

City Council Introduction: **Monday**, May 13, 2002
Public Hearing: **Monday**, May 20, 2002, at **5:30 p.m.**

Bill No. 02R-115

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 02006**, requested by Lyle Loth of ESP, on behalf of Donald D. and Joann Dolezal, to waive the subdivision requirements for street trees, sidewalk and paving on West Benton, west of Morgan Street.

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 5/01/02
Administrative Action: 5/01/02

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

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 this portion of W. Benton Street only serves a LES substation and one house. Public Works supports the waivers.
2. This application was placed on the Consent Agenda of the Planning Commission on May 1, 2002, and opened for public hearing. No one came forward to speak.
3. The Planning Commission unanimously agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 6, 2002

REVIEWED BY: _____

DATE: May 6, 2002

REFERENCE NUMBER: FS\CC\2002\WDS.02006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02006

DATE: April 17,2002

PROPOSAL: Waive street trees, sidewalk and paving on West Benton, west of Morgan Street.

CONCLUSION: This portion of W. Benton St. only serves a L.E.S. substation and one house. Public Works supports the waivers.

RECOMMENDATION	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 7, Block 1, Dolezal 2nd Addition

LOCATION: West Benton Street and Morgan Street

APPLICANT: Lyle Loth
ESP
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
(402) 421-2500

OWNER: Donald D. & Joann M. Dolezal
400 W. Benton St.
Lincoln, NE 68521

CONTACT: Same as Applicant

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North: R-3 Residential, Single Family and two-family residential
South: R-3 Residential, Mobile Home Court with Special Permit
East: R-3 Residential, Single-family and two-family residential
West: R-3 Residential, Undeveloped, L.E.S. substation, Interstate 80

HISTORY:

- February 20, 2002: Planning Commission approved Final Plat No.98006, Dolezal 2nd Addition. This plat approved 13 residential lots.
- March 22, 2000: Dolezal 1st Addition Administrative Final Plat No. 00013 to develop five lots on the north side of West Benton St. was submitted. This administrative final plat has not been approved. The plat cannot be approved until the paving of West Benton St. is connected to existing paving at either Morton St. or North 1st St.
- Sept. 27, 1999: City Council approved Street Vacation No. 97021 to vacate Morgan St. north of West Benton St. The purpose of the street vacation was to relocate Morgan St. to the east. An attempt was made to vacate W. Benton St. west of Morgan St. at the same time. The abutting property owner to the south was not agreeable to the requested street vacation. Therefore, the street vacation of W. Benton St. never proceeded.
- Oct. 22, 1997: Planning Commission approved Final Plat No. 97030, Dolezal Addition. This plat approved 24 residential lots.
- Sept. 9, 1996: City Council approved Preliminary Plat No. 96010, Dolezal Addition.
- Sept. 5, 1972: City Council approved Special Permit 614, for a mobile home court. The mobile home court is located south of West Benton St.

This area was converted from A-2 Single Family Dwelling to R-3 Residential in the 1979 Zoning Update.

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

TRAFFIC ANALYSIS: West Benton Street is a gravel road west of N. 1st Street. Morgan St. is platted but not built abutting Lot 7, Dolezal 2nd Addition.

ANALYSIS:

1. This request is to waive the Subdivision requirements for sidewalks (Sec. 26.23.095), street paving (Sec. 26.23.100) and street trees (Sec.26.27.090) on W. Benton St. west of Morgan St., in relation to Dolezal 2nd Addition final plat.
2. This portion of W. Benton St. serves as access to a L.E.S. substation and one residential dwelling. The existing house is the owner's house.
3. Public Works supports the waivers.

4. The granting of the waivers will only affect Lot 7 and the L.E.S. substation.
5. The staff report for Final Plat No. 98006, Dolezal 2nd Addition, stated in the analysis that a waiver of design standards for street paving, sidewalks and street trees on West Benton St. west of Morgan St. would be submitted.
6. In the event that Lot 7 is subdivided at a future date, the requirements of the subdivision ordinance would apply.

Prepared by:

Tom Cajka
Planner

WAIVER OF DESIGN STANDARDS NO. 02006

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

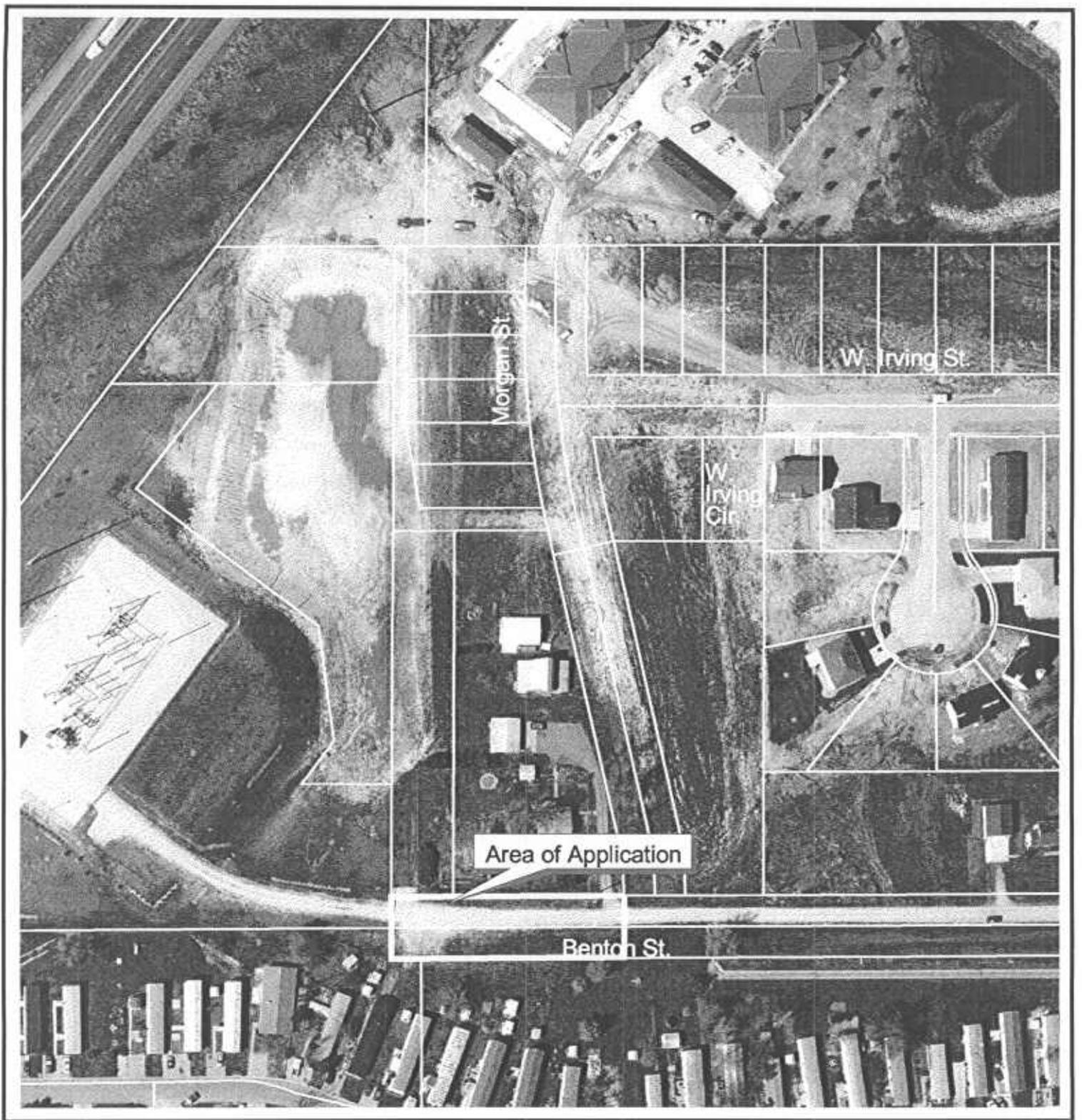
May 1, 2002

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

The Consent Agenda consisted of the following items: **WAIVER OF DESIGN STANDARDS NO. 02006; ANNEXATION NO. 02002; CHANGE OF ZONE NO. 3353 and PRELIMINARY PLAT NO. 02001, ASHLEY HEIGHTS 1ST ADDITION.**

Item No. 1.2a, Annexation No. 02002; Item No. 1.2b, Change of Zone No. 3353; and Item No. 1.2c, Preliminary Plat No. 02001, Ashley Heights 1st Addition, were removed from the Consent Agenda and scheduled for separate public hearing at the request of Mark Hunzeker.

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



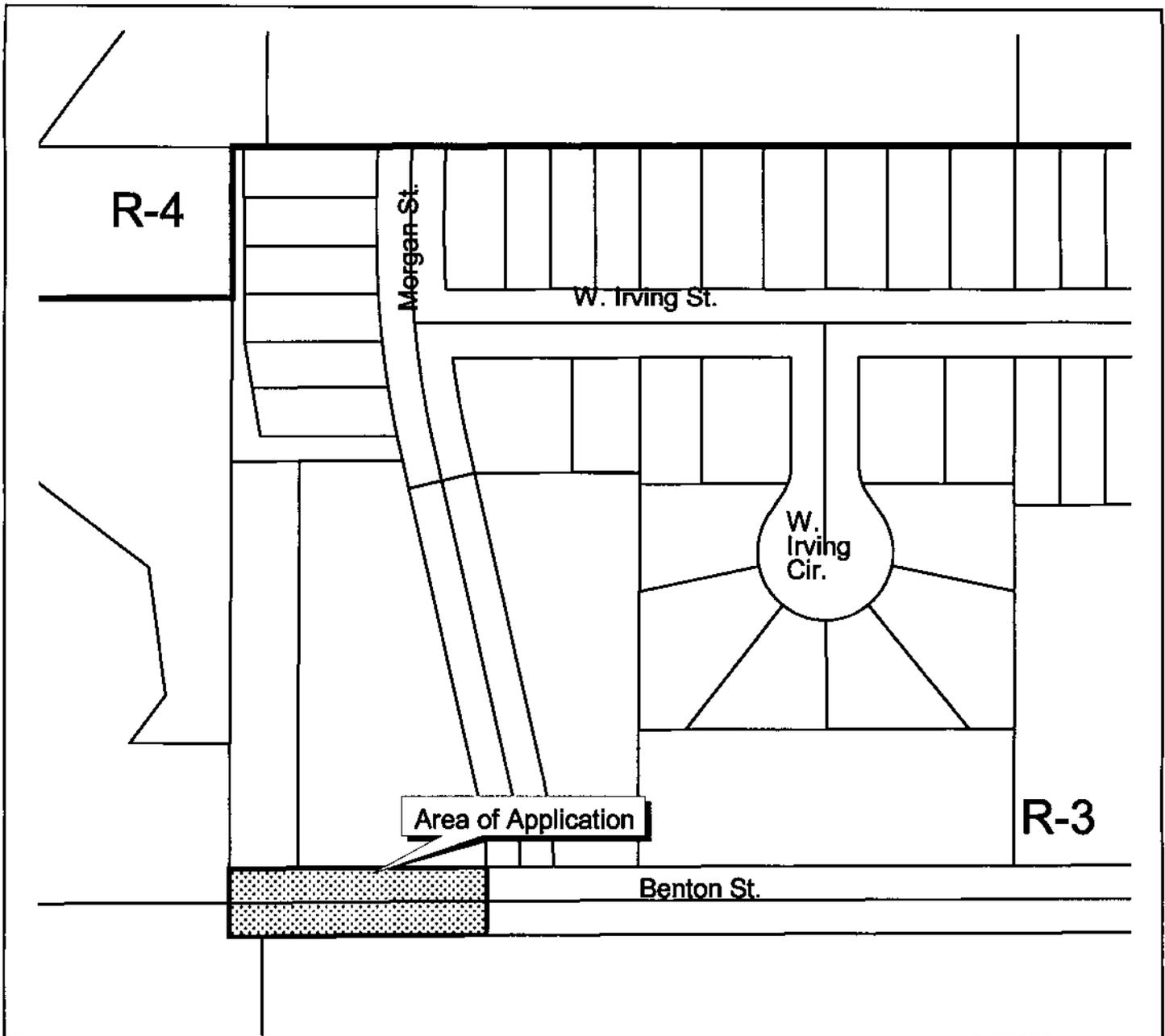
**Waiver of Design Standards #02006
W. Benton & Morgan St.**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

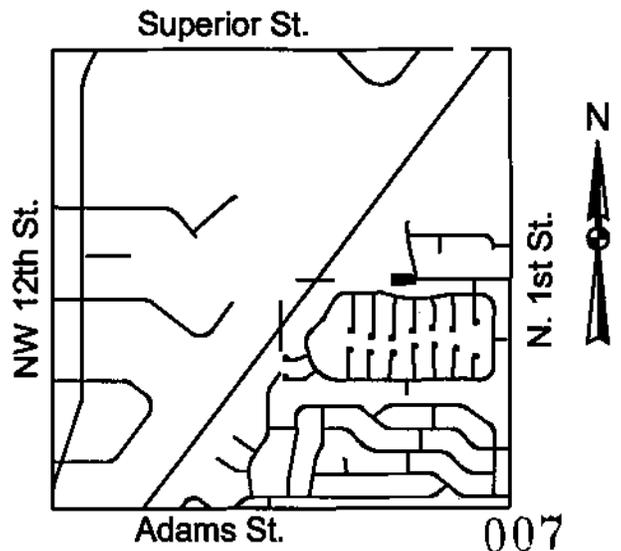
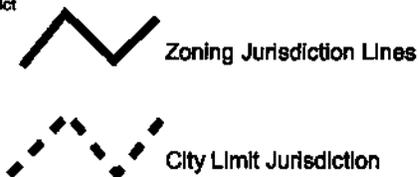


**Waiver of Design Standards #02006
W. Benton & Morgan St.**

Zoning:

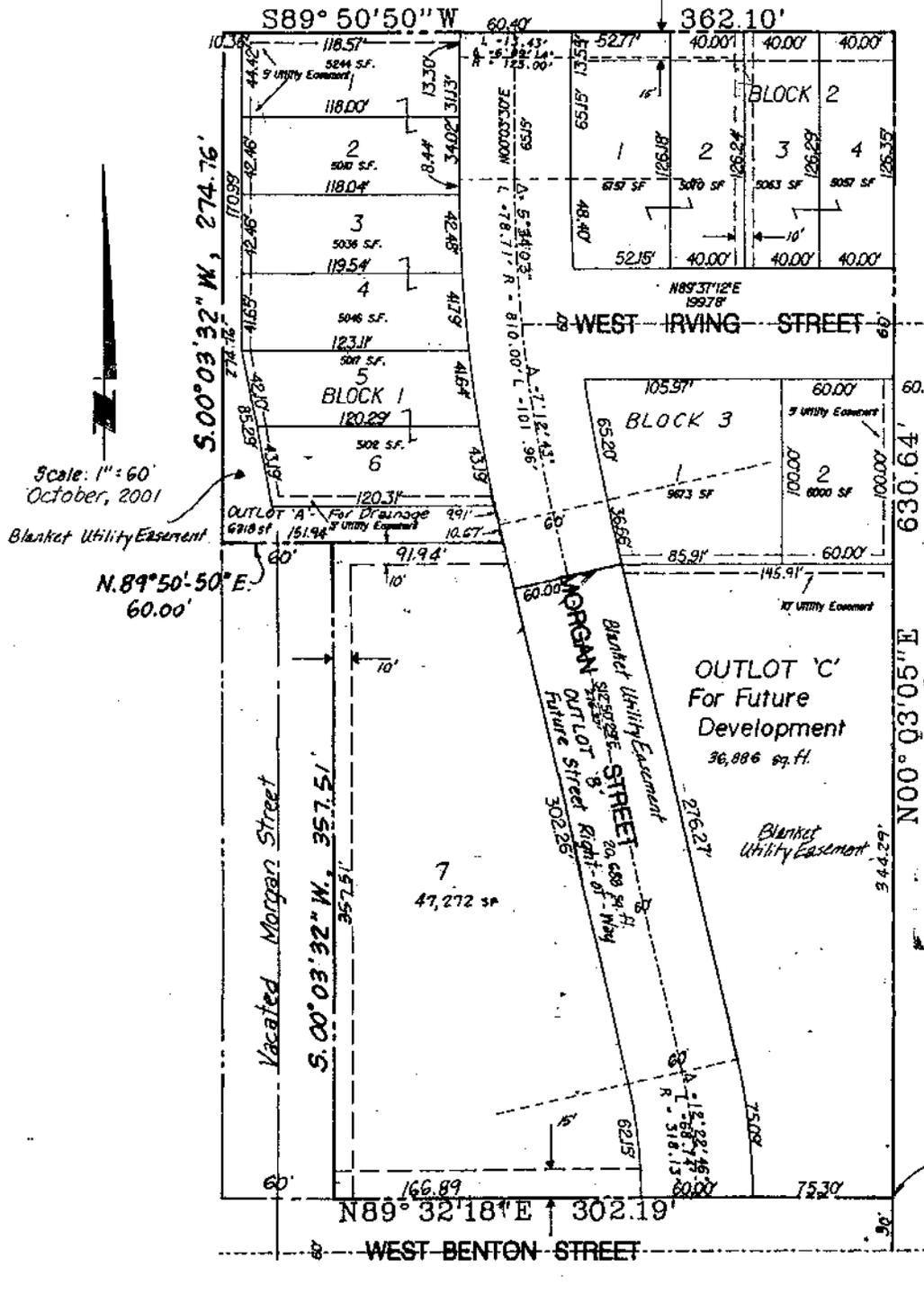
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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 T10N R6E



DOLEZAL 2nd ADDITION

A Final Plat of 12 Lots And 4 Outlots



Waiver of Design Standards #02006
 W. Benton & Morgan St.



North