

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 18, 2006 PLANNING COMMISSION MEETING

- PROJECT #:** Street/Alley Vacation #05012
- PROPOSAL:** Vacate the east/west alley from North 33rd to North 34th Streets, between "O" and "P" Streets.
- LOCATION:** North 33rd and "O" Streets.
- LAND AREA:** 4,800 square feet, more or less.
- CONCLUSION:** The vacation of this right-of-way is consistent with the Comprehensive Plan, provided necessary public easements are retained.

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

LEGAL DESCRIPTION: The east/west alley in Block 17, Ridgeway Addition, bounded by 33rd, 34th, "P", and "O" Streets, located in the SE 1/4 of Section 19 T10N R7E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North: Single- and Two-family dwellings	R-4 Residential
South: Commercial	B-1 Local Business

HISTORY:

May 2005 BZA #05009 denied a request to reduce the side yard setback from 10' to 0' on property along the south side of this alley.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies the property surrounding this right-of-way as Commercial and Urban Residential. (F 25)

ANALYSIS:

1. This is a request to vacate an alley in order to facilitate the planned redevelopment of commercial property along the south side of the alley. The alley separates commercial from residential zoning, and the commercial zoning faces 33rd Street and "O" Street.
2. The applicant is intending to build a new strip center on this site with a drive-thru lane in the rear of the building, along the alley. The zoning ordinance allows parking in side and rear yards adjacent to the residential zoning, but not the drive-thru lane.

The applicant attempted to obtain a variance from this requirement, and did have neighborhood support, but the Board of Zoning Appeals denied the request because they could not find that it qualified under their criteria. The vacation of this alley will place the proposed drive-thru lane outside of the setback area.

3. The City has received petitions from every abutting property owner, as is required. However, a few petitions were acknowledged improperly, and must be corrected prior to scheduling with the City Council.
4. The alley currently provides access to properties that abut it. A public access easement will be required so these properties may continue to use the access.
5. The vacation of this right-of-way will not create lots without frontage and access to a public street.
6. There are existing public utilities located within this right-of-way. Easements must be retained for these and future utility needs.
7. The petitioners have all agreed that the right-of-way, if vacated, will be purchased by one abutting property owner rather than split among all of them, and that access will be retained for abutting properties.
8. 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. The provisions of Chapter 14.20 of the Lincoln Municipal Code must be met.
2. Corrected petitions must be submitted to the satisfaction of the Law Department.

**PRIOR TO THE TRANSFER OF TITLE TO THIS PROPERTY THE FOLLOWING
MUST BE COMPLETED:**

3. A permanent utility and public access easement must be retained.

Prepared by:

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Planner

Date: January 10, 2006

Petitioners and Owners: Joseph and Shari Lecci, William Maudlin
1307 Beaver Lake Blvd.
Plattsmouth, NE 68048

B & J Partnership, Ltd
340 Victory Lane
Lincoln, NE 68528

Speidell Monuments, Inc.
3344 "O" Street
Lincoln, NE 68510

Betty Lee Speidell, and Betty Lee Speidell, personal representative of the
Estate of Max J. Speidell
3344 "O" Street
Lincoln, NE 68510

Victor Martinez
3305 "P" Street
Lincoln, NE 68510

Jeremy and Holly Lincoln
3335 "P" Street
Lincoln, NE 68510

Francisco and Linda Delgado
3325 "P" Street
Lincoln, NE 68510

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3347 "P" Street
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2005 aerial

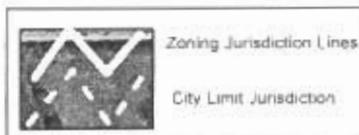
Street & Alley Vacation #05012
N33rd to 34th St between O & P St

A St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 19 T10N R7E



27th St.

40th St.

O St.