

City Council Introduction: **Monday**, January 27, 2003  
Public Hearing: **Monday**, February 3, 2003, at **1:30 p.m.**

Bill No. 03-19

## FACTSHEET

**TITLE: DECLARATION OF SURPLUS PROPERTY**, requested by Lincoln Electric System, to declare approximately 9,456 sq. ft., more or less, generally located at South 40<sup>th</sup> and Randolph Streets as surplus property.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan **Comprehensive Plan Conformance No. 02013**).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 01/08/03  
Administrative Action: 01/08/03

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (8-0: Carlson, Duvall, Larson, Newman, Schwinn, Krieser, Bills-Strand and Taylor voting 'yes'; Steward absent).

### FINDINGS OF FACT:

1. The staff conclusion and recommendation to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
2. On January 8, 2003, public hearing was held before the Planning Commission. The applicant's testimony is found on p.4.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposal to be in conformance with the Comprehensive Plan (See Minutes, p.4-5).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 21, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 21, 2003

**REFERENCE NUMBER:** FS\CC\2003\CPC.02013

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Comprehensive Plan Conformance #02013

**DATE:** December 23, 2002

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** January 8, 2003

**PROPOSAL:** Finding that a declaration of surplus property for a tract of land is in conformance with the Comprehensive Plan.

**LAND AREA:** 9,456 square feet, more or less.

**CONCLUSION:** A declaration of surplus for this property generally conforms to the Comprehensive Plan.

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

**LEGAL DESCRIPTION:** The north 71.17 feet of the south 131.17 feet of Lot 1, Riley and Whitney's Subdivision.

**LOCATION:** South 40<sup>th</sup> and Randolph Streets.

**APPLICANT:** Lincoln Electric System  
1040 O Street  
Lincoln, NE 68508  
475-4211

**OWNER:** Same as Applicant

**CONTACT:** William F. Austin, Attorney  
Erickson & Sederstrom, P.C.  
301 South 13<sup>th</sup> Street, Ste. 400  
Lincoln, NE 68508  
476-1000

**EXISTING ZONING:** R-4 Residential

**EXISTING LAND USE:** Vacant

## **SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-1 Local Business
	Church	B-1 Local Business
South:	Single-Family residential	R-4 Residential
East:	Commercial	B-1 Local Business
	Single-Family residential	R-4 Residential
West:	Single-Family residential	R-4 Residential

## **HISTORY:**

- May 1979 Prior to the 1979 zoning update, this property was zoned B Two-Family Dwelling. The update changed the zoning to R-4 Residential.
- Dec 1965 Subdivision Permit Application #740 - Lot 1 Riley and Whitney's Subdivision was split into three parcels. This lot is parcel 1.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan contemplates this property to remain Urban Residential. (F 25)

"During the time period covered by this Plan, there will likely be a need to construct, renovate, or abandon certain public buildings and facilities not already discussed in this document. At such time as these events may occur, care should be taken by those public officials making these decisions that the Vision of this Plan is recognized and respected. This may include the siting of a new facility, the abandonment of an existing one, the way renovations are undertaken, the manner of financing used to complete the work, the arrangements made for the facility's operation, the process followed in making the decision, and the timing of the action." (F 131)

**UTILITIES:** Utilities are available.

**TRAFFIC ANALYSIS:** The 2025 Comprehensive Plan shows the current and future classification of South 40<sup>th</sup> and Randolph Streets is Urban Minor Arterial. (E 49, F103).

## **ANALYSIS:**

1. This is a request by Lincoln Electric System to declare property generally located at South 40<sup>th</sup> and Randolph Streets as surplus property.
2. The property is currently owned by Lincoln Electric System.
3. This property has been presented to the Department Director's within the City of Lincoln and none have expressed a interest in acquiring this property.
4. Planning Department does not see a need for any special use restrictions or standards to ensure conformance with the Comprehensive Plan.

Prepared by:

Greg Czaplewski  
Planner

**COMPREHENSIVE PLAN CONFORMANCE NO. 02012,  
COMPREHENSIVE PLAN CONFORMANCE NO. 02013,  
and  
COMPREHENSIVE PLAN CONFORMANCE NO. 02014**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 8, 2003

Members present: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn;  
Steward absent.

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

These applications were removed from the Consent Agenda and had separate public hearing at the request of Commissioner Newman because she believes the public should be aware of the purpose of the declaration of surplus property.

Proponents

**1. Bill Austin** appeared on behalf of **LES** for all three proposals for declaration of surplus property.

#02012 involves property at 6<sup>th</sup> and Peach Streets. This was a former LES substation site many years ago and LES has now concluded that it would be in the best interests of the city to get this off of the public ownership. It is a relatively small parcel. The sole purpose of coming before the Planning Commission is to fulfill the requirements of the City Charter that surplus and sale of the property be first reviewed by the Planning Commission.

#02013 involves property at 40<sup>th</sup> & Randolph Streets (south of the intersection on the southwest side of the intersection). This was a former LES substation site as well and has not been used for many years. It is zoned R-4 and it is hoped that the property can be put to a better use than it is now.

#02014 involves property at 6400 West Bennet Road. This was not an old substation but was an acquisition-in-fee accomplished for the purpose of installing a 345 kv transmission line, which is actually in place diagonally across these properties. At the time, it made more sense to acquire the property even though only an easement was needed. Now the desire is to find a buyer for the remaining portion of the property.

Newman inquired whether LES has buyers for the Peach and Randolph properties. Austin was not aware of any purchasers. LES has found that there are a lot of people that may or may not be interested in the property but they have no buyers at this point.

Carlson inquired as to the next step in the process as far as advertising the property for sale, etc. On the assumption that the City Council passes an ordinance authorizing LES to proceed, Austin indicated that it depends upon how much interest is generated on the property. If there is interest, LES may send

out bid packages to other property owners or interested parties. There is no firm policy as to how they proceed but they would look at anyone who approaches them to acquire the property. Austin does not believe the properties are advertised for sale in the newspaper.

There was no testimony in opposition.

Public hearing was closed.

**COMPREHENSIVE PLAN CONFORMANCE NO. 02012**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 8, 2003

Duvall moved to approve a finding of conformance with the Comprehensive Plan, seconded by Taylor.

Carlson commented that it would be interesting to figure out what the standing policy might be as far as listing or advertising the properties.

Newman commented that she wanted to hold public discussion on these applications because many times the Commissioners do hear from people who say they knew nothing about the surplus property and she wanted to have it discussed in public.

Motion to find in conformance carried 8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent.

**COMPREHENSIVE PLAN CONFORMANCE NO. 02013**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

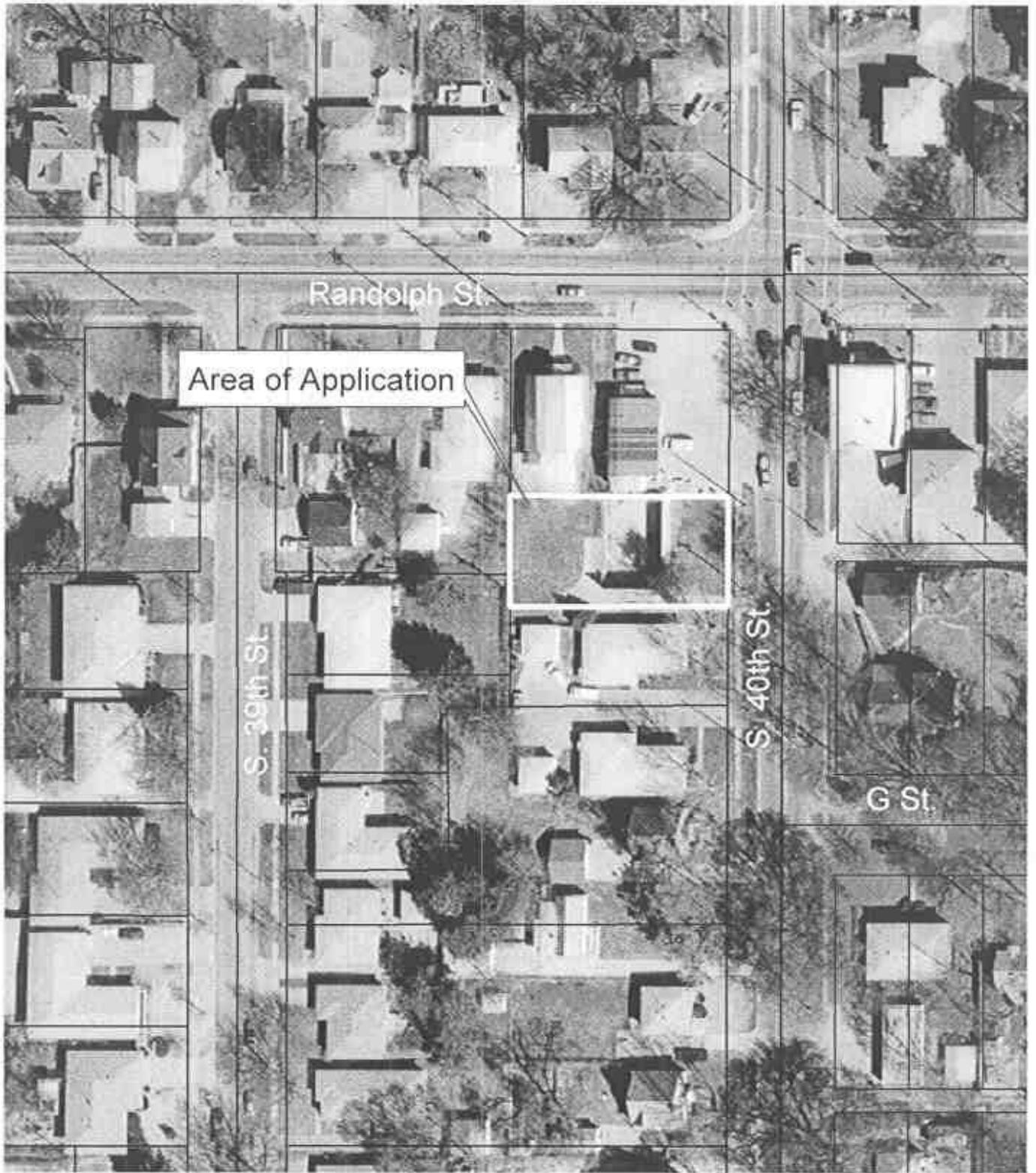
January 8, 2003

Duvall moved to approve a finding of conformance with the Comprehensive Plan, seconded by Carlson and carried 8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent.

**COMPREHENSIVE PLAN CONFORMANCE NO. 02014**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

January 8, 2003

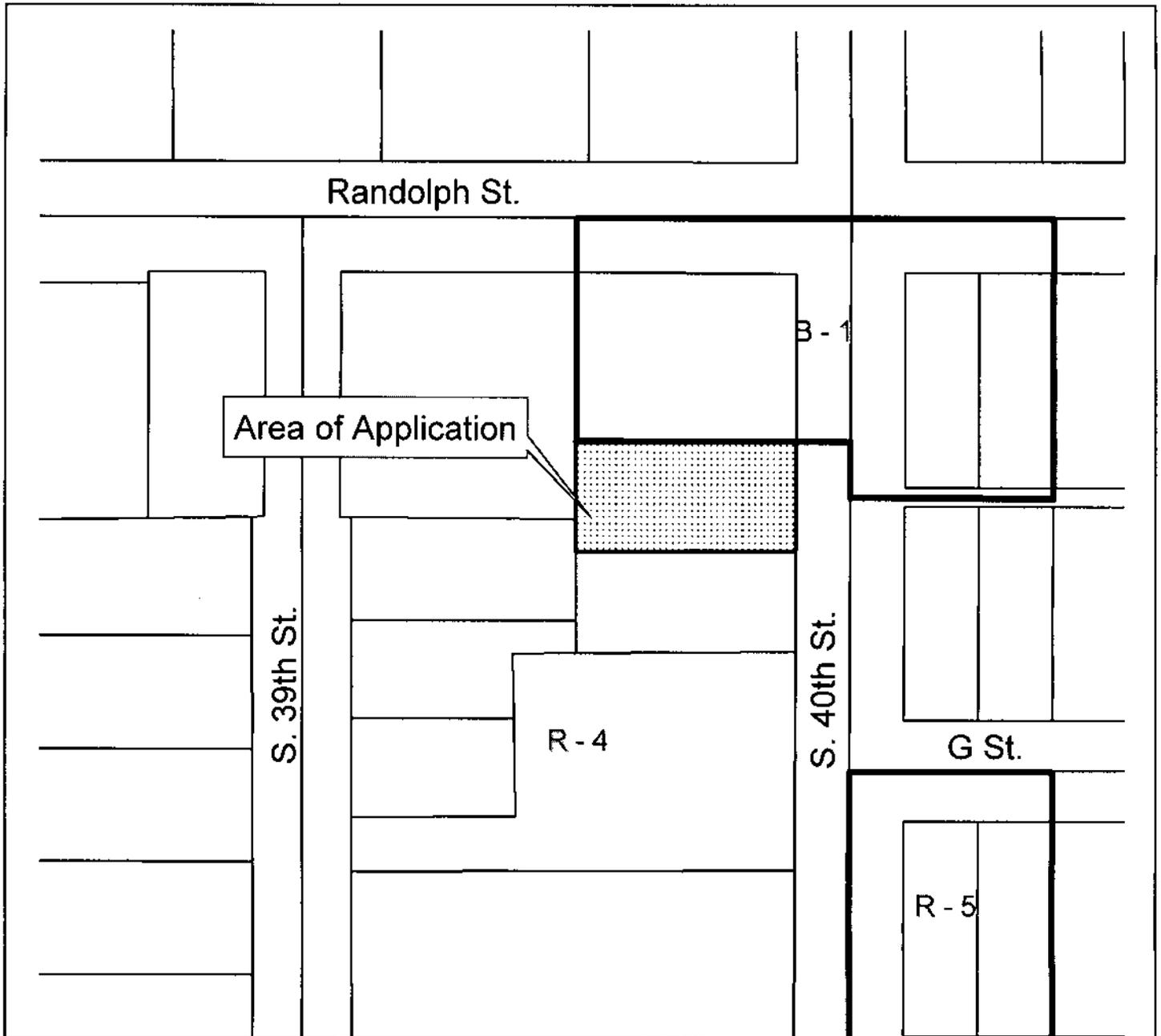
Carlson moved to approve a finding of conformance with the Comprehensive Plan, seconded by Newman and carried 8-0: Carlson, Bills-Strand, Larson, Newman, Duvall, Taylor, Krieser and Schwinn voting 'yes'; Steward absent.



**Comprehensive Plan Conformance #02013  
S. 40th & Randolph St.**



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# Comprehensive Plan Conformance #02013

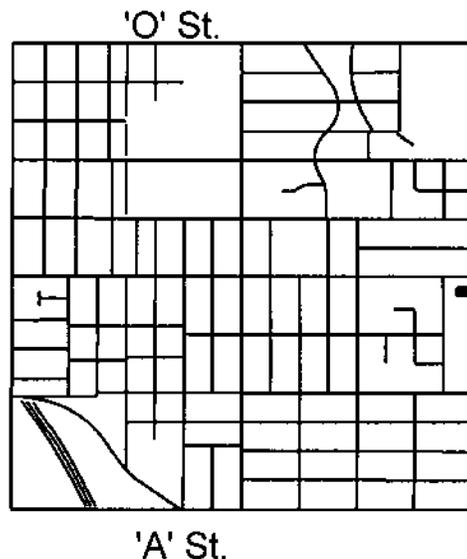
## S. 40th & Randolph St.

### Zoning:

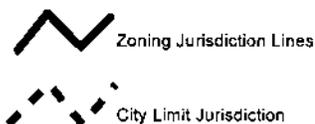
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 30 T10N R7E

S. 27th St.



S. 40th St.



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