGRICULTURAL DISTRICT) TO H-3 (HIGHWAY COMMERCIAL DISTRICT) AND FROM AG (AGRICULTURAL DISTRICT) TO I-1 (INDUSTRIAL DISTRICT), ON PROPERTY GENERALLY LOCATED AT SW 56TH AND O STREETS;

AND

PRELIMINARY PLAT 20002

FOR 55 COMMERCIAL LOTS ON PROPERTY LOCATED SOUTH OF WEST O STREET AND SW 56TH STREET, ON PROPERTY GENERALLY LOCATED AT SW 56TH AND O STREETS

PUBLIC HEARING:

JULY 8, 2020

Members present: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr; Finnegan and Scheer absent.

Staff Recommendation: 2-week deferral

There was no ex-parte communications disclosed.

There was no ex-parte communications disclosed relating to site visits.

DaNay Kalkowski, Seacrest & Kalkowski, 1128 Lincoln Mall, Ste. 105, came forward and stated an item came up that they may need to request a waiver on the preliminary plat, and that is why they are requesting a two-week deferral.

Campbell moved to grant the request for a 2-week deferral for public hearing and action to July 22, 2020, seconded by Joy and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

Note: This is **FINAL ACTION** on **Preliminary Plat 20002** unless appealed by filing a letter in the Office of the City Clerk within 14 days.

Corr stated at this point, we generally invite anyone wishing to speak on an item not on the agenda to come forward and do so. However, we are suspending this portion of the hearing until further notice. If you do have comments please direct them to Plan@lincoln.ne.gov or by calling 402-441-7941.

Campbell moved to adjourn the Planning Commission Meeting of July 8, 2020, seconded by Edgerton and carried 6-0: Campbell, Edgerton, Joy, Ryman Yost, Beckius and Corr voting 'yes'; Finnegan and Scheer absent.

Meeting adjourned 2:58 p.m.

Note: The Planning Commission will not formally approve these minutes until their next regular meeting on Wednesday, July 22, 2020.

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July 8, 2020

To: Lincoln-Lancaster County Planning Commission
Re: Special Permit 05015B – Hartland’s Garden Valley

Thank you for this opportunity to speak to you about the merits of this special permit application. I own the property adjacent to this development at 900 Fletcher Avenue. I am here today to request that any action on this special permit be postponed and an additional condition be added, and completed, by the applicant before approval.

Overall, I have no objections to the changes proposed in this application. The reduction in the number of lots in the development, especially between Pennsylvania Ave. and Fletcher Ave. is most welcome. So too, is the elimination of drive access out to Fletcher Ave. The addition of a roundabout at 11th and Pennsylvania Ave. and the conditional roundabout at Fletcher Ave. and Mashae Drive will not make this resident shout for joy, but I can live with both.

So, why speak in opposition to the permit? The answer to that question began over 15 years ago when the property was acquired by the applicant. At that time, the residents of two properties at 1000 Fletcher Ave. and 1220 Fletcher Ave. moved out leaving both houses unoccupied. Those houses, and related out-buildings, still stand today but in decaying and collapsing condition. In addition, the area around the structures is unkempt and not maintained having never been mowed or cleared of overgrown shrubs and fallen trees and branches.

I have submitted for your review current pictures of each property. You will note their deteriorating condition. Walls and roofs are collapsing. Windows are broken and vandalism is apparent. The structures are literally falling down. In addition, it is actually difficult to see the structures due to overgrown nature of the trees, shrubs and grasses/weeds on the properties.

Due to their condition, the properties reduce property values in the area as who wants to live next to properties that look like this. In addition, the properties are a public nuisance and hazard that draw unwanted and unwelcome visitors. They have been the subject of numerous visits from law enforcement over the years. The most recent call to the authorities came just days ago on July 5 when two teenagers where found trespassing on the 1000 Fletcher Ave. property and doing what teenagers often do – destroying property. This particular location is set back far from Fletcher Ave. and not visible from the street due to trees making it a target for this kind of activity. It has seen squatters, transients and mischievous behaviors for the past 15 years. On one occasion, law enforcement, a Lancaster County Sheriffs deputy, commented that while not active they had found evidence of a meth laboratory. That deputy contacted the owner of the property and offered to schedule a training fire burn by the Raymond Fire department at no cost to the owner and the owner refused.

As the property has been in the city limits for over 15 years, myself and others residents in the area have contacted various city departments and officials over the years trying to get the properties cleaned up. Over the last several months we have stepped up our efforts by talking to Building and Safety, the Health Department and our city council representative. No department or individual seems to be able, or willing, to force the owner to clean the properties up. Just this

week I talked with one of the owners, Andy Hartman. He claims to know nothing about people coming onto the property yet he said he has been out to find deer carcasses and other items left on the property. He would also in those visits be reminded of the deteriorating condition of his properties. Yet once again, no action is taken to clean it up.

So, I am here today to ask that this body do what no other city agency seems capable of doing – force clean up of the property. The applicant has previously asked, and is asking again, for multiple waivers in this development. The city should now ask for a condition of their own. It is time for someone to step up and force the applicant to fulfill their social responsibility to maintain their property to an acceptable standard. The decaying nature of the structures pose a health and safety issue. Those in the area deserve better than they have received these last 15 years.

I am sure we will hear today how the applicant cares about those in the area. But the lack of action on these properties these last 15 years tells a different story. The properties should have, and could have, been removed long ago and not allowed to progress to their decaying state today.

I purpose that the planning commission today delay action on the special permit until the applicant has met the following conditions:

- removed all structures from the properties
- fill and grade any basements, foundations, wells, etc.
- mow and maintain the landscape on a regular basis

The above action could easily be completed in a timely basis and not impact the applicant's development plans in any way. It would also help improve the reputation of the applicant with those living by the development. It is time the applicants show some consideration and become responsible neighbors and property owners.

Thank you for your time and consideration.

Keith Spilker
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