FACTSHEET

TITLE: COMPREHENSIVE PLAN CONFORMANCE NO. 18002 - DECLARATION OF SURPLUS PROPERTY
(Southeast Corner of NW 48th Street and W. Adams Street)

APPLICANT: David Landis, Director of the Urban Development Department

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (7-0: Hove, Edgerton, Finnegan, Harris, Joy, Washington, and Corr voting ‘yes’; Beckius and Scheer absent)

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan

OTHER DEPARTMENTS AFFECTED: Urban Development

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

The City is requesting the declaration of surplus property for the property southeast of NW 48th and West Adams Street, a property that the City previously acquired from L.E.S. as part of the NW 48th Street widening and improvement project. The property is no longer needed by the City and will be sold, retaining easements for drainage and utilities. This request seeks to find conformance with the Comprehensive Plan to declare 7,371 square feet of this property as surplus.

DISCUSSION / FINDINGS OF FACT:

1. On February 14, 2018, this request for the proposed declaration of surplus property and the associated Change of Zone No. 18002 (Bill #18-23) appeared on the Consent Agenda of the Planning Commission.

2. The staff recommendation to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan is based upon the “Analysis” as set forth on p.2, concluding that the declaration of surplus generally conforms with the Comprehensive Plan. The City acquired the property proposed for surplus declaration in conjunction with the NW 48th Street improvement project. Construction activities are completed and the property is no longer needed. There has been no opposition to the sale of the property by any departments or public agencies subject to retaining the necessary permanent utility and storm sewer/drainage easements.

3. On February 14, 2018, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed declaration of surplus property to be in conformance with the 2040 Comprehensive Plan (Comprehensive Plan Conformance No. 18002).

4. On February 14, 2018, the Planning Commission voted 7-0 to recommend approval of the associated Change of Zone No. 18002 (Bill #18-23).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: February 20, 2018

REVIEWED BY: David R. Cary, Director of Planning

DATE: February 20, 2018
COMPATIBILITY WITH THE COMPREHENSIVE PLAN
This declaration of surplus property conforms to the Comprehensive Plan.

BRIEF SUMMARY OF REQUEST
The City is requesting the declaration of surplus property for the property southeast of NW 48th and West Adams Street, a property that the City previously acquired from L.E.S. as part of the NW 48th Street widening and improvement project. The property is no longer needed by the City and will be sold, retaining easements for drainage and utilities. This request seeks to find conformance with the Comprehensive Plan to declare 7,371 square feet of this property as surplus.

A related change of zone is requested by the City from I-2 Industrial Park District to B-1 Local Business District.

JUSTIFICATION FOR RECOMMENDATION
The City acquired the property proposed for surplus declaration in conjunction with the NW 48th Street improvement project. Construction activities are completed and the property is no longer needed. There has been no opposition to the sale of the property by any departments or public agencies subject to retaining the necessary easements.

A change of zone to B-1 is consistent with the zoning of the adjacent property and the overall zoning pattern of the area.

APPLICATION CONTACT
Michelle Backemeyer, (402) 441-8617 or mbackemeyer@lincoln.ne.gov

STAFF CONTACT
Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
This declaration of surplus property conforms to the Comprehensive Plan.
ANALYSIS

1. This is a request to find in conformance with the Comprehensive Plan the surplus of approximately 7,371 square feet of property located at NW 48th and West Adams Streets, and a change of zone from I-2 to B-1.

2. The property, Lot 11 I.T., was purchased by the City from L.E.S. in conjunction with the widening of NW 48th and West Adams Streets. L.E.S. formerly had a substation on the site, which was removed prior to the City’s purchase. A significant portion of Lot 11 was needed for the widening process and has been declared as street right-of-way. Therefore, the property being declared as surplus is described as the remaining portion of Lot 11.

3. There is a storm sewer/drainage structure easement and a utility easement on the property. Vehicular access will need to be taken from the adjoining property, since a new driveway so close to the intersection is not supported by the Access Management Policy. With these limitations, the property may only have value to the adjacent property owner.

4. The property is zoned I-2 Industrial Park District. A change of zone to B-1 is requested by the City to match the zoning of the adjoining property to the south and east. Unlike the surplus declaration, the change of zone boundary includes all of Lot 11 as it would not be desirable to leave the portion declared for right-of-way in a different zoning district. The future land use map designates this property for future industrial uses. However, because the zoning of the adjacent property and the properties across NW 48th Street to the west is B-1, it is most logical to zone the surplus property B-1 as well. Split zoning would create unnecessary complication and the site is too small to be a standalone use in the I-2 district.

5. Permanent utility and storm sewer/drainage easements are in place and will be retained on the property.

6. The request is to declare a strip of City-owned property that is unused as surplus. The request is consistent with the Comprehensive Plan and will allow the City to sell a property that is no longer needed. The change of zone is consistent with the zoning pattern of the area and matches the zoning of the adjacent property, who is the most likely purchaser of the land.

EXISTING LAND USE & ZONING: Undeveloped; I-2 Industrial Park District

APPROXIMATE LAND AREA:

CPC18002: 7,371 square feet (0.17 acres)
CZ18002: 14,589 square feet (0.33 acres)

LEGAL DESCRIPTIONS

CPC18002: See attached.
CZ18002: Lot 11, I.T., located in the NE quarter of Section 18-10-6, Lincoln, Lancaster County, Nebraska.

Prepared by

Rachel Jones, Planner
Date: February 8, 2018

Applicant/Owner: City of Lincoln
c/o David Landis
555 South 10th Street, Suite 205
Lincoln, NE 68508

Contact: Michelle Backemeyer
City of Lincoln Urban Development Department
555 South 10th Street, Suite 205
Lincoln, NE 68508
(402) 441-8617 or mbackemeyer@lincoln.ne.gov
CONDITIONS OF APPROVAL - COMPREHENSIVE PLAN CONFORMANCE #18002

BEFORE THE DEED TRANSFER THE FOLLOWING MUST BE COMPLETED:

1.1 Include retention of utility and storm sewer/drainage easements with deed transfer.

1.2 Relinquish access to NW 48th Street and West Adams Street.
Comp Plan Conformance #: CPC18002
NW 48th St & W Adams St

Zoning:

- 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-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.18 T10N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
Change of Zone #: CZ18002 (I-2 to B-1)
NW 48th St & W Adams St

Zoning:
- 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-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.18 T10N R06E

Area of Application
Zoning Jurisdiction Lines
Lancaster County Jurisdiction
REMAINDER OF LOT 11 I.T., NORTHEAST QUARTER SECTION 18-10-06
TRACT NO 95
CITY OF LINCOLN

REMAINDER
A PORTION OF LOT 11 I.T., NORTHEAST QUARTER SECTION 18-10-06

A portion of Lot 11, Irregular Tract located in the Northeast Quarter of Section 18, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing from the southwest corner of said Lot 11, Irregular Tract, said point being 54.33 feet east of the west line of said Northeast Quarter, said point being on the east right-of-way line of NWV 48th Street; thence on an assumed bearing of North 89° 51' 36" East, a distance of 28.55 feet to the Point of Beginning; thence North 00° 58' 43" East, a distance of 21.18 feet a point; thence North 39° 55' 02" East, a distance of 67.71 feet to a point; thence North 89° 51' 36" East, a distance of 73.25 feet to a point on the east line of said Lot 11, Irregular Tract; thence South 00° 33' 31" West, along the east line of said Lot 11, Irregular Tract, a distance of 73.01 feet to the southeast corner of said Lot 11, Irregular Tract; thence South 89° 51' 36" West, along the south line of said Lot 11, Irregular Tract, a distance of 116.35 feet to the point of beginning, containing a calculated area of 7,371 square feet, (0.17 acres) more or less.
Lot 11 I.T., in the NE 1/4, Section 18, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.
January 17, 2018

David Cary, Director
Lincoln-Lancaster County
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Dear David:

Enclosed is an application to declare surplus the remaining portion of an Irregular Tract lot located at the SE corner of NW 48th & West Adams Streets and legally described as Lot 11, I.T., NE1/4 of Section 18-10-6. The City acquired this property from LES in conjunction with the City's widening and improvement project affecting LES's property. Once construction activities were completed, Public Works decided the property could be declared surplus and sold. There has been no opposition to the sale of the property by any other departments or public agencies other than a request to retain easements as noted in the attached responses.

Please forward the request to the Planning Commission for their earliest consideration for Comprehensive Plan conformance. My understanding is that the request should be on the February 14, 2018, agenda.

If you have questions or need additional information, please contact me at 441-8617 or at mbackemeyer@lincoln.ne.gov. Thank you.

Sincerely,

Michelle R. Backemeyer
Real Estate and Relocation Assistance Agent

cc: Dave Landis, Director, Urban Development Dept.

attachments
COMPREHENSIVE PLAN CONFORMANCE NO. 18002
AND CHANGE OF ZONE NO. 18002

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: February 14, 2018

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Scheer absent.

The Consent Agenda consisted of the following items: COMPREHENSIVE PLAN CONFORMANCE NO. 18001, COMPREHENSIVE PLAN CONFORMANCE NO. 18002, CHANGE OF ZONE NO. 18002, COMPREHENSIVE PLAN NO. 18003, COMPREHENSIVE PLAN CONFORMANCE NO. 18004, and SPECIAL PERMIT NO. 18001.

For the sake of transparency, Harris declared she has a child currently enrolled at Dimensions and her older daughter also attended there.

Commissioner Beckius declared a Conflict of Interest on Comprehensive Plan Conformance No. 18004 and recused himself from the vote.

Edgerton moved approval of the Consent Agenda, seconded by Finnegan, and carried, 7-0: Edgerton, Finnegan, Harris, Hove, Joy, Washington and Corr voting ‘yes’; Beckius and Scheer absent.

Note: This is a recommendation to City Council on COMPREHENSIVE PLAN CONFORMANCE NO. 18001, COMPREHENSIVE PLAN CONFORMANCE NO. 18002, CHANGE OF ZONE NO. 18002, COMPREHENSIVE PLAN NO. 18003, and COMPREHENSIVE PLAN CONFORMANCE NO. 18004. This is FINAL ACTION on SPECIAL PERMIT NO. 18001 unless appealed to the Office of the City Clerk within 14 days.