

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 11005**, requested by Prairie Home Builders, to vacate the right-of-way stub of Windmill Drive on the east side of N. 84th Street between Adams Street and Leighton Avenue.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 05/04/11
Administrative Action: 05/04/11

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Taylor and Sunderman voting 'yes').

FINDINGS OF FACT:

1. This is a request to vacate the unused Windmill Drive stub right-of-way on the east side of North 84th Street, south of Windmill Drive.
2. The staff recommendation to find the proposed vacation in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that with the location of Windmill Drive on the west side of North 84th Street, and with a replacement stub already built on the east side of North 84th Street, the right-of-way of the southern Windmill Drive stub is no longer needed.
3. On May 4, 2011, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On May 4, 2011, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed vacation to be in conformance with the Comprehensive Plan.
5. The provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied with the Memorandum from the Housing Rehab & Real Estate Division of Urban Development (p.8), which recommends that the area be vacated at no cost to the abutting property owner. A new street stub is being dedicated to the north in order to align Windmill Drive with the street on the west side of North 84th Street. Therefore, this is simply considered a trade or a relocation of the street stub.
6. The State Department of Roads has noted that access to North 84th Street should not be allowed at the location of this vacated right-of-way. The applicant is intending to plat this area as part of a larger commercial building site, and understands that he will be expected to dedicate complete access control at that time.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 16, 2011

REVIEWED BY: _____

DATE: May 16, 2011

REFERENCE NUMBER: FS\CC\2011\SAV11005

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for MAY 4, 2011 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.11005

PROPOSAL: Vacate the Windmill Drive stub on the east side of N. 84th St.

LOCATION: South of Windmill Drive on the east side of N. 84th St.

LAND AREA: 4,975 square feet, more or less

CONCLUSION: With the location of Windmill Dr. on the west side of N. 84th St. and with a replacement stub already built on the east side of N. 84th St., the right-of-way of the southern Windmill Dr. stub is no longer needed.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Windmill Dr. abutting Lot 110 Irregular Tract and Outlot "A", Prairie Village 7th Addition. located in the NW 1/4 of Section 14, Township 10 North, Range 7 East, Lancaster County, NE

SURROUNDING LAND USE AND ZONING:

North:	B-2, Planned Neighborhood Business	Undeveloped
South:	B-2, Planned Neighborhood Business	Undeveloped
East:	B-2, Planned Neighborhood Business	Undeveloped
West:	R-3, Residential	Single family houses

COMPREHENSIVE PLAN SPECIFICATIONS:

Windmill Dr. is not shown on the Functional Street and Road Classification map.

HISTORY:

December 11, 2006 CZ#06063 North Forty Plaza PUD was approved by the City Council.

March 13, 2006 CZ#05054 Prairie Village North PUD was approved by the City Council.

UTILITIES: Retain existing LES easement for overhead power lines. There are no other utilities in the area to be vacated.

ANALYSIS:

1. This application is to vacate the unused Windmill Dr. stub right-of-way on the east side of N. 84th St., south of Windmill Dr.

2. The location of Windmill Dr. on the east side of N. 84th St. was established by Prairie Village North PUD.
3. Windmill Dr. on the west side of N. 84th was established by the North Forty Plaza PUD, over the objection of the Public Works Department. By establishing this location for Windmill Dr. on the west side of N. 84th St., it created an undesirable offset.
4. When N. 84th St was improved a stub was built on the east side of N. 84th St directly across from where Windmill Dr. was constructed on the west side.
5. With the new stub built, the location of Windmill Dr. on the east side of N. 84th St. should be moved to the north to line up with Windmill Dr. on the west side of N. 84th St.
6. It is anticipated that there will be no cost for the vacated land since the stub right-of-way will be relocated to the north and dedicated to the City at no cost.

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.
- 1.2 Include retention of utility easements by City with deed transfer.

Prepared by:

Tom Cajka
Planner

DATE: April 14, 2011

APPLICANT: Prairie Home Builders
2045 S. Folsom St. Suite A
Lincoln, NE 68522

OWNER: same as applicant

CONTACT: Mike Eckert, Civil Design Group
8535 Executive Woods Dr. Suite 200
Lincoln, NE 68512
402- 434-8494

STREET & ALLEY VACATION NO. 11005

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

May 4, 2011

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 11010, CHANGE OF ZONE NO. 11013, CHANGE OF ZONE NO. 11012, SPECIAL PERMIT NO. 399C, USE PERMIT NO. 56F and STREET AND ALLEY VACATION NO. 11005.**

Ex Parte Communications: None

Item No. 1.3a, Change of Zone No. 11012; Item No. 1.3b, Special Permit No. 399C and Item No. 1.4, Use Permit No. 56F, were removed from the Consent Agenda and scheduled for separate public hearing.

Lust moved approval of the remaining Consent Agenda, seconded by Francis and carried 9-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Lust, Partington, Sunderman and Taylor voting 'yes'.



**Street & Alley Vacation #11005
N 84th & Adams St**

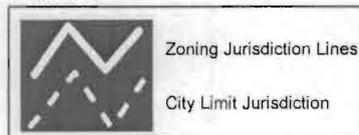
2010 aerial
Adams St

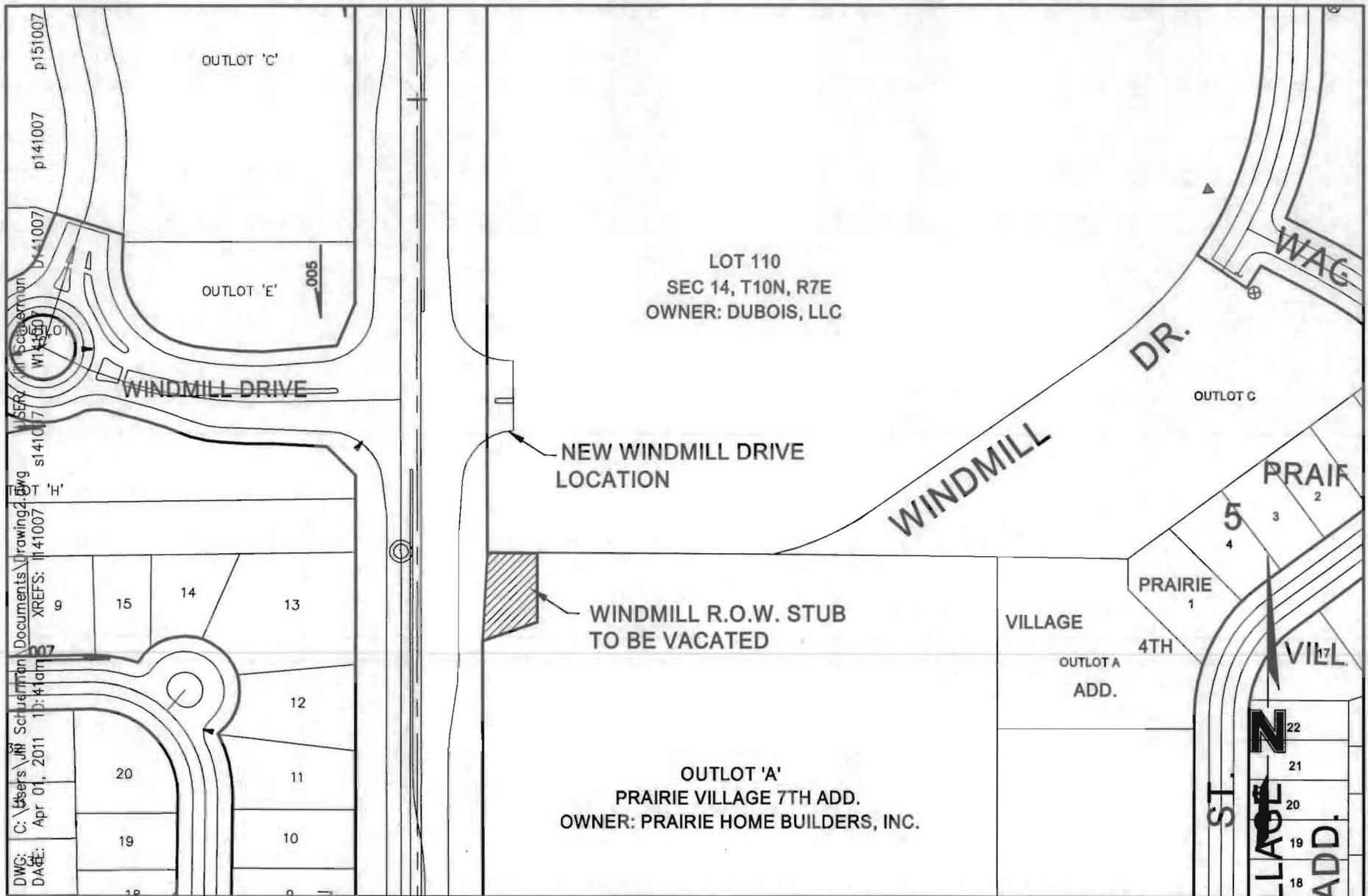
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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. 14 T10N R07E





drawn by: jds
checked by: -
project no.: 2011-0007
date: 04/01/2011

**PETITION TO VACATE R.O.W. EXHIBIT
N. 84TH & WINDMILL DR. STUB
LINCOLN, NEBRASKA**

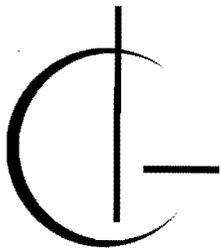


Civil Design Group, Inc.
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CONSULTING ENGINEERS LAND USE PLANNERS
CIVIL DESIGN SITE DEVELOPMENT PLANNING AND ZONING

EXHIBIT

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Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

March 31, 2011

Mr. Marvin Krout
Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Right-of-Way Stub of Windmill Drive & N. 84th Street (East Side)
Petition to Vacate Right-of-Way
CDG Project No. 2011-0007**

Dear Mr. Krout:

On behalf of Prairie Home Builders, Inc. & Dubois, LLC, we submit the enclosed application to vacate Public Right-Of-Way. We request to vacate the right-of-way stub of Windmill Drive and N. 84th Street on the East side of N. 84th Street. Windmill Drive was is to be built in a new location further north on the south side of N. 84th Street. Executive Order design plans to build Windmill Drive on the east side of 84th St in the near future.

In conjunction with this submittal we submit the following information:

Application Fee - \$150.00
Completed Petition to Vacate Public Way Form

I hope that this letter and forms provide you with enough information to review this petition to vacate Right-of-Way. Mark Hunzeker will be handing this project at Planning Commission and City Council, if you would please cc him on all communication. In an effort to facilitate the review process, please call me at (402) 434-8494 if you questions.

Sincerely,

Mike Eckert, AICP

Encl

cc: Prairie Home Builders, Inc.
Mark Hunzeker

F:\Projects\2011\20110007\landplanning\Doc\110007_Petition_Vacate.doc

007

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: May 9, 2011

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning

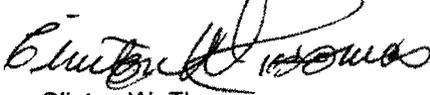
SUBJECT: Street & Alley Vacation No.11005
Windmill Drive stub east side of
84th Street

A request has been made to vacate a portion of Windmill Drive located east of the east right-of-way line of North 84th Street. A new street stub is being dedicated to the north in order to align Windmill Drive with the street on the west side of 84th Street. As such, this is simply considered a trade, or a relocation of the street stub.

North 84th Street is a controlled access roadway and the Nebraska Department of Roads has asked that control of access be granted to the City at the break located at the existing street stub. This should be done by either deed or dedication on the plat. Consequently, a new drive opening should be shown on the plat at the location of the new Windmill Drive stub.

Therefore, it is recommended if the area be vacated it be done so at no cost to the abutting property owner.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023