

FACTSHEET

TITLE: **STREET VACATION NO. 04011**, requested by B & J Partnership, Ltd., to vacate the south 6.5' of "P" Street right-of-way adjacent to the former Salvation Army buildings at 8th and "P" Streets (150' east-west, more or less) and a 15.5' width on the west side of N. 8th Street adjacent to the same building complex, measuring about 129' north from the alley south of the buildings.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/01/04 and 09/15/04
Administrative Action: 09/15/04

RECOMMENDATION: A finding of conformance with the Comprehensive Plan conditioned upon a development agreement (8-0: Sunderman, Larson, Krieser, Taylor, Marvin, Pearson, Carroll and Carlson voting 'yes'; Bills-Strand absent).

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan, conditioned upon City Council approval of a development agreement with the petitioner to assure that the street improvements will be implemented.

FINDINGS OF FACT:

1. This proposed street vacation request was heard in conjunction with the amendment to the Lincoln Center Redevelopment Plan for the "*Haymarket 7th/8th Street Core Redevelopment Project*" on September 1, 2004. The Planning Commission found the amendment to the Lincoln Center Redevelopment Plan to be in conformance with the Comprehensive Plan. On September 27, 2004, the City Council adopted the amendment to the Redevelopment Plan by Resolution No. A-83005.
2. This street vacation request was held over at Planning Commission at the request of Jon Camp and had continued public hearing on September 15, 2004.
3. The staff recommendation to find that the street vacation is consistent with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3-5. The staff recommendation proposes that the vacation be conditioned on City Council approval of a development agreement to assure that the street improvements are implemented.
4. Testimony regarding this street vacation is found on p.7-14. At the continued public hearing on September 15, 2004, the Urban Development Department amended a portion of the vacation request on 8th Street to a 15.5 ft. width on the west side of N. 8th Street (as opposed to 18 ft., as originally requested).
5. On September 15, 2004, Kent Seacrest, on behalf of B&J Partnership, submitted a list of Comprehensive Plan references to support the finding that the proposed street vacation is in conformance with the Comprehensive Plan (p.27-28).
6. The letter requesting the delay and the concerns of Jon Camp is found on p.26, and testimony by Jon Camp in opposition is found on p.12-14.
7. On September 15, 2004, the Planning Commission voted 8-0 to agree with the staff recommendation to find the proposed street vacation (the reduced area as amended by the Urban Development Department) to be in conformance with the Comprehensive Plan.
8. The City Real Estate Division has recommended that if the area is vacated, it be sold to the abutting property owner for \$10,000.00.
8. 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: November 8, 2004

REVIEWED BY: _____

DATE: November 8, 2004

REFERENCE NUMBER: FS\CC\2004\SAV.04011

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 1, 2004 PLANNING COMMISSION MEETING

****As Amended by Urban Development and recommended to be in conformance with the Comprehensive Plan by Planning Commission on September 15, 2004****

P.A.S.: Street and Alley Vacation #04011 **Date:** August 23, 2004

PROPOSAL: To vacate the south 6.5' of P Street right-of-way adjacent to the former Salvation Army buildings at 8th and P Streets (150' east-west, more or less) and an ~~18-foot~~ 15.5 ft. width on the west side of N. 8th Street adjacent to the same building complex, measuring about 129' north from the alley south of the buildings.

LOCATION: 8th and "P" Streets.

LAND AREA: 975 square feet of P Street ROW, more or less, and ~~2,352~~ 2,000 square feet of 8th Street ROW, more or less.

CONCLUSION: The use of street right-of-way by adjoining building owners in the Haymarket area has not followed a consistent policy in the past. Vacations have been approved in some cases, and permits or licenses in other cases. The developer's plans in this case seem reasonable, but require that the existing curbs lines along both streets be moved from their existing location.

RECOMMENDATION: Find that the vacation of right-of-way is consistent with the Comprehensive Plan, but should be conditioned on City Council approval of a development agreement with the applicant, to assure that the street improvements suggested by this vacation will in fact be implemented.

GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of P Street on the south side of the right-of-way, adjacent to Lots 1, 2, and 3 of Block 45, Original Plat, measuring 150 feet (more or less) west from the west line of the N. 8th Street right-of-way and 6.5 feet north-south; and portion of N. 8th Street on the west side of the right-of-way, adjacent to Lot 1, Block 45, Original Plat, measuring 128.45 feet north from the north edge of the east-west alley in Block 45, and measuring ~~18~~ 15.5 feet east-west, located in the NE 1/4 of Section 23-10-6, Lancaster County, Nebraska, generally located at the SW corner of N. 8th and P Streets.

SURROUNDING LAND USE AND ZONING:

North:	Commercial (restaurant and offices)	B-4 Lincoln Center Business
South:	Commercial (shops & residences)	B-4 Lincoln Center Business
East:	Commercial (bars, shops & offices)	B-4 Lincoln Center Business
West:	Commercial (residences & artist studios)	B-4 Lincoln Center Business

ASSOCIATED APPLICATIONS: Comprehensive Plan Conformance 04004

HISTORY: This corner property was occupied by a hotel in the nineteenth century, then was redeveloped by Grainger Bros. grocery wholesalers in the early 20th Century. Salvation Army acquired the grocery warehouses and offices and constructed the 3-story corner building for retail and rehabilitation/residential uses in the 1960s. The present owners recently purchased the property from Salvation Army.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies the surrounding area as Commercial. (F 25)

Public private partnerships for the redevelopment of Haymarket are encouraged. (E78)

UTILITIES: There are no utilities identified within the right-of-way petitioned to be vacated.

ANALYSIS:

1. This is a request to vacate two portions of right-of-way at 8th & P Streets in Haymarket, consisting of a 6.5'x150' parcel on the south side of P Street, adjacent to the former Salvation Army buildings, and a ~~48.5'~~ 15.5' x approx. 130' parcel on the west side of N. 8th Street, adjacent to the same complex.
2. The vacation petition from B & J Partnership Ltd. states that the P Street ROW would be used "as a handicap ramp for entry to premises" and the N. 8th St. ROW "as outdoor dining area for adjacent retail spaces." The south building on N. 8th Street has an existing dock area that is intended to be extended.
3. The Director of Urban Development has applied for a related amendment to the Lincoln Center Redevelopment Plan, also on the Planning Commission's agenda as Comprehensive Plan Conformance 04004, to amend the Plan to include an area of Haymarket from O to R Streets and N. 7th to N. 8th Streets, including a rehabilitation project at the former Salvation Army buildings and new construction at 7th and R Streets. The Salvation Army buildings project anticipates the vacation of ROW east of the buildings for outdoor dining and ROW north of the buildings for an access ramp. The property owner's petition is that those ROW areas be vacated and attached to the private property by quit-claim deed.
4. The City has granted permission to several P Street properties to use portions of adjacent right-of-way for stairs and access ramps to buildings. None of these permissions included right-of-way vacation, however. B & J Partnership presented their concepts for the redevelopment of the Salvation Army Buildings to the Historic Preservation Commission on October 16, 2003, including use of ROW areas east and north of the buildings. The Commission voted to approve the concepts including the north access ramp and the east outdoor seating area.

5. The proposed ramp and outdoor seating are depicted in applications to Urban Development Dept. for assistance with facade improvements (attached). The designs are consistent with the concepts approved by the Preservation Commission in Oct. 2003.
6. The width of the area requested on 8th Street generally aligns with the width of the loading docks north of this property across P Street. It is wider than the historic loading dock on the Grainger Building south of the subject property. The width of the area requested on P Street generally aligns with the stairs and ramps east and west of it on the south side of P Street.
7. N. 8th St. in Haymarket has numerous historic loading docks attached to buildings within the original right-of-way, establishing a unique character of this street throughout Haymarket. Some of the right-of-way under these docks, especially between P and Q Streets, have been vacated and the land attached to the adjacent private property, with protections that any improvements in the vacated areas are subject to the binding "Certificate of Appropriateness" procedure.
8. In recent decades, as Haymarket has redeveloped the city has permitted several properties to make use of 8th St. right-of-way for access ramps and steps under a provision of LMC Chapter 14 for "use of areas above or below right-of-way," without vacating the right-of-way. However, in other situations, the City has vacated right-of-way for similar purposes.
9. The Fire Department points out the need for continued access to sprinkler hookups on the wall of the building, about 75 feet west of the intersection.
10. The requested rights-of-way do not appear likely to be needed for street improvements. These vacations will not create lots without frontage and access to a public street. However, pedestrian movement is an important use of right-of-way, especially in Haymarket. The proposed vacations assume that the City will make street improvements on N. 8th Street and P Street, including the relocation of curb lines, reconstruction of sidewalks, and reconfiguration of on-street parking. The Public Works staff has informally reviewed the proposed vacations and street improvements and is not opposed to the general concept. However, these improvements are not fully funded, are still in design, and have not been reviewed by other Haymarket building owners. Funding is anticipated by the tax increment generated by the Salvation Army buildings project, but the funding instrument has not been established and the developer and City have not negotiated a development agreement.

11. The transfer of land should not proceed until the City and building owner have successfully negotiated a development agreement that assures funding for the street improvements, requires approval of building-related improvements by the Historic Preservation Commission, and provides for continued access to sprinkler hookups.

Prepared by:

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Owner: City of Lincoln

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COMPREHENSIVE PLAN CONFORMANCE NO. 04004
AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN
and
STREET VACATION NO. 04011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 1, 2004

Members present: Carlson, Sunderman, Krieser, Pearson, Marvin, Carroll, Larson and Bills-Strand; Taylor absent.

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

The Clerk announced that Jon Camp has submitted a written request for two-week deferral on the street vacation.

Ex Parte Communications: Bills-Strand reported that she had a phone call from Jon Camp with concerns about creating another wind tunnel from the Haymarket. He would like the opportunity to further study and make an appearance in two weeks. He is out of town this week.

Proponents

1. Dallas McGee of the Urban Development Department presented the proposal. The Urban Development Department did receive the communication from Jon Camp and has had a number of meetings to address his concerns.

This is an amendment to the Lincoln Center Redevelopment Plan initially approved in 1985. That plan has been amended a number of times to accommodate various redevelopment projects in Downtown and Haymarket. Most recent was the entertainment center and Old Federal Building project. This amendment will accommodate two significant projects in the Haymarket: A mixed used project proposed at 7th & R Streets, which will consist of a six to seven story building with retail, office and residential uses, and on-site parking, proposed by Fernando Pages and Bob Hampton. The second project is the redevelopment of four buildings in the Haymarket that used to house the Salvation Army operations at 8th and P. This is being redeveloped by B&J Partnership. Both projects have been reviewed and recommended for approval conceptually by the Historic Preservation Commission.

McGee explained that approval of the Redevelopment Plan amendment will allow the City to use tax increment financing (TIF) funds that are generated to fund public improvements. These improvements could include demolition, street and sidewalk construction and pedestrian lighting. Once the Redevelopment Plan is approved and official, the City will begin discussions to develop a Redevelopment Agreement with each of the two developers, specifying in detail what the City TIF funds will be used for and what the developer will be doing in terms of square footage and various types of uses.

With regard to the street vacation, which is proposed as part of the 8th and P project, the vacation includes both the vacation on P Street as well as 8th Street. The vacation on P Street will allow for an increase in parking on P Street, changing from eight stalls to ten stalls. This vacation would result in a decrease of parking on 8th Street. When the Salvation Army operated this facility there were seven parking stalls on 8th Street. This proposal would show five stalls on 8th Street. In talking to Jon Camp, one of the main concerns is the loss of parking on 8th Street. After a number of meetings with Public Works and B&J Partnership, and in order to change this plan to not reduce the parking on 8th Street, it was determined that instead of vacating 18' of width on P Street, it would be reduced to 14' of width, which would correspond to the width of the dock itself. This would preserve angle parking and instead of five stalls, there would be nine angle spaces on 8th Street, which increases the parking on both 8th and P Streets.

Carlson believes there should be a way to do public parking improvements without vacating the streets. McGee explained that it would require some funds to build sidewalks and to do the other improvements. In this plan, those funds would be generated by the redevelopment of that building.

Marvin inquired whether the TIF money would go toward the off-site improvements. McGee stated that the TIF dollars will be used and identified in the Redevelopment Agreement. Typically, the improvements will include the sidewalk improvements and moving of the curb, and could include the city assisting with the demolition of the existing building. Those details have not yet been worked out.

This area was determined blighted in 1984.

Bills-Strand noted that the Salvation Army building is the north half of the block and the second half has some very nice retail. It is difficult to walk down 8th Street. McGee agreed that to be one of the key concerns and will be renovated. They are working now to address the entire length of 8th Street from O to the pedestrian bridge at Haymarket Park to look at providing sidewalks on both sides of the street.

Carroll assumed that approval of the Redevelopment Plan now would allow them to proceed with the Redevelopment Agreement prior to the street being vacated. McGee explained that after the Redevelopment Plan amendment is approved, the Redevelopment Agreement would be negotiated. The developer has asked that they be allowed to proceed with the redevelopment of those buildings. They would be making the improvements on the dock and in the area that would be vacated at their expense. The City would proceed with the public improvements. The one condition is that a Redevelopment Agreement be completed between the City and the developer. If that agreement is not completed, then the vacation would be contingent upon that being completed.

Carlson inquired whether the Redevelopment Agreement will show exactly what the situation is going to be. He believes there are other avenues to create those public improvements than vacation. If possible, it would be nice to see the Redevelopment Agreement and weigh the benefits of the new configurations versus the loss of public ownership and the loss of public use. McGee stated that Urban Development looks at how they can assist in the redevelopment. The developer has asked for Urban Development's assistance in terms of a Redevelopment Plan amendment that would allow the use of TIF funds. Without that, the City would have no funding available to do any of the

public improvements. It would make it difficult to redevelop those buildings without the City participating in the public improvements.

2. Fernango Pages, owner of **Brighton Construction**, unveiled the “Option”, the name given to the mixed use residential, retail and office complex. This will be a high-end residential loft condominium, all for sale with the exception of the retail space. The location at the corner of 7th and R is a real prime location. It will be a six-story building with four stories of large condominiums of 1200-2500 sq. ft. range, designed with the high-tech, high design, industrial look. With the living units above, there will be a lot of support for some small retail operations below. They are considering a small bank on the corner with two drive-up tellers. The second floor of the building would possibly be offices. This will anchor the northwest corner of the Haymarket, bringing traffic down the street. They hope to use some of the public improvements dollars not just in making the project feasible, but also to bring some life down the block on R Street with some improvements on the Hardy Building and dock area to bring it more into conformance with what has been done in the Haymarket. This model has been successful in a number of cities.

Carlson asked Pages to talk about the impact of a new building on the Hardy Building and the windows on the west. Pages stated that they are still working on the design because of the Hardy Building and they want the apartments to have good views. They are working on a couple of different schemes to minimize the impact on the Hardy Building. There is about 15'-20' space between the two buildings in which they plan to construct a “pocket park”—outdoor recreation area with benches, etc. They will be meeting with the Hardy Building board in September.

Marvin inquired about the use of the TIF funds. Pages stated that they do not have a Redevelopment Agreement yet so he could not provide that detail; however, he envisions site preparation, street improvements to bring that block into conformance with the rest of the Haymarket, street lighting, potential for some improvements at the Hardy Building to the docks or that street, design and construction of the pocket park, etc.

3. Craig Smith with **B&J Partnership** discussed the parking along 8th Street. They have worked very closely with the Haymarket renovation group in determining access into the building, into the basement for the parking and ADA access in front of the building. One concern was the fact that we were losing the parking on 8th Street so they worked with Urban Development and came up with another plan to extend the parking and get additional spaces besides the ten on the P Street side. The dock is currently 15' out and they are requesting an additional 6" to reface the docks or do any improvements to the basement so that they will not encroach into the public right-of-way. He believes they have addressed Mr. Camp's concerns to get a net increase in all of the street parking. The TIF funds cannot be used for repair or the ADA access into the building. From the existing loading dock down to the concrete, the concrete has dropped and is tilted back to the building, resulting in water damage into the basement. In working with the Historic Preservation Commission and all of the groups that have reviewed this application, this was the best answer in order to get going on this project. They have a number of prospective tenants interested in going into this building right away.

Pearson inquired as to the width of the sidewalk off of 8th Street before you get to the parking. Smith stated that it is 15' 6" from the face of the building out to the addition and then 6' 6" for the sidewalk, allowing two-way traffic and ADA access.

There was no testimony in opposition.

If the street is not vacated, Bills-Strand wondered whether it would be possible to make that sidewalk such that someone in a wheelchair does not have to go out in the street. McGee stated that the sidewalk needs to be below the dock. If they put the sidewalk on the dock, there would need to be a ramp at both ends. We could not build the ramp into the dock because there is a vault below it so we would need to build the ramp out to the sidewalk. With or without the street vacation, the sidewalk would be placed in front of the dock. We have talked about looking at a way to preserve the angle parking by changing the angle from 60 degrees to 45 degrees. By not vacating that area below the dock, we could get a public sidewalk 6.5 feet down in front of the dock.

COMPREHENSIVE PLAN CONFORMANCE NO. 04004

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 1, 2004

Carlson moved a finding of conformance, seconded by Marvin and carried 8-0: Carlson, Sunderman, Krieser, Pearson, Marvin, Carroll, Larson and Bills-Strand voting 'yes'; Taylor absent. This is a recommendation to the City Council.

STREET VACATION NO. 04011

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 1, 2004

Carlson moved to defer for two weeks, with continued public hearing and administrative action on September 15, 2004, seconded by Pearson.

Carlson noted the letter from Jon Camp requesting the delay. Carlson also believes it is important to get additional information. As we consider whether to vacate and sell or not sell publicly owned land, it is important to understand the trade-offs and the balances. The particulars of Redevelopment Agreement will be some indication of that, but he would like to see some history because it was his sense that we had been developing a pattern of how these types of uses were accommodated. This is a use that we have done repeatedly in the Haymarket and the Downtown and he would like to see a list of how that was accomplished, with or without the vacation of public way. He is excited about the changes but it seems there is probably a way to accommodate these changes short of vacating and selling public right of-way.

Carroll agreed. We have approved the Redevelopment Plan amendment, but before we do any vacating and giving away of some rights, he would prefer to see who is going to pay for what and how it is officially going to be designed.

Motion to delay carried 8-0: Carlson, Sunderman, Krieser, Pearson, Marvin, Carroll, Larson and Bills-Strand voting 'yes'; Taylor absent.

STREET VACATION NO. 04011

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 15, 2004

Members present: Larson, Carroll, Marvin, Carlson, Krieser, Sunderman, Taylor and Bills-Strand; Pearson absent.

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

Ex Parte Communications: None.

Proponents

1. Dallas McGee, Urban Development Department, stated that the staff and B & J Partnership have done a lot of work in the last two weeks. This street vacation will help facilitate the redevelopment of four buildings at the corner of 8th & P. The original proposal would have required changing the angle parking that exists on 8th Street to parallel parking. After hearing the concerns about that and the loss of parking, they began to meet with the applicant and Public Works. They were able to change some things to preserve the angle parking on P Street. The applicant agreed to reduce the area requesting to be vacated from 18' to a width of 15.5', or back to the edge of the dock. In meeting with Public Works, we discussed how to change the angle of the parking and save an additional area which would allow the angle parking to remain.

McGee then submitted additional materials in an attempt to answer some of the questions raised at the last meeting. As far as how to address the docks in the Haymarket, McGee stated that there are two different ways that redevelopment of these docks have been addressed, the first of which is vacation. The dock would be vacated and the property owner would be responsible for any improvements that would be needed on the dock itself. The second way is to keep the dock in public ownership. Under this scenario, the city would make any necessary improvements to the dock. Some of the docks along 8th Street have been vacated and some of them have been kept in public ownership.

Similarly, the request for vacation along P Street will accommodate a handicap ramp into the building. This can also be addressed in two ways: 1) vacation of the public right-of-way, or 2) obtaining a right-of-way use permit. In the event that outdoor dining is proposed, it can also be accomplished through the vacation of the right-of-way. If the property were to remain public right-of-way then an outdoor dining permit could be obtained.

McGee reiterated that the Urban Development Department continues to support the vacation request. It will help facilitate the redevelopment of four key buildings in Haymarket; it will require that the developer, rather than the city, pay for public improvements in the dock area. This dock has a vault underneath it and we try to stay away from cutting into docks that have vaults underneath them so any sidewalk would need to occur in front of the dock. The vacation would allow for the developer to move forward with a plan that would increase parking in the area. Combining the parking that the developer would put in the building with the additional parking accommodated on the street, there would be approximately 34 additional parking stalls as a result of this development – 20 in the building and 14 stalls on the street--mostly on P Street and some on 8th Street.

2. Kent Seacrest appeared on behalf of **B&J Partnership**. He suggested that this action refers to two activities: 1) how to do ADA and the entrance (P Street) and 2) how to preserve the docks on 8th Street. 8th Street and the docks are critical. One way is for the public to retain ownership and use TIF funds, and the developer gets a license. The other way is the vacation so that the developer can make permanent investments. The staff does not perceive a need for those spaces. We also have a situation where the sidewalk has dipped down so there is a major separation. If vacated, that sidewalk becomes the developer's liability. There may not be enough TIF funds if the street is not vacated. The vacation also increases parking by 34 stalls. The city won't have to worry about the vault space issue. We get a better product and our tenants know for certain that they can rely on the dock and the ADA for their entrance.

Seacrest advised that they have met with Jon Camp and will continue to dialog with him before this gets to Council. The Planning Commission jurisdiction on the street vacation is narrow; that is, as to whether the street vacation complies with the Comprehensive Plan. Seacrest submitted a list of 41 language references from the Comprehensive Plan that support this street vacation. He believes that this is very much in conformance with the Comprehensive Plan. They worked with the Historic Preservation Commission many times to get it right and finally got their support. The Historic Preservation Commission is in support of this street vacation, Planning is in support, Public Works has no objections and Urban Development is in support.

Marvin noted that there is very limited sidewalk space on 8th Street between P and Q Streets. He asked for a history on that in terms of when that happened because now the only way to get any space would be to widen the sidewalk out into the street and maybe lose parking there. Ed Zimmer of Planning staff advised that along that stretch from P to Q there had not been a sidewalk at the street level at all. There had been a rail spur along there. The sidewalk was created in conjunction with the dock work done about 4-5 years ago. It is part of the planning effort that Urban Development is conducting currently to improve sidewalk conditions on both sides of 8th Street. That narrow sidewalk was added when the access across the docks was no longer available. On the opposite side of the street there is an even narrower sidewalk along The Mill and no sidewalk at all currently in front of the other building.

With regard to the dock area, Carlson does not understand how the vacation will serve the public better than a permit. Seacrest explained that what you would call the cover dock as well as the north end of 8th Street is all one dock. It is just that the south end is covered and the north end is exposed. From an urban design point of view, it is a continuous dock. The city can revoke a license. The street vacation gives the tenants more confidence. No one is going to let us touch those docks. When it is privately owned, it is easier to invest the money and do a better job, and that is what is in the public's interest.

In terms of pedestrian motion, Carlson presumes that there is going to be a bigger pot of money available if the private person is involved in making those improvements. McGee suggested that the other point is whether we need that dock for public use, and if we did, we would need it for sidewalks for pedestrians. When we've looked at the docks, we have found that it is very expensive to try to put the sidewalks on the docks because there are vaults underneath them requiring a ramp, or we put the ramp in front of the vault which takes the same space that the sidewalk would take. Putting the public walks in the docks themselves is not financially feasible. It

is much more feasible to put the walks in front of the docks. The tradeoff then is that we are able to make the sidewalk 6.5' wide and the angle parking would remain. There will be wider sidewalks between P and Q as well. The cost would be the same on P Street, whether or not it is vacated or there is a special use permit. In both cases, the city would need to move the curb so that there is a wider sidewalk and that curb would be moved out and would be an extension of the curb that lies in the block between 8th and 9th Streets. The unique thing about 8th Street is the dock, making it very difficult for the city to want to use the dock as a public sidewalk.

Seacrest added that the design is to use one ramp to serve three buildings. If you were to license that, it would make it more difficult to be sure the city would not take away an access someday. If you look up and down P Street, two-thirds of those buildings have used P Street right-of-way for entrance purposes, either stairs or ADA. There are TIF monies available to do the P Street relocation.

Marvin suggested that if the docks are retained by the city, the TIF dollars are used closer to the building. If vacated, we move the TIF dollars further out. Seacrest responded that if the docks are retained by the city, the public's TIF dollars will be used in the amount of \$100,000. If the street is vacated, that \$100,000 comes out of the developer's money and the TIF money is used to do something else that is in the public's interest.

Taylor asked how this relates to the renovation from Haymarket Park all the way to O Street. McGee stated that it is a public effort, an effort that began about 7 years ago when we began to look at a piecemeal approach to 8th Street. Now we are looking at all of the sidewalks on both sides of the street from O Street all the way to the pedestrian bridge. It is a public effort. Taylor wondered whether it is better coordination by vacating as opposed to the city doing the whole thing. What does the city plan to do? McGee stated that as part of the project, the city would be putting in the public walks down below the docks as TIF improvements. If we don't do the vacation, the city would be responsible for the dock.

Opposition

1. Jon Camp, property owner of the office building at 808 P Street, testified in opposition. He was the first developer in the Haymarket starting 22 years ago. He is appearing because of his concerns that the dynamics of the Haymarket are understood in terms of continued development. This is an excellent application; however, at this point, he still does not believe it meets the needs of Haymarket. He believes it probably should be denied. There are other ways that this project can proceed to meet ADA and the historic needs on the docks, and parking would be in a better condition.

The 8th Street project from O to Haymarket Park is a project that Urban Development is coordinating through the use of Clark Enersen, and it is ongoing and has not been decided. It puts us in a dilemma in that B&J needs to keep moving, yet what they are asking for today is not even defined in the 8th Street project and he believes it would be a mistake to do this vacation in isolation.

Camp pointed out that a lot of what we have in Haymarket is the balancing act of motorists, pedestrians and bicyclists. This proposal would impede both pedestrian and bicyclists in that it is going to narrow the streets. One of the proposals on the 8th Street design is to get rid of the parking. Public Works has agreed to 45 degree angle parking. The normal angle is 60 degrees. It does add some parking, but it also decreases the parking in front of the Grainger Building by making it 45 degree parking. We must be very protective of parking in the Haymarket.

Camp also pointed out that in order to vacate part of 8th Street, it pushes the curb line out 3-4 feet and will hurt the overall operation of Haymarket on a day-to-day basis. Long term, in the functional nature, it is going to have a detrimental effect on everyone in Haymarket and the tenants need to have that access.

With regard to the TIF money, if the street is vacated it will cause the sidewalk to be moved out four feet, and that is not cheap. There is about a 150' stretch on P Street that would have to be constructed. He maintains that there are increased costs that the city would bear through the vacation.

In addition, Camp does not believe that this is the time to narrow P Street. It would result in losing areas for snow mounding in the winter. We need to encourage a good perception of Haymarket, availability of parking and ease of operation.

Marvin asked Camp how to respond when the Planning Commission jurisdiction is only a finding as to conformance with the Comprehensive Plan. Camp believes it is also in conformance if the vacation is denied. The Comprehensive Plan is saying to facilitate and encourage historical redevelopment of Haymarket, revitalization and ADA needs. There are other ways to accomplish ADA here. Camp has never taken any public right-of-way for any of his buildings in the Haymarket to meet his needs. Narrowing P Street, narrowing 8th Street and changing the parking patterns is not good for the Haymarket.

Taylor asked whether Camp has any other alternative to suggest. We want to preserve the docks. Camp stated that he would put the sidewalk in front of the dock and do some parallel parking, but then come back and go to the current curb line for the remaining area. Parking does not decrease or change the width of the street. If you have parallel parking there is less physical space away from the parking line so you have a narrower street. Camp wants to preserve angle parking and he would like to see it preserved at the 60 degree angle which preserves even more spaces. The applicant is proposing to also move the curb out another four to five feet and then put in the angle parking at a lesser angle. Today, there is a revision suggesting 45 degree angle parking but still moving the curb out. The problem is that it also impacts down the street and he does not think we should change the curb line on 8th Street. Camp believes that everything that the property owner wants can be accomplished under a license. The issue before the Planning Commission is to vacate the public right-of-way, On that strict question, Camp is opposed because what they are proposing with that will negatively impact the functional use of the street and will cause extra costs.

Bills-Strand suggested that only 12.6 inches be vacated. Then with the sidewalks it would not cut into the street as much. Camp agreed that would be an alternative. He would like to see the curb line stay the same.

Camp also believes the issue with P Street is much the same. The city would have to build out and it narrows P Street. This will have adverse impact on delivery trucks, snow removal and other functional developments. You have to look at the dynamics. It is an unusual area.

Taylor expressed interest in seeing the developer work with Mr. Camp because he has done such a great job in the Haymarket.

Response by the Applicant

Seacrest stated that the applicant has tried to get more parking. They have added 14 on-street parking spaces. He also assured that the applicant has been working with the consultants on the 8th Street project and will continue to do so. With regard to the 45 degree versus 60 degree angle parking, the 60 degree parking loses one stall. When you go from 60 to 45 degree, the Grainger Building would lose one stall, but they are adding 14 net stalls. This is the city's recommendation to balance a multitude of interests. This same client owns eight properties in the Haymarket area. The bottom line is that this applicant/developer would not intentionally hurt the Haymarket area. They believe this will help the Haymarket area. If they did what Mr. Camp is suggesting, we would lose the trees along 8th Street because you can't keep the trees and get the sidewalk and keep the curb line in the same spot. We would lose the north part of the dock. If they did what Mr. Camp is suggesting, they would lose parking. Seacrest reiterated that the developer will continue to dialog with Mr. Camp between now and the City Council hearing. Seacrest believes the vacation conforms with the Comprehensive Plan. B&J is not interested in going for a license and have the city do this work – it would take them years. It is not possible to get tenants in there when you don't have ADA solved or when the dock is not solved. A partial vacation does not work because the developer and the city each own part of the dock. B&J has already lost two retailers because it has taken a year to get this far.

ADMINISTRATIVE ACTION BY THE PLANNING COMMISSION:

September 15, 2004

Larson moved a finding of conformance, seconded by Krieser.

Larson believes that the rebuttal comments are correct. These are two very responsible property owners and they have both done a great deal to improve the Haymarket. He can understand why B&J does not want to rely on the city to do the improvements.

Carlson appreciates the applicant's help with the analysis. "It's a thinker" because it does sound like there are two ways to accomplish it, but there are pro's and con's to both. He wants there to be a clear demonstrated public gain when the city is divesting itself of publicly owned lands. He is sympathetic to Mr. Camp's discussions as well.

Carroll confirmed that the motion includes the reduced area.

Marvin believes they could reconfigure this a lot of different ways. He does not believe we need to move the sidewalk out as much on 8th Street. They wouldn't necessarily have to structure it in this way, but he will vote to support the motion.

Taylor does not understand the magic of private use as opposed to vacation, but he senses that if it is vacated that means the city has less control. He is inclined to support the vacation.

Rick Peo of City Law Department reminded the Commission that their responsibility is to determine if the vacation is in conformance with the Comprehensive Plan. Whether it is a good idea or bad idea does not mean it is or is not in conformance. It is not necessarily redevelopment of the Haymarket or ADA. The issue is the purpose of the street right-of-way in this area, and that is to provide proper circulation and traffic. The question is, does this street vacation maintain proper traffic circulation? If it creates a problem with pedestrian and traffic movement then maybe it is not in conformance. If the street is vacated, the city then would be selling it to the abutting property owner, and we can condition the sale. There would be a development agreement with the developer to demand he does the improvements, but that is a decision of the City Council. The city would not necessarily lose all rights or control over the dock area.

Bills-Strands wants there to be more work on this as it moves to the City Council.

Motion for a finding of conformance carried 8-0: Larson, Carroll, Marvin, Carlson, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Pearson absent. This is a recommendation to the City Council.



2002 aerial

Street & Alley Vacation #04011 N. 8th & P Sts.

Zoning:

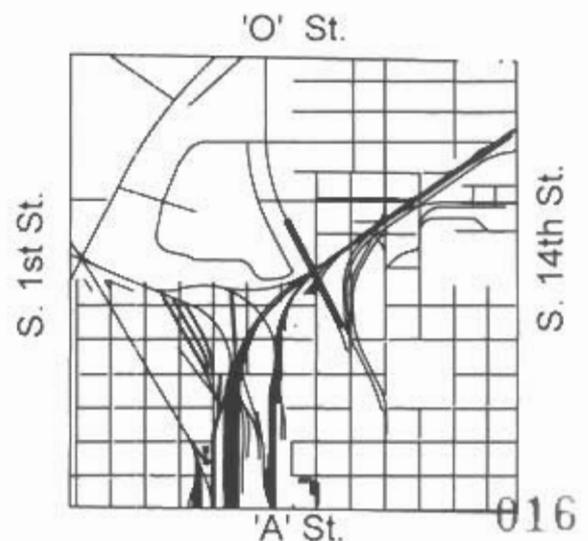
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business 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. 26 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



INTER-DEPARTMENT COMMUNICATION

TO	Greg Czaplewski	DATE	August 11, 2004
DEPARTMENT	Planning	FROM	Rick Peo
ATTENTION		DEPARTMENT	City Law
COPIES TO		SUBJECT	Street & Alley Vacation No. SAV 04011 - 8th & P/ B & J Partnership, Ltd.

Greg -

The ownership set forth in the Petition to Vacate Public Way for the above-referenced street & alley vacation is correct and the petition has been properly executed.

- Rick Peo



Gregory S Czaplowski
08/11/2004 07:59 AM

To: Edward Zimmer/Notes@Notes
cc:
Subject: Street and Alley Vacation

----- Forwarded by Gregory S Czaplowski/Notes on 08/11/2004 08:01 AM -----

Richard J Furasek
08/10/2004 03:33 PM

To: Gregory S Czaplowski/Notes@Notes
cc:
Subject: Street and Alley Vacation

After reviewing Street and Alley Vacation No. SAV 04011 and also driving to the area and looking at the area, the only concern is that about 75 feet west of the intersection of 8th and P street are the sprinkler hookups on the wall of the building. We need access to these in our operations if need be. Otherwise we have no other concerns about the request.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

FIRST LEVEL

NO SCALE

VERTICLE AREA



COMMON AREA

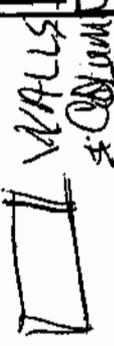


AREA CALCULATIONS

GROSS S.F.	21,325
USEABLE S.F.	18,854
COMMON S.F.	593
AREA 100	2,845
AREA 101	1,821
AREA 102	1,710
AREA 103	6,020
AREA 104	5,870
OUTSIDE AREA WEST	954
OUTSIDE AREA EAST ONE	735
OUTSIDE AREA EAST TWO	1,150

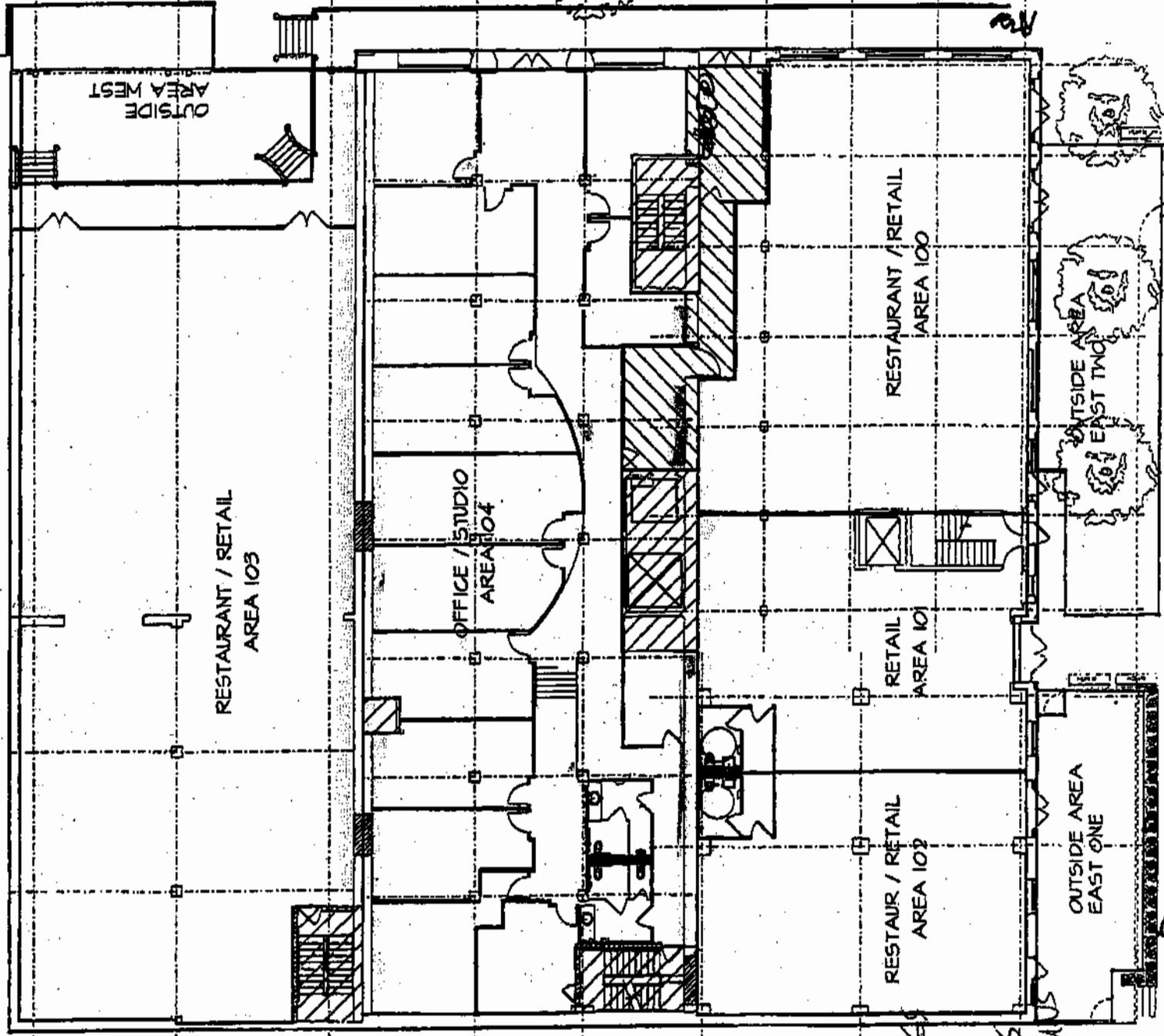


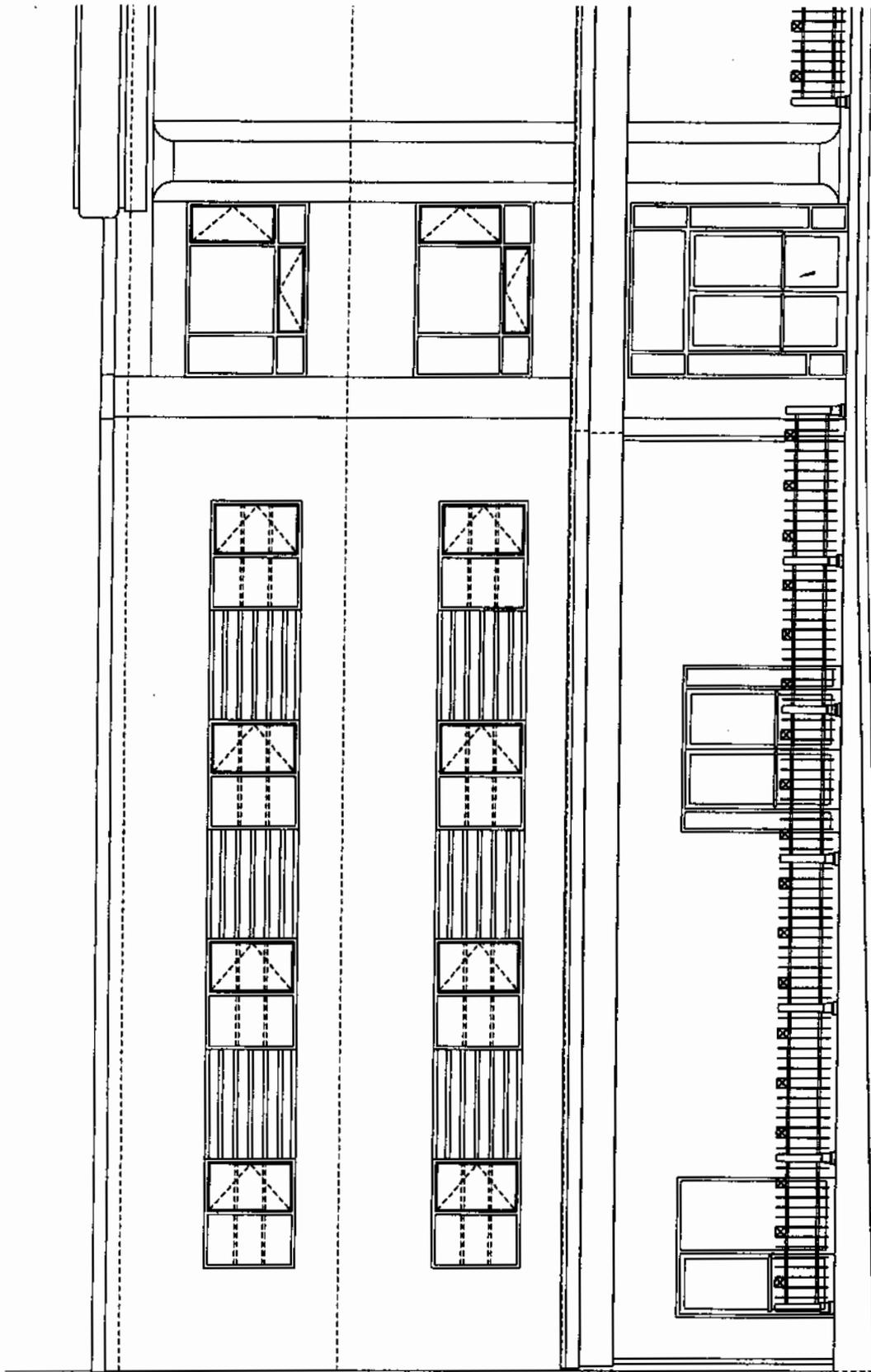
CEILING



WALLS & COLUMNS

OPTION C

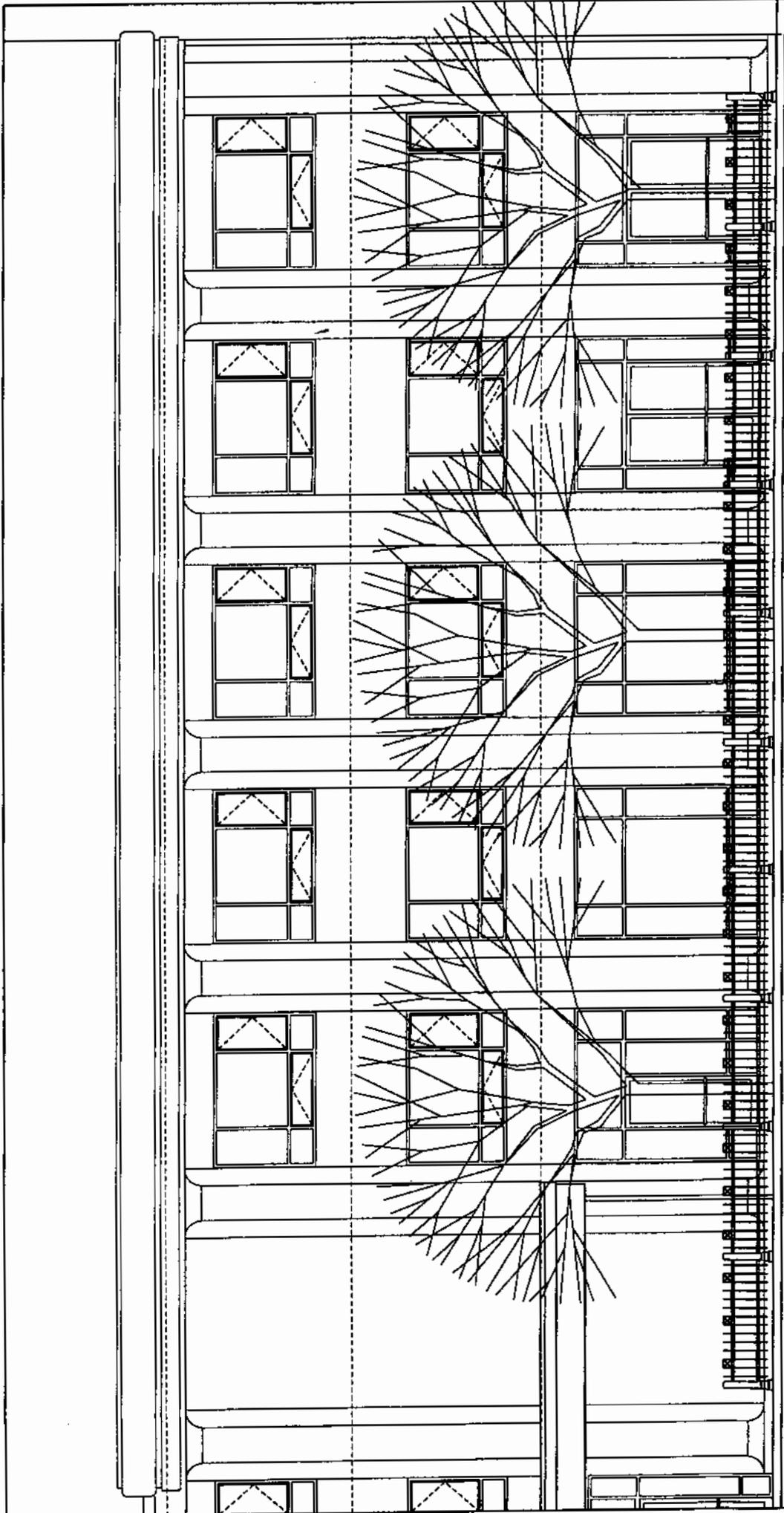




020

737 'P' STREET - BANANA BUILDING

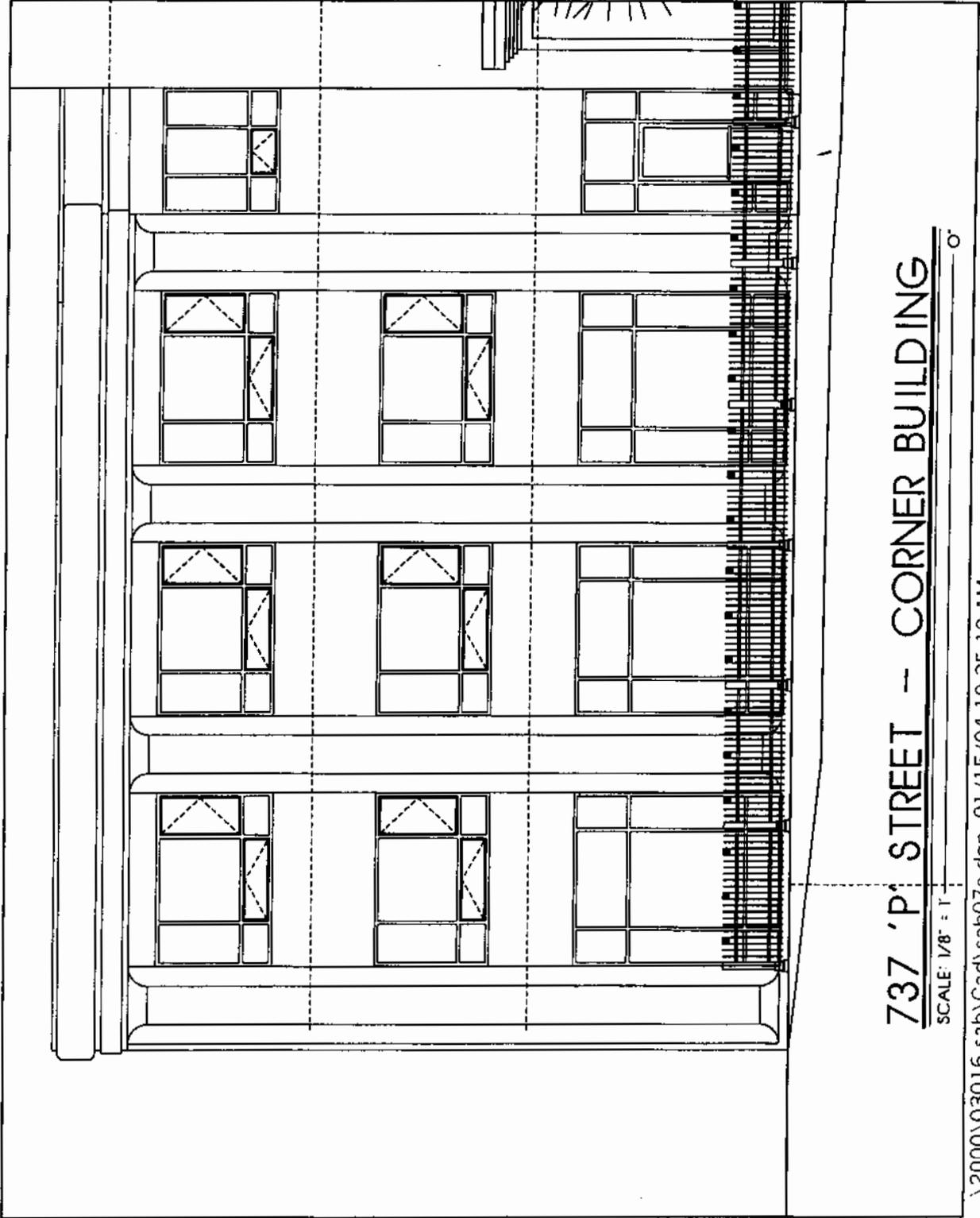
SCALE: 1/8" = 1'-0"



737 'P' STREET - CORNER BUILDING

SCALE: 1/8" = 1'

021



... \2000\03016.sab\Cad\sab07e.dgn 01/15/04 10:35:19 AM

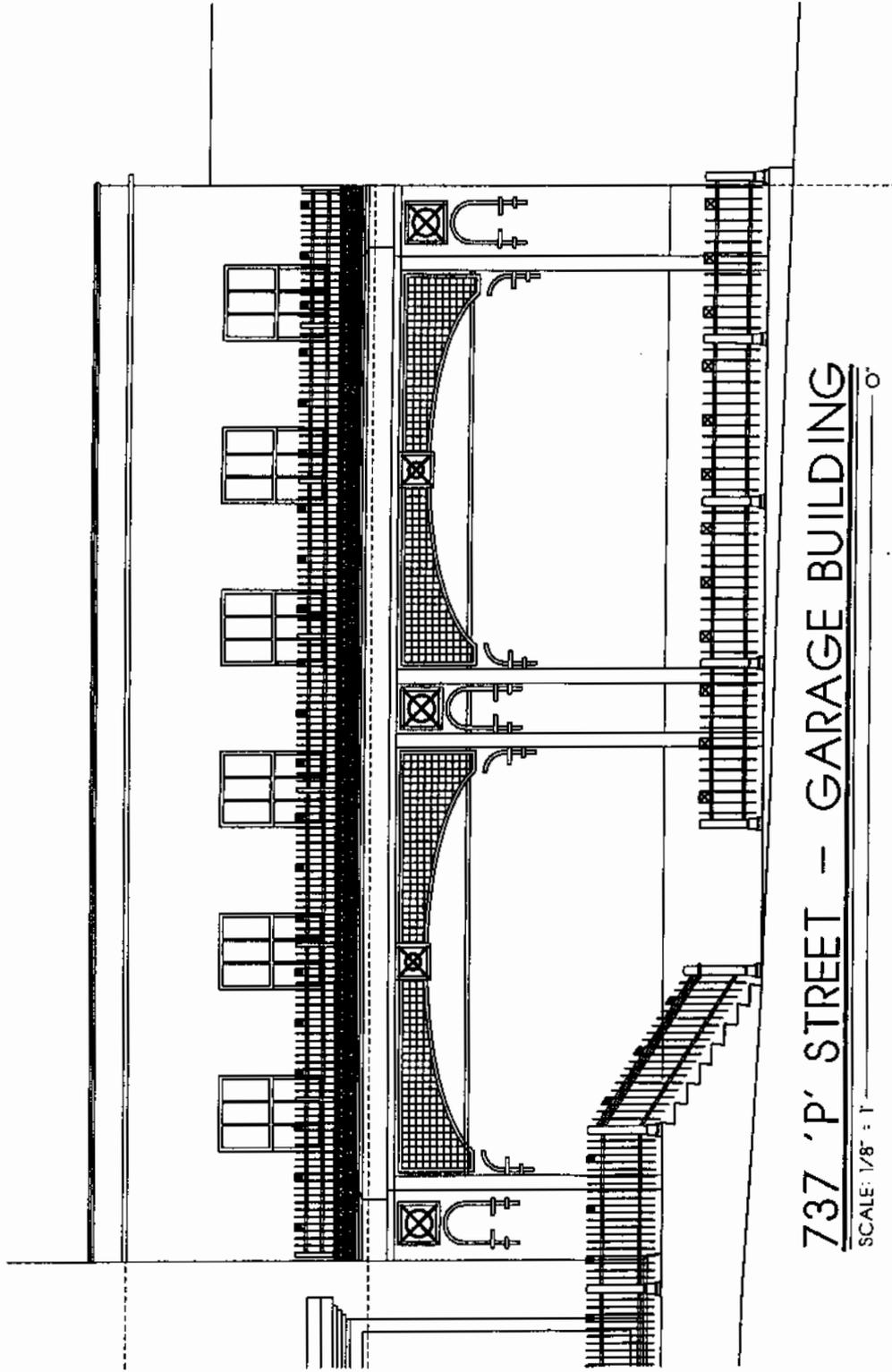


737 'P' STREET - TOWER BUILDING

023

SCALE: 1/8" = 1'

0"



737 'P' STREET -- GARAGE BUILDING

SCALE: 1/8" = 1'

RECEIVED

OCT 21 2004

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: October 21, 2004

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 04011
8th & P Streets

A request has been made to vacate a 6.5-foot strip of P Street adjacent to the former Salvation Army building and an 18-foot wide vacation along the west side of 8th Street. The area was observed and appears as a concrete sidewalk. Street lights were observed along P Street with an ornamental, pedestrian lamp located on the corner. No utilities were observed along 8th Street. Parking meters are located along the west side of 8th Street and may be within the area to be vacated. 2 street trees are also growing within the area along North 8th Street.

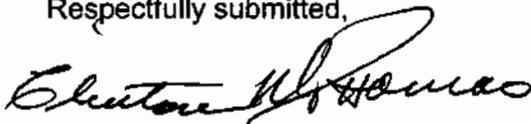
As previously indicated, street lights were observed along P Street. In conversations with Lincoln Electric System, they have indicated they would like to have easements retained over the entire area for the existing and future utilities. As such, the value of the area to be vacated is predicated upon the retention of these utility easements.

Small, narrow strips such as this have very little value, in and of themselves; but, when assembled into the abutting property will take on the value of the abutting property. In this case, the abutting property is estimated to have a value in the range of \$8 to \$10 per square foot with \$9 per square foot considered to be a reasonable value. While small strips such as this have little value, it is considered an abutting land owner would pay a portion of what the assembled value of the land would be worth. A figure in the range of 30% to 35% of the abutting land value is considered appropriate given the retention of utility easements which would make the area unbuildable. A value of \$3 per square foot is considered reasonable for the area to be vacated. The calculations are as follows:

$$3,327 \text{ sq. ft.} \times \$3.00/\text{sq. ft.} = \$9,981 \quad \text{Called } \$10,000$$

Therefore, it is recommended, if the area be vacated, it be sold to the abutting property owner for \$10,000.00 with easements being retained for existing and future utilities.

Respectfully submitted,



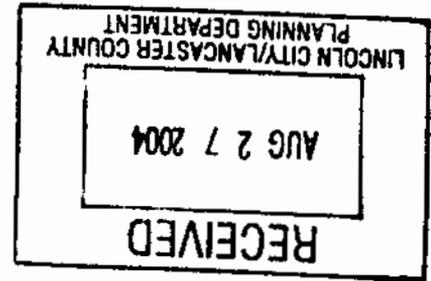
Clinton W. Thomas
Certified General Appraiser #990023

dge

CH, Ltd.

808 P Street, 200 Haymarket Square
P.O. Box 82307
Lincoln, NE 68501-2307
(402) 474-1838
(402) 560-1001 (Cellular)
(402) 474-1838 (FAX)

August 26, 2004



Jean Walker, Administrative Officer
Lincoln-Lancaster County Planning Commission
555 S. 10th Street, Room 213
Lincoln, NE 68508

Re: Street and Alley vacation No. 04011

Dear Jean:

Public hearing is scheduled on the above matter for Wednesday, September 1, 2004. I respectfully ask for a two-week delay.

My reasons for requesting the delay are as follows:

1. Communication is occurring among the property owners and applicant to discuss the long-term effects of the vacation of the portion of the right-of-way along 8th Street, which is addressing:
 - a. The resulting reduction in the availability of the parking along 8th Street;
 - b. Increased redeveloped space that will require future on-street parking;
 - c. Future retail growth in Haymarket of a retail sector, which heavily relies on on-street, store-front parking;
 - d. Avoiding repeating the problems that currently exist on 8th Street between P and Q Streets, i.e. a very narrow thoroughfare; and
 - e. Lack of historical basis to justify vacating the ROW.
2. I would personally like to testify but will be out of town on September 1, 2004.

Thank you for considering my request. I would appreciate your distributing copies of this letter to the Planning Commission members and related parties interested in this matter.

Sincerely,

JON A. CAMP
PRESIDENT

Lincoln-Lancaster County 2025 Comprehensive Plan

	Comprehensive Plan Support Statement	Page Reference
1.	Support of small business	E10
2.	Downtown/Haymarket as a concentration of commercial space	E20
3.	Downtown/Haymarket Housing Density	E35
4.	Downtown/Haymarket Parking Coordination and Management	E52
5.	In Haymarket, the City needs to offer assistance through regulations or incentives. Most preservation work must be carried out by individuals.	E79
6.	Business and Commercial Expansions	F9
7.	Economic collaboration between Downtown/Haymarket and outlying area	F10
8.	Need to grow small business	F11
9.	Downtown Lincoln/Haymarket – The Heart of our Community	F16
10.	Preservation and renewal of historic buildings and districts	F17
11.	Housing near jobs	F18
12.	Encourage different housing types and choices	F18
13.	Encourage mixed-use redevelopment, adoptive reuse	F18
14.	Daily living should occur within walking distance	F18, F66
15.	Transit, pedestrian and bicycle should reduce dependence upon the automobile	F19
16.	Commercial Area	F22
17.	Urban Residential	F27
18.	Commercial Growth Component	F37
19.	Downtown/Haymarket communities dominant center of entertainment	F44
20.	Principles for Downtown/Haymarket	F48
21.	Specialty retail geared toward employees, area residents, convention visitors and University population	F48
22.	Diverse housing choices and Downtown housing	F65
23.	Creating housing opportunities for residents with special needs throughout the City	F66
24.	Preserve, protect and promote the City's historical resources	F68
25.	Building codes for rehabilitation of existing buildings need to be flexible	F68
26.	Encourage multi-family near commercial areas	F69
27.	Encourage historic preservation, rehabilitation and maintenance of buildings	F69
28.	Diversity of architecture, housing types and sizes to make an older neighborhood a great place to live	F71
29.	Encourage elderly housing near mixed use areas	F72
30.	Provide housing opportunities for residents with special needs	F72
31.	Encourage a variety of housing types in the Downtown/Haymarket area	F73
32.	Developer regulations with incentive for the rehabilitation of older	F73

	buildings	
33.	Encourage water conservation	F76
34.	Include design concepts to encourage walking and not the automobile	F86
35.	Minimize energy consumption	F87
36.	Pedestrian Strategies	F89
37.	Pedestrian facilities need to meet Americans with Disabilities Act	F89
38.	Pedestrian planning and standards for public and private developments	F92
39.	Provisions for parking need to be considered in redevelopment projects	F101
40.	Seek incentives and regulatory support for the rehabilitation of exiting buildings	P. 142
41.	Work to resolve conflicts between regulations that threaten historic resources	P. 142