

City Council Introduction: **Monday**, June 25, 2001
Public Hearing: **Monday**, July 2, 2001, at **1:30 p.m.**

Bill No. 01R-167

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 01007**, requested by Farmer's Bank, to waive the subdivision requirements for street trees in the Farmer's Bank Addition Administrative Final Plat, on property generally located at South 58th Street and Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 6/13/01
Administrative Action: 6/31/01

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (6-0: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn voting 'yes'; Bayer, Hunter and Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to approve this waiver request is based upon the "Analysis" as set forth on p.2-4, concluding that the request that the applicant pay for the cost of planting street trees for the entire Outlot 'A' area is not justified. The existing trees in the area are planted according to the landscape plan approved with the special permit and the preliminary plat. The requirement that street trees be planted along private roadways was added to the Subdivision Ordinance after this area was developed. There is very little connection between the purpose of the administrative subdivision (increasing the area of a lot to install a teller window) and the street trees on the private roadway.
2. This application was placed on the Consent Agenda of the Planning Commission on June 13, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 18, 2001

REVIEWED BY: _____

DATE: June 18, 2001

REFERENCE NUMBER: FS\CC\FSW01007

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #01007

DATE: May 31, 2001

PROPOSAL: Requested by Joyce V. Douglas, on behalf of Farmer's Bank, for a Waiver of Design Standards to waive the street tree requirement on lots generally located at S. 58th Street and Old Cheney.

GENERAL INFORMATION:

APPLICANT: Joyce V. Douglas
Farmer's Bank
5500 N. 148th Street
Lincoln, NE 68527-9743
434-6080

CONTACT: Same

LEGAL DESCRIPTION: Lots 1 through 48, and Outlot 'A', Country Place 1st Addition, generally located in the NW 1/4 of Section 16, T9N, R7E, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: H-4, General Commercial District

EXISTING LAND USE: The Trade Center commercial center.

SURROUNDING LAND USE AND ZONING: Surrounded by commercial developments in all directions.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown as Commercial in the 1994 Lincoln-Lancaster County Comprehensive Plan.

HISTORY:

Changed from A-A, Rural, and Public Use to AGR, Agricultural Residential during the **1979** Zoning Update.

In **April, 1983**, the City Council approved Change of Zone No. 2013 from AGR to H-4, and Special Permit No. 1013 for Planned Service Commercial Development. This special permit was amended in **September of 1986, March of 1988, September of 1989, and June of 1993.**

ANALYSIS:

1. This is a request for a Waiver of Design Standards on Section 26.27.090 of the Land Subdivision Ordinance.
2. Section 26.27.090 of the Land Subdivision Ordinance states:

26.27.090 Trees.

Trees shall be planted along both sides of all streets and private roadways within the subdivision and on the side of the streets and private roadways which abut the subdivision. The trees shall be planted in the public right-of-way except along major streets in which case the trees shall be planted on the private property abutting such major streets. This requirement may be modified or waived in subdivisions outside the corporate limits that are not annexed into the city if all the individual lots are one acre or more in area.

(Ord. 15904 §1; June 10, 1991: prior Ord. 13956 §21; September 17, 1984: Ord. 13157 §68; June 29, 1981: Ord. 11370 §1; May 19, 1975).

3. This application is associated with Farmer's Bank Addition Administrative Final Plat No. 01014.
4. To install a drive-up bank facility, the applicant proposed a subdivision involving a 1,300 square-foot-expansion of Lots 12 and 37 into Outlot 'A', Country Place 1st Addition. Outlot 'A' is over 3 acres in area.
5. Four trees are required for Lots 12 and 37, and four trees are present.
6. Parks and Recreation Department indicates that an additional 17 street trees are required to be planted where Outlot 'A' abuts S. 58th Street and a surety of \$3,740 shall be posted to guarantee the planting of the required street trees.
7. Chapter 26.31.010 of the Land Subdivision Ordinance states:

26.31.010 Modification of Requirements.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the council may vary or modify such requirements so that the subdivider may develop the property in a reasonable manner, but so that at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations are preserved. Any such proposed modification of the requirements contained in these regulations shall first be submitted to the Planning Commission for its recommendations and report. The Planning Commission shall hold at least one public hearing before submitting its recommendations

and report. Notice of the commission's hearing shall be provided pursuant to Section 26.11.036 of this title. The minimum improvements set forth in Chapter 26.27 shall be required unless specifically and individually waived by the City Council. (Ord. 15211 §6; July 3, 1989; prior Ord. 13157 §71; June 29, 1981; Ord. 11370 §1; May 19, 1975).

8. The applicant is requesting a waiver due to the cost of the trees relative to the cost of the proposed drive-up facility.
9. Comments from Public Works and Utilities Department and Parks and Recreation Department concerning the Waiver of Design Standards have not been received at this time.

CONCLUSION:

The request that the applicant pay for the cost of planting street trees for the entire Outlot 'A' area is not justified. The existing trees in the area are planted according to the landscape plan approved with the special permit and the preliminary plat. The requirement that street trees be planted along private roadways was added to the Subdivision Ordinance after this area was developed. There is very little connection between the purpose of the administrative subdivision (increasing the area of a lot to install a teller window) and the street trees on the private roadway.

STAFF RECOMMENDATION:

Approval

Prepared by:

Ching-Yun Liang
Planner

WAIVER OF DESIGN STANDARDS NO. 01007

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

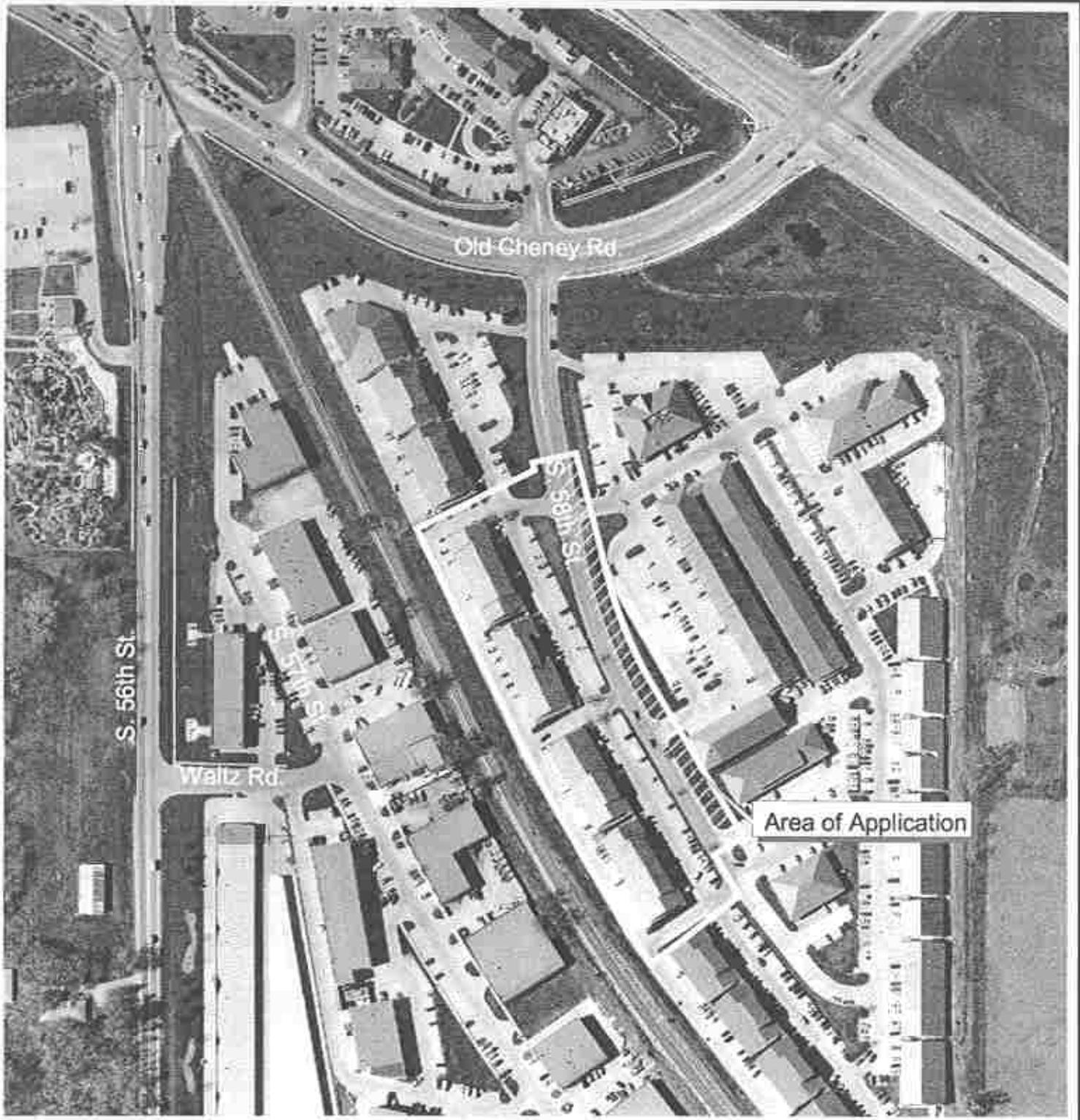
June 13, 2001

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

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 2531bb, an amendment to the WILLIAMSBURG VILLAGE FINAL PLANNED UNIT DEVELOPMENT; COMBINED SPECIAL PERMIT/USE PERMIT NO. 18; FINAL PLAT NO. 01005, VAVRINA MEADOWS 7TH ADDITION; and WAIVER OF DESIGN STANDARDS NO. 01007.**

Item No. 1.1, Change of Zone No. 2531bb, was removed from the Consent Agenda and scheduled for separate public hearing. Newman moved to approve the remaining Consent Agenda, seconded by Krieser and carried 6-0: Carlson, Duvall, Krieser, Newman, Schwinn and Taylor voting 'yes'; Bayer, Hunter and Steward absent.

Note: This is final action on Combined Special Permit/Use Permit No. 18 and the Vavrina Meadows 7th Addition Final Plat No. 01005, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



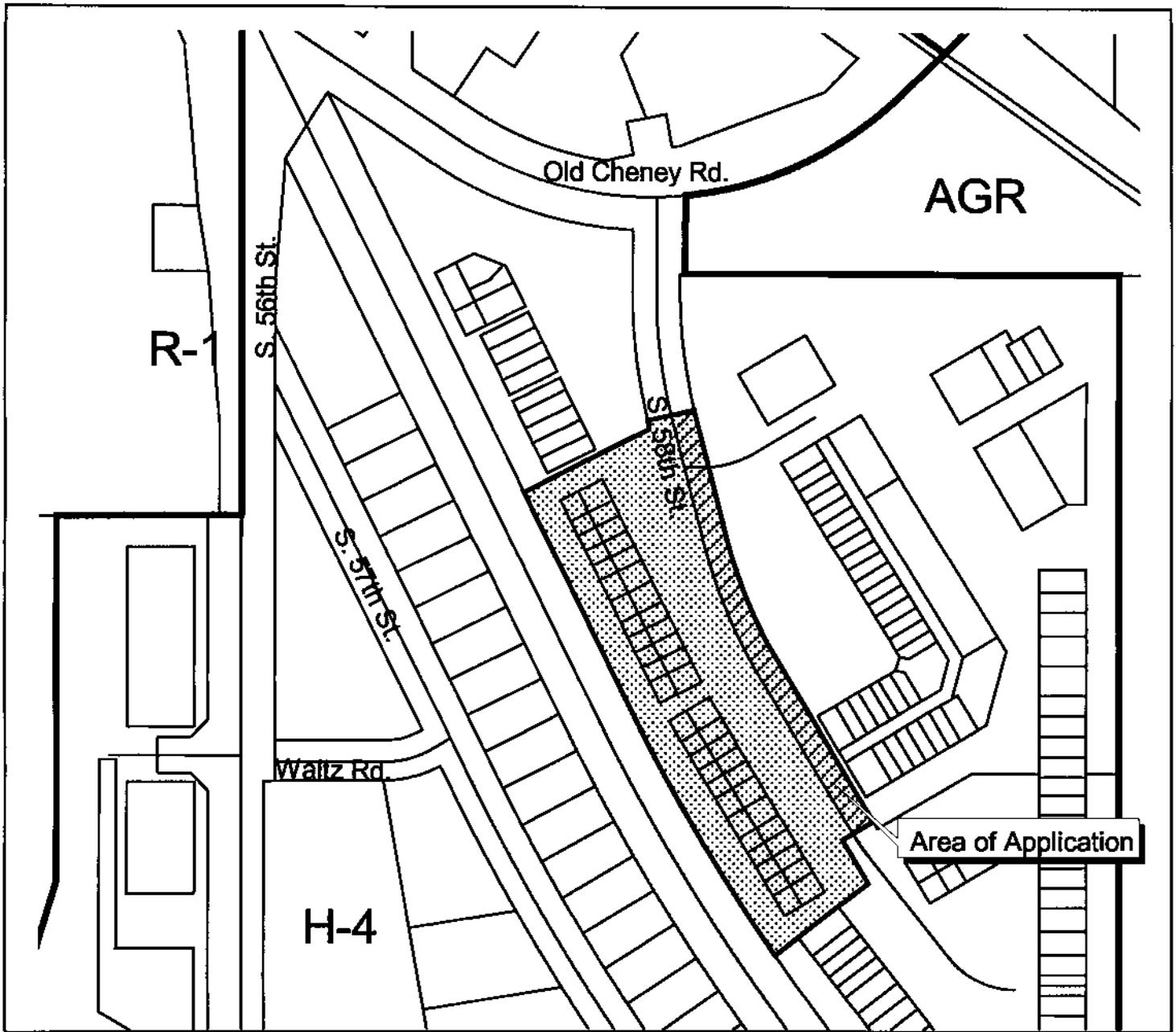
Waiver of Design Standards #01007
Trade Center
S. 58th & Old Cheney



Photograph Date: 1999

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Lincoln City - Lancaster County Planning Dept.

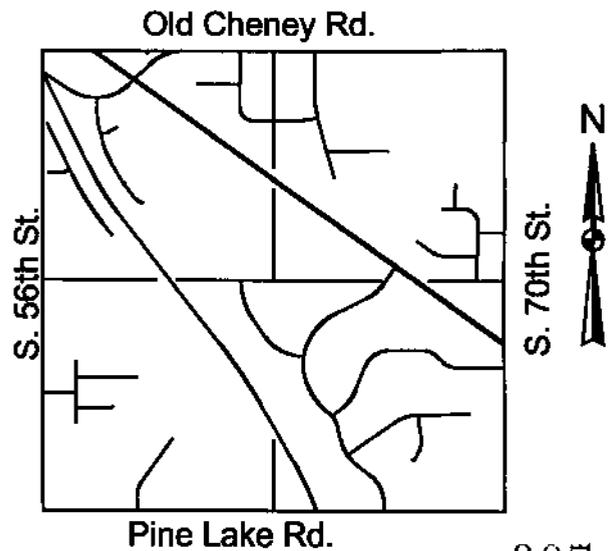


**Waiver of Design Standards #01007
Trade Center
S. 58th & Old Cheney**

Zoning:

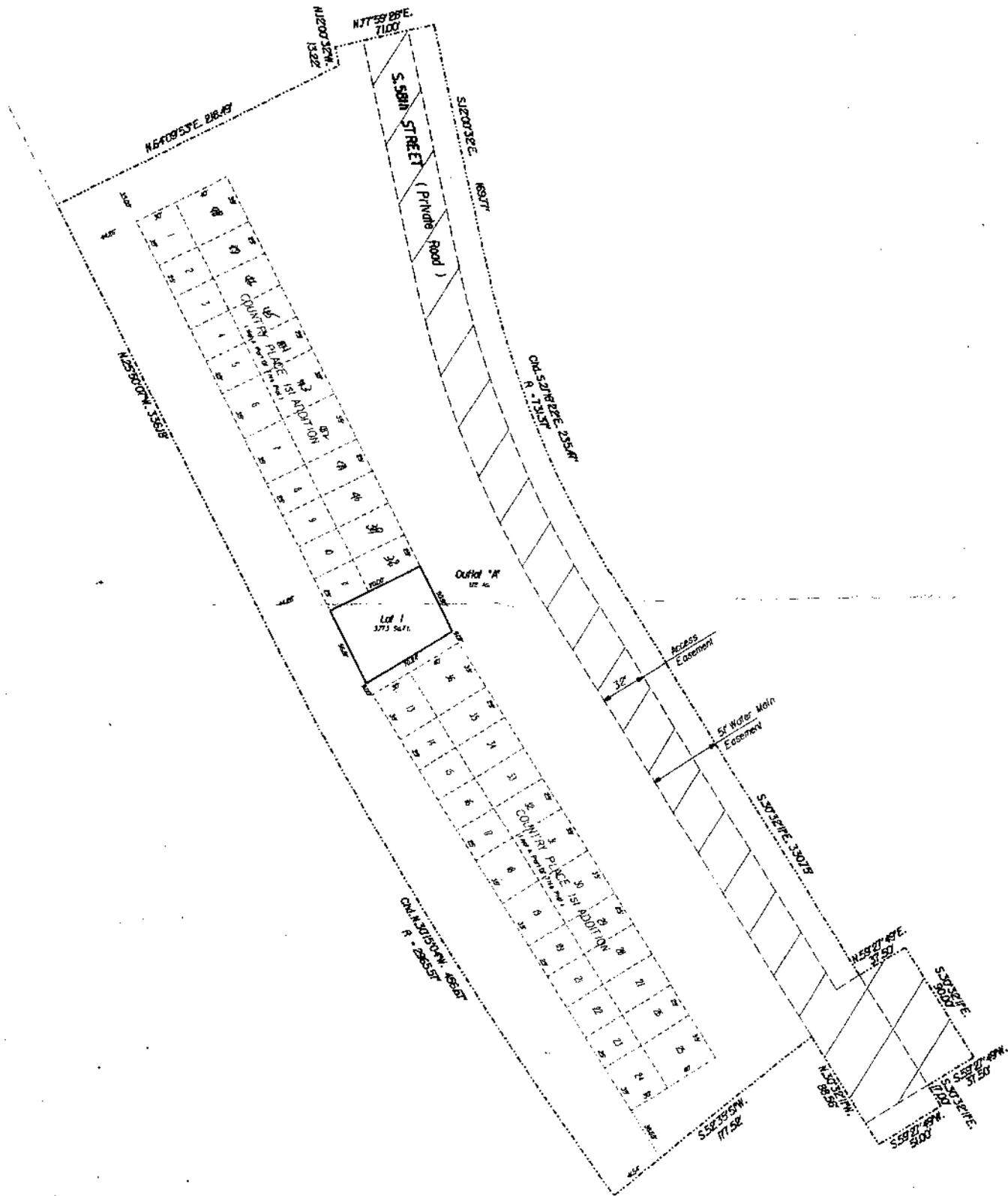
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 16 T9N R7E



FARMER'S BANK ADDITION

An Administrative Final Plat



North

008



Farmers Bank

5500 No. 148th St. Lincoln, NE 68527-9743
Phone (402) 434-6080 or (402) 786-2462

May 17, 2001

Mr. Ray Hill
City Planning Department
555 South 10th Street
Suite 213
Lincoln, NE 68508

RE: Request for Waiver
Administrative Final Plat No. 01014

Dear Mr. Hill:

In March of 2000, Farmers Bank began our journey for approval to install one drive-up teller unit for our Trade Center office. You and I have discussed this project recently.

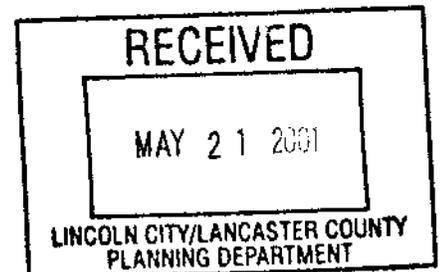
At this time, I am requesting a Waiver of Design Standards for Street Trees. The current guidelines apparently apply whenever a plat is adjusted which would mean that 17 to 19 new trees would need to be planted in the Trade Center even if the original subdivision plat required less. The areas on either side of our drive-up area require four trees and four trees are present. For us to be required to plant 17 to 19 trees for the length of South 58th Street in the Trade Center seems excessive. The expense of these plantings would no doubt equal or exceed the cost of the drive-up teller system.

Farmers Bank is the smallest bank in Lancaster County and our goal is to provide outstanding service to our customers. This is the reason for our request for the drive-up system.

Please contact me at my office in Prairie Home at 786-2462 if you need additional information to process this request.

Sincerely,

Joyce V. Douglas
Executive Vice President



009

Memorandum

May 21, 2001

TO: Kay Liang, Planning

FR: Lynn Johnson, Parks and Recreation

RE: Farmer's Bank Addition Admin. Final Plat

LCPS 01007

Lynn Johnson

Parks and Recreation Department staff have reviewed the above referenced development proposal and have the following comments:

- 1) A site visit was conducted on Thursday, May 17, 2001 to review the number and location of existing street trees along South 58th Street, a private roadway. There are presently 12 streets trees in place. An additional 17 street trees are necessary to comply with the street tree standards. A surety amount has been calculated as follows:

Qty.	Species	Botanical Name	Size	Condition	Each	Total
17	Patmore Ash	<i>Fraxinus pennsylvanica</i> 'Patmore'	1"	cal. B&B or cont.	\$220.00	\$3,740.00

I discussed the number of street trees required to bring the plat into conformance with the design standards for street trees with Joyce Douglas, a representative of the applicant. She indicated that they may wish to request a waiver of the design standards for street trees due to the cost of the trees relative to the cost of the proposed drive-up bank facility.

