

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 1, 2003 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #03011

PROPOSAL:

The Director of Urban Development has requested a finding of Conformance with the Comprehensive Plan for the vacation and designation as surplus of a portion of the public right-of-way surrounding the new theater complex that will be generally located at 12th and "P" Streets.

LOCATION: From 11th to 12th Streets, between "P" and "O" Streets.

LAND AREA: 8,852 square feet, more or less.

CONCLUSION: The vacation of these public rights-of-way is consistent with the Comprehensive Plan.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

The north 13.5' of all that portion of "O" Street abutting Lots 9-16, Block 41, Original Plat; the west 9' of all that portion of 12th Street abutting Lot 1, Block 41, Original Plat; the east 9' of all that portion of 11th Street abutting Lots B, C, D, E, and F, County Clerk's Subdivision of Lots 5 and 6, Block 41, Original Plat; the south 9' of all that portion of P Street abutting Lots 1-4, Block 41, Original Plat and Lots A and B, County Clerk's Subdivision of Lots 5 and 6, Block 41, Original Plat; and the air rights over that portion of the east-west alley between 11th and 12th Streets measuring 56' in length for purposes of the connecting bridge/hallway structure and related appurtenances in Block 41, Original Plat, all located in the SE1/4 of Section 23 T10N R6E, Lincoln, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North: Office buildings, retail commercial B-4 Lincoln Center Business
South: Office buildings, retail commercial B-4 Lincoln Center Business
East: Office buildings, retail commercial B-4 Lincoln Center Business
West: Office buildings, retail commercial B-4 Lincoln Center Business

HISTORY:

- Jul 1997 Special Permit #1695 approved by Planning Commission for authority to construct dwelling units above the first floor of a building in the B-4 Lincoln Center Business district.
- Mar 1979 The zoning for Lot 41 changed from J Business to B-4 Lincoln Center Business as part of the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan designates this area as Commercial. (F 25)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouse, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

Key Elements of the Communities Economic Future

Downtown's Role - Downtown Lincoln has evolved from its earlier role as the region's dominant retail center to an urban mixed-use center. Today, Downtown is a center for government, education, entertainment, convention and conference facilities, housing, arts, business, professional services and tourism. Downtown should remain the designated entertainment, tourism and cultural center for the community and continue to strengthen linkages with the University of Nebraska-Lincoln. (F 11)

Downtown Lincoln - the Heart of Our Community - Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form. (F 16)

Among existing Regional Centers, Downtown Lincoln stands as a unique community resource. Downtown is the county's most intensive center of activity, offering a broad mix of retail, office, industrial, residential, and governmental uses. It is home to numerous public facilities - including the Nebraska State Capitol, the University of Nebraska-Lincoln's main campus, and County-City Building - as well as private endeavors - including financing, insurance, and other business services. Downtown Lincoln has historically served as the community's dominant center of entertainment. A key element to this role has been the long standing and successful "theater policy." This policy has allowed Downtown to retain an appreciable share of the area's movie theaters. It is intended that this policy would continue as part of the present Plan. (F 43, 44)

Principles for Downtown

The City should preserve and enhance Downtown's role as:

- the major office and service employment center of the City
- the focus of all levels of government
- the City's principal cultural and entertainment center
- the hotel and convention center for the City
- the City's financial center
- a hub of higher education
- specialty retail geared toward employees, area residents, convention visitors and University population

Lincoln's successful Theater Policy must be maintained and reinforced. New entertainment attractions should be encouraged to locate in the Downtown. (F 48)

UTILITIES:

Lincoln Electric System has existing facilities located in the alley. They will retain their easements in the alley, hence the request to only vacate air rights in the alley for only that portion that will be covered by the bridge/hallway. Aquila has gas mains located all around Block 41, but they are located out in the streets, so their facilities will not be affected by this request. Alltel and Time Warner Cable have not commented on this request.

TRAFFIC ANALYSIS:

Highway 34, which is also "O" Street, falls under the jurisdiction of the Nebraska Department of Roads. A vacation of this right-of-way by the City would remove the vacated area from the jurisdiction of the Department. The Department of Roads does not object to this vacation. They have also discussed this vacation with the Federal Highway Administration, and they also have no objection.

ANALYSIS:

1. This is a request by the Director of Urban Development for a finding of Conformance with the Comprehensive Plan for the vacation and designation as surplus of a portion of the public right-of-way surrounding the new Grand Theater complex that will be located downtown.
2. Title to the area of the proposed vacation will remain with the City of Lincoln. The City will convey a permanent redevelopment easement, as contemplated in the redevelopment agreement, for so long as the redevelopment improvements shall exist in the affected areas. At such time as the improvements no longer exist, the easement over the affected areas would terminate, and the property would return to public right-of-way status.
3. The Urban Development Department and City Attorney's Office have indicated the right-of-way must be vacated to clear the title so the project can proceed.
4. The general nature of the redevelopment activities within the vacated area is to occupy these spaces with building features and appurtenances that may extend out from the building at various elevations, including ground level. The majority of these features include entrance canopies, covered walkway and seating areas, and window treatments that protrude from the building face.
5. This vacation will create lots that no longer front on a public street or private roadway. This can be resolved by providing an access easement over the vacated area.
6. No City Department has raised an objection to this requested vacation.

**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 shall be met.
- 1.2 Public access and utility easements should be retained over the entire area.

Prepared by:

Greg Czaplewski
Planner

Date: September 18, 2003

Applicant: Director of Urban Development
Marc Wullschleger
808 P Street, Suite 400
Lincoln, NE 68508
441-7126

Owner: City of Lincoln

Contact: Urban Development Department
Dallas Mcgee, Assistant Director
808 P Street, Suite 400
Lincoln, NE 68508
441-7857



Street & Alley Vacation #03011
'O' Street, 11th to 12th





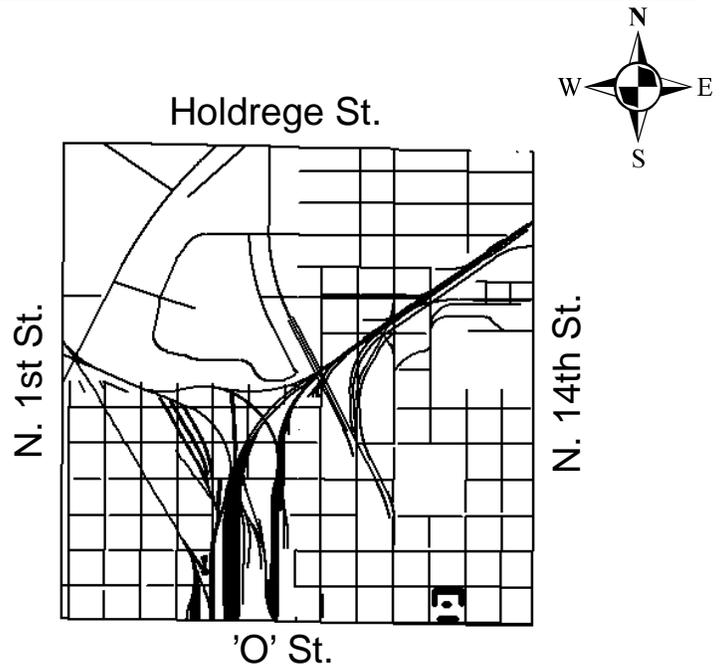
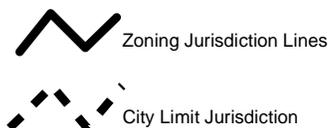
Street & Alley Vacation #03011

'O' Street, 11th to 12th

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Convervation 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. 23 T10N R6E



UNIVERSITY



MARKET SQUARE
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HAYMARKET
PARKING
GARAGE

OLD
FEDERAL

AREA OF RIGHT-OF-WAY
VACATION

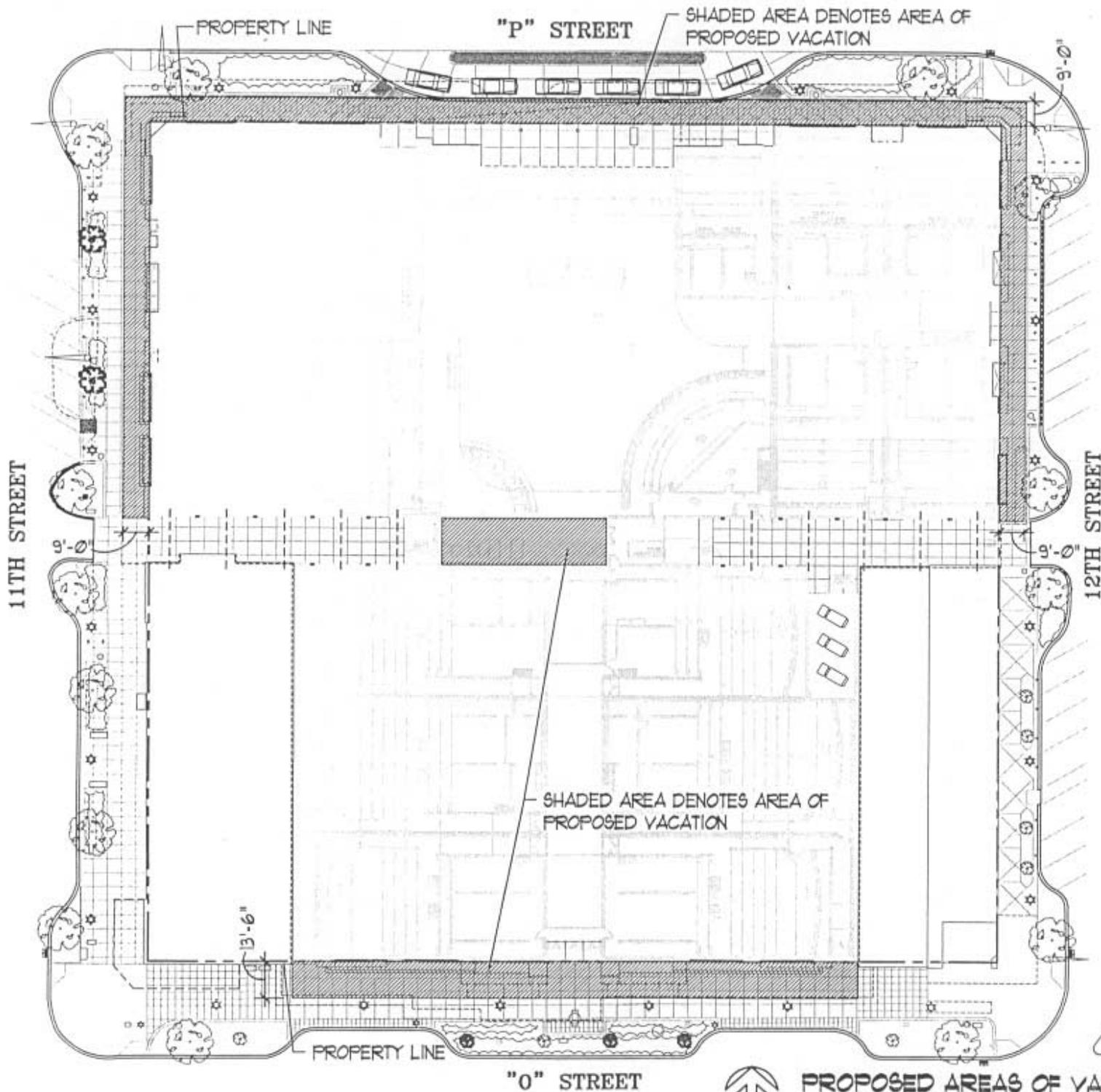
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CONSULTANTS:

Landscape Architect:
 Kim Todd, ASLA
 4321 Stockwell Street
 Lincoln, NE 68506



THE GRAND THEATER

BLOCK 41
 LINCOLN, NE

Project No.

PRELIM SET

Date: SEPT 09 2003



ERICKSON SULLIVAN
 ARCHITECTS

209 South 9th Street
 Lincoln, NE 68508

Tel. 402.475.1787 Fax 402.475.1800



PROPOSED AREAS OF VACATION

SCALE: 1" = 10'-0"



Jeff A Cole

09/11/2003 02:04 PM

To: Gregory S Czaplowski/Notes@Notes
cc: Dallas A Mcgee/Notes@Notes
Subject: Revised Vacation request letter

Greg - here is a more detailed explanation of the request for vacation that we received from Law department. It provides a better picture of the project and request, especially regarding alley related issues, than the draft we sent over yesterday.

Let me know if you have questions. Thanks

September 11, 2003

Greg Czaplowski
Lincoln / Lancaster County Planning Department
555 S 10th Street
Suite 213, Mailbox #16
Lincoln, NE 68508

RE: Request to vacate portions of Block 41

The Urban Development Department, on behalf of the City of Lincoln, is requesting that the Planning Commission review and approve for conformance with the comprehensive plan a requested vacation and surplus designation of a portion of the public rights-of-way surrounding the new theater complex that will be located on Block 41 of the original plat of the City of Lincoln.

The requested vacation includes 9 feet of right of way extending from the property line along P, 11th and 12th Streets. On O Street, the requested vacation is 13 feet 6 inches in front of those lots included in the redevelopment site. In addition the planned redevelopment improvements include a bridge over the existing alley. The vacation request will also apply to the air rights above the existing alley in Block 41 for purposes of an above grade interior hallway connecting bridge. The bridge will connect the redevelopment improvements on the north half of the block to the improvements on the south half. The redeveloper will receive an air rights easement from the city for so long as the redevelopment improvements exist for the bridge. Although the bridge will preclude vehicular and pedestrian traffic from traveling through the entire alleyway, an essential component of the alley is retained for public utility corridors as they now exist. The alley was considered for closing, but relocating existing utilities was cost prohibitive. This was an essential component of a successful redevelopment of the blighted conditions in the area.

The areas of requested vacation are identified in the attached material.

Title to the vacated property will be retained in City ownership, and the City will grant to the developer, Center Associates, LLC, permanent easement/s for construction and for so long as the redeveloper improvements exist in the vacated areas, including access for maintenance and improvements or repairs as needed. The design that the developer is utilizing was developed in

conjunction with architects hired by the City and conforms to design standards identified by the Urban Design Committee.

We ask that this request be placed on your October 1 agenda.

Project Specific Information

Ownership: Currently the City is the owner of all the properties on the block with the exception of the former Wells Fargo bank building and warehouse. These properties are owned by Center Associates LLC, the parent company of Douglas Theatre Corporation, the developer building the theater complex that will occupy this site.

Applicant: City of Lincoln, Urban Development Department

Contact Information: Dallas McGee, Assistant Director, 441-7856

Sincerely,

Dallas McGee
Assistant Director