

City Council Introduction: **Monday**, July 8, 2002
Public Hearing: **Monday**, July 15, 2002, at **1:30 p.m.**

Bill No. 02R-145

FACTSHEET

TITLE: MISCELLANEOUS NO. 00009, requested by Century Sales and Management Company, for an extension of time until October 7, 2005, for the installation of sidewalks and street trees, on property generally located at N.W. 12th Street and W. Commerce Way.

STAFF RECOMMENDATION: Approval (the required sureties have been submitted)

ASSOCIATED REQUESTS: None

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 06/26/02
Administrative Action: 06/26/02

RECOMMENDATION: Approval (8-0: Larson, Taylor, Bills-Strand, Duvall, Newman, Krieser, Carlson and Schwinn voting 'yes'; Steward absent).

FINDINGS OF FACT:

1. The staff recommendation to approve an extension of time until October 7, 2005, is based upon the "Analysis" as set forth on p.3-4, concluding that the Subdivision Ordinance requires both sidewalks and street trees as minimum improvements. The industrial/warehouse uses to the north and east neither attract nor generate significant pedestrian traffic, so the poor pedestrian connections in this area are acceptable in the interim, provided that the applicant provides sureties to guarantee the improvements at current costs. Another 18 month delay on this application is not acceptable.
2. The applicant has submitted sufficient sureties in accordance with Analysis #5.
3. This application was placed on the Consent Agenda of the Planning Commission on June 26, 2002, and opened for public hearing. No one came forward to speak.
4. Based upon the sufficient sureties being provided, the Planning Commission voted 8-0 to recommend approval of the time extension until October 7, 2005.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 1, 2002

REVIEWED BY: _____

DATE: July 1, 2002

REFERENCE NUMBER: FS\CC\2002\MISC.00009

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Miscellaneous #00009

DATE: June 10, 2002
***revised June 25, 2002**

PROPOSAL: To grant a time extension until October 7, 2005 for the installation of sidewalks and street trees on Lot 2, Union Pacific 3rd Addition.

LAND AREA: 1.95 acres, more or less

CONCLUSION: The Subdivision Ordinance requires both sidewalks and street trees as minimum improvements. The industrial/warehouse use to the north and east neither attract nor generate significant pedestrian traffic, so the poor pedestrian connections in this area are acceptable in the interim, provided that the applicant provides sureties to guarantee the improvements at current costs. Another 18 month delay on this application is not acceptable.

<u>RECOMMENDATION:</u>	If Sureties have been submitted: Approval If sureties have not been submitted: Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Union Pacific 3rd Addition, located in the SW 1/4 of Section 10, T10N, R6E of the 6th P.M., Lincoln, Lancaster County, Nebraska.

LOCATION: NW 12th Street and W. Commerce Way

APPLICANT: John Watson - Century Sales & Management Company
1919 S. 40th Street - Suite 206
Lincoln, NE 68506
(402) 437-8325 (fax)
(402) 437-8321 (phone)

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: vacant

SURROUNDING LAND USE AND ZONING:

North:	I-2	commercial/industrial
South:	H-3	motel
East:	I-2	commercial/industrial
West:	H-3	motel

- HISTORY:**
- May 13, 2002** After several communications with City staff, the applicant submitted a request to extend the deferral until 2005.
 - Nov. 4, 2000** Planning Commission voted 7-0 to recommend conditional approval to the time extension. Prior to scheduling on City Council's agenda, the applicant was required to submit revised sureties at current costs to guarantee the installation of sidewalks and street trees. Acceptable sureties were never submitted.
 - October 7, 2000** The date by which sidewalks and street trees were originally to be installed.
 - Sept. 25, 2000** The applicant submitted a request to extend the required completion of street trees and sidewalks from October 7, 2000 to October 7, 2002.
 - October 7, 1996** The Planning Director approved the Union Pacific 3rd Addition Administrative Final Plat.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Comprehensive Plan states:

General Principles for All Commercial & Industrial Uses

Commercial and industrial districts in Lancaster County shall be...
 - accessible by various modes of transportation (p F 40)

TRAFFIC ANALYSIS: The property is located on the rounded corner of W. Bond Street and W. Commerce Way. Both are local commercial streets.

ANALYSIS:

1. The applicant indicates the following reasons for this request:
 - He is not prepared to begin construction of the property and is presently offering the property for sale.
 - Construction on the property will likely require some grade changes on portions of the lot and general construction and grading will damage or destroy much of any sidewalk and/or trees.
 - Trucks in the area sometimes jump the curb as they maneuver and back into drives north and east of the property. When the property is developed, he hopes that drives may be better arranged to accommodate the trucks.
2. The industrial/warehouse properties to the north and east neither attract nor generate significant pedestrian traffic.

3. Per the 2025 Comprehensive Plan, this property should be accessible by various modes of transportation. If the property is still vacant in 2005, sidewalks and street trees should be installed.
4. Sureties were provided to guarantee improvements for this Addition in 1996. Per §26.11.039(d), the amount of sureties may be increased or decreased according to current conditions.
5. The applicant must provide surety amounts which reflect current costs. According to Public Works & Utilities and the Parks & Recreation Department, the following surety amounts are required for this lot:

Sidewalks: \$6,500
Street Trees: \$2,420
6. The sureties should be provided prior to Planning Commission action, so that the application may proceed directly to City Council. As noted in the History, this request was never scheduled at City Council because the Planning Commission conditions of approval have not been met. Another 18 month delay is not acceptable.
7. Neither the sidewalk division of Public Works & Utilities nor the Parks & Recreation department objects to the extension of time.
8. Approval of this application grants a time extension to October 7, 2005 for the installation of sidewalks and street trees on Lot 2, Union Pacific 3rd Addition.

Prepared by:

Jason Reynolds
Planner

MISCELLANEOUS NO. 00009

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

June 26, 2002

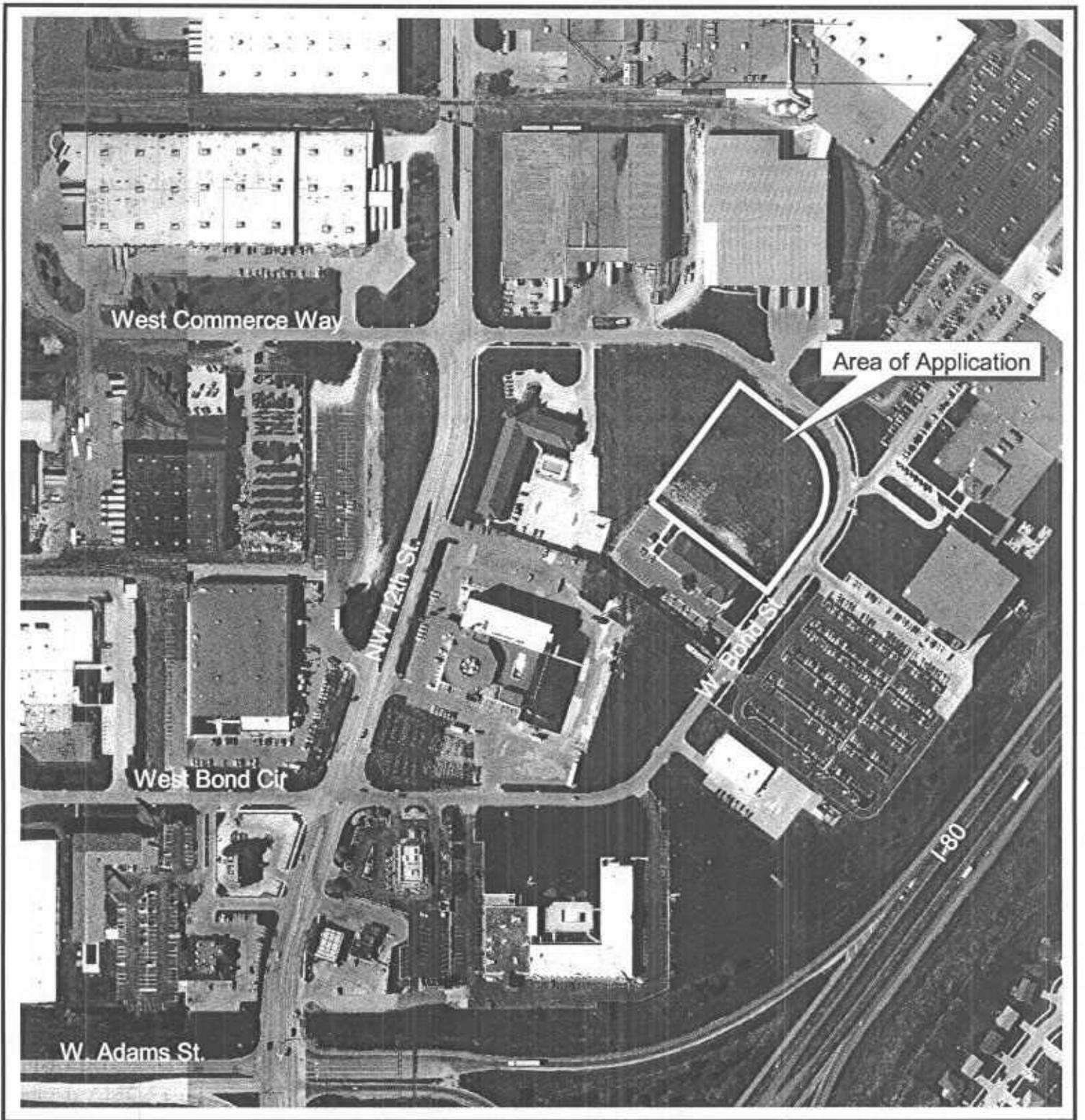
Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor; Steward absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. HP73; CHANGE OF ZONE NO. 3363; SPECIAL PERMIT NO. 893B, FAIRFIELD PARK 3RD ADDITION COMMUNITY UNIT PLAN; FINAL PLAT NO. 01026, VAVRINA MEADOWS 9TH ADDITION; FINAL PLAT NO. 01032, PHEASANT RUN 7TH ADDITION; COUNTY FINAL PLAT NO. 02027, DEER TRAIL ADDITION; STREET AND ALLEY VACATION NO. 02007; WAIVER OF DESIGN STANDARDS NO. 02009; and MISCELLANEOUS NO. 00009.**

Item No. 1.2a, Change of Zone No. 3363; Item No. 1.2b, Special Permit No. 893B; and Item No. 1.7, Waiver of Design Standards No. 02009, were removed from the Consent Agenda and scheduled for separate public hearing.

Duvall moved to approve the remaining Consent Agenda, seconded by Bills-Strand and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Steward absent.

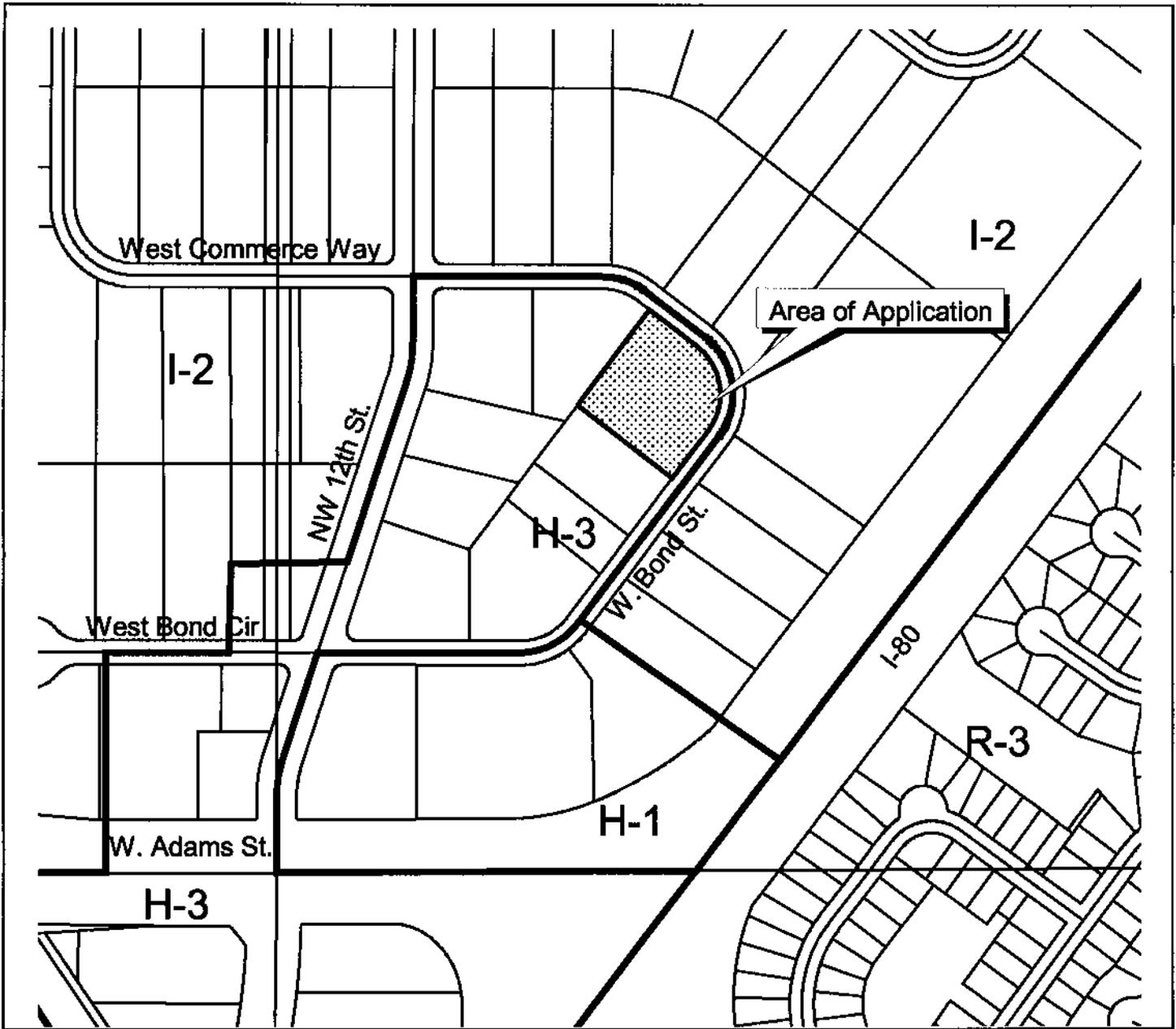
Note: This is final action on the Vavrina Meadows 9th Addition Final Plat No. 01026 and the Pheasant Run 7th Addition Final Plat No. 01032, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Miscellaneous #00009
NW 12th & W. Commerce Way**



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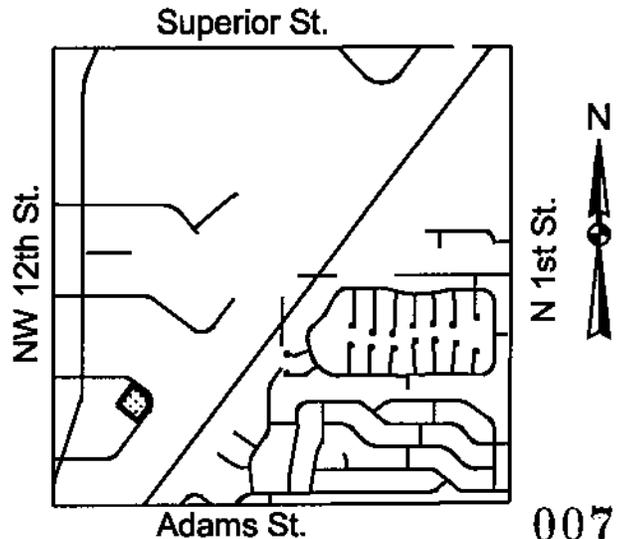
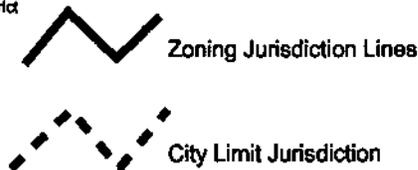


Miscellaneous #00009
NW 12th & W. Commerce Way

Zoning:

- R-1 to R-3 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



007



"Mark E. Canney"
<mcanney@ci.lincoln.
ne.us>

06/11/2002 07:58
AM

To: JReynolds@ci.lincoln.ne.us
cc:
cc:
Subject: Re: Miscellaneous No. 00009

Jason,

Parks and Recreation recommends extending the delay of tree installation until the building is constructed on the property.

Please let me know if you need any additional information.

Thanks.

Mark Canney
Parks & Recreation



Harry B Kroos

06/11/2002 08:59 AM

To: Jason W Reynolds/Notes@Notes
cc:
Subject: Re: Misc. 00009 

Jason,

I do not have an objection to extending the sidewalk completion date.

Thanks,

Harry

803 "Q" STREET, SUITE 3
 LINCOLN, NE 68508
 (402) 476-3020
 (402) 476-3138 FAX

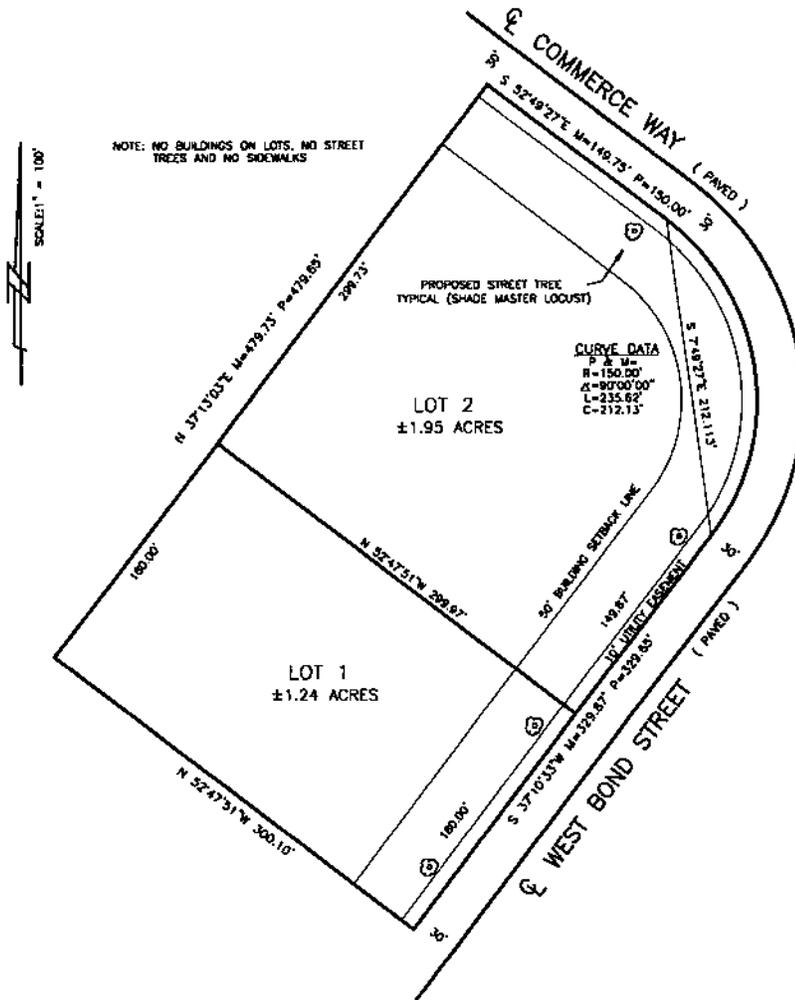
SURVEY RECORD
K&M Inc.
 Land Surveying

LARRY MAJESKI

PROJECT # 967098
 DATE: 7-12-96 B/P:

Survey of: LOTS 1 AND 2, UNION PACIFIC 3rd ADDITION (PROPOSED), LOCATED
 IN THE SOUTHWEST QUARTER OF

Section: 10 , T 10 N, R 6 E, of the 6th P.M. LINCOLN, LANCASTER County, Nebraska



Subject property apparently falls within the confines of Zone " _____ " as determined by the FEMA-FIA Flood Rate Map community _____, panel _____, revised _____.

- P = Platted
- M = Measured
- = Found as noted
- = Set #5 Rebar. & L.S. #483 Cap.
- ▲ = Set Temp. Point

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed the property in the above plat. All dimensions are in feet and decimals of a foot.

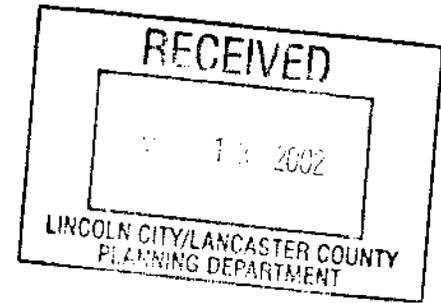
Signed this day of 7-12, 1996

Billy Joe Kerr
 Billy Joe Kerr, L.S. #483





CENTURY
SALES AND MANAGEMENT CO.



May 10, 2002
Director of Planning
City of Lincoln
555 South 10th
Lincoln, NE 68508

RE: Request for extension of the time for sidewalk installation and tree planting on public right of way for Union Pacific 3rd Addition, LLCN

Director of Planning:

As the owner of Lot 2, Union Pacific 3rd Addition, Lincoln, Lancaster County, NE. I would like to resubmit a request for an extension for the installation of public sidewalks and the planting of trees on the public right of way. I had previously made this request in late 2000. The Planning Commission acted favorably on our request subject to the submission of a new street tree plan and revised sureties. (Miscellaneous request No. 00009). Since that time, the changing economy has caused us to further delay any plans on developing this ground and I have purchased the other half interest in the ground from Mr. Paul Andringa.

At this time, I would like to resubmit my request to delay the required installation of sidewalks and street trees until the later part of 2005. If this request is granted, I will submit bonds as recalculated by the planning department in the amount of \$6500 for sidewalks and \$2420 for street trees. The following are reasons for asking for this time extension:

1. I am not prepared to begin construction of the property any time soon and am presently offering the property for sale.
2. Construction on the property will likely require some grade changes on portions of the lot and general construction and grading will damage or destroy much of any sidewalk and possibly trees that would be installed or planted at this time.
3. We continue to have areas where trucks are jumping the curb and driving up on the city right of way areas as they maneuver to back into the drives to the north and east of this property. This also would likely destroy portions of any sidewalks to be installed. Again, when the property is built upon, drives may be arranged to better accommodate these trucks. Also, some hotel properties in the area have placed large rocks adjacent to the curb areas to keep trucks off the city right of way area and to stop the tearing up of lawn and walkways.

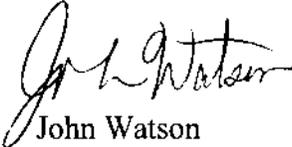
Again, this solution is better addressed during construction of a future building.

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At this time, I would request that appropriate action be taken to extend the time for installation of the sidewalks and trees. I believe that various related City Departments will continue to be supportive of our request. Thank you again for hearing my request. Hopefully, the tree plans previously submitted along with the proposed and conditional surety for the above amounts will allow for the approval of this request.

Thanks.

Sincerely,

A handwritten signature in black ink, appearing to read "John Watson". The signature is written in a cursive style with a large initial "J".

John Watson

cc:
Nina Vejnovich
Law Department, City of Lincoln



Mr. John Watson
c/o Century Sales and Management Company
1919 South 40th Street - Suite 206
Lincoln, NE 68506

March 29, 2001

RE: Miscellaneous #00009 - Time extension for the completion of improvements -
Union Pacific 3rd Addition

Dear Mr. Watson:

Your request can be scheduled on the City Council agenda once you provide new sureties to guarantee the installation of improvements. Public Works has revised their surety amount since we last spoke - they require \$6,500.00 to guarantee sidewalk construction on your lot alone. The increase results from recent rises in construction costs. The revised street tree surety is \$2,420.00. For the purpose of scheduling your request on the City Council agenda, we will need a street tree surety of \$2,420.00 and a \$6,500.00 sidewalk surety (whether in the form of a CD, bond or escrow).

As we discussed, Crawford should contact Harry Kroos in Public Works' Engineering Services Department (441-7711) about getting the sidewalk inspected and released on the Holiday Inn lot. If there are no street trees in front of that lot, he should contact Steve Schwab in Parks & Recreation (441-7035) about where the two required Shade Master Locusts should be located. If the trees are in place, he should contact Steve Nosal (441-8267) about arranging an inspection.

Please give me a call at 441-7620 if you have any questions.

Sincerely,

Jason Reynolds
Planner

enclosures: Certificates of Deposit
Union Pacific 3rd Addition survey record

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