

FACTSHEET

TITLE: ALLEY VACATION NO. 01021, to vacate the east-west alley from North 1st to North 2nd Streets in Block 264, Original Plat of Lincoln, generally located at North 1st Street between "R" and "S" Streets.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan, with conditions of approval.

ASSOCIATED REQUESTS: Waiver No. 02005 (03R-181); Special Permit No. 1123B (03R-234); and Conservation Easement Agreement (03R-235).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/09/02
Administrative Action: 01/09/02

RECOMMENDATION: A finding of conformance with the Comprehensive Plan, with conditions of approval (9-0: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes').

FINDINGS OF FACT:

1. The staff recommendation is based upon the "Analysis" as set forth on p.3, concluding that, with a conservation easement, the request is in conformance with the Comprehensive Plan. The permanent conservation easement is required due to the area being within the 100 year flood zone.
2. On January 9, 2002, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On January 9, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan.
4. The provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied and the applicant has deposited \$480.00 with the City Clerk (See p.11-12).
5. The administrative final plat required by Condition #1.2 has been submitted.
6. The agreement for the conservation easement required by Condition #1.3 has been executed and is submitted to the Council for acceptance of the easement (03R-235).
7. Special Permit No. 1123B (03R-234) is also an associated request, which requests to expand the boundary of the existing special permit and to reduce the front yard setback for a proposed shelter within an existing building. The Planning Commission recommended conditional approval of the special permit on July 23, 2003.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 18, 2003

REVIEWED BY: _____

DATE: August 18, 2003

REFERENCE NUMBER: FS\CC\2003\SAV.01021

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01021

DATE: December 7, 2001

PROPOSAL: To vacate the east-west alley from North 1st to North 2nd Street in Block 264, Original Plat of Lincoln.

LAND AREA: 4,800 square feet

CONCLUSION: In conformance with the Comprehensive Plan, this street and alley vacation is supported by the Public Works & Utilities Department.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The east-west alley from North 1st to North 2nd Street in Block 264, Original Plat of Lincoln.

LOCATION: North 1st Street between "R" and "S" Streets.

SURROUNDING LAND USE AND ZONING:

North:	Salt Creek, undeveloped, and storage	I-1, Industrial
South:	City Mission storage shed and undeveloped	I-1
East:	Lumberyard storage yard and undeveloped	I-1
West:	Midland Equipment Company open storage	I-1

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as industrial (page 39)

This area is in a 100-year flood zone. The Comprehensive Plan indicates a goal to "Protect natural stream corridors and enhance man-made open channels for the purpose of improving water quality and reducing flood damage and erosion while retaining open space"(page 70) and to "Protect the quantity and quality of ground and surface water"(page 70).

HISTORY: The City Council approved Special Permit #1123A to expand the People's City Mission and to reduce the front yard setback from 15' to 6' on **January 18, 2000**.

City Council denied Special Permit #1554 for a salvage yard at N. 1st and R Streets on **April 12, 1995**.

City Council denied Special Permit #1369 for a self storage building at 415 N. 2nd Street on **June 18, 1990**.

The City Council approved Special Permit #1123 for the People's City Mission on **January 28, 1985**.

Ordinance #13562 vacating "S" Street from the east line of North 1st Street to the west line of North 2nd Street was approved by the City Council **March 28, 1983**.

The area was zoned L, Heavy Industrial until it was updated to I-1, Industrial during the **1979** zoning update.

UTILITIES: The Lincoln Electric System has an existing overhead line in the alley. They request that a permanent easement be established so that they have access to their overhead line. The Lincoln Electric System may relocate the line at the petitioner's expense.

TRAFFIC ANALYSIS: North 1st and 2nd Streets and R and S Streets are classified as local streets in the Comprehensive Plan.

ENVIRONMENTAL CONCERNS: This area is in a floodplain. The City requires a permanent conservation easement be retained over the vacated right-of-way.

ASSOCIATED APPLICATION: Comprehensive Plan Conformance #01004

ANALYSIS:

1. This is an application to vacate the east-west alley in Block 264, Original plat of Lincoln.
2. If the vacation is approved, it will leave lots without access to a public street. An administrative final plat must be filed to create lots that will have access to a public street.
3. The Lincoln Electric System has an existing overhead line in the alley and asks that a permanent easement be established for the entire vacation corridor. In order for the People's City Mission to expand their facilities, this line will need to be relocated at the petitioner's expense.
4. The area is within the 100 year flood zone. The City requires a permanent conservation easement be retained over the entire vacated corridor. Subsequently, the owners proposed an alternative whereby a conservation easement is granted to the City. This will allow the future building to occupy the vacated alley. The equivalent in flood storage for this building area is proposed to be provided in a 0.12-acre (5,160 square-foot) permanent conservation easement on the north 51.6-feet of Lots 11 and 12, Block 275, Original Plat of Lincoln.
5. The Public Works & Utilities Department recommends approval of this vacation.
6. With a conservation easement, the request is in conformance with the Comprehensive Plan.

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 have submitted a final plat that would eliminate any existing lots that do not have access to a public street or private roadway and all requirements of the final plat have been completed except the transfer of ownership of the vacated alley to the owners.
- 1.3 A conservation easement protecting the equivalent amount of flood storage is dedicated to the City in an alternate location or a permanent conservation easement be retained over the entire portion of vacated right-of-way.

Prepared by:

Becky Horner
Planner

APPLICANT: John Watson, President of the Board
People's City Mission
110 O Street
P.O. Box 80636
Lincoln, NE 68501
(402) 475-1303

OWNER: Same

CONTACT: Same

STREET & ALLEY VACATION NO. 01021

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

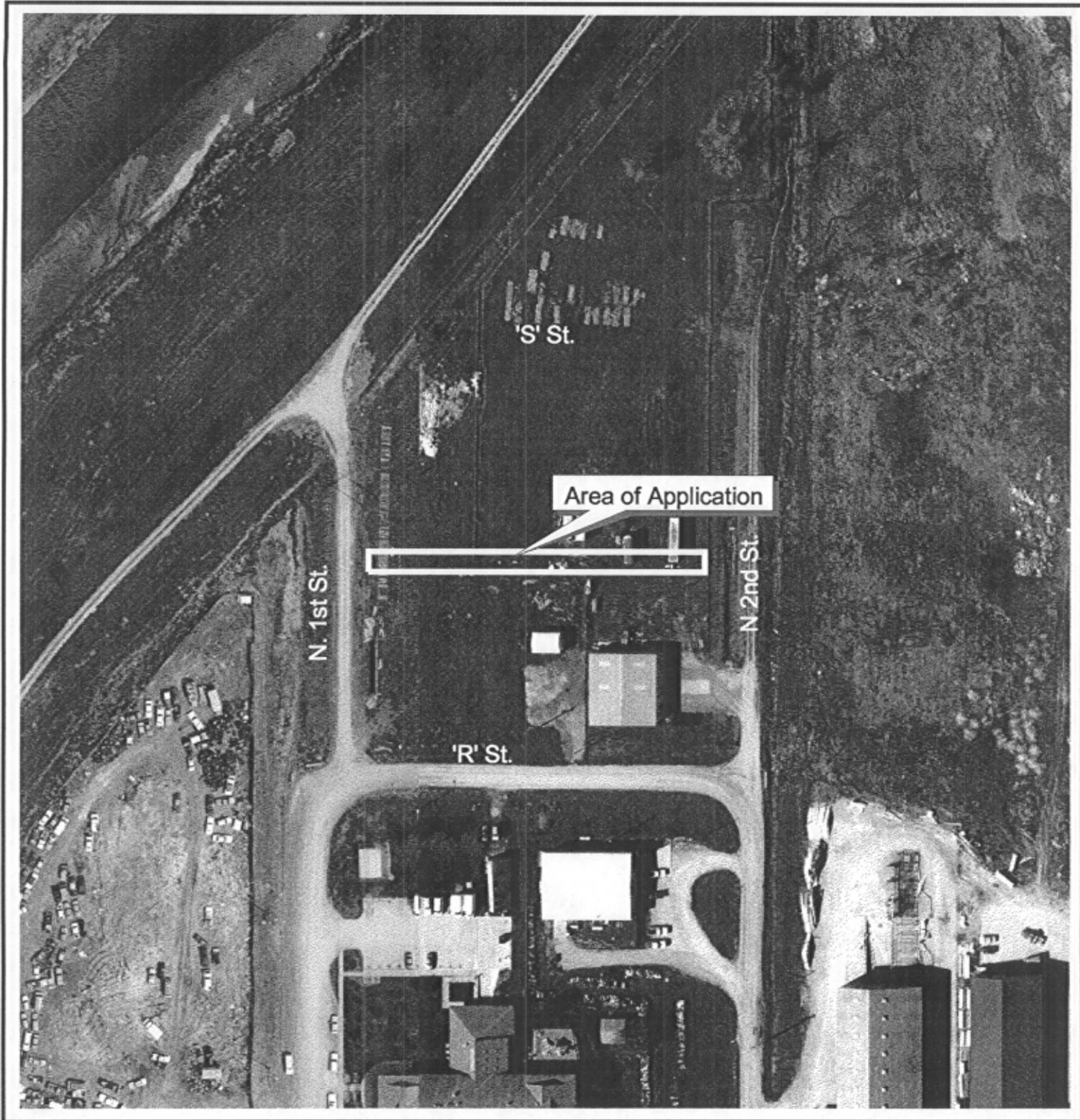
January 9, 2002

Members present: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3348, FINAL PLAT NO. 01023, ANNEXATION NO. 01009, STREET AND ALLEY VACATION NO. 01018, COMPREHENSIVE PLAN CONFORMANCE NO. 01004** and **STREET AND ALLEY VACATION NO. 01021.**

Item No. 1.4, Street and Alley Vacation No. 01018, was removed from the Consent Agenda and scheduled for separate public hearing.

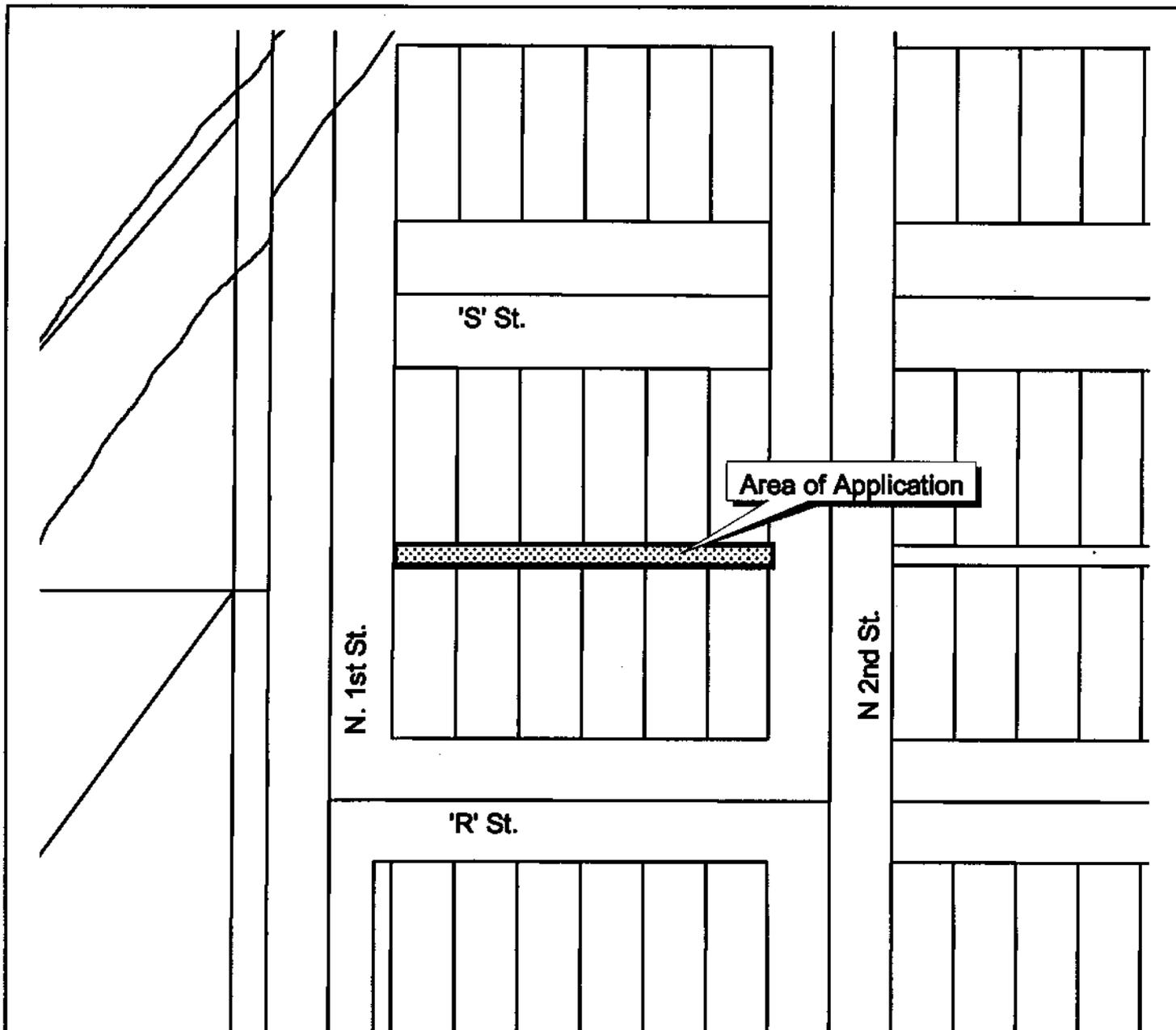
Carlson moved to approve the remaining Consent Agenda, seconded by Newman. Motion to approve carried 9-0: Bills, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes.



Street & Alley Vacation #01021
N 1st & 'R' St.
East - West alley



006

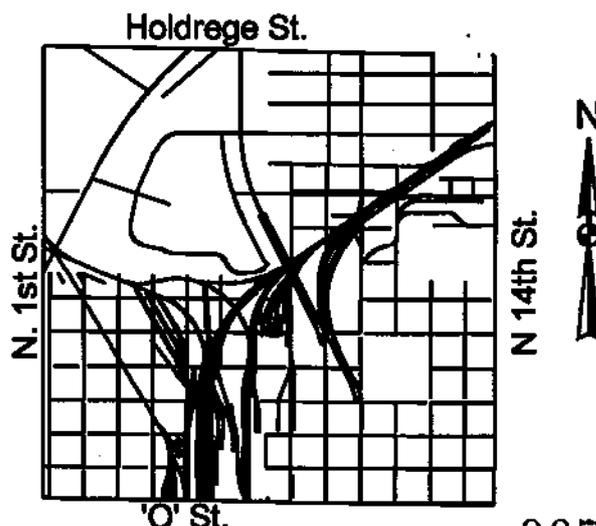
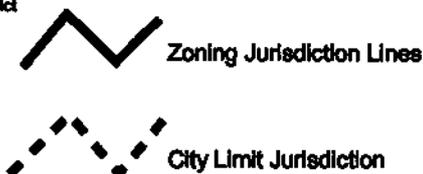


Street & Alley Vacation #01021
N 1st & 'R' St.
East - West alley

Zoning:

- R-1 to R-5 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-6 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



007



November 7, 2001

Lincoln City / Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating the East-West Alley from 1st to 2nd Streets in Block 264
Original Plat of Lincoln

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from John Watson, President of the People's City Mission Board, owners of Lots 1 through 12, Block 264, Original Plat of Lincoln, to vacate the above described public right-of-way. Petitioner requests this vacation for future expansion.

Lincoln Electric System has an existing overhead line in the alley and has asked that a permanent easement be established for the entire vacation corridor. In order for the People's City Mission to expand their facilities, this line will need to be relocated. This would be at the petitioner's expense.

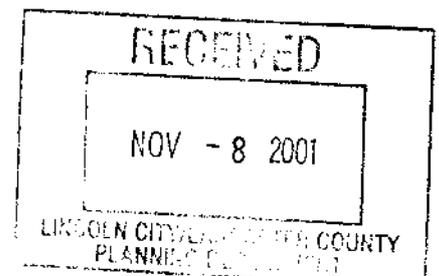
The Department of Public Works and Utilities recommends approval of this vacation with the above conditions. This vacation contains an area of 4,800 square feet, more or less.

Sincerely,

Byron Blum
Engineering Services
Department of Public Works

cc: Mayor Don Wesely
Allan Abbott
Kathleen Sellman
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Dana Roper

Blk 264 Vac Ltr tdm.wpd



008



Design Associates of Lincoln, Inc.
Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

OIV-22

September 20, 2001

Joan Ross, City Clerk
City of Lincoln
555 South 10th Street
Lincoln, Nebraska 68508

RE: Alley Vacation

Ms. Ross,

On behalf of the People's City Mission, attached please find an executed PETITION TO VACATE PUBLIC WAY. The petition is limited to the east/west alley located in Block 264, Lincoln Original Plat, and is generally located between 1st and 2nd Street and "R" and vacated "S" Street. The limits of the request and limits of ownership are shown in Exhibit "A".

Prior to acquisition of property located adjacent to the requested vacation, a flood plain development permit was issued to the previous property owners. The grading plan for the approved flood plain development permit is shown in Exhibit "B".

The purpose of this vacation is to allow purchase of the vacated alley by the Mission to combine their ownership north and south of the alley. If the requested vacation is approved, an amendment of the approved flood plain permit will be submitted requesting permission to place fill material in the vacated alley. Approval of the vacation and fill permit will allow assembly of property owned by the Mission located in Block 264 into a single parcel north of "R" Street that will be suitable for future use.

It is acknowledged that current city policy encourages conservation easements to prohibit fill in vacated right-of-ways located in flood plains. The owner proposes to offset the volume of fill within the vacated right-of-way with a conservation easement in the northerly portion of their site. The proposed conservation will remove from the approved flood plain permit a similar volume to the fill proposed in the vacated alley. The amended grading plan for the flood plain development permit, including the proposed conservation easement, is shown in Exhibit "C".

This proposal has been discussed with staff in the Public Works Department and found to be generally acceptable in principle. We would like to thank staff for their willingness to work with the Mission in finding a solution to the Mission's expansion needs while implementing city policy.

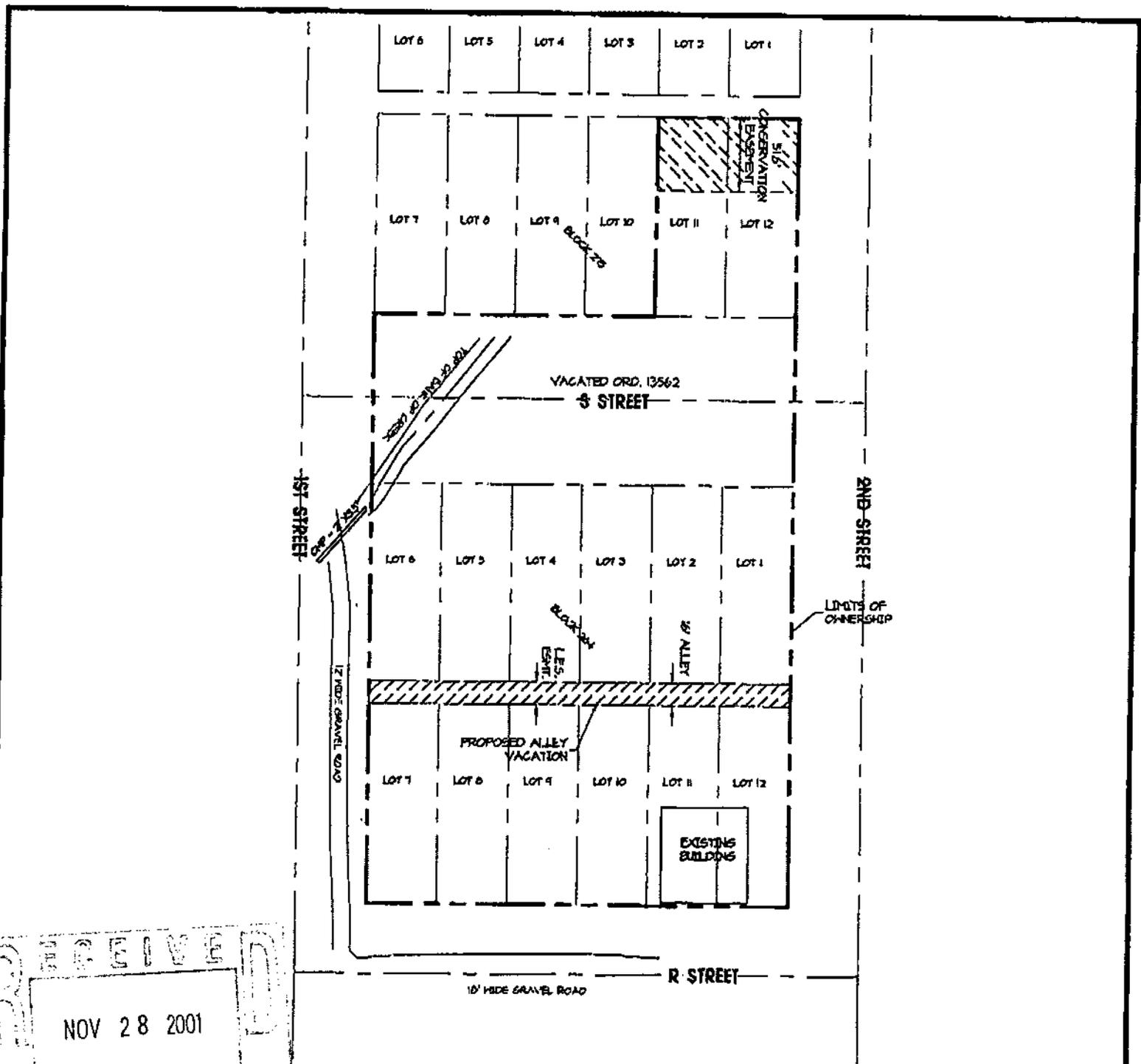
Please advise if additional information is needed.

Sincerely,

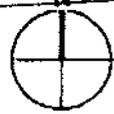
J.D. Burt
For the firm

cc: John Watson, President, People's City Mission Board
Gerry Harris, People's City Mission

009



RECEIVED
 NOV 28 2001
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT



CONSERVATION EASEMENT

SCALE: 1" = 100'

LEGAL DESCRIPTION

THE NORTH 51.6 FEET OF
 LOTS 11 AND 12, BLOCK 275,
 LINCOLN ORIGINAL,
 LINCOLN NEBRASKA 010

EX. D

DESIGN ASSOCIATES OF LINCOLN, INC.
 1609 N STREET
 LINCOLN, NEBRASKA 68508
 PHONE: (402) 474-3000
 FAX: (402) 474-4045
 dfa@dsac@netbraska.com

PEOPLE'S CITY MISSION
 CONSERVATION EASEMENT PLAN
 LINCOLN, NEBRASKA

27 NOV 01

Lincoln



Nebraska's Capital City

July 8, 2003

Mayor Coleen J. Seng

MR. JOHN WATSON
PEOPLE'S CITY MISSION
110 O STREET
LINCOLN, NE 68501-0636

Re: East/West Alley from 1st to 2nd Streets

Dear Mr. Watson:

The purpose of this letter is two-fold. First, the waiver of subdivision requirements for the installation of improvements in the People's City Mission Administrative Final Plat (Council Agenda Bill No. 03R-181) has been placed on Pending until the Ordinance to vacate the above alley portion is scheduled for public hearing before the City Council. This was done at the request of J.D. Burt, letter of July 7th, copy enclosed.

Secondly, before the alley vacation request can advance to the City Council's agenda, I must collect the dollar amount of the value of the city right-of-way to be vacated. Enclosed please find a copy of the memo prepared by Clint Thomas, City Real Estate Division in which Mr. Thomas calculates the value of the subject right of way being vacated at \$480.00. Checks should be made payable to *City of Lincoln, Nebraska* and forwarded to me at the City Clerk's office.

Upon receipt of the proper amount, I will place this vacation of public way request on the City Council's agenda. You will receive a letter from this office advising you of the date and time of the public hearing.

If you have any questions in regard to this matter, please do not hesitate to contact me at 441-7438.

Sincerely,

Joan Ross
City Clerk

Enclosure

cc: J.D. Burt
Clint Thomas, Real Estate
Byron Blum, Public Works
Rick Peo, Law Dept
Chery Eno, Law Dept
Jean Walker, Planning

011



INTEROFFICE MEMORANDUM

TO: Mayor Wesely & City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: December 3, 2001

COPIES TO: Joan Ross
Kathleen Sellman
Dana Roper
Byron Blum

SUBJECT: Vacation of East - West Alley, 1st St. to 2nd St., Block ~~04~~, Original Plat of Lincoln 264

A request has been made to vacate the East-West Alley lying in the block bounded by 1st and 2nd and R and S Streets. The only indication an alley exists in that location is the existence of an overhead electrical line. The easterly portion of the alley is fenced into the lot with the abutting property. The remainder of the alley simply appears as part of the adjoining vacant lot. Public Works has asked that a Permanent Easement be retained for the existing and future electrical utilities.

The area around the alley is zoned Industrial and as such probably has a value of approximately \$1.50 to \$2.00 per square foot. The alley, once vacated, will undoubtedly take on the value of the surrounding property. However, in order to utilize the area to its fullest the owner would be required to relocate the existing overhead electrical line. This cost is expected to exceed the value of the area of the alley after it is assembled. Therefore, it is estimated the alley would have only a nominal value of \$0.10 per square foot. The calculations are as follows:

$$4,800 \text{ sq. ft.} \times \$0.10 = \$480$$

Therefore, it is recommended that if the alley be vacated it be sold to the abutting property owner for \$480.

Respectfully submitted,

Clinton W. Thomas
Clinton W. Thomas
Certified General Appraiser #990023

dge

Post-It® Fax Note	7671	Date	8/19	# of pages	1
To	Joan Walker		From	Joan Ross	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	1-6377		Fax #		