

FACTSHEET

TITLE: STREET VACATION NO. 02011, requested by Benjamin and Stacy Hollingsworth, to vacate the north 18' of Glade Street from South 48th Street east 124.2 feet.

STAFF RECOMMENDATION: A finding that the proposed street vacation is not in conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/18/02
Administrative Action: 09/18/02

RECOMMENDATION: A finding that the proposed street vacation is not in conformance with the Comprehensive Plan and should be denied (7-2: Steward, Bills-Strand, Larson, Taylor, Carlson, Newman and Schwinn voting 'yes'; Duvall and Krieser voting 'no').

FINDINGS OF FACT:

1. The staff recommendation finding that the proposed street vacation is not in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3-4, concluding that approval of this street vacation would create a substandard right-of-way and conflict with the street pavement section. The subdivision design standards require a 60' right-of-way for local streets. The existing right-of-way is 60'. Approval of the vacation will create a local street of 42'. In addition, this proposed vacation extends approximately 1.5 feet into the existing roadway pavement.
2. The applicants' testimony is found on p.5. The purpose of the street vacation is to construct a fence.
3. There was no testimony in opposition; however, Shirley Speer, the owner of two rental properties across the street from the Hollingsworths, expressed concern about visibility and the intersection because her tenants are required to use Glade Street to get into her rental properties when coming from the south.
4. The Planning Commission discussion with staff is found on p.5-6.
5. On September 18, 2002, the Planning Commission agreed with the staff recommendation and voted 7-2 to find that the proposed vacation is not in conformance with the Comprehensive Plan and should be denied (Commissioners Duvall and Krieser dissenting). See Minutes, p.6.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 7, 2002

REVIEWED BY: _____

DATE: October 7, 2002

REFERENCE NUMBER: FS\CC\2002\SAV.02011

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #02011
S. 48th Street and Glade Street

DATE: September 4, 2002

PROPOSAL: To vacate a portion of the street adjacent to the petitioners lot to increase the size of their yard and build a fence.

LAND AREA: 2,235.6 square feet, more or less (18' x 124.2').

CONCLUSION: Approval of this street vacation would create a substandard right-of-way and conflict with the street pavement section. The Subdivision design standards require a 60' R-O-W for local streets. The existing R-O-W is 60'. Approval of the vacation will create a local street of 42'. In addition, this proposed vacation extends approximately 1.5 feet into the existing roadway pavement.

RECOMMENDATION: Does not conform to Comprehensive Plan.

GENERAL INFORMATION:

LEGAL DESCRIPTION: The north 18' of Glade Street from S. 48th Street east 124.2 feet, adjacent to Lot 8, Block 6, Normal Addition, in the southeast quarter of Section 32-T10N R-7-E, in Lincoln, Lancaster County, NE.

LOCATION: Generally located at S. 48th Street and Glade Street

APPLICANT: Benjamin and Stacy Hollingsworth
2250 S. 48th Street
Lincoln, NE 68506
(402) 483-2575

CONTACT: Same

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|---------------------------------------|------------------|
| North: | Residential | R-2, Residential |
| South: | Residential-Transitional and Business | R-T and B-1 |
| East: | Residential | R-2, Residential |
| West: | Residential | R-2, Residential |

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as Urban Residential. The Plan states;

P F87- Transportation Planning Principles

The overall objectives of the transportation plan include:

- Developing a balanced transportation system that meets the mobility needs of the community and supports Lincoln and Lancaster County's land use projections and plan.
- Using the existing transportation system to its best advantage.
- Creating a sustainable transportation network that minimizes energy consumption and environmental pollution.
- Designing a street and road improvement program that is both physically attractive and sensitive to the environments of urban neighborhoods.

HISTORY:

- August 22, 1994: Change of Zone No. 2834, from R-2 Residential to R-T Residential Transition, located just north of Normal Street between S. 49th and S. 50th Street.
- March 3, 1991: Weigel's Alpine Village Subdivision #90506, dedicated Glade street as R.O.W.
- December 4, 1989: Change of Zone No. 2498 from R-2 Residential to R-T Residential Transition, located just south of Glade Street between S. 48th and S. 49th Street.
- May 8, 1979: The area was zoned A-2, Single Family Dwelling District until it was updated to R-2, Residential during the 1979 zoning update.
- November 26, 1923: The alley abutting Lot 8 to the east, running north to south in Block 6, Normal, between 48th and 49th and Glade and Newton was vacated.

UTILITIES: Utilities are available

TRAFFIC ANALYSIS: Glade Street is a local street.

ANALYSIS:

1. This is a petition to the City Council for a vacation of the north 18' of Glade Street from S. 48th Street east 124.2 feet, adjacent to Lot 8, Block 6 Normal Addition, Lincoln, Nebraska.
2. Glade Street provides a connection between S. 48th Street and the residential area to the east.
3. The existing street appears to serve local residential traffic only.
4. The Subdivision design standards require a 60' R-O-W for local streets. The existing R-O-W is 60'. Approval of the vacation will create a local street of 42'.

5. A water main exists in the street adjacent to the south edge of the lot. Time Warner Cable and ALLTEL have buried cables in this area also. If this is approved a permanent easement needs to be established for these utilities.
6. This proposed vacation extends approximately 1.5 feet into the existing roadway pavement.
7. The City Engineer objects, because if vacated it would create a substandard right-of-way and conflict with the street pavement section.

However, should the Planning Commission choose to approve the request the following is a suggested condition:

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.

Prepared by:

Abigail Davis
Planner

STREET VACATION NO. 02011

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 18, 2002

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

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

Proponents

1. Ben and Stacy Hollingsworth, 2250 So. 48th, the petitioners, testified in support. They would reduce the request from 18' to 16' if that would make any difference. The reason for this request is because the Hollingsworth's have two small children with no fence on the existing yard. In order to put a fence on the property line, it would leave the majority of the property outside the fence. There is 21' from the existing property line to the curb. It is a minor street, and being one block from a major thoroughfare, they saw no indication that there would be any future use for that 21', or at least a significant portion. They are willing to provide permanent easements for the utilities. They would propose constructing a fence that would not extend to the corner—it would only be even with the front edge of the main structure, which is 20' from the west property line and roughly 35' from the 48th Street curb. Thus it would not interfere with any of the visibility for that intersection. If the vacation is reduced to 16', there would be approximately 5' between the curb and the property line. They would even be willing to back that off closer to the house, if necessary, or if it would make a difference.

Steward inquired as to the depth of the rear yard. Hollingsworth indicated that from the house to the east property line it would be roughly 75'. There is also a detached garage and driveway, large tree and patio on the property. Steward is not clear why the petitioners cannot have a reasonable play yard within the context of the existing property line. Hollingsworth stated that it is due to the existing items in there. There is a patio that eats up a lot of the yard. The existing tree has a rather large footprint. The garage is not on the property line—it is quite a ways to the west. There is probably 20' between the patio and the paved section of the garage. With two or more children, that did not strike the Hollingsworth's as being a large amount of space in which to roam.

2. Shirley Speer, 8331 Elizabeth Drive, stated that she is not necessarily in opposition. She owns two rentals across the street from the Hollingsworths. Her concern is anything that would impede the visibility of Glade Street. In order to get into the rental properties coming from the south, it is necessary to use Glade Street and swing around there. It is the only way that her tenants can get into the property if they are coming from the south. As long as it leaves a good open intersection so that they can see, she would have no opposition.

Staff questions

Steward observed that this would end up in a potential sight line problem near the intersection of Glade and 48th. This was also a concern of Dennis Bartels of Public Works. The applicant indicated that the purpose for the vacation was to put up a fence and Public Works did investigate. There is 17' of paving

centered in 60' of right-of-way, which is standard, and Public Works does not feel justified in recommending approval of a reduction of that standard width. It was paved as a standard residential street with 60' of right-of-way, which was the standard at the time and it is still the standard. If the vacation is approved, there is no sidewalk space or street trees or whatever else might go in there. The aerial photograph does not show a sidewalk on the north side.

Response by the Applicant

Stacy Hollingsworth stated that they would be willing to take the extra property and build the sidewalk closest to the house. There is not a sidewalk the entire four-block length of that street. The Hollingsworths have owned the property about four years.

Public hearing was closed.

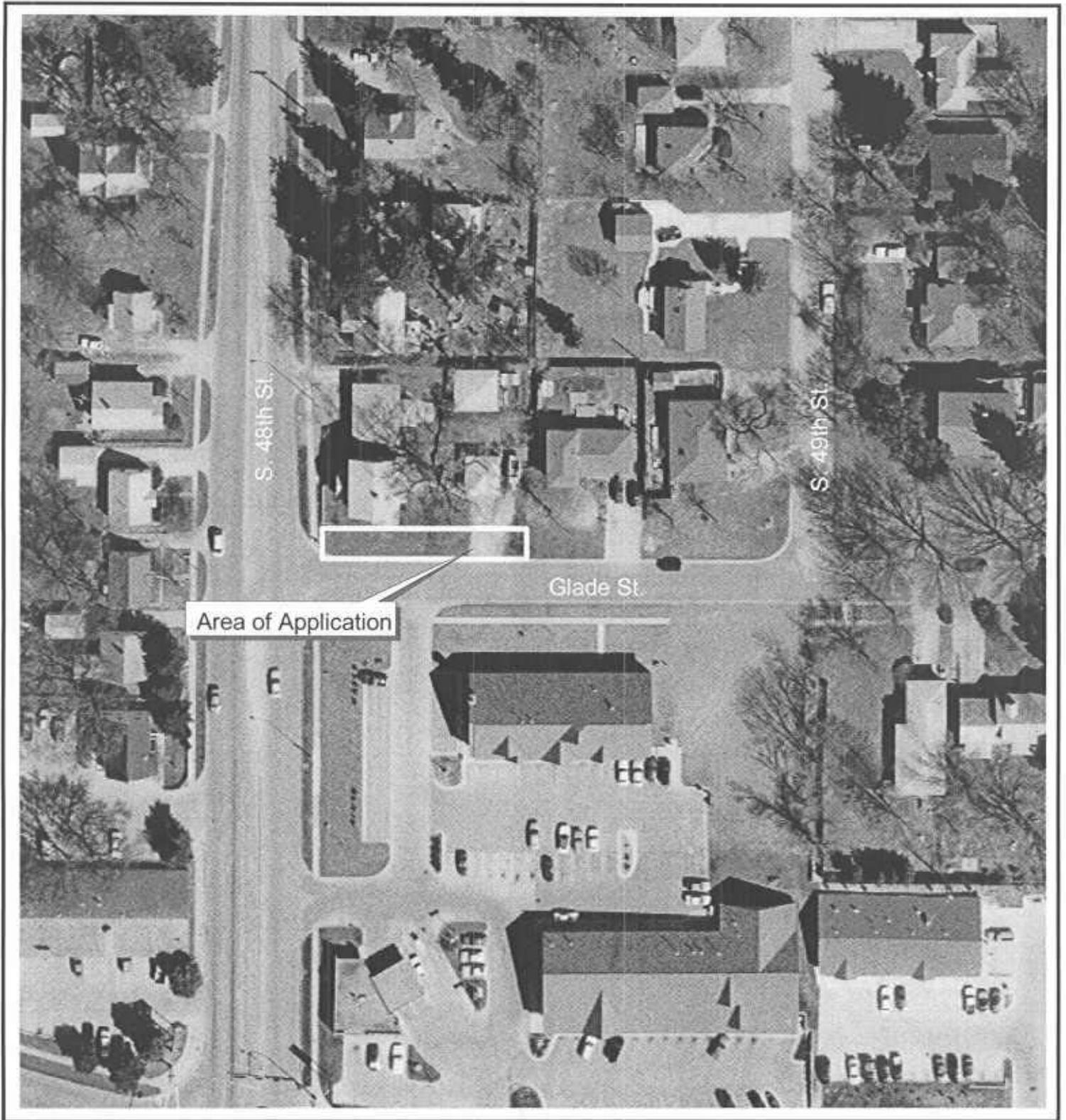
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 18, 2002

Steward moved to deny, seconded by Carlson.

Steward believes the staff assumption and observation is correct. This does not comply with the Comprehensive Plan. It seems the property owners knew what the dimensions were in the four years of the twenty years that the condition has existed. He believes there are enough other choices within the bounds of their property for safety for the children with a little creative landscape planning.

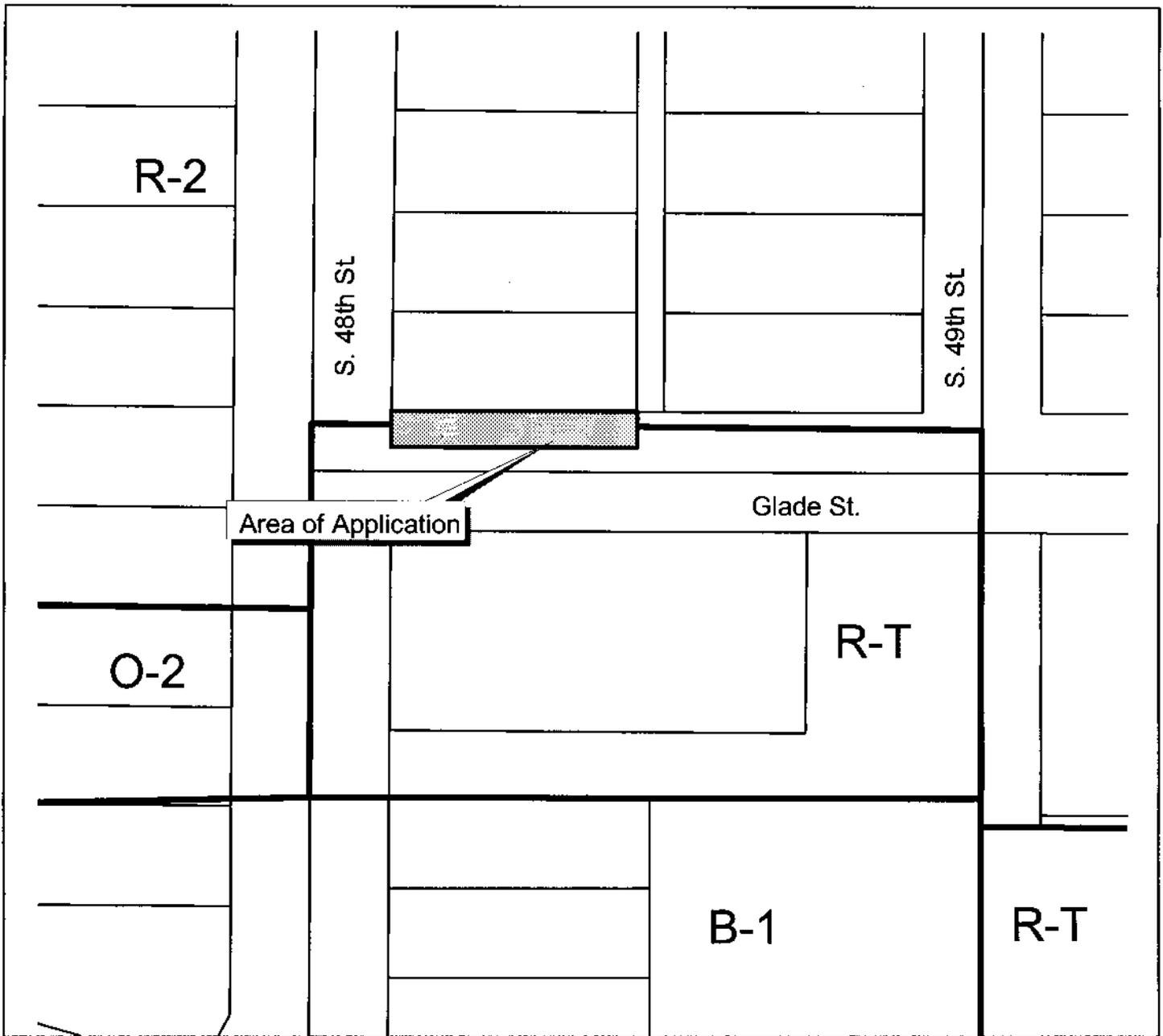
Motion to deny, finding that the proposed vacation is not in compliance with the Comprehensive Plan, carried 7-2: Steward, Bills-Strand, Larson, Taylor, Carlson, Newman and Schwinn voting 'yes'; Duvall and Krieser voting 'no'.



**Street & Alley Vacation #02011
S. 48th & Glade St.**



007

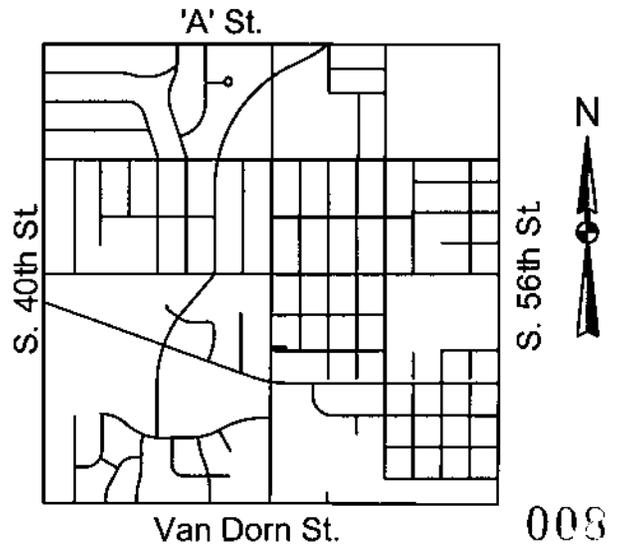


Street & Alley Vacation #02011
S. 48th & Glade St.

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. 32 T10N R7E

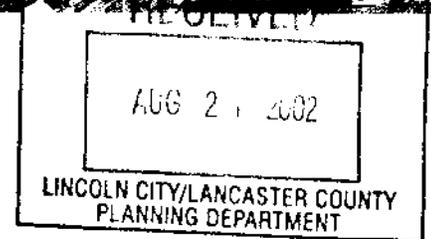


Lincoln



Nebraska's Capital City

August 21, 2002



Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating approximately the north 18 feet of Glade Street from South 48th Street east 124.2 feet, adjacent to Lot 8, Block 6 Normal Addition

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Benjamin and Stacy Hollingsworth, owners of Lot 8, Block 6 Normal Addition, to vacate the above described public right-of-way. Petitioners request this vacation to increase the size of their yard and to build a fence.

The City of Lincoln has a water main in the area of proposed vacation. Time Warner and Alltel have buried cables in this area also. If this vacation were approved, a permanent easement would need to be established for these utilities.

This proposed vacation extends approximately 1.5 feet into the existing roadway pavement. If vacated, it would create a substandard right-of-way and conflict with the street pavement section. The existing 60' right-of-way is the standard minimum width for the existing 27' wide residential street paving. The Department of Public Works recommends denial of this request. This vacation requests contains an area of 2,235.6 square feet, more or less.

Sincerely,

Byron Blum
Engineering Services

cc: Mayor Wesely
Allan Abbott
Marvin Krout
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper

010

Glade Vac Ltr tdm w pd