

City Council Introduction: **Monday**, April 14, 2003  
Public Hearing: **Monday**, April 21, 2003, at **5:30 p.m.**

Bill No. 03-57

## **FACTSHEET**

**TITLE: STREET VACATION NO. 03002**, requested by the Journal Star Printing Company and Dolores Henkle, et al., to vacate "R" Street from the east line of 9<sup>th</sup> Street to the west line of 10<sup>th</sup> Street.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 03/05/03  
Administrative Action: 03/05/03

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan, with conditions of approval (7-0: Carlson, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Duvall and Steward absent).

### **FINDINGS OF FACT:**

1. The staff recommendation to find the proposed street vacation to be in conformance with the 2025 Lincoln City-Lancaster County Comprehensive Plan is based upon the "Analysis" as set forth on p.3-4, concluding that the vacation of R Street at this location will relieve some pressures for parking within Downtown while causing minimal inconvenience to vehicular and pedestrian traffic patterns.
2. On March 5, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposal to be in conformance with the Comprehensive Plan.
4. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

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

**DATE:** April 7, 2003

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

**DATE:** April 7, 2003

**REFERENCE NUMBER:** FS\CC\2003\SAV.03002

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

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**P.A.S.:** Street Vacation 03002

**DATE:** February 14, 2003

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** March 5, 2003

**PROPOSAL:** Vacate R Street from the east line of 9<sup>th</sup> Street to the west line of 10<sup>th</sup> Street.

**LAND AREA:** 18,362.5 square feet, more or less

**CONCLUSION:** The vacation of R Street at this location will relieve some pressures for parking within Downtown while causing minimal inconvenience to vehicular and pedestrian traffic patterns.

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

**LEGAL DESCRIPTION:** R Street from the east line of 9<sup>th</sup> Street to the west line of 10<sup>th</sup> Street.

**LOCATION:** 9<sup>th</sup> and R Streets

<b><u>APPLICANTS:</u></b>	Journal Star Printing Company William Johnston 926 P Street Lincoln, NE 68508 473-7410	Dolores Henkle, et al. 7901 Northshore Drive Lincoln, NE 68516 488-0685
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**OWNERS:** Same as Applicants

**CONTACTS:** Same as Applicants

**SURROUNDING LAND USE AND ZONING:**

North:	Parking lot	B-4 Lincoln Center Business
South:	Newspaper printing facility	B-4 Lincoln Center Business
East:	UNL campus	P Public
	Parking lot	B-4 Lincoln Center Business
West:	Commercial	B-4 Lincoln Center Business

**HISTORY:**

Jun 1997 Change of Zone 3060 approved changing the P Public portion and adjoining property to B-4 Lincoln Center Business.

Mar 1986 Change of Zone 2232 approved changing the B-3 Commercial portion and adjoining property to B-4 Lincoln Center Business.

May 1979 Prior to the update, the midpoint of this street was the boundary between K Light Industrial to the west and II Commercial to the east. After the update, the midpoint of this street marked the convergence of three districts, B-4 Lincoln Center Business to the northwest, B-3 Commercial to the northeast, and P Public to the south.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Downtown Lincoln will continue as the largest commercial district within the city and county. As both new construction and reuse of existing structures occurs, the demand for parking services will remain strong. (F 101)

Employ management techniques to promote the efficient use of parking facilities in the Downtown, including promotion of parking garages (especially for long term uses by offering discounts, time limits on meters, and contracts with commercial establishments) and reduced rates on fringe meters to attract parking away from core areas with high occupancy rates. (F 101)

Continue and enhance a comprehensive approach to managing and maintaining Downtown parking, encompassing public and private parking facilities, on-street parking, and fines. (F 102)

### **TRAFFIC ANALYSIS:**

The current and future classification of both 9<sup>th</sup> and 10<sup>th</sup> Streets is Principal Arterial. The current and future classification of I-180 is Interstate and Expressway. The current and future classification of R Street is Local Street.

### **ANALYSIS:**

1. This is an application to vacate R Street from the east line of 9<sup>th</sup> Street to the west line of 10<sup>th</sup> Street for the purpose of expanding the parking lot of the adjacent landowners.
2. At this location, R Street is one-way from east to west. It can only be accessed by persons traveling north on 10<sup>th</sup> Street, and its only exit is to turn south on 9<sup>th</sup> Street. R Street does not cross either 9<sup>th</sup> or 10<sup>th</sup> Street from this location. The main apparent use of R Street is for access to the parking lots of Applicants, as well as for northbound motorists who need to turn around and head south. Assumably, persons in the latter category can follow the access road to S Street and still complete a left turn to the south.
3. Lincoln Electric System and Aquila have existing facilities within the proposed vacation boundaries. A permanent easement should be established over the entire vacated area.
4. The Public Works Department recommends approval of this street vacation.
5. The Urban Development Department supports this street vacation.
6. The Lincoln Fire Department does not object to this street vacation.

7. The Lincoln Police Department does not object to this street vacation.
8. Upon approval of this request, Applicants should be required to remove the existing street returns at both 9<sup>th</sup> and 10<sup>th</sup> Streets. The estimated cost of removal is \$6,000. In conjunction with the removal, Applicants must submit a plan showing how their parking lot will operate and apply for curb cut(s) to allow the parking lot to function.

**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 must be met.
- 1.2 A permanent public easement over the entire property must be acquired.
- 1.3 Applicants shall post bond in the amount of \$6,000 for the cost of removing the existing street returns at 9<sup>th</sup> and 10<sup>th</sup> Streets.

Prepared by:

Greg Czaplewski  
Planner

# STREET VACATION NO. 03002

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION:

March 5, 2003

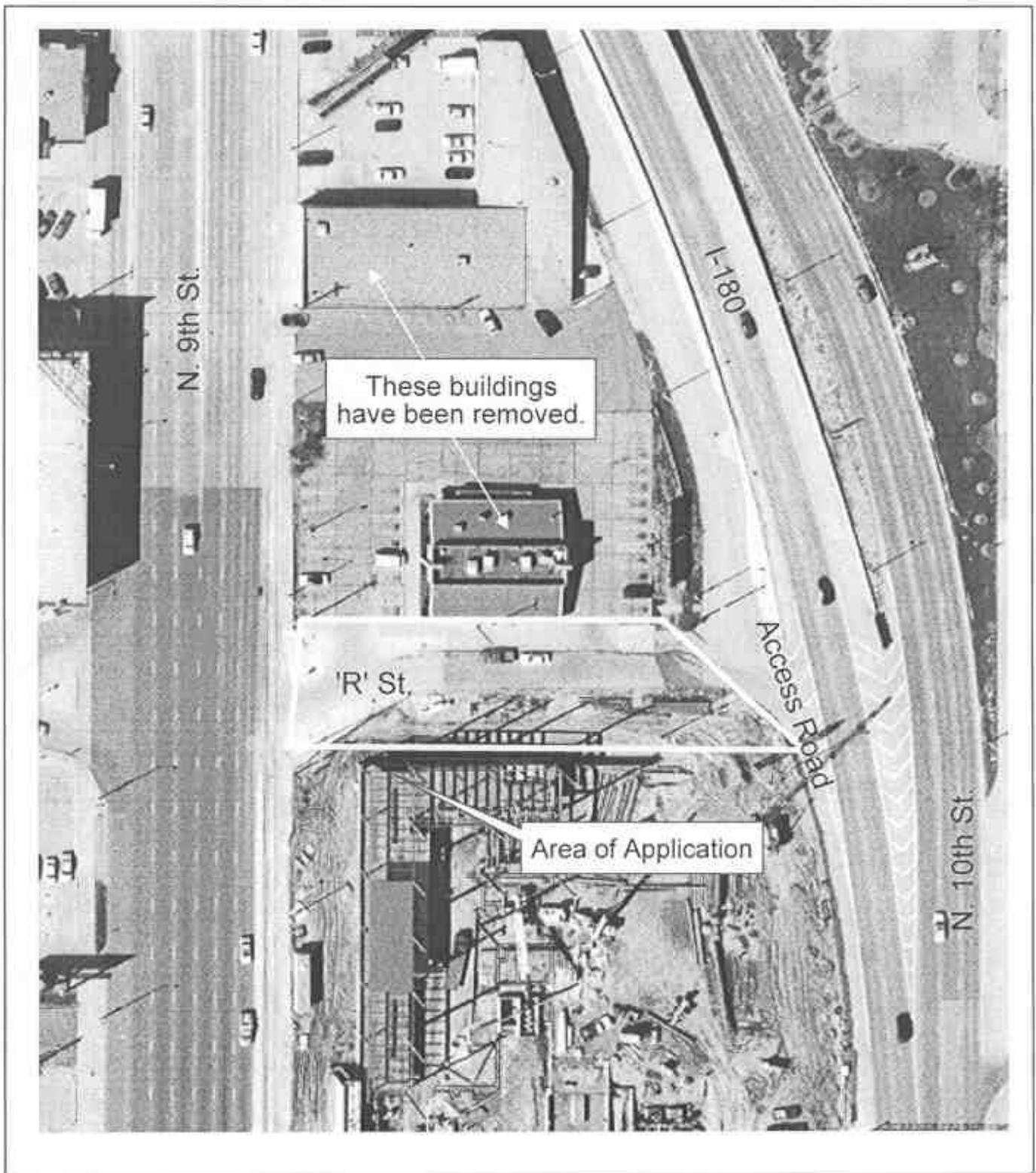
Members present: Carlson, Newman, Schwinn, Bills-Strand, Taylor, Krieser and Larson; Duvall and Steward absent.

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 212; COUNTY SPECIAL PERMIT NO. 198, WYNDAM PLACE COMMUNITY UNIT PLAN; COUNTY PRELIMINARY PLAT NO. 03000, WYNDAM PLACE; SPECIAL PERMIT NO. 617B; STREET AND ALLEY VACATION NO. 03002; FINAL PLAT NO. 02035, ASHLEY HEIGHTS 2<sup>ND</sup> ADDITION; and FINAL PLAT NO. 02038, HARTLAND'S CARDINAL HEIGHTS 2<sup>ND</sup> ADDITION.**

**Item No. 1.2a, County Special Permit No. 198, and Item No. 1.2b, County Preliminary Plat No. 03000,** were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 7-0: Carlson, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Duvall and Steward absent.

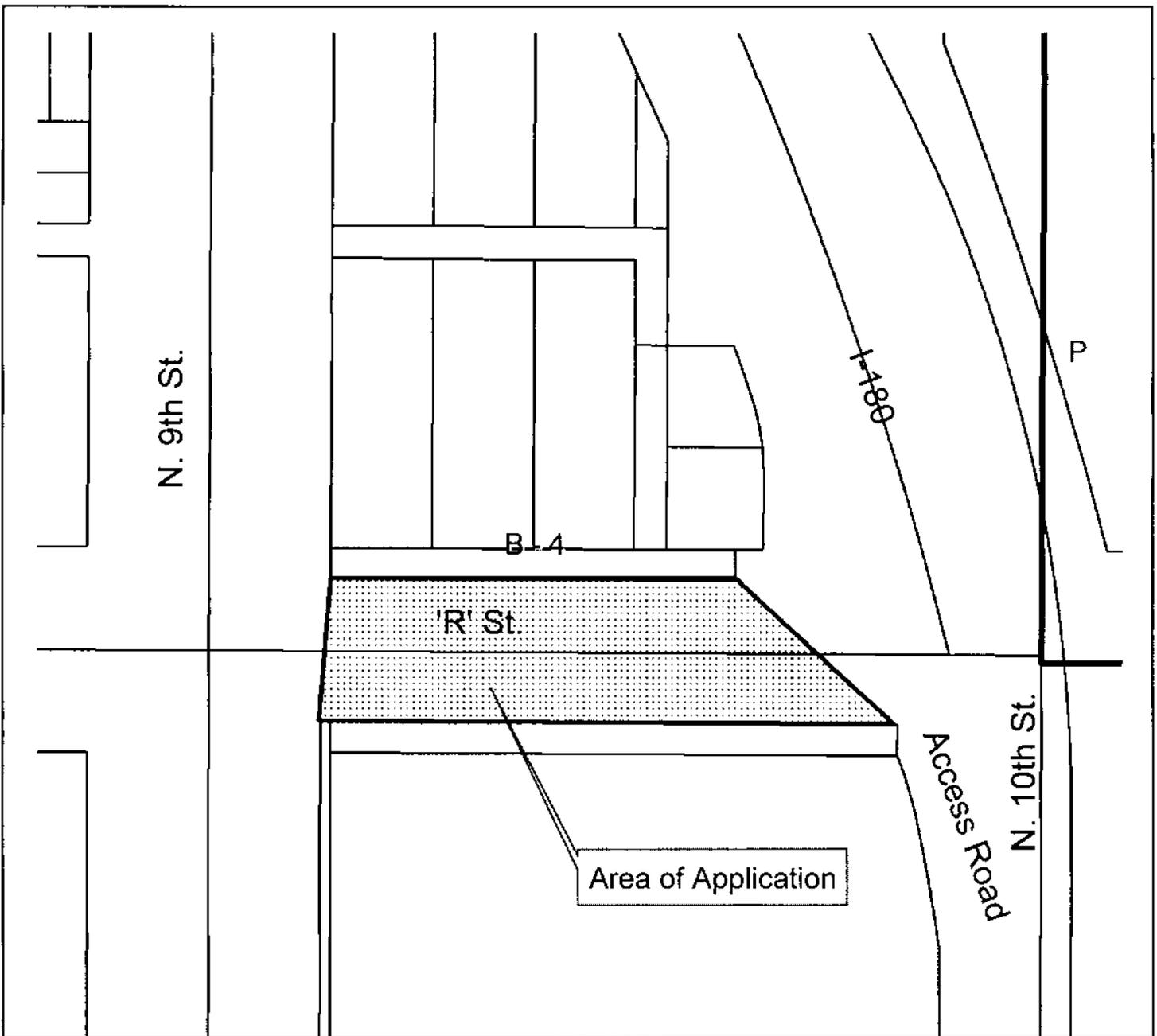
Note: This is final action on Ashley Heights 2<sup>nd</sup> Addition Final Plat No. 02035 and Hartland's Cardinal Heights 2<sup>nd</sup> Addition Final Plat No. 02038, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Street & Alley Vacation #03002**  
**N. 9th & R Street**



Lincoln City - Lancaster County Planning Dept.  
1999 aerial



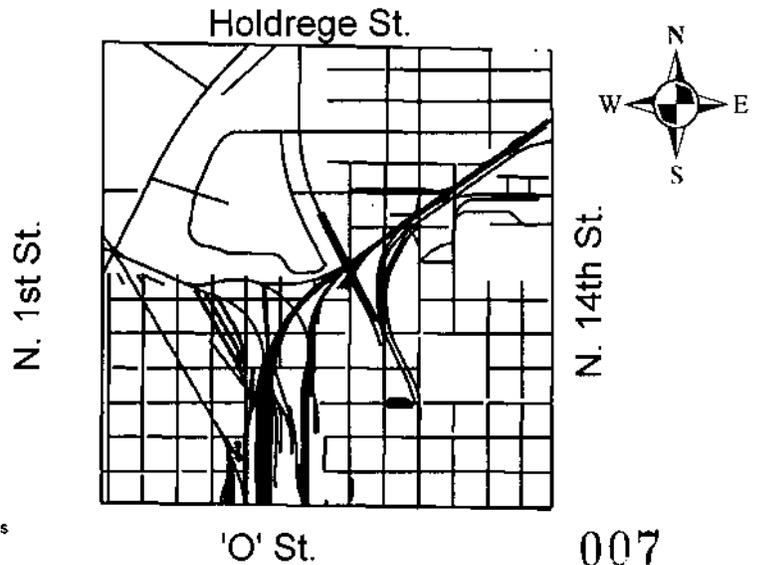
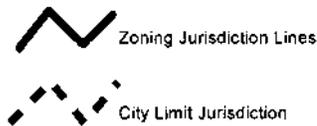
# Street & Alley Vacation #03002

## N. 9th & R Street

### 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. 23 T10N R6E



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Lincoln



Nebraska's Capital City

January 28, 2003

JAN 28 2003

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

Lincoln City/Lancaster County  
Planning Commission  
Lincoln, Nebraska 68508

RE: Vacating "R" Street from the East Line of 9th Street to the West Line of 10th Street

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received proper and sufficient petitions from William K. Johnston, Publisher of Journal Star Printing Company, owners of the south 106 feet of Lots 10, 11, and 12 and the west 34 feet of Lot 6 and the south 100 feet of the vacated north-south alley and the north 15 feet of vacated "R" Street, Block 22 Original Plat of Lincoln, and Block 29 Original Plat of Lincoln. Dolores B. Henkle, owner of the east 15 feet of Lot 6, Block 22 Original Plat of Lincoln, to vacate the above described public right-of-way. Petitioners make this request to expand existing parking lots.

The Lincoln Electric System and Aquila have existing facilities within the proposed vacation boundaries and have requested that if this vacation is approved, a permanent easement be established over the entire vacated area. The City of Lincoln Fire Department is opposed to this proposed vacation due to the reduction of access to buildings for emergency operations.

As a condition of approval of this proposed vacation, The Department of Public Works recommends the petitioners be required to remove the existing street returns at both 9th Street and 10th Street. The estimated cost of removal is \$6,000. In conjunction with removal, the Journal Star must submit a plan showing how their parking lot will operate and apply for curb cut(s) to allow the parking lot to function.

The Department of Public Works and Utilities recommends approval of this vacation request. This vacation contains an area of 18,362.5 square feet, more or less.

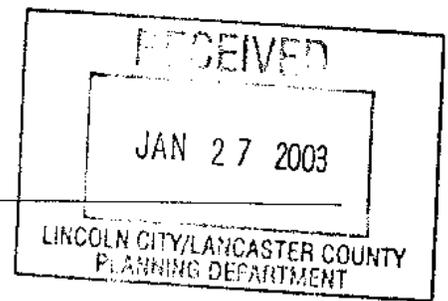
Sincerely,

  
Byron Blum  
Engineering Services

cc: Mayor Wesely  
Allan Abbott  
Marvin Krout  
Marc Wullschleger  
Roger Figard  
Nicole Fleck-Tooze  
Randy Hoskins  
Joan Ross  
Clint Thomas  
Dana Roper  
Dolores Henkle  
Journal Star  
John Huff

008

# M e m o r a n d u m



**To:** Ray Hill, Planning  
**From:** *B* Dennis Bartels, Engineering Services  
**Subject:** Proposed "R" Street Vacation  
**Date:** January 23, 2003  
**cc:** Allan Abbott  
Randy Hoskins  
John Huff

In the January 21, 2003 letter to the Planning Commission requesting consideration of the vacation of "R" Street between 9 th and 10th, Engineering Services indicated that the Fire Department recommended denial of this vacation. I discussed this recommendation with John Huff from the Fire Department. He indicated the Fire Department has similar concerns about any street vacation that closes an open street because of the reduction of access points and potential for increase response time for emergency access. Engineering Services recommended approval of this vacation because of the other street access points still available and block lengths after vacation that still meet subdivision standards. John indicated that he would not raise objection to our recommendation of approval.

SAV 03002

### INTEROFFICE MEMORANDUM

TO: Mayor Wesely  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: February 24, 2003

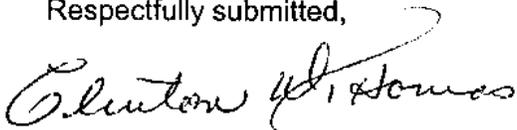
COPIES TO: Joan Ross  
Marvin Krout  
Dana Roper  
Byron Blum

SUBJECT: Vacation of R Street between 9<sup>th</sup> &  
10<sup>th</sup> Streets

A request has been made to vacate that portion of R Street lying between the east line of 9<sup>th</sup> Street and the west line of 10<sup>th</sup> Street. The original request to vacate this street was made early in 2001. At that time, an appraisal was accomplished by John Layman which indicated a value of \$182,000 for the street right-of-way. During subsequent negotiations, the Urban Development Department reached a tentative agreement with the representatives of the Lincoln Journal and Star wherein the City would reduce the price of the street by the amount they expected to expend on a streetscape plan for that block. The streetscape plan was estimated to cost the City in the neighborhood of \$80,000. Deducting that amount from the appraised value leaves an amount that was subsequently rounded to \$100,000.

Public Works has asked that easements be retained over the entire area for existing utilities and that the owners submit a parking-lot plan with curb-cut applications to allow the parking lot to function. It is recommended that if the street be vacated, it be sold to the abutting property owner for \$100,000 subject to the easements and conditions requested by Public Works.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

dge

