

## FACTSHEET

**TITLE:** STREET & ALLEY VACATION NO. 14006  
(10<sup>th</sup> & Y Streets)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** Elsey Partners, LLC

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (6-0: Corr, Sunderman, Beecham, Scheer, Weber and Lust voting 'yes'; Cornelius, Harris and Hove absent).

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

**OTHER DEPARTMENTS AFFECTED:** None.

**SPONSOR:** Planning Department

**OPPONENTS:** None.

### **REASON FOR LEGISLATION:**

To vacate 13' of the Y Street right-of-way east of North 10<sup>th</sup> Street, adjacent to 1018, 1020, 1024, 1036, 1048 and 1052 Y Street.

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

1. The purpose of this street vacation is to allow the development of the approved 1100 Y Street Community Unit Plan where a 126-unit apartment building is shown on approximately 10 feet of the Y Street right-of-way.
2. The staff recommendation finding the proposed street vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3-4, concluding that the vacation will not deny access to adjacent properties.
3. On August 6, 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 August 6, 2014, the Planning Commission voted 6-0 to find the vacation of the Y Street right-of-way to be in conformance with the Comprehensive Plan.
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.9, recommending that the vacated property be sold to the abutting property owner for \$975.00. All abutting property is now in the name of Elsey Partners, LLC.
6. 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. The deed transfer will include retention of a conservation easement, said agreement being scheduled for an upcoming Council agenda.

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

**DATE:** September 15, 2014

**REVIEWED BY:** Marvin Krout, Director of Planning

**DATE:** September 15, 2014

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

**for August 6, 2014 PLANNING COMMISSION MEETING**

**\*\*As revised and recommended for approval by Planning Commission\*\***  
**August 6, 2014**

**PROJECT #:** Street and Alley Vacation No. 14006

**PROPOSAL:** To vacate 13 feet of Y Street right-of-way east of N. 10<sup>th</sup> Street

**LOCATION:** Y Street right-of-way adjacent to 1018, 1020, 1022, 1024, 1036, 1048 and 1052 Y Street.

**LAND AREA:** 3,900 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><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** 13 feet of the Y Street right-of-way lying south of Lots 17 through 22, Block 15, Cahn, Metcalf and Farwell's Subdivision in the NE 1/4 of Section 23-10-6, Lincoln, Lancaster County, Nebraska.

**SURROUNDING LAND USE AND ZONING:**

North: Single-Family Dwellings; R-8  
South: Parking Lot/Railroad Tracks; P/I-1  
East: Parking Lot/Railroad Tracks; P  
West: Commercial/Single-Family Dwellings/Steel Fabrication Facility; B-3

**COMPREHENSIVE PLAN SPECIFICATIONS:**

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

**HISTORY:**

June 30, 2014 The City Council approved a change of zone from B-3, I-1 and R-4 to R-8 on the adjacent property.

May 28, 2014 The Planning Commission approved a Community Unit Plan adjacent to this property to allow for an apartment building consisting of 126 units.

**UTILITIES:** There are two overhead LES lines within the area to be vacated, and a 6" water line is located 14 feet from the south boundary of the adjacent properties.

**TRAFFIC ANALYSIS:** Vacating 13 feet of the Y Street will leave approximately 70 feet of Y Street right-of-way. The City's standard right-of-way width for residential streets is 60 feet.

**ENVIRONMENTAL CONCERNS:** This right-of-way is within the Salt Creek Floodplain. A Conservation Easement will need to be provided within the same Salt Creek Storage Area to compensate for the lost flood storage volume.

**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. The Y Street right-of-way is approximately 83 feet at this location. The City's standard right-of-way width for residential streets is 60 feet. If 13 feet of right-of-way is vacated then 70 feet remains which exceeds the minimum required.
3. The City recently approved a Community Unit Plan for a 126-unit apartment building on the adjacent property. The Community Unit Plan shows the apartment building on approximately 10 feet of Y Street right-of-way. A note on the Community Unit Plan indicates this right-of-way was to be vacated in the future.

The Urban Design Committee reviewed the apartment project and suggested that the developer provide additional rear yard setback between the apartment building and the alley to the north. An increased rear yard setback would allow for additional screening between the apartment building and the neighbors to the north. The developer responded to the comment from the Urban Design Committee and shifted the building 3 feet to the south. Thus, the right-of-way vacation increased from 10 feet to 13 feet.

4. There are overhead LES lines within the area to be vacated. One overhead line is a 35 kV line and the other is a 12 kV line. The developer is working with LES to remove and/or bury the existing overhead lines.

There is also a 6" water main that lies approximately 14 feet south of the properties fronting Y Street. The developer has been in contact with Lincoln Water System and is coordinating relocation of this main. Utility easements should be provided over the vacated right-of-way if the overhead lines are not buried and the water main is not relocated.

5. A conservation easement is generally required on any vacated right-of-way that lies within the floodplain. The developer is proposing to vacate Y Street and use the vacated right-of-way for the building. Since the vacated right-of-way will be filled and occupied by a structure, a mitigation area will need to be dedicated by a conservation easement somewhere else within the same Salt Creek storage area to conserve the displaced amount of flood storage volume.

The developer will need to provide the easement prior to the City transferring the deed to the property.

**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 Include retention of conservation easement by City with deed transfer, or provide an acceptable conservation easement elsewhere within the same Salt Creek storage area. While the easement in an alternative location is being processed, building permits may be granted after the 1100 Y Street Community Unit Plan identifies the location of the new easement. However, occupancy permits may not be granted until the alternative conservation easement is finalized. (\*\*Per Planning Commission, as recommended by staff: 8/06/14\*\*)

Prepared by:

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

**DATE:** July 22, 2014

**APPLICANT/CONTACT:**

Esey Partners, LLC  
1532 College Ave. F19  
Manhattan, KS 66502

**OWNER:**

Steven and Mona Spratlen  
4340 Washington Street  
Lincoln, NE 68506

James Hauck  
6127 NW 10<sup>th</sup> Street  
Lincoln, NE 68521

Michael Petrovich  
1023 Jones Street, Apt. 602  
Omaha, NE 68102

Metrolam, LLC  
517 E. 23<sup>rd</sup> Street  
Fremont, NE 68025

Esey Partners LLC  
1532 College Ave, Unit F19  
Manhattan, KS 66502

# STREET & ALLEY VACATION NO. 14006

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

August 6, 2014

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

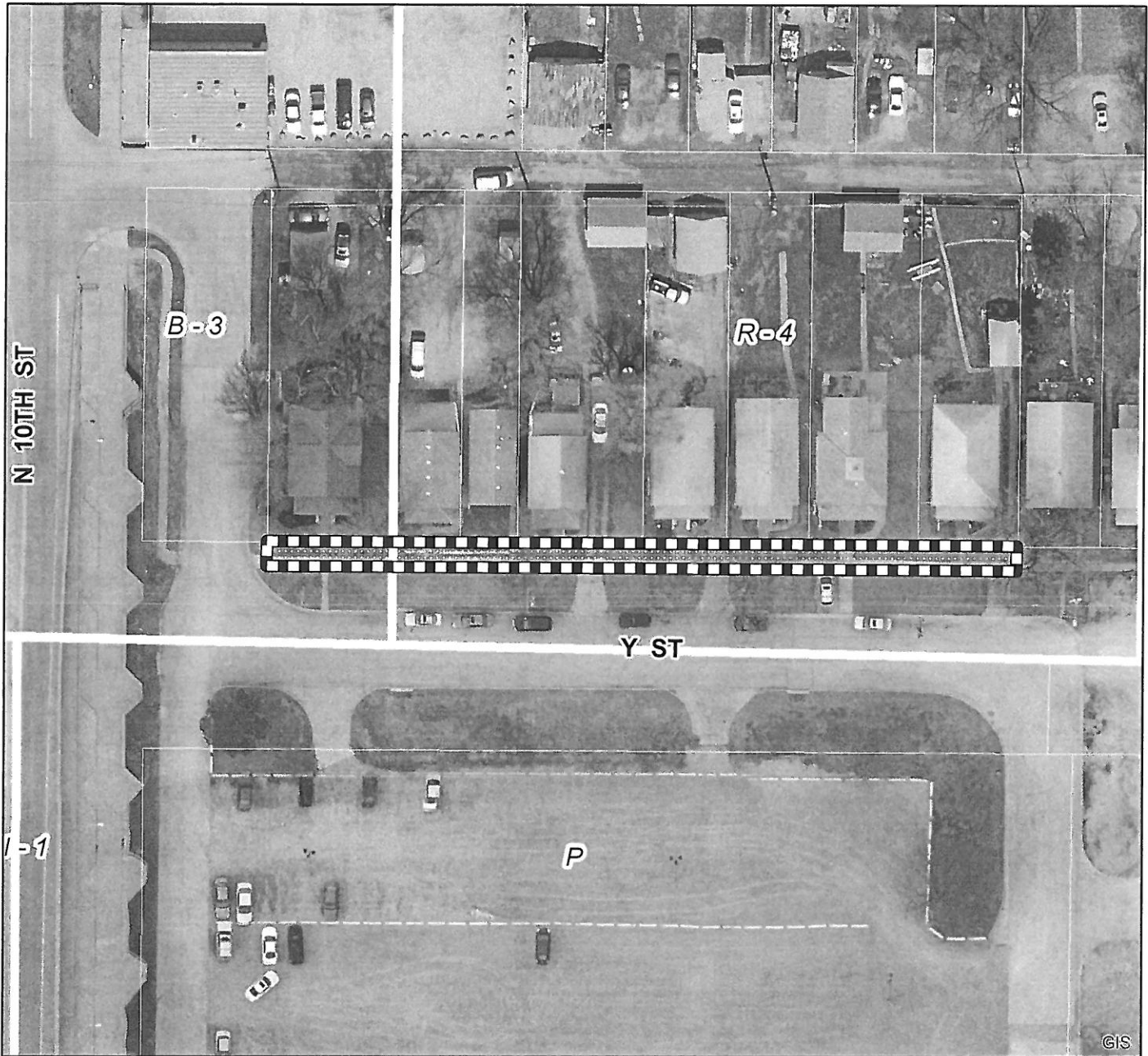
The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 14007; CHANGE OF ZONE NO. 12018A; SPECIAL PERMIT NO. 14020; USE PERMIT NO. 48A;** and **STREET & ALLEY VACATION NO. 14006.**

There were no ex parte communications disclosed.

Item No. 1.2, Change of Zone No. 12018A, was removed from the Consent Agenda and had separate public hearing.

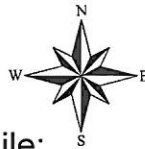
Scheer moved approval of the remaining Consent Agenda, as amended, seconded by Weber and carried 6-0: Corr, Sunderman, Beecham, Scheer, Weber and Lust voting 'yes'; Cornelius, Harris and Hove absent.

Note: This is final action on Special Permit No. 14020 and Use Permit No. 48A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



2013 aerial

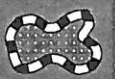


**Street and Alley Vacation #: SAV14006**  
**N 10th & Y St**



**One Square Mile:**  
**Sec.23 T10N R06E**

**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

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



## 1100 Y Street ROW Vacation

Elsy Partners is proposing to use 13' of the city right of way along the north side of Y street. The developer will be using the additional right of way to move the building footprint to the south reducing the impact on the neighborhood to the north. In two neighborhood meetings and the architectural review board meeting it was recommended that additional buffering be implemented. The Y street Right of Way is wider than necessary for the required utilities. Reducing the ROW width was determined to be an acceptable solution to mitigate the impact of development on the surrounding neighborhood.



## INTEROFFICE MEMORANDUM

TO: Mayor Beutler  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: August 8, 2014

COPIES TO: Teresa J. Meier  
Marvin Krout  
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. 14006  
Y Street east of 10<sup>th</sup> Street

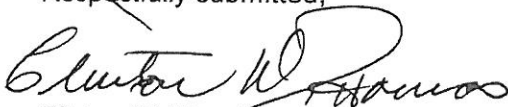
A request has been made to vacate an area adjacent to Y Street east of 10<sup>th</sup> Street. The area to be vacated is a 13-foot strip adjacent to Lots 17 - 22, Cahn, Metcalf & Farwell Subdivision. The area to be vacated is 3,900 square feet. The area was viewed and appears as a typical urban concrete street. Two sets of overhead lines were observed along the side of the street to be vacated. A storm sewer inlet was also noted at the west end. Staff has also indicated the existence of a water main within the area. Easements will need to be retained for these utilities or arrangements made for their relocation. The area is within the flood plain and a conservation easement will need to be retained for flood storage.

Long, narrow strips such as this rarely have any value, in and of themselves, but tend to take on the value of the abutting property once assembled into it. Even if the strip itself is unbuildable, it would make an equal amount of area within the abutting property buildable by shifting the street back an equal distance. Given the myriad of utilities in the area that would need to be relocated as well as flood storage to be replaced if the abutter wishes to build on the area it is considered to have only a somewhat nominal value of \$0.25 per square foot. The calculations are as follow:

$$3,900 \text{ sq. ft.} \times \$0.25/\text{sq. ft.} = \$975$$

Therefore it is recommended if the area be vacated it be sold to the abutting property owner for \$975.00 with the retention of the utility easements.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023