

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 14011
(S.W. 6th Street and West D Street)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Broadview Properties, LLC

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

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

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION:

To vacate the east-west alley from the east line of S.W. 6th Street to the east line of Lot 12, Block 5, Elmwood Addition, and to vacate a portion of S.W. 6th Street east of the center line, between West D Street and West C Street.

DISCUSSION / FINDINGS OF FACT:

1. The purpose of this street vacation is to allow a more efficient use of the land, with the intent to limit truck traffic on S.W. 6th Street, which is considered a local residential street.
2. The staff recommendation finding the proposed street and alley vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3-4, concluding that the right-of-way is not needed by the City and by retaining a conservation easement over the vacated area, this vacation will help facilitate the highest and best use of the property while maintaining important floodplain elements.
3. On December 10, 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 December 10, 2014, the Planning Commission voted 9-0 to find the proposed vacation 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 \$1,060.00.
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.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: December 29, 2014

REVIEWED BY: Stephen S. Henrichsen, Development Review Manager 

DATE: December 29, 2014

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for DECEMBER 10, 2014 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 14011

PROPOSAL: To vacate a street stub at the northeast corner of West C Street and S.W. 6th Street and to vacate an east-west alley north of West B Street, east of S.W. 6th Street.

LOCATION: Generally located northeast of S.W. 6th Street and West B Street.

LAND AREA: The street vacation is 0.04 acres more or less
The alley vacation is 0.05 acres more or less

CONCLUSION: The vacation of the right-of-way is in conformance with the 2040 Comprehensive Plan. The right-of-way is not needed by the City and, by retaining a conservation easement over the vacated area this application will help facilitate the highest and best use of this property while maintaining important floodplain elements.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
-------------------------------	------------------------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: vacate the east-west alley from the east line of S.W. 6th Street to the east line of Lot 12, Block 5, Elmwood Addition, and to vacate a portion of S.W. 6th Street, between West D Street and West C Street, that lies east of the eastern 30 feet from centerline of S.W. 6th Street, located in the SE1/4 of Section 27-10-6, Lincoln, Lancaster County, Nebraska,

SURROUNDING LAND USE AND ZONING:

North: I-1 Industrial	Industrial uses
R-2 Residential	Zoning buffer/ green space
South: I-1 Industrial	Vacant
East: I-1 Industrial	Industrial building and open space preserved through a conservation easement.
West: R-2 Residential	Single family residential

ASSOCIATED APPLICATIONS:

Final Plat No. 14034 which will move an existing lot line.
Special Permit No. 14048 to allow parking in a residential zoning district

COMPREHENSIVE PLAN SPECIFICATIONS:

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

HISTORY:

- May 1979 Zoning on this property changed from A-2 Single Family Dwelling District to R-2 Residential zoning in the 1979 Zoning Update.

- July 1999 City Council approved a change of zone from R-2 Residential to I-1 Industrial on property located southeast of S.W. 6th Street and West E Street. This change of zone was recommended for approval despite the City's desire to keep industrial zoning away from residential development. The recommendation was based on providing a buffer for the residential neighborhood to the west, a commitment to preserve the wetlands on the site and efforts to reduce the amount of fill necessary within the 100 year floodplain. Access to the residential S.W. 6th Street was also to be limited through the final plat process. The staff report for this change of zone indicated that they would likely apply for a special permit for parking the R-2 area some time in the future.

- July 1999 IMS Addition was approved. With this plat, access to S.W. 6th Street was relinquished from both Lots 1 and Outlot A, except as shown in the northwest corner of the plat.

- July 1999 With Resolution A-79596 a conservation easement was granted over 0.71 acres on the IMS property for preservation of wetlands, drainage ways and floodplain storage capacity.

- May 14, 2001 IMS 1st Addition was approved. The outlot platted IMS Addition was converted to a lot with IMS 1st Addition, but the property line locations remained the same.

UTILITIES: There are no utilities in either right-of-way.

TRAFFIC ANALYSIS: S.W. 6th Street is a local residential street with its only access to the industrial area off of West E Street.

ENVIRONMENTAL CONCERNS: Both of these rights-of-way are entirely in the 100 year flood plain and the Salt Creek storage area. A floodplain conservation easement will need to be retained over both areas to be vacated.

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. When this property was originally developed in 1999 it was contemplated that these two pieces of right-of-way would likely be vacated in the future to better facilitate development on this site. Although the developer has not formally come forward with a master plan for this site, the vacation of this right-of way, which is not needed by the public, will help facilitate a more efficient use of the land.

3. The stub street just north of W. C Street may have originally been intended to provide access to the industrial property east of S.W. 6th Street. When this property developed it was determined that access to the industrial lots should be relinquished except for a single access at W. E Street. The intent is to limit truck traffic on S.W. 6th Street which is considered a local residential street.
4. The rights-of-way and adjacent properties are entirely in the 100 year floodplain and the Salt Creek storage area. A conservation easement will be retained by the City to maintain existing flood storage.

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 a floodplain conservation easement by City with deed transfer.

Prepared by

Christy Eichorn, Planner
402-441-7603
ceichorn@lincoln.ne.gov

DATE: November 24, 2014

APPLICANT/CONTACT: Marcia Kinning
ESP
601 Old Cheney Road, Suite A
Lincoln, NE 68512
402-421-2500

OWNER: Broadview Properties LLC
1030 SW 6th Street
Lincoln, NE 68516

STREET & ALLEY VACATION NO. 14011

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

December 10, 2014

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

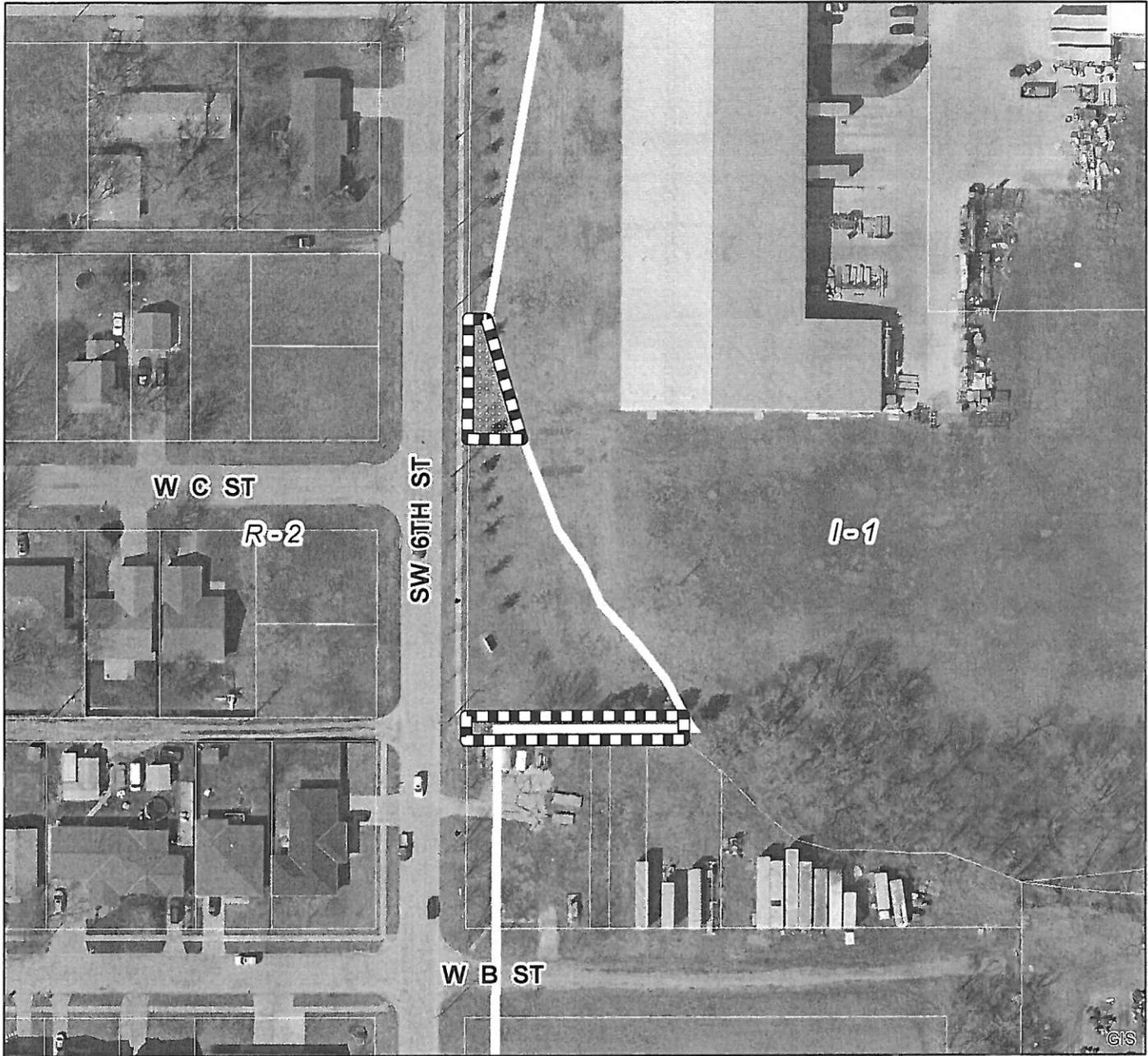
The Consent Agenda consisted of the following items: **CITY TEXT AMENDMENT NO. 14019 and COUNTY TEXT AMENDMENT NO. 14020; ANNEXATION NO. 14006, CHANGE OF ZONE NO. 14031 and SPECIAL PERMIT NO. 14050; CHANGE OF ZONE NO. 14030; SPECIAL PERMIT NO. 14048 and STREET & ALLEY VACATION NO. 14011; STREET & ALLEY VACATION NO. 14010; and STREET & ALLEY VACATION NO. 14012.**

There were no ex parte communications disclosed.

Item No. 1.5, Street & Alley Vacation No. 14010, was removed from the Consent Agenda and had separate public hearing.

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

Note: This is final action on Special Permit No. 14050 and Special Permit No. 14048, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.



2013 aerial

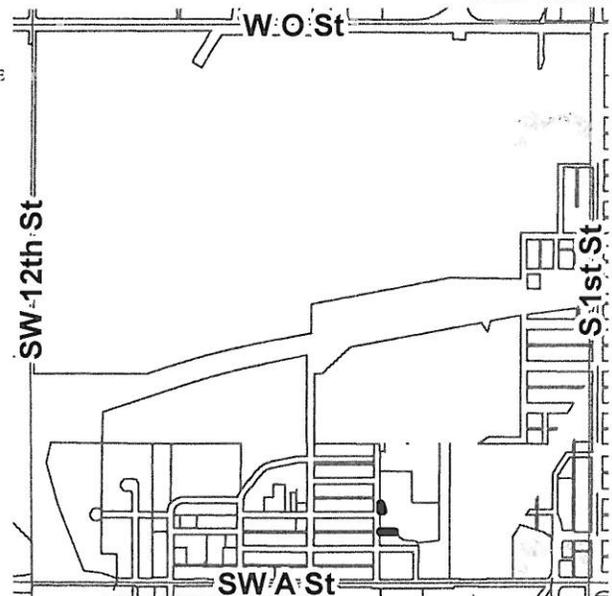
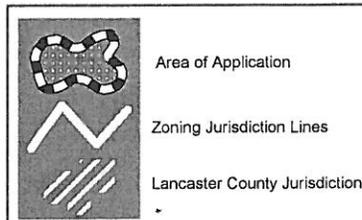
Street and Alley Vacation #: SAV14011
SW 6th & W B St

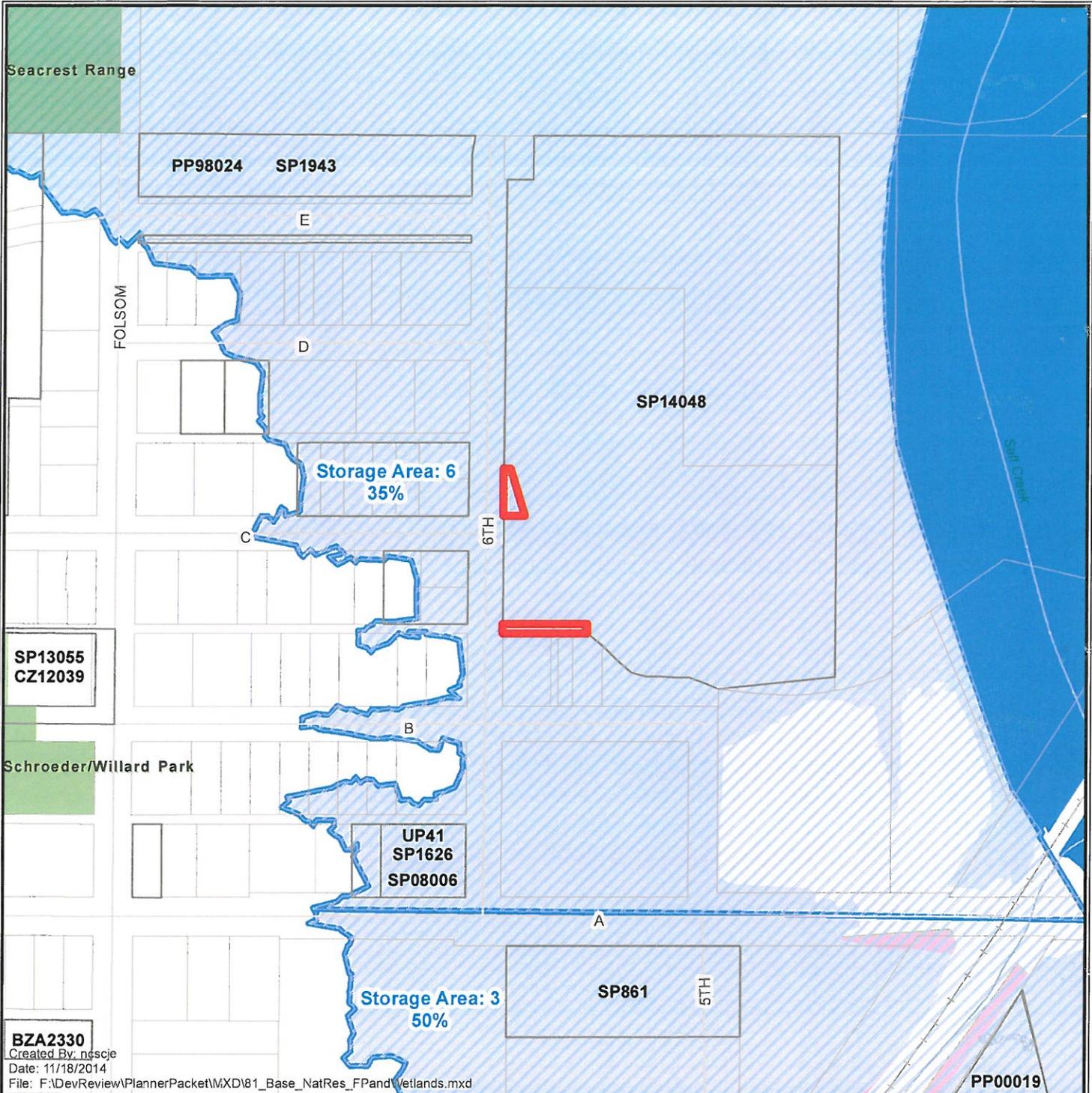


One Square Mile:
 Sec.27 T10N R06E

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



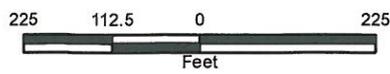


LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
 Information Technology Services
 333 South 10th Street
 Lincoln, Nebraska 68508
 PH: 402.441.7491 FAX: 402.441.6377

Application Number
SAV14011



Sec.27 T10N R06E



- Natural Resources - Floodplain and Wetlands**
- | | | |
|---------------|--------------|---------|
| Floodplain | Category I | Lakes |
| Floodway | Category II | Rivers |
| Salt Creek | Category III | Marshes |
| Storage Areas | Category IV | |

Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>



File No. 14-0017
November 12, 2014

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

RE: SW 6TH STREET & ALLEY VACATION

Dear Marvin,

On behalf of IMS Properties, we are requesting that the existing east-west alley east of SW 6th Street and the right-of-way which is outside of the normal 30 feet of right-of-way to the east of SW 6th Street be vacated.

The north half of the east-west alley will be attached with the property to the north and the south half will be attached to the property to the south. The entire area will remain as it is currently utilized. The additional right-of-way outside of the east 30 feet of SW 6th Street will also remain as it is currently.

All of the right-of-way is within the floodplain. The conservation of the area can be addressed within the vacation deeds since no fill is being proposed within the vacation areas. No grading of any kind is being proposed at this time.

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads 'Marcia L. Kinning'.

Marcia L. Kinning
Enclosures: Application
Application Fee of \$165.00

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: December 15, 2014

COPIES TO: Teresa J. Meier
David R. Cary
Jeff Kirkpatrick
Byron Blum, Bldg & Safety
Jean Preister, Planning
Sandy Dubas, City Clerk's Office
Jamie Phillips, Mayor's Office

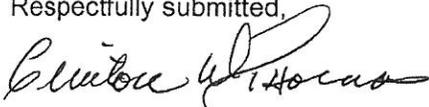
SUBJECT: Street & Alley Vacation No. 14011
Street Right-of-Way & East/West Alley
east of SW 6th Street near B Street

A request has been made to vacate an alley and street stub located north of B Street on the east side of SW 6th Street. The area was viewed and appears as a portion of the abutting property. Electric lines were noted along SW 6th Street as well as a fire hydrant indicated the existence of a water main in SW 6th Street. Staff has reported, however, there are no utilities located within the area to be vacated. Areas such as these have little value, in and of themselves, but will take on the value of the abutting property once they are assembled into it. The abutting property is estimated to have a value in the range of \$1.00 to \$1.50 per square foot. The entire area of the vacated street right-of-way and a portion of the alley to be vacated are assumed to be within the typical setback for the area and therefore would be unbuildable. However, a portion of the alley is outside the setback and could be utilized for development purposes. Staff has indicated that a conservation easement should be retained over the entire area to be vacated which would restrict the use of any of that area to open space or some use that did not diminish its water-storage capacity. As such, a nominal value of \$0.25 per square foot is considered appropriate. The area to be vacated is calculated at 4,240 square feet. The calculations are as follows:

$$4,240 \text{ sq. ft.} \quad \times \quad \$0.25/\text{sq. ft.} \quad = \quad \$1,060.00$$

Therefore it is recommended if the area be vacated it be sold to the abutting property owner for \$1,060.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023