

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** SAV #01018

**DATE:** December 10, 2001

**PROPOSAL:** To vacate the east 18 feet of North 8<sup>th</sup> Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" street abutting the east 18 feet of North 8<sup>th</sup> Street.

**LAND AREA:** 3,264 square feet (Public Works & Utilities proposal)

**CONCLUSION:** The Public Works & Utilities proposal permits the applicant to develop the area commercially while promoting pedestrian circulation.

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

**LEGAL DESCRIPTION:** The east 18 feet of North 8<sup>th</sup> Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" street abutting the east 18 feet of North 8<sup>th</sup> Street.

**LOCATION:** N. 8<sup>th</sup> and "R" Streets

**APPLICANT:** Journal Star Printing  
926 P Street  
Lincoln, NE 68508

**CONTACT:** Thomas C. Huston  
1900 U.S. Bank Building  
233 S. 13<sup>th</sup> Street  
Lincoln, NE 68508-2095  
474-6900

### **SURROUNDING LAND USE AND ZONING:**

North: B-4 Commercial and government  
South: B-4 Commercial  
East: B-4 Commercial uses and future city parking garage  
West: B-4 Commercial and residential

**STREET VACATION NO.01018**  
**PAGE 2**

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Commercial.

Goals of the transportation planning process include:

- Maintain and enhance an efficient network of roads and public ways that allows the movement of people and freight to all areas of the community, prioritized to meet the current and future needs, balancing environmental effects, safety concerns, cost effectiveness, urban design and relationships to other community goals.
- Encourage and promote extensive use of non-motorized transportation by providing sidewalks, streets and a multi-use trail system within the community for commuting, recreation and other traveling. (p. 81)

Goals for the Downtown commercial area include:

- Develop Downtown Lincoln as the primary multi-use center.
- Encourage an aesthetically pleasing, pedestrian oriented, mixed-use Downtown.
- Encourage retail and commercial services which support and enhance Downtown as a convenient and full-service, multi-use center. (pp 58-9)

**UTILITIES:** Available

**TRAFFIC ANALYSIS:** Both N. 8<sup>th</sup> Street and “R” Street are local streets. The Subdivision Ordinance requires 66 or 72 foot right of way for commercial or industrial local streets.

**ALTERNATIVE USES:** Continued use as public right-of-way

**ANALYSIS:**

1. On November 15, 2001, the Historic Preservation Commission approved a Certificate of Appropriateness for the proposed building and site modifications and recommended approval of the right-of-way vacations.
2. Both N. 8<sup>th</sup> Street and “R” Street have 100 feet of right-of-way adjacent to the applicant’s property. If 18 feet were vacated on each side of the street, only 64 feet of right of way would remain. The Subdivision Ordinance requires 66 feet for commercial streets.
3. The Haymarket, however, is a unique commercial area. A number of loading docks have been entirely vacated for use as sidewalk cafes. The 8<sup>th</sup> Street right of way between “P” and “Q” Streets narrows to 56.55 feet where both loading docks have been vacated.

**STREET VACATION NO.01018**  
**PAGE 3**

4. 8<sup>th</sup> Street adjacent to the proposed vacation has no parking - it is currently a loading zone for the dock.
5. The proposed vacation of the loading dock would not impact parking, would promote commercial development on this block, and would remove the City from any liability regarding the dock.
6. Once the City parking garage is complete and the Haymarket Park bridge is installed, the sidewalk on the south side of "R" Street will likely have significant pedestrian traffic.
7. The applicant proposed vacating the east 18 feet of North 8<sup>th</sup> Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 20 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and that portion of "R" Street abutting the east 18 feet of North 8<sup>th</sup> Street.
8. If the vacation of the south 20 feet of "R" Street was approved as the applicant requested, Public Works & Utilities indicates that it would be difficult to provide a good pedestrian sidewalk system on "R" Street. The Public Works & Utilities proposal (vacating only the south 6 feet of "R" Street) provides room for landscaping between the curb and the sidewalk. Public Works & Utilities recommends that the entire loading dock on 8<sup>th</sup> Street be vacated.

**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 The applicant provides a surety in the amount of \$2,250.00 to guarantee the reconstruction of the 8<sup>th</sup> Street sidewalk throughout the limits of the vacation.
- 1.3 The applicant signs an agreement to provide handicap access to the south end of the 8<sup>th</sup> Street loading dock.

Prepared by:

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Jason Reynolds  
Planner

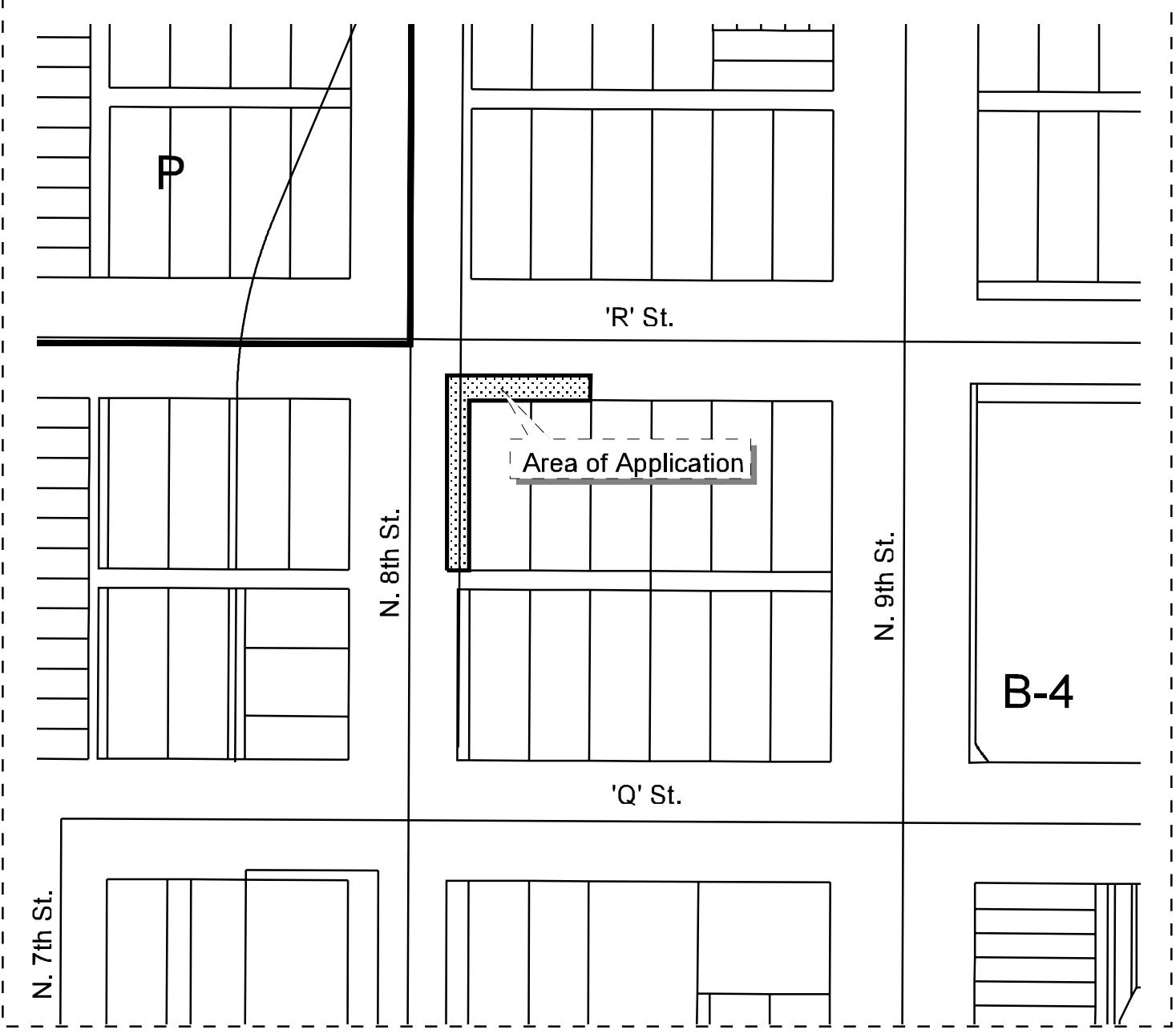


**Street & Alley Vacation #01018  
N. 8th & 'R' St.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



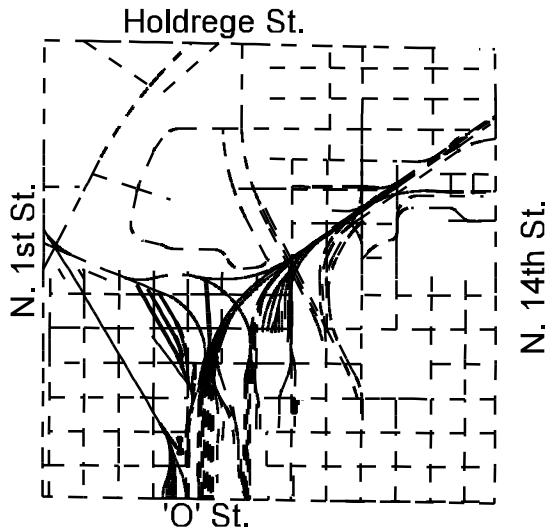
# Street & Alley Vacation #01018

## N. 8th & 'R' St.

### 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. 23 T10N R6E



Lincoln



Nebraska's Capital City

October 1, 2001

OCT - 4 2001

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, NE 68508

*RE: Vacation of the east 18 feet of North 8th Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 20 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and that portion of "R" Street abutting the east 18 feet of North 8th Street.*

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received sufficient and proper petitions from Journal Star Printing Company, owners of Lots 5 and 6, Block 30 Original Plat of Lincoln to vacate the above described public right-of-way. Petitioners request this vacation for redevelopment of this site into commercial uses.

After meeting with the developers for this site, the original area for vacation was altered. (see attached letter from Mr. Thomas Huston, representative for the developers), describing the revised limits for vacation.

Lincoln Electric and Peoples Natural Gas Company have existing facilities in the area of this proposed vacation request. Both utilities have asked that a permanent easement be established for the vacated area in "R" Street.

Public Works recommends that the limits of the vacation be revised from that requested by the petitioner. The vacation of the east 18 feet of No.8th Street in the area of the existing dock is acceptable to Public Works. Public Works, however, recommends that only the south 6 feet of "R" Street be vacated. If 12 feet of right-of-way of "R" Street is vacated the sidewalk in the west half of the "R" Street block would need to be built along the south curb of "R" Street and diagonal to the conventional sidewalk location in the east half of the block. The City is constructing a parking garage along the west side of 9th Street between "Q" and "R" and a pedestrian bridge between the Haymarket Park and 8th Street. Significant pedestrian traffic is expected along "R" Street between 8th and 9th. Therefore to allow room for landscaping between the curb and sidewalk and a good pedestrian sidewalk system, we recommend that only 6 feet of vacation be approved along 8th Street. The 6 feet is adequate to construct the required handicap ramp for access to the Journal Star Warehouse from "R" Street.

If the Planning Commission and City Council recommend approval of this vacation the following conditions should be met: the vacation of "R" Street right-of-way would not exceed 6 feet, this would provide room for a handicap accessible ramp to be built for the abutting property and would allow the sidewalk to be placed adjacent to the ramp and away for the

Engineering Services Division / Public Works and Utilities Department / Allan Abbott, Director

531Westgate Blvd. / Suite 100 / Lincoln, NE 68528 / Phone: 402-441-7711 / Fax: 402-441-6576 / Website: www.ci.lincoln.ne.us

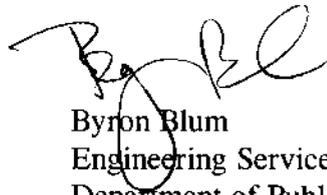
OCT - 4 2001

Planning Commission  
Page 2  
October 1, 2001

curb. It is also recommended that the entire dock area in 8th Street be vacated or none of it. If the dock space is vacated, Public Works recommends that the developer be required to provide handicap access to the south end of the 8th Street dock. As a condition of approval the developer should be required to reconstruct the 8th Street sidewalk through the limits of the vacation. This construction is estimated to cost \$2,250.

The original vacation request contains an area of 4,916 square feet, more or less. The 6 feet along "R" Street and the 18 feet vacation along 8th Street would contain an area of 3,264 square feet, more or less.

Sincerely,

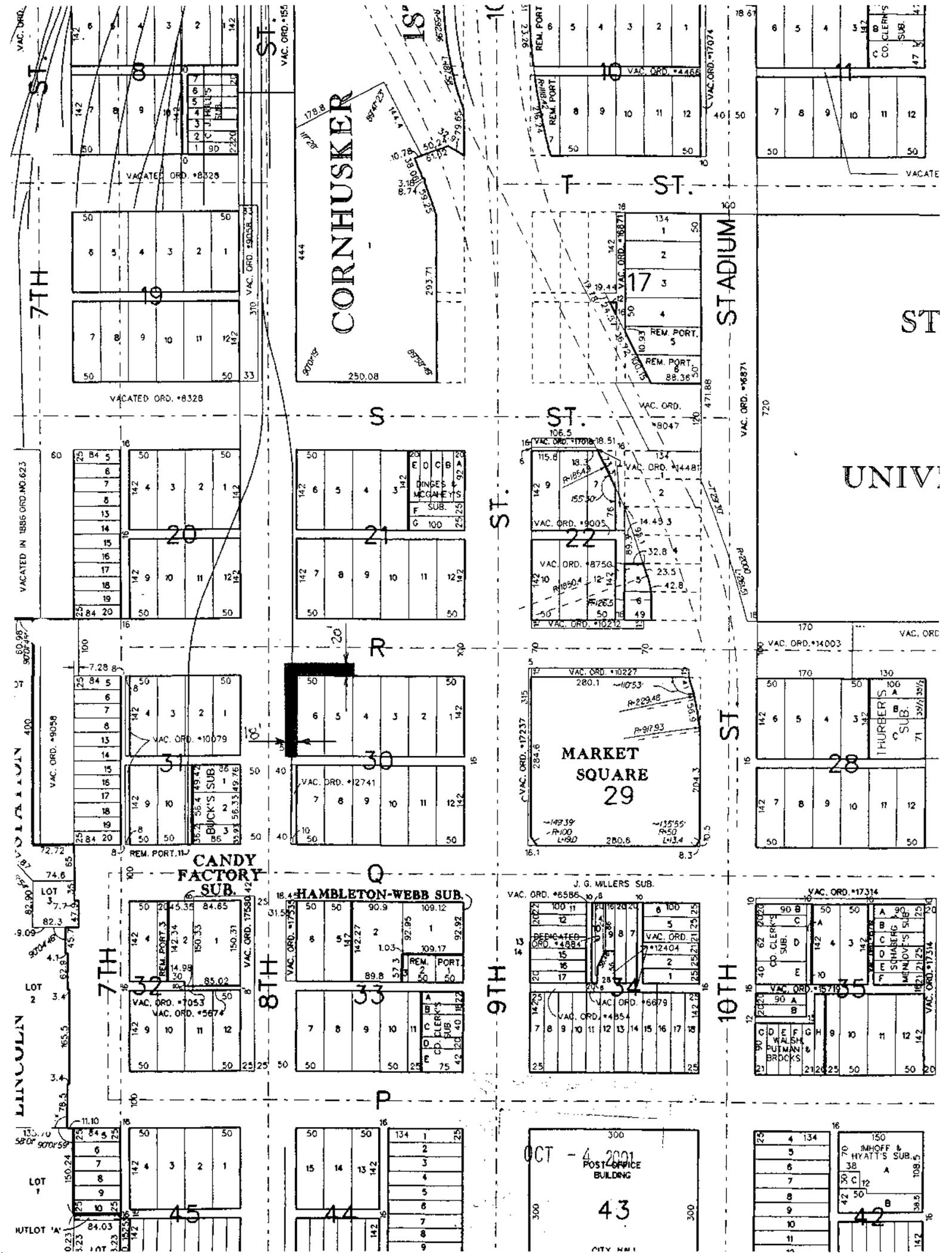


Byron Blum  
Engineering Services  
Department of Public Works

fcp 8&Rvaca Bab

cc: Allan Abbott  
Mayor Wesely  
Kathleen Sellman  
Marc Wullschleger  
Roger Figard  
Joan Ross  
Clint Thomas  
Dana Roper  
Nicole Fleck-Tooze  
Scott Opfer  
Thomas Huston

OCT - 4 2001



CORNHUSKER

MARKET SQUARE 29

CANDY FACTORY SUB.

HAMBLETON-WEBB SUB.

J. G. MILLERS SUB.

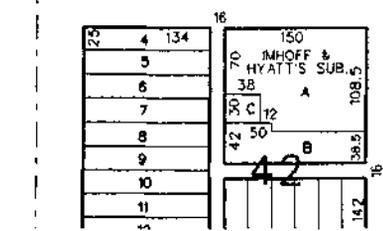
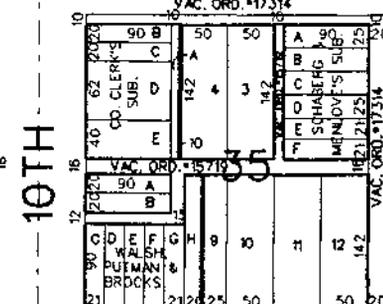
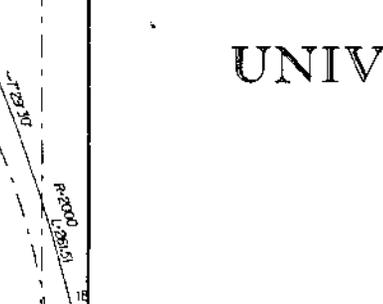
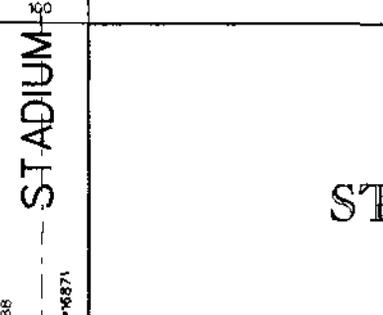
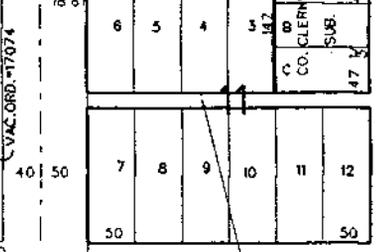
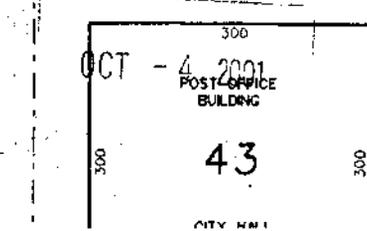
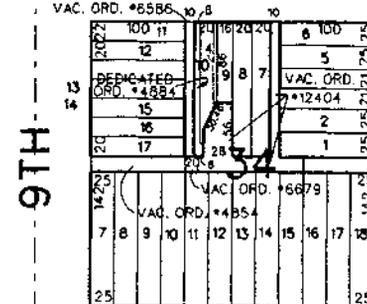
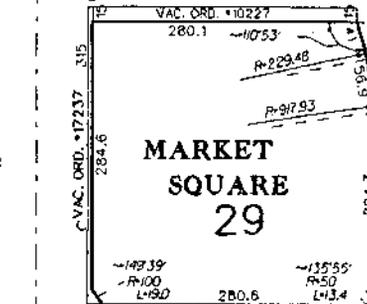
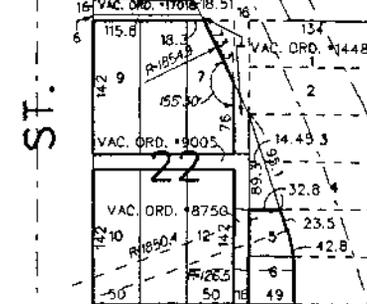
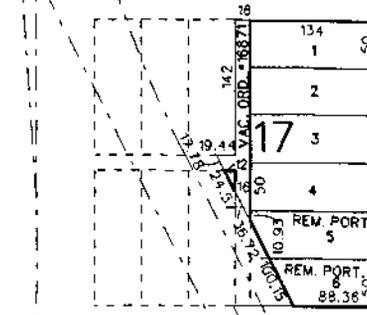
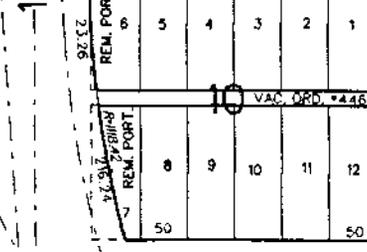
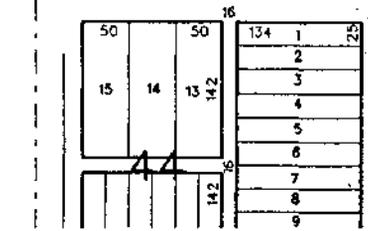
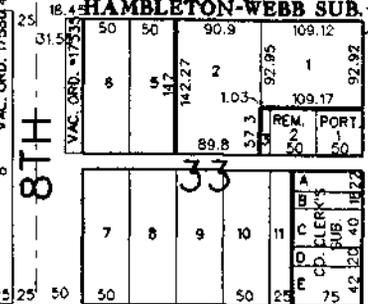
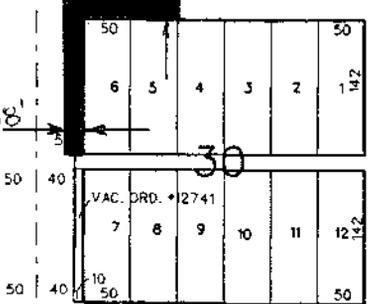
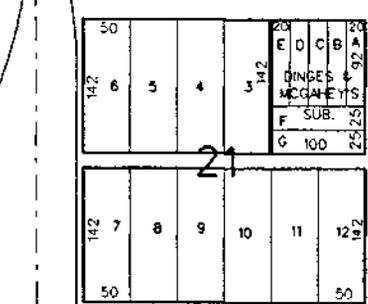
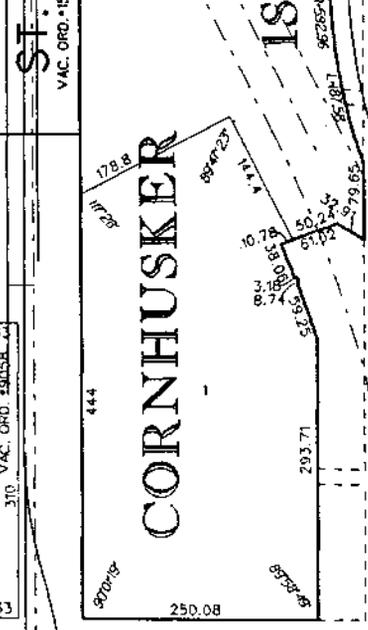
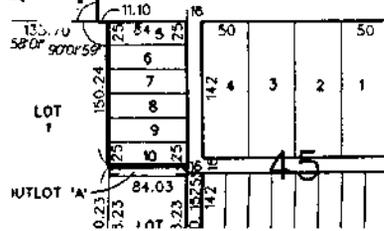
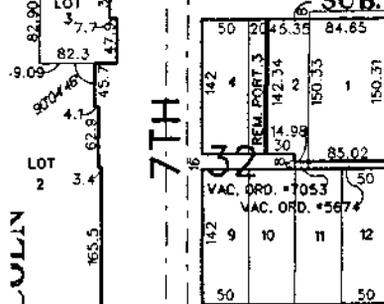
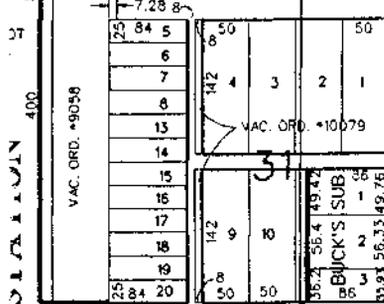
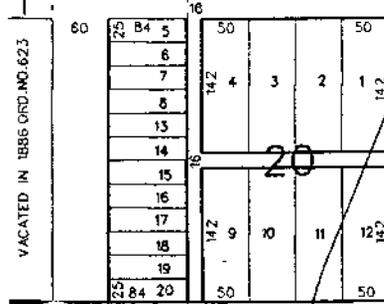
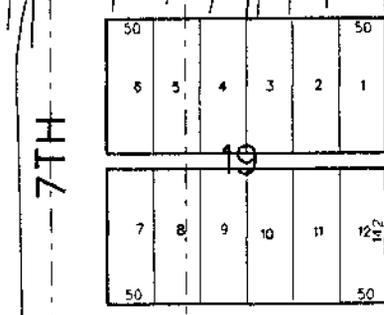
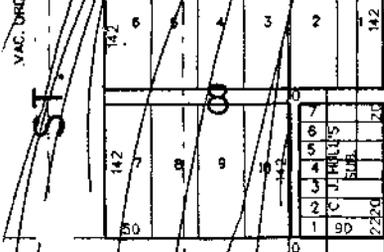
LINCOLN

STADIUM

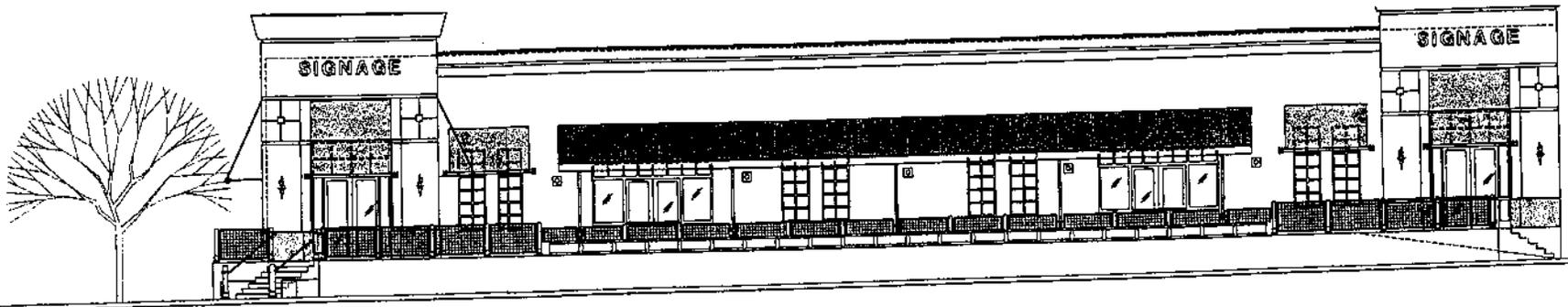
UNIV.

OCT - 4 2001  
POST OFFICE BUILDING

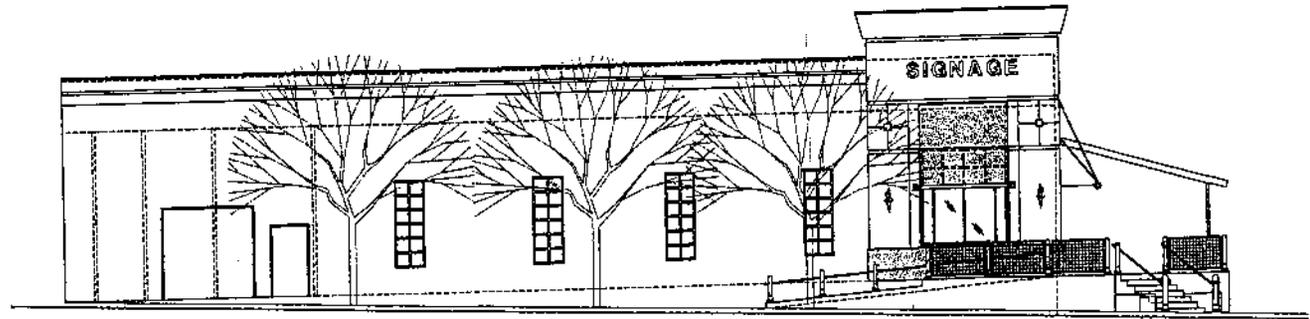
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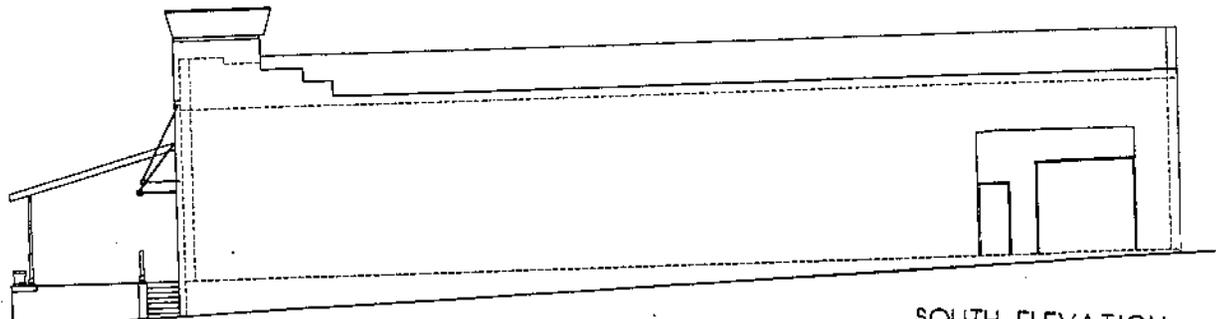




WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

L K J I G F E D C

ALLEY

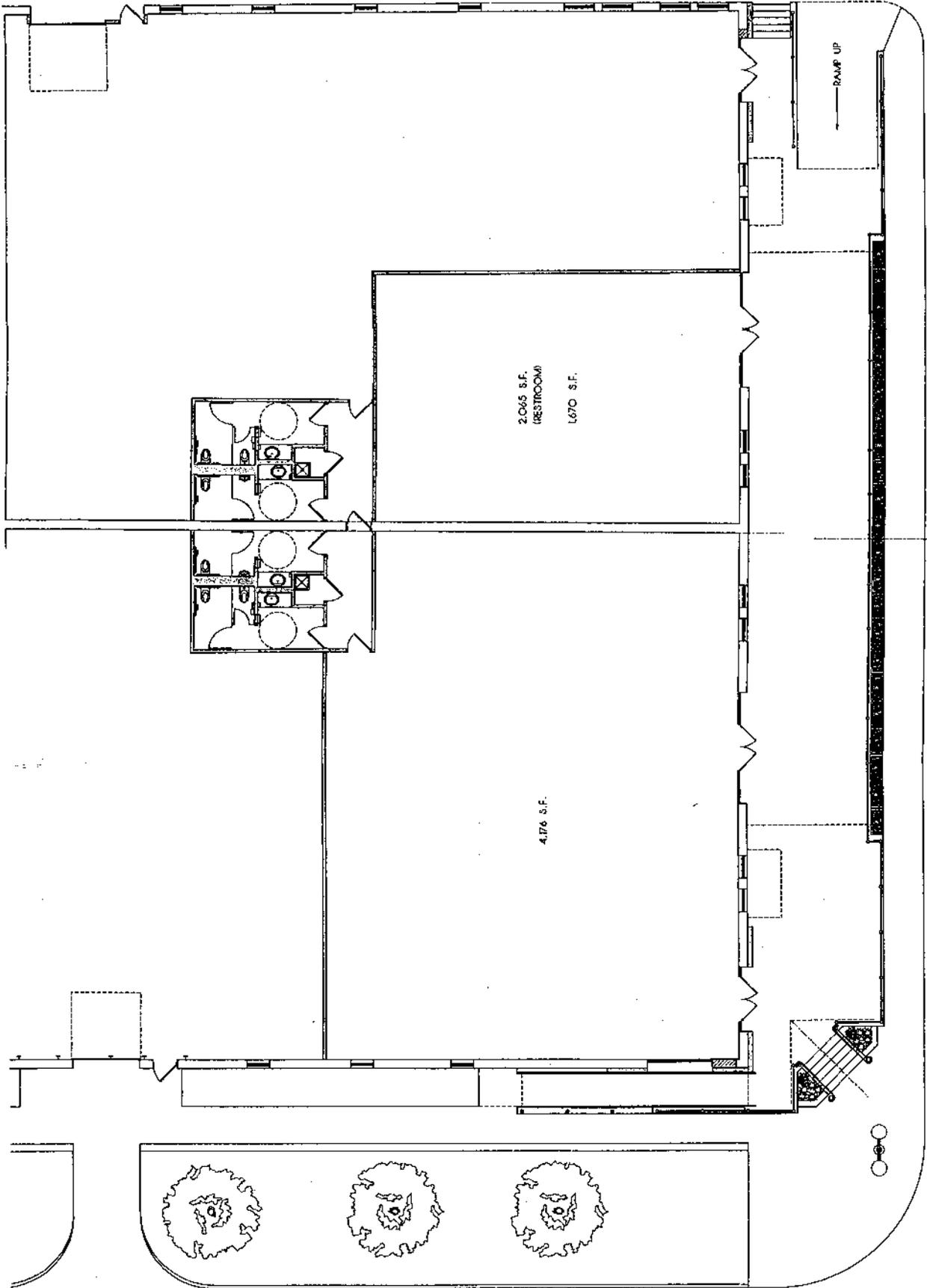
RAMP UP

2,045 S.F.  
(RESTROOM)  
1,670 S.F.

4,176 S.F.

N. 8<sup>th</sup>

P Street



LAW OFFICES OF  
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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1207 M STREET  
P.O. BOX 510  
AURORA, NEBRASKA 68818  
(402) 694-6314

August 7, 2001

Mr. Dennis Bartels  
Public Works Department  
555 South 10<sup>th</sup> Street  
Lincoln NE 68508

RECEIVED  
AUG 08 2001

Re: Journal-Star Warehouse at the  
corner of North 8<sup>th</sup> and R Streets  
Our File: JSP01-RE005

Dear Dennis:

Pursuant to our recent phone conversation, I obtained and enclose copies of the following:

1. The proposed building plan for the improvements intended to be made by B & J Partnership to the warehouse; and
2. The exterior elevations.

I also enclose reduced versions of the same documents.

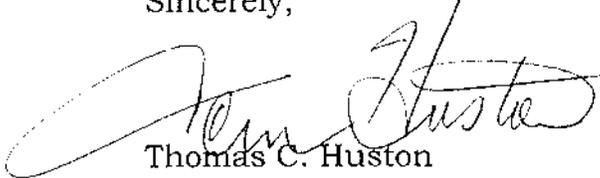
It is my understanding that the City is willing to proceed with the vacation of the dock area, which consists of the east 18 feet of the North 8<sup>th</sup> Street right-of-way adjacent to the Journal-Star warehouse. Further, B & J Partnership is willing to proceed with a Right-of-Way Agreement for the area adjacent to the warehouse consisting of the southern portion of "R" Street. As indicated on the plans and the elevations, the intended improvements for the north side of the building include a 12-foot wide ramp to provide handicapped accessibility to the improvements, plus a smaller portion that is approximately 5'10" to be incorporated as a seating area. It is anticipated that the front stairs would be located facing the corner of the intersection.

August 7, 2001  
Page 2

It is my understanding that Byron Blum has proceeded to send the letter to the Planning Commission regarding the vacation of the dock area in North 8<sup>th</sup> Street. Please let me know whether the plans are acceptable to you and the Public Works so that we may negotiate the right-of-way arrangements to accommodate the scheduling of the Right-of-Way Agreement when the vacation of the right-of-way proceeds to the City Council.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Huston". The signature is written in black ink and is positioned above the printed name.

Thomas C. Huston  
For the Firm

Enc.

c: William K. Johnston  
Clay Smith  
James Lamphere

397134.1