

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 13004

BOARD/COMMITTEE: Planning Commission

APPLICANT: Kent Seacrest, on behalf of the property owners.

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

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

OTHER DEPARTMENTS AFFECTED: Public Works no longer would be responsible for maintaining this segment of roadway.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION:

To vacate Pine Tree Lane from North 7th Street to the end of the Pine Tree Lane cul-de-sac, generally located at Pine Tree Lane and N. 7th Street.

DISCUSSION / FINDINGS OF FACT:

1. This petition to vacate was submitted in association with an amendment to the Grandview Heights Community Unit Plan which identifies Pine Tree Lane as a private road. The private road will be maintained by the Pine Tree Lane Homeowners Association. The property owners are requesting this street vacation so that the street can remain a rural section road. A waiver to allow a rural street was approved with Special Permit No. 1960A, amending the CUP.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. On January 8, 2014, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On January 8, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the vacation of Pine Tree Lane to be in conformance with the Comprehensive Plan.
5. On January 8, 2014, the amendment to the Grandview Heights Community Unit Plan (Special Permit No. 1960A) was adopted by Planning Commission Resolution No. PC-01381, which approved the waiver to allow a rural street.
6. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.10, suggesting a value of \$2,850.00, to be paid by the property owners. On February 6, 2014, said appraisal was updated, finding that no consideration is expected to be paid by the property owners because the vacated right-of-way will remain in the name of the City until such time as it can be deeded over to the homeowners association, with easements retained for utilities and access (p.11). Therefore, the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.
7. The Grandview Heights 3rd Addition final plat has been completed, which is also a condition of approval of the street vacation.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: May 22, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: May 22, 2014

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for JANUARY 8, 2014 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.13004

PROPOSAL: Vacate Pine Tree Lane

LOCATION: N. 7th St. and Pine Tree Lane

LAND AREA: 1.2 acres, more or less

CONCLUSION: Vacating Pine Tree Lane and converting it to a private road in conjunction with Grandview Heights Community Unit Plan is consistent with the Comprehensive Plan.

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

LEGAL DESCRIPTION: Pine Tree Lane from the east right-of-way line of N. 7th St. to the end of Pine Tree Lane cul-de-sac.

SURROUNDING LAND USE AND ZONING:

North:	R-1 Residential	Single family houses
South:	R-1 Residential	Single family houses
East:	R-1 Residential	Single family houses
West:	R-1 Residential	Single family houses

ASSOCIATED APPLICATIONS:

SP1960A Grandview Heights Community Unit Plan

COMPREHENSIVE PLAN SPECIFICATIONS:

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

UTILITIES:

There are water and sanitary sewer mains in Pine Tree Lane. A utility easement will be required with this street vacation.

TRAFFIC ANALYSIS:

Pine Tree Lane is a local rural cross section street with no curb and gutter.

ANALYSIS:

1. This request is to vacate Pine Tree Lane and convert Pine Tree Lane to a private road. A utility and public access easement will be required over the vacated street.
2. Associated with this application is Special Permit 1960A for Grandview Heights Community Unit Plan (CUP). The CUP identifies Pine Tree Lane as a private road. The private road will be maintained by the Pine Tree Lane Homeowners Association.
3. The abutting property owners are requesting this street vacation so the street can stay as a rural section road. A waiver to allow a rural street is being requested with the associated special permit.
4. A final plat will be required that shows vacated Pine Tree Lane in an outlet and identifies Pine Tree Lane as a private road.
5. The street is classified as a local street in the 2040 Comprehensive Plan.
6. 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.
- 1.3 SP1960A must be approved
- 1.4 All conditions of a final plat must be met.

Prepared by:

Tom Cajka
Planner

DATE: December 23, 2013

APPLICANT: Kent Seacrest
Seacrest & Kalkowski
1111 Lincoln Mall Suite 350
Lincoln, NE 68508
402-435-6000

OWNER: Elaine Hammer, et.al.
4900 N. 7th St.
Lincoln, NE 68521
402-477-0242

CONTACT: Kent Seacrest
Seacrest & Kalkowski
1111 Lincoln Mall Suite 350
Lincoln, NE 68508

STREET & ALLEY VACATION NO. 13004

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 8, 2014

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

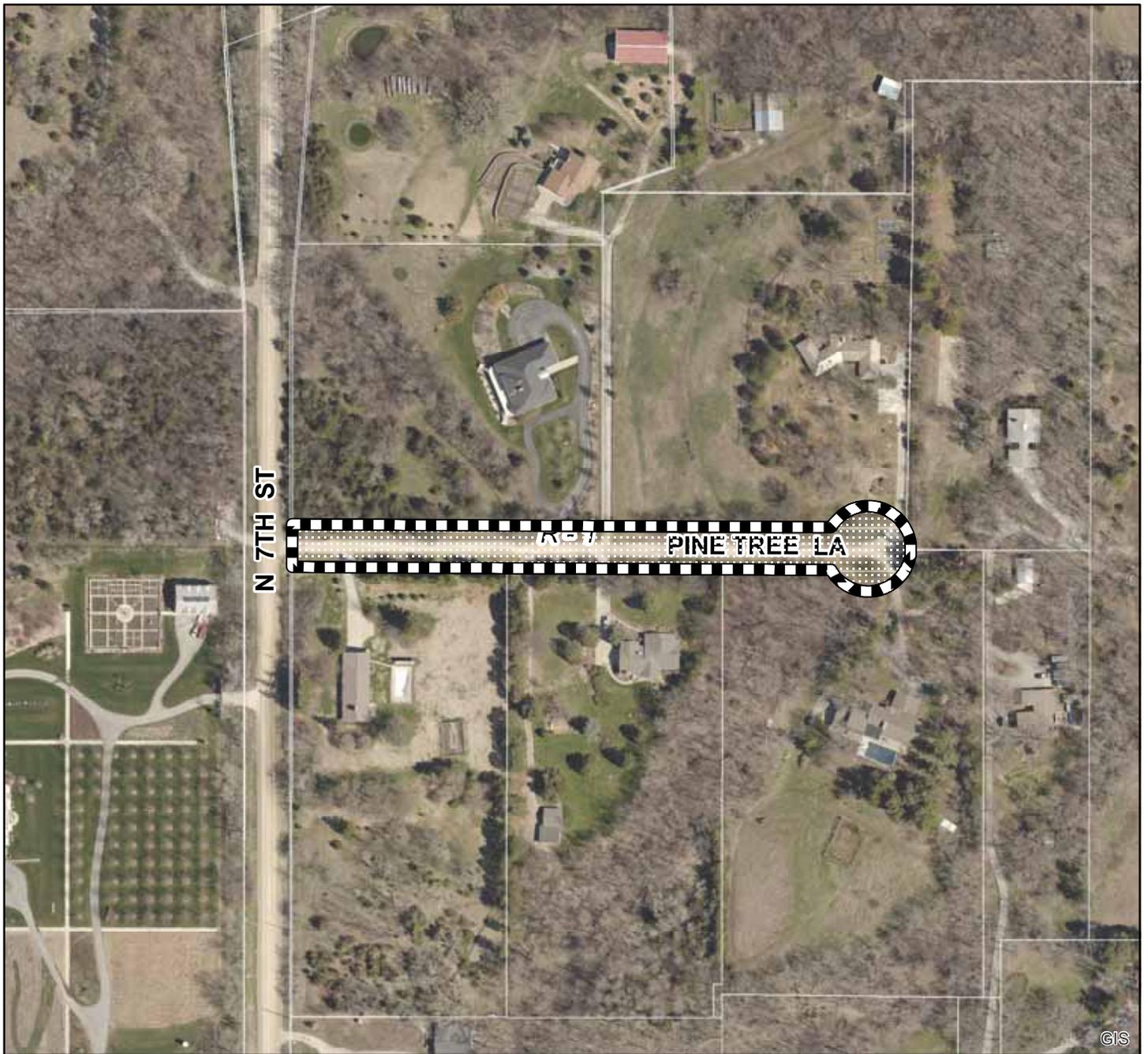
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 13028, SPECIAL PERMIT NO. 13058, PRE-EXISTING SPECIAL PERMIT NO. 5C, SPECIAL PERMIT/ USE PERMIT NO. 8C, USE PERMIT NO. 149A, SPECIAL PERMIT NO. 1405A, SPECIAL PERMIT NO. 13055, STREET AND ALLEY VACATION NO. 13004** and **STREET AND ALLEY VACATION NO. 13005.**

There were no ex parte communications disclosed.

Item No. 1.3, Special Permit / Use Permit No. 8C, and Item No. 1.4, Use Permit No. 149A, were removed from the Consent Agenda and called under Requests for Deferral.

Hove moved approval of the remaining Consent Agenda, seconded by Weber and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.

Note: This is final action on Special Permit No. 13058, Pre-Existing Special Permit No. 5C, Special Permit No. 1405A and Special Permit No. 13055, unless appealed to the City Council within 14 days.



2013 aerial

Street and Alley Vacation #: SAV13004
N 7th & Superior St
Pine Tree Lane

Zoning:

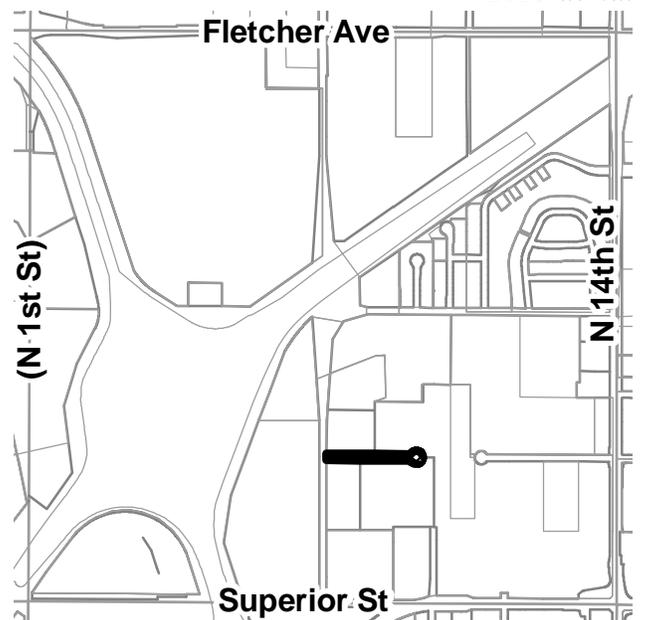
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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.02 T10N R06E

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

November 27, 2013

RECEIVED

NOV 27 2013

Lincoln/Lancaster Co.
Planning Department

Mr. Marvin Krout
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Grandview Heights; Amendment to the Preliminary Plat & Community Unit Plan (C.U.P) (Special Permit No. 1960, as amended)

Dear Marvin:

Enclosed find the following documents for the above-mentioned project:

1. Special Permit Application
2. Special Permit Submittal Fee (\$792.00)
3. 1 – 8 ½ x 11 copy and 11 x 17 copy of the cover sheet and site plan
4. Six signed Petitions to Vacate Pine Tree Lane

A. Requests.

We are submitting this Amendment to Special Permit No.. 1960, as amended, on behalf of E. Elaine Hammer, Union Bank & Trust Company, Lincoln, Nebraska, as Trustee, Walter E. Mientka, as Trustee of the Walter E. Mientka Revocable Trust and A. Margaret Mientka, as Trustee of the A. Margaret Mientka Revocable Trust, each one-half (1/2) interest as tenants in common, Thomas Samuel Fuenning, Earlene L. Knox and Arthur L. Knox, trustees of the Earlene L. Knox Living Trust, dated September 2, 2011 and Kurtis Bomar.

B. Meetings.

We have met with City Planning staff on several occasions, the most recent being October 8th, 2013. The attached submittal reflects the outcomes of these meetings. We are requesting a

vacation of right of way for Pine Tree Lane, which will become a private roadway within an outlot that will be owned and maintained by the adjacent property owners. A waiver is being

requested to allow this private roadway to be a rural road cross section with sidewalk aligned only on the south side of the roadway.

C. Waivers.

A waiver to the Design Standards is requested for the proposed Pine Tree Lane private roadway. We are proposing an asphalt rural roadway cross section (ditch sections rather than curb and gutter) for this roadway with a public sidewalk located only on the south side of the roadway.

We would also like to clarify that the existing Grandview Heights waivers to street trees and ornamental lighting for Pine Tree Lane as a public road would also be granted for Pine Tree Lane as a private roadway.

D. Two Additional Lots.

The enclosed site plan adds two additional lots.

E. Postponing the Pavement Requirement of North 7th Street and Ogden Road.

The Community Unit Plan approval may contain a condition that a property owner abutting North 7th Street and/or Ogden Road may agree at the time of final platting of his or her respective property to sign a petition to create a paving district for North 7th Street/Ogden Road if and when such a paving district is sought in the future.

F. Petition to Vacate Pine Tree Lane.

Enclosed, please find six executed Petitions To Vacate Public Way With Release and Waiver Of Rights and Title and Quitclaim Deed To City of Lincoln. All of the abutting property owners to Pine Tree Lane have agreed to vacate said street as a public street and convert said street to a private roadway subject to the approval of the Community Unit Plan showing Pine Tree Lane as a rural street section (no curb and gutter) and other acceptable CUP conditions. The abutting properties are in the final stages of executing a Pine Tree Lane Covenants which creates the Pine Tree Lane Homeowners Association which will have the responsibility to maintain said future private roadway and to assess the associated costs upon the abutting property owners.

If you require further information or have any questions, please call either myself at (402) 435-6000, or Mark Palmer at Olsson Associates at (402) 458-5632.

Sincerely,



Kent Seacrest
For the Firm

cc: Mark Palmer, Olsson Associates
Union Bank & Trust Company, Lincoln, Nebraska as Trustee
Walter E. Mientka, as Trustee and A. Margaret Mientka, as Trustee
Thomas Samuel Fuenning
Earlene L. Knox and Arthur L. Knox, trustees
Kurtis Bomar

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: February 6, 2014

COPIES TO: Teresa J. Meier
Marvin Krout
Rod Confer
Byron Blum, Bldg & Safety
Jean Preister, Planning
Sandy Dubas, City Clerk's Office

SUBJECT: Street & Alley Vacation No.13004
Update
Pine Tree Lane

This memo is being written as an update to the memo of January 30, 2014 regarding the same subject. It has come to my attention that the area to be vacated will remain in the name of the City until such time as it can be deeded over to the homeowners association with easements retained for utilities and access. As such, no consideration is expected to be paid. If that is not the case, a value of \$2,850.00 is considered appropriate.

Respectfully submitted,


Clinton W. Thomas
Certified General Appraiser #990023