

## FACTSHEET

**TITLE:** STREET & ALLEY VACATION NO. 14009  
(Viewpoint Drive, north of Karl Ridge Road)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** R.C. Krueger Development

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (9-0: Beecham, Cornelius, Corr, Harris, Hove, Scheer, Sunderman, Weber and Lust voting 'yes').

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

**OTHER DEPARTMENTS AFFECTED:** None.

**SPONSOR:** Planning Department

**OPPONENTS:** None.

**REASON FOR LEGISLATION:** To vacate the Viewpoint Drive right-of-way lying north of Karl Ridge Road, generally located at South 84<sup>th</sup> Street and Karl Ridge Road.

### **DISCUSSION/FINDINGS OF FACT:**

1. This street vacation request and the associated Comprehensive Plan Amendment No. 14008 (Bill #15R-6), Change of Zone No. 14028 (Bill #15-1) and Special Permit No. 14045 (Bill #15R-7) were heard at the same time before the Planning Commission.
2. The purpose of this street vacation request is to convert Viewpoint Drive to a private driveway access off Karl Ridge Road for the proposed planned service commercial special permit for mini-storage on property generally located at South 84<sup>th</sup> Street and Karl Ridge Road. Viewpoint Drive is currently a stub street.
2. The staff recommendation finding the proposed street and alley vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3, concluding that the vacation of the right-of-way will not deny access to adjacent property and is in conformance with the Comprehensive Plan. The staff presentation is found on p.5-7.
3. The applicant's testimony is found on p.7-8.
4. There was no testimony in opposition.
5. On December 10, 2014, the Planning Commission voted 9-0 to find the proposed vacation to be in conformance with the Comprehensive Plan.
6. On December 10, 2014, the Planning Commission also voted 9-0 to recommend approval of the associated Comprehensive Plan Amendment No. 14008 (Bill #15R-6), Change of Zone No. 14028 (Bill #15-1) and Special Permit No. 14045 (Bill #15R-7)
7. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.12, recommending that the vacated property be sold to the developer purchasing the City's surplus property to the north for \$1,000.00.
8. The funds for the vacated right-of-way have been paid to the City Clerk, thus the requirements of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

**FACTSHEET PREPARED BY:** Jean Preister, Administrative Officer

**DATE:** December 29, 2014

**REVIEWED BY:** Stephen S. Henrichsen, Development Review Manager

**DATE:** December 29, 2014

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for December 10, 2014 PLANNING COMMISSION MEETING**

**PROJECT #:** Street and Alley Vacation No. 14009

**PROPOSAL:** To vacate Viewpoint Drive lying north of Karl Ridge Road

**LOCATION:** Viewpoint Drive right-of-way adjacent to 8264 and 8300 Karl Ridge Road

**LAND AREA:** 6,860 square feet, more or less

**CONCLUSION:** Subject to the conditions of approval, vacation of this right-of-way will not deny access to adjacent properties and is in conformance with the Comprehensive Plan.

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

**LEGAL DESCRIPTION:** All of the Viewpoint Drive right-of-way lying north of the north line of Karl Ridge Road

**SURROUNDING LAND USE AND ZONING:**

North: Open Space; R-1  
South: Multi-Family Dwellings; R-3  
East: Single-Family Attached Dwellings: R-3  
West: Single-Family Attached Dwellings: R-3

**ASSOCIATED APPLICATIONS:**

CPA14008: Comprehensive Plan Amendment  
CZ14082: Change of Zone to H-4  
SP14045: Special Permit for Planned Service Commercial

**COMPREHENSIVE PLAN SPECIFICATIONS:**

P. 10.15 - Local streets and alleys are not included in the functional classification.

**HISTORY:**

February 1993 Viewpoint Drive right-of-way was dedicated in the Trendwood 9<sup>th</sup> Addition.

**UTILITIES:** Water and sanitary sewer utilities are located within the area to be vacated.

**TRAFFIC ANALYSIS:** Viewpoint Drive is currently a dead end. This right-of-way ends at the City-owned parcel and is adjacent to two private properties. Vacation of this right-of-way will not deny access to any adjacent property owner.

**ANALYSIS:**

1. 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.
2. Viewpoint Drive was dedicated as a 60 foot right-of-way off of Karl Ridge Road. This right-of-way was dedicated as part of the Trendwood 9<sup>th</sup> Addition in 1993.
3. Viewpoint Drive is considered a 'stub street' and is intended to provide access to the City-owned property. The subdivision ordinance requires that streets dedicated in final plats be arranged to provide reasonable access to adjoining property and to facilitate the platting and development of adjoining property.

At this time the developer of the City-owned property does not propose an internal street system. Therefore Viewpoint Drive could be vacated and converted into a private driveway access off Karl Ridge Road.

4. There are existing public water and sewer utilities within Viewpoint Drive right-of-way. The City will need to retain utility easements over the vacated right-of-way in order to maintain the existing utilities. Utility easements should also be retained for electrical facilities within the vacated right-of-way.
5. The developer of the City-owned parcel is coordinating this proposal with the other two owners adjacent to the Viewpoint Drive right-of-way. The developer proposes to retain 32 feet of vacated right-of-way to be used as a driveway to the proposed planned service commercial development north of Viewpoint Drive. The remaining 28 feet of right-of-way will be split equally among the two adjacent owners.
6. Viewpoint Drive currently has a sidewalk on both sides of the pavement, and the developer has asked to remove them. The proposed development to the north is a mini-storage development. The developer proposes to have one employee in the office, and the development will be completely gated with a security gate at the end of the driveway. A mini-storage development is not considered a pedestrian-oriented use, and the development is not a significant employment center. Therefore, removal of the sidewalks along Viewpoint Drive is justified.

**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:

Paul Barnes, Planner  
402-441-6372  
[pbarnes@lincoln.ne.gov](mailto:pbarnes@lincoln.ne.gov)

**DATE:**

October 28, 2014

**APPLICANT:** R.C. Krueger Development  
8200 Cody Drive, Suite F  
Lincoln, NE 68512

**OWNER:** Kenlon H. Hake Revocable Trust  
Kenlon H. Hake, Trustee  
530 S. 112<sup>th</sup> Street  
Lincoln, NE 68520

Doris Jean Stoner  
8264 Karl Ridge Road  
Lincoln, NE 68506

**CONTACT:** Marcia L. Kinning, ESP  
601 Old Cheney Road, Suite A  
Lincoln, NE 68512

**COMPREHENSIVE PLAN AMENDMENT NO. 14008,  
CHANGE OF ZONE NO. 14028,  
SPECIAL PERMIT NO. 14045  
and  
STREET & ALLEY VACATION NO. 14009**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 10, 2014

Members present: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust.

Staff recommendation: Approval of the comprehensive plan amendment and change of zone; conditional approval of the special permit; and a finding of conformance with the Comprehensive Plan on the street and alley vacation.

There were no ex parte communications disclosed.

Staff presentation: **Paul Barnes of Planning staff** presented the proposal, indicating that this property has been designated as Urban Residential on the Future Land Use map for quite some time. Since we are looking at a commercial development for this site and it is greater than 5 acres in size, it is typical policy to process a comprehensive plan amendment to reflect that change on the land use designation. Although the property has been recommended to be shown as residential, the staff believes that commercial uses can be appropriate for this site with certain restrictions and considerations with the site planning and landscaping.

Along with the comprehensive plan amendment, Barnes stated that the staff is supporting the change of zone and special permit, which further take a look at the development and restrict not only uses but things like siting of the buildings. The change of zone and special permit go hand-in-hand, including a request for H-4 commercial zoning which allows the developer to apply for a Planned Service Commercial special permit. The Planned Service Commercial special permit can restrict what types of uses are allowed.

Barnes advised that the special permit would allow up to 130,000 sq. ft. of mini-storage. The access to this type of development will not be through the adjacent residential neighborhood, but rather near South 84<sup>th</sup> Street, which is an arterial. There is a connection off South 84<sup>th</sup> Street on Karl Ridge Road.

A previous request for residential units on this property was denied by the Planning Commission due to the location of a pipeline hazard area, limited access to the site and opposition from the surrounding neighbors. Thereafter, the city requested proposals for development on this site. This proposal was presented to the neighborhood and the neighborhood supports this development.

Barnes further pointed out that the commercial use near the residential area allows flexibility to make sure the development is compatible with the nearby residents in the area. The access will be limited

to one point and some additional landscaping and screening will be provided between the residential units and this commercial development. The proposal from the developer includes a 10' wall as well as a wrought iron fence and some trees. The conditions request that the landscaping be enhanced.

With regard to the special permit for Planned Service Commercial, Barnes submitted a recommendation by the staff to amend the conditions of approval. Watershed Management is now satisfied, thus the staff is recommending that the proposal can move forward to the City Council. The proposed amendments are as follows:

**RECOMMENDATION:**

CHANGE OF ZONE NO. 14028

SPECIAL PERMIT NO. 14045

Conditional Approval

Approval

Conditional Approval

**WAIVERS:**

1. Per Section 27.72.040 of the Zoning Code, Height and Area Requirements. To reduce the rear and side yard setbacks.

Conditional Approval

2. Per Chapter 2.05 of the Design Standards, Stormwater Drainage. Waive the requirement that post development flows be less than pre-development flows for an on-site detention pond.

Denial Conditional Approval

~~1. The grading and stormwater management plans shall be approved by the Watershed Management Division, prior to scheduling these applications on a City Council agenda.~~

1.4 The City Council approves associated request:

1.1.4 Amendment of the Lincoln/Lancaster County Comprehensive Plan to show this property as a "Commercial" designation

1.4.2. Street vacation of Viewpoint Drive

1.3 Change of Zone No. 14028

2.6 Add a note to the plan that states, "The Stormwater Detention Calculations report dated October 15, 2014, and revised December 1, 2014, is a supplement to the special permit for Planned Service Commercial."

2.7 Provide hard copies of the revised drainage report to the satisfaction of the Watershed Management Division.

Regarding the request to vacate Viewpoint Drive, Barnes explained that Viewpoint Drive is a stub street/public right-of-way that is located off of Karl Ridge Road. The intent of the right-of-way is to provide access back to the larger parcel for future development. Essentially, by vacating it at the request of this developer and the adjacent property owners, the public right-of-way will become a private driveway and will still serve as access to the development.

Beecham commented that traffic through the residential neighborhood had been a concern in the past. Are we looking at large trucks coming into the mini-storage, or is it more likely to be smaller trucks? She thinks that perhaps travelers going north on 84<sup>th</sup> might go through the neighborhood. Barnes explained that the staff did not require the developer to do a full traffic study, but the staff and the applicant did specifically discuss the types and frequency of the vehicles, which will be addressed in the applicant's testimony. There would be potential for larger trucks but more frequently it would be smaller vehicles.

Corr asked for an explanation about Outlot A currently being non-buildable, but yet it appears that there will be some units on Outlot A. Barnes explained that platted outlots are generally non-buildable and typically reserved for open space, drainage, etc. In this case, Outlot A was reserved for some type of future use. In order to build the units as proposed, a final plat is required to designate that lot in order to get a building permit. Corr assumes that is acceptable and that Outlot A was for water detention. Barnes pointed out that this proposal includes a detention facility in the northwest portion of the site which will carry and hold most of the detention for this development, and there are also some underground facilities connecting to South 84<sup>th</sup> Street. Corr asked why Outlot A was designated as non-buildable in the first place. Barnes suggested that the owner may have wanted to reserve it for a period of time. Corr then sought to confirm that there are no existing topographic issues making that outlot non-buildable. Barnes concurred.

In regard to the developer's plans to construct a 10' wall, Harris was interested in what the minimum screening requirement would normally be for this type of development. She referred to the design standards, i.e., at least 60% up to 10 feet. What would the minimum be for this type of development? Barnes stated that the staff would follow the design standards for screening which would require screening between the perimeter of the commercial use and the adjacent residential properties. There is a formula in the design standards that is followed. By providing the 10' wall, essentially they are screening 100% from the adjacent property. Harris asked if 10' would be the maximum for whatever would have been developed. Barnes responded that the "60% up to 10 feet" is the design standard. Harris then assumed that the developer is doing the maximum screening and they would never be asked to do anything above ten feet. Barnes acknowledged that the staff is not recommending any additional height. There is some grade difference, so from properties on the west, the wall may look taller than 10', but the recommendation includes additional plant material throughout the site to provide the minimum requirement.

### Proponents

**1. Rick Krueger, President of Krueger Development,** testified as the applicant, stating that the green area shown on the map is the area that will remain grass. In fact, 37% of the site will still be grass when completed. This is a very straight-forward application, and he expressed his appreciation to the staff for creating workable solutions on all of the various issues involved.

Krueger stated that the developer team met with the neighborhood, and there is a letter of support in the record. There were three proposals submitted to the City for this property, and this application received positive vibes from the neighbors. Krueger stated that he has no issues with the city in regard to design items.

With regard to the 10' wall, Krueger explained that the perimeter wall will be located at least at the setback and in some cases back beyond the normal setback so that there would not be any light trespass into the neighborhood; it will provide security for the facility; and by moving it back, the neighbors have more open space. This was also done at South Ridge Village at 27<sup>th</sup> & Pine Lake between the office use and the residential.

Krueger pointed out that there are two detention cells on 84<sup>th</sup> Street (series of underground vaults) and the major cell drains through an existing pipe and down through the city storm system. The proposal meets all of the standards for detention.

**2. Danielle Smith**, regional manager of **Big Red Storage** responded to the concerns about truck traffic. The traffic count indicates that there will be 35 visits (70 trips) per day. As far as large vehicles, there may be some smaller moving trucks, but there will be very limited semi-truck access. She does not believe it will be an issue.

Beecham inquired whether the trucks are Big Red's own fleet or private vehicles. Smith stated that Big Red does has two 14' U-Haul trucks which might be parked there a few months out of the year. Beecham encouraged that the neighbors contact Ms. Smith if there are any problems.

There was no testimony in opposition.

**COMPREHENSIVE PLAN AMENDMENT NO. 14006**

**ACTION BY PLANNING COMMISSION:**

December 10, 2014

Hove moved approval, seconded by Scheer.

Lust thinks this is a good project for the location and she is glad the City was able to regroup and have a project come forward that is acceptable to the neighborhood.

Motion for approval carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 14028**

**ACTION BY PLANNING COMMISSION:**

December 10, 2014

Hove moved approval, seconded by Beecham and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

**SPECIAL PERMIT NO. 14045**

**ACTION BY PLANNING COMMISSION:**

December 10, 2014

Hove moved to approve the staff recommendation of conditional approval, as amended, seconded by Weber and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.

**STREET & ALLEY VACATION NO. 14009**

**ACTION BY PLANNING COMMISSION:**

December 10, 2014

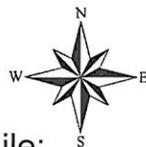
Cornelius moved to approve a finding of conformance with the Comprehensive Plan, seconded by Hove and carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.



GIS

2013 aerial

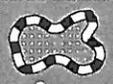
**Street and Alley Vacation #: SAV14009  
Viewpoint Drive**

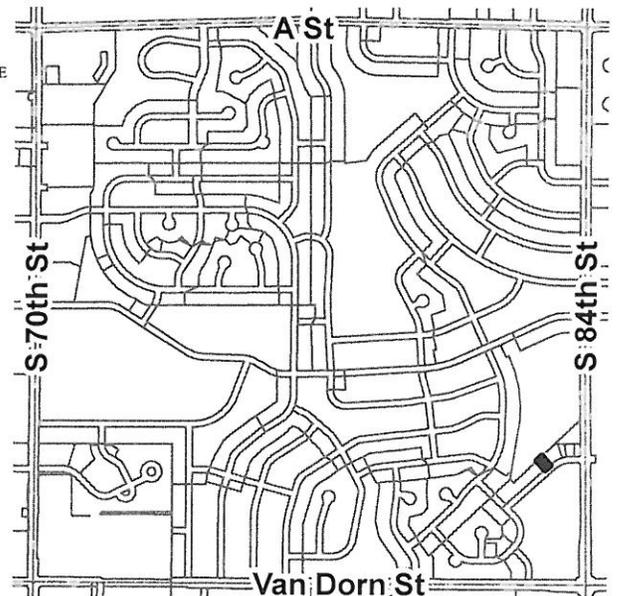


**Zoning:**

- 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.34 T10N R07E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction





File No. 14-0104

October 15, 2014

Mr. Marvin Krout, AICP  
Director of Planning  
Paul Barnes, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: SOUTH 84TH  
STREET VACATION OF VIEWPOINT DRIVE  
North of Karl Ridge Road

Dear Marvin,

On behalf of the owners of the adjacent lots and R.C. Krueger Development, we request that the existing right-of-way of Viewpoint Drive north of Karl Ridge Road be vacated.

A portion of the vacated area will be utilized as a driveway access to a proposed planned service commercial special permit north of the vacation. The total width of this portion is proposed to be 32 feet. The remaining 14 feet adjacent to the lots are proposed to be deeded to the adjacent owners.

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Marcia L. Kinning". The signature is fluid and cursive.

Marcia L. Kinning

Cc: R.C. Krueger Development Company, Inc.

Enclosures: Application  
Petitions to Vacate  
Application Fee of \$165.00  
Owner's List

**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 15, 2014

COPIES TO: Teresa J. Meier  
David R. Cary  
Jeff Kirkpatrick  
Byron Blum, Bldg & Safety  
Jean Preister, Planning  
Sandy Dubas, City Clerk's Office  
Jamie Phillips, Mayor's Office

SUBJECT: Street & Alley Vacation No. 14009  
Viewpoint Drive north of  
Karl Ridge Road

A request has been made to vacate Viewpoint Drive north of Karl Ridge Road in conjunction with the sale of surplus City property north of Viewpoint Drive. Once the area is vacated, it will be sold to the developer to the north who intends to use only 32 feet of the vacated right-of-way and deed the remaining 28 feet to each of the abutting property owners. Staff has indicated the existence of water and sewer utilities within the right-of-way and easements would be required for future and existing utilities. Since the developer intends to deed nearly half of the area to abutting property owners and the vacation of this area will facilitate the sale of City property which is beneficial to the City as a whole, a nominal amount of \$0.15 per square foot is considered appropriate for the value of the area to be vacated. The calculations are as follows:

6,860 sq. ft. X \$0.15/sq. ft. = \$1,029.00 Called \$1,000.00

Therefore it is recommended if the area be vacated it be sold to the developer purchasing the City's surplus property to the north for \$1,000.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023