City Council Introduction: **Monday**, February 27, 2012
Public Hearing: **Monday**, March 5, 2012, 3:00 p.m.

Bill No. 12-15

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 11011,** requested by NEBCO, Inc., to vacate a portion of Fallbrook Boulevard adjacent to Outlot G, Fallbrook 18th Addition, generally located at U.S. Highway 34 and Fallbrook Boulevard.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/30/11
Administrative Action: 11/30/11

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

FINDINGS OF FACT:

1. This proposed street vacation was heard before the Planning Commission in conjunction with a comprehensive plan amendment, annexation and amendment to the Fallbrook Planned Unit Development, all of which were previously approved by the City Council on January 9, 2012. This street vacation was held until the final plat referenced in #6 below was submitted.

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.3, concluding that the vacation of this right-of-way will allow for the reconstruction of Fallbrook Boulevard with left turn lanes into the new commercial area named "Market Place", the amendment to the PUD for which was approved by Ordinance No. 19669 on January 9, 2012. The staff presentation is found on p.6-9.

3. The applicant's presentation is found on p.9.

4. There was no testimony in opposition.

5. On November 30, 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 (See Minutes, p.9-10).

6. 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.18), which recommends that the area be vacated at no cost to the abutting property owner with the provision that a future plat will replace the vacated right-of-way with the right-of-way necessary to reconstruct Fallbrook Boulevard, said plat now having been submitted and in process.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 17, 2012

REVIEWED BY:_____

DATE: February 17, 2012

REFERENCE NUMBER: FS\CC\2011\SAV11011

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 30, 2011 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.11011

PROPOSAL: Vacate a portion of Fallbrook Blvd.

LOCATION: U.S. Highway 34 and Fallbrook Blvd.

LAND AREA: 0.43 acres, more or less.

CONCLUSION: The street vacation will allow for the reconstruction of Fallbrook Blvd. with left turn lanes into the new commercial area named "Market Place."

RECOMMENDATION: Conforms to the Comprehensive Plan

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

SURROUNDING LAND USE AND ZONING:

North:	AG, Agricultural	Undeveloped
	R-3, Residential	Undeveloped
South:	R-3, Residential south of Hwy 34	Single family
East:	O-3, Office Park	Offices
West:	AG, Agricultural	Undeveloped

ASSOCIATED APPLICATIONS:

Change of Zone #05085A Fallbrook Planned Unit Development (PUD).

COMPREHENSIVE PLAN SPECIFICATIONS:

Fallbrook Blvd. is not shown on the 2040 Existing Functional Classification map. (p.10.15)

HISTORY:

January 24, 2000	Use Permit #124, Special Permit #1808 Community Unit Plan and Preliminary Plat #99023 for Fallbrook was approved by the City Council.
June 25, 2001	Special Permit #1808A to amend the CUP was approved by City Council.

August 19, 2002	Special Permit #1808B to expand the boundary of the Community Unit Plan was approved by City Council.
November 14, 2004	Use Permit #124A to waive internal side yard setbacks in the O-3 District was approved by City Council.
March 27, 2006	CZ#05085 for the Fallbrook PUD was approved by the City Council.

UTILITIES: There is existing sanitary sewer and water mains within the area to be vacated. The proposed PUD amendment CZ#05085A shows that these utilities are to be relocated.

ANALYSIS:

1. This is a request to vacate only a portion of Fallbrook Blvd. right-of-way between Hwy 34 and Tallgrass Parkway. The petitioner owns all of the property adjacent to the area to be vacated.

2. The street vacation is necessary for the construction of left turn lanes into the private drive and Waterleaf Dr. as shown on the Planned Unit Development site plan. The existing medians are in outlots and are not part of the street ROW. The new alignment of Fallbrook Blvd. will remove the outlots and use that area as ROW. The east ROW line of Fallbrook Blvd. is not moving. A future final plat will dedicate the necessary right-of-way.

3. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council. Since the amount of new ROW is about equal to the vacated ROW, no cost will be charged.

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: November 16, 2011

APPLICANT: Tim Gergen
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402-458-5914

OWNER: NEBCO
1815 “Y” St.
Lincoln, NE

CONTACT: Same as applicant

COMPREHENSIVE PLAN AMENDMENT NO. 11007, ANNEXATION NO. 11003, CHANGE OF ZONE NO. 05085A, AMENDMENT TO FALLBROOK PLANNED UNIT DEVELOPMENT, and STREET & ALLEY VACATION NO. 11011

PUBLIC HEARING BEFORE PLANNING COMMISSION*:* November 30, 2011

Members present: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius.

There were no ex parte communications disclosed.

Staff recommendation: Approval of the comprehensive plan amendment and annexation; conditional approval of the amendment to the PUD, and a finding of conformance with the Comprehensive Plan on the street and alley vacation.

Staff presentation: **Brandon Garrett of the Planning staff** addressed the Comprehensive Plan Amendment which deals with the urban land use designation on the Future Land Use map in the 2040 Comprehensive Plan. The proposal is a change from urban density residential to commercial at the northwest corner of Fallbrook Blvd. and Hwy 34/Purple Heart Highway. The associated applications for the expansion of the PUD will cover the site plan and zoning issues.

As for the land use designation change, Garrett explained that the area of Fallbrook generally, and these northern neighborhoods are generally under-served in terms of commercial opportunities more related to one's daily needs, such as groceries. This center is designated as a mixed use office center which provides largely for an office environment but also accommodates some retail. This series of proposals would increase the square footage to about 900,000 square feet of commercial/retail. This proposal brings the percentage of retail to about 26%, which is roughly what is recommended for mixed use office centers.

Garrett also pointed out that the nearest community sized center is at 84th & Adams Streets, which is in development at this time. Beyond that, the nearest two larger types of shopping centers would be the two regional centers, i.e. Downtown and the 27th & Superior area (WalMart, HyVee, Sam's, etc.). In order to serve this entire northern neighborhood area better, additional retail in this mixed use type of center would be appropriate given the nature of the neighborhood centers that are established there. There is a neighborhood center somewhat nearby in the Highlands but it is small and does not include a grocery store.

The staff is supportive of this amendment because by having more daily needs met, there would be fewer and shorter vehicular trips and an increased likelihood for pedestrian and bicycle trips within that general area. In the future, there are plans for an extension of N.W. 12th Street

across Purple Heart Highway that would create an even better connection between the Highlands neighborhood to the south and to Fallbrook. The staff is recommending approval of the comprehensive plan amendment.

Garrett further explained that community centers are larger than neighborhood centers. There should be more community centers spread throughout the community. In this northern area of the city there seems to be a shortage of that type of opportunity.

Gaylor Baird commented that the Commission has spent the past year working diligently on a community wide process for updating the Comprehensive Plan for the year 2040. A lot of emphasis was placed on pedestrian orientation and reviewing what part of the city should be commercial versus residential, and we looked at mixed use. Gaylor Baird asked the Planning Director to talk about this proposal in terms of its conflicts with the newly adopted Comprehensive Plan.

Marvin Krout, Director of Planning, acknowledged that this comprehensive plan amendment was discussed in a workshop preceding this hearing. He repeated for the record that overall, this is a very exemplary project that meets many of the principles and policies in the new Comprehensive Plan, including the new emphasis on mobility and mixed use development. If you look at the commercial development to the east, it is very much "new urbanism" type of design with very walkable streets. The whole development is laid out in a way that makes bicycle and walking attractive, desirable and convenient. However, the original commercial development in this PUD was laid out without a lot of regard to large commercial uses (big boxes). So when the opportunity came to consider the possibility of expansion for that area, including a new grocery store, the developers looked to the west. These discussions began over two years ago, well before we launched the process on the new Comprehensive Plan and before we began to talk about these new principles and more priority on the design of buildings, etc. We did not know what the outcome of those discussions was going to be when we began discussions on this proposal.

Krout further advised that the staff was supportive of this project to encourage a grocery store for this area as an anchor and neighborhood service for the community. There is a mix of uses that is insured by the PUD so there will be that kind of potential for reduction of traffic and walkability. But, because the development plans were underway well before the LPlan 2040 discussions, and because of the nature of the site, the size of the buildings, and the grading in this area (which is somewhat difficult), the staff took the position that the most important thing was to encourage the grocery store to happen. It would be a very complementary use. We have to find a way to integrate large commercial uses – just like cars are going to be part of our future, larger uses are going to be a part as well and we have to find a way to integrate them as much as possible. Krout acknowledged that part of our charge is the design standards – we know the arrangement of parking to buildings and buildings to other buildings is important. But this project was just too far along in the process. We basically considered it a grandfathered use. If we were starting from scratch, we might have planned it somewhat differently.

Gaylor Baird confirmed that if this project were starting today, maybe some of these same concessions would not be up for consideration. Krout agreed.

Tom Cajka of Planning staff then addressed the annexation, PUD amendment and street vacation. This application is to amend an existing PUD by adding approximately 38.6 acres and 220,000 square feet of commercial floor area. The area of expansion is west of Fallbrook Boulevard coming in the entrance off Hwy 34. Lot 1 is for the proposed 60,000 sq. ft. grocery store. A

condition of approval is that 100,000 sq. ft. of the 220,000 sq. ft. of additional commercial floor area must be set aside for office use, so the maximum retail would be 120,000 square feet. The developer's long range plan is to have the office space in Lot 4, with some smaller retail and office in the other areas.

Cajka pointed out that there will be a bike trail on the north side of Aster Road that will connect up with the existing trails found throughout the development. Nothing else in the existing Fallbrook area changes.

Cajka advised that one area of discussion at length with Public Works involved turn lanes on Fallbrook Boulevard because the turn lanes shown are not as long as what is recommended by the traffic study and by Public Works. At this point, the turn lanes cannot be any longer because of the location of the highway. Planning, Public Works and the developer reached a compromise to add general note #10:

> The left-in turn in Fallbrook Boulevard, leading into Lots 1 & 2, Block 34 may be removed by the City if:
>
> a. Southbound vehicle stacking onto Highway 34 is routinely observed to be blocking the left-in turn to the driveway for Lots 1 & 2, Block 34 or;
>
> b. Northbound vehicle stacking for a left turn to Waterleaf Drive or to the left-in turn for Lots 1 & 2, Block 34 is observed routinely stacking into a through lane in Fallbrook Boulevard; or
>
> c. If traffic warrants or vehicle crashes caused by the left-in turn deem the left-in turn movement removal is advisable.
>
> The lot owner of Lot 2, Block 34 will be responsible for posting a $20,600 bond equal to the cost of removing the left-in turn lane at time of final platting.

Cajka then explained that the area of annexation is 10 acres north of the City Limits which includes Aster Road to N.W. 12th Street.

Cajka pointed out that the changes to the General Notes are bold and underlined in the staff report. The developer has requested several waivers, mostly having to do with the signage. The other waiver requests dealing with setbacks and parking are the same waivers that were granted in the previous approval of this PUD.

Gaylor Baird expressed concern about the number of modifications to the signage since the Commission has recently done a lot of work on the sign ordinance. Is all that work for naught in this situation? Is there some reason why the standards are not working? Or is this an incredibly unique situation? If we are granting this many waivers, are we setting some sort of precedent? Cajka explained that a lot of the modifications to the sign ordinance are carried over from the previously approved PUD. The biggest sign is on the corner of 1st & Hwy 34 – it is their major subdivision sign – 350 sq. ft., 16 feet tall, which was previously allowed to be 700 sq. ft. (The sign area is calculated differently under the new sign ordinance). This sign is next to the highway with a lot of fast-moving traffic. Planning staff takes the position that this sign was no larger than what had been previously approved. Gaylor Baird confirmed that the staff considers the waiver to be acceptable because the sign is no larger than previously approved and is next to a highway so visibility is especially important. Cajka agreed.

Cajka went on to point out that the signs located on the major entrances are 150 sq. ft. Most of the signs in the area set aside for offices meet the existing sign ordinance. There are center signs a

little larger than what is allowed by the sign ordinance along Hwy 34 at three locations. Gaylor Baird confirmed that the waivers are acceptable because these signs are on the highway. Cajka concurred, along with visibility being an issue.

With regard to the street vacation request, Cajka explained that Fallbrook Boulevard is being redesigned. Right now it has a wide median in the middle and they are going to take some of that median out because they do not need the right-of-way to be out that far. They are requesting that a strip of land on the west side be vacated to be used as part of their future lots. They have to reduce the medians in order to construct the left turn lanes.

Esseks was interested in the requirement to set aside 100,000 square feet for office. Is this a guestimate? Cajka indicated that it is based on what was shown in the developer's traffic study. Cajka believes that the only committed tenant at this time is the grocery store. But, based on the traffic study submitted, the developer has agreed to add the stipulation for the 100,000 sq. ft. of office. Esseks wondered about the impact should anything change in the future and the market does not support the office use. Cajka indicated that the developer could always come back and request an amendment.

Lust inquired how the traffic study determines what is going into the development? Cajka explained that the traffic study has to do with the impact on the existing road network with different uses having different traffic generators. The developer submits the traffic study based on their projected uses, which, in this case, included the office, retail, grocery, bank, and restaurant, etc. **Dennis Bartels of Public Works** also explained that the initial Fallbrook development had a traffic study so the improvements were built on 1st Street. When they added this new development with more square footage on the west side of Fallbrook, it changed the numbers from what was in the original traffic study. His assumption was that the developer did not want to pay for additional improvements or start redoing existing improvements for what was already built with the initial approval.

Gaylor Baird returned to the signage issue. She does not believe the staff report sufficiently explains which signs are subject to waivers and how they vary from the sign ordinance. She cannot clearly distinguish what is being waived and whether or not there is something being changed by category. After further discussion, Cajka stated that basically, the center signs and the PUD complex subdivision signs are those that deviate from the sign ordinance and involve waivers. The new signs include three subdivision signs (pointed out on the map) which are the 150 sq. ft. and 16 ft. high signs. That is a new waiver from 32 sq. ft. and 6 ft. tall. Cajka also displayed a rendering of the proposed signage for the MarketPlace.

Lust clarified that the signs involved in the waiver requests are at the corner of 1st & Alvo, N.W. 12th & Alvo, and N.W. 12th & Aster Road. Referring to the sign map, Lust suggested that the Commission is voting on a request for one 1.A.1 sign (already approved). The new signs are the three 1.A.1 signs and two 1.B signs as shown on page 57 of the agenda. Cajka confirmed that there are six new signs included in the waiver requests. Gaylor Baird confirmed that the justification for the waiver is greater visibility at the entrance points. Cajka agreed.

Krout offered that this is a huge scale project – this is a mile of frontage on Hwy 34. For example, picture South Point which has ½ mile of frontage with more signs than what is being shown here. This is a much reduced number of signs from the potential there could be with a different type of development stripping down the highway with potential for free-standing signs and center signs.

These signs are all going to be architecturally controlled by the covenants. It ties back to the overall design and architecture of this development, which to date has been very exemplary. Krout believes there are issues of scale and design that mitigate any increases in area of the signs.

Gaylor Baird explained that she just wanted to understand what the increases in area were and what is being waived.

Proponents

1. Tim Gergen, Olsson Associates, appeared on behalf of Nebco, the developer of Fallbrook. This is a planned neighborhood subdivision which they began working on in 1999, and has slowly matured into a beautiful residential neighborhood in need of amenities. They now have a town center more geared toward a small footprint of boutique shopping, but this part of the community is greatly in need of large scale services of daily needs, such as grocery store and medical services.

Gergen further explained that this phase of Fallbrook is called the MarketPlace, where it gets into more of a large scale footprint shopping where there are pad sites to be sold to landowners for retail, shopping and office use. The office is a conceptual idea for the traffic study, but as they developed the traffic study they realized that northwest Lincoln is in dire need of medical office as well.

With regard to signage, Gergen explained when they first developed Fallbrook, they were cognizant of the desire to retain the natural part of the development. A lot of the buildings were pushed back from the highway, and a lot of those retailers really depend on signage on their buildings to get the users into the development. With setbacks so far from the highway and with 60 mph speed limit on the highway, there is the need to have something to catch the eye of the travelers to bring them into this new shopping center. That is the purpose of the larger signs. This is a planned residential subdivision where we want to dictate the location and users on the signs and not have more signs on the highway. The developer has worked diligently with the city staff for two years on this project and they have come to general consensus on the conditions of approval.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 11007
ACTION BY PLANNING COMMISSION: November 30, 2011

Lust moved approval, seconded by Francis.

Francis believes this is an excellent location for an office and retail site as opposed to residential.

Cornelius stated that he is sympathetic to the concerns about the new Comprehensive Plan. This is not something that we might expect to come up under the precepts of the new Plan; however, the Plan is very new and we just discussed before this meeting revisions to the plan that we have yet to make that are simply not new information but refinements of the Plan as it stands. Our community is a big ship and it turns slowly, and we don't have all the design standards in place yet to apply to an application like this. Further, this project was underway as we were discussing the new Plan and proposing design standards in the future. For that reason, he will vote in support of this amendment.

Motion for approval carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

ANNEXATION NO. 11003
ACTION BY PLANNING COMMISSION: November 30, 2011

Lust moved approval, seconded by Francis and carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05085A,
AMENDMENT TO THE FALLBROOK P.U.D.
ACTION BY PLANNING COMMISSION: November 30, 2011

Lust moved to approve the staff recommendation of conditional approval, seconded by Francis.

Sunderman complimented Fallbrook for the first large scale development which applies the standards of "new urbanism". It is a fabulous concept.

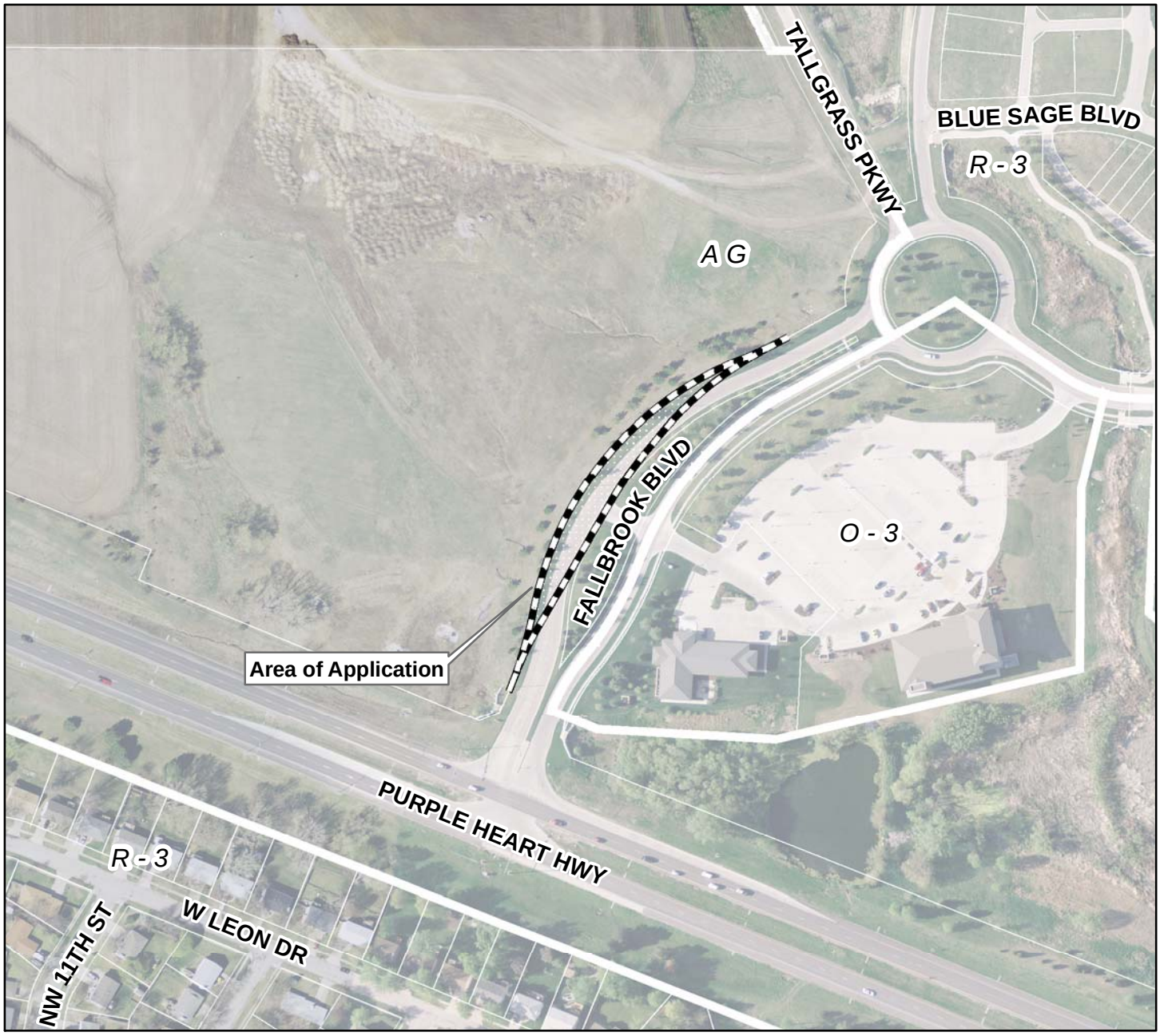
Gaylor Baird commented that with the care taken in the planning with the fewer number of signs, some size accommodation and the architectural nature of the signs, she accepts that these kinds of waivers make sense.

Cornelius agreed, suggesting that the signage was discussed a lot because in the recent past, the Commission has had a lot of discussion about signs and extensive changes to the sign ordinance. It raises a flag for us whenever we see variances from that ordinance because so much work went into it. But, it is clear here that the reasoning for their differentiation from the ordinance is sound – they are attractive additions to the community and they fit in with the overall design of the community – and for that reason he will support it.

Motion for conditional approval carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.

STREET & ALLEY VACATION NO. 11011
ACTION BY PLANNING COMMISSION: November 30, 2011

Lust moved a finding of conformance with the Comprehensive Plan, seconded by Francis and carried 9-0: Esseks, Sunderman, Lust, Gaylor Baird, Butcher, Francis, Weber, Hove and Cornelius voting 'yes'. This is a recommendation to the City Council.



2010 aerial

Street & Alley Vacation #11011
Fallbrook Blvd & Hwy 34

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

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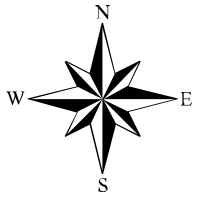
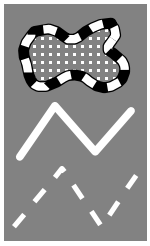


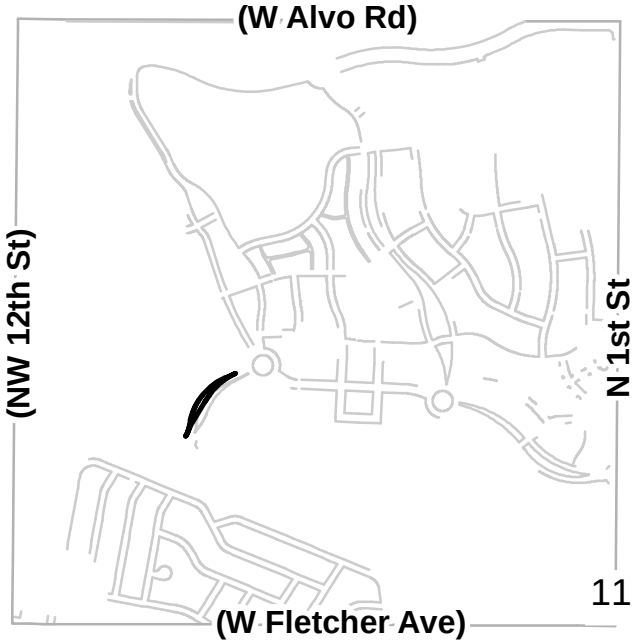
One Square Mile
Sec. 34 T11N R06E

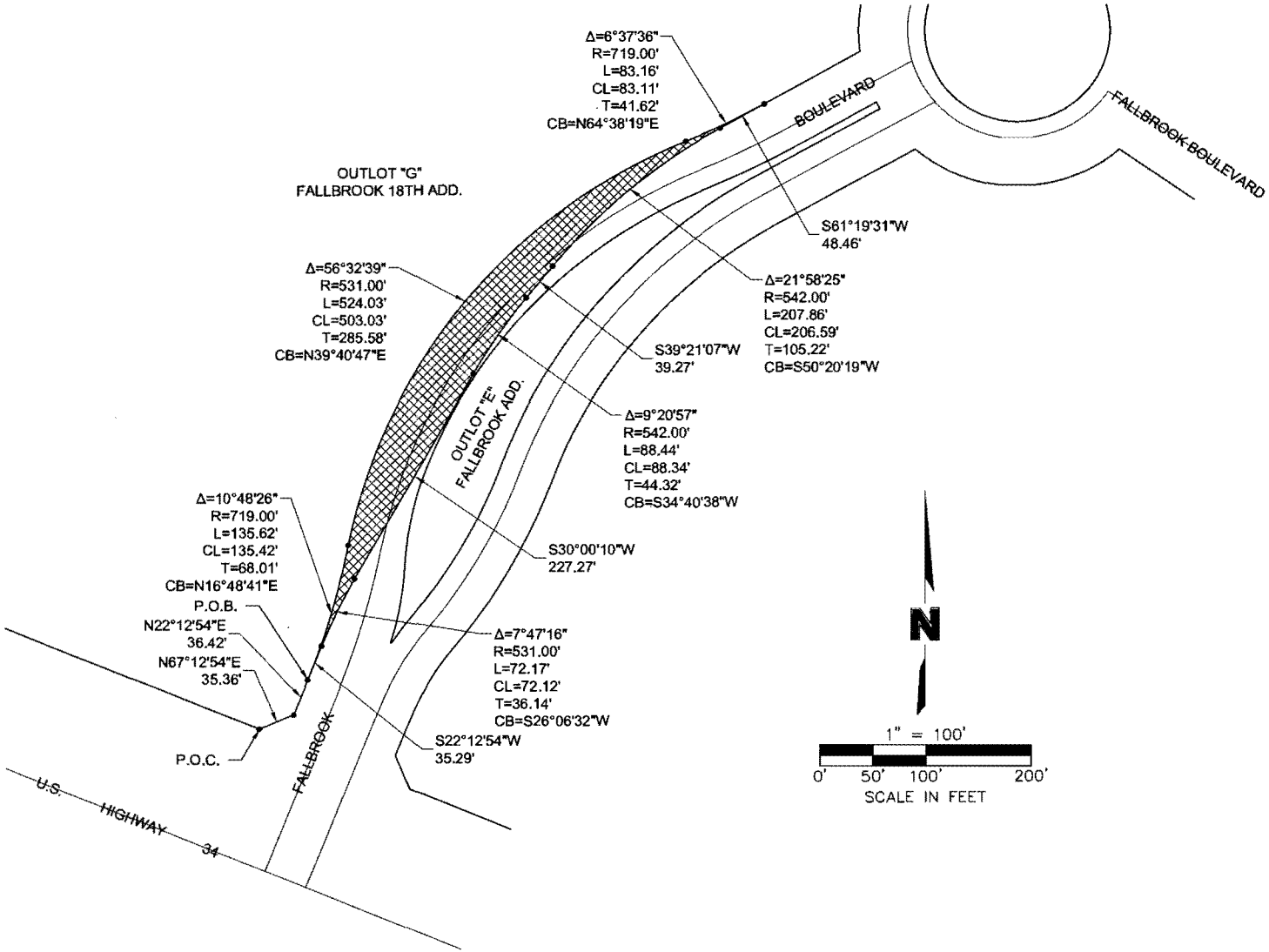


Area of Application

Zoning Jurisdiction Lines

City Limit Jurisdiction





DWG: F:\Projects\001-0577_SVYO\MasterXrefs\001-0577_X-ROW-Vacation.dwg USER: mjohnson
DATE: Nov 08, 2011 4:36pm XREFS:

LEGAL DESCRIPTION
FALLBROOK BOULEVARD
RIGHT-OF-WAY VACATION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF FALLBROOK BOULEVARD RIGHT-OF-WAY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERN CORNER OF OUTLOT "G", FALLBROOK 18TH ADDITION, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 34 AND ON A WEST RIGHT-OF-WAY LINE OF FALLBROOK BOULEVARD; THENCE NORTHEASTERLY ALONG A SOUTHEAST LINE OF SAID OUTLOT "G", SAID LINE BEING A NORTHWEST RIGHT-OF-WAY LINE OF FALLBROOK BOULEVARD ON AN ASSUMED BEARING OF N67°12'54"E, A DISTANCE OF 35.36' TO A EAST CORNER OF SAID OUTLOT "G"; THENCE N22°12'54"E ALONG A EAST LINE OF SAID OUTLOT "G", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 36.42' TO A EAST CORNER OF SAID OUTLOT "G", SAID POINT BEING THE **POINT OF BEGINNING**; SAID POINT ALSO BEING A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 719.00' A CENTRAL ANGLE OF 10°48'26", AN ARC LENGTH OF 135.62' ALONG A EAST LINE OF SAID OUTLOT "G", SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 68.01', A CHORD DISTANCE OF 135.42', AND A CHORD BEARING OF N16°48'41"E TO A EAST CORNER OF SAID OUTLOT "G", SAID POINT BEING A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 56°32'39", A RADIUS OF 531.00', AN ARC LENGTH OF 524.03' ALONG A SOUTHEAST LINE OF SAID OUTLOT "G", SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 285.58', A CHORD DISTANCE OF 503.03', AND A CHORD BEARING OF N39°40'47"E TO A SOUTH CORNER OF SAID OUTLOT "G", SAID POINT BEING A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°37'36", A RADIUS OF 719.00', AN ARC LENGTH OF 83.16' ALONG A SOUTH LINE OF SAID OUTLOT "G", SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 41.62', A CHORD DISTANCE OF 83.11', AND A CHORD BEARING OF N64°38'19"E TO A SOUTH CORNER OF SAID OUTLOT "G"; THENCE S61°19'31"W, A DISTANCE OF 48.46' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 21°58'25", A RADIUS OF 542.00', AN ARC LENGTH OF 207.86', A TANGENT LENGTH OF 105.22', A CHORD DISTANCE OF 206.59', AND A CHORD BEARING OF S50°20'19"W TO A POINT; THENCE S39°21'07"W, A DISTANCE OF 39.27' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 09°20'57", A RADIUS OF 542.00', AN ARC LENGTH OF 88.44', A TANGENT LENGTH OF 44.32', A CHORD DISTANCE OF 88.34', AND A CHORD BEARING OF S34°40'38"W TO A POINT; THENCE S30°00'10"W, A DISTANCE OF 227.27' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°47'16", A RADIUS OF 531.00', AN ARC LENGTH OF 72.17', A TANGENT

LENGTH OF 36.14', A CHORD DISTANCE OF 72.12', AND A CHORD BEARING OF S26°06'32"W TO A POINT; THENCE S22°12'54"W, A DISTANCE OF 35.29' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 18,784.91 SQUARE FEET OR 0.43 ACRES, MORE OR LESS.

Tuesday, November 08, 2011
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City of Lincoln - Lancaster County
PLANNING DEPARTMENT

555 S. 10th Street, Suite 213
Lincoln, NE 68508
Ph. (402) 441-7491
Fax: (402) 441-6377

ePlan
ePlan Submittal

Application Information			
Application #	SAV11011	Title	FALLBROOK
Associated Requests	CPA11007, AN11003, CZ05085A		

Planning Department Use Only			
Submission Date	11/3/2011	Review Due	11/13/2011
Project Planner	Tom Cajka		

Review Comments		
Planning	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ◉ Recommend Approval ○ No Review Required Review 1:	
Black Hills Corp (Randy Kreifels)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: Existing gas mains lie on the east side of Fallbrook Blvd., so BHE has no conflicts with this proposed vacation.	
Development Review Manager (Steve Henrichsen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Law Department (Rick Peo)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: Before this matter is submitted to the City Council: (1) a metes and bounds legal description of the area to be vacated must be provided; and (2) on the petition, Nebco, Inc., must be indicated above the signature of Robert Miller, V.P.	
LES	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required	

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(Mike Petersen)	Review 1: 11-08-2011; Existing electrical facilities are on private property (by easement) They are not affected by the ROW change. New easements will be requested when platted. Mike P.	
Public Works (Barnie Blum)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: City has an existing sanitary sewer and water main in area of proposed vacation. Will need a permanent easement established over vacated area for future maintenance or replacement of these utilities.	
Public Works (Buff Baker)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: See Ric Peo's and Barnie Blum's comments. If the Utilities are intended to be relocated, Executive Orders will be required. The Vacation must coincide with the replatting of the Lot. The street reconstruction will require an Executive Order.	
Public Works (Dennis Bartels)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: See other Public Works and Utilities comments. The vacation is subject to reconstruction of the utilities and paving as shown on the revised PUD. The timing of the vacation must be coordinated with the required reconstruction since the existing pavement and utilities are located in the area to be vacated.	
Public Works & Utilities - Wastewater (Brian Kramer)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: City has an existing sanitary sewer in area of proposed vacation. Will need a permanent easement established over vacated area for future maintenance or replacement of these utilities.	
Public Works & Utilities - Water (Nick McElvain)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: Need either a permanent easement with 15 feet clear distance to the building line or a relocation of the water main.	
Time Warner Cable (Lou Kipper)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
	Corrections Needed for Review Insufficient Information for Review	

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Urban Development - Real Estate (Clint Thomas)	Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Windstream (Ken Adams)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	

INTEROFFICE MEMORANDUM

TO:	Mayor Beutler & City Council Members	FROM:	Clinton W. Thomas
DEPARTMENT:	City Council Office	DEPARTMENT:	Housing Rehab & Real Estate Division
ATTENTION:		DATE:	December 14, 2011
COPIES TO:	Teresa J. Meier Marvin Krout Rod Confer Byron Blum, Bldg & Safety Jean Preister, Planning	SUBJECT:	Street & Alley Vacation No.11011 Fallbrook Boulevard

A request has been made to vacate a portion of Fallbrook Blvd. between U.S. Highway 34 and Tallgrass Parkway. The vacation of this right-of-way will allow for construction of left turn lanes as shown on the Planned Unit Development site plan for this area. A future final plat will dedicate the right-of-way necessary to replace Fallbrook Blvd. and utilize the outlots in the middle of Fallbrook Blvd. as right-of-way.

Since the vacation of this street is being done to bring the streets into compliance with existing site plans and future final platting, it is recommended if the area be vacated it be deeded back to the abutting land owner at no cost with the provision that a future final plat will replace the vacated right-of-way with the right-of-way necessary to re-construct Fallbrook Blvd.

Respectfully submitted,

Clinton W. Thomas

Clinton W. Thomas
Certified General Appraiser #990023