LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 23, 2007 PLANNING COMMISSION MEETING

REVISED REPORT

PROJECT #: Street and Alley Vacation No. 07003

PROPOSAL: Vacate the east-west alley and a portion of the north-south alley between 9th Street and 10th Street south of South Street.

LOCATION: South of South Street between 9th and 10th Streets.

CONCLUSION: This street and alley vacation is not in conformance with the Comprehensive Plan as presented. This application is associated with change of zone 07027 which is also not in conformance with the Comprehensive Plan. The character of the development as proposed does not meet guidelines for pedestrian orientation or buffering the adjacent area to the south. Vacation of the proposed property should wait until the applicant agrees to a zoning agreement that includes a revised site plan or conditions that are more reflective of the South Street Design Principals.

RECOMMENDATION: CONDITIONAL APPROVAL

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

SURROUNDING LAND USE AND ZONING:

North:	B-3 Commercial	Area included in the redevelopment
South:	R-4 and R-6 Residential	Houses, Apartments
East:	P Public	Convalescent hospital
West:	R-2 Residential	Houses

ASSOCIATED APPLICATIONS: CZ # 07027

COMPREHENSIVE PLAN SPECIFICATIONS:
This area is shown as commercial and residential in the 2030 Comprehensive Plan.

Commerce Centers should develop as compact clusters or hubs with appropriate site design features to accommodate shared parking, ease of pedestrian movement, minimize impacts on adjacent areas, and possess a unique character. (35)

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (36)

Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies. (36)

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods. (48)

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.(48)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. (66)

Preserve, protect, and promote city and county historic resources. Preserve, protect and promote the character and unique features of rural and urban neighborhoods, including their historical and architectural elements. (67)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.(68)

Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.(68)

Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use).(68)

HISTORY:

June 6, 2007	Planning Commission recommended approval of the South Street Redevelopment Plan to City Council. The Plan is scheduled for public hearing at City Council on July 9, 2007.
May 23, 2007	Planning Commission had a hearing on Change of Zone #07027 and this Street and Alley Vacation #07003. Both applications were deferred for 4 weeks to enable the applicant to consider staff recommendations and return with a revised site plan, or definitive set of conditions establishing the arrangement of buildings and parking circulation.
July 7, 2006	The City Council determined that substandard and blighted conditions existed along South Street as found in the March 2006 Blight & Substandard Determination Study of the South Street Redevelopment Area.

May 8, 1979 The area of application was zoned B, Two Family Residential and D, Multiple Dwelling District and changed to R-4 Residential and R-6 Residential.

January 15, 1979 City Council Approved Change of Zone #1645 from A-2, Single Family and B, Two Family to D, Multi Family.

March 4, 1974 Void Special Permit for additional parking due to a Change Of Zone # 1163. The Special Permit to allow for a parking lot was approved by City Council on October 24, 1966.

December 13, 1971 City Council Approved Change of Zone #1163 from B, Two Family to D, Multi Family.

January 28, 1963 City Council approved Special Permit #247 for a parking lot associated with Jim Kings Drive in Restaurant at 923 South Street.

UTILITIES: All utilities would have to be relocated if the alleys are vacated. Utilities include, but are not limited to cable, telephone and electric. These utilities are both overhead and underground. There are sanitary sewer lines running in both alleys and manholes at the intersections. Access to the manholes and all utilities must be maintained at all times until they are all relocated.

TRAFFIC ANALYSIS: Both 9th and 10th Streets are designated as Urban Principal Arterials and South Street is designated as an Urban Minor Arterial in the 2030 Comprehensive Plan. A public access easement will be required to allow the public to exit and enter the north end of the remaining portion of the north-south alley.

REGIONAL ISSUES: Part of Urban Developments 5 year Strategic Plan is the design and construction of streetscape enhancements, benefitting the blighted commercial area and its surrounding residents.

ALTERNATIVE USES: Continue to leave the alleys open and accessible to local businesses and residents.

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 A public access easement is required at new driveway locations.

3 The applicant will be responsible for removal of existing alley returns.

4 An easement over the alleys will be required until all utilities have been relocated.

5 The relocation of all utilities will be at the owners expense.

CONDITIONS

That the owner sign a Zoning Agreement with the City.

1. In consideration for the City re-zoning the Property to B-3 Commercial District the Developer agrees that the development of the Property shall be subject to the following restrictions:

   a. The property shall be developed in accordance with the South Street Redevelopment Plan Commercial Design Principles.

   b. Access limited to one driveway to each abutting street.

   c. Provide safe and attractive sidewalks, including clear, convenient connections to building entrances.

   d. Buildings shall be located a maximum of 10 feet from the lot line along South Street with windows and entrances fronting on South Street.

   e. Parking shall be located along the side or rear of buildings.

   f. A 20 foot side yard set back shall be required between the Residential District to the south and the B-3 Property.

2. As further consideration for granting the B-3 zoning on the Property, Developer agrees that the following permitted uses in the B-3 commercial zoning district between 9th and 10th Street approximately 170 feet south of South Street are prohibited:

   a. Service Stations and self-serve, coin-operated car washes

   b. Automobile and vehicle repair, sales., dealerships or lots.

   c. Drive thru service facilities.

   d. Tire stores and tire sales including vulcanizing:

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   e. No sale of alcoholic beverages for consumption off the premises. Sale of alcoholic beverages for consumption on the premises shall be in conjunction with the sale and service of food and gross receipts from the sale of alcoholic beverages shall be 50 percent or less of gross receipts from all business activity conducted on the premises.

f. Sign Restrictions
   1. Changeable copy or message center type signs.
   2. Freestanding signs shall be limited to ground signs.

g. Lighting Restriction
   1. All exterior lighting shall utilize full cutoff fixtures and be mounted level in the horizontal and vertical axis.

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.

Prepared by:

Christy Eichorn
Planner

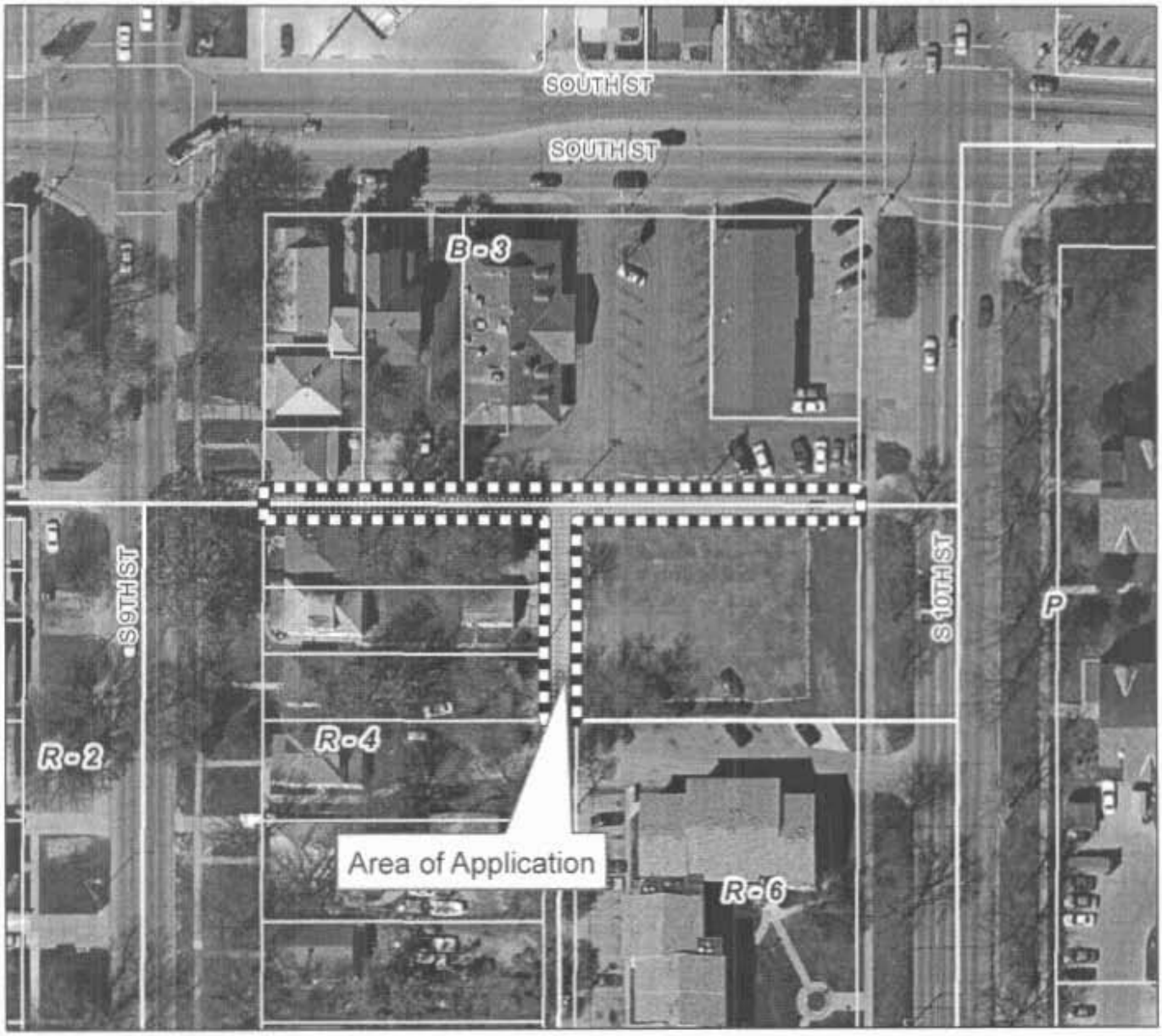
DATE: May 10, 2007

APPLICANT: RJJ&T LLC and Red Cloud Development
14 Hawthorne Road
Bronxville, NY 10708

CONTACT: Michael J Rierden
645 M Street, STE 200
Lincoln, NE 68508

ATTACHMENT A - LEGAL DESCRIPTION

That portion of the north/south alley between 9th and 10th Streets south of South Street more particularly described as the north 150' of the west half of the north/south alley abutting Lots 7, 8, and 9, and the east half of the north/south alley abutting Lots 33 and 34, all in Block 2, South Park Addition, Lincoln, Lancaster County, Nebraska AND all of the east/west alley located between 9th and 10th Street south of South Street and abutting Lots 1 through 7 and Lot 34, all in Block 2, South Park Addition, Lincoln, Lancaster County, Nebraska;



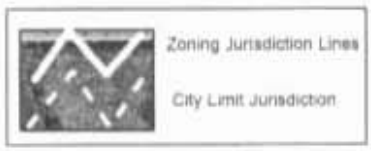
2005 aerial

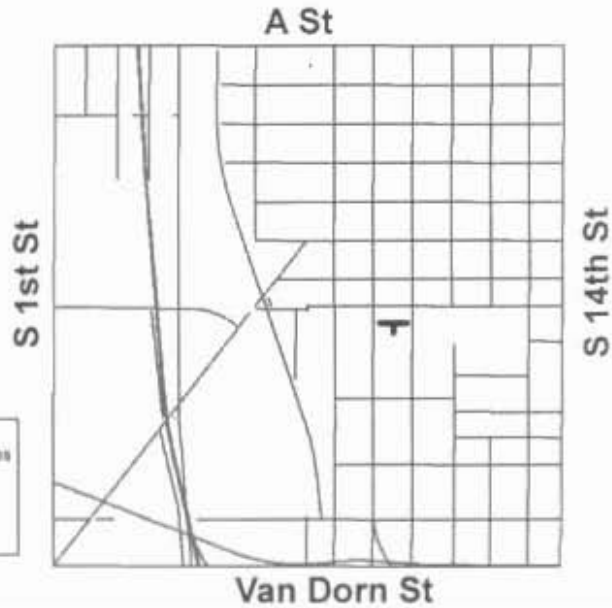
Street and Alley Vacation #07003
S 9th & South St

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. 35 T10N R06E





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SAV07003

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
645 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

April 2, 2007

City of Lincoln
555 South 10th Street
Lincoln, Nebraska 68508

RE: Alley Vacation of North/South and East/West Alley on property generally Located between South 9th Street and South 10th Street and South of South Street

To Whom It May Concern:

Please consider this an explanation as far as the request to vacate the aforementioned alleys. I have enclosed herein a concept plan for the development of the property. The concept may change but it gives the City a good idea of how the Developer wants to develop the property. The entire east/west alley would be vacated and the north/south alley would be vacated on that portion that exists upon the developer's property. In previous conversations with Dennis Bartels at Public Works he has indicated support of the vacations if the Public Access Easement is provided through the Developer's property. We agree to provide such a Public Access Easement. The entry point off of South 9th Street and South 10th Street would remain but it would probably be in a different location than the entry points that exist today. It would also be the intention of the Developer to relocate the 8 inch sanitary sewer which currently exists on the property. If you should have any questions or need any additional information please feel free to contact me.

Yours very truly,

J. Michael Rierden

JMR/jdr
cc: Red Cloud Development LLC

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APR - 2 2007
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

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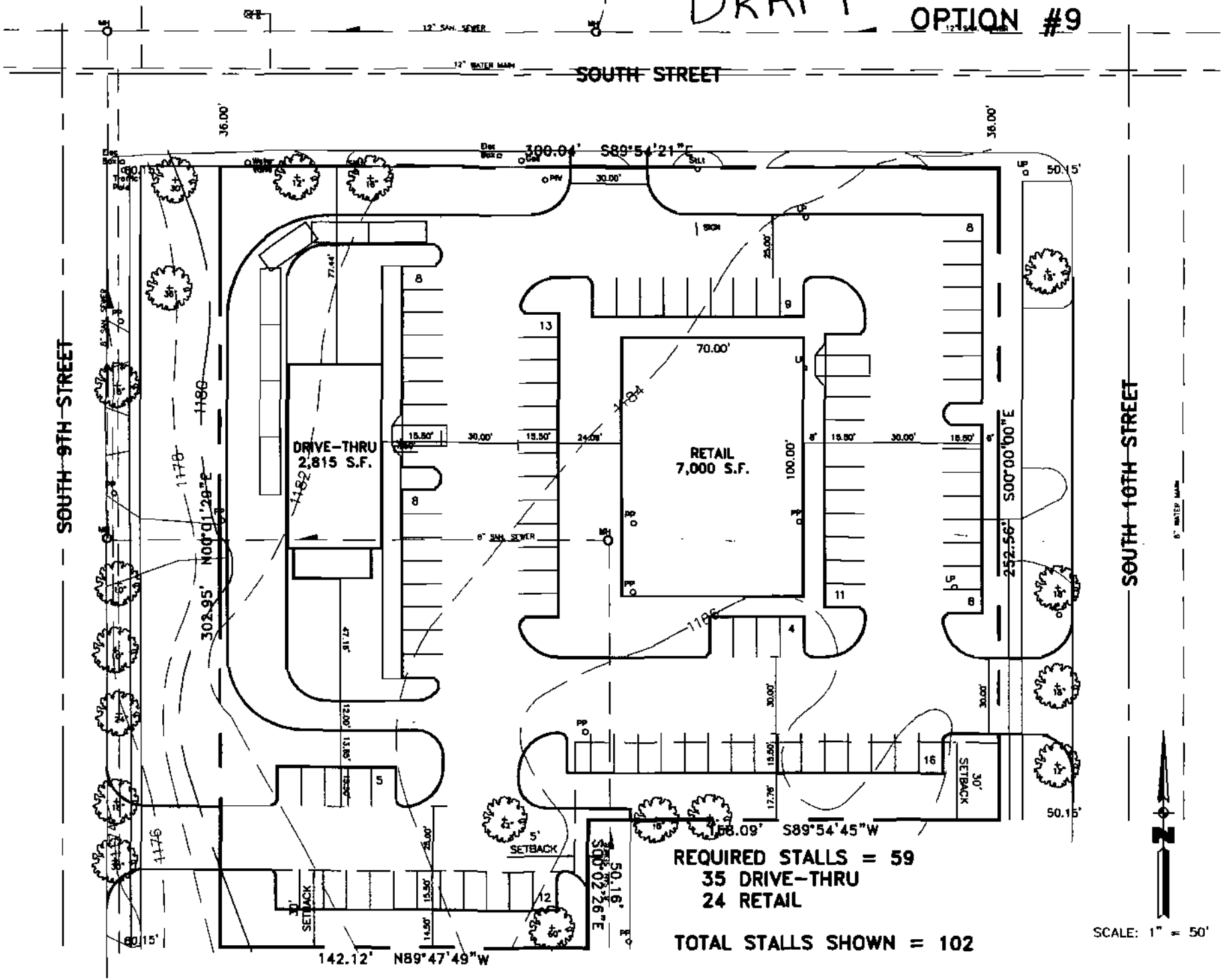
OPTION #9