

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 14008
(S.W. 31st Street south of West Denton Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Rezak-Pickering-Williams, LLC

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Beecham, Cornelius, Corr, Harris, Hove, Scheer, Weber and Lust voting 'yes'; Sunderman 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 S.W. 31st Street from the south right-of-way line of West Denton Road to the north right-of-way line of West Covered Bridge Road, in The Bridges Addition, generally located at S.W. 31st Street and West Denton Road.

DISCUSSION / FINDINGS OF FACT:

1. The Bridges Community Unit Plan was recently amended, expanding the area of the CUP to include adjacent S.W. 31st Street. The purpose of this street vacation is to allow replatting the right-of-way as a private roadway to be maintained by The Bridges Homeowners Association.
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.4-5, concluding that creating S.W. 31st Street as a private roadway will allow the developer a certain amount of flexibility in the design of the roadway profile as well as the extent of the culvert required in Cardwell Branch Creek.
3. On October 29, 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 October 29, 2014, the Planning Commission voted 8-0 to find the proposed vacation to be in conformance with the Comprehensive Plan.
5. S.W. 31st Street is in the City's 3-mile jurisdiction, which requires approval by both the City Council and the County Board. Thus there are no funds required to be paid to the City Clerk prior to scheduling on the City Council agenda.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: November 10, 2014

REVIEWED BY: Stephen Henrichsen, Land Use Planning Manager

DATE: November 10, 2014



LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 29th 2014 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 14008

PROPOSAL: Vacation of the S.W. 31st Street south of W. Denton Road so that the road can be converted to a private roadway.

LOCATION: S.W. 31st Street and W. Denton Road

LAND AREA: 0.66 acres more or less

CONCLUSION: The proposed street vacation is in conformance with the 2040 Comprehensive Plan.

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

LEGAL DESCRIPTION: S.W. 31st Street from the south right-of-way line of West Denton Road to the north right-of-way line of West Covered Bridge Road, in The Bridges Addition, located in the NE 1/4 of Section 20-9-6, Lincoln, Lancaster County, Nebraska,

SURROUNDING LAND USE AND ZONING: AGR Agricultural Residential on all sides

North: W. Denton Road and mostly vacant acreage lots north of W. Denton

South: Acreage subdivision

East and West: Cardwell Branch of Salt Creek surrounded by open space.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown as Future Low Density Residential in the Future Land Use Map of the 2040 Lincoln and Lancaster County Comprehensive Plan and is in Tier III of the Priority Growth Areas Map meaning it is anticipated to be served by City services sometime after the year 2060.

Neighborhoods and Housing

Rural Areas: New acreage development is not encouraged in the "Map 1.3: Growth Tiers with Priority Areas" for Lincoln's three-mile extra territorial jurisdiction, except for areas already platted, zoned, or designated for low density residential development. Development in these tiers should only be permitted under the "build-through" model that has been established, and without use of Sanitary Improvement Districts (SIDs)...The build-through model includes provisions that are intended to facilitate a later transition to urban densities when city services are extended, including:

- A preliminary plan lot layout that accommodates first phase subdivisions on a portion of the land area with rural water and sewer systems, and shows how future urban infrastructure will be built through the land to permit further subdivision and annexation when appropriate.

- A development agreement that runs with the land and acknowledges that the acreage development is not entitled to extra buffering protection and that waives the right to protest the creation of lawful assessment districts for sewer, water and paving in the future.

Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service. Clustering lots in one portion of a development site, while preserving both farmland and environmental resources on the remainder, should continue to be encouraged in agriculturally-zoned areas. A considerable supply of acreage lots has been platted in recent years in this manner. (p. 7.12)

HISTORY:

- 1979 Changed from AA Rural and Public Use to AGR Agricultural Residential with the 1979 Zoning Update.
- Oct. 1993 Whispering Pines Administrative Final Plat #92091 approved by Planning Director creating a single family lot on the southwest corner of SW 27th Street and West Denton Road
- July 1994 Whispering Pines 1st Addition Administrative Final Plat #94045 approved by Planning Director creating a single family lot west of the southwest corner of SW 27th and W. Denton Road.
- May 1995 Whispering Pines 2nd Addition Administrative final Plat #94086 approved by Planning Director creating a 20+ acre lot
- 1996 Whispering Pines 1st Addition Preliminary Plan #96011 and Change of Zone from AG to AGR approved by City Council and County Board on Lot 1 of Whispering Pines 2nd Addition, the 22 acre lot north of Cardwell Branch Creek.
- June 1997 Whispering Pines 3rd Addition Final Plat approved by Planning Commission and County Board creating 6 lots north of Cardwell Branch Creek, and dedicating SW 31st Street from the southern right-of-way line of W. Denton Road to the southern border of the final plat, roughly the centerline of the Cardwell Branch Creek.
- Dec. 2006 Special Permit #06068 for Community Unit Plan for The Bridges (then known as Lot 2, Whispering Pines 2nd Addition) approved by Planning Commission to allow 70 single family lots with waivers to design standards, zoning ordinance and land subdivision ordinance.
- Jan. 2007 Change of Zone #06072 changing Lot 2 of Whispering Pines 2nd Addition from AG to AGR approved by City Council.
- Oct. 2014 Special Permit #06068A was approved by the Planning Commission to expand the area of the Special Permit to include that portion of SW 31st Street lying south of the southern right-of-way of W. Denton Road and show it as a private roadway, to allow the sidewalk shown in Outlot H to be built at the time of urban development, to waive the sidewalk

on the west side of SW 31st Street, and to waive the design standards for street lights to allow them to be placed only at intersections.

UTILITIES: Utility easements should be retained. There is currently no city sewer or water in this street. A community wastewater facility is in place. Individual wells are utilized. Norris Public Power District provides electrical services

TRAFFIC ANALYSIS: S.W. 31st Street is a local street. W. Denton Road is a paved a county major arterial street to S.W. 33rd Street.

REGIONAL ISSUES: All of the streets in the residential development to the south are private roadways.

ENVIRONMENTAL CONCERNS: A culvert will need to be constructed, meeting City Design Standards, and a floodplain permit is needed prior to construction showing details of how it meets floodplain regulations. The culvert design and details (H&H, erosion protection, plans, etc) will be approved at time of floodplain permit.

ALTERNATIVE USES: Remain a public roadway rather than be converted to a private roadway.

ANALYSIS:

1. The applicant requests the vacation of the portion of SW 31st from the south right-of-way line of West Denton Road to the north boundary of Outlot I in the area of SW 31st Street. The road will be replatted as a private roadway and maintained by The Bridges Homeowners Association. The consent of adjacent lot owners of Lot 3, Block 2, and Lot 1, Block 1 of Whispering Pines 3rd Addition has been obtained.
2. An amendment to The Bridges Community Unit Plan was approved in early October by the Planning Commission. The Amendment expanded the area of the CUP to include adjacent S.W. 31st Street from the south right-of-way line of W. Denton Road to the north boundary of the existing special permit area.
3. S.W. 31st Street was originally platted as a public street because there was an existing public street stub at that location. It would have been undesirable to have a street that was part public and part private.
4. Creating SW 31st as a private roadway will allow the developer a certain amount of flexibility in the design of the roadway profile as well as the extent of the culvert required in Cardwell Branch Creek. A public roadway would require the culvert to extend from right-of-way to right-of-way. With the creek bed running diagonally at the point where it crosses the future road alignment, this culvert could be up to 100 feet long.
5. The culvert in SW 31st Street, if built as a private facility, will still have to meet all City of Lincoln Design Standards and a floodplain permit will be needed prior to construction to show floodplain regulations are being met. Final review and approval of culvert design, including erosion protection measures, and hydrologic and hydraulic information will occur at time of that permit application.

6. Maintenance of this road, like all the other private roadways in this subdivision, will be the responsibility of The Bridges Home Owners Association.
7. There were no objections to the vacation from any city or county agencies.
8. LES requests that utility easements be retained over the vacated right of way.
9. S.W. 31st Street is in the City's 3 mile jurisdiction. Vacation of streets in the City's 3 mile jurisdiction require approval by both the City Council and the County Board. The City Clerk will forward such approval or disapproval of the City Council to the County Clerk and the County Board of Commissioners

Prepared by:
Christy Eichorn, Planner

DATE: October 16th, 2014

APPLICANT: Rezac-Pickering-Williams, LLC
140 N. 1st Street, Suite A
Lincoln, NE 68508

CONTACT: Civil Design Group, Inc
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512

STREET & ALLEY VACATION NO. 14008

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

October 29, 2014

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

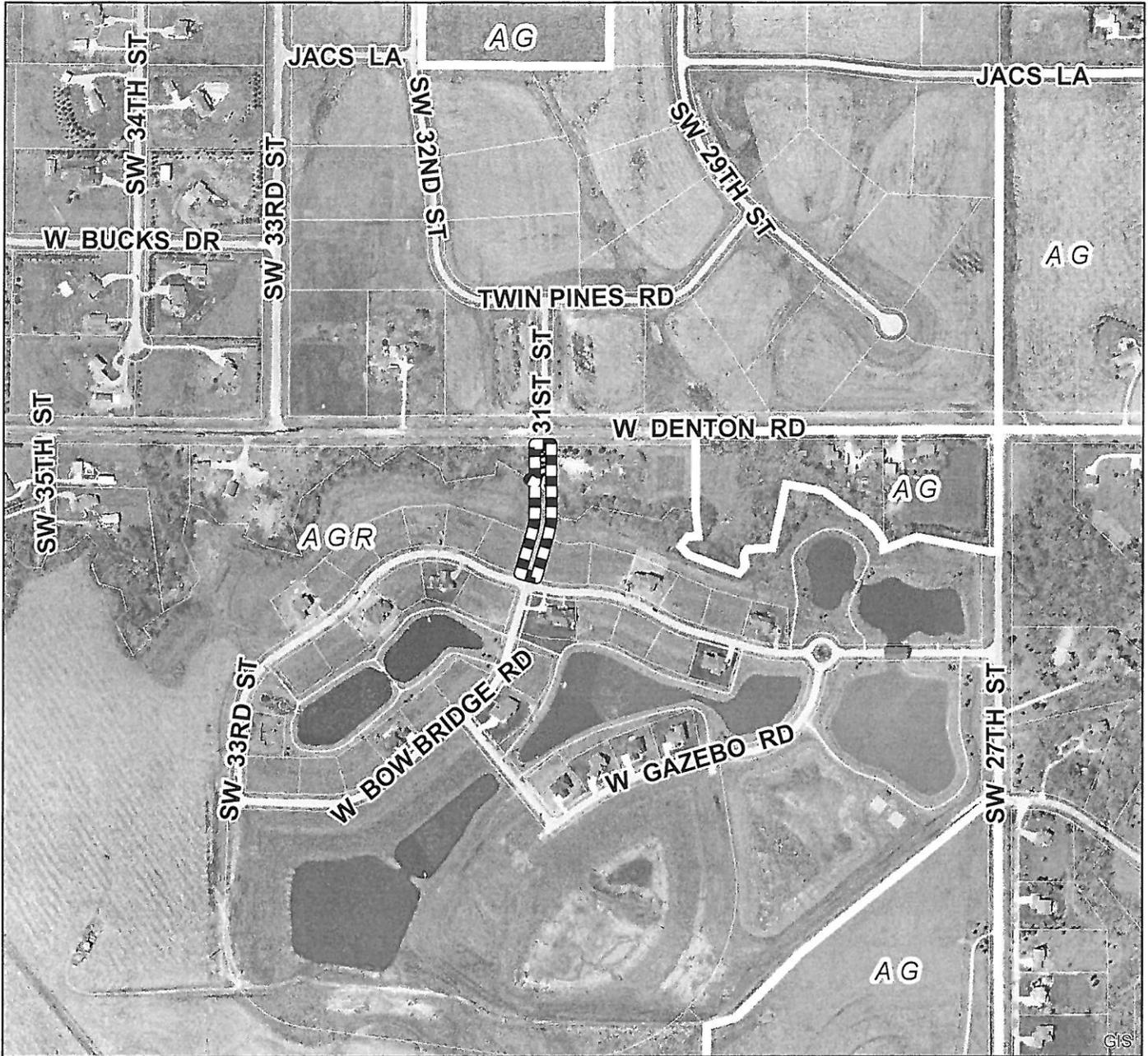
The Consent Agenda consisted of the following items: **COUNTY COMPREHENSIVE PLAN CONFORMANCE NO. 14023; SPECIAL PERMIT NO. 14043; and STREET & ALLEY VACATION NO. 14008.**

There were no ex parte communications disclosed.

Item No. 1.2, Special Permit No. 14043, was removed from the Consent Agenda and had separate public hearing due to a conflict of interest being declared by Commissioner Lust.

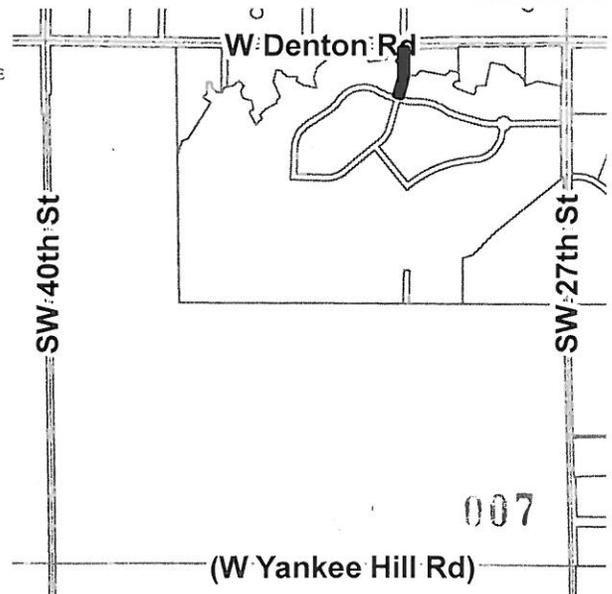
Hove moved approval of the remaining Consent Agenda, seconded by Beecham and carried 8-0: Weber, Beecham, Cornelius, Corr, Harris, Scheer, Hove and Lust voting 'yes' (Sunderman absent).

Note: This is final action on Comprehensive Plan Conformance No. 14023.



2013 aerial

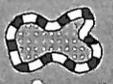
Street and Alley Vacation #: SAV14008
SW 31st St & W Denton Rd



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.20 T09N R06E

	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction

Application Information Fact Sheet

Application Number: **SAV14008**

Parcels: 0920300001000, 0920210016000, 0920204001000, 0920100001000, 0920205003000, 0920207007000, 0920210017000, 0920209001000, 0920207006000

City Council District: **No value detected** County Board District: **6**

Section/Township/Range: **20-09-06**

Location Findings:

Intersecting Applications: **SP06068, SP06068A, SAV14008**

Zoning: **AGR**

Pre-1979 Zoning: **No value detected**

Post-1979 Zoning: **No value detected**

Existing Landuse: **No value detected**

Future Landuse: **Residential - Low Density, Environmental Resources**

Subdivisions-City: **No value detected**

Subdivisions-County: **THE BRIDGES ADDITION, WHISPERING PINES 3RD ADDITION**

Growth Tiers: **Tier III**

Fire District: **Southwest**

Historic District: **No value detected**

Traffic Analysis Zones: **174**

Home Owner Assoc(s): **No value detected**

Neighborhood Assoc(s): **No value detected**

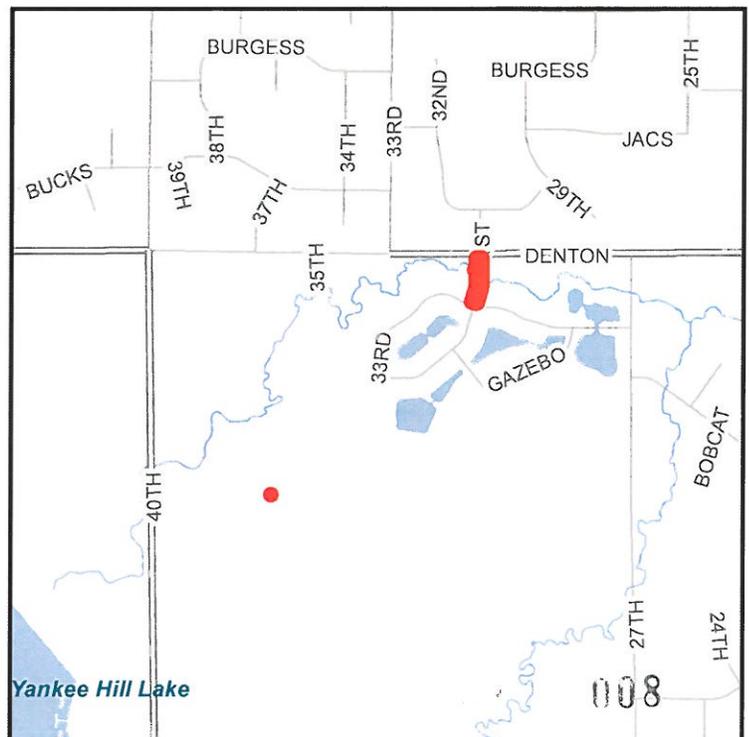
Annexation(Ord. #): **0**

Annexation Agreement: **No value detected**

Drainage Basin: **Cardwell Ranch**

Intersecting Entities:

Trails:	No
Railroad Lines Present:	No
Beltway Corridor Protection:	No
Beltway Corridor:	No
Historic Sites Present:	No
Cell Towers Present:	No
Streams:	Yes
Lakes:	No
FEMA Floodplain:	Yes
Salt Creek Storage Area:	No
New Growth Flood Standard Exemption Area:	No
Endangered Species:	No
Prime Ag Soils:	Yes
City Subdivisions:	No
Capitol Environs District:	No
Capitol View Corridor OD:	No
Capitol View Corridors:	No
Building Line Districts:	No
BIDs(UDD):	No
Redevelopment Areas(UDD):	No
Blighted Areas(UDD):	No
SIDs:	No
William Pipeline:	No
Airport Approach Elev.(1248):	No
Airport Zoning District:	No
Airport Noise Contours:	No
Airport Noise District:	No
Airport Runway Protection Zones:	No
Church (Planning Landuse - 100ft Buffer):	No
Church (Assessor Parcels - 100ft Buffer):	No
Elderly/Retirement Housing:	No
School Sites:	No
Parks(100ft Buffer):	No
Daycare Facilities(100ft Buffer):	No



NOTICE THIS DATA IS COMPILED FROM MANY SOURCES AND SCALES. EVERY EFFORT IS MADE TO ENSURE THIS DATA IS ACCURATE, AND LINCOLN/LANCASTER COUNTY ACCEPTS NO RESPONSIBILITY FOR ANY INACCURACY, ACTUAL OR IMPLIED.



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

September 9, 2014

Mr. Marvin Krout, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

**Re: Application for Petition to Vacate Public Right-of-Way
"The Bridges" Community Unit Plan (CUP) #06068,
CDG Project No. 2013-0056**

Dear Marvin:

On behalf of Rezac-Pickering-Williams, L.L.C. we submit an application to vacate public right of way. We are requesting to vacate the existing portion of S.W. 31st Street south of West Denton Rd to the north property line of Outlot 'I', The Bridges Addition. In pre-application meetings with staff we determined that S.W. 31st could be built as a private roadway with The Bridge HOA maintaining the roadway all the way to West Denton Rd. This will allow us to modify the length of the costly box culvert located on this stretch of road. This application is related to a previously submittal amendment to The Bridges CUP that was submitted last month.

In conjunction with this submittal letter we submit the following information:

- Application for Petition to Vacate Public Right of Way – City of Lincoln
- Petition to Vacate Right of Way - Application Fees - \$165.00

I trust that this letter and the submittal documents will provide you with enough information to review our requests. In an effort to facilitate the review process, please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,

Mike Eckert, AICP

cc: Rezac-Pickering-Williams, L.L.C.
Travis & Danielle Friesen
Michael & Diane Wasser
Chris & Jean Venne, Gail Venne

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