

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 3, 2007 PLANNING COMMISSION MEETING

PROJECT #: Waiver of Design Standards # 06010

PROPOSAL: Waive lot to depth ratio associated with the Gushard and Omel Addition Final Plat # 06125.

LOCATION: S. 56th St and Rokeby Road.

LAND AREA: 14.64 acres, plus or minus

CONCLUSION: The waiver is acceptable provided the owners provide for a future street at the 1/4 mile point for future development and agree to relinquish access to S. 56th at that time.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 7 and 30 I.T. located in the NW 1/4 of Section 33-9-7, Lancaster County, Nebraska.

EXISTING ZONING: AGR Agriculture Residential.

EXISTING LAND USE: Two residences

SURROUNDING LAND USE AND ZONING:

North: acreages, zoned AGR

South: acreages, zoned AGR

East: acreages, zoned AGR

West: acreages, zoned AGR

HISTORY: Special Permit #05027, domestic employee, approved in July 2005. Zoned AGR in the 1979 zoning update. Lot 7 was created in August 1966 and Lot 30 was created in November 1980. (Lot 30 may currently be in violation of being an approved subdivision as the subdivision approval was required on 10 acre or less parcels in March 1980)

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown in the City's future service area, Tier 1, Priority C, Residential - Low Density.

UTILITIES: well and septic system.

TRAFFIC ANALYSIS: S. 56th is a paved county road.

PUBLIC SERVICE: County Sheriff, Norris Public Power, Norris School District , Southeast Rural Fire District (A Basic Life Support district with a station located at 7700 Pine Lake Rd.).

ANALYSIS:

1. Section 26.23.140 (a) of the Subdivision Ordinance states “Any other lot shall have a maximum depth of three times its width.”
2. The existing Omel parcel is approximately 308 feet wide and 1318 feet deep with one dwelling on the west end by 56th street. Mr. Omel has filed a Final Plat (# 06125) to split out the rear portion of the lot as a second lot so the existing house can be sold and a new house built in the rear. The abutting neighbor’s lot to the north has been added to this Plat to be able to provide minimum frontage and access for all the lots involved. Mr. Omel proposes to retain access at the existing location for both of his existing and his new house. This subdivision, if approved, will resolve the potential issue of Lot 30 not meeting the subdivision regulations at the time it was filed with the Register of Deeds.
3. The normal 1/4 mile access road to this section would be at the boundary of the two existing lots. The staff is requesting that a easement be provided for a future road at this location and that at the time the road is constructed Lots 1,2, and 3 relinquish access to South 56th Street and take access off the new road.
4. The existing Omel lot substantially exceeds the 3 to 1 ratio. If the land develops as proposed and conditioned, all the lots would meet the lot depth to width standards when the road is developed.
5. Utilizing a waiver appears to be the only way to split Mr. Omel’s lot at this time, prior to the dedication and construction of the east/west street.
6. This waiver should be approved only under the condition that the associated final plat include other related and appropriate provisions in that plat.

CONDITIONS:

This waiver is conditioned on the approval/recording of the final plat (Gushard and Omel Addition, Final Plat # 06125) for Lots 7 and 30 IT.

1. The final plat of these lots shall provide a 60' wide easement between Lots 7 and 30 and a 30' wide easement on Lot 30 for a future east/west road, to be centered along the north property line of Lot 30 and to provide a 20' setback from said future road easement.
2. A subdivision agreement for the plat containing language that the owners agree to contribute their share of the cost of the street and utilities in the east/west road prior to approval of any further subdivision.
3. The plat shall provide that at the time the abutting east/west road is constructed the lots shall relinquish access to South 56th Street and take access to the new road.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planner

DATE: December 12, 2006

APPLICANT: Ryan Omel
10400 S. 56th St
Lincoln, NE 68516
(402) 416-4948

OWNER: Ryan Omel
10400 S. 56th St
Lincoln, NE 68516

Daniel & Bambie L Gushard
10200 S. 56th St.
Lincoln, NE 68516

CONTACT: Ryan Omel
(402) 416 - 4948



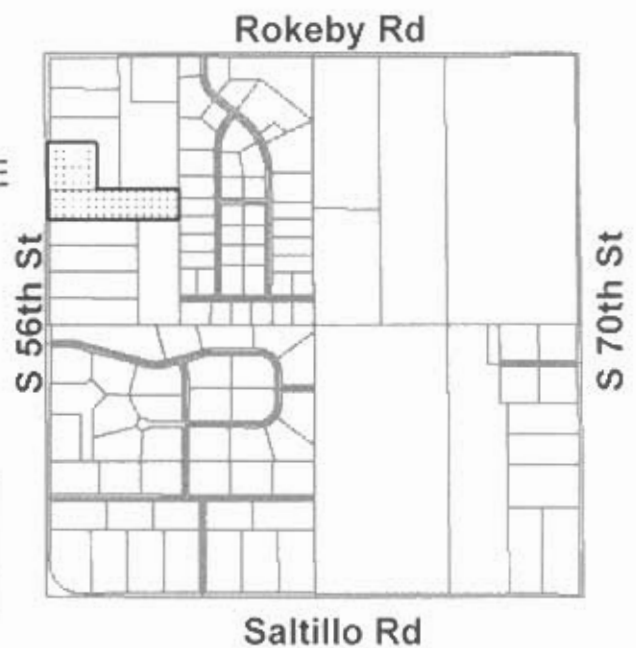
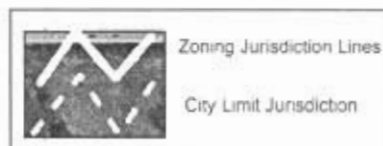
Waiver #06010
S 56th St & Rokeby Rd

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 T090N R07E



12/7/06

RE: 10400 S. 56th Street Application For Final Plat

I am requesting a waiver of the 3 to 1
lot depth to width requirement in the subdivision
Title 26 regulations.

Ryan J. Omal
12/7/06

Easement for future use will be given for
public use for possible quarter mile park - future
road.

**Waiver #06010
S 56th St & Rokeby Rd**

Job No. 35508
November, 2006

Sheet 1 of 1

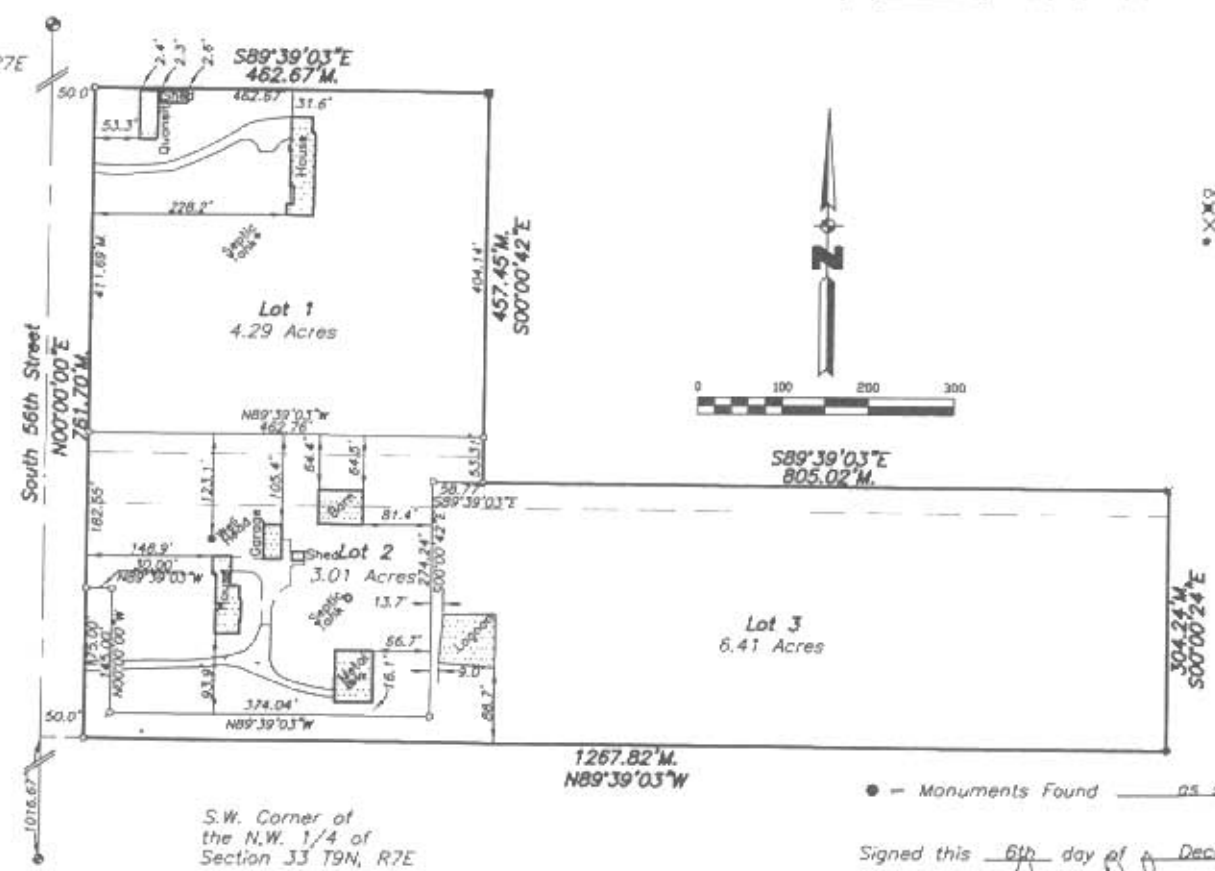
Official Survey Record

LANCASTER County, Nebraska Phone (402) 434-2686
ALLIED SURVEYING AND MAPPING, INC. Fax (402) 434-2687
6120 South 58th Street - Suite "A" - Lincoln, Nebraska 68516

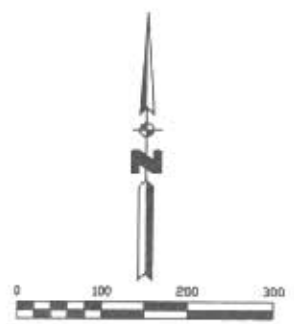
Survey a part of Lots 7 and 30 of Irregular Tracts located in the Northwest Quarter
of Section 33 T. 9 N., R. 7 East of the 6th P.M.

Waiver #06010
S 56th St & Rokeby Rd

N.W. Corner of
the N.W. 1/4 of
Section 33 T9N, R7E



- = Set 1"x24" Iron Pipe
- ✕ = Found 5/8" Rebar
- ✕ = Found 3/4" Rebar
- = Found 1" Iron Pipe



○ = Set as shown
SURVEYORS CERTIFICATE

S.W. Corner of
the N.W. 1/4 of
Section 33 T9N, R7E

● = Monuments Found as shown

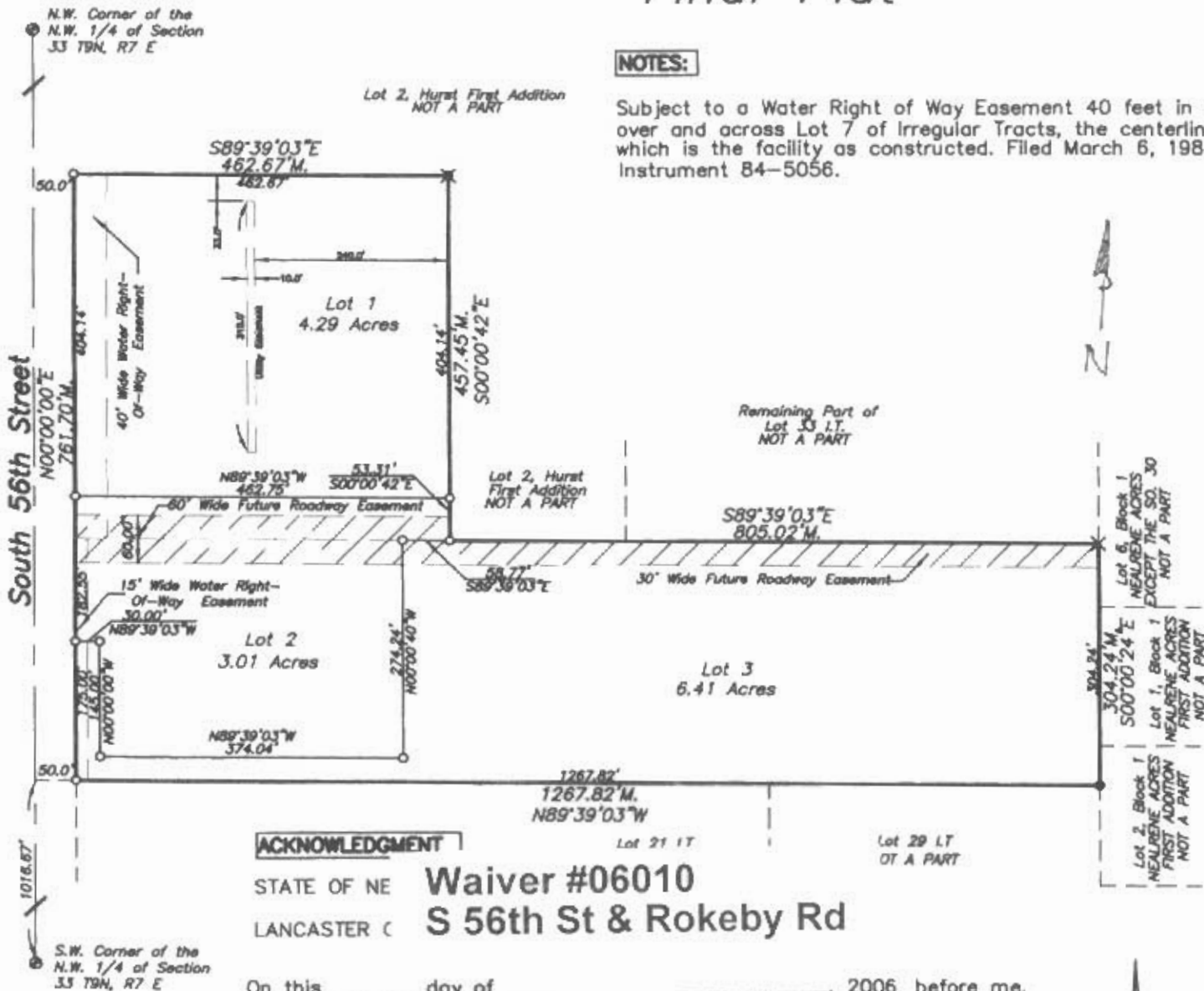
I hereby certify that I have accurately surveyed the property in the above plat. Iron ~~rebar~~ were set at points marked ○. All dimensions are in feet and decimals of a foot.

Signed this 6th day of December, 2006
NAME Dennis D. Simonds
DENNIS D. SIMONDS
Surveyor's License # 343 (SEAL)
Nebraska L.S.



"GUSHARD AND OMEL ADDITION"

Final Plat



NOTES:

Subject to a Water Right of Way Easement 40 feet in width over and across Lot 7 of Irregular Tracts, the centerline of which is the facility as constructed. Filed March 6, 1984 as Instrument 84-5056.

ACKNOWLEDGMENT

STATE OF NE **Waiver #06010**
 LANCASTER C **S 56th St & Rokeby Rd**

On this _____ day of _____, 2006, before me, the undersigned, a notary public, duly commissioned, qualified for and

LIEN HOLDER CONSENT AND SUBORDINATION

The undersigned, holder of that certain plat to be known as "GUSHARD AND OMEL ADDITION" recorded in the Office of the Register of Deeds, Instrument No.s 2004-70596 and 2004-70597, do hereby consent to the dedication of and subordination of any and all electric, cable TV, telephone, natural gas, water, sewer, and access easements, and access easements to the public, all as shown on the Plat. The undersigned confirms that it is the Liens to any other person.

James L. Hazard, Attorney at Law
 Trustee

ACKNOWLEDGMENT:

STATE OF NEBRASKA }
 LANCASTER COUNTY } SS

The foregoing instrument was acknowledged by _____, 2006.

_____ on _____

 Notary Public

My commission expires the _____

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INTER-DEPARTMENT COMMUNICATION

CITY OF LINCOLN
PARKS & RECREATION DEPARTMENT

DATE: December 11, 2006
TO: Mike Dekalb
SECTION: Planning
FROM: Steve Nosal
SUBJECT: Gushard and Omel Addition FPPL06125 & WVR06010

The Lincoln Parks and Recreation staff have reviewed the above and have the following comments to make.

1. Pursuant to section 26.27.090 of the Land Subdivision Code, the requirements for street trees may be waived for lots in excess of one acre and located outside of the corporate limits. It is recommended that the requirements for street trees for this plat be waived at this time.

M e m o r a n d u m

To: Mike DeKalb, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Gushard and Omel Addition Final Plat #06125 and Waiver #06010
Date: December 13, 2006
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Gushard and Omel Addition Final Plat #06125 and Waiver #06010 located 1/4 mile south of Rokeby Road on the east side of South 56th Street to subdivide Lots 7 and 30 to create 3 lots for this rural subdivision. Public Works has the following comments:

- Public Works has no comments on the requested waiver of the 3 to 1 lot depth to width ratio.
- Dedicate right-of-way to 60' along 56th Street adjacent to this plat.
- The proposed future 60' wide roadway easement shown does nothing to provide funding for building the street. A portion of this potential cost should be the responsibility of this development. Engineering Services recommends that this development be required to fund its fair share of this cost if an adjoining subdivision wants or needs the street built.
- The proposed access to Lots 2 and 3 should be combined into one common access point to both lots. Access to 56th Street should be relinquished except at that common access point and the existing access to Lot 1. When a street is built in the roadway easement as shown, the access to Lots 2 and 3 from 56th Street should be required to relinquish access and the new access taken to the new local street.
- Survey Markers - A \$450 bond should be required to guarantee the placement of the permanent survey markers within this addition as required in the Surveyor's Certificate where temporary markers have been placed. OR Provided the Surveyor's Certificate is signed and sealed that the permanent survey markers have been found or set on all boundary corners, street intersections, block corners, points of tangency and curvature and all lot corners have been placed, a Staking Bond will not be required.