City Council Introduction: **Monday**, March 10, 2014
Public Hearing: **Monday**, March 17, 2014, at **3:00** p.m. Bill No. 14-28

FACTSHEET

TITLE: **DECLARATION OF SURPLUS PROPERTY,** requested by the Director of the Urban Development Department, declaring approximately 7.73 acres, more or less, generally located south of "V" Street between North 4th Street and North 6th Street, as surplus property.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/05/14
Administrative Action: 02/05/14

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust voting 'yes').

FINDINGS OF FACT:

1. The Director of the Urban Development Department is requesting to surplus approximately 7.73 acres, more or less, generally located southeast of Sun Valley Boulevard and Line Drive to assist in the development of the future Breslow Ice Center.

2 Based upon the "Analysis" set forth on p.3-4, the staff finds that the proposed declaration of surplus property is in conformance with the 2040 Comprehensive Plan. Lot 2 consists of the former Public Works maintenance building which is currently vacant except for some temporary storage, and Lot 1 has been used to store salt and sand. Lot 1 would be the proposed future location of the Breslow Ice Center. The staff presentation is found on p.5.

3. There was no testimony in opposition.

4. On February 5, 2014, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan (**Comprehensive Plan Conformance No. 14001**).

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: March 3, 2014

REVIEWED BY: Marvin Krout, Director of Planning **DATE**: March 3, 2014

REFERENCE NUMBER: FS\CC\2014\CPC14001 Surplus

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for FEBRUARY 5, 2014 PLANNING COMMISSION MEETING

PROJECT #: Comprehensive Plan Conformance No. 14001

PROPOSAL: To find that the declaration of surplus properties located southeast of Sun Valley Boulevard and Line Drive is in conformance with the Comprehensive Plan.

LOCATION: South of V Street between N. 4th Street and N. 6th Street.

LAND AREA: 7.73 acres, more or less

CONCLUSION: This surplus declaration is in conformance with the Comprehensive Plan.

RECOMMENDATION: In conformance with the Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2, Block 1, West Haymarket Addition, Lincoln, Lancaster County, Nebraska

EXISTING ZONING: P, Public Use

EXISTING LAND USE: Vacant Public Works and Utilities maintenance building and empty concrete bays for street maintenance materials.

SURROUNDING LAND USE AND ZONING:

North: Haymarket Park (baseball stadium), P
South: surface parking lot, P
East: surface parking lot, P
West: bike trail, Salt Creek, and driveway for surface parking lot, P

HISTORY:

September 24, 2007: Miscellaneous #07007 to declare the West Haymarket area as blighted was approved by the City Council.

October 29, 2007: Comprehensive Plan Conformance #07019 for an amendment to the Lincoln Center Redevelopment Plan to establish the West Haymarket Redevelopment Project was approved by the City Council.

June 30, 2010: Planning Commission found Comprehensive Plan Conformance #10003 to be in conformance with the Comprehensive Plan. Included land acquisition for portions of current Lots 1 and 2, West Haymarket Addition.

May 16, 2012: Planning Commission found Comprehensive Plan Conformance #12004 to be in conformance with the Comprehensive Plan. Included the streets and street names within the West Haymarket area.

May 21, 2012: City Council approved Change of Zone #12003 to change the zoning from I-1 to P for this area.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Lincoln and Lancaster County Comprehensive Plan identifies this area as Public and Semi-Public, Industrial, and Green Space in the Future Land Use Plan. (p.1.9)

The City should preserve and enhance Downtown's role as: The principal cultural, entertainment, and tourism center. (p. 5.4)

The Breslow Ice Center is proposed to be located in the West Haymarket area as part of a concentration of sporting facilities near downtown Lincoln and the University of Nebraska City Campus. (p. 9.11)

The Breslow Ice Center will be developed in phases with the initial construction to include a single ice surface, and the opportunity to add a second ice surface in the future. (p. 9.11)

ANALYSIS:

1. This is a request to find the declaration of surplus property in the area described above in conformance with the Comprehensive Plan.

2. Currently, there is just paving and empty concrete bays for road maintenance materials on Lot 1 (west) and a large vacant structure (former Public Works and Utilities maintenance building) on Lot 2 (east). The structure is currently being used for short-term storage.

3. The planned purpose of Lot 1 is for the Breslow Ice Center.

4. This area is shown as "Mixed Use: Recreational/Parking/Other Public" in the Conceptual Site Plan of the West Haymarket Redevelopment Project. (p. IV-268)

5. The proposed surplus is within the boundary of the Lincoln Center Redevelopment Plan and a part of the West Haymarket Redevelopment Project.

6. The proposed surplus is currently zoned P, Public Use District. If the property is sold to a private entity, the land will need to be rezoned to a commercial zoning district.

7. Within the area of the proposal, there are existing utilities such as water, sanitary sewer, electrical, and fiber-optics. Easements shall be retained unless or until these utilities are removed or relocated.

8. There is an Allowable Fill Restriction Agreement (Instrument #2013028130) between the City of Lincoln and the West Haymarket Joint Public Agency on this property that limits fill on Lot 1 to 35,801 cubic yards and limits Lot 2 to 10,620 cubic yards. A floodplain permit is still needed for any fill.

9. The proposal to surplus the land is consistent with the Comprehensive Plan.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: January 28, 2013

APPLICANT: Michelle Backemeyer
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CONTACTS: Jocelyn Golden
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COMPREHENSIVE PLAN CONFORMANCE NO. 14001

PUBLIC HEARING BEFORE PLANNING COMMISSION: February 5, 2014

Members present: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust.

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

There were no ex parte communications disclosed.

Staff presentation: **Brandon Garrett of Planning staff** explained that the proposed declaration of surplus property consists of approximately 7.73 acres. The question before the Planning Commission is whether the declaration of surplus property is in conformance with the Comprehensive Plan. The property in question is the old Public Works maintenance building on Lot 2. Lot 1 has been used to store salt and sand. The building is currently vacant except for some temporary storage. Lot 1 is currently cleared of all materials except for the remaining pavement. Lot 1, which is the west lot, would be the proposed future location for the Breslow Ice Center.

Lust inquired what it means when the city surpluses property. Garrett explained that today's process only declares that the proposed declaration is in conformance with the Comprehensive Plan. If the Planning Commission agrees, the property is then eligible to be surplused and sold to private individuals. The property is not being sold by this action.

Jocelyn Golden, City Law Department, further explained that once the property is declared surplus, then the city would enter into a real estate purchase agreement with the potential buyer, which would be approved by City Council. The Law Department is now working on details of potential sale of both lots so there is nothing finalized and in place at this time. Sometimes the surplus and contract are approved by the City Council at the same time, but in this case it will only be the declaration of surplus property to start the process.

Hove inquired whether surplus property is sold at auction. Golden stated that typically, the city has a buyer in mind, and she was not knowledgeable about any auctioning. Rick Peo of City Law Department was not available for testimony on this question.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION: February 5, 2014

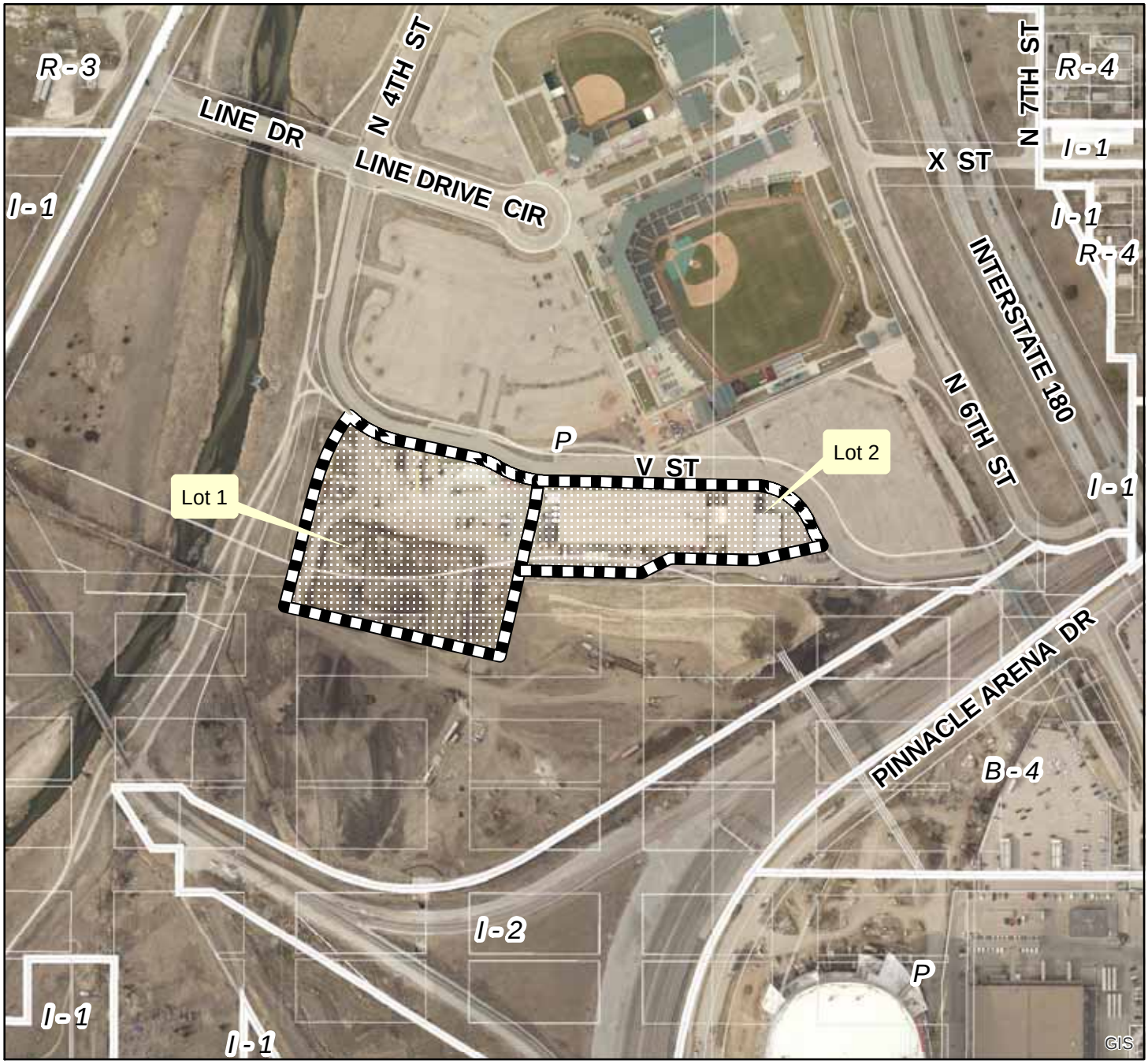
Cornelius moved a finding of conformance with the Comprehensive Plan, seconded by Weber.

Cornelius agrees with the analysis presented in the staff report. This is an extension of a recreational area and that use is consistent with the designation in the Comprehensive Plan, and the uses called out in the Future Land Use plan include green space and public use, which would be the case as a recreational area.

Lust stated that she will support the motion. The city does a good job in declaring property as

surplus when there is a buyer and reasonable opportunity for development of the property that the city is not otherwise using.

Motion for a finding of conformance carried 9-0: Sunderman, Cornelius, Corr, Beecham, Harris, Weber, Hove, Scheer and Lust voting 'yes'. This is a recommendation to the City Council.



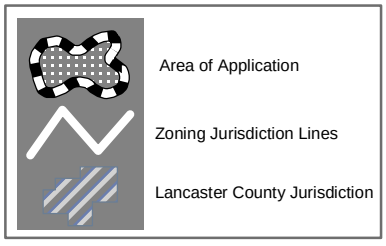
2013 aerial

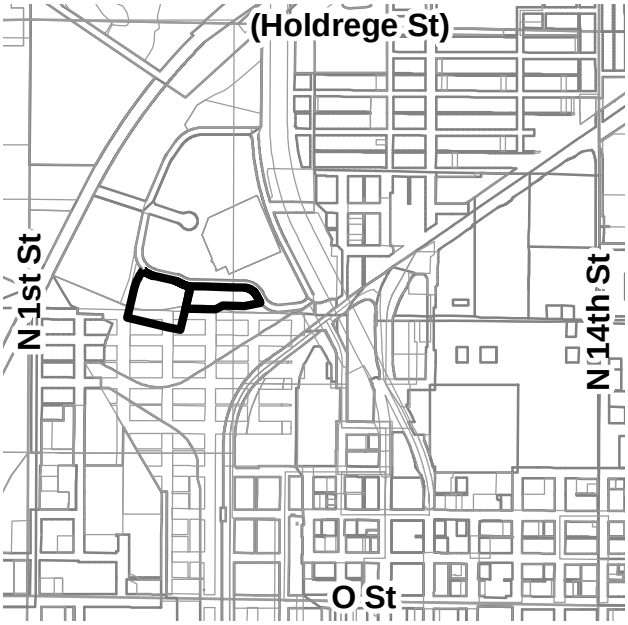
Comp Plan Conformance #: CPC14001
West Haymarket Surplus Property
Sun Valley Blvd & Line Dr

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

One Square Mile:
Sec.23 T10N R06E





File: M:\plan\gis\PlannerPacket\MXD\Agendadrawings.mxd (CPC14001)

interoffice
MEMORANDUM

to: Brandon Garrett, Planning Department Michelle Backemeyer

from: Michelle Backemeyer, Housing Rehab and Real Estate Division

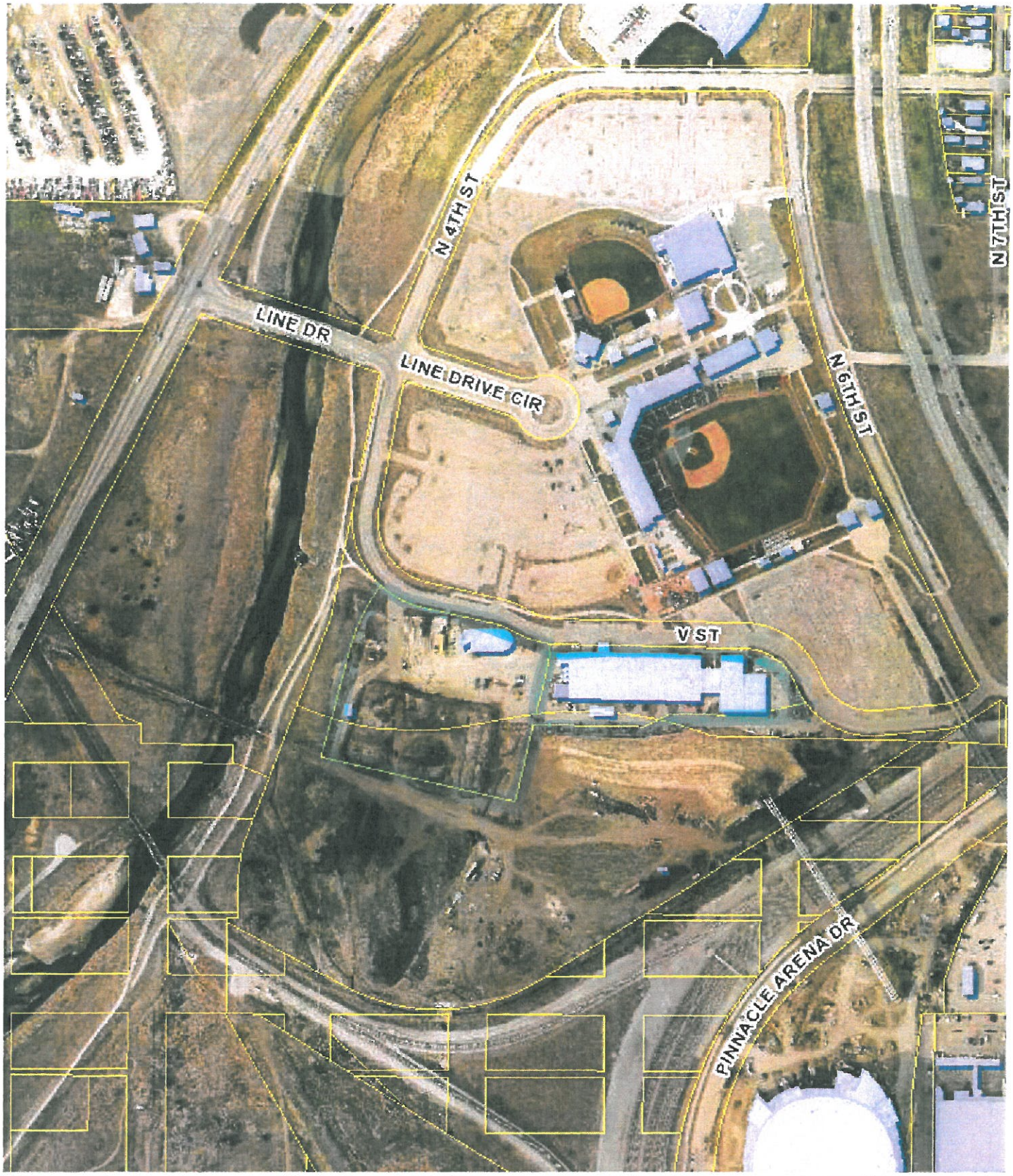
subject: Declaration of Surplus Property - Lots 1 and 2, Block 1, West Haymarket Addition, Lincoln, Lancaster County

date: January 8, 2014

Please place on the next Planning Commission agenda a request to declare surplus Lots 1 and 2, Block 1, West Haymarket Addition as shown on the attached drawing. The surplus of both lots can be done as one agenda item.

We have requested responses from other City Departments and public agencies in accordance with the surplus property disposition procedures and copies of the returned responses are attached. If you have any questions, please feel free to contact me at mbackemeyer@lincoln.ne.gov. Thank you.

Attachments



Lancaster County/City of Lincoln GIS Map

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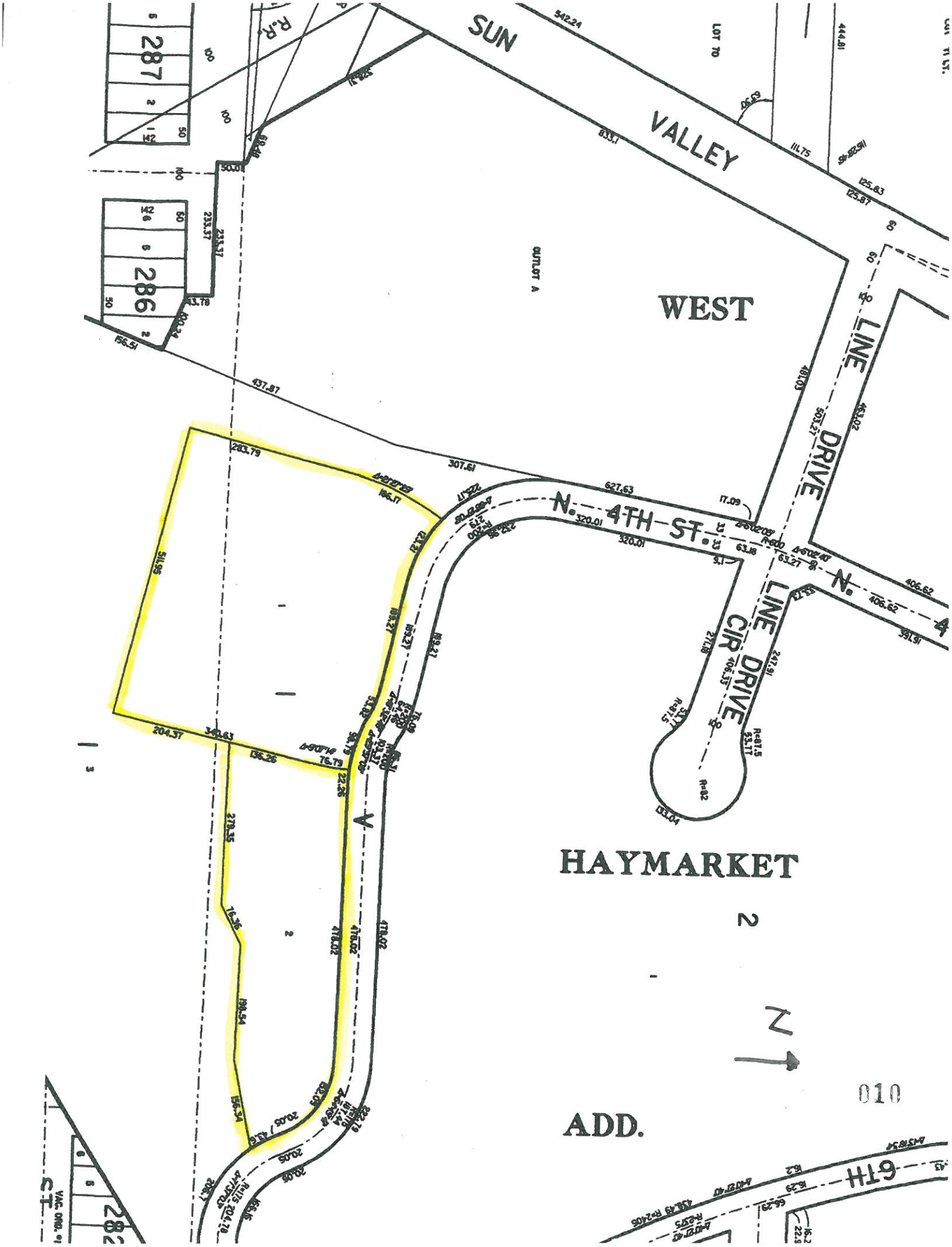
Printed: Dec 19, 2013

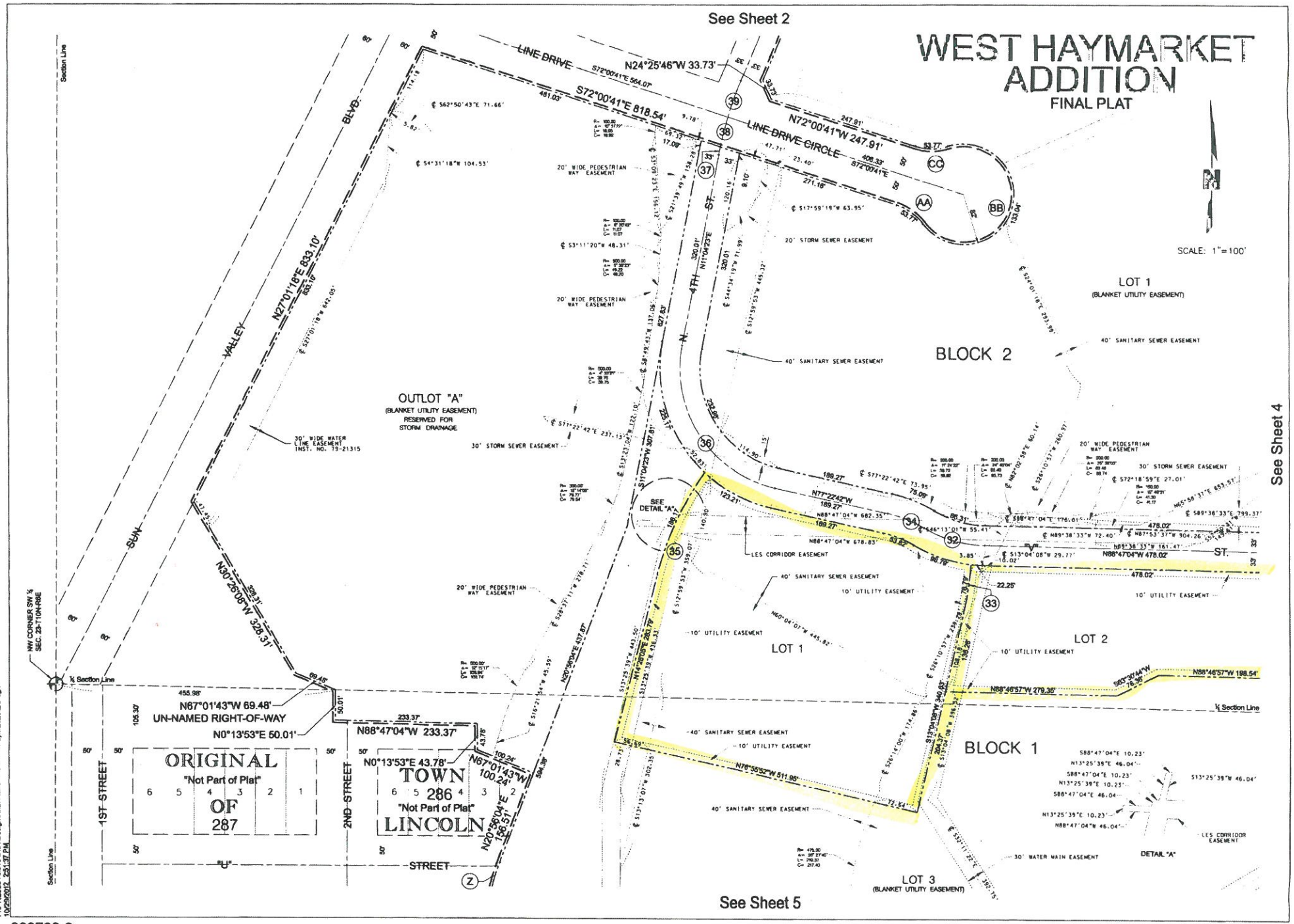
DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate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


SUN
VALLEY
WEST
HAYMARKET
ADD.
N. 4TH ST.
LINE DRIVE
LINE DRIVE CIR
OUTLOT A
LOT 70
287
286
6TH
N
010

WEST HAYMARKET ADDITION

FINAL PLAT

SCALE: 1"=100'



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SHEET 3 OF 14

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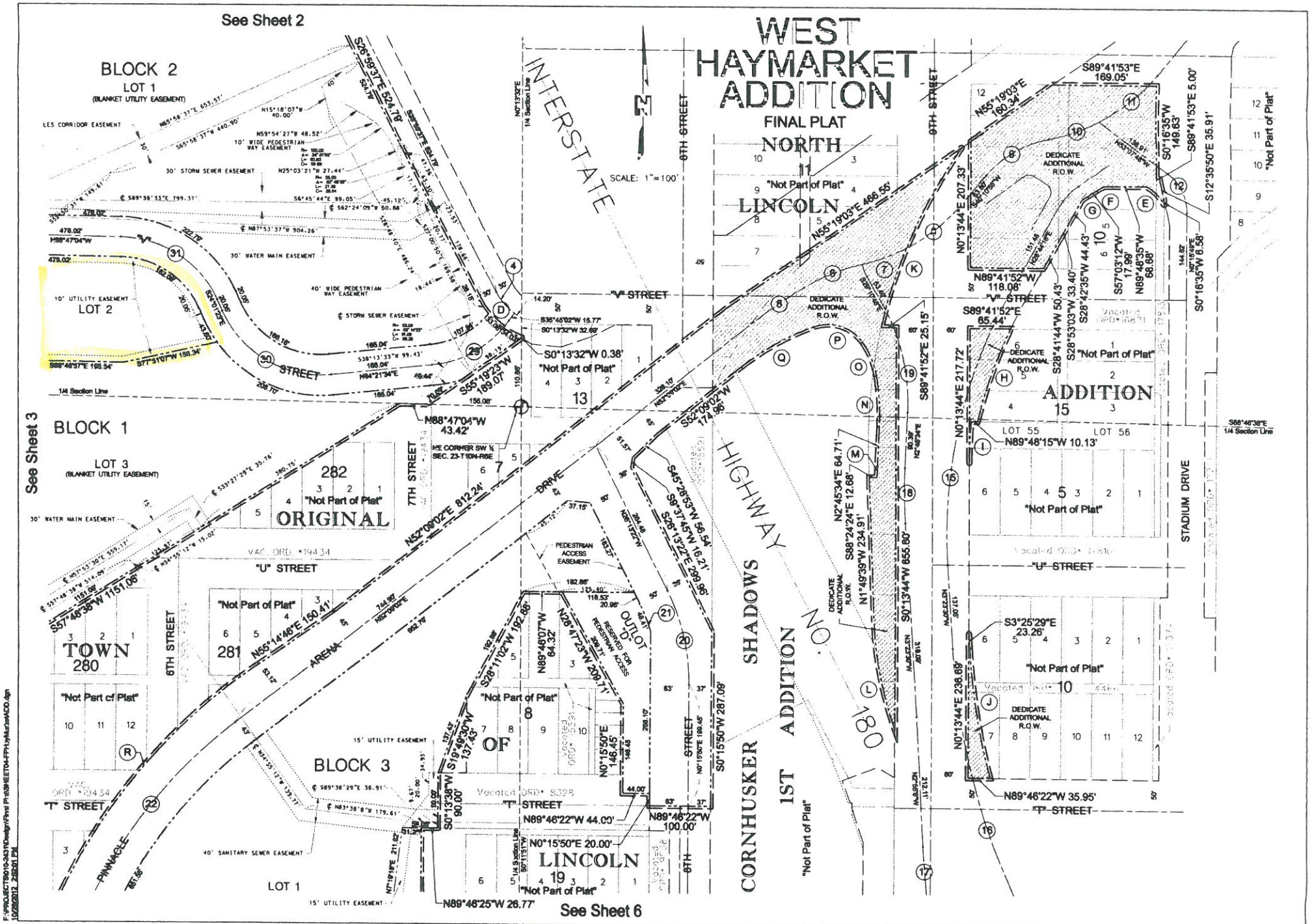
See Sheet 2
WEST HAYMARKET ADDITION
FINAL PLAT
NORTH
LINCOLN
SCALE: 1"=100'
BLOCK 2
LOT 1
(BLANKET UTILITY EASEMENT)
LOT 2
BLOCK 1
LOT 3
(BLANKET UTILITY EASEMENT)
ORIGINAL
TOWN
BLOCK 3
LOT 1
LINCOLN
OF
SHADOWS
CORNHUSKER
1ST ADDITION
NO. 180
HIGHWAY
INTERSTATE
ADDITION
STADIUM DRIVE
"V" STREET
"U" STREET
"T" STREET
7TH STREET
6TH STREET
ARENA DRIVE
PINNACLE STREET
OUTLOT "D"
See Sheet 3
See Sheet 6