

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 18, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04002

PROPOSAL: Waive Section 26.23.090 of the Land Subdivision Ordinance requiring that whenever unsubdivided property becomes subdivided and adjoins a half-street, the remainder of the street shall be dedicated.

Waive condition 3.3 of Pioneer Business Park Preliminary Plat #03002 which required Calvert St. west of S. 6th St. to be vacated prior to a final plat being approved.

LOCATION: West of S. 6th St. & Calvert St.

CONCLUSION: The waiver is satisfactory as long as Lot 1, Block 1 is expanded to include Outlot "A" on the final plat.

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

LEGAL DESCRIPTION: Lots 54 and 94 Irregular Tract located in the SW 1/4 of Section 2, Township 9 North, Range 6 East, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North: I-1 Industrial	Commercial Businesses
South: I-1 Industrial	Undeveloped
East: I-1 Industrial	Undeveloped
West: AG Agriculture	Railroad Tracks
P- Public	Wilderness Park

HISTORY:

- September 15, 2003** Pioneer Business Park preliminary plat was approved by City Council.
- March 21, 2003** Pioneer Business Park final plat was submitted to the Planning Department.
- July 25, 1977** Progress South final plat was approved by City Council.
- February 10, 1997** City Council approved the vacation of Calvert St. west of S. 6th Street from the west line of Lot 54 I. T. to the railroad tracks.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan Land Use Plan identifies this area as industrial.

UTILITIES: There is an existing public storm sewer in Calvert St.

TRAFFIC ANALYSIS: Calvert St. is designated as a local street. Calvert St. west of S. 6th St. was not for public purpose. However, the lot north of Calvert St. does access from Calvert St. Since the lot is a corner lot, access could be from S. 6th St.

ANALYSIS:

1. This is a request to waive the requirement that whenever unsubdivided property becomes subdivided and adjoins a half-street, the remainder of the street shall be dedicated.
2. This waiver is associated with Pioneer Business Park Addition final plat.
3. Progress South final plat dedicated 33 feet of right-of -way for Calvert St. adjacent to the plat.
4. Calvert St. north of Lot 54 I. T., except for the north 33 feet, was never dedicated to the City and is on an easement granting public access. A survey shows that the lot line for Lot 54 I. T. extends to the 1/4 Section line, which includes approximately the south 58' of Calvert St.
5. A waiver to improve Calvert St., west of S. 6th St., to urban standards was approved with the preliminary plat, provided that Calvert St. be vacated west of S. 6th St.

6. The applicant has not been successful in getting the property owner to the north to agree to vacate Calvert St. In lieu of vacating Calvert St., the waiver has been requested.
7. Calvert St dead ends at the west lot line of Lot 54 I. T. Calvert St. west of Lot 54 IT was previously vacated due to the railroad tracks.
8. Public Works Department does not object to the waiver.
9. Since the property owner to the north is not willing to vacate Calvert St. west of S. 6th St., another alternative would be to dedicate the remainder of Calvert St. and waive the standard minimum improvements.
10. By platting the lot abutting Calvert St. and Outlot "A" as a single lot, the developer can receive approval of the final plat. By combining Lot 1 and Outlot "A" into one lot, it eliminates the chance that Outlot "A" will not be maintained.

CONDITIONS

1. Change Lot 1, Block 1 to an Outlot and combine it with Outlot "A".

Prepared by:

Tom Cajka
Planner

DATE: February 4, 2004

APPLICANT: Pioneer Business Park, L.L.C.
3801 Union Dr. Suite 102
Lincoln, NE 68516
(402) 434-5650

OWNER: Same as above

CONTACT: Bob Lewis
3801 Union Dr. Suite 102
Lincoln, NE 68516
(402) 434-5650



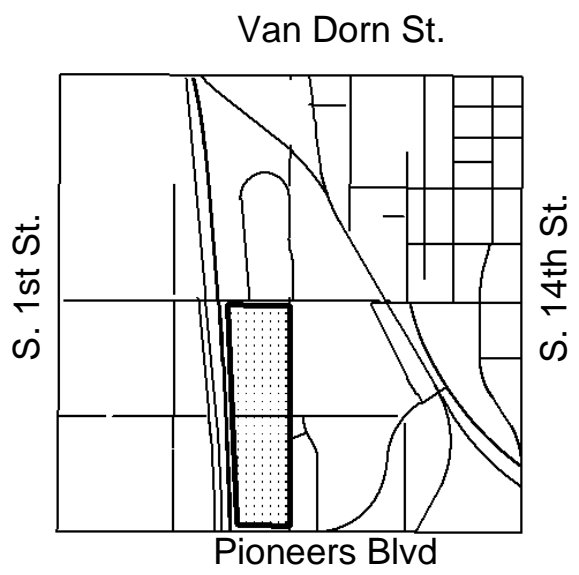
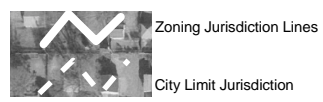
2002 aerial

Waiver #04002 S. 6th & Calvert 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. 2 T9N R6E



Memorandum

To:	Tom Cajka, Planning Dept.
From:	Dennis Bartels, Engineering Services
Subject:	Pioneer Business Park Waivers
Date:	January 30, 2004
cc:	Randy Hoskins

Engineering Services has reviewed the waivers requested to Pioneer Business Park and has the following comments:

1. The developer notes that the Calvert Street right-of-way was in fact an easement rather than dedication of right-of-way. I do not disagree with the waiver to improvements west of 6th Street. The right-of-way presently dead-ends into a vacated right-of-way in the area of railroad facilities and then into a creek channel. I do question whether the right-of-way easement should be vacated other portions of this right-of-way were vacated and were likely easement similar to this plat. I have no objections to the request but recommend that the City Council approve the plat and the exceptions. By approving the plat, the Council will also be approving releasing/vacating the easement for the street.
2. If Outlot A can be approved without a vacation, why create an outlot. The outlot can be added to Lot 1, Block 1 with this plat.

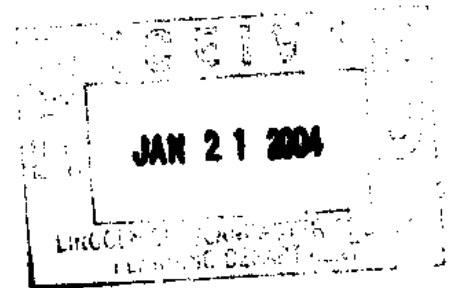


Stone Bridge Creek North Creek Vintage Heights
Williamsburg Village Ridge Pointe Thompson Creek

Dedicated to creating the finest neighborhoods.

January 16, 2004

Marvin S. Krout
Director of Planning
555 South 10th Street
Lincoln, NE 68508



Re: Pioneer Business Park

Dear Marvin:

Pioneer Business Park L.L.C. respectfully requests a waiver to the design standards for Title 26, Land Subdivision Regulations, Chapter 26.23, and Section 26.23.090 Streets Adjoining Unsubdivided Property, and condition 3.3 in conjunction with preliminary plat no. 03002.

As a condition of approval of Pioneer Business Park preliminary plat no. 03002 we were required to vacate Calvert St. west of S. 6th St. prior to final plat approval. The preliminary plat was also approved with the modification to the requirements of the land subdivision ordinance to waive improvements to Calvert St. west of S. 6th St. and dead end street without turn around for Calvert St.

Through our preparation of the final plat we have determined that the south half of Calvert St. west of S. 6th St. was never a dedicated R.O.W. and in fact is owned by Pioneer Business Park L.L.C. with an easement for access and utilities.

We therefore request a waiver to plat our half of the street because of the previous stated reasons and ask that the condition of approval requiring us to vacate Calvert St. west of S. 6th be removed from the requirements of the final plat.

If you have any questions you may call me at 434-5650. Thanks you for your help in this matter.

Sincerely,

Robert Lewis

Hampton Development Services, Inc.

3801 Union Drive, Suite 102 ♦ Lincoln, Nebraska 68516

Office: (402) 434-5650 ♦ FAX: (402) 434-5654

Email: hds@hamptonlots.com ♦ Web Site: www.hamptonlots.com

Official Survey Record

R. Russell Orr Land Surveying
 7130 Morton Street, Lincoln, NE. 68507
 Ph.: (402) 450-0827
 Fax: (402) 466-6721

Job No. : 35802

Survey of :

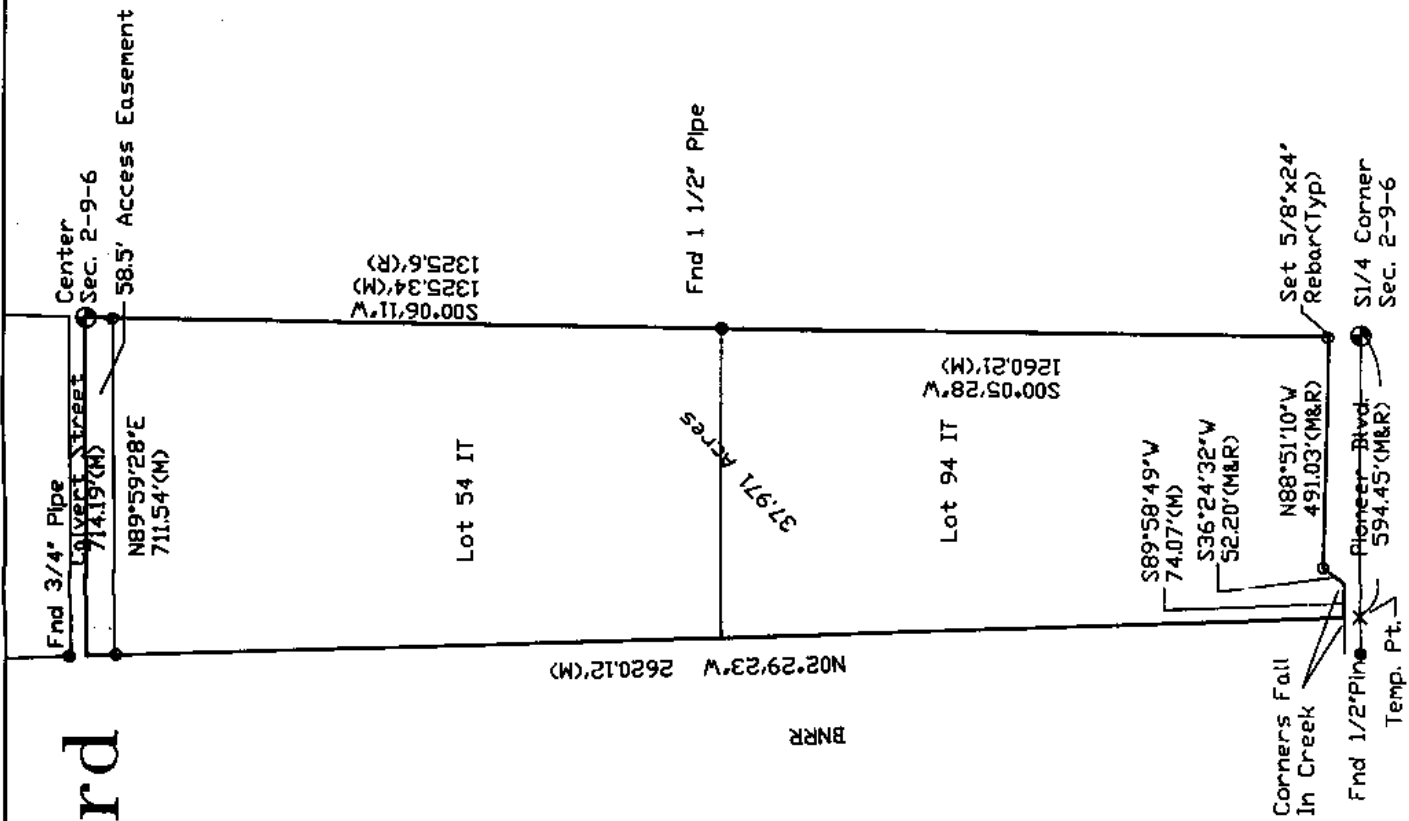
A LEGAL DESCRIPTION OF ALL OF LOT 54 I.T. AND ALL OF LOT 94 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE: S00°06'11"W, (AN ASSUMED BEARING), A DISTANCE OF 1325.34'; ON THE EAST LINE OF SAID LOT 54; THENCE: S00°05'24"W, ON THE EAST LINE OF SAID LOT 94, A DISTANCE OF 1260.21' TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PIONEER BOULEVARD; THENCE: N88°51'10"W, ON SAID LINE, A DISTANCE OF 491.03'; THENCE: S36°24'32"W, ON SAID LINE, A DISTANCE OF 52.20'; THENCE: S89°58'49"W, ON SAID LINE, A DISTANCE OF 74.07'; THENCE: N02°29'23"W, ON THE WEST LINE OF SAID LOTS 94 AND 54, A DISTANCE OF 2620.12' TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE: N89°59'28"E, ON SAID LINE, A DISTANCE OF 714.19' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 38.928 ACRES MORE OR LESS.

I hereby certify that the above survey or report was executed by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Signed this _____ day of _____, 2002

R. Russell Orr _____ LS 516



LI R: M: P: OF