

City Council Introduction: **Monday**, January 6, 2003
Public Hearing: **Monday**, January 13, 2003, at **1:30 p.m.**

Bill No. 03R-13

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 02022**, requested by Ross Engineering, Inc. on behalf of Jay Peters, to waive the installation of a water main (pursuant to Section 26.27.030 of the Land Subdivision Ordinance) in association with the Amigo's South Addition administrative final plat, on property generally located at South 14th Street and Highway 2.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 12/11/02
Administrative Action: 12/11/02

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

FINDINGS OF FACT:

1. The staff recommendation to approve this waiver request is based upon the "Analysis" as set forth on p.3, concluding that the Public Works Department and the Fire Department do not object. If, in the future, water is required for Lot 2, a private service line could be extended from Pioneers Blvd.
2. On December 11, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. On December 11, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 30, 2002

REVIEWED BY: _____

DATE: December 30, 2002

REFERENCE NUMBER: FS\CC\2002\WDS.02022

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02022

DATE: November 22, 2002

SCHEDULED FOR PLANNING COMMISSION

December 11, 2002

PROPOSAL: Waive the installation of a water main(Sec. 26.27.030) in association with Amigo's South Addition Administrative Final Plat #97007.

CONCLUSION: The Public Works Department and Fire Department do not object to the waiver. If in the future water is required for Lot 2, a private service line could be extended from Pioneers Blvd.

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

LEGAL DESCRIPTION: Lot 2, Amigo's South Addition, located in the SW 1/4 of Section 1, Township 9 North, Range 6 East, Lancaster County, Nebraska.

LOCATION: S. 14th St. and Highway 2.

APPLICANT: Jay Peters
2501 Switchback Rd.
Lincoln, NE 68512
(402) 420-6799

OWNER: same as applicant

CONTACT: August Ponstingl
Ross Engineering, Inc.
201 N. 8th St., Suite 401
Lincoln, NE 68508
(402) 474-7677

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: ATM

SURROUNDING LAND USE AND ZONING:

North:	P-Public	North of Highway 2.
South:	H-3 Highway Commercial	Restaurant
	I-2 Industrial Park	South of Pioneers Blvd.

East: H-3 Highway Commercial Auto repair
West: P Public Nebraska State Penitentiary

HISTORY:

April 16, 1998 Amigo's South Addition Administrative Final Plat was approved.

UTILITIES: There are water mains on Pioneers Blvd. and S. 14th St. south of Pioneers Blvd.

TRAFFIC ANALYSIS: S. 14th St. is classified as a principal arterial.
Pioneers Blvd. is classified as a local street.

ANALYSIS:

1. This request is to waive the water main required with the approval of Amigo's South Addition Administrative Final Plat #97007.
2. There is no water main in S. 14th St. north of Pioneers Blvd.
3. The final plat required a water main to be built on the east side of S. 14th St. from Pioneers Blvd. north approximately 300 feet to service Lot 2, Amigo's South Addition.
4. An Agreement for Escrow of Security Fund was posted in the amount of \$8,500.00 to guarantee the improvement of the water main.
5. Amigo's South Addition final plat shows two lots. The south lot has Amigos Restaurant and the north lot has an ATM machine.
6. The applicant's rationale for waiving the water main requirement for Lot 2 (north lot) is that an ATM machine does not require water.
7. Public Works Department does not object to the waiver.
8. If the use on Lot 2 was to change, a private waterline could be extended from Pioneers St. to serve the lot.

Prepared by:

Tom Cajka
Planner

WAIVER OF DESIGN STANDARDS NO. 02022

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

December 11, 2002

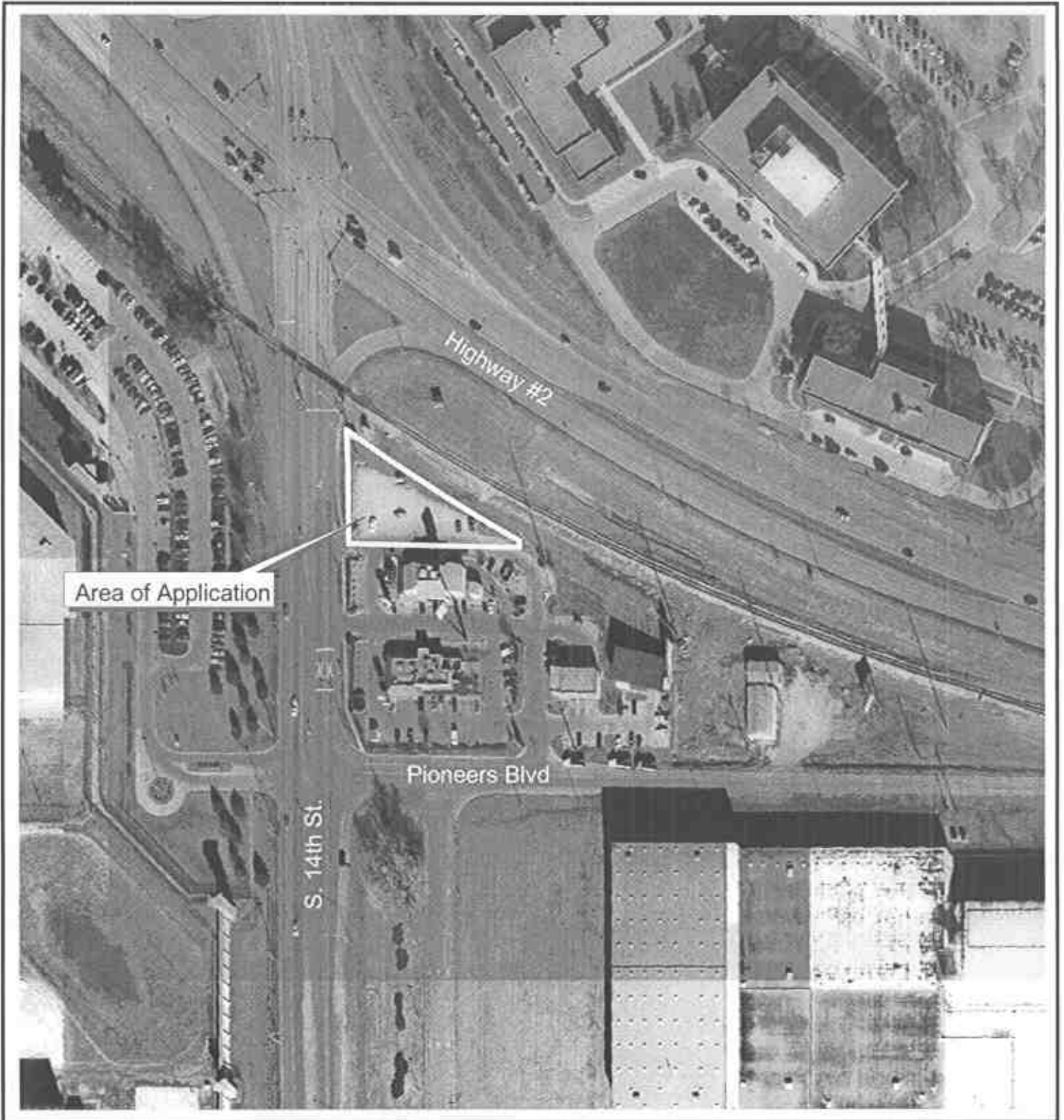
Members present: Carlson, Duvall, Larson, Newman, Schwinn, Bills-Strand, Steward and Taylor; Krieser absent.

The Consent agenda consisted of the following items: **SPECIAL PERMIT NO. 1973A; SPECIAL PERMIT NO. 1996; FINAL PLAT NO. 02010, MEADOW VIEW 1ST ADDITION; FINAL PLAT NO. 02032, STONE BRIDGE CREEK 2ND ADDITION; FINAL PLAT NO. 02040, NEBRASKA HEART HOSPITAL; FINAL PLAT NO. 02042, NORTH HILLS 4TH ADDITION; WAIVER OF DESIGN STANDARDS NO. 02022; STREET AND ALLEY VACATION NO. 02015; and STREET AND ALLEY VACATION NO. 02016.**

Item No. 1.1, Special Permit No. 1973A, was removed from the Consent Agenda and scheduled for separate public hearing.

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

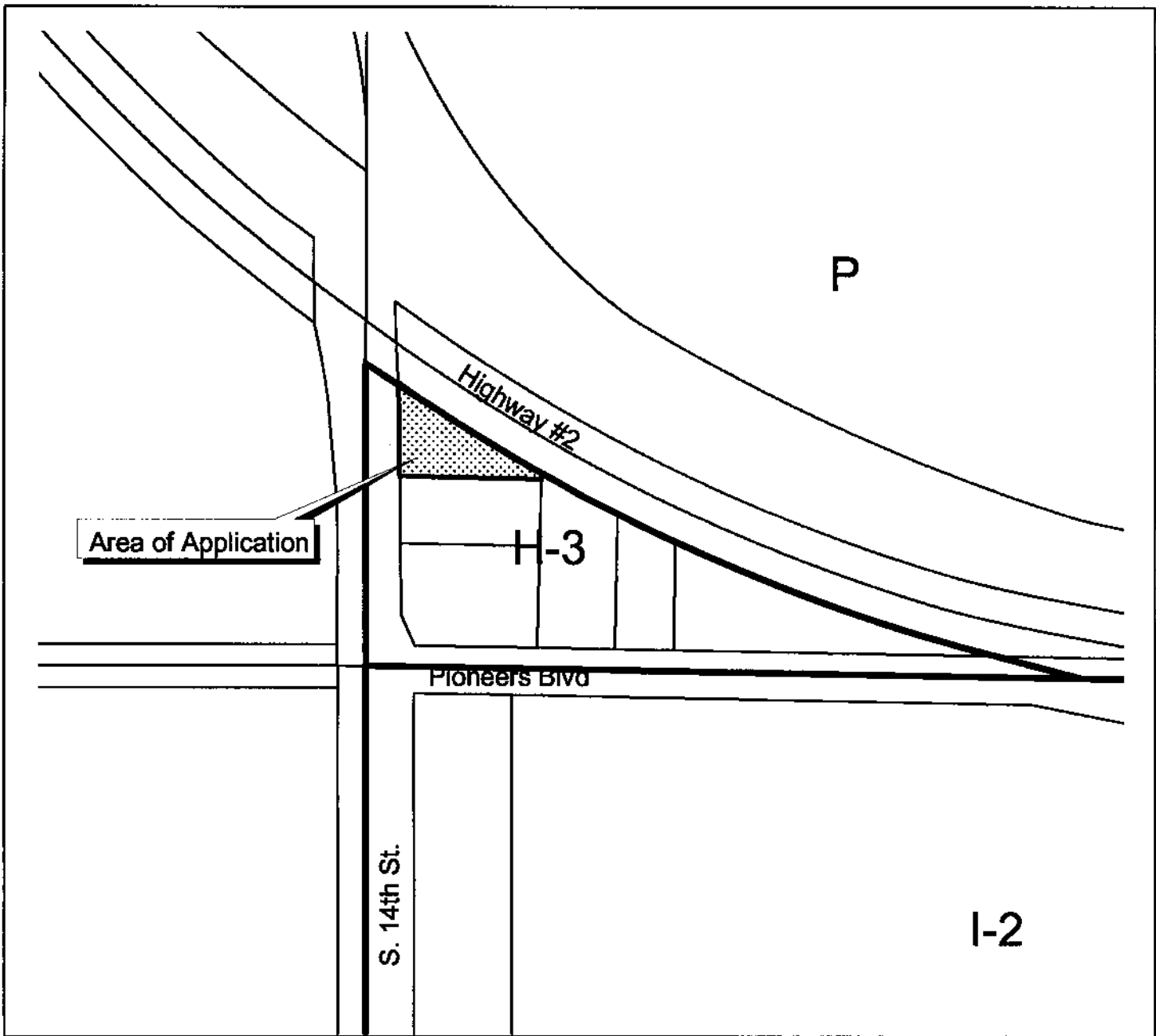
Note: This is final action on Special Permit No. 1996, Meadow View 1st Addition Final Plat No. 02010, Stone Bridge Creek 2nd Addition Final Plat No. 02032, Nebraska Heart Hospital Final Plat No. 02040 and North Hills 4th Addition Final Plat No. 02042, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Waiver of Design Standards #02022
S. 14th & Highway #2
Amigo's South Addition



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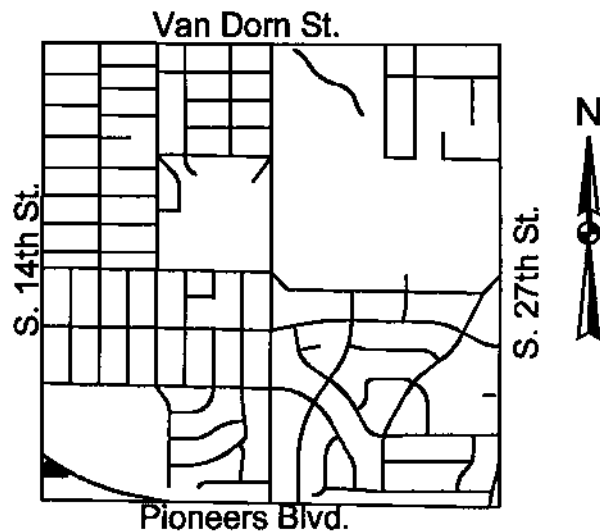
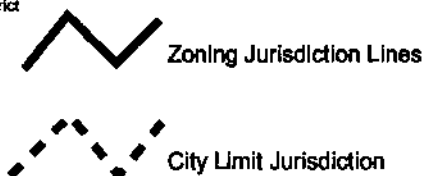


Waiver of Design Standards #02022
S. 14th & Highway #2
Amigo's South Addition

Zoning:

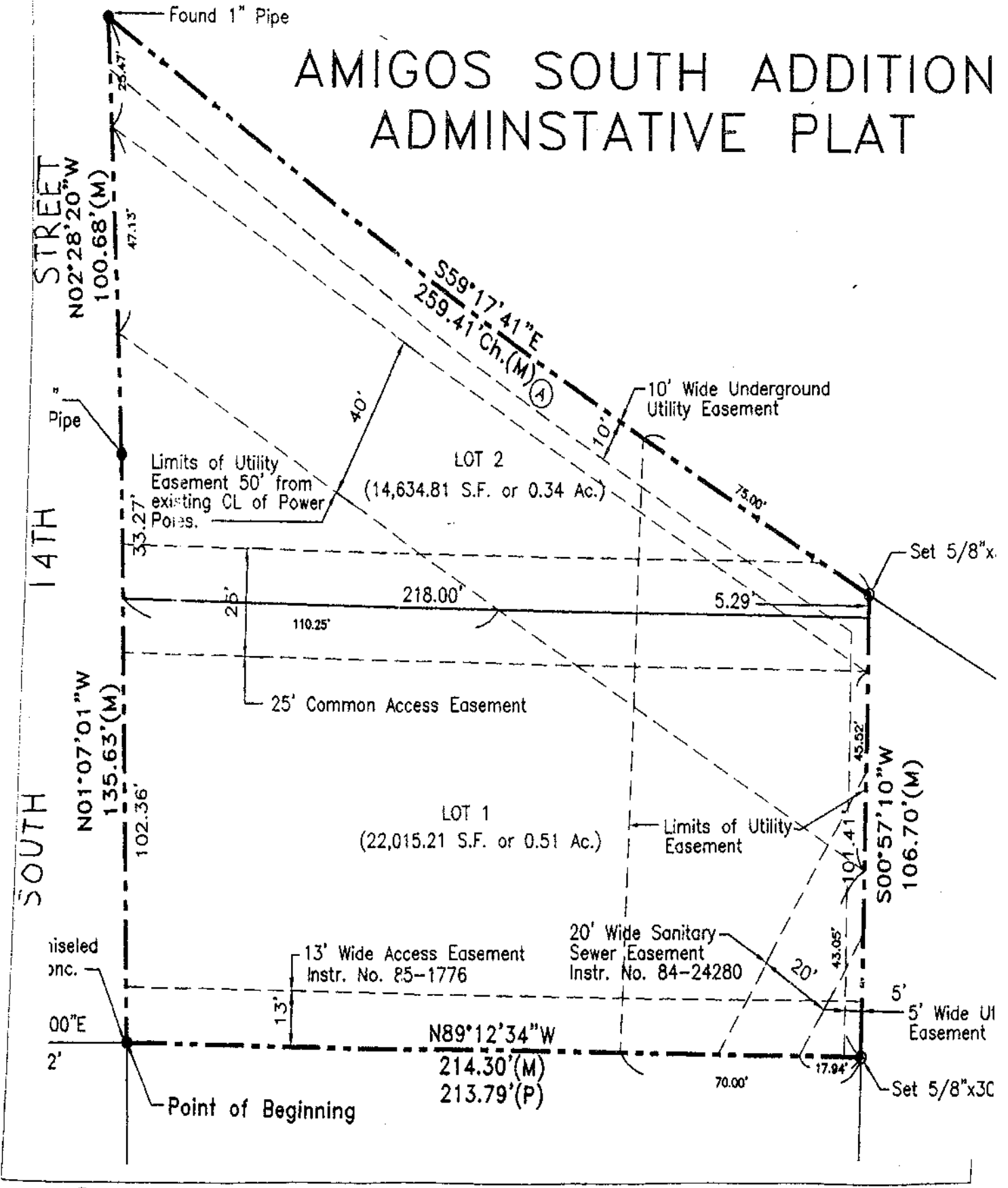
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 1 T9 N R6E

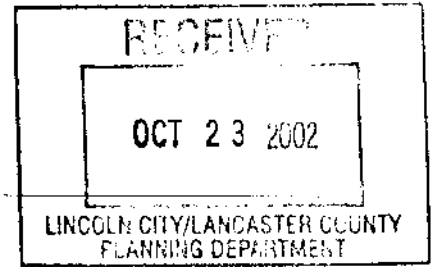


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AMIGOS SOUTH ADDITION ADMINISTRATIVE PLAT



M e m o r a n d u m



To: Tom Cajka, Planning Dept.

From: ^{CB} Bruce Briney, Public Works and Utilities

Subject: Waiver of Design Standards #02022
Amigos Restaurant, South 14th Street and Highway #2
Waiver of Water Main Requirement

Date: October 23, 2002

cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Waiver of Design Standards #02022 by Amigo's Restaurant, South 14th Street and Highway #2. Public Works has no objection to the application to waive the water main requirement for Lot 2 Amigos South Addition due to the change in use for this location.

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02091**

Address

Job Description: **Development Review - Fire**

Location: **WAIVER OF DESIGN 02022**

Special Permit:

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **TOM CAJKA**

Status of Review: **Approved**

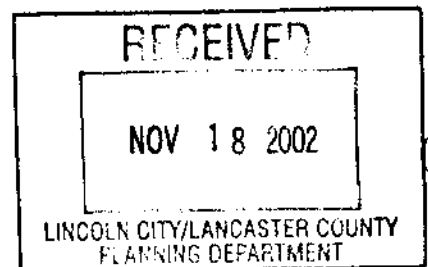
Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 2000 International Building Code and Local Amendments
- 2000 International Residential Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 2000 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



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Memo



To: Tom Cajka, Planning Department

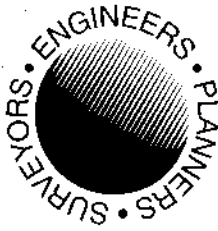
From: Mark Canney, Parks & Recreation

Date: October 22, 2002

Re: Amigos WDS 02022

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comment.

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



ROSS
Engineering,
Inc.

October 15, 2002

Mr. Marvin Krout
Director of Planning
County-City Building
555 South 10th Street
Lincoln, NE 68508

RE: **Amigos South Addition Lot 2 Water Main Waiver**
S. 14th St. & Hwy 2
REI Project No. 137401-A

ESTABLISHED
1974

*Innovative
Designs
For the
Future of
Tomorrow*

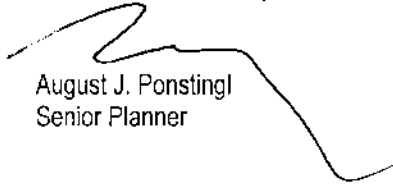
Dear Marvin:

On behalf of Jay Peters we are requesting the waiver of water main requirement to Lot 2, Amigos South Addition. This Lot is located near the southeast corner of S. 14th St. and Hwy 2. We are requesting a waiver of the water main requirement at this time because the Public Works Department has informed us that we cannot get a bond released, which was previously posted by our client for the construction of the water main to Lot 2, until the water main requirement is waived.

The water main was not built, and the future requirement of a 6" water main for Lot 2 is no longer necessary because the planned commercial development proposed for Lot 2 was never completed. The previous owner of the lot, NBC Bank, hoped that Lot 2 could be developed either as a restaurant or a retail location. But after some unsuccessful attempts to develop Lot 2 into retail or commercial space, the Lot was developed into a drive thru ATM for Wells Fargo Bank. An ATM has no need for a 6" water main, and there is no future alternative use for this lot. Because an ATM requires no water, and there isn't an alternative use proposed for this site, the water main is unnecessary.

We appreciate your consideration of our request to waive the requirement for a 6" water main for Lot 2. If you have any questions please feel to call me.

Sincerely,
ROSS ENGINEERING, INC.

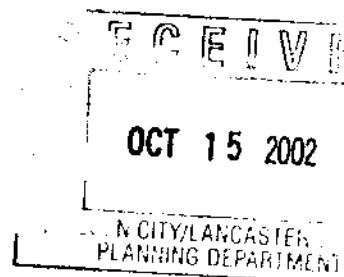

August J. Ponstingl
Senior Planner

Cc: Jay Peters
Ron Ross
Nina Vejnovich

AJP
137401L02 submittal letter.doc

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