

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for DECEMBER 20, 2006 PLANNING COMMISSION MEETING

PROJECT #: Waiver #06009

PROPOSAL: Waive design standards and subdivision ordinance requirements for stormwater associated with Use Permit #04008 GEICO Development.

LOCATION: S.W. 17th St. and West "A" St.

LAND AREA: 1.0 acre, more or less

CONCLUSION: The approval of this waiver request would result in increased ponding of stormwater which would have a negative impact to the properties to the south.

RECOMMENDATION:	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot "A", New Century Estates, located in the NE 1/4 of Section 33, Township 10 North, Range 6 East, Lancaster County, Nebraska

EXISTING ZONING: RT-Residential Transition

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Single family/two-family residential
South:	R-2 Residential	Single family/two-family residential
East:	R-2 Residential	Single family/two-family residential
West:	B-2 Neighborhood Business	Shopping Center

HISTORY:

August 8, 2006 Comments from Public Works and Utilities Department Engineering Services and Watershed Management were faxed to the consultant, ESP

July 13, 2006 Revised plans for Use Permit #04008 were submitted to the Planning Department.

May 18, 2006 A letter was sent from the Planning Department to ESP asking for revised plans with corrections per Planning Commission of Use Permit #04008 to be submitted.

October 12, 2005 The Lincoln-Lancaster County Planning Commission approved Use Permit #04008 with conditions.

October 29, 1993 New Century Estates final plat was approved by the Planning Director.

August 30, 1993 New Century Estates preliminary plat was adopted by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

UTILITIES: All utilities are available

TRAFFIC ANALYSIS: West "A" St. is a two lane asphalt rural cross section road and is classified as a minor arterial in the 2025 Comprehensive Plan. The 2030 Comprehensive Plan identifies West "A" St. from S.W. 40th St. to Coddington Ave. as a proposed project for 2 lanes + turn lanes. This project does not include the area of West "A" St. abutting the GEICO property.

ANALYSIS:

1. This application is a request for a waiver to design standards for stormwater. The proposed grading & drainage plan shows stormwater depths on the properties to the south will increase. Since this proposal will expand flooding on adjacent land an agreement or flowage easement must be obtained and submitted to Public Works and Utilities showing that each property owner is in agreement with the increased stormwater depths on their property.
2. The applicant has indicated that they have been unable to obtain an agreement from the abutting property owners. The requirement to obtain an agreement was addressed by Public Works & Utilities Watershed Management in their September 29, 2005 memo. (see attached)

3. The owner submitted a use permit to develop the outlot and the use permit was approved with conditions by the Planning Commission on October 12, 2005. The owner has been unable to meet the condition for stormwater runoff and thus is requesting this waiver.
4. The subject property was reserved for open space and recreation with New Century Estates preliminary plat. Resolution A-75657, approving New Century estates preliminary plat, states that Outlot A shall be permanently reserved as open space and "Open play Area" for this development and shall not be changed without full review by the City.
5. The outlot was never developed into a recreational area and has remained undeveloped. The original developer of New Century Estates is the current property owner of the outlot and is requesting the waiver.
6. Public Works and Utilities Department does not support this waiver. The approval of this waiver would result in increased ponding on adjacent properties to the south. The additional ponding will occur during rain events with a frequency of 5 years or greater with the greatest impact occurring from the 100 year storm event.

Prepared by:

Tom Cajka
Planner

DATE: December 6, 2006

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

OWNER: GEICO Development
2251 W. Pleasant Hill Rd.
Lincoln, NE 68523
(402) 430-6977

CONTACT: same as applicant



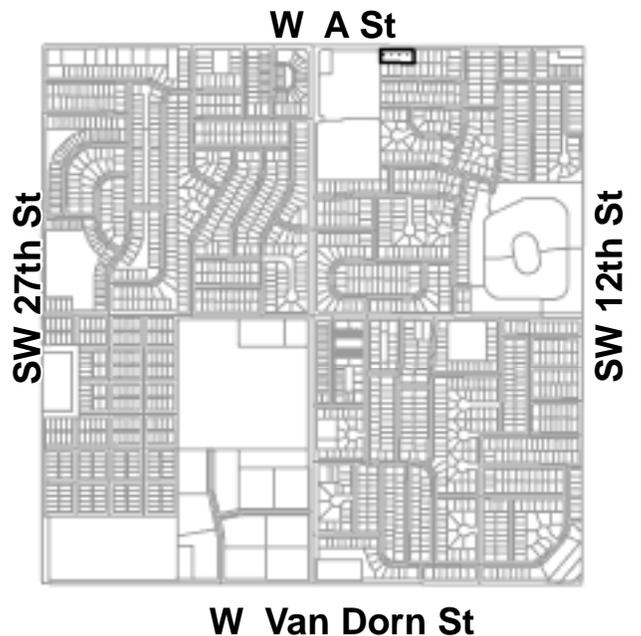
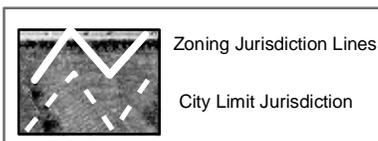
Waiver #06009
SW 17th & W A St

2005 aerial

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. 33 T10N R06E





CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG
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**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 12/1/2006

To: Tom Cajka

From: Devin Biesecker

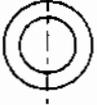
Subject: Geico Development Addition

cc: Chad Blahak, Ben Higgins, Nicole Fleck-Tooze

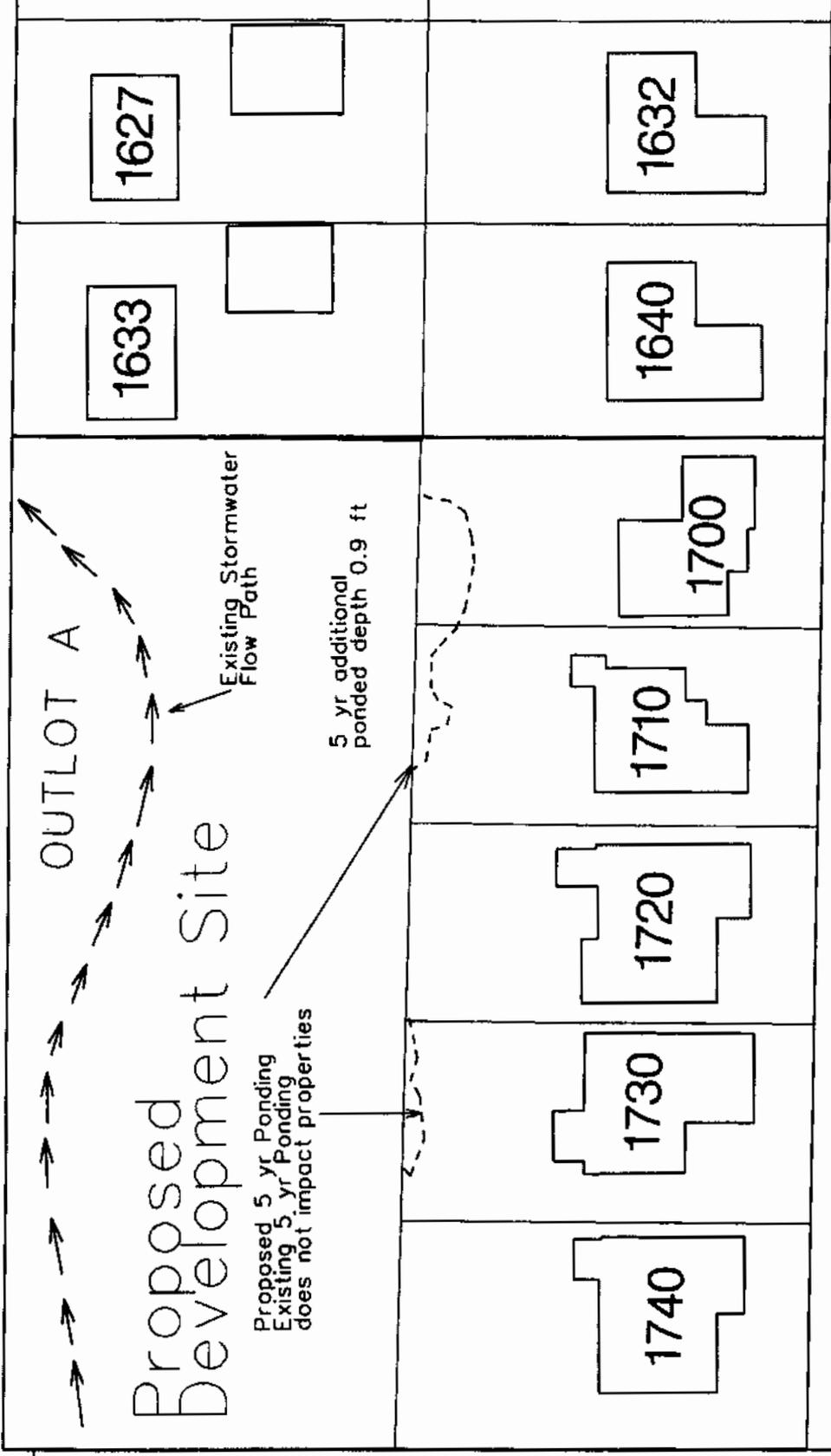
Below are Watershed Management's comments for the proposed Geico Development Addition.

Watershed Management does not support the request for a waiver of the stormwater design standards. The development as proposed results in increased ponding of stormwater which impacts adjacent properties to the south. Additional ponding will occur during rain events with a frequency of 5 years or greater with the greatest impact occurring from the 100 year storm event (see the attached drawing). Stormwater depths will increase on these properties approximately 0.9 feet for the 5 year thru the 100 year storm events. For reference the attached drawing also shows the existing 100 year ponding limits on the properties to the south. Note: Both the existing and proposed 100 year ponding limits were drawn from elevations submitted with the drainage study for this development.

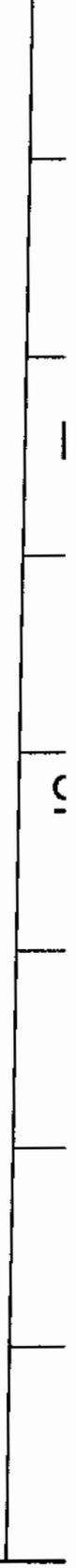
The previous Use Permit, 04008, was approved on October 12, 2005 with the condition that agreements be obtained from the affected property owners and it is our understanding that the property owners were unwilling to provide agreements.



West 'A' Street



W. Washington St.



Memorandum

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities

Subject: Geico Development Addition WRV #06009

Date: December 4, 2006

cc: Dennis Bartels

Engineering Services has reviewed the waiver of storm water requirements to the Geico Development Addition UP #04008, located south of West A Street at SW 17th Street, and has the following comments:

- 1 Public Works does not recommend approval of the requested waiver. The drainage report submitted by the developers engineer indicates that the proposed development will increase the 100yr storm elevation such that the existing properties to the south are significantly impacted.

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Memorandum

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Geico Development Addition UP #04008

Date: August 8, 2006

cc:

Engineering Services has reviewed the re-submitted plans for the Geico Development Addition UP #04008, located south of West A Street at SW 17th Street, and has the following comments:

- 1 Some of the proposed paving required to provide the left turn lane is labeled as future improvements. All paving required to provide the temporary turn lane needs to be shown as current improvements.
- 2 The Tech Memo from the Flatwater Group indicates a 100yr elevation of 1158.89'. It is shown on the grading plan that the window elevation of the house to the east of this plat is 1158.49'. A berm, referenced in the submittal letter, is proposed to protect the property to the east from the proposed 100yr storm elevation. However, it appears from the grading plan that the top of the berm is shown an elevation lower than the 100yr elevation. Also, it needs to be shown that the lot drainage for the existing property to the east will remain adequate once this berm is constructed. The existing lot drainage for the lot to the east is to the west into the existing storm sewer extention.



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**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 7/28/2006

To: Tom Cajka

From: Devin Biesecker

Subject: Geico Development

cc: Ben Higgins, Chad Blahak

Below are Watershed Management's comments for the Geico Development near West 'A' and Coddington.

1. The hydrologic study shows that stormwater impacts due to the overtopping of 'A' Street have been eliminated. It is also shown on the plans that structures on the south side of this property will not be impacted by stormwater. However, due to the grading for this proposed amendment stormwater depths on the properties to the south will increase. An agreement or flowage easement must be obtained and submitted to Public Works and Utilities showing that each property owner is in agreement with the increased stormwater depths on their property.
2. The plans show a basement window elevation for the house on the east side of this proposed development below the proposed 100 year water surface elevation. A berm is shown on the proposed plan that will prevent the 100 year water surface on the proposed development from reaching the window. Local drainage from the property to the east may be effected by the berm. A plan must be submitted which shows that local drainage from this property will not effected by any of the proposed grading on this site.

*From staff report
10-12-05*

Memorandum

To: Tom Cajka, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Geico Development Addition UP #04008

Date: September 28, 2005

cc:

Engineering Services has reviewed the re-submitted plans for the Geico Development Addition UP #04008, located south of West A Street at SW 17th Street, and has the following comments:

- 1 The site plan and grading plan need to be revised to show the required temporary turn lanes and associated grading in West A Street for the proposed entrance drive as stated in the Public Works memo dated December 29, 2004. This developer is responsible for the cost and construction of the turn lanes.
- 2 It is likely that the future grades for West A Street in this location will be raised to provide drainage for the future urban curb and gutter section. The existing section of West A Street frontage shown with 0% slope will not exist with curb and gutter. The site grading and proposed sidewalk needs to be revised to meet the future grades.
- 3 The Tech Memo from the Flatwater Group indicates a 100yr elevation of 1158.89'. It is shown on the grading plan that the window elevation of the house to the east of this plat is 1158.49'. Information needs to be provided showing that the existing house is protected from the 100yr flood. Also, it needs to be shown that the lot drainage for the existing property to the east is will remain adequate.
- 4 The rim elevation for proposed grate inlet near the southwest corner of the proposed building is shown to be 1155.5' which would require a less than 1154.5' flow line with the 12" pipe shown. The flow line of the storm sewer that this 12" pipe would drain to is shown to be 1154.4' which would indicate negative slope for the pipe. Revisions need to be made to the plans showing that the area to the south of the proposed building can be drained. There is existing LES facilities in the area that may need to be raised as a result.

From Staff Report
10-12-05



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**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 9/29/2005

To: Tom Cajka

From: Devin Biesecker

Subject: Geico Development

cc: Ben Higgins, Chad Blahak

Below are Watershed Management's comments for the Geico Development near West 'A' and Coddington.

1. The hydrologic study shows that stormwater impacts due to the overtopping of 'A' Street have been eliminated. It is also shown on the plans that structures on the south side of this property will not be impacted by stormwater. However, based on the City of Lincoln 2 foot contours, stormwater depths on these properties will increase. An agreement or flowage easement must be obtained and submitted to Public Works and Utilities showing that each property owner is in agreement with the increased stormwater depths on their property.
2. The plans show a basement window elevation for the house on the east side of this proposed development below the proposed 100 year water surface elevation. A plan must be submitted showing that this house is not impacted by a 100 year event. The plan must also show that local drainage from this property will not be effected by any of the proposed grading on this site.



LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

November 8, 2006

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: **GEICO DEVELOPMENT ADDITION
USE PERMIT #04008**

Dear Marvin,

On behalf of Geico Development, we are requesting the above mentioned Use Permit be presented to the Planning Commission and City Council with a waiver of the storm water requirements. The Use Permit was approved by the City Council with the condition to make corrections to the satisfaction of the Public Works and Utilities Department. We have been working on satisfying the conditions and believe it is requiring us to ask for a waiver.

The approximate existing residence locations to the south of the property have been shown on the Grading Plan along with the existing and proposed 100 year water surface elevations. The existing residence to the east of the property does show a basement window elevation lower than the 100 year water surface elevation. The window in question has a window well around it. The actual ground elevation is higher than the 100 year water surface elevation.

The temporary turn lane and additional temporary paving required to acquire a left turn lane in West 'A' Street has been called out to be installed by the developer. At the time West 'A' Street is improved, all the pavement will need to be removed and re-installed as per the street design of the City of Lincoln.

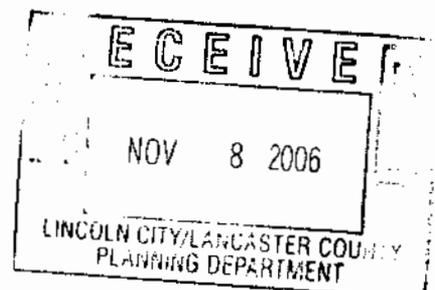
Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lyle L. Loth', is written over a printed name.

Lyle L. Loth

Cc: Larry Geiger- Geico Development
Enclosures: 5 Copies of Sheets 1 through 4 of 4





LYLE L. LOTH, P.E./L.S.

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

November 20, 2006

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: **GEICO DEVELOPMENT ADDITION
USE PERMIT #04008**

Dear Marvin,

On behalf of Geico Development, we are requesting the above mentioned Use Permit be presented to the Planning Commission and City Council with a waiver of the storm water requirements. The Use Permit was approved by the City Council with the condition to make corrections to the satisfaction of the Public Works and Utilities Department.

On November 8th, we submitted a letter referring to the other comments from the City departments and copies of the revised plans. Please refer to those plans with this application for a waiver.

Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads 'Marcia L. Kinning'.

Marcia L. Kinning

Cc: Larry Geiger- Geico Development
Peter Katt

Enclosures: Waiver Application
Application Fee of \$125.00
Legal Description

