

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 12006**, requested by NEBCO, Inc., to vacate the east-west alley between North 11th Street and North 12th Street and Lincoln Mall and K Street.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/22/12
Administrative Action: 08/22/12

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (6-0: Hove, Sunderman, Butcher, Gaylor Baird, Lust and Cornelius voting 'yes'; Francis and Weber absent).

FINDINGS OF FACT:

1. This alley vacation request and an associated amendment to the Lincoln Center Redevelopment Plan for the 3 Landmark Centre Redevelopment Project were heard at the same time before the Planning Commission.
2. This is a request to vacate the alley between North 11th Street and North 12th Street and Lincoln Mall and K Street as a necessary step in the redevelopment of Block 120 for a new 90,000 sq. ft. office building on the south half of the block and a 300 stall parking garage on the north half.
3. The staff recommendation to find the proposed alley vacation to be in conformance with the 2040 Comprehensive Plan is based upon the "Analysis" as set forth on p.3, concluding that the proposed alley vacation is necessary for the associated redevelopment project. The alley is not needed provided easements are retained for public utilities.
4. The presentation by Urban Development as the applicant for the amendment to the Lincoln Center Redevelopment Plan is found on p.5.
5. Testimony in support on behalf of the developer of the Redevelopment Project is found on p.6, wherein an amendment to Condition #1.2 was requested: "Include retention of utility easements by City with deed transfer or provide for the relocation of all the utilities located in the alley as part of a redevelopment project, acceptable to the City of Lincoln." The staff was in agreement with the proposed amendment.
6. There was no testimony in opposition.
7. On August 22, 2012, the Planning Commission agreed with the staff recommendation and voted 6-0 to find the proposed vacation to be in conformance with the 2040 Comprehensive Plan, with amendment to Condition #1.2 as requested by the developer.
8. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.10, recommending that the vacated area be sold to the abutting property owner for \$720.00.
9. The funds for the vacated right-of-way have been paid by the petitioner. Therefore, the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.
10. The associated amendment to the Lincoln Center Redevelopment Plan was previously approved by the City Council on September 17, 2012, Resolution No. A-86999.

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: Marvin Krout, Director of Planning
REFERENCE NUMBER: FS\CC\2012\SAV12006

DATE: October 8, 2012
DATE: October 8, 2012

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 22, 2012 PLANNING COMMISSION MEETING

****As Revised and Recommended for Approval/Conformance
by Planning Commission: August 22, 2012****

- PROJECT #:** Street and Alley Vacation No.12006
- PROPOSAL:** To vacate the east west alley between N. 11th St and N. 12th St. and Lincoln Mall and “K” St.
- LOCATION:** N. 11th St. and Lincoln Mall
- LAND AREA:** 4,800 square feet, more or less
- CONCLUSION:** The proposed alley vacation is necessary for the associated redevelopment project. The alley is not needed provided easements are retained for public utilities.

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

LEGAL DESCRIPTION: East-west alley in Block 120, Lincoln Original, located in the NE 1/4 of Section 26, Township 10 North, Range 6 east, Lancaster County, NE

SURROUNDING LAND USE AND ZONING:

North:	B-4 Lincoln Center Business District	Office and retail
South:	O-1, Office	Parking lot and office
East:	B-4 Lincoln Center Business District	Office
	O-1, Office	Office
West:	O-1, Office	Office

ASSOCIATED APPLICATIONS:

Comprehensive Plan Conformance #12011; 3 Landmark Centre Redevelopment Project

COMPREHENSIVE PLAN SPECIFICATIONS:

Enhance Downtown’s role as the heart of the City. A strong downtown is important to the economic future of the community. (p.5.1)

The City should preserve and enhance Downtown’s role as the major office and service employment center. (p.5.4)

Local streets and alleys are not included in the functional classification (p 10.15)

DOWNTOWN MASTER PLAN AND DOWNTOWN MASTER PLAN UPDATE SPECIFICATIONS:

Block 120 is shown as “Office” in the Downtown Master Plan Land Use Framework and Employment Framework. (P.

20 and P. 35)

The framework focuses new employment development in parts of downtown where that is already the focus: K and L Streets – Provides for expansion of financial and other office uses along this corridor. (P. 36)

UTILITIES: Lincoln Electric System has requested an easement over the entire alley for underground and overhead electrical lines. Public Works & Utilities has requested an easement for a sanitary sewer line in the alley.

ANALYSIS:

1. This application is to vacate the alley between N. 11th St. and N. 12th St. and Lincoln Mall and “K” St.
2. The alley vacation is a necessary step in the redevelopment of Block 120. The proposed redevelopment as addressed in CPC#12011 identifies a new 90,000 sq. ft. office building on south half of the block and a 300 stall parking garage on the north half.
3. A utility easement will be required for the existing utilities.
4. Block 120 is within the Capitol Environs District. The development will be subject to review by the Nebraska Capitol Environs Commission.
4. 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.

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 or provide for the relocation of all the utilities located in the alley as part of a redevelopment project, acceptable to the City of Lincoln.
(Per Planning Commission, as requested by the applicant and agreed upon by staff, 8/22/12)

Prepared by:
Tom Cajka
Planner

DATE: August 7, 2012

APPLICANT: NEBCO, Inc.
1815 "Y" St.
Lincoln, NE 68508

OWNER: Same as applicant

STREET & ALLEY VACATION NO. 12006 and COMPREHENSIVE PLAN CONFORMANCE NO. 12011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 22, 2012

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

Staff recommendation: A finding of conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Brandon Garrett of Planning staff** presented a letter in support received this morning from Pat Anderson-Sifuentez, President of the Everett Neighborhood Association, pointing out that their support is not from a vote of the Neighborhood Association board members, but more from a conversation of several of the members. The letter points out that the Neighborhood Association would like to see some coordination of this redevelopment project with some improvements along 11th Street.

Proponents

1. David Landis appeared on behalf of the **Urban Development Department**, the moving party for this redevelopment proposal. In response to the letter from Everett Neighborhood Association, he confirmed that this project will be harmonized with 11th Street and that 11th Street to the south is being taken into consideration in discussion with the developers.

The purpose of the alley vacation and the change of boundaries of the Lincoln Mall Capitol Environs Redevelopment Project is to create a separate project area for the construction of "Landmark 3", a three-story building that will be adjacent to Lincoln Mall with parking garage in the rear. The property in question is currently a surface parking lot. This is the only space that is taken up by a surface parking lot on Lincoln Mall at this time. This is a soft block. It does not have a particularly attractive view, although it is not an ill-kept parking lot. The trees will remain.

This project is consistent with the Downtown Master Plan and the Comprehensive Plan in a number of ways – employment; higher and better use; it enhances Lincoln Mall; it improves usability and density as well as the look of the space. It creates first-rate office building space. This is a developer that does first-rate work that makes Lincoln proud. This building proposal has already been reviewed by the Nebraska Capitol Environs Commission and will go back again on more than one occasion to make sure the design is consistent. The vacated alley will be used for the building and the parking garage; the utilities in the alleyway will be redirected around the facility without disturbing the trees.

Butcher noted that the current surface parking is private and wondered whether it will continue to be a private parking garage. Landis indicated that it would be a private parking garage for the Nebco buildings in the area.

Support

1. **Kent Seacrest** appeared on behalf of **Nebco, Inc.**, the developer, also testifying that this redevelopment project complies with the Comprehensive Plan and the Downtown Master Plan.

Seacrest submitted a proposed motion to amend Condition #1.2 on the alley vacation:

Include retention of utility easements by City with deed transfer or provide for the relocation of all the utilities located in the alley as part of a redevelopment project, acceptable to the City of Lincoln.

Seacrest stated that the developer intends to relocate the utilities out of the alley. This will provide connectivity between the building and garage with underground utilities as part of the redevelopment plan.

There was no testimony in opposition.

Lust inquired whether staff agrees with the amendment. Landis agreed, stating that it is a good idea to move the utilities. There will be an underground connection between the building and the garage, thus the existing trees will not be threatened.

STREET & ALLEY VACATION NO. 12006

ACTION BY PLANNING COMMISSION:

August 22, 2012

Lust moved to approve the staff recommendation to find the alley vacation to be in conformance with the Comprehensive Plan, with amendment to Condition #1.2 as requested by Kent Seacrest, seconded by Gaylor Baird and carried 6-0: Hove, Sunderman, Butcher, Gaylor Baird, Lust and Cornelius voting 'yes'; Francis and Weber absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 12011

ACTION BY PLANNING COMMISSION:

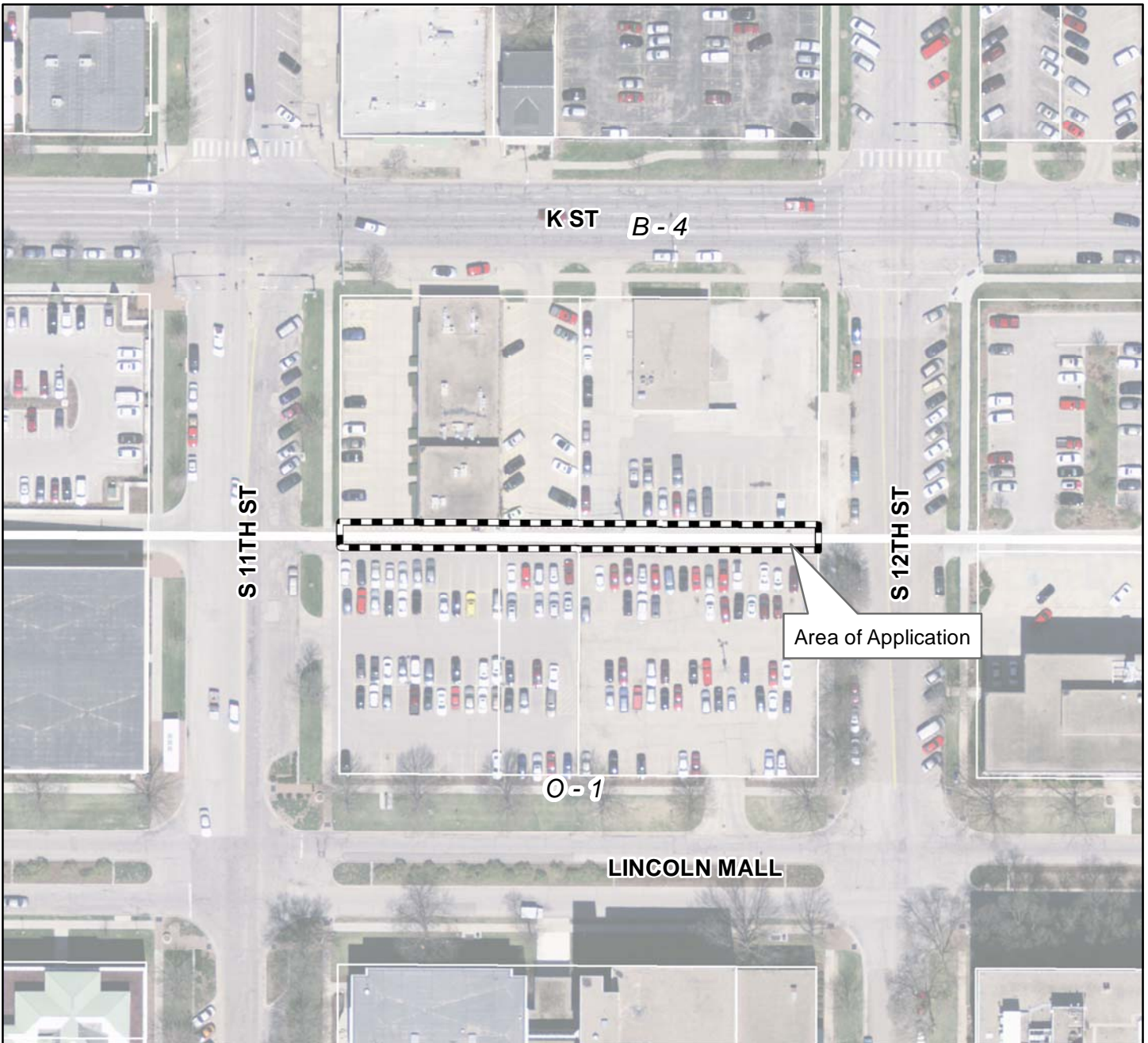
August 22, 2012

Lust moved to approve a finding of conformance with the Comprehensive Plan, seconded by Hove.

Cornelius pointed out that the Commission has heard and read the ways in which this is in conformance. This is a continuing focus on Downtown as the center of our community and he is in favor.

Gaylor Baird complimented the developer, who also developed the neighboring block. Every time she drives by that building and parking lot, she feels some pride for the building and the parking lot. It is gorgeous. It provides an incredible pedestrian environment; it is truly a model; it has not gone unnoticed; and it helps give her confidence when looking at other such projects in the city.

Motion for a finding of conformance with the Comprehensive Plan carried 6-0: Hove, Sunderman, Butcher, Gaylor Baird, Lust and Cornelius voting 'yes'; Francis and Weber absent. This is a recommendation to the City Council.



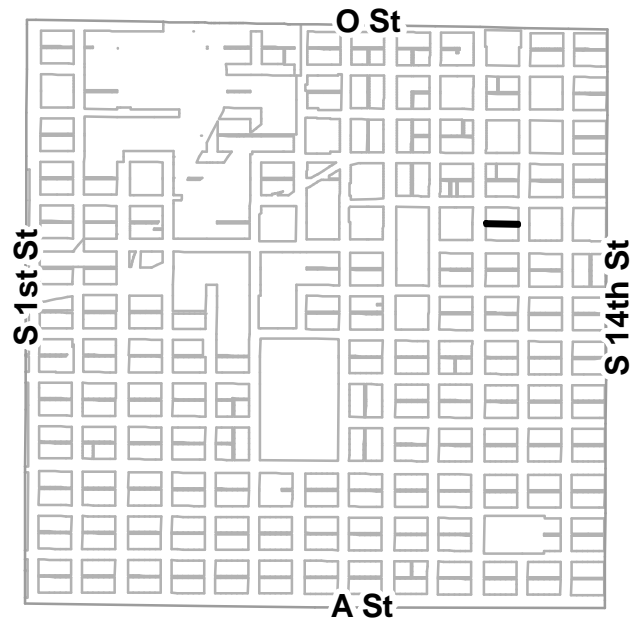
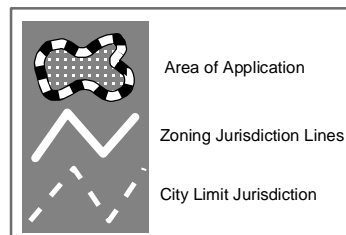
2010 aerial

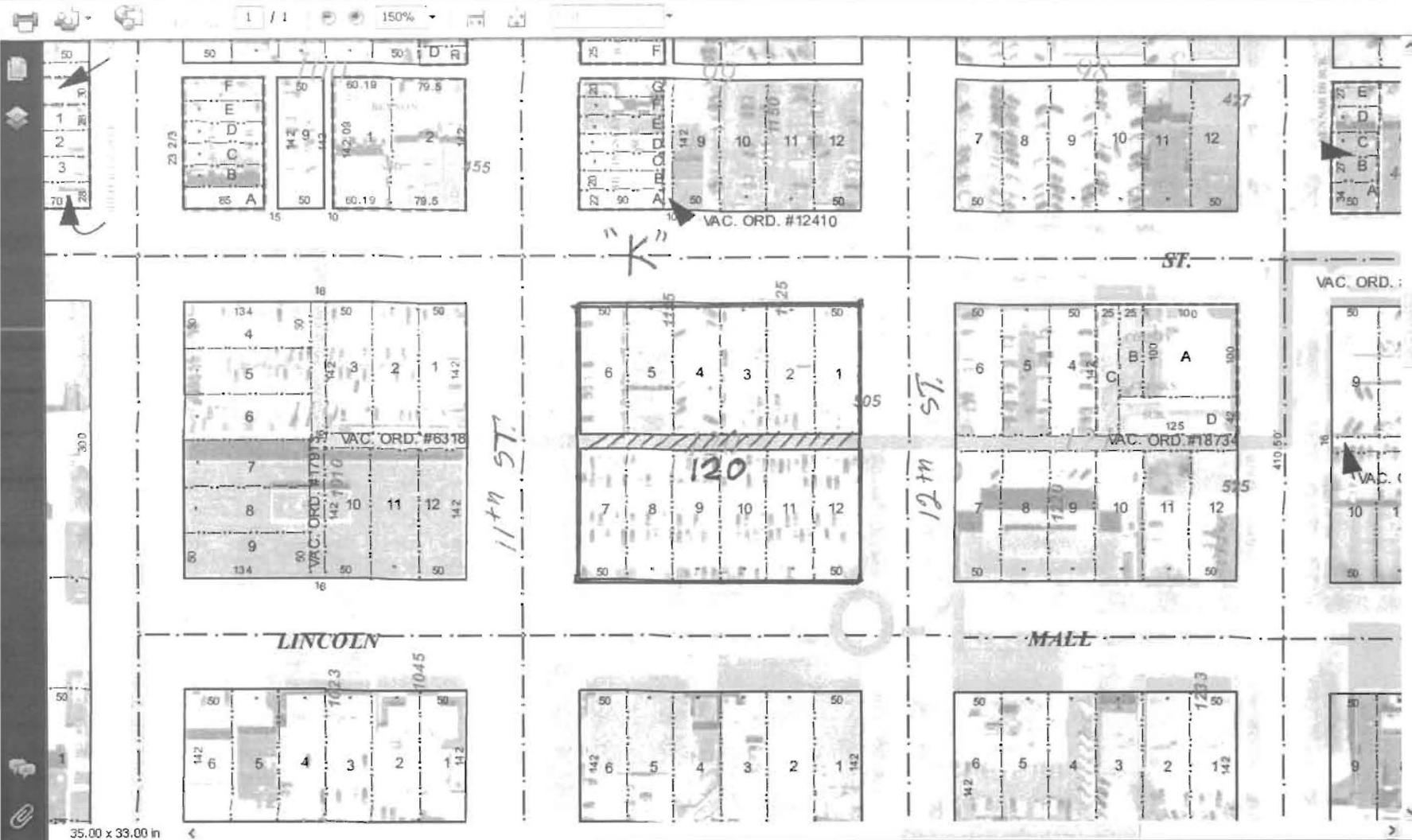
Street & Alley Vacation #12006 S 11th St & Lincoln Mall

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. 26 T10N R06E





AREA TO BE VACATED

INTEROFFICE MEMORANDUM

TO: Mayor Bœtler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: September 5, 2012

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

SUBJECT: Street & Alley Vacation No.12006
North 11th Street & Lincoln Mall

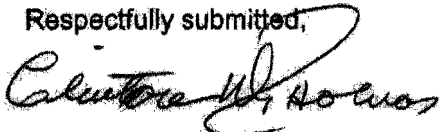
A request has been made to vacate the alley bounded by 11th and 12th Streets, Lincoln Mall and K Street. The area was viewed and appears as a paved alley with overhead utilities visible. There was also evidence of a sanitary sewer located within the alley. Staff has requested easements be retained for future maintenance and replacement of existing utilities.

Long, narrow strips such as this rarely have any value of their own and only have value as assemblage into larger parcels. As such, the area is considered to have a nominal value of \$0.15 per square foot. The calculations are as follows:

$$4,800 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$720.00$$

Therefore, it is recommended if the area be vacated it be sold to the abutting property owner for \$720.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023