

City Council Introduction: **Monday**, March 18, 2002
Public Hearing: **Monday**, March 25, 2002, at **5:30 p.m.**

Bill No. 02R-55

FACTSHEET

TITLE: WAIVER OF DESIGN STANDARDS NO. 02002, requested by Hy-Electric/JNP Investments, to waive all paving, storm sewer box in Seward Avenue, 60' turnaround in 67th Street, sidewalks and street trees associated with the Simonds Subdivision, an administrative final plat, on property generally located at 67th and Seward Avenue.

STAFF RECOMMENDATION: Conditional approval.

ASSOCIATED REQUESTS: None.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/06/02
Administrative Action: 03/06/02

RECOMMENDATION: Conditional Approval, with amendment as requested by staff (6-0: Carlson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation to approve these waiver requests is based upon the "Analysis" as set forth on p.3-4, concluding that the waivers will allow the productive use of the land in the administrative final plat.
2. This application was removed from the Consent Agenda of the Planning Commission on March 6, 2002, at the request of the staff to add a condition of approval: The petitioner agrees to submit a formal paving petition for Seward Avenue if the adjoining property owners request a paving district in the future. (See p.13).
3. The applicant did not testify; however, the applicant was in the audience and agreed with the proposed condition of approval.
4. There was no testimony in opposition.
5. The Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval, with amendment adding Condition #1 as set forth above.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 11, 2002

REVIEWED BY: _____

DATE: March 11, 2002

REFERENCE NUMBER: FS\CC\2002\WDS.02002

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02002
67th and Seward Avenue

DATE: February 20, 2002

****As Revised by Planning Commission: 3/06/02****

PROPOSAL: To waive all paving, storm sewer box in Seward Avenue, 60' turnaround in N. 67th Street, sidewalks and street trees associated with Simonds Subdivision Administrative final plat #01065.

LAND AREA: 1.18 acres, more or less

CONCLUSION: The waivers will allow the productive use of the land in the administrative final plat.

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

LEGAL DESCRIPTION: Paul N. Heiman, Hy-Electric, on behalf of JNP Investments, L.L.C., requests to waive all paving, box culvert, 60' turnaround on N. 67th Street, street trees, and sidewalks, for proposed Simonds Subdivision, an administrative final plat, on property legally described as Lots 7, 8, and 9, Block 7, and Lots 4, 5, and 6, Block 6, Ackerman Addition, located in the NE 1/4 of Section 9-10-7.

LOCATION: Generally located at 67th and Seward Avenue.

APPLICANT: Paul Heiman
Hy-Electric/ JNP Investments
6700 Seward Avenue
Lincoln, NE 68529
(402)466-6606

<u>OWNERS:</u>	Paul Heiman Hy-Electric/ JNP Investments	Darrel Simonds 6900 Leighton Avenue Lincoln, NE 68507
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CONTACT: Paul Heiman
(402)466-6606

EXISTING ZONING: R-2, Residential and I-1, Industrial

EXISTING LAND USE: Hy-Electric, Undeveloped and open concrete-lined storm sewer.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2, Residential
South:	Warehouses and residential	I-1, Industrial and R-2, Residential
East:	Warehouses, Office, Apartments	I-1, Industrial
West:	Ballard Park	P, Public

HISTORY: On September 25, 2001 Darrel Simonds submitted an administrative final plat for this area. Bond amounts for paving, storm sewer box, sidewalks, street trees and a 60' turnaround in N. 67th Street were assessed for the plat.

Street and Alley Vacation #95024 to vacate N. 67th Street was approved at Planning Commission on November 22, 1995 with the requirement that an administrative final plat was required to provide lots with frontage and access.

Converted from A-2 Single Family to R-2 Residential and from K Light Industry to I-1 Industry with the adoption of the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan indicates this area as urban residential and industrial (page 39).

TRAFFIC ANALYSIS: N. 67th Street & Seward Avenue are both indicated as local streets.

ANALYSIS:

1. This is an application for a waiver of design standards to waive paving, sidewalks, street trees, storm sewer box, and a 60' turnaround in N. 67th Street with the associated Simonds Subdivision Administrative Final Plat #01065.
2. The proposed Simonds Subdivision is a result of a request to vacate N. 67th Street north 150' from the north line of Seward. The vacation created lots without street frontage or access. The Public Works & Utilities Department recommended approval of the vacation because the existing right-of-way intersects with a major open drainage channel. The Public Works & Utilities Department does not desire to have a box culvert constructed across Seward Avenue that would allow the paving of Seward Avenue for the entire frontage of the plat.
3. The Public Works & Utilities Department indicated that Seward Avenue is not paved from N. 66th - N. 67th Street. The opened portions east and west of the drainage ditch are gravel. If paving is required for Seward, it should be required from the west side of the drainage ditch to N. 66th Street and from the east side of the drainage ditch to N. 68th Street. The development does not have sufficient frontage to theoretically have a paving district ordered for construction. If the developer was required to pave the street by executive order, he would pay for more paving off-site than adjacent to his plat.

4. The Public Works & Utilities Department indicated that if the developer is required to dedicate a 60' diameter cul-de-sac to provide a "design standards turn-around" for N. 67th Street, there would be little or no net gain of property with the vacation. The cul-de-sac would occupy the majority of the vacation and would require dedication outside the right-of-way. If the turn-around is dedicated and it is paved, paving would be required north of this plat to connect this street to Kearney Avenue.
5. The Public Works & Utilities Department indicated that if all of the subdivision requirements are imposed on this subdivision, the street vacation and subdivision will not likely proceed. The Public Works & Utilities Department recommends approval to the request to waive paving, 60' turnaround, sidewalks and storm sewer box. The Public Works & Utilities Department indicated that it is in the best interest of the City to vacate the portion of the street because it is unlikely the right-of-way will ever be used for street purposes.
6. The Public Works & Utilities Department indicated that eventually Seward Avenue may be paved and in that event, it is suggested that a requirement be imposed on the subdivision to submit a formal paving petition if adjoining property owners request a paving district.
7. Due to the recommendation of approval to waive the street paving, and Public Works & Utilities Department request that no storm sewer box be put in Seward Avenue sidewalks would not connect the two sides of the street and become unnecessary. Sidewalks should be installed at the time the street is paved.
8. The Parks and Recreation Department recommends approval to the request to waive street trees until the street improvements are required or requested.
9. There are other possible solutions to this issue, however, they would involve surrounding property owners and the vacation of Seward Avenue.

CONDITIONS OF APPROVAL:

1. The petitioner agrees to submit a formal paving petition for Seward Avenue if adjoining property owners request a paving district in the future. (**Per Planning Commission, at the request of staff, 3/06/02**)

Prepared by:

Becky Horner
Planner

WAIVER OF DESIGN STANDARDS NO. 02002

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 6, 2002

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

Staff recommendation: Approval.

This application was removed from the Consent Agenda and had separate public hearing at the request of the staff.

Mike DeKalb of Planning staff submitted a memorandum from Becky Horner, the project planner, requesting to add a condition of approval that the petitioner agrees to submit a formal paving petition for Seward Avenue if adjoining property owners request a paving district in the future.

The applicant did not testify but was present in the audience and agreed with the condition added by the staff.

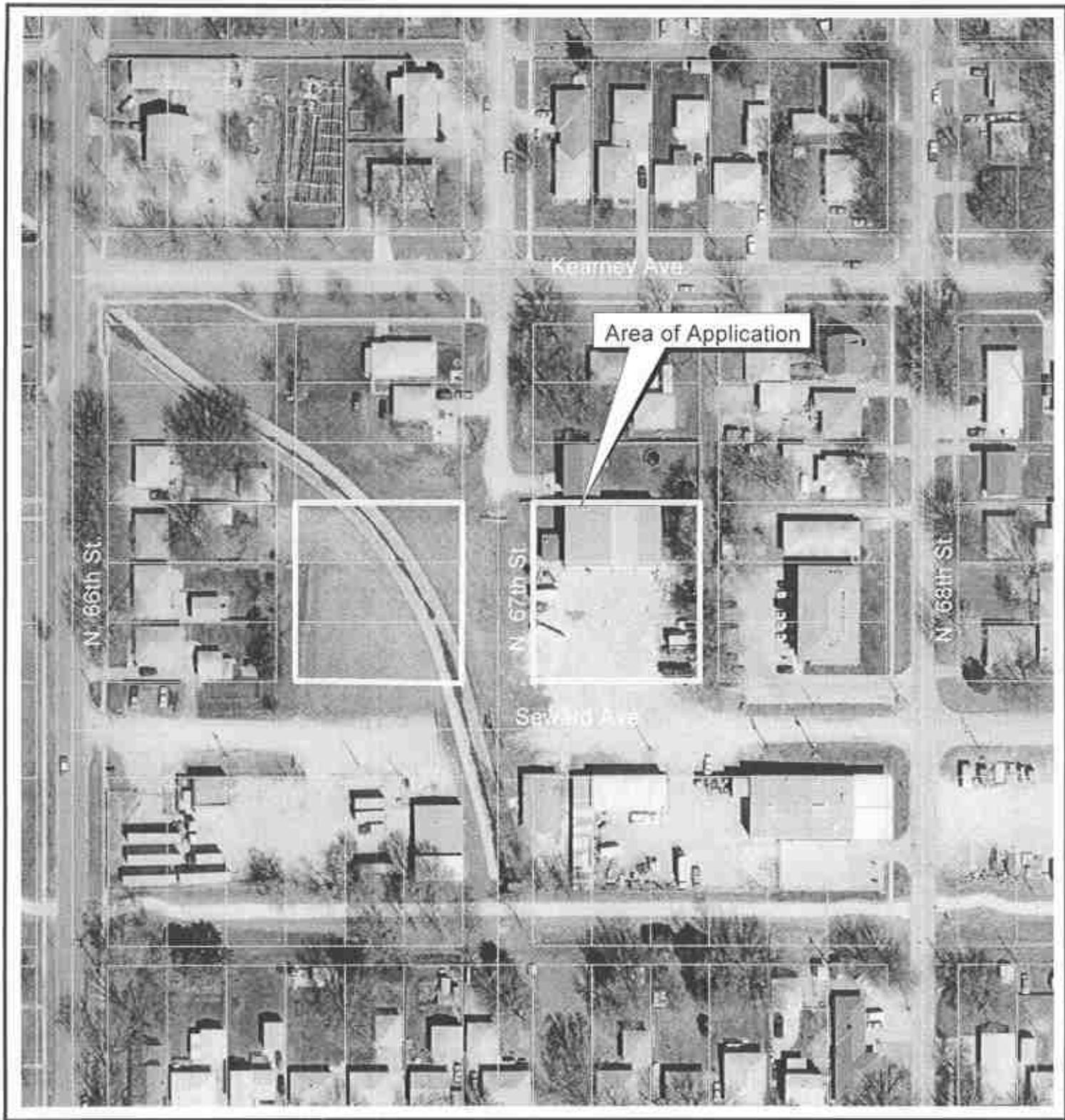
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 6, 2002

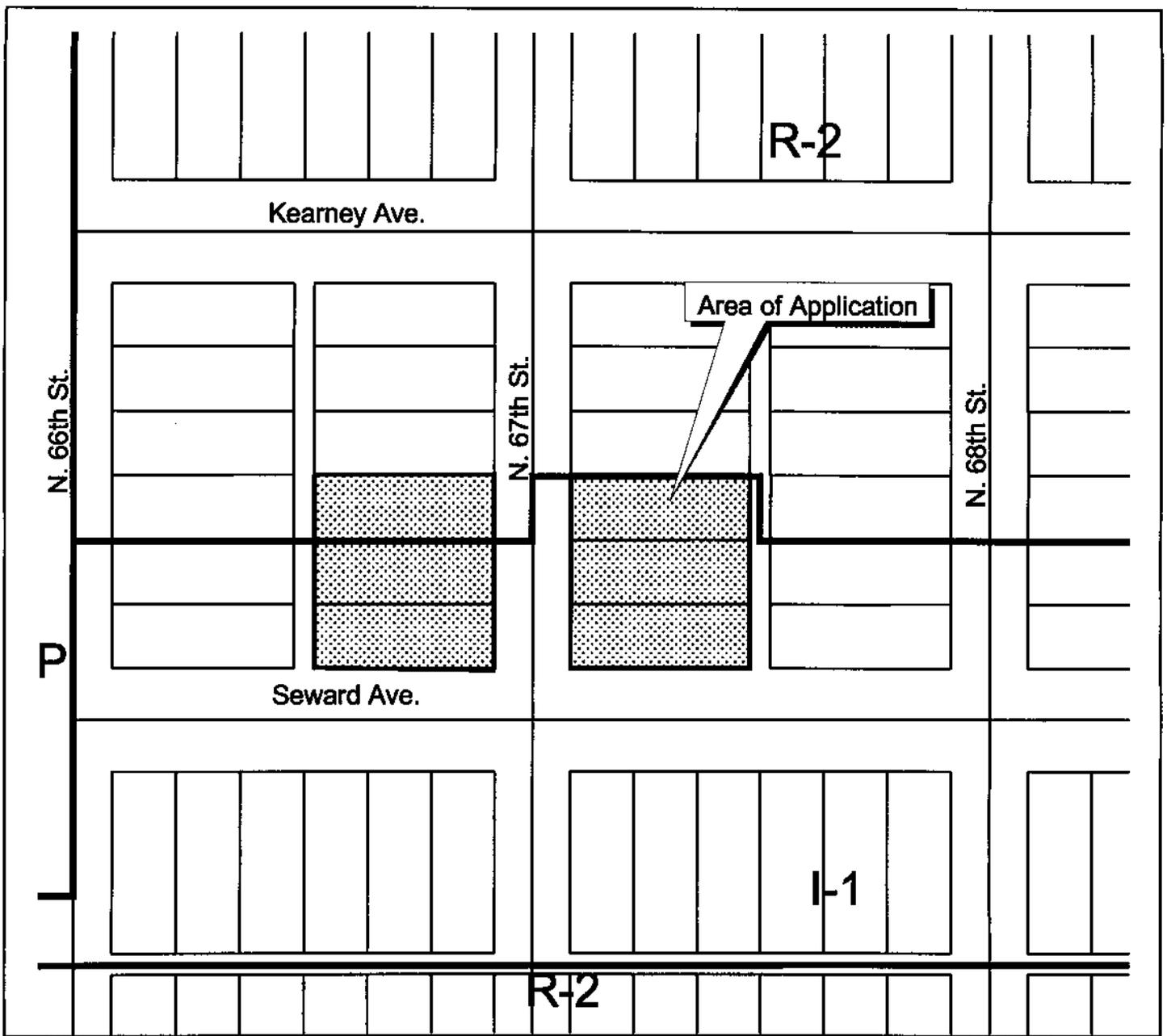
Carlson moved approval, with amendment adding Condition #1 as submitted by staff, seconded by Newman and carried 6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Duvall and Krieser absent.



**Waiver of Design Standards #02002
N. 67th & Seward Ave.**



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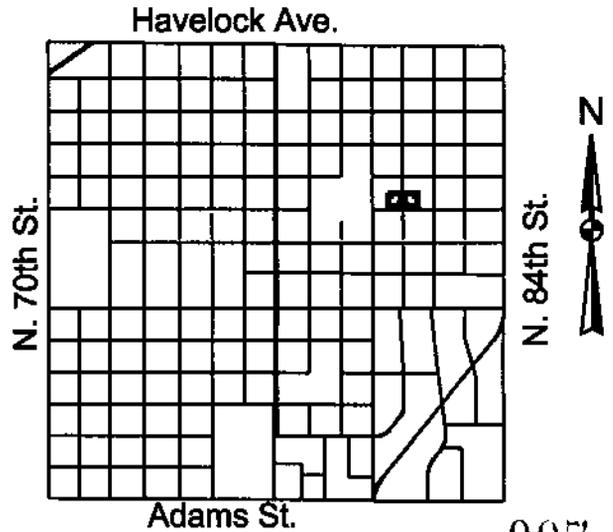


**Waiver of Design Standards #02002
N. 67th & Seward Ave.**

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. 9 T10N R7E



007

Hy-Electric

Commercial, Industrial, Residential

P. O. Box 29471, • 6700 Seward Avenue
Lincoln, NE 68529
Phone (402) 466-6606 • FAX (402) 464-1575

January 29, 2002

Kathleen A. Sellman, AICP
Director of Planning
Lincoln-Lancaster County Planning Department
555 South 10th Street Suite 213
Lincoln, NE 68508

RE: Simonds Subdivision Administrative Final Plat - #01065 - Vacation of N. 67th Street

Dear Ms. Sellman:

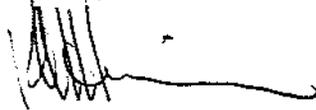
I am writing this letter on behalf JNP Investments LLC. JNP Investments owns Lots 7,8,9, Block 7 and Lot 4 of Block 6. We have been working with Darrel Simonds who owns Lots 5,6 of Block 6 to vacate the closed section of North 67th and replat it with the above lots into two usable parcels

Last October we received a copy of a letter from you to Darrel Simonds outlining the items needing to be completed in order to complete the processing of the administrative final plat. Upon reviewing the requirements, my partner and I determined the expense of the required paving would be financially unfeasible for any use we would have for the land. In addition, the proposed turn around at the end of 67th Street would eliminate the possibility of expanding of our existing business to the west.

Since that time, I have visited with Becky Horner, Brian Will and Dennis Bartels. My conversations with those individuals have lead me to believe that if given a clear explanation of the land as it now exists, and a formal request to waive the paving requirements, the planning department and city council may grant our request. *

Please consider this letter that formal request. I will be glad to visit personally with you at your convenience to answer any questions you may have regarding this matter. The required \$100.00 check is enclosed with this letter. It is my understanding that given the date I am submitting this request it will be discussed at the March 6th meeting.

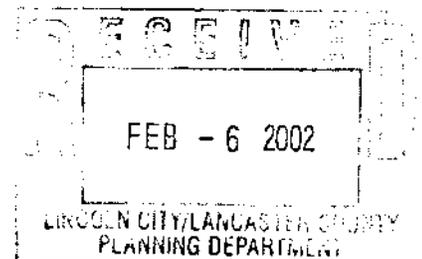
Sincerely,



Paul N. Heiman

*PLEASE NOTE this request includes the waiver of

1. All paving
2. Box culvert (Storm sewer box)
3. 60' Turnaround on N. 67th
4. SIDE WALKS.
5. Street Trees



009

Hy-Electric

Commercial, Industrial, Residential

P. O. Box 29471 • 6700 Seward Avenue
Lincoln, NE 68529
Phone (402) 466-6606 • FAX (402) 464-1575

February 18, 2002

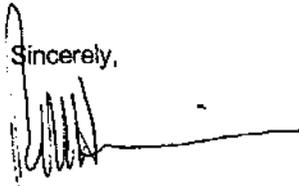
Becky Homer
Lincoln-Lancaster County Planning Department
555 South 10th Street Suite 213
Lincoln, NE 68508

RE: Simonds Subdivision Administrative Final Plat - #01065 -- Vacation of N. 67th Street.

Dear Becky:

Thank you for your phone call to my office 2-15-02. Please add the street trees to the waiver request that I submitted January 29, 2002.

Sincerely,



Paul N. Heiman

Post-it® Fax Note	7671	Date	2/18/02	# of pages	▶
To	BECKY HOMER	From	PAUL HEIMAN		
Co./Dept.		Co.			
Phone #		Phone #	166-6606		
Fax #	441-6377	Fax #	464-1575		

M e m o r a n d u m

FEB 13 2002

To: Becky Horner, Planning
From: Dennis Bartels, Engineering Services
Subject: Waivers for Simond Subdivision Administrative Final Plat
Date: February 13, 2002
cc: Roger Figard
Nicole Fleck-Tooze
Randy Hoskins

Engineering Services has reviewed the requested waivers for Simond Subdivision located north of Seward Street east of North 66th and has the following comments:

1. This subdivision was a result of a request to vacate 67th Street north 150' from the north line of Seward. The vacation would create lots with no street frontage. Public Works recommended vacation of 67th Street because the existing right-of-way intersects a major open drainage channel. Public Works does not desire to have the box culvert constructed across the Seward Avenue right-of-way that would allow the paving of Seward Avenue for the entire frontage of this plat. Seward is not paved between 66th and 68th. The opened portions east and west of the drainage ditch are gravel. If paving is required for Seward, it should be required from the west side of the drainage ditch to 66th and from the east side of the drainage ditch to 68th. This development does not have sufficient frontage to theoretically get a paving district ordered constructed. If the developer was required to pave the street by executive order, he would pay for more paving off-site than adjacent to his plat.
2. If the developer is required to dedicate a 60" diameter cul-de-sac to provide a "design standards turn-around" for 67th Street, there would be little or no net gain of property with the vacation. The cul-de-sac would occupy the majority of the vacation and would require dedication outside the right-of-way. If the turn-around is dedicated and it is paved, paving would be required north of this plat to connect this street to Kearney Avenue.
3. If all the subdivision requirements are imposed on this subdivision, I do not believe the street vacation and subdivision will not proceed. I therefore recommend that the paving and Seward Avenue storm sewer requirement be waived. It is in the best interest of the City to vacate the portion of 67th since it is highly unlikely that this right-of-way will be used for street purposes.
4. To cover the eventuality that Seward or portions of may be paved someday, I suggest that a requirement be imposed on this subdivision to submit a formal paving petition if adjoining property owners request a paving district.

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: February 20, 2002

Re: Simonds Subdivision Administrative Final Plat - #01065 - Vacation of N. 67th Street

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and grant the waiver of street trees as requested, until additional property improvements are required by Public Works.

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

MEMORANDUM

To: Planning Commission
From: Becky Horner, Planning Dept.
Date: March 5, 2002
RE: Request to amend the staff report for Waiver of Design Standards #02002

At the request of the Public Works Department, please add the following condition to the staff report:

CONDITIONS:

1. The petitioner agrees to submit a formal paving petition for Seward Avenue if adjoining property owners request a paving district.