

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 12, 2016 PLANNING COMMISSION MEETING

- PROJECT #:** Street and Alley Vacation No. 16004
- PROPOSAL:** Vacate the right-of-way for N 46th Street between Orchard Street and Y Street.
- LOCATION:** North of the intersection of N 46th and Y Streets
- LAND AREA:** 16,900 square feet, more or less
- CONCLUSION:** The portion of public right-of-way to be vacated is not currently being utilized and the vacation will accommodate redevelopment of the property. This request is in conformance with the Comprehensive Plan.

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

LEGAL DESCRIPTION: A portion of the North 46th Street public right-of-way between the south right-of-way line of Orchard Street and the north right-of-way line of Y Street, located in the NW 1/4 of Section 20-10-7, Lincoln, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2 Residential
South:	Residential	R-2 Residential
East:	Vacant/Broadcast Tower	R-2 Residential
West:	Residential	R-2 Residential

ASSOCIATED APPLICATIONS:

Change of Zone No. 16029 from R-2 to a mix of R-T and R-4.

Use Permit No. 16008 for an R-T district office use.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 7.11 - Strategy for existing neighborhoods: maintain existing pattern of streets for connectivity.

Page 10.15 - The street is not shown on the Functional Street and Road Classification plan. Local streets and alleys are not included in the functional classification.

Page 10.24 - Improve the efficiency, performance, and connectivity of a balanced transportation system...An efficient system allows people to move from place to place in as direct a route as possible, allowing them to reduce the amount of time spent in travel, the distance that must be traveled, and the amount of time spent in congested traffic.

HISTORY:

- June 1891 Right-of-way for N 46th Street dedicated with Mount Forest subdivision. The street was never constructed between Y and Orchard Streets.
- June 1969 Right-of-way for N 47th Street between Y and Orchard Streets vacated with Ordinance No. 9794.

UTILITIES: A water main and associated easement are located in the right-of-way and will be retained.

ANALYSIS:

1. This request is to vacate a portion of the N 46th Street public right-of-way located between Y Street and Orchard Street. The street in this area was never constructed. The right-of-way is currently occupied by trees and grass, and is not utilized as a vehicular or pedestrian connection.
2. This application is associated with Change of Zone No. 16029 and Use Permit No. 16008. Analysis of these applications is found in separate staff reports.
3. N 46th Street to the north and south is a local street.
4. N 46th Street south of Y Street is a gravel surface for one block before ending at the Mopac Trail right-of-way. N 46th Street continues three blocks north of Orchard Street before connecting to Holdrege Street. Due to the Mopac Trail directly to the south, it is likely that north-south traffic would be minimal even if this portion of the street were constructed. Most north-south traffic in the area is along N 48th Street.
5. The right-of-way currently contains a water main and 30-foot utility easement that are proposed to remain. The easement alignment is proposed to be slightly adjusted to allow for more efficient use of the area once the lots are platted. Public Works has reviewed the request and supports the minor change in easement alignment. The easement width will remain at 30 feet.

6. It is unlikely that a street would ever be installed in the right-of-way. This street remains unbuilt 125 years after it was platted. There are two residential parcels on the west, both of which have frontage on other streets. There are six lots on the east (shown on the attached map), which are currently vacant except for a broadcast tower on a portion of two lots. N 46th Street would need to be completed for the four interior lots on the east to have access. It is unlikely that a developer could financially justify paving N 46th Street for four lots. A new final plat based on the associated use permit and change of zone applications will orient all lots toward Orchard Street or Y Street.
7. Block length for the block containing the vacated right-of-way would be 1,180 feet. Per 26.23.130 of the subdivision ordinance, the maximum block length for any area platted before 1949 is 1,000 feet. However, street and sidewalk were never constructed in this portion of the right-of-way, and the vacation would not change the pedestrian or vehicular circulation of the neighborhood. Subdivision ordinance requirements do not specifically apply to street vacations, so a block length waiver is not required with this application.
8. Street returns are located on both Orchard and Y Streets with the intention of connecting into a future paved N 46th Street. The returns will need to be removed at the developer's cost. Sureties to remove the street returns will be secured with the final plat.
9. 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:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.
- 1.3 Include retention of utility easements by City with deed transfer.

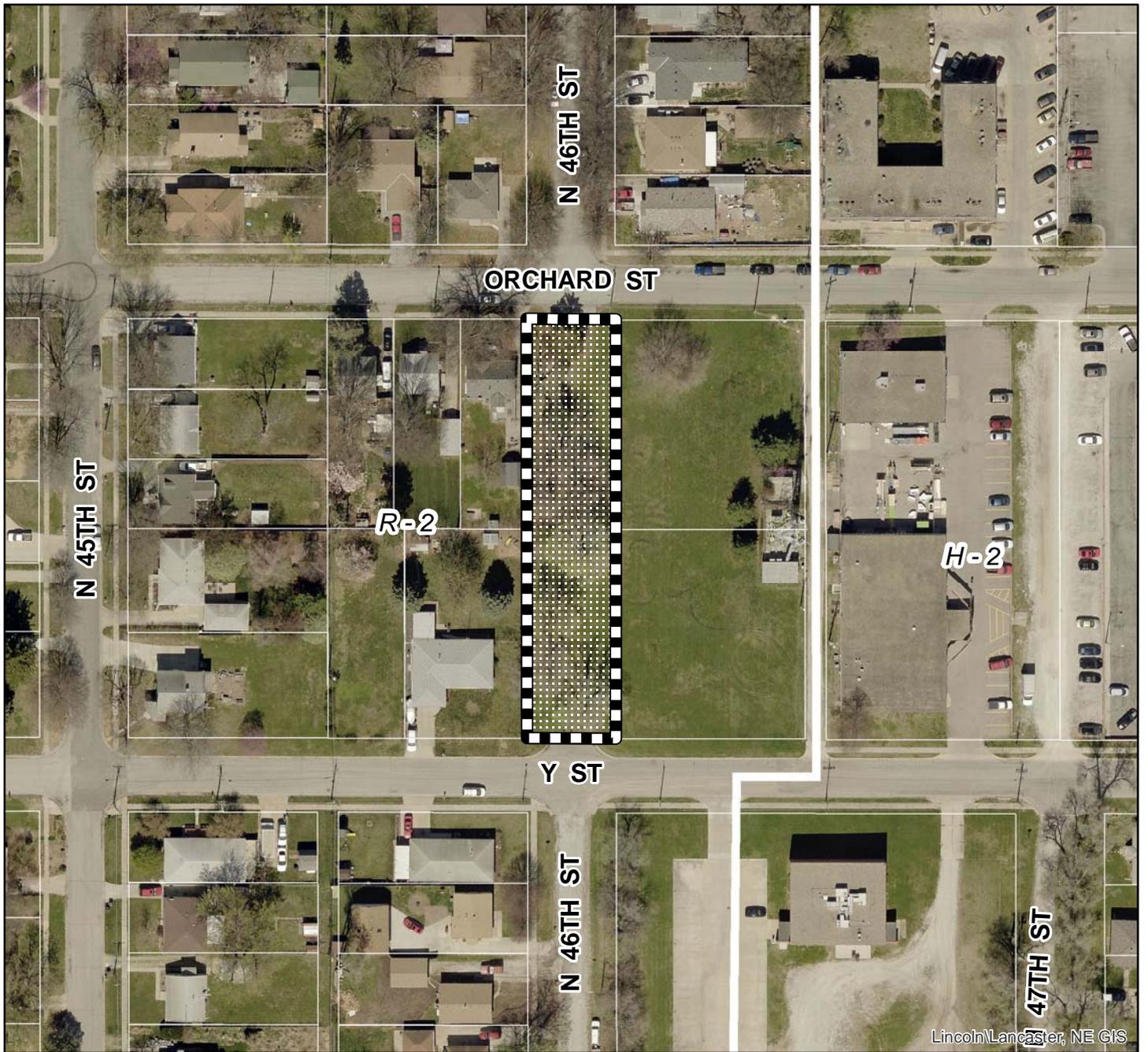
Prepared by:

Andrew Thierolf
Planner

October 3, 2016

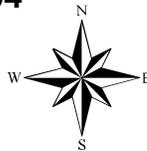
**APPLICANT/
CONTACT:** J.D. Burt
218 S 38th Street
Lincoln, NE 68510

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2016 aerial

Street and Alley Vacation #: SAV16004
North 46th Street between
Orchard St and Y St



One Square Mile:
 Sec.20 T10N R07E

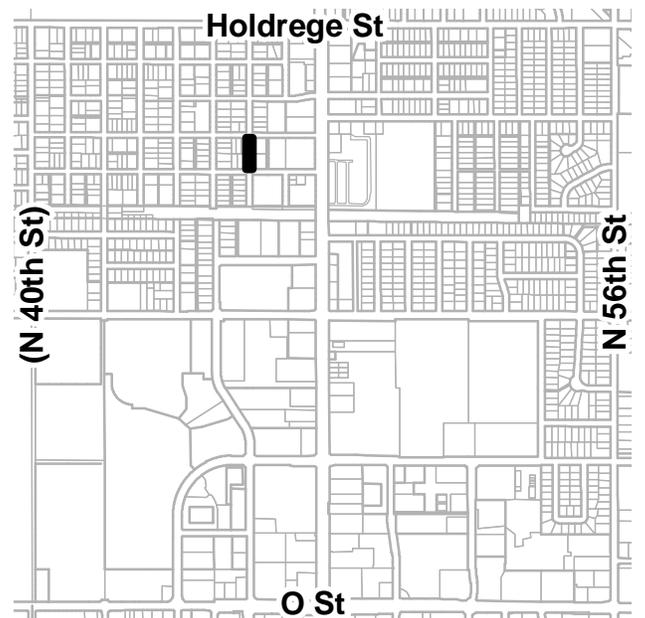
Zoning:

- 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

Area of Application

Zoning Jurisdiction Lines

City of Lincoln Jurisdiction





Lancaster County/City of Lincoln GIS Map

Habitat for Humanity



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DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

Burt Real Estate, LLC

September 14, 2016

Andrew Thierolf
Lincoln-Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska 68508

RE: Petition to Vacate Public Way
Change of Zone
Use Permit

Andrew,

On behalf of the property owners, Judeth and Harold Hoppe, attached are applications to vacate 46th Street and amend zoning on the property located between Orchard and Y Street east of 46th Street.

The proposed development includes five components:

- Vacation of North 46th Street between Orchard and Y Streets;
- Change of Zone from R2 Residential District to Residential Transitional District zoning along Orchard east of 46th Street;
- Change of Zone from R2 Residential District to R4 Residential District along Y Street;
- Retention of R2 Residential District between the proposed RT and R4 districts and the existing single family residences located along the west side of 46th Street; and
- Use Permit for an office use for the proposed Residential Transitional District.

The proposed Street Vacation, Changes of Zone and Use Permit have been shared with the abutting property owners. Both owners have signed the petitions to vacate 46th Street and have not expressed any objection to the land use applications. A final plat will be submitted under separate cover to reconfigure lot lines.

The Use Permit development plan includes an office building having residential design elements and a footprint of approximately 1,850 square feet. Construction will include an off-street parking area containing 15 stalls. The construction is proposed by Habitat for Humanity for their administrative offices. This site was selected due to its proximity to the Habitat Restore retail facility which is located immediately east of the proposed Use Permit.

The R4 area is limited to two proposed lots located at the southwest corner of the property. These lots will provide a transition zoning between the H-2 Highway Commercial District located east of the property and the existing R2 zoning district located west of 46th Street.

Burt Real Estate, LLC

The existing R2 zoning is being retained along the west limit of the property to provide one single family lot fronting Orchard Street and one single family lot fronting Y Street. These single family lots are proposed to create a buffer between the proposed RT and R4 districts and the adjacent single family residences which abut the subject property.

Thank you in advance for your assistance and support for these land use applications.

Please feel free to call or contact me if you have questions or are in need of additional information.

Regards,



J.D. Burt

Attachments: Petitions to Vacate Public Ways
Application for Changes of Zone
Application for Use Permit