

## FACTSHEET

**TITLE:** STREET & ALLEY VACATION NO. 14010  
(Alley southwest of the intersection of South 23<sup>rd</sup> & O Street)

**BOARD/COMMITTEE:** Planning Commission

**APPLICANT:** St. Joseph Institute

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove 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 alley located southwest of the intersection of South 23<sup>rd</sup> and O Street, generally located at 2241 O Street.

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

1. This alley vacation request was heard before the Planning Commission on December 10, 2014.
2. The purpose of this alley vacation request is to allow for a drive up window associated with a coffee shop inside the building at 2215 O Street.
3. The staff recommendation finding the proposed alley vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3, concluding that the alley right-of-way is no longer needed by the City. Vacation of the right-of-way will facilitate improvements to the property and is in conformance with the Comprehensive Plan. The staff presentation is found on p.4.
4. The applicant's testimony is found on p.4.
5. There was no testimony in opposition.
6. On December 10, 2014, the Planning Commission voted 9-0 to find the proposed vacation to be in conformance with the Comprehensive Plan.
7. 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 property be sold to the abutting property owner for \$720.00.
8. 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:** Geri Rorabaugh, Administrative Officer

**DATE:** April 7, 2015

**REVIEWED BY:** David R. Cary, Acting Planning Director

**DATE:** April 7, 2015

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

**PROJECT #:** Street and Alley Vacation No. 14010

**PROPOSAL:** To vacate the alley between O Street and N Street, west of S. 23<sup>rd</sup> Street and east of Antelope Valley creek

**LOCATION:** Generally located southwest of the intersection of S. 23<sup>rd</sup> and O Street.

**LAND AREA:** 0.11 acres more or less

**CONCLUSION:** The alley right-of-way is no longer need by the City. Vacation of the right-of-way will facilitate improvements to the property. The vacation 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:** The east-west alley between "O" Street and "N" Street from the west line of 23rd Street to the east line of Outlot F, Antelope Valley 2<sup>nd</sup> Addition, located in the NE1/4 of Section 25-10-6, Lincoln, Lancaster County, Nebraska

**SURROUNDING LAND USE AND ZONING:** The property on all sides of the alley is zoned B-4 Lincoln Center Business District.

North: St. Louise Thrift Store  
South: Catholic Social Services  
East: Commercial - Office Max  
West: Antelope Valley stream channel, trail and open space

**COMPREHENSIVE PLAN SPECIFICATIONS:**

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

**UTILITIES:** There is an 8 inch sanitary sewer in the alley. An easement will need to be retained. Although buildings will not be allowed in this easement Public Works and Utilities has indicated that there is not a problem with the drive thru traffic crossing over the easement.

**TRAFFIC ANALYSIS:** O Street is a Major Urban Arterial. S. 23<sup>rd</sup> Street is a local Street.

**ENVIRONMENTAL CONCERNS:** This property was removed from the floodplain with the Antelope Valley project.

**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 right of way is not classified in the 2040 Comprehensive plan. It is an alley.
3. St. Joseph Institute owns the properties on both sides of the alley. The alley right-of-way is not delineated. It functions as a drive aisle in a shared parking lot.
4. Improvements are planned to the northeren most building that houses the St. Louise Thrift Store. In addition to the thrift store a potential new coffee and gelato store with a drive up window may be part of the building. The stacking for the drive up window crosses the alley and would not meet design standards.
5. Vacating the alley will not only allow stacking for the drive up window, it will also facilitate potential future redevelopment on this site.
6. A common access easement will need to be retained over the alley to provide access to all adjacent lots for future redevelopment. The common access easement will also serve as an alternative to access from O Street.
7. This alley right-of-way is no longer needed by the City. No City department has any objections to the vacation.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 2 Include retention of utility easements by City with deed transfer.
3. Include a common access easement for all adjacent lots.

Prepared by: Christy Eichorn, Planner on November 25, 2014

**APPLICANT/ CONTACT/OWNER:** St. Joseph Institute  
2241 O Street  
Lincoln, NE 68510

# STREET AND ALLEY VACATION NO. 14010

**STREET & ALLEY VACATION NO. 14010**  
**TO VACATE THE EAST-WEST ALLEY BETWEEN**  
**“O” STREET AND “N” STREET FROM THE WEST**  
**LINE OF 23<sup>RD</sup> STREET TO THE EAST LINE OF THE**  
**ANTELOPE CREEK CHANNEL.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 10, 2014

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

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

There were no ex parte communications disclosed.

This application was removed from the Consent Agenda and had separate public hearing.

Staff presentation: **Christy Eichorn of Planning staff** explained that this is a request to vacate an existing alley just east of the Antelope Valley Creek and just west of South 23<sup>rd</sup> Street, south of O Street. Catholic Social Services owns the adjacent properties. The City owns one lot at 2143. Catholic Social Services is looking to do a cafe/coffee shop in the building at 2215. Part of that coffee shop will include a drive-through facility and in order to meet the stacking requirements, they would need to cross this alley, which is considered a public right-of-way and design standards do not allow them to cross that alley. The alley will never continue over Antelope Creek. The City will retain an easement over the right-of-way and there will be a common access easement to be used as a driveway for the abutting properties.

Proponents

1. **Bill Meduna**, appeared on behalf of **St. Joseph Institute and Catholic Social Services**, the applicant and petitioner. He referred to the Analysis in the staff report which calls for the common access easement for all adjacent lots. Meduna explained that one of the purposes of requesting the vacation of this alley is to limit the amount of traffic in front of the building. Catholic Social Services has many clients coming in and out of their offices at 2241 O Street. He wondered whether there is any way that the vacation can happen without including the common access easement.

Lust did not believe this would be possible, but she suggested that the petitioner meet with staff and the Commission will defer further discussion and action until later in the meeting.

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When this public hearing was reconvened, Eichorn indicated that she had met with the applicant. She further explained that the purpose for the common access easement is because there are several platted lots that front on O Street. If those lots are redeveloped, the city wants to insure that access to those lots will not have to be provided off of O Street. Eichorn believes the applicant now understands. The applicant does own all properties on both sides of the easement.

There was no testimony in opposition.

Response by the Applicant:

Meduna confirmed that his concerns have now been alleviated.

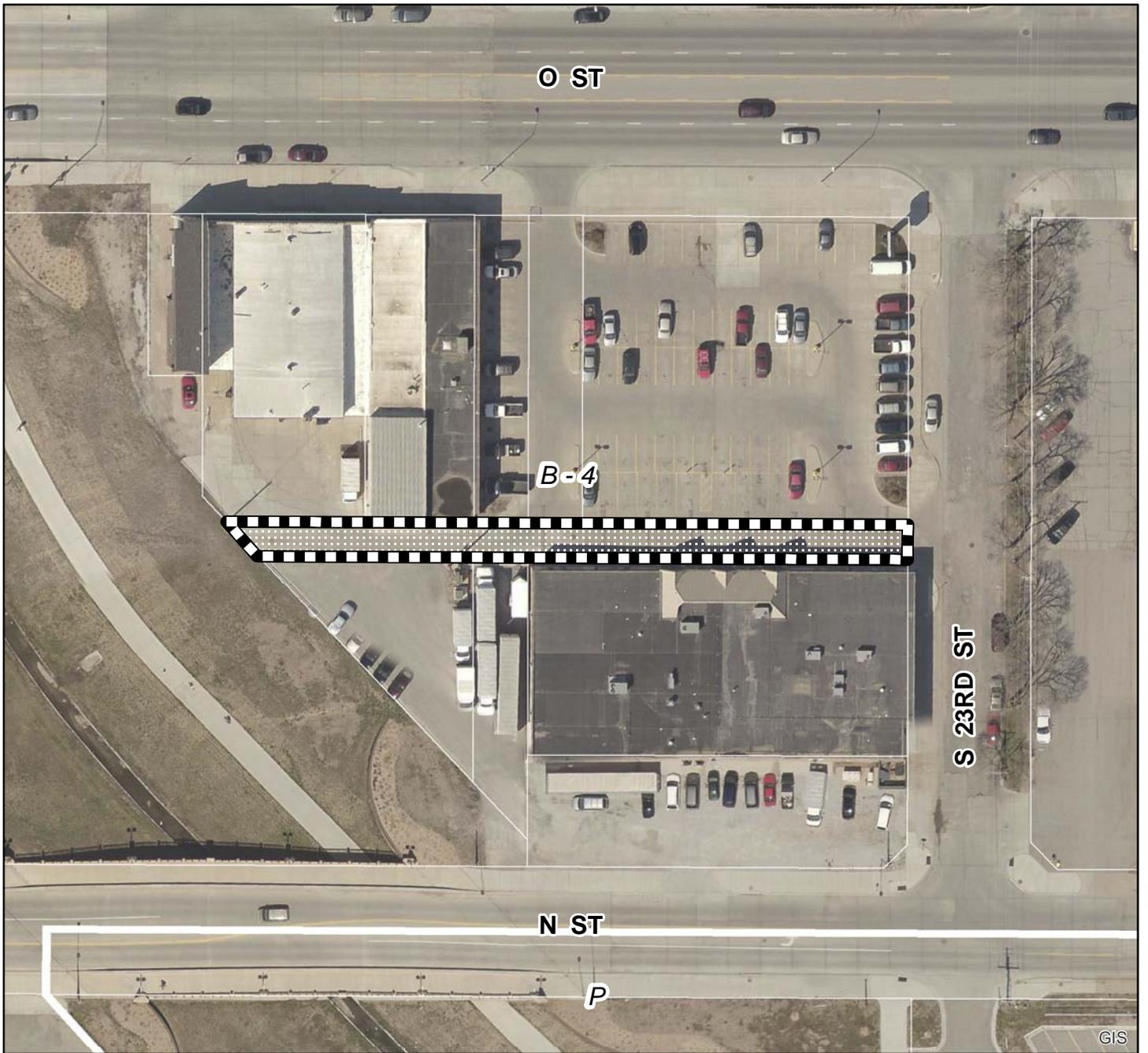
**ACTION BY PLANNING COMMISSION:**

December 10, 2014

Cornelius moved to approve a finding of conformance with the Comprehensive Plan, seconded by Scheer.

Lust believes this to be a good use of the property and a good resolution of the concerns of the applicant.

Motion carried 9-0: Scheer, Harris, Cornelius, Beecham, Corr, Sunderman, Weber, Hove and Lust voting 'yes'. This is a recommendation to the City Council.



**Street and Alley Vacation #: SAV14010**  
**East-West Alley between O and N Streets**  
**from Antelope Creek to S 23rd Street**

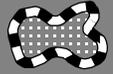
2013 aerial

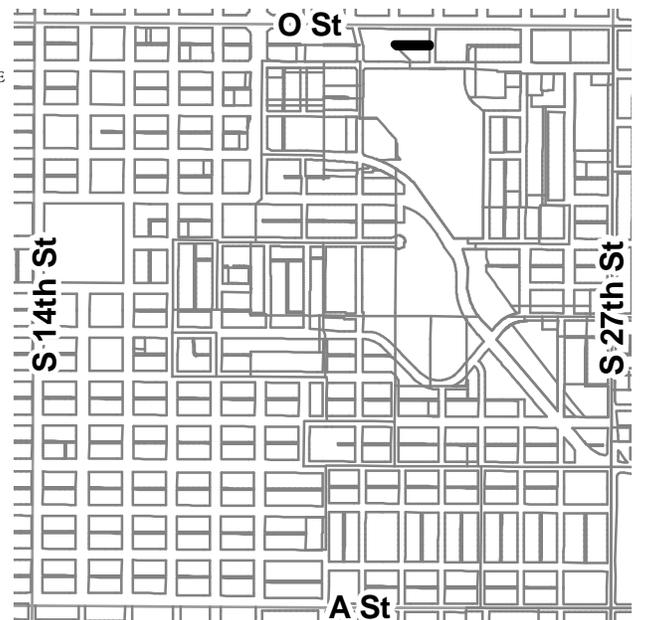
**Zoning:**

- 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.25 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



# Application Information Fact Sheet

Application Number: **SAV14010**

Parcels: 1025236003000, 1025236004000, 1025236023000, 1025236021000, 1025236024000, 1025236020000, 1025236031000, 1025256003000

City Council District: **No value detected** County Board District: **No value detected** Section/Township/Range: **No value detected**

## Location Findings:

Intersecting Applications: **No value detected**

Zoning: **No value detected**

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

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

Existing Landuse: **No value detected**

Future Landuse: **No value detected**

Subdivisions-City: **No value detected**

Subdivisions-County: **No value detected**

Growth Tiers: **No value detected**

Fire District: **No value detected**

Historic District: **No value detected**

Traffic Analysis Zones: **No value detected**

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

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

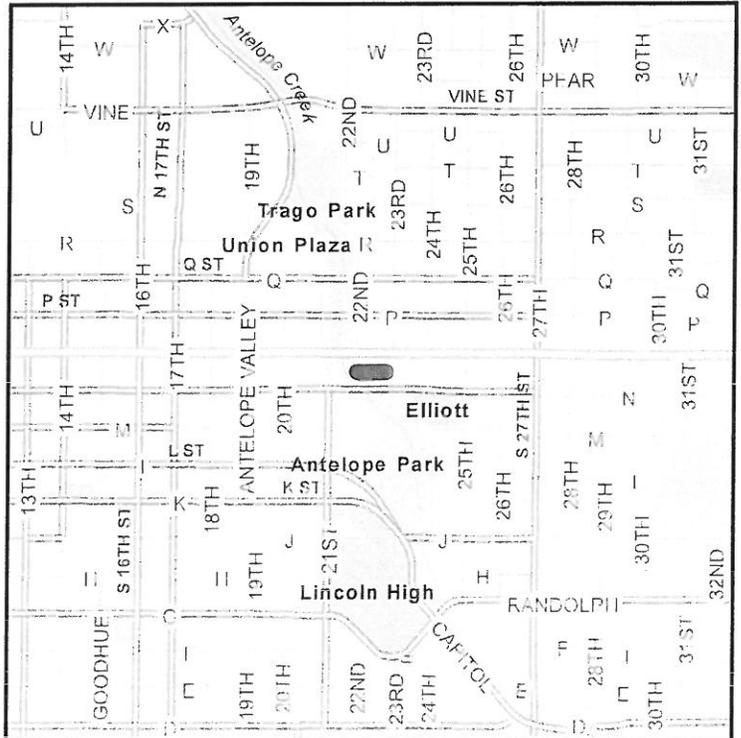
Annexation(Ord. #): **No value detected**

Annexation Agreement: **No value detected**

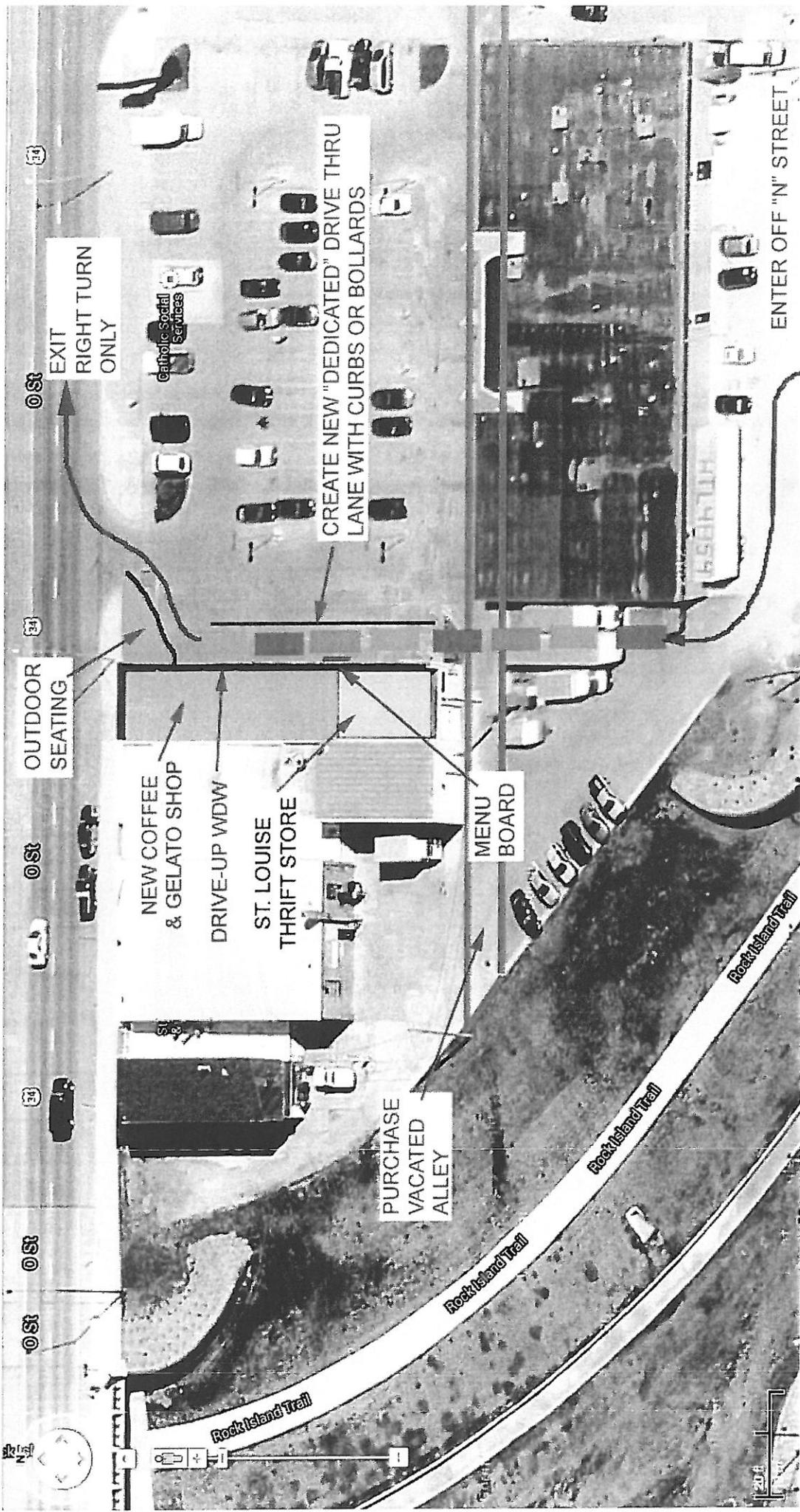
Drainage Basin: **No value detected**

## Intersecting Entities:

Trails:	No
Railroad Lines Present:	No
Beltway Corridor Protection:	No
Beltway Corridor:	No
Historic Sites Present:	No
Cell Towers Present:	No
Streams:	No
Lakes:	No
FEMA Floodplain:	No
Salt Creek Storage Area:	No
New Growth Flood	No
Standard Exemption Area:	No
Endangered Species:	No
Prime Ag Soils:	No
City Subdivisions:	Yes
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):	Yes
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):	Yes
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.





**Catholic Social Services**  
of Southern Nebraska

City of Lincoln  
Planning Department  
555 S 10th St, Ste 213  
Lincoln, NE, 68508

November 7, 2014

RE: Request to Vacate Alley at 2241 O Street, Lincoln

Dear Christy Eichorn,

St. Joseph Institute requests the City of Lincoln to consider vacating the alley property at our 2241 O Street, downtown Lincoln property. St. Joseph Institute would request to purchase the property from the city following the approval of the vacation request.

St. Joseph Institute and Catholic Social Services have developed a traffic plan through review with Steve Henrichsen and "Buff" Baker for a proposed drive up window associated with a coffee shop inside our building at 2215 O Street. We are requesting to have the alley vacated to allow for code compliant stacking of vehicles using the drive up window. The vacated public way would continue to also be used as access to our 2241 O Street building.

Please contact Bill Meduna at 402-327-6225 if you have any questions or concerns. Thank you.

Sincerely,

Father Christopher Kubat  
Secretary, St. Joseph Institute and Catholic Social Services

RECEIVED

NOV 07 2014

Lincoln/Lancaster Co.  
Planning Department



2241 O Street • Lincoln, Nebraska 68510 • (402) 474-1600  
3700 Sheridan Boulevard • Suite 1 • Lincoln, Nebraska 68506 • (402) 489-1834  
333 West 2nd Street • Hastings, Nebraska 68901 • (402) 463-2112  
Website: [cssisus.org](http://cssisus.org)  
Call Toll-Free 1-800-961-6CSS



0009

## 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  
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. 14010  
O to N Streets west of South  
23<sup>rd</sup> Street

A request has been made to vacate the alley west of South 23<sup>rd</sup> Street between O and N Street. The area was viewed and appears as a surface drive lane which is part of the parking lot serving the building on the south half of the block. Electric utilities were observed within the alley. Public Works has also indicated the existence of a sanitary sewer line within the alley. These utilities will require an easement to be retained for their future maintenance and upgrade. Planning has asked that a public access easement also be retained over the entire area to be vacated for future access to lots along the alley.

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 they are assembled. The retention of multiple easements, primarily the access easement, will restrict the use of this area probably to what currently exists. As such the area is considered to have minimal value of 15 cents per square foot. The calculations are as follows:

4,792 sq. ft. times 15 cents per square foot = \$718.80 called \$720. Therefore it is recommended that if the area to be vacated it be sold to the abutting property owner for \$720.

Sincerely,

Clinton W. Thomas  
Certified General Appraiser #990023



FINANCE DEPARTMENT  
Office of the City Clerk  
555 South 10th Street Suite 103 Lincoln, NE 68508  
402-441-7436 fax: 402-441-8325 lincoln.ne.gov

MARCH 30, 2015

ST. JOSEPH INSTITUTE  
ATTN: WILLIAM MEDUNA, DIRECTOR OF FINANCE  
2241 O STREET  
LINCOLN, NE 68510

RE: STREET & ALLEY VACATION 14010 - O TO N STS W OF S 23<sup>RD</sup> ST

DEAR PETITIONER:

The purpose of this letter is to confirm that I have received payment in the amount of **\$720.00** for this vacation and that the above requested vacation of right-of-way has been scheduled for **Public Hearing** before the City Council on **Monday, April 20, 2015 at 3:00 p.m.**

This is the appropriate date and time for you or your representative to make comments or to answer questions the City Council may have regarding the requested vacation of public right-of-way.

If you have any questions in regard to this matter, please contact me at (402) 441-7437, Monday-Friday, 8 a.m. to 4:30 p.m. or by email at [sdubas@lincoln.ne.gov](mailto:sdubas@lincoln.ne.gov).

SINCERELY,

A handwritten signature in cursive script that reads "Sandy Dubas".

SANDY L. DUBAS  
DEPUTY CITY CLERK

ec: Geri Rorabaugh, Planning  
Clint Thomas, Real Estate  
Barnie Blum, Public Works, Engineering  
Cheryl Eno, Law Department  
Rick Peo, Assistant City Attorney  
Teresa J. Meier, City Clerk