

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 22, 2004 PLANNING COMMISSION MEETING

This is a revised report.

PROJECT #: Preliminary Plat #05009
West Hobelman Addition

PROPOSAL: Preliminary plat 8 commercial and industrial lots.

LOCATION: Southwest 14th Place and West "O" Street.

WAIVER REQUEST:

1. Allow sanitary sewer to run opposite street grade.
2. Allow sanitary sewer depth to exceed 15 feet.
3. Eliminate on-site detention.
4. Construct sanitary sewer on the east side of Sw 14th Place.
5. Construct water on the west side of SW 14th Place.
6. Eliminate the requirement to provide street access to adjoining property.

LAND AREA: 9.79 acres, more or less.

CONCLUSION: This plat generally conforms to the Comprehensive Plan, and Zoning and Subdivision Ordinances provided additional access is shown to facilitate development of adjacent properties. Requested waivers are acceptable with conditions, except for sewer depth.

RECOMMENDATION:	Conditional Approval
Waivers:	
1. Allow sanitary sewer to run opposite street grade.	Approval
2. Allow sanitary sewer depth to exceed 15 feet.	Denial
3. Eliminate on-site detention.	Conditional Approval
4. Construct sanitary sewer on the east side of Sw 14 th Place.	Approval
5. Construct water on the west side of SW 14 th Place.	Approval
6. Eliminate street access to adjoining property.	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2, West Hobelman Addition, located in the NE 1/4 Section 28 T10N R6E, Lancaster County, Nebraska. A metes and bounds description is attached.

EXISTING LAND USE AND ZONING:

Restaurant, Auto dealer	H-3 Highway Commercial
Vacant	I-1 Industrial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-3 highway Commercial
South:	Railroad, vacant	I-1 industrial
East:	Auto dealer	H-3 Commercial
West:	Vacant	H-3 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Commercial and Industrial. (F 25)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominantly industrial districts, such as office, retail, or warehouses. (F 22)

HISTORY:

Jun 2003 Final Plat #03006 West Hobelman Addition approved the subdivision of 2 irregular tracts into 2 lots.

May 1979 The zoning update changed the zoning on this property from H-2 Highway Commercial and K Light Industrial to H-3 Highway Commercial and I-1 Industrial.

UTILITIES: Public utilities are available in West “O” Street. Waivers have been requested to construct the utilities as shown on the plans.

TOPOGRAPHY: The site slopes gradually from north/northeast to south/southwest, with a drainage path following the west and south property lines.

TRAFFIC ANALYSIS: The 2025 Comprehensive Plan designates West “O” Street as a Principal Arterial, both now and in the future. (E 49, F 103) Neither the Comprehensive Plan nor the CIP identify any additional right-of-way needs or projects for this portion of West “O”

Street. The final plat for these lots relinquished access to West "O" except for SW 14th Place; the existing driveway should be removed.

Principal Arterials: This functional class of street serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. These serve intra-area traffic such as between the CBD and outlying residential areas and traffic between major inner-city communities or suburban centers. Included in this class are fully controlled access facilities and partially controlled access facilities.

ENVIRONMENTAL CONCERNS: Portions of this plat are shown within the 100-year floodplain, and appear to include wetland areas. Applicant has requested a letter of Map Amendment from FEMA to change the limits of the 100-year floodplain and remove this plat from within its boundaries. Applicant has also asserted the potential wetlands on site will be officially mapped sometime before Winter, 2005.

Relative to Applicant's request to waive detention, the Public Works Department has identified concerns. A written agreement from the adjoining property owner must be provided demonstrating a conservation easement over the wetland area for storm water detention is acceptable. The area for detention must be identified on the drawings, and calculations must be provided demonstrating the proposed detention will function appropriately. Finally, a Section 404 permit may be necessary from the Army Corps of Engineers.

ANALYSIS:

1. This is a request to preliminary plat 9.79 acres into 8 lots. This property is currently zoned H-3 and I-1.
2. West "O" Street has a center turn lane, which provides full access to this site at SW 14th Place; additional access to West "O" Street has been relinquished and the existing driveway should be removed. At present, there is no median across this frontage. Although none are planned at this time, future improvements to West "O" Street may result in limitations on access at SW 14th Place.
3. The development of this property should provide access to adjoining properties on the east and west in order to facilitate the future development of those parcels and provide east/west circulation. The nearest traffic signal is located at West "O" and Capitol Beach Boulevard, approximately 380' east of this property.
4. Applicant proposes to waive the requirement that the street and alley layout provide access to adjoining properties. Instead, they propose to provide access to the east through a public access easement to be identified at the time of building permits. Providing access through a public easement is acceptable provided its location is shown on the drawings at this time rather than at the time of building permits. Should Applicant need to move the access easement at a later date, a note can be added

allowing the location to change during the final plat process. This access should be paved.

5. Applicant proposes to provide no access to the west, due to existing wetlands proposed to be used for stormwater detention. However, there is developable land at the north end of this parcel that would benefit from access across this development and to the traffic signal at Capitol Beach Boulevard and West "O" Street. Applicant should provide access to the west in a manner similar to their proposal for access to the east.
6. City Department comments:

Public Works Engineering Services:

- 6.1 The requested waiver of design standards to construct sanitary sewer opposite street grade is satisfactory to Public Works. However, it does not appear that the requested waiver of design standards to construct sanitary sewer in excess of 15' is required. The plans show the sewer being constructed at a grade more than the minimum slope. If the plans are revised to show the sewer constructed at minimum grade the depth waiver is not necessary.
- 6.2 As discussed in meetings with the applicant, due to the proximity to existing structures, the waiver to construct sanitary sewer on the east side of the street and water main on the west is acceptable to Public Works.
- 6.3 Public Works approves the use of public access easements instead of requiring public or private street to provide access to adjoining properties. However, Public Works does not agree with approving the public access easements at the time of building permits. A public access easement needs to be shown to the east and the west properties with a note generally stating that the locations of the public access easements may change with the approval of a final plat.
- 6.4 Public Works does not agree with waiving the requirement to provide access to the property to the west. Approximately the north 200' of this lot is clear of wetlands and could be developed with a fill permit. Providing this public access could eventually give this property access to the traffic signal at Capital Beach Boulevard and West "O" Street.
- 6.5 Public Works does not approve the requested waiver of design standards for storm water detention. G & C Addition and EDM Industrial Park have recently been approved in the vicinity of this project and both required detention. There does not appear to be any justification for waiving the detention requirement.
- 6.6 If detention is intended to be provided on the adjacent property to the west, a dedicated easement agreement along with supporting detention calculations will have to be provided to the satisfaction of Public Works prior to this project going to City Council. Also, if the proposed detention is to be located in the area of the wetlands written documentation of approval from the Army Corps of Engineers will need to be provided prior to City Council. If either the aforementioned easement

agreement or the Corps approval is not obtained, the grading and drainage plan will need to be revised to show on-site detention in accordance with City of Lincoln Design Standards and the Drainage Criteria Manual.

Public Works Watershed Management:

- 6.7 Request to provide detention on adjacent property must be accompanied by written evidence of appropriate permanent agreement with adjacent property owner.
- 6.8 Request to provide detention on adjacent property must be accompanied by calculations to demonstrate that proposed detention will function to reduce flows to pre-development conditions as per Drainage Criteria Manual Chapters 2 and 6.
- 6.9 If wetland areas are to be impacted, then proposal must be reviewed by US Army Corp of Engineers and a 404 permit obtained if necessary.
- 6.10 Since the Letter of Map Amendment has not yet been approved by FEMA, all lots currently shown in the 100-year floodplain on the FEMA map will be required to adhere to lowest floor elevation requirements (as per Lincoln Municipal Code 27.52) rather than minimum opening elevation requirements. Change site specific notes to reflect this condition.

Parks and Recreation:

- 6.11 Developer/Engineer must contact the Forestry Department regarding the assignment of street trees.

7. LES will require utility easements to be shown on the plans.

CONDITIONS:

Site Specific:

- 1. Complete the following instructions and submit revised documents and plans along with 6 copies to the Planning Department office. Once approved, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval. These documents and plans are required by ordinance or design standards.
 - 1.1 Revise the preliminary plat as follows:
 - 1.1.1 Show a paved public access easement providing access to the adjoining parcels to the east and west. Add a note indicating the location of the public access easement shall be shown on and may be changed with a final plat.

- 1.1.2 Complete revisions and provide documentation as requested in Analysis paragraph 6, to the satisfaction of the Public Works and Parks and Recreation Departments.
- 1.1.3 Add as note indicating street trees will be shown with final plats.
- 1.1.4 Show required LES easements.
- 1.1.5 List all waivers that are granted.
- 1.1.6 Show sanitary sewer constructed at minimum grade and less than 15 feet below grade, unless the waiver request is approved by City Council.

General:

- 2. Final Plats will be approved by the Planning Director after:
 - 2.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, streetlights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 2.2 The easternmost existing driveway return is removed and replaced with curb, gutter, and sidewalk, or a bond is posted to guarantee the completion of such work.

Prepared by:

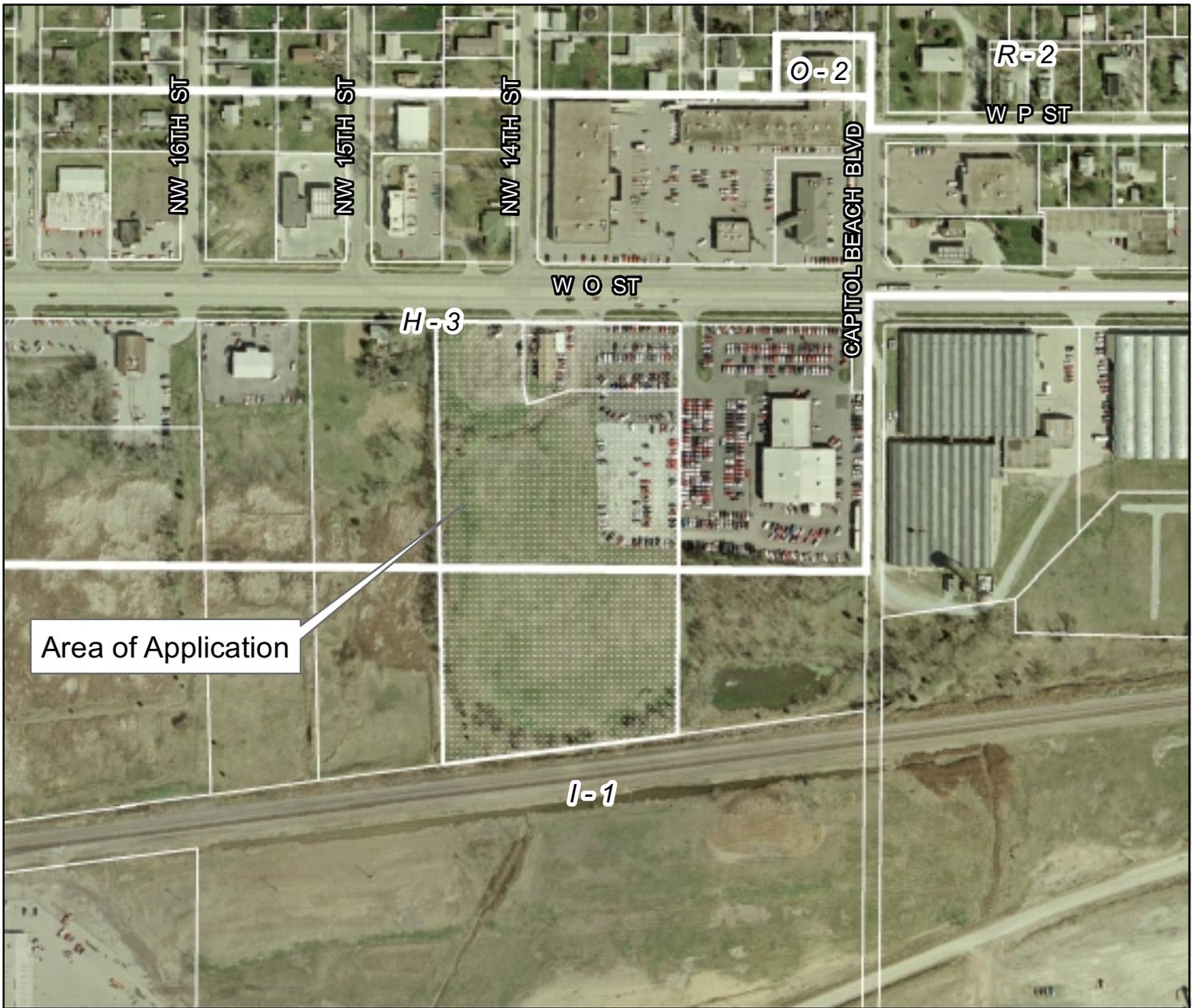
Greg Czaplewski, 441-7620, gczaplewski@lincoln.ne.gov

Date: June 10, 2005

**Applicant
and
Owner:** Lincoln North Creek, LLC
3801 Union Drive, Suite 102
Lincoln, NE 68516
402.434.5650

Contact: Brandon Garrett
Engineering Design Consultants
2200 Fletcher Avenue, Suite 102
Lincoln, NE 68504
402.434.5650

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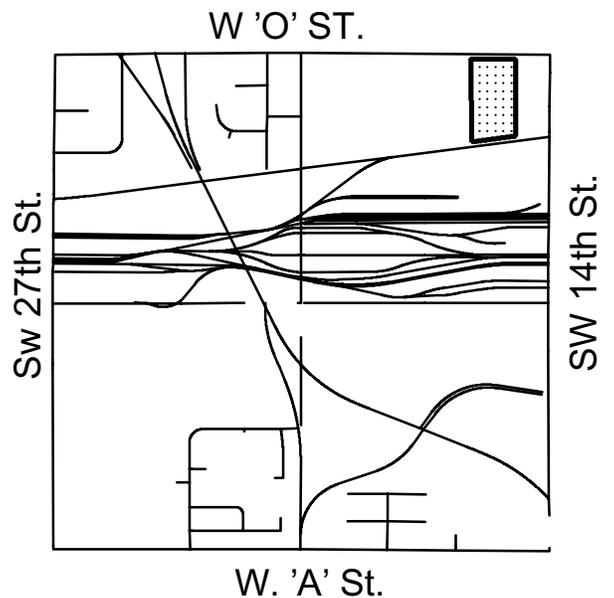
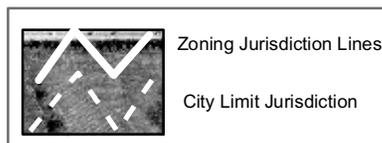
2002 aerial

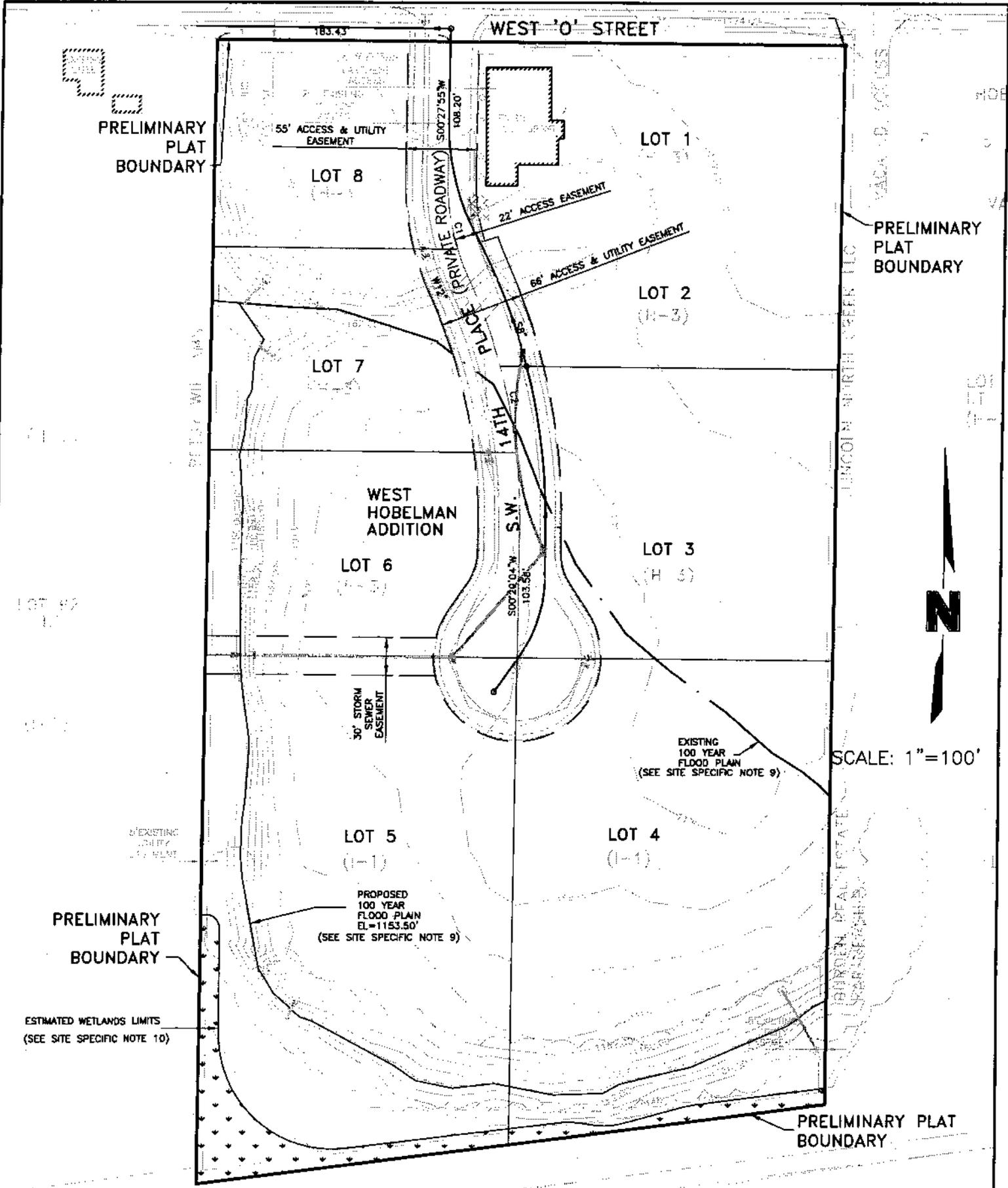
**Preliminary Plat #05009
West Hobelman Add.
SW 14th & W 'O' St.**

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.28 T10N R6E





**WEST HOBELMAN ADDITION
PRELIMINARY PLAT
LINCOLN, NEBRASKA**

Drawn By: DAB
Dwg.: SITE DWG
Date: 05/5/2005
Job#: 04-029-25

**SHEET
1 OF 1**

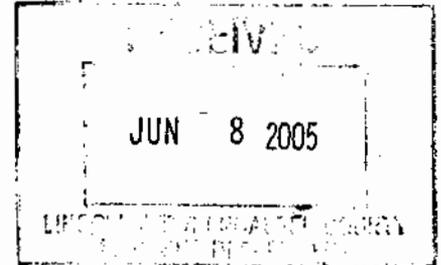


Engineering Design Consultants

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

June 7, 2005

Greg Czaplewski
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508



RE: West Hobelman Addition
Preliminary Plat
Request to delay application for 2 weeks
EDC Job #04-029-25

Dear Mr. Czaplewski,

On behalf of Engineering Design Consultants client, North Creek L.L.C., we hereby request that the above referenced application that is scheduled to be heard at Planning Commission on June 8, 2005 be delayed for two weeks and rescheduled to be heard on June 22, 2005.

The following waivers are being requested to the City of Lincoln Design Standards:

- 1) A waiver is requested to Title 2, Chapter 2.00, Section 3.4 and Chapter 2.10, Section 3.3 to allow for the sewer to run along the east and water on the west side of SW 14th Place. This configuration is necessary due to the proximity of the existing structure. We propose the water main be placed on the west side as it is preferable to have the sewer under paving rather than water.
- 2) A waiver is requested to Title 1, Chapter 2.15, Section 2.3 to waive the provision for future street extensions to adjacent properties. The following language is proposed to be added to the plat to provide access. "Vehicular access shall be provided and maintained between this subdivision and the properties to the east (Hobelmans Subdivision & Lot 41 Irregular Tract) via public access easements. Location of said easements shall be determined based on site layout at time of building permit."

Additionally, the developer has no current plans to provide vehicular or public access to the property to the west. Wetlands currently exist over most of that property. There is consideration on this property for a future conservation easement, which would not require public access.

The developer has an agreement with the adjacent property owner to the west to provide detention capacity on existing wetlands. Evidence of such agreement shall be provided. The on site drainage for the West Hobelman Addition will be routed to the existing wetlands as the amount of storm water runoff is not significant enough to adversely affect the area.

West Hobelman Addition
Preliminary Plat
Request to delay application for 2 weeks
EDC Job #04-029-25
June 7, 2005
Page 2

If you have any additional questions or concerns please contact me at 438-4014 or at bgarrett@edc-civil.com.

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.

A handwritten signature in cursive script that reads "Brandon Garrett". The signature is written in black ink and is positioned above the printed name and title.

Brandon Garrett
Land Planner

c: Bob Lewis



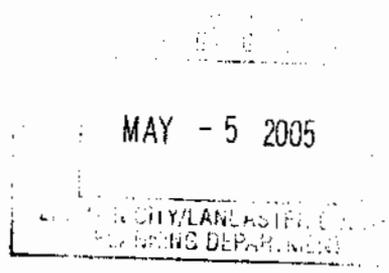
Engineering Design Consultants

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Lincoln, NE 68521
Ph 402-438-4014
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May 5, 2005

Greg Czaplewski
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

RE: West Hobelman Addition
Preliminary Plat Submittal
EDC Job #04-029-25



Dear Mr. Czaplewski,

On behalf of Engineering Design Consultants client, Lincoln North Creek, LLC, the following application is hereby submitted per the subdivision review process:

1. Application for a Preliminary Plat.

The West Hobelman Addition is a 9.79 acre site generally located south of the intersection of West 'O' Street/U.S. Highway 6 and Northwest 14th Street. The development will consist of 6 commercial lots and 2 industrial lots to encourage infill development along West 'O' Street. The West Hobelman Addition Preliminary Plat includes the following:

1. The existing zoning is H-3 and I-1.
2. The Red Fox Steak House and Lounge is an existing use and is located on Lot 1 of the West Hobelman Addition.
3. The common lot line between Lot 1 and Lot 8 of the West Hobelman Addition Preliminary Plat is adjusted off of the centerline of the S.W. 14th Place private roadway. The location of the lot line enables the existing building of The Red Fox Steak House and Lounge to be in conformance with the 30 foot minimum front yard setback in accordance with the H-3 zoning district.
4. S.W. 14th Place is a private roadway.
5. Total Usage

a. Commercial Lots	6
b. Industrial Lots	2
c. Total Lots	8
6. Direct vehicular access to West 'O' Street/U.S. Highway 6 is relinquished except where shown.
7. A minimum building opening elevation shall be 1 foot above the proposed 100 year flood elevation.
8. Individual lot landscape plans shall be reviewed at the time of building permit.

9. A letter of map amendment (LOMA) application has been filed with the Federal Emergency Management Agency (FEMA) to change the limits of the 100 year flood.
10. Wetlands have been identified to exist on the site. The wetlands will be officially delineated between May 1, 2005 and October 1, 2005 due to the timing of the plat. The estimated limits of the wetlands may change due to the official delineation.
11. The following waivers are being requested to the City of Lincoln Design Standards:
 - a. A waiver is requested to Title 2, Chapter 2.00, Section 3.6 to allow sanitary sewer to run opposite of street grade for S.W. 14th Place and construction of sanitary sewer greater than 15 feet. The waiver would eliminate the need to cross the railroad to the south in order to connect to the trunk sewer.
 - b. A waiver is requested to Title 2, Chapter 2.05, Section 3.3 to waive an on-site detention facility. The developer has planned to purchase the adjacent property to the west, which includes an area of existing wetlands. The on site drainage for the West Hobelman Addition will be routed to the existing wetlands as the amount of storm water runoff is not significant enough to adversely affect the area.
12. The developer has interest in Lot 92 Irregular Tract located to the west of the West Hobelman Addition Preliminary Plat. The developer's interest is to purchase the property from Betsy Williams and develop the property in conformance with the Comprehensive Plan.
13. The developer owns Lot 41 Irregular Tract and Lots 1 through 6 of Hotelman's Subdivision located to the east of the West Hobelman Addition Preliminary Plat. The property is currently being used as an auto dealership at this time. The developer does not have plans to change the current use.

If you have any additional questions or concerns please contact me at 438-4014 or at bgarrett@edc-civil.com.

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.



Brandon M. Garrett
Land Planner

Enclosed:

8 Sets of Sheets 1-3
13 Copies of Sheet 2
8.5 x 11 Site Exhibit
8.5 x 11 Legal Description
Check in the amount of \$1,000

c: Bob Lewis