

City Council Introduction: **Monday**, June 1, 2009  
Public Hearing: **Monday**, June 8, 2009, at **1:30 p.m.**

Bill No. 09-82

## **FACTSHEET**

**TITLE:** **Declaration of Surplus Property**, requested by the Director of the Parks & Recreation Department, declaring 6,600 square feet, more or less, generally located northwest of North 41<sup>st</sup> Street and Superior Street, as surplus property.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 05/20/09  
Administrative Action: 05/20/09

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (8-0: Gaylor Baird, Cornelius, Esseks, Francis, Taylor, Partington, Larson and Sunderman voting 'yes').

### **FINDINGS OF FACT:**

1. The property requested to be declared as surplus consists of 0.15 acre, more or less, located in the area northwest of N. 41<sup>st</sup> Street and Greenwood Street. The site has no buildings and is open green space. The lot to the north includes the bike trail. The surplus property is proposed to be sold to a private entity.
2. Based upon the "Analysis" as set forth on p.3, the staff finds that the proposed declaration of surplus property is generally in conformance with the Comprehensive Plan.
3. On May 20, 2009, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On May 20, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan.

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

**DATE:** May 21, 2009

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

**DATE:** May 21, 2009

**REFERENCE NUMBER:** FS\CC\2009\CPC.08025 Surplus

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for MAY 20, 2009 PLANNING COMMISSION MEETING**

- PROJECT #:** Comprehensive Plan Conformance No. 08025
- PROPOSAL:** The Parks and Recreation Department has requested a review to find that the declaration of surplus of property is in conformance with the Comprehensive Plan.
- LOCATION:** Northwest of N. 41<sup>st</sup> Street and Greenwood Street
- LAND AREA:** 6,600 square feet, more or less
- CONCLUSION:** The declaration of surplus generally conforms with the Comprehensive Plan.

**RECOMMENDATION:** In conformance with the Comprehensive Plan.

**GENERAL INFORMATION:**

- LEGAL DESCRIPTION:** See attached description of Parcel 2.
- EXISTING ZONING:** I-1, Industrial District
- EXISTING LAND USE:** Open space

**SURROUNDING LAND USE AND ZONING:**

North:	I-1, Industrial District	bike trail and warehouse
South:	I-1, Industrial District	detached single-family residential
Southeast:	R-2, Residential District	detached single-family residential
Northeast:	I-1, Industrial District	bike trail
West:	I-1, Industrial District	bike trail

**HISTORY:**

- 1979: This area was changed from "K" Light Industrial District to I-1 Industrial District in the 1979 zoning update.
- Dec. 5, 1984: Administrative Subdivision Permit #2392 was approved by the Planning Director. The surplus property is described as Parcel 2. See attached.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

Maximize the community's present infrastructural investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods. (p.9)

The Land Use Plan identifies this area as industrial. (p.19)

Industrial: Areas where railroads, manufacturing, trucking, and transportation facilities are the dominant land use. Some commercial activities may also take place in predominately industrial districts, such as office, retail, or warehouses. (p. 16)

The City can play an important role in consolidating properties into larger and more desirable development parcels. (p.33)

## **ANALYSIS:**

1. This is a request from the Director of the Parks and Recreation Department for a finding of conformance with the Comprehensive Plan for a declaration of surplus property. The subject tract is approximately 0.15 acres in area located northwest of N. 41<sup>st</sup> Street and Greenwood Street.
2. The surplus property is proposed to be sold to a private entity.
3. Currently, this site has no buildings and is open green space. The lot to the north includes the bike trail.
4. The zoning of this property and properties adjacent to the north, south, and west is I-1 Industrial District. While the area is zoned I-1, it has developed with a scattered mix of detached single-family dwellings and industrial uses. There is a detached single-family dwelling adjacent to this property to the south. If this property is declared surplus and is sold to a private entity, an I-1 industrial use could be built adjacent to the existing residence. The existing house could be torn down at any time and could build an industrial use since it is zoned I-1.
5. The zoning to the east on the east side of N. 41<sup>st</sup> Street is I-1 Industrial District and R-2 Residential District. The R-2 area is developed with detached single-family dwellings. Since the lot proposed to be declared surplus is already zoned I-1 within 300 feet of residential, no additional setback will be required.
6. Unfortunately, traffic associated with any non-residential use on this lot will have to use N. 41<sup>st</sup> Street and pass by existing dwellings. This is an existing condition for this area.
7. Other City Departments indicated no need for this site to provide a public service.
8. The Public Works & Utilities Department notes that there is no abutting sanitary sewer in the area proposed for surplus. A non-abutting sewer service could be possible.

Prepared by:  
Brandon M. Garrett, AICP  
Planner

**DATE:** May 12, 2009

**APPLICANT:** Lynn Johnson, Director  
Parks and Recreation Department  
2740 A Street  
Lincoln, NE 68502

**OWNER:** City of Lincoln

# COMPREHENSIVE PLAN CONFORMANCE NO. 08025

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

May 20, 2009

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08025, SPECIAL PERMIT NO. 09009 and COUNTY SPECIAL PERMIT NO. 09011**

Ex Parte Communications: None

Cornelius moved to approve the Consent Agenda, seconded by Larson and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 09009, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Comp Plan Conformance #08025  
N 41st St & Greenwood St**

2007 aerial

**Zoning:**

One Square Mile  
Sec. 07 T10N R07E

- 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-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



Zoning Jurisdiction Lines

City Limit Jurisdiction



**interoffice  
MEMORANDUM**

*Michelle Backemeyer*

**to:** Brandon Garrett, Planning Department  
**from:** Michelle Backemeyer, Housing Rehab and Real Estate Division  
**subject:** Declaration of Surplus Property - Wesleyan Heights, Lot 11 and the North ½ of Lot 12  
**date:** April 9, 2009

Please place on the next Planning Commission agenda a request to declare surplus a portion of Lot 11 and the north half of Lot 12, Wesleyan Heights Addition legally described in the attachment referred to as Parcel 2. The property is located north of 3127 North 41<sup>st</sup> Street.

We have requested responses from other City Departments and public agencies in accordance with the surplus property disposition procedures. Copies of the returned responses and the original request are attached. If you have any questions, please feel free to call me at 441-8617.

Attachments

**RECEIVED**

APR 10 2009

Lincoln/Lancaster Co.  
Planning Department

# Memorandum

[REDACTED]

**To:** Michelle Backemeyer, Housing Rehab and Real Estate Division  
**From:** Greg MacLean, Director of Public Works and Utilities   
**Subject:** Declaration of Surplus Property - Wesleyan Heights, Lot 11 & North 1/2 of Lot 12  
**Date:** February 13, 2009

In response to your memorandum dated January 30, 2009, listed below are Division comments from the Public Works and Utilities staff.

**StarTran** (comment by Larry Worth)  
No comment.

**Watershed Management** (comment by Ben Higgins)  
Watershed Management Division has no comments or concerns on the declaration of the Wesleyan Heights, Lot 11 & North 1/2 of Lot 12 (lot north of 3127 N.41st Street) as surplus property. It is not in an existing or proposed floodplain area.

**Wastewater** (comment by Roger Krull)  
From the sanitary sewer portion, there is no conflict with surplusing this property.

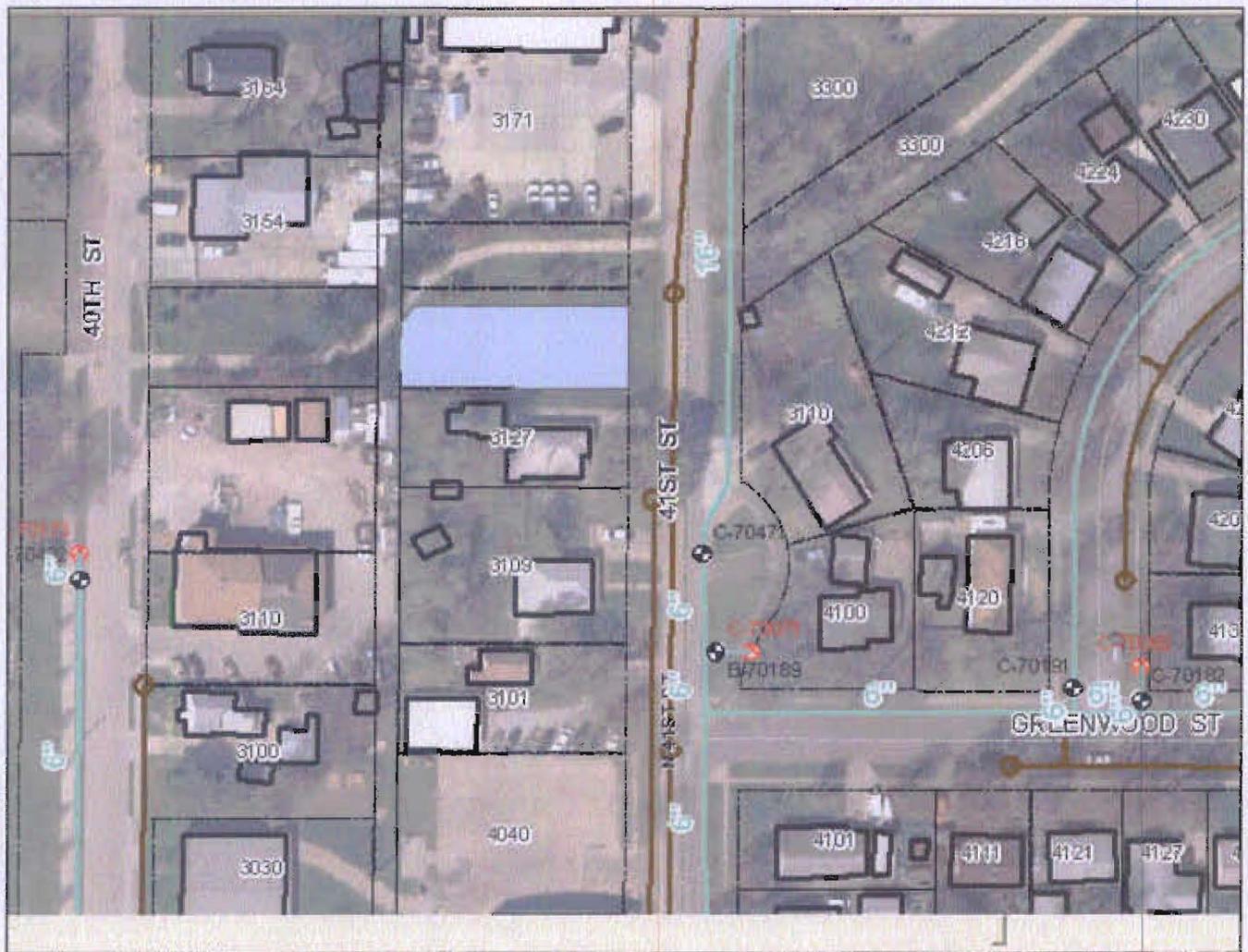
**Engineering Services** (comment by Dennis Bartels)  
Engineering Services has reviewed the request to surplus a portion of Lot 11 and Lot 12, Wesleyan Heights located north of 3127 North 41st Street and has the following comments:

1. The parcel proposed to be sold has no abutting sanitary sewer. The memo from Real Estate indicates that the proposed buyer does not live adjacent to the parcel so the lot will need its own sewer and water service. A non-abutting sewer service may be possible but I do not have enough records to determine a recommendation at this point. There is abutting water in 41st.
2. The parcel to be sold is zoned I1 and will need a driveway that allows vehicles to enter and leave in a forward motion. The potential buyer should be aware of zoning and building requirements for a free standing I1 use on this parcel.
3. The adjacent street is not paved and does not have sidewalk. There is a potential liability to future owners for paving, sidewalk and sanitary sewer districts.

008

**Water** (comment by Arnie Radloff)

There are no Water Mains that run thru the property at 3127 North 41st. Street. The closest main is a 16 inch that runs parallel to the property along the opposite side of 41st Street approximately 50ft to the east of the property line for Lot 11 and Lot 12 in the Wesleyan Heights subdivision. This is shown by the light green water main. The existing sewer mains are closer to the property than we are. Thus is OK for us to give the go ahead for this request to surplus this property. I have attached a graphic for your reference:



009



<LSwanson@les.com>  
02/03/2009 09:37 AM

To <MBackemeyer@lincoln.ne.gov>  
cc <SHanks@les.com>  
bcc

Subject Declaration of Surplus Property

Wesleyan Heights, Lot 11 & North 1/2 of Lot 12

Michelle:

Our engineer has determined that LES does not need to retain any easements on this property.

Any questions give me a call at 467-7621

Larry Swanson

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JJ Yost/Notes  
02/04/2009 04:34 PM

To Michelle Backemeyer/Notes@Notes  
cc  
bcc

Subject Surplus Property-Wesleyan Hts., Lot 11 & 12

Michelle,  
Lynn and I have reviewed the information in your 1/30/09 memo regarding the surplus property declaration for Wesleyan Hts., Lot 11 and the North 1/2 of Lot 12. On behalf of the Parks & Recreation Department, we have no objections or additional concerns/comments to note at this time and recommend proceeding with the disposition of this property.

Thanks, J.J.

J.J. Yost  
Planning & Construction Manager  
Lincoln Parks & Recreation  
(402) 441-8255 phone  
(402) 441-8706 fax  
jyost@lincoln.ne.gov



"Marvin S. Krout"  
<mkkrout@lincoln.ne.gov>  
02/09/2009 04:59 PM

To Michelle Backemeyer <MBackemeyer@ci.lincoln.ne.us>  
cc Lynn Johnson <LJohnson@ci.lincoln.ne.us>  
bcc  
Subject Surplus property at 3127 North 41st Street

The Planning Department does not see a public use for this property and we do not object to surplusizing it. However, we think it would be appropriate to put the property out for bids, rather than just sell to the one nearby resident who wants a personal workshop. The property in question is buildable, it does not abut the resident's property, and there may be additional interest in this property.

Marvin S. Krout, Director  
Lincoln-Lancaster County Planning Department  
555 South 10th Street, Room 213  
Lincoln, NE 68510  
402-441-6366



"Roger D. Krull"  
<rkrull@lincoln.ne.gov>  
02/10/2009 08:21 AM

To Michelle Backemeyer <MBackemeyer@ci.lincoln.ne.us>  
cc "Greg S. MacLean" <gmaclean@lincoln.ne.gov>, "Karen K. Sieckmeyer" <sieckmeyer@lincoln.ne.gov>, "Gary C. Brandt" <gbrandt@lincoln.ne.gov>  
bcc  
Subject Declaration of surplus property - Wesleyan Heights, lot 11 & north 1/2 of lot 12

Michelle,

I have review this request, and from Wastewater the sanitary sewer portion, there is no conflict with surplusizing this property.

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## LEGAL DESCRIPTION

### PARCEL 2:

A portion of Lots Eleven and Twelve (11 and 12), Wesleyan Heights Addition, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of said Lot 11; thence north along the west line of said Lot 11 a distance of 10.0 feet; thence northeasterly along a line which deflects 45 degrees 00 minutes right a distance of 28.28 feet to a point 10.0 feet south of the north line of said Lot 11; thence east along a line located 10.0 feet south of and parallel with the north line of said Lot 11 a distance of 116.0 feet to the intersection with the east line of said Lot 11; thence south along the east line of said Lots 11 and 12 a distance of 50.0 feet; thence west along a line located 20.0 feet south of and parallel with the north line of said Lot 12 a distance of 136.0 feet to the intersection with the west line of said Lot 12; thence north along the west line of said Lot 12 a distance of 20.0 feet to the point of beginning.

# APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

**LEGAL DESCRIPTION OF PROPERTY** All of lots 10 and 11 and the north one-half (1/2) of Lot 12, Wesleyan Heights Addition, Lincoln, in Lancaster County, Nebraska

### DESCRIPTION OF PARCELS CREATED:

**DESCRIPTION KEY:** Parcel numbers are not to be used for legal descriptions.

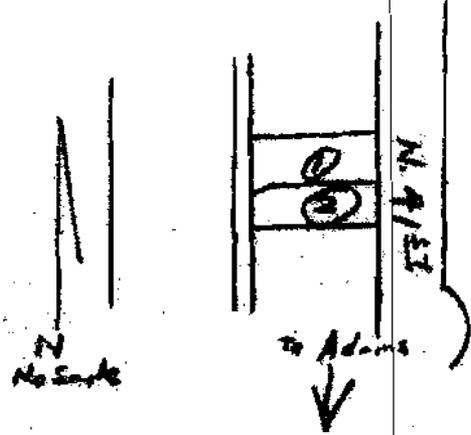
**PARCEL 1** See attached Exhibit "A"

**PARCEL 2** See attached Exhibit "A"

**PARCEL 3**

**PARCEL 4**

**NOTES:** The approval of this subdivision permit is granted subject to the terms and requirements contained in the agreement attached to and made a part of this subdivision approval as Exhibit "B".



APPROVED THIS 5<sup>th</sup> DAY OF DECEMBER 1984

1. CITY OF LINCOLN, AND ITS CITY COUNCIL  
GIVEN SIGN BY [Signature]  
PLANNING DIRECTOR

—OR—  
2. LANCASTER COUNTY, AND ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD  
COUNTY SURVEYOR  
PLANNING DIRECTOR

I HEREBY CERTIFY THAT THE ABOVE STATEMENTS ARE CORRECT

CITY OF LINCOLN, a municipal corporation

By: OWNER Roland A. Lundin

ADDRESS 013

EXHIBIT "B"

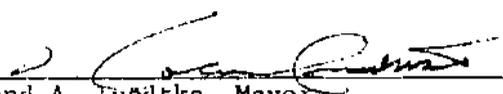
AGREEMENT

The City of Lincoln, Nebraska, a municipal corporation, hereby agrees as follows:

1. The City is to construct sidewalk in accordance with applicable City standards in the sidewalk space along the east side of North 41st Street adjacent to Parcels 1 and 2 as described on attached Exhibit "A". Said sidewalk is to be constructed within four (4) years of the date of subdivision approval as shown on the attached subdivision permit.
2. The City is to retain ownership of Parcel 1 as described on attached Exhibit "A" and develop said parcel in uses that do not require connection to the public sanitary sewer system. If the City is ever to dispose of said parcel the City is to construct abutting public sanitary sewer to serve said parcel in accordance with City design standards.
3. The City is to require the purchaser of Parcel 2 as described on attached Exhibit "A" to enter into a non-abutting sanitary sewer service agreement describing and to the benefit of said Parcel 2 as a condition of sale.

DATED this 30<sup>th</sup> day of NOVEMBER, 1984.

CITY OF LINCOLN  
a municipal corporation

  
\_\_\_\_\_  
Roland A. Luedtke, Mayor