

City Council Introduction: **Monday**, August 6, 2001
Public Hearing: **Monday**, August 13, 2001, at **1:30 p.m.**

Bill No. 01R-215

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 01013**, requested by the Slosburg Company, to extend the time for installation of sidewalks, street trees and landscape screening in Lenox Village Subdivision, and to revise the bond amounts, on property generally located at South 70th Street and Pioneers Blvd.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 07/25/01
Administrative Action: 07/25/01

RECOMMENDATION: Approval (9-0: Krieser, Hunter, Steward, Taylor, Newman, Duvall, Carlson, Schwinn and Bayer voting 'yes').

FINDINGS OF FACT:

1. The planning staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4.
2. This application was placed on the Consent Agenda of the Planning Commission on July 25, 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: July 30, 2001

REVIEWED BY: _____

DATE: July 30, 2001

REFERENCE NUMBER: FS\CC\FSW01013

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #01013

DATE: July 9, 2001

PROPOSAL: Jerry Kavan, of the Slosburg Company, has requested a Waiver of Design Standards in Lenox Village Subdivision for time extension of sidewalks, street trees and landscape screening as required by Sections 26.27.020, 26.27.080 and 26.27.90 of the Land Subdivision Ordinance and to revise the total amount for the guarantee of street trees, landscaping and sidewalk installation for Lenox Village Final Plat of \$95,175.00 which consists of \$65,000.00 for offsite improvements, \$23,250.00 for sidewalks and \$6,925.00 for street trees and landscape screening.

GENERAL INFORMATION:

APPLICANT: Jerry Kavan

Slosburg Company
10040 Regency Circle
Omaha, NE 68114
(402) 391-7900

CONTACT: Same

LEGAL DESCRIPTION: Lot 1, Lot 2 & Lot 3 Block 1, Lenox Village

EXISTING ZONING: B-2, Planned Neighborhood Business District

SIZE: 5.23 acres, more or less

EXISTING LAND USE: Commercial and Vacant

SURROUNDING LAND USE AND ZONING: Commercial to the north across Pioneers Boulevard, multi-family residential to the east, single-family residential to the south and commercial to the west across 70th Street.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan specifies this area as commercial.

HISTORY:

The property was changed from G, Local Business District and A-1, Single Family Residential to B-1, Local Business District and R-3, Residential with the 1979 zoning update.

On May 7, 1984 City Council approved Change of Zone #2085 changing the zone from B-1, Local Business District and a portion of R-3, Residential to B2, Planned Neighborhood Business District

On June 2, 1997 City Council passed Change of Zone #3012 changing the zoning for a portion of the site from B-2 to R-5.

On June 2, 1997 City Council adopted Preliminary Plat #96015 for Lenox Village.

On June 2, 1997 City Council adopted Special Permit #1639 granting authority to develop Lenox Village Community Unit Plan.

On June 2, 1997 City Council adopted Use Permit #90 granting authority to develop 121,210 sq. ft. of commercial floor area (Lenox Village Square).

On June 2, 1997 City Council adopted Resolution A-78121 providing for the design, construction, and allocation of costs relating to the street improvements related to Use Permit #90.

ANALYSIS:

- This is a request for a waiver of design standards to extend the time period that minimum improvements shall be installed as required by Sections 26.27.020, 26.27.080 & 26.27.090 of the Land Subdivision Ordinance.
- The construction of sidewalks in the public right of way and sidewalks in the pedestrian easements are required to be completed four years from the time of final platting. The installation of landscape screening is required to be completed two years from the time of final platting.
- The Land Subdivision Ordinance requires that street trees and landscaping be completed before the guarantee for their installation is released. The City Council may revise the guarantee amount in order to allow for the partial release of the guarantee when part of the improvements have been completed.
- The Public Works and Utilities Department recommends approving the proposed time extension for the construction of sidewalks, street trees, and landscaping in Lenox Village. The proposed construction project in 70th Street and Pioneers Boulevard adjacent to Lenox Village is anticipated to begin this fall. Trees and landscaping in the areas of new right-of-way and easements should not be installed until after the paving is completed. The proposed revised letter of credit amount for sidewalks is satisfactory to the Public Works and Utilities Department.
- Lot 2, Block 1 is undeveloped. It is reasonable to defer screening until Lot 2 is developed according to the use permit.
- The Parks and Recreation Department recommends approval to the time extension for street trees and landscape screening. The proposed revised letter of credit amount for street trees and landscape screening is satisfactory to the Parks and Recreation Department.

- At the time the final plat was approved, the developer posted bonds for the construction of sidewalks, street trees and landscape screening and signed legal agreements declaring that the improvements would be constructed within two or four years from the acceptance of the final plat as required. Sidewalks and street trees are required to be completed by 9/29/01 (four years), landscape screening was required to be completed 9/29/99 (two years). Sidewalks required a \$31,000 letter of credit. The street trees required a \$12,760 letter of credit. Landscape screening required a \$126,570 letter of credit.

STAFF RECOMMENDATION:

Approval of an extension for sidewalks, street trees and landscape screening on or adjacent to Lots 1, 2, 3 Block 1, Lenox Village to 9/29/03.

Approval of an extension for landscape screening for Lot 2, Block 1 to 9/29/03 or at the time of the development of the lot in accordance with the use permit, whichever first occurs.

Approval of a new total amount for the guarantee of street trees, landscaping and sidewalk installation for Lenox Village Final Plat of \$95,175.00 which consists of \$65,000.00 for offsite improvements, \$23,250.00 for sidewalks and \$6,925.00 for street trees and landscape screening.

Prepared by:

Becky Horner
Planner

WAIVER OF DESIGN STANDARDS NO. 01013

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

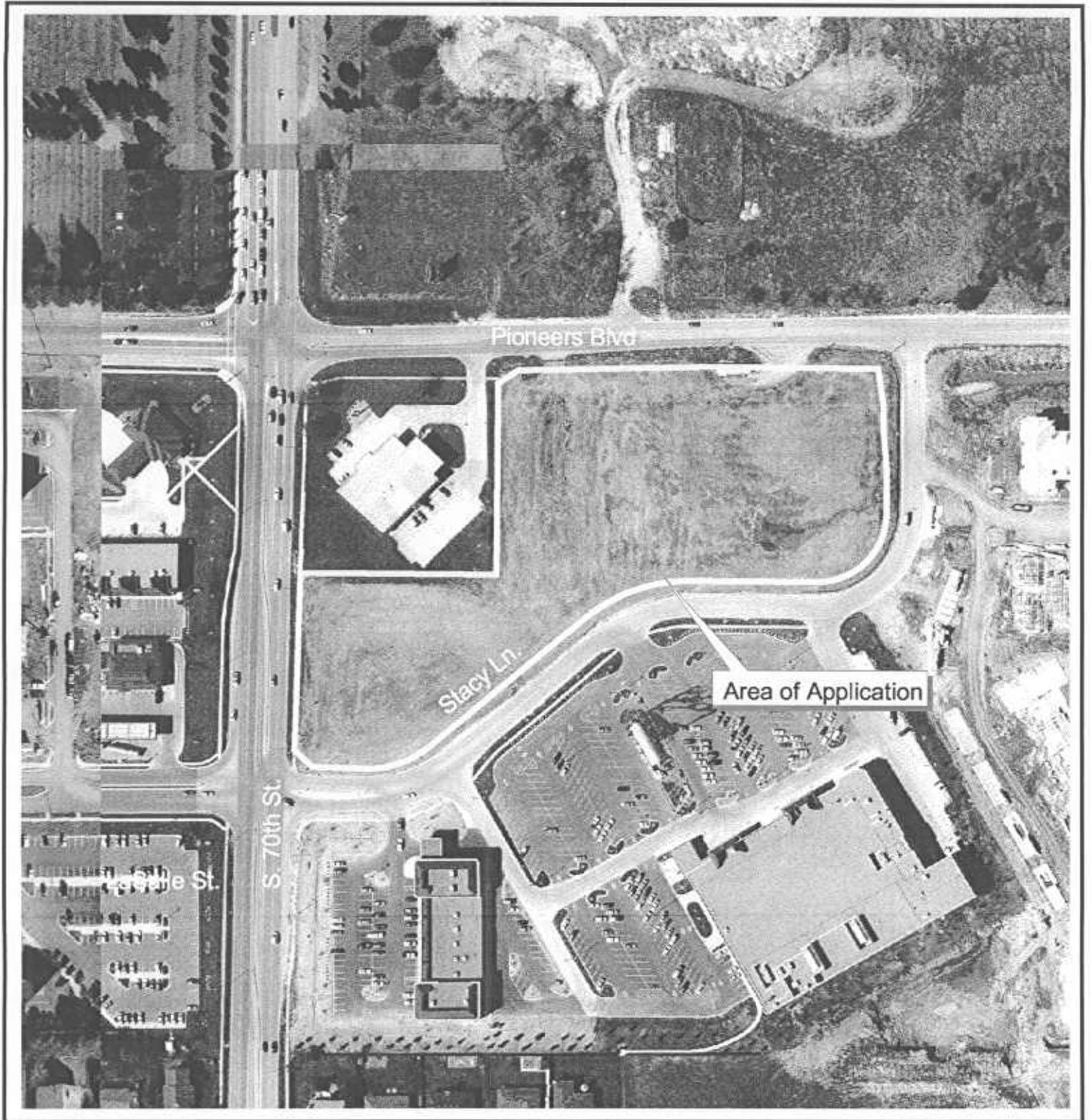
July 25, 2001

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

The Consent agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 206; COUNTY MISCELLANEOUS NO. 01007; CHANGE OF ZONE NO. 3331; MISCELLANEOUS NO. 01006; FINAL PLAT NO. 00022, LINCOLN BALLPARK ADDITION; COUNTY FINAL PLAT NO. 01022, HAWK'S POINT; WAIVER OF DESIGN STANDARDS NO. 01013; WAIVER OF DESIGN STANDARDS NO. 01015; and MISCELLANEOUS NO. 01008.**

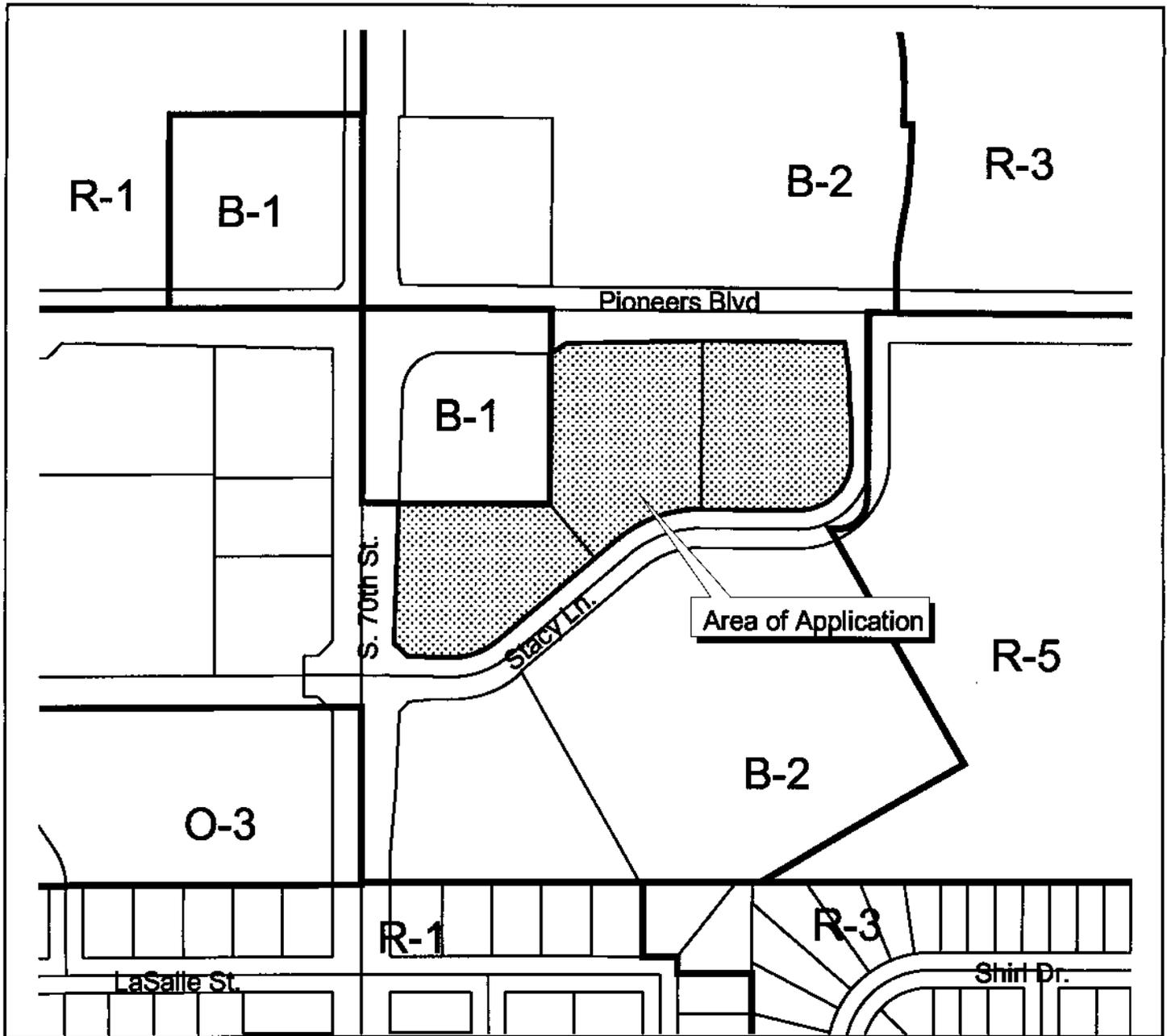
Item No. 1.1a, County Change of Zone No. 206; Item No. 1.1b, County Miscellaneous No. 01007; Item No. 1.1c, Change of Zone No. 3331; Item No. 1.1d, Miscellaneous No. 01006; and Item No. 1.6, Miscellaneous No. 01008, were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Krieser and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.



**Waiver of Design Standards #01013
70th & Pioneers Blvd**



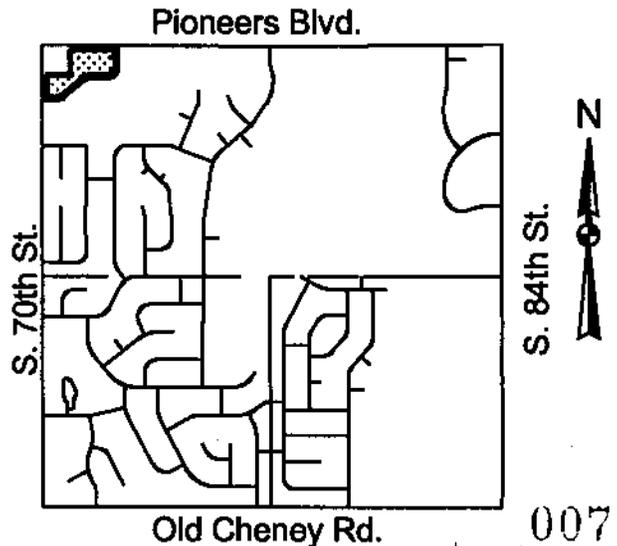
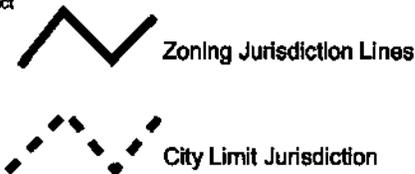


Waiver of Design Standards #01013 70th & Pioneers Blvd

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. 10 T9N R7E



007
7/10/01

SLOSBURG

REAL PROPERTY

June 8, 2001

Via Facsimile: (402) 441-6377

Mr. Ray Hill
Planning Department
City of Lincoln
County-City Building
555 South Tenth Street
Lincoln, Nebraska 68508

**RE: Lenox Village Subdivision
Landscaping Letter of Credit**

Dear Ray:

A letter of credit for the referenced project was issued which included the amount of \$126,570.00 for landscape screens and \$12,260.00 for street trees at all the lots in the subdivision. The trees and shrubs required by the landscape plan have been planted at the Hy-Vee Store, the Apartment Complex, and three of the four padsites. The fourth padsite is being leased to Hy-Vee and will only be sodded at this time with no immediate plans for development.

The City plans to begin work this year to widen Pioneer's Blvd. and modify 70th Street from Pioneers Blvd. to Stacy Lane. During the construction Temporary Easements are being required of us that would prevent our planting the trees within the easements at Lot 1, Lot 2, and Lot 3 of Block 1 of Lenox Village Subdivision. Because of this, we request permission to provide the City with a substitute value for remaining landscaping of \$6,925.00, which is the value of the trees we cannot plant based on our contract with Mulhall's Nursery for this work (see attached list). It is my understanding that we have the support of Dennis Bartles in this matter. We propose to issue a new Letter of Credit for this amount plus the \$65,000.00 for "Payment to City" and \$23,250.00 for "sidewalks" totaling \$95,175.00.

The renewal date of the current Letter of Credit is June 20, 2001 so we would like to finalize this prior to that date, which includes the City executing the proper release of the old Letter of Credit.

Please call at 800-945-1949 to discuss this.

Sincerely,

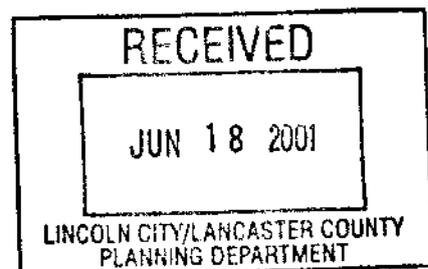
SLOSBURG COMPANY


Jerry Kavan

JK/alm

Attachment

Cc: Rick Peo - City Attorney
Dennis Bartles - Public Works
Donna Knoell

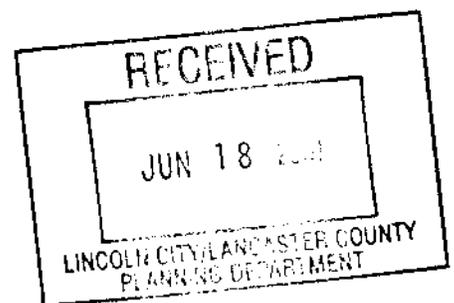


009

SLOSBURG

REAL PROPERTY

LANDSCAPING NOT PLANTED					
Lot 1				Unit Price	Amount
2	A	Emerald Queen Maple	1 ½	\$125.00	\$250.00
1	J	Norway Spruce	4' - 5'	140.00	140.00
2	E	Little Leaf Linden	1 ½	190.00	380.00
Lot 2					
4	A	Emerald Queen Maple	1 ½	125.00	500.00
1	D	Red Oak	1 ½	135.00	135.00
3	E	Norway Spruce	1 ½	140.00	420.00
6	J	Little Leaf Linden	4	140.00	840.00
Lot 3					
3	A	Emerald Queen Maple	1 ½	125.00	375.00
3	D	Red Oak	1 ½	135.00	405.00
8	E	Norway Spruce	1 ½	190.00	1,520.00
14	J	Little Leaf Linden	4' - 5'	140.00	1,960.00
				TOTAL	\$6,925.00



010

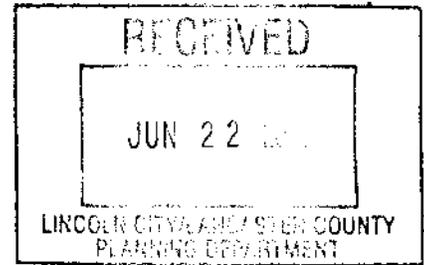
SLOSBURG

REAL PROPERTY

June 21, 2001

Via Facsimile: (402) 441-6377

Mr. Ray Hill
Planning Department
City of Lincoln
County-City Building
555 South Tenth Street
Lincoln, Nebraska 68508



**RE: Lenox Village Subdivision
Landscaping Letter of Credit**

Dear Ray:

A letter is a follow-up to our letter dated June 8, 2001 and a response to your letter of June 19, 2001. After discussions with Rick Peo and yourself, we hereby request that the current petition for waivers be expanded to include a request for reduction in the value of the bond we have given the city in the form of a letter of credit. We request that the new value be set at \$95,175.00 for the reasons stated in our previous letter.

Please advise when this will be scheduled for the Planning Commission, and if there are any meetings we should arrange with Public Works or the Parks Department.

Sincerely,

SLOSBURG COMPANY


Jerry Kavan

JK/alm

Cc: Rick Peo – City Attorney
Dennis Bartles – Public Works
Donna Knoell

011



June 25, 2001

VIA FAX: (402) 391-4275

Jerry Kavan
Slosburg Company
10040 Regency Circle
Omaha, NE 68114

Post-It® Fax Note	7671	Date	# of pages ▶
To	RAY HILL		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

RE: Lenox Village Subdivision - Landscaping Letter of Credit

Dear Jerry:

Upon further review of your letter of June 8, 2001, I am somewhat confused as to what improvements are being deducted to reduce the existing letter of credit to \$95,175.00. Specifically, I am uncertain as to what your \$65,000.00 for "Payment to City" is for. If the \$65,000.00 is for landscaping, please specify where this landscaping is to be provided and whether or not this is a payment to the City in lieu of the Slosburg Company being required to install that landscaping.

I am assuming that you want to release the bond for street trees except for Lots 1, 2 and 3 as provided for in your attachment. I further assume that you are then seeking to extend the period of time in which to construct the sidewalks and install said street trees. Please advise as to the length of time you believe the extension needs to be for.

If you have any questions concerning my requests, please contact me.

Yours truly,

Rick Peo
Chief Assistant City Attorney

ERP/cle

cc: Ray Hill

Law Department / Dana W. Roper, City Attorney / 575 South 10th Street / Suite 4201 / Lincoln, Nebraska 68508
Phone: 402-441-7281 / Civil Fax: 402-441-8812 / Pros. Fax: 402-441-8818 / Website: www.ci.lincoln.ne.us

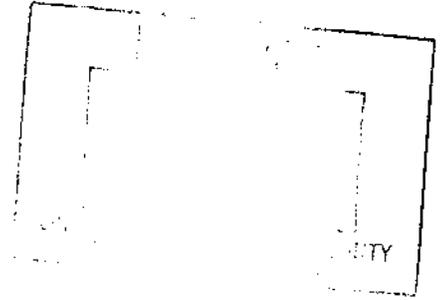
Ernest R. (Rick) Peo III, Chief Assistant • John C. McQuinn II, Chief Prosecutor • Richard C. Anderson, Police Legal Advisor
Civil: James D. Faimon • Don W. Tautz • Steven J. Huggenberger • Joel D. Pedersen • Connor L. Reuter • Margaret M. Blatchford
Prosecution: Patrick C. Campbell • Christine A. Loske • Rob R. Conley • Margaret A. ...

012

SLOSBURG

REAL PROPERTY

June 25, 2001



Via Facsimile: (402) 441-8812

Mr. Rick Peo
City Attorney
City of Lincoln
575 South Tenth Street, Suite 4201
Lincoln, Nebraska 68508

**RE: Lenox Village Subdivision
Landscaping Letter of Credit**

Dear Rick:

I am in receipt of your letter dated June 25, 2001 and respond as follows:

1. The \$65,000.00 was a requirement of our company to be a contribution to the City towards the widening of Pioneer Blvd., to be paid at the time construction began. Because of this we are required to maintain a letter of credit in that amount until we have made the payment.
2. We will not be able to complete the street trees and sidewalks until such time as the widening of Pioneer and the changes to 70th Street are completed by the City. Could we insert some language in the extension of time tying the extension to completion of the City's work, plus four months in the next construction season after completion.

Sincerely,

SLOSBURG COMPANY

Jerry Kavan

JK/alm

Cc: Ray Hill – Planning Dept.
Dennis Bartles – Public Works
Donna Knoell

013



Memo

To: Ray Hill, Planning Department
From: Mark Canney, Parks & Recreation
Date: June 28, 2001
Re: Lenox Village Subdivision Application Review WDS 01013 - Time extension on street trees, landscaping and sidewalks

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. It is recommended that the time extension for street trees and sidewalks be permitted so that the developer may complete the landscaping when conditions allow. However, the street tree price should not be waived.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

Btt

M e m o r a n d u m

[REDACTED]

To: Ray Hill, Planning Department

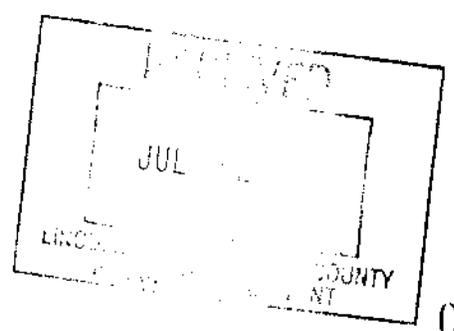
From: *Dennis Bartels*, Public Works & Utilities

Subject: Time Extension, Lenox Village

Date: June 26, 2001

cc: Roger Figard, Harry Kroos, Nicole Fleck-Tooze

Public Works recommends approval of the proposed extension of time to construct sidewalks, street trees, and landscaping in Lenox Village. The proposed construction project in 70th Street and Pioneers Boulevard adjacent to Lenox Village is anticipated to begin this fall. Trees and landscaping in the areas of new rights-of-way and easements needed should not be installed until after the paving is completed. The proposed revised letter of credit amount is satisfactory to Public Works.



015

ITEM NO. 1.4: WAIVER OF DESIGN STDS. NO. 01013
(p.75 - Public Hearing - 7/25/01)



Memo

To: Becky Homer
From: Mark Canney, Parks & Recreation
Date: July 19, 2001
Re: Lenox Village Subdivision Application Review WDS 01013 - Time extension on street trees, landscaping and sidewalks

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. It is recommended that the time extension for street trees and sidewalks be permitted so that the developer may complete the landscaping when conditions allow.
2. The substitute value for remaining landscaping of \$6,925 is an acceptable amount.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.