

City Council Introduction: **Monday**, May 21, 2001
Public Hearing: **Monday**, June 4, 2001, at **1:30** p.m.

Bill No. 01-89

FACTSHEET

TITLE: STREET VACATION NO. 01007, requested by BryanLGH Medical Center, to vacate a portion of South 16th Street from the north line of Lake Street to the south line of the previously vacated South 16th Street.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan with conditions of approval.

ASSOCIATED REQUEST: Special Permit No. 1020G (01R-127)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/02/01
Administrative Action: 05/02/01

RECOMMENDATION: A finding of conformance with the Comprehensive Plan with conditions of approval. (9-0: Bayer, Carlson, Duvall, Krieser, Newman, Schwinn, Hunter, Steward and Taylor voting 'yes').

FINDINGS OF FACT:

1. At the request of the applicant, this proposed street vacation was heard at the same time as Special Permit No. 1020G and Special Permit No. 1219J. The minutes attached to this factsheet (p.4-10) reflect the testimony and action on all three applications.
2. The Planning staff recommendation to find the proposed street vacation in conformance with the Comprehensive Plan with conditions of approval is based upon the "Analysis" as set forth on p.2-3.
3. The testimony regarding this street vacation is found on p.6.
4. There was no testimony in opposition.
5. On May 2, 2001, the Planning Commission voted 9-0 to agree with the staff recommendation, finding the proposed street vacation to be in conformance with the Comprehensive Plan with conditions of approval (See Minutes, p.10).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 14, 2001

REVIEWED BY: _____

DATE: May 14, 2001

REFERENCE NUMBER: FS\CC\FSV01007

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation No. 01007
A portion of S. 16th Street from the north line of Lake Street to the south line of the previously vacated S. 16th Street.

DATE: April 19, 2001

PROPOSAL: Bryan LGH Medical Center is requesting is requesting the vacation of the portion of S. 16th Street from the north line of Lake Street to the south line of the previously vacated S. 16th Street.

GENERAL INFORMATION:

APPLICANT: Bryan LGH Medical Center
1600 S. 48th Street
Lincoln, NE 68506-1299
(402) 481-3548

LEGAL DESCRIPTION: A portion of S. 16th Street from the north line of Lake Street to the South line of previously vacated S. 16th Street. Generally located in the SW 1/4 of Section 36, T10N, R6E of the 6th P.M., City of Lincoln, Lancaster County.

SIZE: Approximately 3,150 square feet

EXISTING ZONING: R-4, Residential.

EXISTING LAND USE: S. 16th Street Right-of-Way

SURROUNDING ZONING AND LAND USE: Surrounded by Bryan LGH West Campus on the west, north, and east sides with R-4 zoning, and abut Lake Street right-of-way to the south.

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. The Land Use Plan shows the property as Public and Semi-Public.

ANALYSIS:

1. The purpose of this application is to incorporate the above described public right-of-way as part of the Bryan LGH Center West.
2. A portion of S. 16th Street north of the proposed vacation was previously vacated and is now a part of the Bryan LGH West Campus.
3. The proposed area was excluded from the previous vacation of S. 16th Street in order to provide access for the residence to the west. That property is now owned by Bryan LGH.

4. The Public Works and Utilities Department requests that a permanent easement be established for the entire vacated area for maintenance of the utilities.
5. The existing storm sewer inlets and street paving within the proposed vacation will be addressed with the associated Special Permit No. 1020G.
6. The Real Estate Department has yet to appraise the area of proposed vacation.

STAFF RECOMMENDATIONS: In conformance with the Comprehensive Plan

CONDITIONS:

1. This approves the vacation of the portion of S. 16th Street from the north line of Lake Street to the South line of previously vacated S. 16th Street. Generally located at the SW 1/4 of Section 36, T10N, R6E of the 6th P.M., City of Lincoln, Lancaster County.
2. The City retains a permanent utility easement over the entire vacated area.

Prepared by:

Ching-Yun Liang
Planning Department

STREET VACATION NO. 01007

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

Members present: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer.

Planning staff recommendation: Conditional approval of the special permits, and a finding of conformance with the Comprehensive Plan with conditions of approval on the street vacation.

Proponents

1. **Bill Lewis**, legal counsel for BryanLGH, requested 30 minutes for this presentation. These applications seek two variances in building coverage relating to both the east and the west campus; on the west the requested variance is from 35 to 37 percent, and on the east the request is from 35 to 38.2 percent, including the canopies. These requests have received approval from Planning staff.

Lewis noted that both applications contain a condition for a right turn lane (Condition #1.1.7). The right turn lane requirement on the east campus (SP.1219J) poses some potential difficulties. It is on Sumner Street and it crosses over a driveway which is the entrance and exit to a parking lot for the emergency room that is on Sumner Street, with an existing sign that says "no right turn on red" already. There is a right turn lane on 48th at Cotner Blvd. and the applicant questions the design and development of the right turn lane in Sumner Street east of So. 48th Street.

On the west campus (SP.1020G), Lewis advised that there is an even bigger concern because the hospital does not own the property upon which the right turn lane is being requested. It is owned by Sun Mart. There appears to be parking along that area with a sign on the corner. The hospital would have concerns about designing something on someone else's property.

Lewis requested that Condition #1.1.7 be deleted on both special permit applications.

Lewis then requested that Condition #1.1.1 on both special permits be moved from "Site Specific" to "General" so that the approval process is not delayed. The city would still be in control as far as the final design.

2. **Lynn Wilson, President and CEO of Bryan LGH Health System**, testified in support. This is the third phase of three years of work since the merger took place in 1997. The first phase started about three years ago and our purpose at that time was to get together the staff to determine how the merger should take place. They truly wanted to merge the hospitals as one hospital at two locations and consolidate services. In order to do that, we needed a lot of help from our medical community and staff. We spent a year determining how to consolidate services and once that was determined, we hired a design firm to work with our local architectural firm to help us develop what should go where based upon architectural considerations, etc. During the past few

months the hospital has been in phase two—to decide how the design should go forward. These proposals represent the last part of that phase. This consolidation will have a long lasting and positive effect on the health care of this community. This will provide a lot of efficiency and keep the costs low.

Wilson noted that the west campus (LGH) has not been renovated for 37 years and the building is in dire need of being updated and repaired.

3. Wynn Mehlhaff, principal with Davis Design and lead architect on this project, reviewed the site plans for both campuses. He explained the changes on the east campus, including repositioning the drive on the existing building and creating a new entrance bringing it out from underneath the existing tower. The parking structure is proposed at three levels but expandable an additional two levels in the future to help address continuing utilization and parking needs. This proposal provides parking beyond the requirements.

Mehlhaff also showed site elevations and cross-sections dealing with the height and setback requirements.

The landscape plan adds screening along 48th Street at strategic locations to do a quality addition to that area including both trees and shrubs to add to the existing screen. The areas adjacent to the construction would be reestablished of plant materials that have been disturbed or relocated during the process. Bryan LGH has made a commitment to meet and exceed the screening requirements, particularly with berming and plant materials along Cotner and 48th adjacent to the new parking structure.

Steward posed a speculative question which does not pertain to this approval, but in the past there has been sensitivity to expansion in this neighborhood, but it is not unreasonable to imagine that with Lincoln's growth rate there is going to be more expansion. Are there discussions that the Commission should be aware of that relate to the neighborhood relationship in the future? Mehlhaff stated that the hospital has continued to meet with the neighborhood group. Wilson stated that the hospital has support of the neighbors on both of these projects and they have worked hard to work with them and have listened to them. We gained credibility with our surface level parking. We have had a lot of discussion about our future and we are very sensitive to the fact that we are landlocked on both campuses. However, we can add capacity to both buildings without building new structures. We are trying to look at ways to be efficient and cost-effective. This project adds 80 beds and could add 50+ beds in the future on the east. And if we converted administrative space on the west campus, that is another 140 beds. This project should take us somewhat into the future. We have also looked at what we can take off campus such as our employment center. We can also take our building services off campus.

Mehlhaff then proceeded to review the site plan for the west campus (SP.1020G). The initial major element is to first create and address the parking issue. The first project would be the parking structure of in excess of 1300 stalls. The initial plan to do four levels only, but with buildout to support additional medical office space. There will be a new fully built-out medical office building of seven floors, with four in the initial stage. A major pedestrian thoroughfare will be developed across the north side of the existing hospital to connect the new medical office and the existing hospital and physicians office building, with visitor, patient and family amenities. There will be a two-level addition to the south for an

expanded trauma center with the mental health unit on the second level which will house adult units and a child adolescent unit, which is currently housed in the patient tower. The other area to the south includes a newly designed two-story independence/substance abuse center. The bulk of the existing surface parking would be redeveloped to meet the needs for the site for parking. There will be a 3500 sq. ft. addition to the south, which is the radiology/oncology entrance, allowing the medical and radiation oncology center to bring all the services to patients at one location.

Mehlhoff also displayed elevations, showing compliance with setback requirements, and he also displayed the landscape plan.

The hospital met with representatives of the Irvingdale Neighborhood Association and several interested citizens to work through screening issues, particularly with the parking structure. They are proposing to add another layer of appropriate plant materials to better screen the area in order to address headlights. In working with the neighbors, the hospital is also proposing to install larger plant materials. There are significant cars that are already screened, but the plan is to do additional screening to those areas, with new screening in areas that are not lots and with significant additional screening that was not previously done along Lake Street. It will be completely screened whether there is existing parking or not.

Lewis then explained the request to vacate the stub piece of 16th Street (SAV.01007). This is being brought forward because at the time that 16th Street was vacated in that area, the city did not own the property adjoining a stub portion of that street on the west. Bryan LGH has now acquired that piece of property and is now requesting the vacation of that piece of stub street of 16th Street that borders on Lake Street.

Lewis stated that the applicant's traffic study reveals that the traffic generated from these projects can be accommodated by the existing street network with few impacts. No roadway improvements are being recommended. However, Carlson noted that the staff report refers to a significant drop in service at some of the intersections. Buff Baker of Public Works advised that the city's own traffic studies show those drops in level of service and thus is requiring the right turn lanes (Condition #1.1.7). The city staff is requiring the right turn lanes because of the stacking requirements at both locations.

Carlson was not sure how to proceed with the two traffic studies coming to different conclusions.

Schwinn stated that he has specific concerns about the right turn lane on South Street being on property that is not owned by the applicant (SP.1020G). Within the last couple months the Commission has had discussion about putting in right turn lanes where there are already openings into major areas, specifically 70th on "O" Street at HyVee. It seems that we are asking them to do something that is not particularly safe at that location. Baker suggested that the right turn lane attempts to get traffic to flow out of this area, especially in the 16th Street location, to keep the same level of service on 16th Street.

With regard to the right turn lane on Sumner, Schwinn believes that most of the traffic we are dealing with will all be impacted on 48th and Cotner. Baker believes the traffic flows coming from the existing parking structures to the east add higher numbers on Sumner. We will be increasing traffic volumes around that direction because of the parking structures and what we are losing in surface parking. There will be more flows coming from that direction. We are losing level of service for the traffic on the street.

Ray Hill of Planning staff confirmed that the applicant's traffic study was submitted and reviewed by staff. Rick Peo of the City Law Department pointed out the memo from Dennis Bartels dated April 24th refers to the applicant's traffic study.

Steward suggested that the traffic issues are moot if Public Works has determined that there is an impact, and Public Works has acknowledged a process for dealing with that impact by requiring the right turn lanes. And the owners report said there was less impact, so the action by staff would recognize the greater impact.

Public Comments

1. Gary Young appeared on behalf of **Edwin Farber** in support of the development; however, Mr. Farber, who owns property at 15th and South Street, is concerned about ingress and egress during construction. This is the corner on the west campus where the Williams Cleaners building and H&R Block Center is located. Mr. Farber also supports the staff recommendation that the right turn lane be extended from 16th Street all the way to 17th Street.

2. Fr. John Sullivan, Blessed Sacrament Church, at the corner of 17th & Lake, testified with concerns about traffic. Any kind of increase in traffic flow will increase the traffic on Lake. Lake Street from the east down to 17th Street is a long hill, and currently the Blessed Sacrament school children have a drop-off site, but even with the drop-off, Fr. Sullivan believes the children are in danger because of the high traffic on Lake Street. In the past, they have requested a cross-walk at 18th and Lake which has been denied. They have also requested a traffic light at the corner of 17th & Lake instead of simply a crosswalk signal. We need a full-fledged traffic light at that intersection. The City bus traffic and the non-public utility transportation tend to use Lake as a cutoff from Sheridan over to 17th Street and the traffic comes faster than 25 mph. The school has 230 children, grades K-8.

Staff questions

Bayer asked why the city would deny a crosswalk in front of a grade school. Baker believes there is a signalized crossing at 17th Street, but he agreed to work with Fr. Sullivan in an attempt to resolve the problem.

Baker did talk with Dennis Bartels and he would not be opposed to moving Condition #1.1.1 from Site Specific to General. However, it should be noted that the decisions will be final at that point and the applicant would not have an opportunity to appeal to Council at that time.

Carlson confirmed with Baker that the right turn lane on Special Permit 1020G solves a decrease in service level at 16th and South. Baker referred to Item #7 in the Memorandum from Dennis Bartels

dated April 18, 2001. We are looking at the worst condition during construction but it does not identify what the conditions will be after construction. But Bayer believes that the Public Works solution to the traffic problem is the right turn lane. Baker concurred. Carlson inquired whether Public Works is satisfied that the traffic issues are resolved with the right turn lanes. Carlson is also concerned about the conflict between the independent traffic analysis which says there is not a problem and the Public Works analysis that determined that there is a problem.

Newman suggested that instead of requiring the right turn lanes on Sumner and South now, maybe the condition could be worded such that in the future this is something that BryanLGH would be willing to contribute when traffic warrants say that it is necessary. Lewis agreed, which is similar to what was done on 48th Street. If and when there is a need for it, BryanLGH would be willing to pay the cost of construction.

Taylor was still bothered by the idea that BryanLGH is responsible for making a decision on an area that they have no control over. He requested that staff tell the Commission why they are making BryanLGH responsible for that. Rick Peo of City Law Department explained that the need and ability might require city acquisition of the land for a public street. The city believes that BryanLGH should pay the city for whatever cost there is needed to acquire land for the right-turn lane. If we are saying a right turn lane is needed, the city can acquire the land and the applicant can reimburse the city.

Following a break for staff to reach Dennis Bartels by telephone regarding the traffic studies, Ray Hill of Planning staff referred the Commission to the most recent report of the Public Works Department dated April 24, 2001 (page 220 of the agenda). This report indicates that there are some traffic delays at 16th and South Street, thus the requirement for the construction of a right turn lane between 16th and 17th Street. The city is recommending the right turn lane to solve the impact of any increased traffic. Public Works has studied both the applicant's traffic study and the city's own traffic study, resulting in the recommendation for the right turn lanes.

Lewis's response was that looking at what is being constructed on the east campus, BryanLGH does not see that there is any traffic impact on Sumner Street. The existing garage on Sumner is not going to be expanded. The additional parking will be put on 48th Street and that traffic is not going to circle that entire area trying to get to the corner of Sumner and 48th Street.

With regard to traffic during construction, Lewis advise that BryanLGH will be bussing employees during the construction project from outlying sites.

In regard to the right turn lane on South Street between 16th and 17th, Lewis questions where the traffic bottleneck is—he suggests it is at 16th and South and not 17th. If you put a right turn lane to encourage people to go south on 17th, you will run them right by the church school facility. In regard to the comments that BryanLGH should be responsible for not only paying the cost of constructing the right turn lanes, but also bringing some sort of negotiations forward to try to acquire the property and eliminate a row of parking for SunMart and eliminate their sign, Lewis believes it is totally unreasonable. If it is finally determined to go ahead and build the right turn lanes, BryanLGH would agree to pay the cost of construction only, but not the costs of property acquisition. BryanLGH will sign an agreement to pay the costs of construction for the two right turn lanes if it is determined that they are the appropriate thing to do; however, BryanLGH does not believe these lanes are necessary.

Bayer inquired about the access to the two businesses on the corner of 15th & South during construction. Mehlhaff stated that the applicant is working with the construction manager. One of the things they typically do is create a set of standards to appropriately direct the flow of materials and vehicles into the site. It will be their intent to contain the traffic as much as absolutely possible to that site within the boundaries of the site. The driveways will not be blocked.

Carlson noted that the staff report (based on the Public Works comments) indicates that at some point in the future the left turn motion on the east campus be prohibited. Lewis stated that Bryan is prepared to make that notation on the drawing.

Public hearing was closed.

SPECIAL PERMIT NO. 1219J

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with amendments deleting Conditions #1.1.7 and #3.3 and moving Condition #1.1.1 from "Site Specific" to "General", seconded by Schwinn.

Newman agrees that Sumner has absolutely nothing to do with the traffic that is going to increase. If there is an increase in traffic, the problem will be at Cotner and at 48th and she does not believe a right turn lane is going to do anything.

Carlson moved to amend to add a condition requiring that a note be added to the plan indicating that BryanLGH recognizes that some day there would be the possibility of closing the left turn lanes. Carlson withdrew his motion.

Newman thinks it is a very, very attractive facility. She is glad it is going up instead of out.

Carlson believes the design looks good and he understands the health care concern. But, he is making judgment on the information before him and he will be voting in opposition because he thinks it needs to go back and he needs more information.

Schwinn agreed with Newman. We don't see any neighbors here today like we have in the past. He was on the campus just last week and was very pleased with the way it looks and he appreciates everything they have done.

Bayer was involved in health care in this community previously, and Lincoln is blessed to have two tremendous major health care carriers. He continues to applaud them. We have a recommendation from the Planning Department and often times the Commission has to make decisions based on the staff analysis.

Motion for conditional approval, with amendments, carried 8-1: Duvall, Taylor Newman, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'; Carlson voting 'no'.

SPECIAL PERMIT NO. 1020G

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, with amendments deleting Conditions #1.1.7 and #3.3 and moving Condition #1.1.1 from "Site Specific" to "General", seconded by Schwinn.

Hunter lives in the south part of town--she travels up 13th and turns left on South and there is huge congestion between 13th and 16th. She is quite mystified by the turn lane that comes in front of SunMart--the east side of the SunMart parking lot is always empty. It almost seems like the turn lane is there for a purpose but no one knows what it is. She is very concerned about the traffic congestion. An oncology center is going to become a bigger and bigger use type center and with the lack of improvement that has gone on on South Street to begin with, additional traffic is a real concern to her with the new facilities and the additional uses. She is not sure she grasps the situation of the right turn lane other than the fact that it may take some of the traffic going into SunMart and BryanLGH off of the traffic going eastbound. She believes the expansion is great because this campus does need to be improved, but she does have concerns about the impact on the area.

Carlson agreed with Hunter. He believes this probably is a facility in need of expansion, but the best design becomes a bad design if the infrastructure doesn't support it. He is not confident there has been full enough discussion. He does not know if the right turn lane is the solution or not. He thinks this facility is sorely needed but he is not satisfied that the transportation difficulties that exist that will be compounded have been dealt with so he is not prepared to have this project move forward.

Motion for conditional approval, with amendments, carried 8-1: Duvall, Taylor Newman, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'; Carlson voting 'no'.

STREET & ALLEY VACATION NO. 01007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Schwinn moved to find the street vacation to be in conformance with the Comprehensive Plan, with conditions of approval as set forth in the staff report, seconded by Duvall and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'.

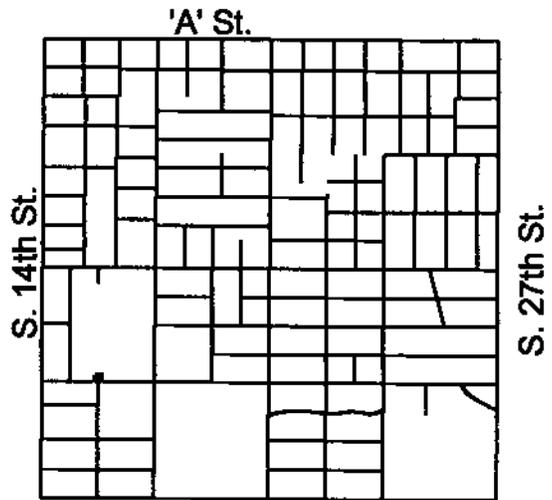
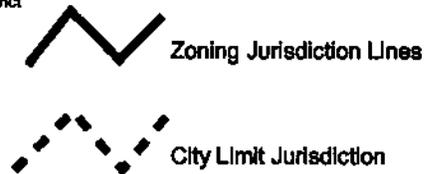


Street & Alley Vacation #01007
Bryan LGH West
16th & South

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 36 T10N R6E



Van Dom St. 011



**Street & Alley Vacation #01007
Bryan LGH West
16th & South**



Sheet _____ of _____
Date: 4-19-01

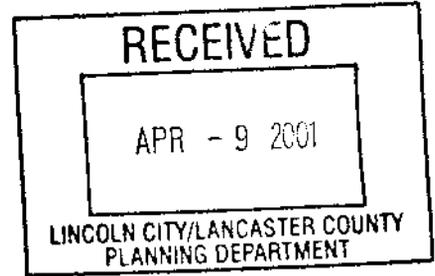
Photograph Date: 1997 012
Lincoln City - Lancaster County Planning Dept.

Lincoln



Nebraska's Capital City

April 6, 2001



Lincoln City/Lancaster County
Planning Commission
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Vacating that portion of South 16th Street from the north line of Lake Street to the south line of previously vacated South 16th Street

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from BryanLGH Medical Center, owners of Lot 12, Goulds Subdivision and Lots 4 and 5, Johnsons Addition to vacate the above described public right-of-way.

There are existing utilities in the area of the proposed vacation. Public Works is asking that a permanent easement be established for the entire vacated area for maintenance of these utilities. The existing storm sewer inlets and street paving will be addressed with the proposed use permit for the hospital.

The Department of Public Works recommends approval of this vacation with the above mentioned conditions. This vacation contains an area of 3,150 square feet, more or less.

Sincerely,

Byron Blum
Engineering Services
Department of Public Works

jaj Vac16LakeSt b1b

cc: A. Abbott R. Figard
A. Harrell J. Ross
K. Sellman C. Thomas
M. Wullschleger D. Roper

