

FACTSHEET

TITLE: STREET VACATION NO. 04005, requested by Krein Real Estate, Inc., to vacate Allen Road from the west line of Stephanie Lane west to a point approximately 565 l.f. along the centerline of Allen Road, generally located at Pine Lake Road and Stephanie Lane.

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

ASSOCIATED REQUEST: Change of Zone No. 04035 (04-151); Use Permit No. 04001 (04R-194); and Special Permit No. 1713C, Aspen 3rd Addition Community Unit Plan (04R-193)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/26/04
Administrative Action: 05/26/04

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent).

FINDINGS OF FACT:

1. This street vacation was heard by the Planning Commission in association with Change of Zone No. 04035, an amendment to the Aspen 3rd Addition Community Unit Plan, Use Permit No. 04001 and Special Permit No. 04026.
2. The purpose in vacating Allen Road is to allow a larger lot on which to build a club/fitness center and medical office building (Special Permit No. 04026 and Use Permit No. 04001).
3. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3-4.
4. The applicant's testimony is found on p.5-6; testimony in support by the neighborhood is found on p.6; and the record consists of two e-mail communications in support of the associated proposals (p.16-17).
5. There was no testimony in opposition.
6. On May 26, 2004, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan (Bills-Strand declaring a conflict of interest; Taylor absent).
5. The City Real Estate Division has determined that the dedication of the new street and the cost of relocating utilities will more than offset the value of the area being vacated. Therefore, it is recommended that if the area is vacated, it be deeded to the abutting property owner at no cost in exchange for meeting the requirements of the associated special permits and use permit (See p.18).
6. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 26, 2004

REVIEWED BY: _____

DATE: July 26, 2004

REFERENCE NUMBER: FS\CC\2004\SAV.04005

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

P.A.S.: Street Vacation #04005–Allen Road

PROPOSAL: Vacation of Allen Road from the west line of Stephanie Lane west to a point approximately 565 l.f. along the centerline of Allen Road.

LOCATION: Pine Lake Rd. & Stephanie Lane

LAND AREA: 0.78 acres, more or less.

CONCLUSION: The vacation of the rights-of-way conforms to the Comprehensive Plan. The City should retain ownership until Norris Lane is dedicated to the City.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

SURROUNDING LAND USE AND ZONING:

North:	R-4 Residential	Undeveloped
South:	R-4 Residential	Undeveloped
East:	B-2 Business	Undeveloped
West:	R-3 Residential	Single family and attached two-family residential

ASSOCIATED APPLICATIONS:

Change of Zone #04035
Use Permit #04001
Special Permit #04026
Special Permit #1713C

HISTORY:

Dec 10, 2003 Change of Zone #3429, Special Permit #1713B and Use Permit #155 were recommended for approval to City Council at Planning Commission. These projects are on pending at City Council.

July 8, 2002 Use Permit 141, Thompson Creek, located southeast of S. 56th St. & Pine Lake Rd., to construct 76,000 s.f. of office space was approved by City Council.

- April 17, 2000** Special Permit 1713A, Aspen 3rd Addition CUP to adjust the front yard setback was approved by City Council.
- June 22, 1998** Use Permit 112 to construct a 30,000 s.f. office building at northwest corner of S. 56th St. & Pine Lake Rd. was approved by City Council.
- March 2, 1998** Special Permit 1713, Aspen 3rd Addition CUP for 382 dwelling units; Change of Zone 3098 for R-3 to R-4 and Preliminary Plat 97031, Aspen 3rd Addition was approved by City Council.
- June 16, 1997** Change of Zone 3037 for AG & R-3 to B-2 and O-3; Use Permit 97 for 100,000 s.f. of commercial use and Preliminary Plat 96027, Aspen 2nd Addition for 7 commercial lots and two outlots was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The street network should facilitate calm traffic conditions, provide multiple connections within and between neighborhoods, using neighborhood development aspects such as four way intersections of residential streets, multiple connections to arterial streets and reduced block lengths. (F-19)

The Land Use plan of the 2025 Comprehensive Plan designates this area as Urban Residential.

UTILITIES: There is a 2" natural gas main, a 12" water main, a 8" sanitary sewer main, storm sewer inlet and two existing street lights within the area to be vacated.

TRAFFIC ANALYSIS: Allen Rd. is a local street.

ANALYSIS:

1. This request to vacate a portion of Allen Rd. is associated with Use permit #04001 for Madonna Rehabilitation Hospital and Special Permit #1713C-Aspen CUP.
2. A new street, Norris Lane, is identified on the use permit site plan. Norris Lane would extend from Pine Lake Rd. to Red Rock Lane. The total area of Norris Lane is 1.4 acres. Norris Lane provides another access point to Pine Lake Rd. and S. 52nd St.
3. The purpose in vacating Allen Rd. is to allow a larger lot on which to build a club/fitness center and medical office building.

4. The existing water main will need to be removed and a new water main shall be installed in Norris Lane. The two existing street lights would be removed.
5. The existing gas main in Allen Rd. must be removed and relocated.
6. The City should retain ownership of the vacated right-of-way until a final plat dedicating Norris Lane is ready to be approved , to assure the dedication of Norris Lane.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA
THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Tom Cajka
441-5662, tcajka@ci.lincoln.ne.us

DATE: May 13, 2004

APPLICANT: Madonna Rehabilitation Hospital
5401 South St.
Lincoln, NE 68506
(402) 489-7102

OWNER: William Krein
4750 Normal Blvd. #3
Lincoln, NE 68506
(402) 323-8200

CONTACT: Brian D. Carstens
Brian D. Carstens & Associates
601 Old Cheney Rd. Suite C
Lincoln, NE 68512
(402) 434-2424

**CHANGE OF ZONE NO. 04035;
USE PERMIT NO. 04001;
SPECIAL PERMIT NO. 04026;
SPECIAL PERMIT NO. 1713C, AN AMENDMENT
TO THE ASPEN 3RD ADDITION COMMUNITY UNIT PLAN;
and
STREET & ALLEY VACATION NO. 04005**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll; Bills-Strand declaring a conflict of interest; Taylor absent.

Staff recommendation: Approval of the change of zone; conditional approval of the use permit, special permit and community unit plan; and a finding of conformance with the Comprehensive Plan on the street vacation.

Ex Parte Communications: None.

Tom Cajka of Planning staff submitted a letter from Jan and Bill Norris in support.

Proponents

1. Tom Huston appeared on behalf the applicant, **Madonna Rehabilitation Hospital**. Madonna has been looking for a site for its proactive health and fitness facility. It is a health plaza with a combination of uses. This health plaza would bring together multiple disciplines and services in one structure to enable Madonna to further its mission. Madonna has been a leader in rehabilitation health services.

Huston submitted proposed amendments to the conditions of approval on the use permit, community unit plan and special permit. The neighbors requested that Madonna delete one of the connections from the roundabout to the east. That connection has been eliminated and Public Works is in agreement. The applicant is proposing to add some landscape berming area west of Norris Lane on the west side of the structure.

The third amendment deals with the parking. This was the toughest issue in dealing with this project because of the combination of uses. The site plan reflects 334 parking stalls based upon Madonna's projection of the nonconcurrent parking demands for this facility. 200 parking spaces will be required for the medical office portion. There is no exact formula when it comes to the health club, and it is a tough analysis. The staff did refer back to the analysis done for the YMCA at Densmore Park, and that parking lot was overbuilt and has created an unnecessary amount of runoff. Madonna is confident in its accurate depiction of the nonconcurrent parking demand. There is sufficient room to add 76 stalls if determined to be necessary at some point and the applicant

does not object that the site plan be amended to reflect where those 76 stalls would be located. If Madonna determines, or it is determined through a complaint process, that there is parking on the streets, Madonna will build the additional parking stalls.

Pearson asked to see the location on the site plan where the additional parking stalls would be located.

Carroll inquired as to the trigger mechanism for that additional parking. Huston stated that the nonconcurrent parking provision under the parking section of the zoning ordinance does not have a good trigger mechanism--it does not have a mechanism to measure the parking demand for this kind of facility, either. It would be either through city inspection or city enforcement. Typically it is a complaint process by the public. If there is a complaint, Huston would like the opportunity for Madonna to conduct a study of the peak time parking demands to determine the appropriate number of stalls to be constructed. The staff report indicates 410, which is just a best educated guess. Carroll suggested adding a condition that a parking study be done after one full year of operation. Huston hesitated to accept such a condition because if 334 is adequate, he is not sure they should be required to do a parking study. If we find out a year from now that we haven't built enough stalls, then they could conduct a study. It would be his concern to overbuild the parking lot from the outset. Carroll's concern is that they are budgeting construction dollars and they won't have the money to build the spaces if they are needed. Huston indicated that he would be receptive to adding some language to Condition #1.1.10 that the applicant would produce a parking study upon request of the city within 18 months.

Sunderman inquired whether the applicant is still requesting the waiver of the tangent length. Huston stated that that waiver request has been eliminated.

2. Roger Ehlers, 7226 Sugar Creek Circle, testified in support, if the proposed amendments submitted by the applicant are approved. The neighborhood and the developers have worked together and they solved two of their problems in about 5 minutes. It has been a real cooperative effort. There was a different proposal for this area a few months ago, and this is a much better proposal. It takes out all the apartments and leaves in the 10 units of housing. It is an attractive building. He has a little concern about the height of the building, but it will be a good sound buffer from Pine Lake Road. He is not sure the neighborhood would like the additional parking in the open area. The amendment to break off that road is important because one of the biggest concerns was traffic coming down into that area. That change will eliminate 95% of the traffic that could have come down into the residential area.

Marvin inquired whether Norris Lane will satisfy the west-bound traffic onto Pine Lake Road. Ehlers believes that it will. It will give the 10 new units an outlet. We were worried about the road from Stephanie Lane and with the break they won't be able to come down there.

There was no testimony in opposition.

Staff questions

Pearson inquired whether they can build the additional parking in Block 5 which is shown as an outlot. Tom Cajka of Planning staff advised that they would not be able to build a parking lot there without a special permit for parking in residential zoning or a change of zone to O-3. Cajka believes that the additional parking would be on the outlot. There is no room for additional parking next to the office building.

Carroll asked whether staff would be acceptable to requiring a parking study in 18 months. Cajka agreed; however, the applicant could do something as simple as checking the parking during peak times.

Marvin inquired about Outlot B. Cajka advised that Outlot B is open space for a buffer between the existing townhomes and the new facility.

CHANGE OF ZONE NO. 04035

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Marvin moved approval, seconded by Pearson and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.

USE PERMIT NO. 04001

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, and to add a condition that the applicant will conduct a parking study after 18 months of operation and provide it to the city, seconded by Marvin and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 04026

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved to approve the staff recommendation of conditional approval, with the amendment to Condition #3.3 requested by the applicant, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1713C

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 04005

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Carroll moved a finding of conformance with the Comprehensive Plan, seconded by Krieser and carried 7-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson and Carroll voting 'yes'; Bills-Strand declaring a conflict of interest; Taylor absent. This is a recommendation to the City Council.



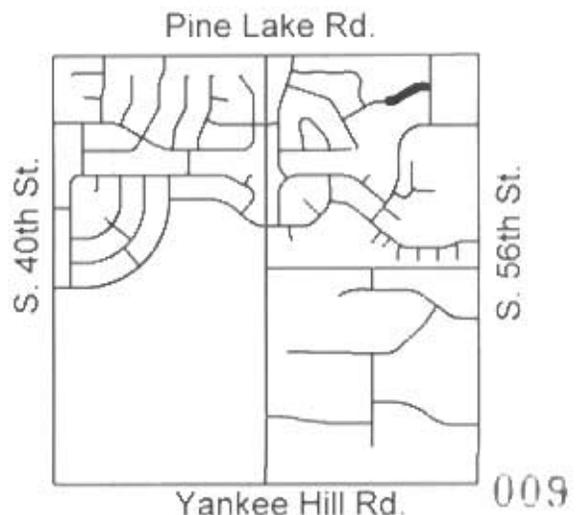
2002 aerial

Street and Alley Vacation #04005 Stephanie Ln & Pine Lake Rd.

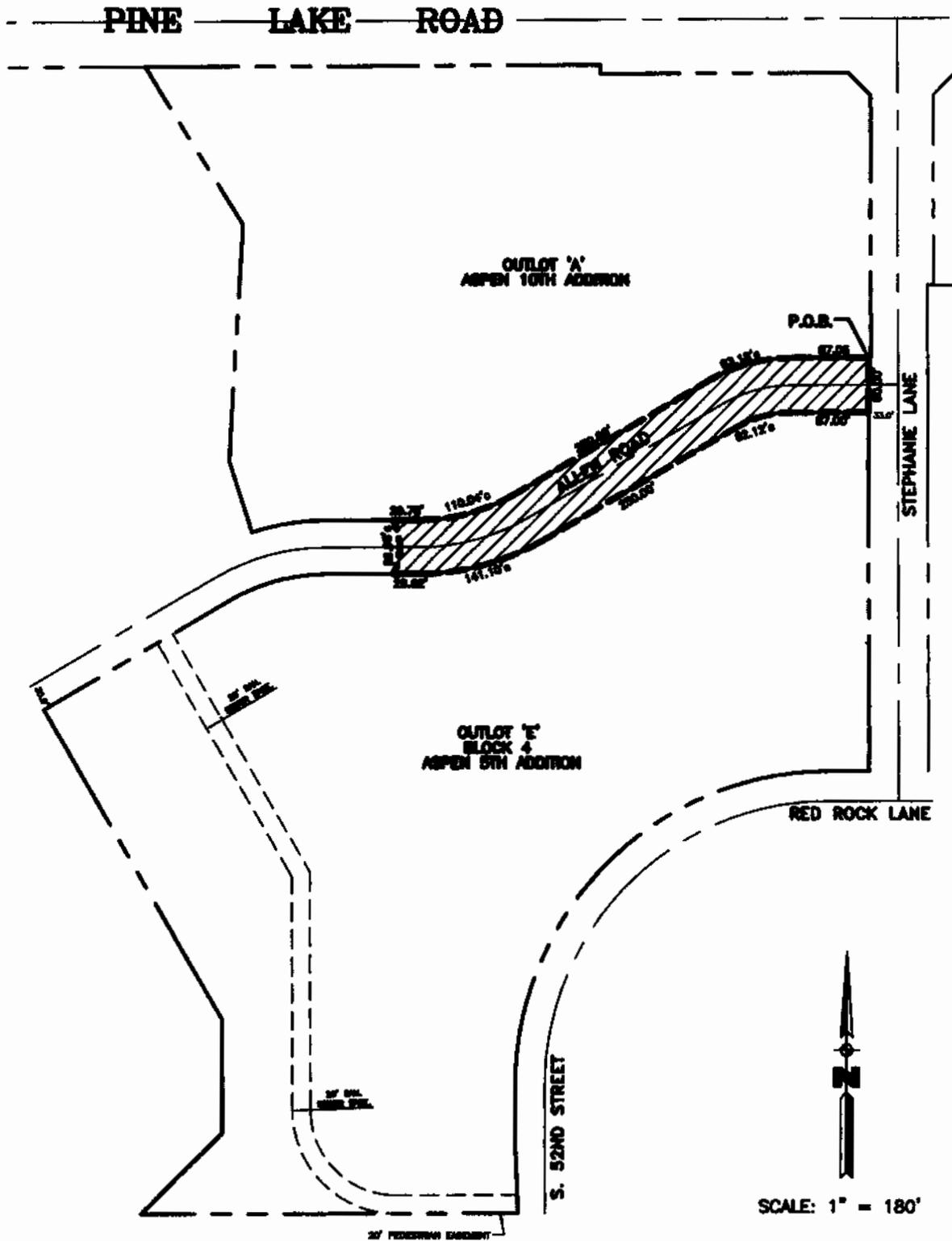
Zoning:

- 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. 20 T9N R7E



ALLEN ROAD VACATION OF RIGHT-OF-WAY EXHIBIT



Portion of ALLEN ROAD to be vacated:

A portion of Allen Road right-of-way located in the North 1/2 of the N.E. 1/4 of Section 20, T. 9 N., R. 7 E. of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence S. 89°43'49" W. on the north line of said Section 20, for a distance of 628.50 feet;

Thence S. 00°16'11" E. a distance of 85.00 feet;

Thence continuing S. 00°16'11" E., for a distance of 290.00 feet along the west line of Stephanie Lane;

Thence S. 89°43'49" W., a distance of 2.95 feet to the Point of Beginning;

Thence S. 89°43'49" W., a distance of 87.05 feet;

To a point of curvature of a circular curve to the left having a radius of 180.00 feet and an arc length of 94.25 feet, being subtended by a chord of S. 74°43'49" W., for a distance of 93.18 feet to the point of tangency of said curve;

Thence S. 59°43'49" W., a distance of 250.00 feet;

To a point of curvature of a circular curve to the right having a radius of 212.58 feet and an arc length of 111.31 feet, being subtended by a chord of S. 74°43'49" W., for a distance of 93.18 feet to the point of tangency of said curve;

Thence S. 89°43'49" W., a distance of 29.75 feet;

To the point of curvature of a circular curve to the right having a radius of 66.00 feet and an arc length of 62.27 feet, being subtended by a chord of S. 00°26'51" E., for a distance of 59.98 feet;

Thence N. 89°43'49" E., a distance of 29.62 feet;

To the point of curvature of a circular curve to the left having a radius of 272.58 feet and an arc length of 142.72 feet, being subtended by a chord of N. 74°43'49" E., for a distance of 141.10 feet to the point of tangency of said curve;

Thence N. 59°43'49" E., a distance of 250.00 feet;

To the point of curvature of a circular curve to the right having a radius of 120.00 feet and an arc length of 62.83 feet, being subtended by a chord of N. 74°43'49" E., for a distance of 62.12 feet to the point of tangency of said curve;

Thence N. 89°43'49" E., a distance of 87.00 feet;

Thence N. 00°16'11" W., a distance of 60.00 feet to the Point of Beginning and containing a calculated area of 0.78 acres more or less

SEC. 20-T09

PINE LAKE RD

ASPEN

10TH

ADD.

Sanitary Sewer

ASPEN

Storm Sewer

2

4TH

STEPHANIE LN.

RED ROCK LN.

5TH

ADD.

1

ASPEN

ADDITION

ADD.

COUNTRY

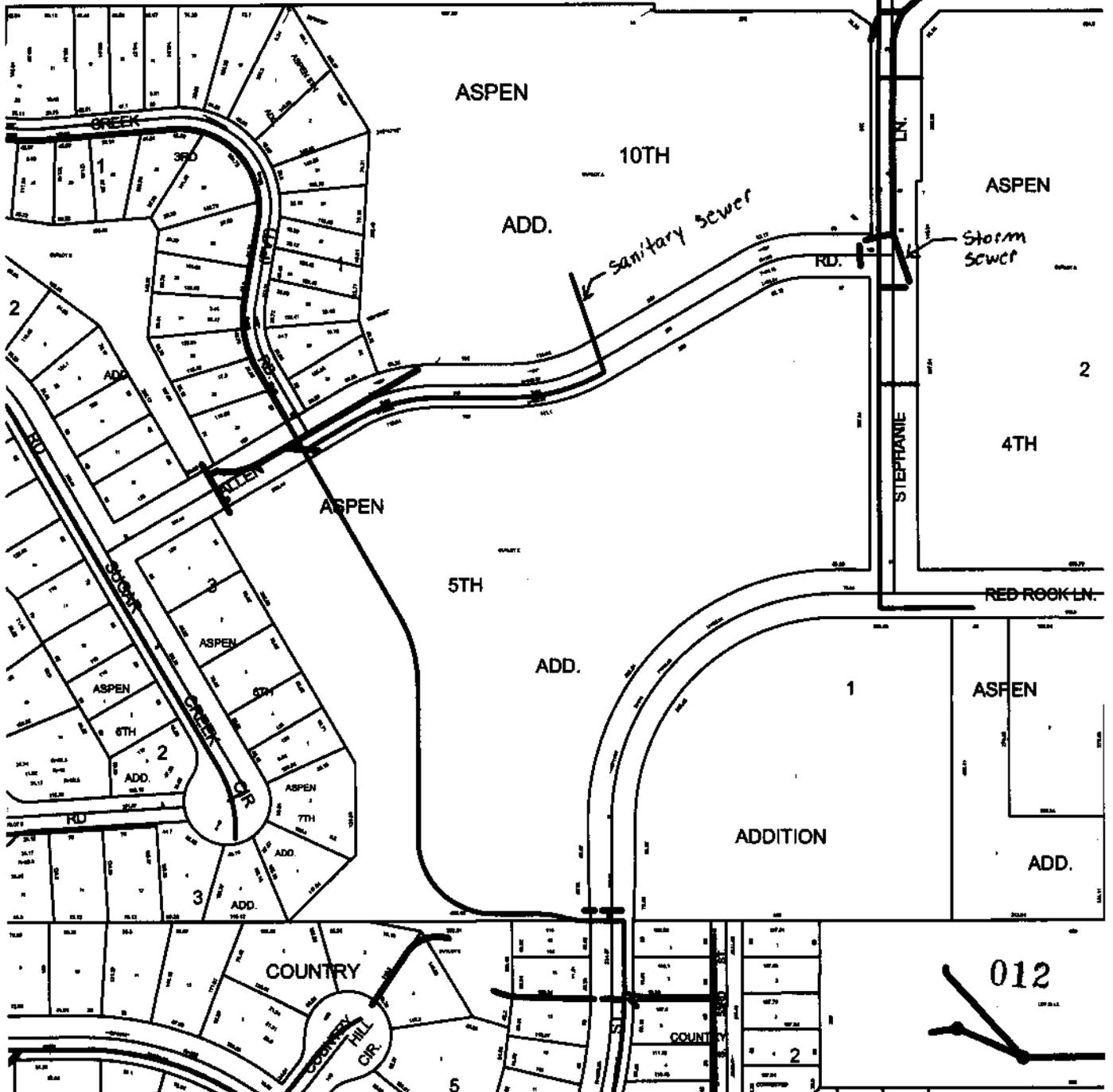
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COUNTRY

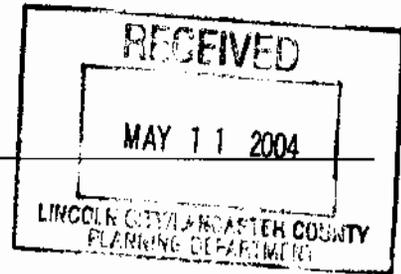
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2



Memorandum



[Redacted]

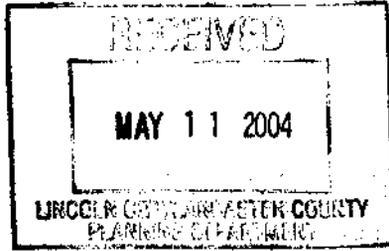
To: Tom Cajka - Planning
From: Byron Blum - Engineering Services *BBB*
Subject: Vacation of Allen Road
Date: May 11, 2004
cc: Randy Hoskins
Scott Opfer
Dennis Bartels

There is an existing 8" sanitary sewer and 12" water main in Allen Road. There are existing storm sewer inlets at the intersection with Stephanie Lane. Allen Road has 27' paving.

Subject to approval of replatted street system and abandonment and reconstruction of utilities in vacated Allen Road. Bond for reconstruction provided with new final plat.



Aquila



Aquila Networks
P. O. Box 83008
Lincoln, NE 68501-3008

May 10, 2004

Tom Cajka
City-County Planning Department
555 So. 10th Street
Lincoln, NE. 68508

RE: Request to vacate the following:

Street & Alley Vacation No. SAV 04005
Allen Road

Dear Mr. Cajka:

Per your request, I have reviewed the above referenced street & alley vacation with concern toward natural gas facilities. A two-inch natural gas main occupies the south right-of-way of Allen Road throughout the entire proposed vacation. The approximate location of this line is twenty-four feet south of the centerline of Allen Road.

Aquila objects to this proposed street vacation on Allen Road, unless an easement is established as part of this vacation to include the gas main.

If you have any concerns regarding this letter, please call me at my office. My phone number is 437-1715.

Sincerely Yours,

Randy Kreifels
Construction Coordinator

Please provide your comments below, and also identify the reservations and easements you will require should this vacation be approved. Complete ONLY those areas of your jurisdiction.

<u>Type of Facility</u>	<u>Facility presently in place.</u>	<u>Facility to be built. When?</u>
Sanitary Sewer	_____	_____
Water Mains	_____	_____
Storm Sewer	_____	_____
Electrical Power, Overhead	NO	_____
Electrical Power, Underground	NO	_____
Street Lighting	YES	_____
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

Once street is vacated 2 existing street light poles in vacated area will be removed and existing street lights on Stephanie Lane will be fed with new underground wire from pole to the south. Developer to pay expenses.

5/1/04
Date

P. Dixon
Signature

7631
Phone

IN SUPPORT

ITEM NO. 3.5a,b,c,d,e:
(p.175 - Public Hearing: 5/26/04)

CHANGE OF ZONE 04035
USE PERMIT 04001
SPECIAL PERMIT 04026
SPECIAL PERMIT 1713C
STREET VACATION 04005

Thomas J Cajka
05/26/2004 08:00 AM

To: Jean L Walker/Notes@Notes
cc:
Subject: Change of zone & Permits #4.5a,b,c,d,e

----- Forwarded by Thomas J Cajka/Notes on 05/26/2004 08:00 AM -----



"Jan and Bill Norris"
<jnorris@inebraska.com>
05/25/2004 06:00 PM

To: <tcajka@ci.lincoln.ne.us>
cc:
Subject: Change of zone & Permits #4.5a,b,c,d,e

We support Madonna's request to change the zoning to O-3 on the area described in 3.5a; the Use permit No. 04001; the special permit No. 04026; the special permit No. 1713C and Permit No. 94995. The neighborhood will benefit by this type of facility. We also very much want the 10 single family dwellings in Special Permit No. 1713C. These homes will be next to the common area which is directly behind our house. These homes will complete the development nicely.

Thank you - Bill and Jan Norris

IN SUPPORT

ITEM NO. 3.5a,b,c: CHANGE OF ZONE NO. 04035
d,e: USE PERMIT NO. 04001
SPECIAL PERMIT NO. 04026
SPECIAL PERMIT NO. 1713C
SNV. 04005



"Max Thielbar"
<mthielbar@neb.rr.com>
m>

05/15/2004 05:15 PM

To: <plan@ci.lincoln.ne.us>
cc: (p.175 - Public Hearing -5/26/04)
Subject: Change of Zone No. 04035: Special Permit No. 1713C: Use Permit No. 04001: Street and Alley Vacation No. 04005

My wife and I are writing regarding the above items and wish to make the following comments, We live at 7252 Sugar Creek Circle which is just adjacent to the area where the above changes will occur.. We believe that this will be a great addition to the area and highly recommend that approval be given by the Planning Commission.

We know that Madonna will be a great neighbor and their presence will greatly enhance the neighborhood.

Sincerely,

Max E. and Doris E. Thielbar

SAN. 04005

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: June 29, 2004

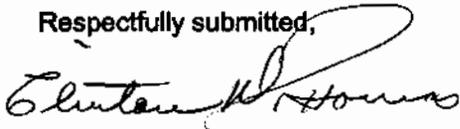
COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 4005
Allen Road from west line of
Stephanie Lane west approximately
565 feet

A request had been made to vacate a portion of Allen Road lying west of Stephanie Lane. The area is located a few blocks south of Pine Lake Road just west of South 56th Street. The area was viewed and appeared as a new, paved, curb and gutter street running through an open field. Street lights were observed along the new road. The vacation of this street is being done in conjunction with a special use permit associated with the community unit plan. As a part of this use permit, the petitioner will be required to dedicate a new street which includes more area than that which is being vacated. They also will be required to relocate existing water and gas mains.

It is considered the dedication of the new street and the cost of relocating utilities will more than offset the value of the area being vacated. As such, it is recommended, if the area be vacated, it be deeded to the abutting property owner at no cost in exchange for meeting the requirements of the special use permit.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

