

City Council Introduction: **Monday**, August 12, 2002  
Public Hearing: **Monday**, August 19, 2002, at **1:30 p.m.**

Bill No. 02R-174

## **FACTSHEET**

**TITLE:** **WAIVER OF DESIGN STANDARDS NO. 02011**, requested by Dan Kubr of Vantage Pointe Homes, Inc., to waive paving of the parking lot and driveway on property generally located at S.W. 12<sup>th</sup> Street and Rokeby Road (1<sup>st</sup> Street & Rokeby Road in the Village of Rokeby).

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 07/24/02  
Administrative Action: 7/24/02

**RECOMMENDATION:** Conditional approval (9-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand, Duvall, Krieser and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that this site is served by rural gravel roads. The surrounding land use is mainly agriculture with four single family homes. The Lincoln-Lancaster County Health Department and Public Works Department do not object to the waiver.
2. This application was removed from the Consent Agenda and had separate public hearing due to a letter received in opposition.
3. The applicant's testimony is found on p.5.
4. There was no testimony in opposition; however, the record consists of one letter in opposition (p.14).
5. On July 24, 2002, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated July 10, 2002.

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

**DATE:** August 5, 2002

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

**DATE:** August 5, 2002

**REFERENCE NUMBER:** FS\CC\2002\WDS.02011

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.:** Waiver of Design Standards #02011

**DATE:** July 10,2002

**PROPOSAL:** Waive paving of parking lot and driveway.

**CONCLUSION:** This site is served by rural gravel roads. Surrounding land use is mainly agriculture with four single family homes. The Lincoln-Lancaster County Health Department and Public Works Department do not object to the waiver.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 19 Irregular Tract, located in the SW1/4, of Section 27, Township 9, Range 6 East, Lancaster County, Nebraska

**LOCATION:** Rokeby Road and SW. 12<sup>th</sup> Street

**APPLICANT:** Dan Kubr  
RT. 1, Box 138  
Roca, NE 68430  
(402) 423-3045

**OWNER:** Vantage Pointe Homes, Inc.  
1000 West Rokeby Rd.  
Lincoln, NE 68523  
(402) 423-8821

**CONTACT:** same as applicant

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Industrial

**SURROUNDING LAND USE AND ZONING:**

North:	AG	Agriculture
South:	AG	Agriculture
East:	R-1 & AG	Residential Single family homes and agriculture.
West:	AG	Agriculture

## HISTORY:

**October 2, 1995** City Council approved Change of Zone 2933 from AG Agriculture to I-1 Industrial on the west side of Lot 19 IT.

Changed from AA Rural and Public Use to AG Agricultural with the adoption of the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan specifies this area as Industrial

**TRAFFIC ANALYSIS:** Rokeby Road is a Rural Minor Collector.  
SW. 12<sup>th</sup> Street is Rural Major Collector.

## ANALYSIS:

1. This request is to waive the surfacing requirement for parking lots in accordance with Section 27.67.100.
2. Section 27.67.100 authorizes the City Council to grant a waiver to surfacing requirement if the following apply:

(c) Waiver of surfacing requirement: Upon application to the City Council, the owner of a parking lot may be relieved of the surfacing requirement of this section if the council finds that:

(1) The parking lot is (i) to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution; (ii) in excess of the parking required by the provisions of this title and not pay parking; or (iii) used for employee parking and located wholly within an industrial district; and ***This site is used for employee parking and is located wholly within an industrial district.***

(2) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoffs, and safe circulation; and

***The site plan identifies that the drives and parking area will be gravel.***

(3) (i) The location of the parking lot is a sufficient distance from surrounding uses that it will not adversely affect the surrounding uses; or

***Surrounding land use is mainly agriculture. There are four single-family houses in the area, with the nearest house located approximately 250 feet away.***

(ii) The frequency of use of the parking lot is so low that compliance with the surfacing requirement of this section would cause undue economic hardship upon the owner as compared with minimal impact upon surrounding land uses.

***The applicant's letter states that due to the amount of paving required, the cost would put them at a disadvantage for this type of business.***

Notwithstanding that a waiver is granted, if it is later found that dust or noise, created by the use of a parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked. Thereafter, the use of such parking lot shall cease unless surfaced in accordance with the adopted design standards.

3. The site plan identifies gravel for the parking area and drives. This site is served by gravel roads. W. Rokeby Rd. is asphalt at this location.
4. This site is mainly surrounded by agriculture. There are four single family homes to the east of this site.
5. The Lincoln-Lancaster County Health Department does not object to the approval of this waiver.
6. Public Works Department does not object to the approval of this waiver.

**CONDITIONS OF APPROVAL:**

1. At such time as the streets within the unincorporated village of Rokeby are paved the drives, driving aisles and parking stalls shall be paved.

Prepared By:

Tom Cajka  
Planner

# WAIVER OF DESIGN STANDARDS NO. 02011

## **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 24, 2002

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

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had public hearing due to a letter received in opposition from Shawn Farrar.

### Proponents

1. **Dan Kubr**, owner of Vantage Pointe Homes, presented the application. Vantage Pointe Homes is an off-site home building company that has been established on some rural industrial zoned land (which is what is needed in order to operate this business). The product is quite large. Kubr acknowledged that he probably will only be able to operate at this location until the city grows to there. He has struggled over the last few years to clean up an old grain bin site that was pretty unsightly. Because of the type and size of the product, they are always upgrading. A great deal of paving would be a hardship because it would create a tear-out problem as the company expands and perfects the business.

There was no testimony in opposition.

Public hearing was closed.

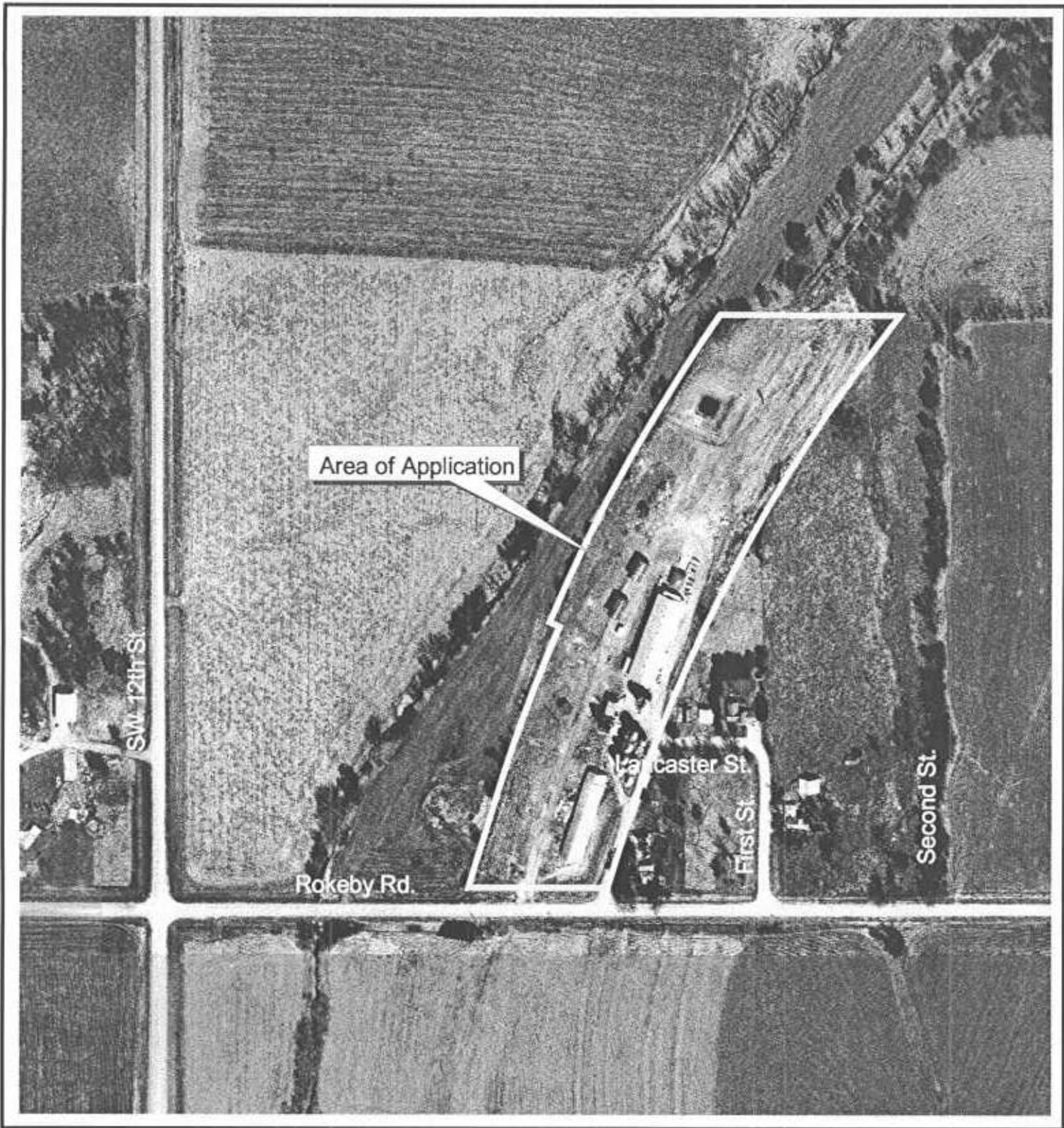
## **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

July 24, 2002

Duvall moved to approve the staff recommendation of conditional approval, seconded by Carlson.

Duvall believes that the applicant runs a good business. It is an old co-op that he is rehabbing and expanding. It requires a lot of footprint to get these things done.

Motion for conditional approval carried 9-0: Carlson, Newman, Steward, Bills-Strand, Larson, Krieser, Duvall, Taylor and Schwinn voting 'yes'.



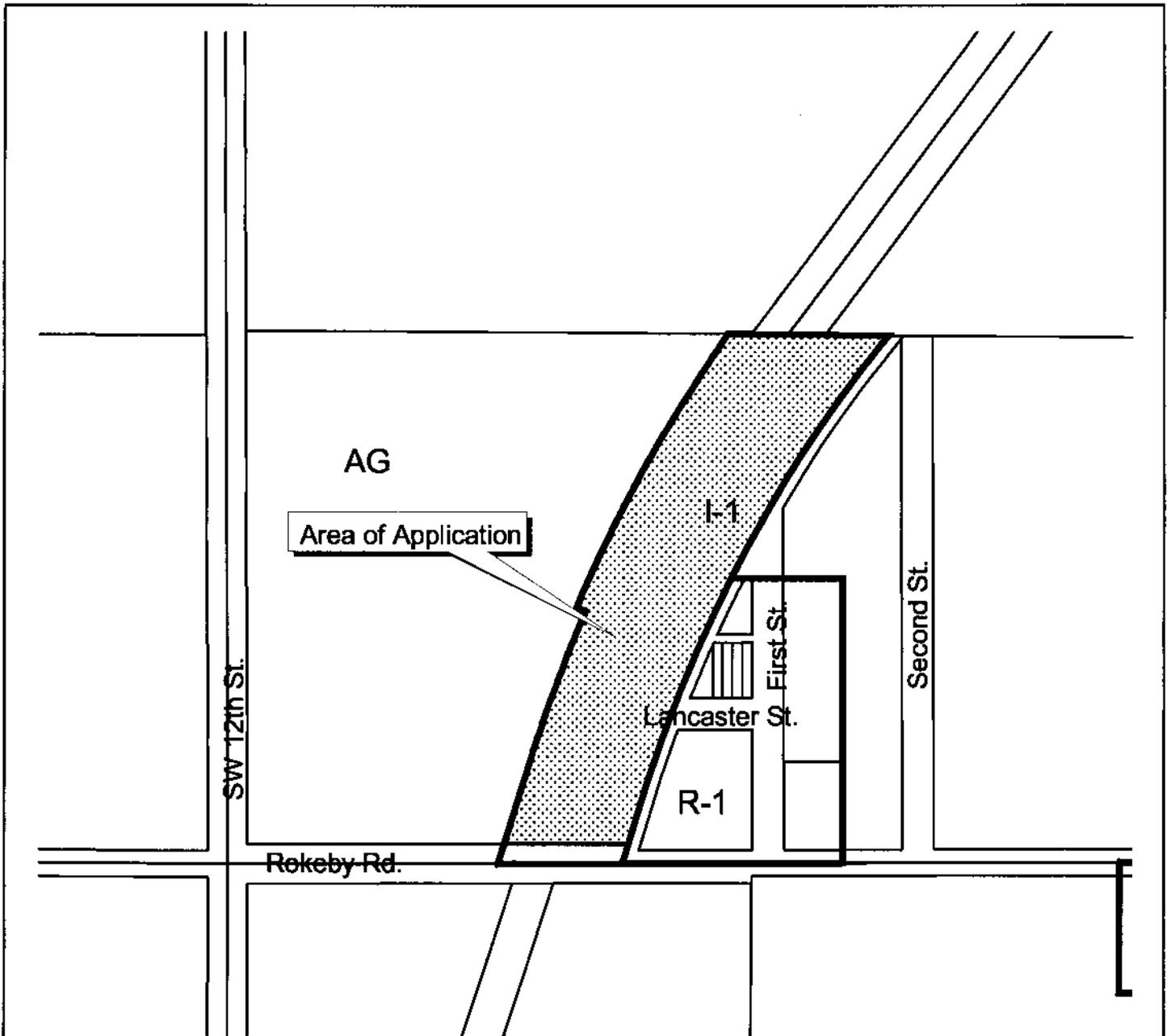
**Waiver of Design Standards #02011  
W. Rokeby Rd & SW 12th St.  
Vantage Pointe - Paving**



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Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

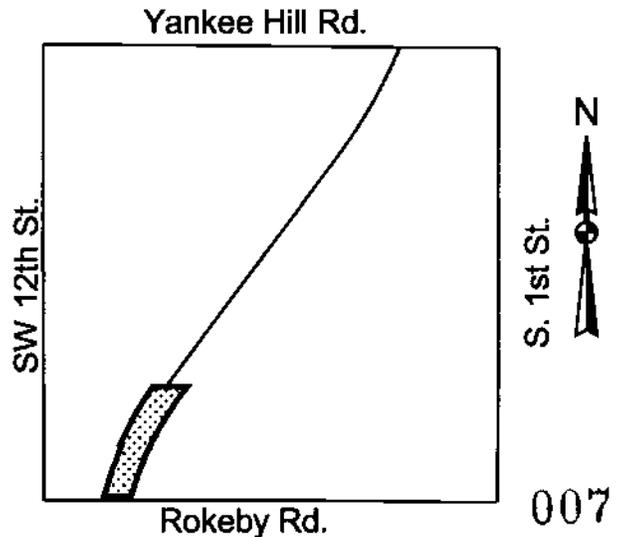
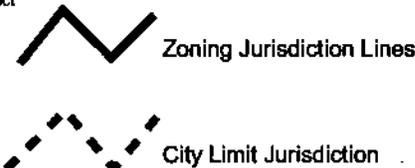


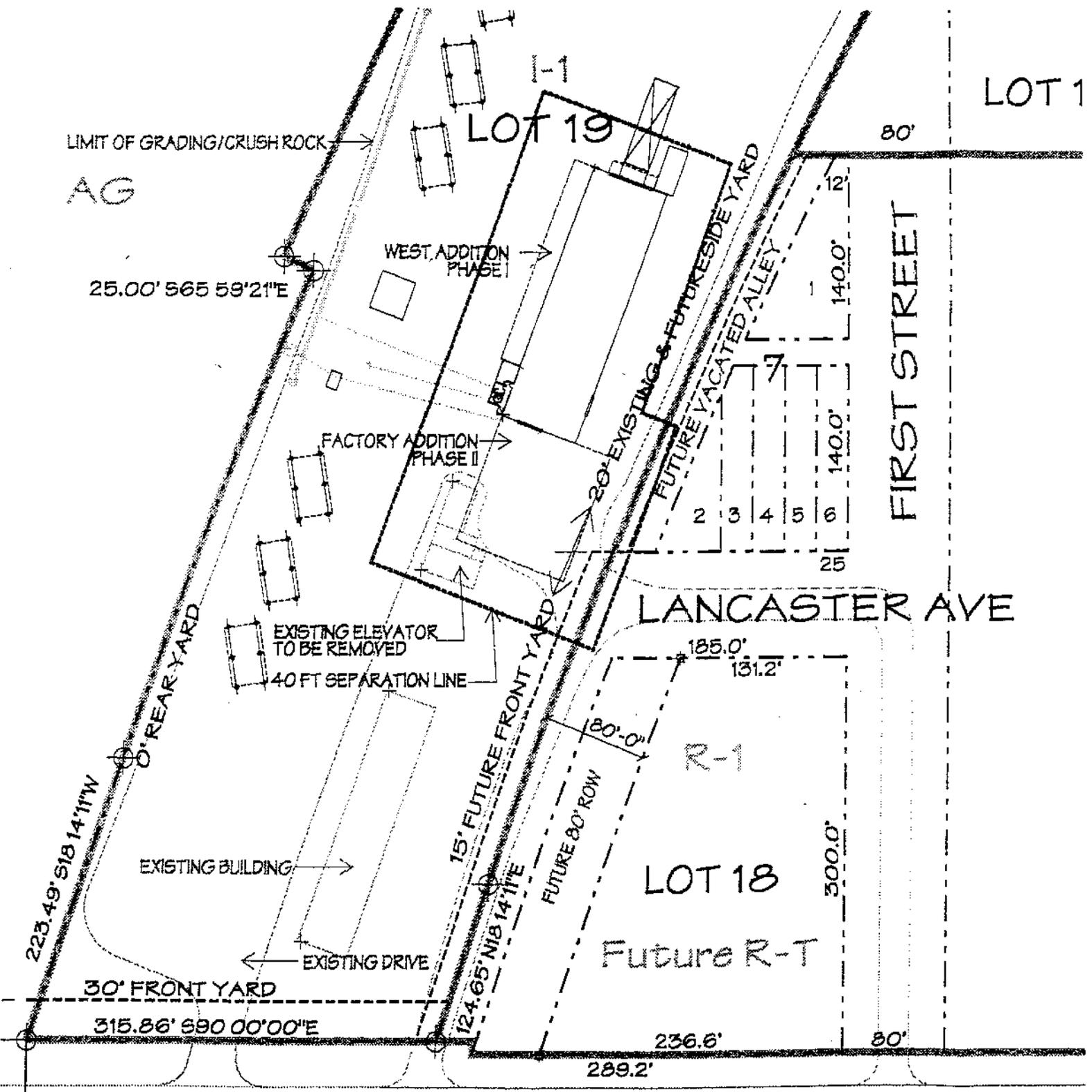
**Waiver of Design Standards #02011**  
**W. Rokeby Rd & SW 12th St.**  
**Vantage Pointe - Paving**

**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 General 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

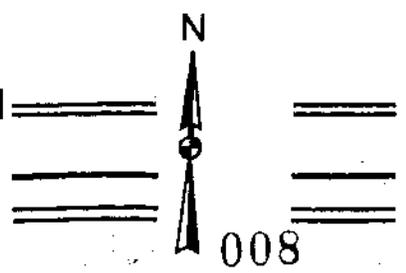
One Square Mile  
 Sec. 27 T9N R6E

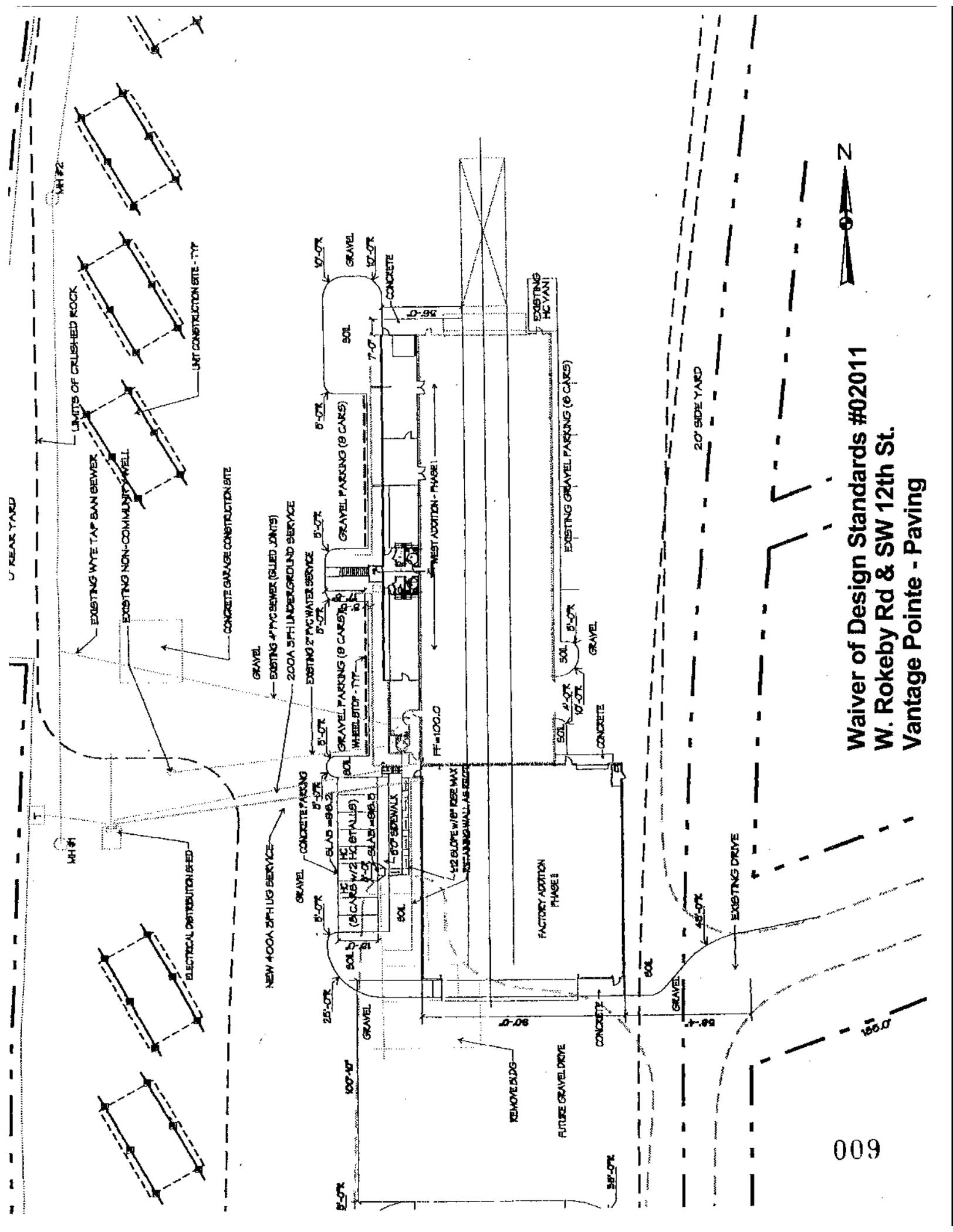




**VINICITY PLAN**  
 SCALE: 1" = 100'-0"

Waiver of Design Standards #02011  
 W. Rokeby Rd & SW 12th St.  
 Vantage Pointe - Paving





Waiver of Design Standards #02011  
 W. Rokeby Rd & SW 12th St.  
 Vantage Pointe - Paving

Lancaster

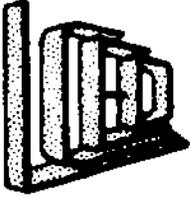
DON R. THOMAS - COUNTY ENGINEER

County

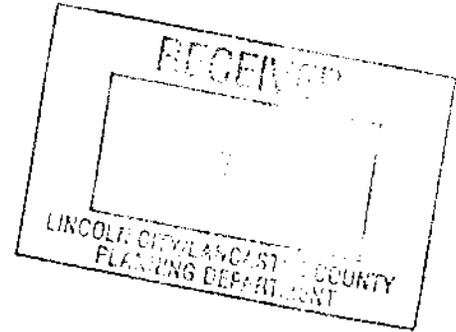
Engineering

Department

DEPUTY - LARRY V. WORRELL  
COUNTY SURVEYOR



DATE: July 2, 2002  
TO: Tom Cajka  
Planning Department  
FROM: Larry V. Worrell   
County Surveyor  
SUBJECT: WDS 0211, Change of Zone  
Vantage Pointe Homes, Inc.



Upon review, this office has no direct objections to this submittal.

LWW/bml

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**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Tom Cajka

**DATE:** July 8, 2002

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

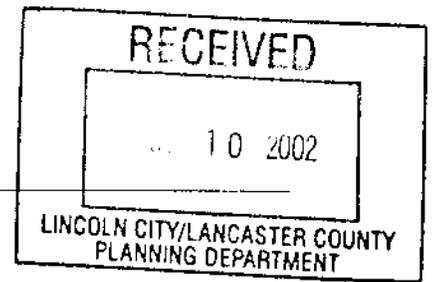
**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** WDS 02011

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the request for waiving driveway and parking lot paving on the Vantage Pointe Homes industrial site. At this time, the LLCHD does not object to the approval of this waiver. However, the applicant must still comply with the Article 2, Section 32, Part B, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards which prohibits off-site dust emissions from unpaved surfaces.

# M e m o r a n d u m



**To:** Tom Cajka, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *CBH*

**Subject:** Waiver of Design Standards #02011

**Date:** July 9, 2002

**cc:** Roger Figard  
Randy Hoskins  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the Vantage Pointe Homes site located at 1000 West Rokeby Road. Public Works will support the requested waiver of parking lot paving due to the fact that this site is served by rural gravel roads at this time. Public Works recommends that at the time this area is served by hard surface roadways, that a Master Plan be approved showing the hard surfaced parking areas and drive access serving this property. This area is not identified in the current C.I.P. for improvements.

June 27, 2002

Interim Planning Director  
Mike DeKalb  
City of Lincoln  
Lincoln, NE

RE. Vantage Pointe Homes Plant Expansion

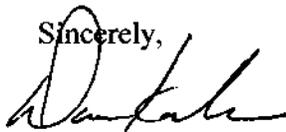
Dear Mike,

With this letter I am submitting an application for a waiver of design standards for the driveway and parking lot paving on the Vantage Pointe Homes industrial site located at 1000 West Rokeby Road. We request this waiver due to the nature of the product we are producing at this site and the current surroundings associated with the site. We are producing full size homes and shipping them out to sites around eastern Nebraska. As our business continues to evolve, we make changes to the site to reflect procedures and efficiencies.

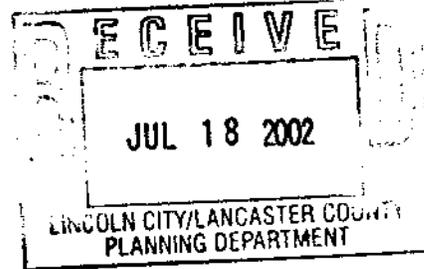
Due to the large area required for the maneuvering of the homes, we are afraid a large amount of paving will put us at a disadvantage for this business. We currently are not served by a storm sewer system, have a gravel county road serving part of our site, and are surrounded on all sides by farmland that creates dust.

The site plans included with this request are from the plans we have submitted to Building and Safety for an expansion. If you have any questions, you can contact me at 560-2124.

Sincerely,



Dan Kubr  
Vantage Pointe Homes



To Whom it may Concern,  
On behalf of the Rokaby  
Limited property owners, we  
would like to express our  
opinion on the application  
by waiver of Design Standards  
no. 02011.

We oppose this application  
and wish that all roads, park-  
ing lots and drive ways be paved  
as currently required. A change  
from this would be dusty and  
inconsistent with the existing  
paved areas.

Thank you,  
Shawn Fauch

RETURN ADDRESS: Farrar  
2906 Summit Blvd.  
Lincoln, NE 68502