

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 14007
(Sherman Court)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Chateau Development

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

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

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION:

To vacate the street stub of Sherman Court located in the Van Dorn Meadows Community Unit Plan, generally located at Sherman Street and Holmes Park Road.

DISCUSSION / FINDINGS OF FACT:

1. The purpose of this street vacation is to allow the development of the approved amendment to the Van Dorn Meadow Community Unit Plan where the dwellings will not be accessed via a public street but rather by a private roadway or shared driveway.
2. The staff recommendation finding the proposed street vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3-4, concluding that the right-of-way stub to be vacated is not needed and is excess.
3. On September 3, 2014, 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 September 3, 2014, the Planning Commission voted 9-0 to find the proposed vacation of Sherman Court to be in conformance with the Comprehensive Plan.
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.10, recommending that the vacated property be sold to the abutting property owner for \$760.00.
6. The funds for the vacated right-of-way have been paid to the City Clerk, thus the requirements of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: September 15, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: September 15, 2014

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for September 3, 2014 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 14007 - Sherman Court

PROPOSAL: To vacate the street stub of Sherman Court located in the Van Dorn Meadows Community Unit Plan (CUP)

LOCATION: Generally located at Sherman Street and Holmes Park Road

LAND AREA: 3,041 square feet, more or less

CONCLUSION: The right-of-way stub to be vacated is not needed and is excess. Subject to the conditions of approval, vacation of the right-of-way is in conformance with the Comprehensive Plan.

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

LEGAL DESCRIPTION: See attached legal description.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	Vacant	R-3
East:	Vacant	R-3
West:	Vacant	R-3

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.15 - Local streets and alleys are not included in the functional classification.

HISTORY:

Mar 1997 - Special Permit #1665 and Preliminary Plat #96024 for Van Dorn Meadows 1st Addition CUP were approved. The special permit and preliminary plat superceded all previous special permits, PUD's and associated preliminary plats to allow for 448 dwelling units over the area covered by the special permit.

May 2001 - Special Permit #1665A was approved to allow an additional 17 dwelling units, bringing the total to 465 dwelling units.

Dec 2013 - Special Permit #1665B was approved waiving a pedestrian sidewalk connection to Otoe Street, and requiring a fence and landscaped berm instead.

Jul 2014 - Special Permit #1665C was approved revising the layout for Outlot B, consisting of 20 attached single-family dwelling units instead of nine detached single-family dwellings.

UTILITIES: There are utilities in the street stub including sewer, water, and natural gas.

TRAFFIC ANALYSIS: The street stub was never intended to be a through street, rather it terminated in a cul-de-sac. It is not in use now, nor would it have ever served any purpose for the larger neighborhood.

ANALYSIS:

1. The street stub was originally platted along with the surrounding outlot (Outlot B) with the final plat of Van Dorn Meadows 1st Addition. It was based upon the Van Dorn Meadows CUP approved in 1997 which showed nine single-family residential lots. Several of the lots were planned to be accessed off a cul-de-sac at the end of Sherman Court.
2. A recently approved amendment to the Van Dorn Meadows CUP revised the layout for the area of Outlot B. Instead of nine single-family lots, a layout for up to twenty attached single-family dwellings was approved. Whether each attached single-family dwelling unit is on its own lot, or whether all 20 units are all located on a single large lot, the dwellings will not be accessed via a public street. Access will be either by a private roadway, or shared driveway, thereby eliminating the need for the public right-of-way stub.
3. Sherman Court was a local street, and as a result is not included in the functional classification map in the 2040 Comprehensive Plan, which only shows major streets (collectors and above).
4. The utility easement for the overhead L.E.S. transmission line which exists over portions of Outlot B will remain in place and is not affected by this request.
5. There are sanitary sewer, water and natural gas facilities within the area to be vacated. As part of the vacation, the City will retain a utility easement over the entire area being vacated to accommodate them until such as they might be relocated/eliminated.
6. The Water Department notes that the existing water main stub in the right-of-way to be vacated will need to be modified so it is contained in the Sherman Street right-of-way. Also noted is the need for a fire hydrant in this area, but its design and location needs to be approved by the Water Department. The outlot must be re-platted into a lot in order to be developed, and if the water utility work/hydrant installation has not been completed, it will be required to be completed as part of the final platting process.
7. Given the revised CUP layout, a public street stub is no longer needed and so the public right-of-way is no longer necessary.

8. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

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.
- 1.2 Include retention of utility easements by City with deed transfer.

Prepared by:

Brian Will, Planner
bwill@lincoln.ne.gov 402-441-6372
August 20, 2014

APPLICANT/OWNER: Chateau Development
3100 South 72nd Street
Lincoln, NE 68506
402-464-6186

CONTACT: Mike Eckert
Civil Design Group
8535 Executive Woods Drive
Lincoln, NE 68512
402-434-8494

STREET & ALLEY VACATION NO. 14007

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

September 3, 2014

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 14018; SPECIAL PERMIT NO. 10004A; SPECIAL PERMIT NO. 14023; SPECIAL PERMIT NO. 05003A; COUNTY SPECIAL PERMIT NO. 05004A; and STREET & ALLEY VACATION NO. 14007.**

There were no ex parte communications disclosed.

Items No. 1.4a and 1.4b, City Special Permit No. 05003A and County Special Permit No. 05004A, were removed from the Consent Agenda and had separate public hearing.

Cornelius moved approval of the remaining Consent Agenda, seconded by Scheer and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Scheer, Sunderman, Weber and Lust voting 'yes'.

Note: This is final action on Special Permit No. 10004A and Special Permit No. 14029, unless appealed to the City Council within 14 days.