

City Council Introduction: **Monday**, August 21, 2000
Public Hearing: **Monday, August 28, 2000, at 1:30 p.m.**

Bill No. 00-154

FACTSHEET

TITLE: ALLEY VACATION NO. 00011, requested by the abutting property owners, to vacate the north-south alley, north of "N" Street between 13th and 14th Streets.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/09/00
Administrative Action: 08/09/00

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

FINDINGS OF FACT:

1. This application to vacate the alley is requested by Lincoln 2000, L.L.C., Phoenix Development Corporation and Crete Carrier Corporation.
2. The Planning staff recommendation to find the vacation to be in conformance with the Comprehensive Plan and to recommend conditional approval is based upon the "Analysis" as set forth on p.3.
3. The applicant's testimony is found on p.5.
4. The illustrations of the proposed fire escape are shown on p.13-15.
5. There was no testimony in opposition.
6. The Planning Commission agreed with the staff recommendation and conditions of approval as set forth on p.3-4.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 14, 2000

REVIEWED BY: _____

DATE: August 14, 2000

REFERENCE NUMBER: FS\CC\FSV00011

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: STREET VACATION NO. 00011

DATE: July 25, 2000

North South alley between 13th and 14th STREET
North of "N" Street

PROPOSAL: The City has received sufficient and proper petitions to vacate the north south alley, north of "N" street between 13th and 14th Street

GENERAL INFORMATION:

APPLICANTS: Gerald J. Keating NAI Hiffmen
Lincoln 2000, L.L.C.
One Oakbrook Terrace
Oakbrook, IL 6018
(630) 691 0612

Donald A. Dibbern, Pres
Phoenix Development Corporation
1316 "N" Street, Suite 101
Lincoln, NE, 68508
(402) 477-1070

Jeff Schumacher, V.P.
Crete Carrier Corp.
130 So. 13th St, Suite 200
Lincoln, NE 68508
(402) 438-3838

LOCATION: North south alley between S 13th street and S 14th street and North of "N" Street and south of the east west alley.

REQUESTED ACTION: Approval of the vacation.

LEGAL DESCRIPTION: The north-south alley from the north line of "N" Street to the south line of the east west alley in Block 58, Original plat of Lincoln, located in the N ½ of Section 26, T10N, R6E, of the 6th P.M., Lincoln, Lancaster County, Nebraska.

SIZE: 1,420 square feet, more or less.

EXISTING LAND USE: A brick alley, about 10' in width.

SURROUNDING LAND USE AND ZONING: All zoned B-4. Office and retail uses on all sides.

ANALYSIS:

1. The petitioner has requested the vacation so that an open steel fire escape can be constructed to replace the one removed due to code issues.
2. This alley abuts two historic properties. The Nebraska Telephone Building at 130 S. 13th St. is on the National Register of Historic Places and a Local Landmark. The Woods Brothers Companies Building at 132 S. 13th St. is on the National Register of Historic Places and a Local Landmark.
3. This request was reviewed by the Historic Preservation Commission on July 20th. It was noted that the building will be on the National Register of Historic Places. The alley is to be used, via fire escape, as a second means of egress. The alley has great potential for a pedestrian alley and the urban design issues include both the effect on the buildings and the potential for future public use and access. The Commission had three main concerns; 1) How the vacated alley will be used, 2) whether pedestrian access would continue, and 3) what changes might occur to the abutting buildings.
4. Closure and building in the alley would be undesirable. Visual or physical closure of the south end may create a less safe space in the alley.
5. An alternative to vacating the alley would be to petition the City Council for the use of the Public Way in order to construct the fire escape.
6. The alley is currently used for egress and access but is not of sufficient width to be usable by vehicles.
7. The Public Work's Department report indicates that LES has a buried line in this alley and is asking for a permanent easement across the entire vacated area.
8. Public Work's further recommends that the existing alley return be removed at "N" street and the curb replaced at the petitioners expense. The estimated cost of the removal of the return is \$1,770.00.
9. The Department of Public Works and Utilities recommends approval of this proposed vacation with the conditions mentioned above.
10. This right-of-way is not shown in the Comprehensive Plan for future use as a public street.

STAFF RECOMMENDATION:

- 1) The proposed vacation conforms with the 1994 Comprehensive Plan.
- 2) Issues concerning the use and access of the alley need to be addressed.
- 3) Conditional Approval of the Vacation.

Conditions:

1. Provide the required easement for existing buried LES lines.

2. The petitioners pay the expense for the removal of the street return.
3. A Public Access easement be retained on the alley for the use of the public.
4. Any proposed construction in the alley shall be approved by the Historic Preservation Officer of the City of Lincoln.

Prepared by:

Mike DeKalb, AICP
Planner

STREET & ALLEY VACATION NO. 00011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

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

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval.

Mike DeKalb of Planning staff submitted illustrations of the proposed fire escape that will be constructed upon approval of this alley vacation.

Proponents

The applicant's architect appeared to answer any questions.

Steward inquired as to what generated the need for this fire escape in the alley. The architect advised that the building will continue to be an office building. There has always been a fire escape on the east side of the building which no longer meets codes. To upgrade the building one of the life safety issues was to take off the existing fire escape and replace it with one that meets code. The stairway needed to come down and land on the alley. The new stair will have supports and will not hang off the building.

Steward asked whether the architect knew of any other plans for the space that is now the alley. The architect indicated that he has not had any contact with anyone, but he believes the adjacent owners are in support of this vacation and are prepared to maintain the alley.

There was no testimony in opposition.

Carlson asked staff to respond to the proposed design. Ed Zimmer of Planning staff believes the proposed design will be acceptable.

Hunter inquired about Condition #4: "Any proposed construction in the alley shall be approved by the Historic Preservation Officer of the City of Lincoln." Zimmer explained that two of the four buildings that abut the alley are landmark designated buildings today and any construction on those buildings would be reviewed. The Federal Trust Building is in the process of applying for National Register. If other proposals came forward, they would also be routed through the process. However, Zimmer does not anticipate any additional developments in this alley.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Schwinn moved approval of the Planning staff recommendation, seconded by Carlson and carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.