

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 03002, Pioneer Business Park Addition**, requested by Robert D. Hampton, for 25 industrial lots, with associated waiver requests, on approximately 38.59 acres, generally located at South 8th Street and Pioneers Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/28/03 and 06/11/03
Administrative Action: 06/11/03

STAFF RECOMMENDATION: Conditional approval, except denial of the request to waive stormwater detention, the sidewalk on the north side of Pioneers Blvd., the pedestrian easement and the block length waiver for Block 2.

RECOMMENDATION: Conditional Approval, with amendments (5-3: Larson, Carlson, Bills-Strand, Duvall and Schwinn voting 'yes'; Steward, Krieser and Taylor voting 'no').

FINDINGS OF FACT:

1. This preliminary plat would create 25 industrial lots on 38.59 acres, more or less, generally located at South 8th Street and Pioneers Blvd. The applicant is requesting the following waivers:
 1. Storm water detention
 2. Improvements to Calvert St. west of 6th St. including paving, turnaround, sidewalk and street trees.
 3. Sidewalk on the north side of Pioneers Blvd.
 4. Sanitary sewer to flow opposite street grades.
 5. To allow a temporary sanitary sewer lift station.
 6. Block length.
 7. Pedestrian easement
 8. Improvement of Pioneers Blvd. to urban standards.
2. The original staff recommendation of conditional approval, (except to deny the waiver of stormwater detention, sidewalk on the north side of Pioneers Blvd., block length for Block 2 and the pedestrian easement) was based upon the "Analysis" as set forth on p.8-9, concluding that, with revisions, the preliminary plat conforms to the Land Subdivision Ordinance.
3. This application had public hearing on May 28 and June 11, 2003. The applicant's testimony is found on p.14-16, including requests to amend the conditions of approval: Delete Condition #1.1.1 (street extension from South 6th to the east boundary); delete Condition #1.1.3 (sidewalk along north side of Pioneers Blvd.) and add "sidewalk" to Condition #1.1.21; delete the first sentence of Condition #1.1.4; delete Condition #1.1.8 (detention pond); and delete Condition #1.1.15 (conservation easement).
4. Testimony in opposition on behalf of the Friends of Wilderness Park is found on p.16-17, and the record consists of two letters from representatives of the Friends of Wilderness Park in opposition to development in the floodplain (p.33-36).
5. The Planning Commission discussion with staff is found on p.17-19. The applicant's response to the opposition and the discussion with staff is found on p.19. Planning Commission was told, regarding the floodplain issue, that they were obligated to approve the plat if the applicant was meeting all the current regulations.
6. On June 11, 2003, the Planning Commission voted 5-3 to recommend conditional approval, as set forth in the staff report dated May 28, 2003, with the following amendments: Deleting Conditions #1.1.1, #1.1.3, #1.1.5 and #1.1.8; deleting the first sentence of Condition #1.1.4; and deleting "repaving and curb and gutter" and adding "sidewalk" in Condition #1.1.21 (Commissioners Steward, Krieser and Taylor dissenting). See Minutes, p.20, and See conditions of approval, p.2-5.
7. On June 17, 2003, a letter reflecting the action of the Planning Commission and the amended conditions of approval was mailed to the applicant (p.2-5).
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied. Planning and Public Works staff are satisfied with the conditions of approval, as amended by the Planning Commission.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 2, 2003

REVIEWED BY: _____

DATE: September 2, 2003

REFERENCE NUMBER: FS\CC\2003\PP.03002 Pioneer Bus Park

June 17, 2003

Engineering Design Associates
Robert Dean
2200 Fletcher Ave. Suite 102
Lincoln, NE 68521

Re: Preliminary Plat No. 3002
PIONEER BUSINESS PARK ADDITION

Dear Mr. Dean:

At its regular meeting on Wednesday, **June 11, 2003**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary plat, **Pioneer Business Park Addition**, located in the general vicinity of **S. 6th St. and Calvert St.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 ~~A street extending from S. 6th Street to the east boundary of the plat between lots 4 & 5 or lots 5 & 6 and a profile of the street 300' beyond the limits of the subdivision. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - 1.1.2 Revise the grading and drainage plan to the satisfaction of Public Works and Utilities Department.
 - 1.1.3 ~~Revise Note 19 to include sidewalk to be constructed on the north side of Pioneers Blvd. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - 1.1.4 ~~Revise Note 25 to delete the waiver request for sidewalk for Pioneers Blvd., storm water detention and block length. Add a waiver request for sidewalk and street trees on Calvert St. west of S. 6th Street. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~

- ~~1.1.5~~ ~~Add a note to the General Site Notes stating that a Conservation Easement will be placed over the entire area located within the flood way. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
- 1.1.6 Revise the Site Plan and Landscape Plan to show the tree mass remaining in the flood way.
- 1.1.7 Revise the Landscape Plan to show the flood way.
- ~~1.1.8~~ ~~Provide a detention pond on Lot 10, Block 2. (**Per Planning Commission, 6/11/03**)~~
- 1.1.9 The grading surrounding the Lincoln Electric System poles must be approved by Lincoln Electric System.
- 1.1.10 Correct typing/spelling errors.
- 1.1.11 Add a note stating that the developer does not object to any future valid and legal assessments for ~~repaving and curb & gutter~~ sidewalks in Pioneers Blvd. (****Per Planning Commission, at the request of the applicant, 6/11/03****)

2. The City Council approves associated request:

- 2.1 An exception to the design standards to permit sanitary sewer to flow opposite street grades and for the temporary use of a sanitary sewer lift station.
- 2.2 A 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.
- 2.3 A modification to the requirements of the land subdivision ordinance to waive paving, curb & gutter, and sidewalks in Pioneers Blvd. (**** Per Planning Commission, at the request of the applicant, 6/11/03****)
- 2.4 A modification to the land subdivision ordinance to waive block length and pedestrian easement for S. 6th Street. (****Per Planning Commission, at the request of the applicant, 6/11/03****)
- 2.5 A modification to the land subdivision ordinance to waive stormwater detention. (**** Per Planning Commission, at the request of the applicant, 6/11/03****)

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainageway improvements, street lights, street trees, and street name signs.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To continuously and regularly maintain the street trees.
 - 3.2.3 To submit to the lot buyers a copy of the soil analysis.
 - 3.2.4 To pay all improvement costs.
 - 3.2.5 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - 3.2.6 To inform all purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Pioneer Business Park Addition Preliminary Plat #03002 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.
 - 3.2.7 To protect the trees that are indicated to remain during construction and development.
 - 3.2.8 To relinquish the right of direct vehicular access to Pioneers Blvd.
 - 3.2.9 To maintain the private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - 3.2.10 To not object to any future valid and legal assessments for repaving and curb & gutter in Pioneers Blvd.

3.3 Calvert St. west of S. 6th St. is vacated.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2003 PLANNING COMMISSION MEETING

REVISED REPORT

****As Revised by Planning Commission: 6/11/03****

P.A.S.: Pioneer Business Park Addition Preliminary Plat No.03002

PROPOSAL: To plat 25 industrial lots on approximately 38.59 acres.

LOCATION: So. 8th Street and Pioneers Blvd.

WAIVER REQUEST:

1. Storm water detention
2. Improvements to Calvert St. west of 6th St. including paving, turnaround, sidewalk and street trees.
3. Sidewalk on the north side of Pioneers Blvd.
4. Sanitary sewer to flow opposite street grades.
5. To allow a temporary sanitary sewer lift station.
6. Block length.
7. Pedestrian easement
8. Improvement of Pioneers Blvd. to urban standards.

LAND AREA: 38.59 acres, more or less

CONCLUSION: With revisions, the preliminary plat conforms to the Land Subdivision Ordinance.

RECOMMENDATION:

Conditional Approval

Waivers: Storm water detention	Denial <u>Conditional Approval</u> (see Condition #1.1.2)
Improvements to Calvert St. west of 6 th St. including paving, turnaround, sidewalk and street trees.	Approval
Sidewalk on the north side of Pioneers Blvd.	Denial <u>Approval</u>
Sanitary sewer to flow opposite street grades.	Approval
To allow a temporary sanitary sewer lift station.	Approval
Block length for Block 2	Denial <u>Approval</u>
Pedestrian easement	Denial <u>Approval</u>
Improvement of Pioneers Blvd. to urban standards	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 54 & 94 I.T. and Outlot A, Sutherland Park 1st Addition, located in the SW 1/4 of Section 2, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	I-1 Industrial	Industrial Park
South:	AG Agriculture P Public	Single family house Undeveloped State of Nebraska property
East:	I-1 Industrial P Public	Industrial Park Undeveloped State of Nebraska property
West:	AG Agriculture P Public	B.N.R.R. railroad tracks Wilderness Park

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area as industrial. (F 23)

The Plan foresees the demand for nearly 2,400 acres of additional industrial property over the planning period. (F 37)

Guiding principles for the urban environment includes;

Maximizing the community’s present infrastructure investment by planning for development in areas with available capacity. This can be accomplished in many ways, including encouraging appropriate new development in unused land in older neighborhoods. (F 17)

The Mayor’s Floodplain Task Force is currently developing policy standards for floodplains that consider the natural functions played by these areas. Once the Task Force concludes its work, their policy recommendations should be considered for incorporation into the Comprehensive Plan. (F-63)

The Mayor’s Floodplain Task Force is charged with recommending revisions to the existing floodplain standards.

These revisions should address the natural functions of floodplains and reduction of future flooding hazards in

Lincoln and Lancaster County, while being sensitive to business, environmental and neighborhood interests. Such

changes should also recognize the need to sustain long-term economic development opportunities.

The Task Force is

expected to complete their work by the summer of 2002.

There is an opportunity to reduce the risk of flood damages to life and property and to preserve the important functions

of floodplains by designating areas for future urban development outside of floodplain and floodway areas.

This would preserve the important natural and beneficial functions of floodplains, including flood storage and conveyance properties. Designating areas for development outside of floodplains and floodways would have the additional benefit of reducing the extension of public infrastructure to develop flood prone areas where future flood damages may occur. (F-78)

HISTORY:

Date when preliminary plat was submitted:	February 18, 2003
Date when Planning Director's letter was sent:	March 20, 2003
Date when revised preliminary plat was submitted:	April 25, 2003

- October 18, 2000** Planning Commission approved Sutherland Park 1st Addition final plat.
- November 22, 1995** Planning Commission approved Sutherland Park final plat.
- August 7, 1995** City Council approved Sutherland Park preliminary plat.
- February 1984** City Council approved a change of zone from AG, Agriculture to I-1, Industrial.

Changed from AA, Rural and Public Use District to AG, Agriculture District in the 1979 zoning update.

UTILITIES: The site plan shows this area to be served with 12" water mains and 8" sanitary sewer mains. The sanitary sewer will flow to a lift station located at Calvert Street and S. 6th Street.

TOPOGRAPHY: The area of the preliminary plat slopes in two directions. The northern one third slopes to the northeast. The southern portion slopes to the southwest.

TRAFFIC ANALYSIS: Pioneers Blvd. is classified as a minor arterial. It is a two lane rural cross section road. All other streets within and adjacent to the plat are local streets.

PUBLIC SERVICE: The nearest fire station is located at S. 17th St. & Van Dorn St.

ENVIRONMENTAL CONCERNS: The majority of the plat is located within the 100 year flood plain. The area adjacent to Pioneers Blvd. is in the flood way.

AESTHETIC CONSIDERATIONS: The proposed development is adjacent to Wilderness Park.

ANALYSIS:

1. This is a request to preliminary plat 25 lots. The zoning is I-1, Industrial.
2. The southern portions of Lots 12 & 13, Block 1 are located in the flood way. A conservation easement should be placed over the entire area located in the flood way.

3. The applicant is proposing to bring in approximately 260,000 cubic yards of compacted clay fill to raise the majority of the site above the 100 year flood plain elevation. No fill is proposed within the flood way.
4. A waiver to storm water detention is requested. Public Works Department does not support the waiver until issues with the 100 year flow path have been resolved.
5. A waiver of improvements to Calvert Street west of S. 6th St. is requested. This portion of Calvert St. is dedicated but has never been built. If built, Calvert St. would end at the railroad tracks and would not serve any lots. Planning and Public Works Department do not object to this waiver provided this portion of Calvert St. is vacated prior to the approval of any final plats.
6. A waiver to a sidewalk on the north side of Pioneers Blvd is requested. Applicant states that Pioneers Blvd. is a rural section roadway and does not provide a feasible location for placement of sidewalk. The Subdivision Ordinance requires abutting streets be paved with curbs and gutters. This would include grading the right-of-way and filling in the roadside ditch, which would provide a place for the sidewalk. There is 66' of right-of-way north of the center line of Pioneers Blvd. It appears that there is sufficient space for the sidewalk. Public Works and Utilities Department does not support the waiver.
7. Applicant states that sidewalks along arterial streets are to be covered by impact fees. Sidewalks are the responsibility of the developer and are required along all streets by Subdivision Ordinance. Sutherland Park, adjacent to this plat to the east, required sidewalk along Pioneers Blvd.
8. A waiver to allow a temporary sanitary sewer lift station and internal sewer lines to flow opposite street grades is requested. This waiver is acceptable based on the fact that the existing sanitary sewer to the east is not of adequate depth. The proposed lift station is temporary and will be removed when the new trunk sewer is built.
9. Applicant has requested a waiver to block length and pedestrian easement for Blocks 1 & 2. Public Works and Utilities Department does not support the waiver for Block 2. Block 1 as it borders the BNSF right-of-way does not require a waiver. Section 26.23.130 (a) states; "Block lengths shall not exceed 1,320 feet between cross-streets except where a major street, other man-made barrier, lake, or other natural barrier forms one boundary of a block."
10. A street should be shown from S. 6th St east to the boundary of the plat. This street would create access for future development to the east. The waiver to the 1,325' block length was not justified by the applicant and should not be granted.
11. Applicant has requested a waiver to improving Pioneers Blvd. to urban standards. Pioneers Blvd. is built to county road standards in this area. The preliminary plat for Sutherland Park, adjacent this area, was granted a waiver to curb & gutter and paving along Pioneers Blvd. with the requirement that the developer would not object to a future assessment district.
12. A floodplain fill permit was submitted and approved. The fill meets current requirements but not the recommendation of the Mayor's Floodplain Task Force for compensatory storage and no net rise in flood elevation as a result of the fill. The Mayor's Floodplain Task Force report has not been adopted to date.

CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 ~~A street extending from S. 6th Street to the east boundary of the plat between lots 4 & 5 or lots 5 & 6 and a profile of the street 300' beyond the limits of the subdivision. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - 1.1.2 Revise the grading and drainage plan to the satisfaction of Public Works and Utilities Department.
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 - 1.1.5 ~~Add a note to the General Site Notes stating that a Conservation Easement will be placed over the entire area located within the flood way. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - 1.1.6 Revise the Site Plan and Landscape Plan to show the tree mass remaining in the flood way.
 - 1.1.7 Revise the Landscape Plan to show the flood way.
 - 1.1.8 ~~Provide a detention pond on Lot 10, Block 2. (**Per Planning Commission, 6/11/03**)~~
 - 1.1.9 The grading surrounding the Lincoln Electric System poles must be approved by Lincoln Electric System.
 - 1.1.10 Correct typing/spelling errors.

1.1.11 Add a note stating that the developer does not object to any future valid and legal assessments for ~~repaving and curb & gutter~~ sidewalks in Pioneers Blvd. (**Per Planning Commission, at the request of the applicant, 6/11/03**)

2. The City Council approves associated request:

2.1 An exception to the design standards to permit sanitary sewer to flow opposite street grades and for the temporary use of a sanitary sewer lift station.

2.2 A 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.

2.3 A modification to the requirements of the land subdivision ordinance to waive paving, curb & gutter, and sidewalks in Pioneers Blvd. (** Per Planning Commission, at the request of the applicant, 6/11/03**)

2.4 A modification to the land subdivision ordinance to waive block length and pedestrian easement for S. 6th Street. (**Per Planning Commission, at the request of the applicant, 6/11/03**)

2.5 A modification to the land subdivision ordinance to waive stormwater detention. (** Per Planning Commission, at the request of the applicant, 6/11/03**)

General:

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3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

3.2.2 To continuously and regularly maintain the street trees.

3.2.3 To submit to the lot buyers a copy of the soil analysis.

3.2.4 To pay all improvement costs.

- 3.2.5 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.6 To inform all purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Pioneer Business Park Addition Preliminary Plat #03002 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.
- 3.2.7 To protect the trees that are indicated to remain during construction and development.
- 3.2.8 To relinquish the right of direct vehicular access to Pioneers Blvd.
- 3.2.9 To maintain the private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.10 To not object to any future valid and legal assessments for repaving and curb & gutter in Pioneers Blvd.

3.3 Calvert St. west of S. 6th St. is vacated.

Prepared by:

Tom Cajka
Planner

DATE: May 28, 2003

APPLICANT: Robert D. Hampton
Pioneer Business Park
3600 Village Dr. Suite 140
Lincoln, NE 68516
(402) 434-5650

OWNER: same as applicant

CONTACT: Robert L. Dean
Engineering Design Associates
2200 Fletcher Ave. Suite 102
Lincoln, NE 68521
(402) 438-4014

**PRELIMINARY PLAT NO. 03002,
PIONEER BUSINESS PARK ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 28, 2003

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

Staff recommendation: Deferral.

Ex Parte Communications: None.

Proponents

1. Rick Onnen, of Engineering Design Consultants, appeared on behalf of the applicant. There is an additional waiver that was not included with the last submittal. Therefore, in order for the waiver to be properly advertised, he requested a two-week deferral.

Duvall moved to defer two weeks, with continued public hearing and administrative action scheduled for June 11, 2003, seconded by Carlson and carried 6-0: Larson, Bills-Strand, Duvall, Carlson, Taylor and Steward voting 'yes'; Krieser and Schwinn absent.

There was no other testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 11, 2003

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

Staff recommendation: Conditional Approval.

Ex Parte Communications: None

Proponents

1. Mark Hunzeker appeared on behalf of the developer and submitted proposed amendments to the conditions of approval. This property is west of Hwy 2, north of Pioneers Blvd. and south of Calvert Street, just west of the old Sutherlands property which has been redeveloped and resubdivided.

There were a couple of different alternatives examined as the owners were deciding how to develop. The property is currently zoned industrial and one of the alternatives would have been to avoid some of the subdivision ordinance standards by taking access on the interior and providing a cul-de-sac rather than going on up to Calvert, etc., all of which would have met the design standards and avoided some of the concerns with the block length. The city has requested the extension to Calvert to provide accessibility and that was added to this project.

Hunzeker pointed out that they could have also easily carved off 10-12-15 acres at the south end of the property and taken access directly to Pioneers Blvd. to serve a single lot, which they also chose not to do because the city did not want an access to Pioneers Blvd.

Hunzeker requested to delete Condition #1.1.1, which requires that a street be extended from So. 6th to the east boundary of this plat. Hunzeker demonstrated how that would require a street to be extended into a parcel owned by the State of Nebraska. The way South 8th is aligned, extending a street would make for a very awkward and odd-shaped lot, and even if extended out to another location, it would still be a lot that would be of marginal utility in terms of dimension and shape. There is no telling when or if the State of Nebraska may give up this parcel for private use and, frankly, the need to go from So. 6th east in this vicinity is very hard to describe. Hunzeker suggested that the standards that limit block length are for the purpose of providing ease of access and circulation in residential areas. He believes that in this case Condition #1.1.1 should be deleted because of the many alternatives they would have to not build this street and to accommodate the other more desirable features of having circulation up to Calvert.

Hunzeker also requested to delete Condition #1.1.3 because it is a requirement to include sidewalk along the north side of Pioneers Blvd. abutting this tract. Hunzeker suggested adding "sidewalk" to Condition #1.1.21. The developer would not object to any future valid and legal assessments for repaving, curb and gutter and sidewalk. This could then be done by district rather than putting a sidewalk in that leads from nowhere to nowhere. Hunzeker does not believe that the county's plans for improving a bridge over the creek to the west includes pedestrian access across the bridge.

Hunzeker then requested to delete the first sentence from Condition #1.1.4, or if the waiver of stormwater detention is not granted, delete "sidewalk for Pioneers Boulevard and block length" so that that condition refers only to stormwater detention.

Hunzeker requested to delete Condition #1.1.5, which requires a conservation easement. They do not want to permanently impair a piece of property's use in the event that things do change. This requires a note to be added that states that a conservation easement be placed over the entire area located within the floodway. Hunzeker acknowledged that the floodway is completely off limits for development; however, the county is about to do some improvements to the bridge and we presume that when they improve the bridge, they will likely be taking into account the 100-year storm and improving the flow of water under that bridge. To the extent that someday when those improvements are made and that floodway is re-studied and it reduces the size of the floodway, it may be possible that some of this property could be usable. This developer is requesting that they not be required to permanently take this out of any possible use by granting a conservation easement. It cannot be used under current regulations anyway. If the floodway changes, it might be possible to get some use out of the property.

Hunzeker also pointed out that the detention issue was not created by this development.

2. Rick Onnen, of Engineering Design Consultants, discussed the detention issues. Right now, what is shown as Lot 10 of Block 2 exists as a detention cell constructed for the Sutherland Park 1st Addition. At the time that property was platted, there was discussion about the need for detention being close to Beal Slough and Salt Creek. That cell was constructed because there was property downstream that was developable. We are coming back now as a property owner downstream and requesting to abandon that cell. We are proposing to convert that to a lot and pipe the water directly down to discharge it into Beal Slough. Because there is a time factor that goes into how this water flows is the reason to eliminate this detention cell. The main peak flow that would be coming down

Beal Slough will be a few hours away from the peak of this local property. If we can take the surface runoff from this parcel and get it into the creek quickly, we can lessen the peak as it comes downstream.

The second issue is the detention for the property now being platted. The same reasoning applies for not wanting detention on this property. We are close to the channel and we would rather have that water in the creek and downstream. Onnen thought that Public Works was in favor, but there was a problem with how we dealt with the flows and how they move over land. We have tried to address those issues and there is a difference of opinion with Public Works. Onnen believes that they can effectively move that water out without having any major impact, particularly on the property and any buildings because the buildings will be elevated above the floodplain. In a large storm event, these streets would be inundated anyway, and a large local event may create some pooling at the intersections that would drain off.

Onnen further clarified that a detention cell is not shown for this development. The cell that exists is what is now shown as Lot 10. The pipes are sized for a 10-year event and would probably take something considerably more than that. The swale takes it to the railroad property which is the existing flow pattern. Right now the discharge from that detention cell is in the northwest corner of the outlot. There is a tree-lined ditch that angles across the property. This is floodplain area so it is kind of "table-top flat" so it is hard to tell which way the water is flowing. The developer is proposing to pipe the water down along the eastern property line and back to the channel. Most of the water coming from the east will be diverted away from the railroad right-of-way. The 10-year system is intended to move the water to the south.

Opposition

1. Tim Knott, spoke on his own behalf in opposition, although he is a member of the Friends of Wilderness Park. His comments are of a general nature. He believes the data sheet provided mentions that the Floodplain Task Force is working to develop new standards for the city and he thinks this is a good opportunity to point out that it is a bad idea to be developing in the floodplains. 260,000 cubic yards of dirt will be placed in the floodplain, which reduces the flood absorbing capacity and is counter to Wilderness Park being created to prevent excess runoff and prevent 100-year floods. He acknowledged that the property is zoned industrial and that the owner has the right to develop, but he believes there needs to be a much better floodplain management system and regulations to deal with development in the floodplain.

2. Mary Roseberry-Brown, 1423 F Street, President of **Friends of Wilderness Park**, testified in opposition. She explained the concerns and asked for deferral of this proposal. The property is very close to the park. The southern portion of the park drains into Beal Slough just before it enters the park. The southern 28 acres of this property are recommended for inclusion into Wilderness Park in the Wilderness Park Subarea Plan, which is part of the current Comprehensive Plan. Stormwater draining off the developed property may contribute to serious stream bank erosion for Beal Slough. She showed photos of debris that washed from Beal Slough into the park. Anything else adding to that velocity will cause more erosion. The applicant has not demonstrated that post-development flows from the 48-inch sewer will meet the city standards. She urged the Commission to require evidence of safe velocities from the pipe for the two, ten and 50-year storm frequencies before final plat approval is granted. She also urged that the land rights for bank stabilization of Beal Slough be given to an appropriate agency such as the NRD, and that this be on file with the Register of Deeds prior to final

platting. She urged that detention be required. This detention pond was built to drain water off of the neighboring Sutherland Park Addition. There is no developable property downstream—it is the park. She also urged that the conservation easement as proposed by staff be required and that the easement specifically state that the floodway be maintained in its natural state similar to the adjacent Wilderness Park, prohibit current tree removal except for what is necessary for storm sewer construction, and that pavement be prohibited. The Friends of Wilderness Park would also suggest that the floodplain property adjoining or very near to a public park be considered for public purchase or a conservation easement. They should not be filled in and developed.

Staff questions

Carlson asked staff to discuss Condition #1.1.21. Tom Cajka of Planning staff advised that the subdivision ordinance requires the developer to improve the streets abutting the plat. In this case, they want to wait and do it as an assessment district. Carlson does not have a problem with the timing issue, but he wonders whether waiting relieves the developer of their financial obligation to contribute. Dennis Bartels of Public Works stated that Pioneers Blvd. is an arterial street at this point and there is debate about an interchange at the West Bypass and Pioneers Blvd. Eventually, rather than by assessment district, he would envision Pioneers Blvd. being paved as an arterial type street. He assumes the developer will pay impact fees as they develop this property. Ray Hill of Planning staff added that, as long as the impact fee ordinance is kept intact, the developer would be required to pay impact fees and Pioneers Blvd. would be improved.

Upon further discussion, with regard to the sidewalk issue, Ray Hill advised that the City Council has the authority to order in sidewalks, so if it became a situation where it was felt there was a need, the City Council could order the sidewalk constructed and it would be assessed to the abutting property owners.

Carlson then discussed the conservation easement. Tom Cajka indicated that after further discussion, the staff would probably agree with the applicant to delete the conservation easement because they cannot build in the floodway anyway. He does not believe the city has the basis to ask for that conservation easement based upon the requirements of the subdivision ordinance.

In further discussion about the conservation easement, Rick Peo, City Law Department, stated that some of the conditions might be beneficial but they are beyond the scope and authority of the Planning Commission and the regulations on preliminary plat approval. If the proposal meets the subdivision ordinance standards, then it is the obligation of the Planning Commission to approve the preliminary plat. It is not like a use permit or special permit that can be addressed by conditions. He does not believe the easement could be required.

But, Steward wanted to know how this response meshes with the fact that the city has a study of best practices that may lead to other regulations. Peo agreed that if that happens, future development might have a different standard than the development occurring today or yesterday. That's the nature of progress. But, we cannot hold this developer hostage hoping for or wondering about the future standards. We have to evaluate it on the regulations in place today.

Steward inquired whether this property being adjacent to an area of high public interest and high public use, makes it any different than a property that would be a mile away if there is suspected impact. Peo opined that this property would have to be treated the same as the property one mile away. If there is

a need for protection, the public must come forward and purchase easements or acquire ownership of the land to accomplish that protection. The city cannot impose that particular burden on a particular property owner.

Carlson asked staff to respond to the fill and detention issue. Ben Higgins of Public Works stated that their main concern is Lot 10 where the detention area is now. Public Works is uncomfortable because somewhere you have to have a 100-year flow path. You might have low and high points but he is uncomfortable with that. He believes it can be resolved but we're just not there yet. Water is going to be sitting somewhere. There is detention at Lot 10 now and he believes it is more to take care of the over-land flow path. Dennis Bartels added that the detention pond being discussed was built as a requirement of the Sutherland Park subdivision and it was not sized to handle the runoff from this new development other than the fact that they are adding the outlot where the detention cell was located to this plat. Public Works is not asking for detention meeting the 100-year detention as a requirement, but we were debating whether or not to eliminate the detention in Sutherland Business Park. There is also a design standard requirement that the 100-year flood path stays in the rights-of-way. We are asking EDC to provide the location of that 100-year flood path to make sure that it does not flood private property. If that part can be satisfied, Bartels believes that Public Works would be willing to waive the detention pond that was built with the Sutherland Park plat.

Carlson assumes that water is going to move from east to west across this property. Bartels agreed that to be the general direction. Once they put in all this fill, the concern is that it does not move across there.

Carlson inquired how this detention cell would detain water coming from the east. What would we do with the water moving across this plat heading towards Beal Slough and Salt Creek? Bartels stated that the proposal on this plat is to fill this detention cell and extend that storm sewer on west and south until it can discharge into Beal Slough. Carlson then wanted to know where the water that will fall on the lots of this plat will be detained and where it will go. Bartels explained that, as submitted, there is no formal detention of that water. The majority, if not all of it, tends to flow south and west to the railroad ditch between Calvert and Pioneers, and most of it flows south along this railroad ditch or in a storm sewer system that they propose to Beal Slough which flows under Pioneers Blvd. southwest of this plat. Public Works could not see a lot of value in the traditional detention but there is value to make sure the velocities are not increased to increase the erosion potential. Bartels believes that can be done in the design of the storm sewer system that will be needed to develop this plat to eliminate potential erosion.

Steward suggested that behind that assumption is the known condition that the property owner intends to fill and raise the building pads on most, if not all of the site. Higgins noted that the intention is to fill the entire site. Therefore, Steward believes that increased velocities are apparent. Higgins believes that it might increase velocities by impervious surface, but filling it up does not necessarily increase velocity. Even if you detain the water, Bartels stated that it still has to go down the creek. If you are just concerned about the peak flow on Salt Creek, detention on this small of an acreage has very little, if any, effect on peak flow on Salt Creek this far downstream.

Carlson's concern is the request to delete stormwater detention. Higgins objects to that waiver. Public Works is concerned about the 100-year over-land flow path. He believes there needs to be a way for it to get out. Bartels would agree to delete the detention requirement if the developer can satisfy the concerns on the 100-year flow path. Public Works is willing to delete the detention requirement for the main part of this new plat. That is not part of the issue. The issue is the detention cell in the Sutherland Park.

Response by the Applicant

Hunzeker responded, stating that the southwest corner of the site is an area that is being acquired by the County (or at least an easement) to do bank stabilization and other work in preparation for work on a bridge. The timing is pretty good because that is also where our storm sewer will be releasing into Beal Slough. Hunzeker suggested that a combination of relatively flat storm sewer grade and the bank stabilization will control the erosion problem.

Hunzeker pointed out that Condition #1.1.2 requires the developer to submit a revised grading and drainage plan "to satisfaction of Public Works", and the developer does not object to this condition. If the Commission recommends the proposed amendments, and eliminates the detention requirement, the developer is still required to submit a revised grading and drainage plan.

With respect to the sidewalk and repaving on Pioneers, Hunzeker does not object to Condition #1.1.21 simply because of the phrase "valid and legal assessment". He agrees on the assessment issue, but with respect to the sidewalk, he believes they have the right to order construction of sidewalks, except if it becomes part of the impact fee facilities. Hunzeker believes the staff would prefer to delete "repaving and curb and gutter" and insert "sidewalk".

With respect to the bigger issues raised by the Friends of Wilderness Park, Hunzeker understands the concern; however, you have to think about some of these things in the context of at least 50 years of history in Lincoln. The earliest Comprehensive Plan adopted in 1951 or 1953, has always shown industrial development abutting the creeks and tributaries of Salt Creek. We've changed the way we think about some of these things but we cannot ignore the 50 years of history or more of encouraging or requiring investment in these areas as industrially zoned and proposed for industrial land use. Yes, there is some fill being placed here and there is a minor impact on the floodplain, but to the extent that floodplains are designed, designated and delineated to be filled, viz-a-viz the floodway, we're really not having much of an impact here. This developer is not required to do any of this. With the industrial zoning, he could have asked for a curbcut and gone in and built as many or more buildings as this plat shows lots, with only building permits and fill permits. This developer is not trying to avoid requirements but to do the best they can with what they have.

Hunzeker acknowledged that a good deal of this area is in the floodplain. Some of the northern part is out. Much of the Sutherland Park Addition was in the floodplain.

Larson inquired whether raising the level with the fill will have an impact on Sutherland Park. Hunzeker does not believe that it will. They would have been required to have their lowest flood level 1' above the flood elevation. He does not believe it will raise the floodplain. If completely filled, it would raise the base flood elevation there by 1'. That is why we have the 1' above the base flood elevation requirement in both state and local regulations.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

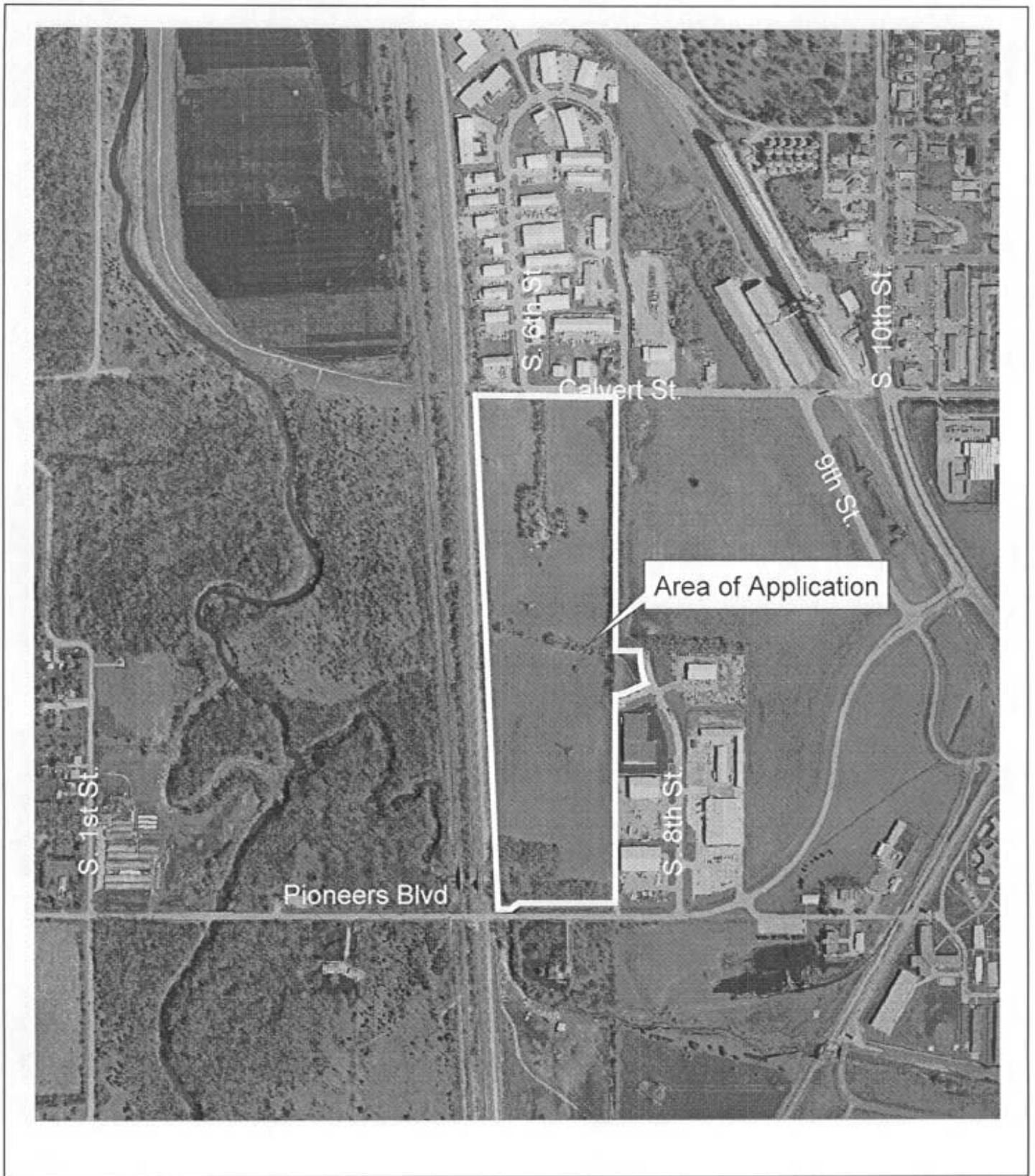
June 11, 2003

Bills-Strand moved to approve the staff recommendation of conditional approval, with amendments deleting Conditions #1.1.1 and #1.1.3; changing #1.1.4 to eliminate the first sentence; deleting #1.1.5; and eliminating "repaving and curb and gutter" and adding "sidewalk" in Condition #1.1.21, seconded by Duvall.

Carlson believes this is a situation that needs to be changed. We have a historical condition that has to be respected but we're realizing that there are better practices and better plans that need to be implemented. The Mayor's Floodplain Task Force just completed their work and he is perceiving their recommendations to be beneficial, but the Planning Commission role is to measure as to conformity with the existing ordinance and Comprehensive Plan. It is frustrating to see better practices out there and not be able to conform to those. He would like to see a model ordinance brought forward as soon as possible.

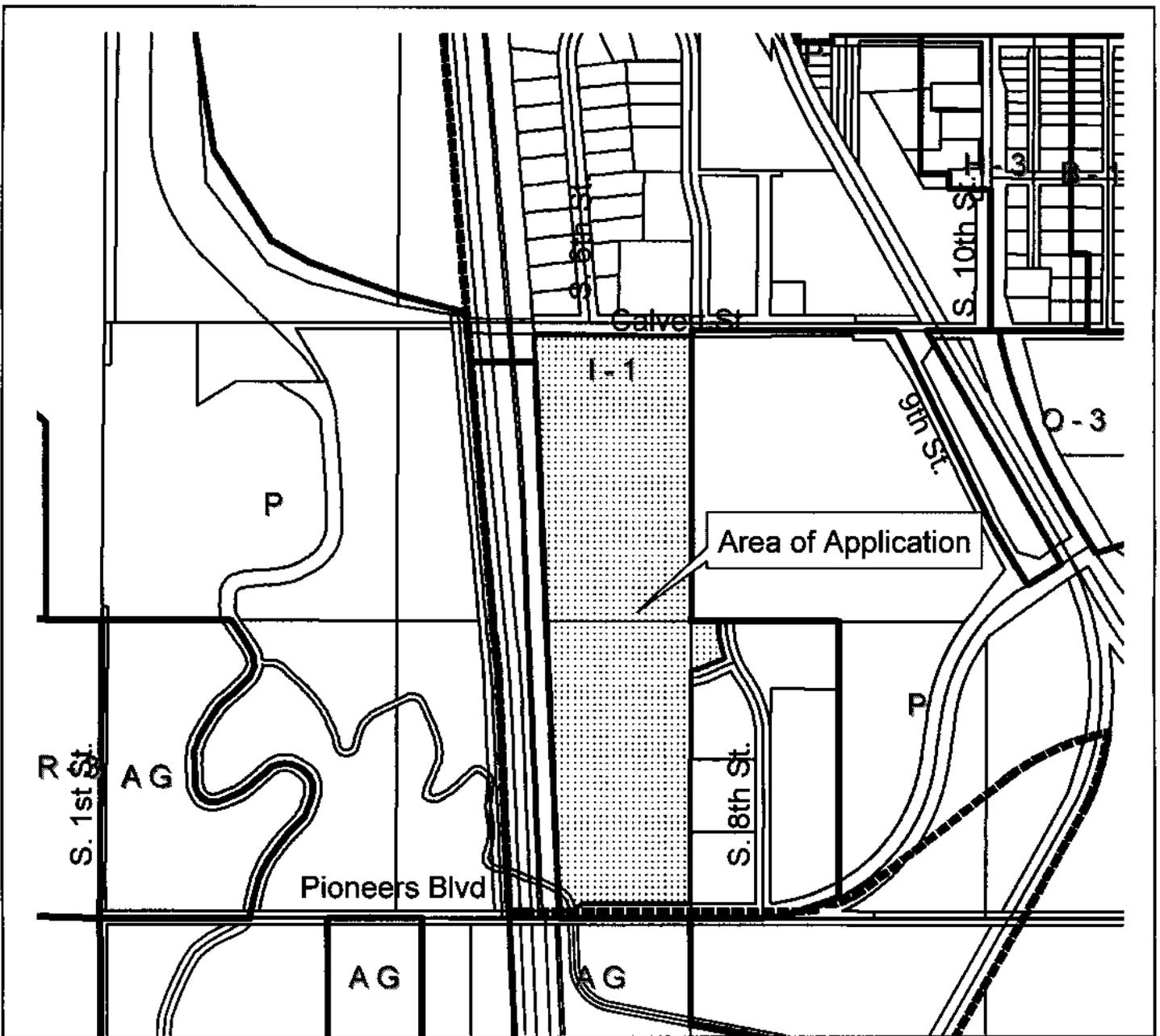
Steward's concerns are the floodplain, the floodway and all of the issues concerning flood control. Even if this property were not adjacent to the Wilderness Park, he would still believe what is proposed is not in the best interest of the city.

Motion for conditional approval, with amendments, carried 5-3: Larson, Carlson, Bills-Strand, Duvall and Schwinn voting 'yes'; Steward, Krieser and Taylor voting 'no'.



**Preliminary Plat #03002
Pioneer Business Park Add.
S. 6th & Calvert St.**



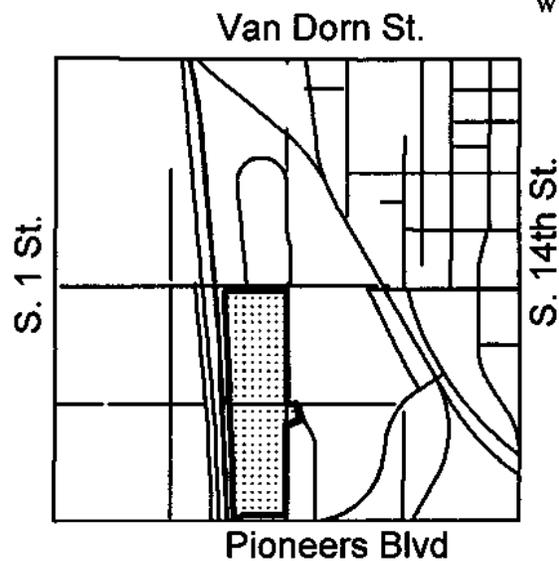
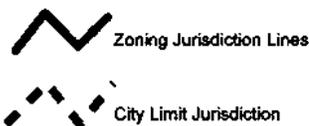


Preliminary Plat #03002
Pioneer Business Park Add.
S. 6th & Calvert St.

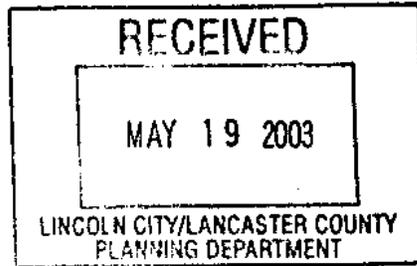
Zoning:

One Square Mile
Sec. 2 T9N R6E

- 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



022



2200 Fletcher Avenue, Suite 102
Lincoln, Nebraska 68521

May 16, 2003

Tom Cajka
Lincoln-Lancaster County Planning Dept.
555 S. 10th Street, Suite 213
Lincoln, NE 68508

RE: Pioneer Business Park
Preliminary Plat # 03002
EDC Project # 01-080

Dear Tom:

In addition to the waivers to Subdivision Design Standards requested for the above referenced Preliminary Plat please include the following:

URBAN PAVING IMPROVEMENTS TO PIONEERS BLVD: Pioneers Blvd is currently a rural section roadway under County maintenance between U.S. Hwy 2 and Homestead Expressway. Improving the section of this roadway to urban standards adjacent to the plat would create drainage problems for upstream sections of the roadway and would not improve its overall functionality. Pioneers Blvd is classified as an arterial and qualifies as an impact fee facility. Improvements to the road will be accomplished more efficiently and effectively as part of a future, larger street improvement project.

Please contact me if you have any questions regarding this waiver request.

Regards,

A handwritten signature in black ink, appearing to read "RPO".

Richard P. Onnen, P.E.

RPO/kle

cc: Bob Lewis
Mark Hunzeker

024



Ray F Hill

05/30/2003 02:01 PM

To: Thomas J Cajka/Notes@Notes
cc:
Subject: Mayor's Floodplain Task Force Recommendations

If you need more contact Nicole.

~~~~~  
Ray F. Hill  
Development Review Manager  
Lincoln/Lancaster County Planning Dept.  
(402) 441-6371

----- Forwarded by Ray F Hill/Notes on 05/30/03 02:00 PM -----



Nicole Tooze

05/30/03 01:58 PM

To: Ray F Hill/Notes@Notes  
cc: Benjamin J Higgins/Notes@Notes  
Subject: Mayor's Floodplain Task Force Recommendations

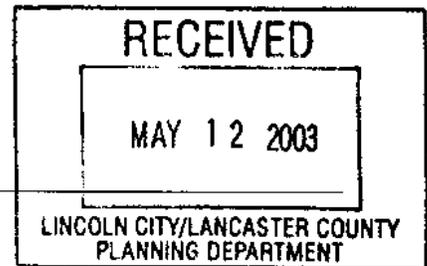
Ray,

The Mayor's Floodplain Task Force recommended that the City of Lincoln and Lancaster County adopt a 'No Adverse Impact' policy, with a goal of ensuring that the action of one property owner does not adversely impact the flooding risk for other properties. One of the key recommendations for higher standards to implement this policy is a 'No Net Rise/Compensatory Storage' standard within the 100-year floodplain. This means that development within the 100-year floodplain should be required to demonstrate through an engineering study that it will cause no increase in the water surface elevation of the 100-year flood greater than 0.05', and that compensatory storage should be provided with the objective of being hydrologically similar to lost flood storage volume. In the "Existing Urban Area" - which is defined as those areas inside the City limits at the time a new standard is adopted, as well as those areas outside the City limits which have a zoning designation other than AG or AGR at the time a new standard is adopted - the Task Force recommended that administrative relief from this standard be considered for properties under one acre in size.

I will be out of the office this afternoon and next week. If you have any further questions on this, please contact Ben Higgins at 1-7589.

Nicole

# Memorandum



**To:** Tom Cajka, Planning Department  
**From:** <sup>CB</sup> Chad Blahak, Public Works and Utilities  
**Subject:** Pioneer Business Park Addition Preliminary Plat #03002  
**Date:** May 9, 2003  
**cc:** Randy Hoskins  
Nicole Fleck-Tooze

Engineering Services has reviewed the re-submitted preliminary plat for Pioneer Business Park, located west of South 8th Street from Pioneers Boulevard to Calvert Street and has the following comments:

1. Water - The water system for this plat is satisfactory.
2. Sanitary - The sanitary sewer system for this plat is satisfactory provided that a waiver for the temporary use of a lift station is approved.
3. Grading/Drainage - The grading plan shows that the LES pole located between Lots 14 & 15 of Block 1 is being left in a low point. If the ground at the base of the pole is to be filled up to the proposed grade, with LES approval, the contours need to be revised. If the pole is to be raised by others, again with LES approval, a note should be added to that effect.

The grading and drainage plan still does not address the 100 year flow path for the area along South 8th Street if the detention cell is to be removed. The high point at the north end of South 8th Street, north of Lowell Street, is lower than the first high point in Lowell Street, west from South 8th Street. This will force any flow greater than the 10 year storm north onto the adjoining property. Public Works would like to meet with the designer to discuss solutions for this issue. The proposed waiver to eliminate the detention in Sutherland Park and in this plat is satisfactory to Public Works if this issue is resolved.

4. Streets/Sidewalks - Public Works does not approve the requested waiver of sidewalk requirements in Pioneers Boulevard.. This developer should be responsible for sidewalks in Pioneers Boulevard.

Public Works agrees that Calvert Street will not, in the foreseeable future, extend to the west past South 6th Street and requirements for street paving, sidewalks, and street trees in Calvert Street west of South 6th Street should be waived. We recommend that it be vacated. A street vacation would eliminate the waiver requirement. Vacation would require petitions from property owners outside of this plat.

Public Works agrees with the requested waiver for block length in Block 1 as it borders the BNSF right-of-way and a connection to the west is unlikely to occur. Public Works does not agree with the requested waiver for block length in Block 2. A street should be stubbed to the east from South 6th Street. If a street to the east from South 6th Street is required, the requested waiver of design standards for pedestrian easements is not needed.

6. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.



**UTILITIES DEPARTMENT**

**PUBLIC WORKS AND**



***MEMORANDUM***

**D:**

**Fro**

**Subj**

May 9, 2003

Tom Cajka  
Ben Higgins, Chad Blahak

Devin Biesecker

***Pioneer Business Park***

Below are Watershed Management's comments on the Pioneer Business Park Addition preliminary plat. Comments are based on a three-sheet plan set and supplemental drainage calculations stamped April 25, 2003 by the Planning Department.

1. Removal of the existing detention pond should not be allowed as it currently serves as the only overflow relief of a sump condition at the intersection of 8th and Lowell Streets. There is potential for the ponding of water at this intersection if the storm inlets become blocked or the storm drain pipes are flowing at capacity. An overland flow path with positive drainage needs to be provided before a decision on the removal of the existing detention pond can be made.

01-080



COPY

February 28, 2002

Mr. Rick Onnen  
Engineering Design Consultants  
630 N. Cotner Blvd., Suite 105  
Lincoln, NE 68505

Dear Rick:

I have reviewed your proposed grading plans for the Pioneer Business Park near S. 7<sup>th</sup> and Calvert Streets. As you know, we have a 115kV double circuit lattice tower line running through this area.

We can allow fill to be placed up to an USGS elevation of 1164. It appears from your plans that you do not intend to add any fill around the lattice tower structures themselves. If that is not the case we will need to do some modifications of the tower legs, which will require a customer contribution.

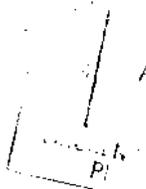
It is important to note to your contractor who is going to be doing the grade changes that both of these 115,000 volt lines will be energized when he is doing his work.

If you have any questions let me know at 467-7649.

Sincerely,

Bill Gardner  
Senior Field Engineer, Transmission Line Design

c: Dan Pudenz  
Jim Mannel  
Steve Hanks



RECEIVED  
LINCOLN CITY LANCASTER COUNTY  
PLANNING DEPARTMENT  
APR 25 2003  
029



April 25, 2002

Tom Cajka  
Planning Department  
555 So. 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

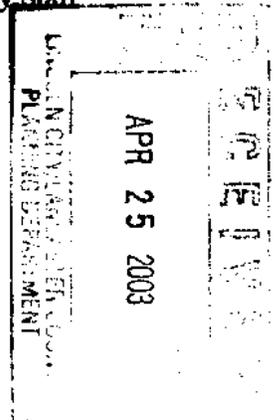
2200 Fletcher Avenue, Suite 102  
Lincoln, Nebraska 68521

Re: Pioneer Business Park, Preliminary Plat #03002,  
EDC Job #01-080

Dear Tom:

The Preliminary Plat for the above-mentioned development has been revised based on City Staff Comment Letter dated March 20, 2003. Enclosed please find the following documents:

1. 6 copies of the Site Plan
2. 6 copies of the Grading & Drainage Plan and Street Profiles
3. 6 copies of the Landscape Plan
4. Site Plan reduced to 8 1/2" x 11"
5. 3 copies of Supplemental Drainage Calculations
6. Engineer's response to City Staff Comments
7. 1 copy of LES letter



The following waivers of design standards for land subdivision are requested for this plat:  
(\* Indicates change or addition from previous submittal)

**STORM WATER DETENTION**

Storm water runoff from this site does not impact developable property downstream. Runoff from the south half of the site will discharge directly into the Beal Slough just upstream of Wilderness Park. The north half of the site drains to an existing storm sewer system that discharges into Salt Creek. Drainage calculations show there is adequate capacity in the existing pipe to convey developed flows from this site.

**\*CALVERT STREET IMPROVEMENTS (WEST OF 6<sup>TH</sup> STREET)**

Calvert Street does not serve any property east of 6<sup>th</sup> Street. Public Works has indicated they have no intention of extending this street into Wilderness Park. However, the existing right-of-way does serve as a corridor for existing storm sewer and storm water drainage, overhead electric utilities, and a future sanitary trunk sewer. Paving of the intersection of South 6<sup>th</sup> Street and Calvert Street is proposed as a tee intersection. Therefore, a waiver for construction of street paving -- including a turnaround, sidewalk, and street trees is requested for dead end portion of Calvert Street between South 6<sup>th</sup> Street the BNSF Railroad.

**SIDEWALK - PIONEERS BOULEVARD**

Pioneers Blvd. is a rural section roadway and does not provide a feasible location for placement of sidewalk. Pioneers Blvd. is also classified as an arterial roadway. Sidewalk construction along arterials is to be covered by impact fees.

**SANITARY SEWER**

Existing sanitary sewer adjacent to this site is not of adequate depth to provide gravity service to the development. Public Works has indicated that a new trunk sewer is currently under design

030

that will be of adequate depth to serve this property within the next five years. A temporary Sanitary Sewer Lift Station is proposed to pump sewage from the intersection of 6<sup>th</sup> and Calvert to an existing manhole approximately 150 feet to the north. The lift station would be removed and the sewer gravity fed to the new trunk sewer when constructed. Initial discussions with Public Works have indicated this plan is acceptable.

Design also shows a portion of the internal sewer to flow opposite of street grades. Existing sewer near the south half of the property does not have adequate depth to serve this site. With the additional depth provided by the lift station and future trunk sewer the entire site can be serviced to the north.

#### BLOCK LENGTH

Block 1 exceeds the maximum block length due to the constraints of the Burlington Northern Railroad and Wilderness Park to the west and Pioneers Blvd. to the south.

The property backing to Block 2 is adequately served by Calvert Street to the North and South 8<sup>th</sup> Street to the South for future industrial development.

#### PEDESTRIAN EASEMENTS

The industrial nature of this development will produce little pedestrian traffic, especially to adjacent property. Also, Block 2 backs onto railroad property where pedestrian traffic is discouraged. Therefore, a waiver of pedestrian easement requirements in blocks exceeding 1000 feet is requested for Block 1 and Block 2.

The following owners hold interest and/or options in the property that is adjacent to Pioneer Business Park:

Department of Correctional Services  
PO Box 94661  
Lincoln, NE 68509

Lincoln Winnelson Company  
700 Pioneers Blvd.  
Lincoln, NE 68502

Sutherland Park Partners, L.L.C.  
1645 N Street  
Lincoln, NE 68508

Burlington Northern RR Tax Div.  
PO Box 961089  
Ft. Worth, TX 76161-0089

J.J. Kreifels Enterprises, Ltd.  
4101 So. 8<sup>th</sup> Street  
Lincoln, NE 68502

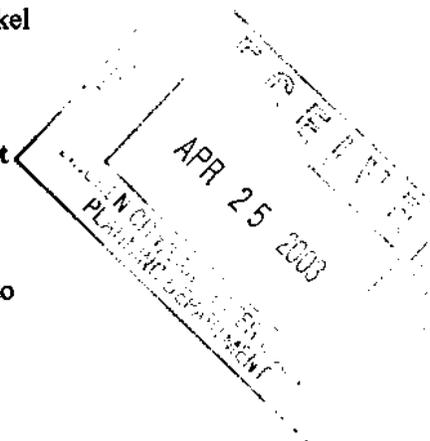
Robert G & Sharon L. Dinkel  
6020 Rosebud Circle  
Lincoln, NE 68516

Jack L. Irwin  
PO Box 4226  
Lincoln, NE 68504

Danny R. & Sherry A. Root  
PO Box 33  
Eagle, NE 68347

William A. & E.L. & Tracin D. Seng  
3516 So. 48<sup>th</sup> Street  
Lincoln, NE 68506

Raymond & Randee L. Soto  
610 Calvert Street  
Lincoln, NE 65805



Marilyn J and Frank T. McArthur  
501 Pioneers Blvd.  
Lincoln, NE 68502

**OWNER/DEVELOPER**

Pioneer Business Park, L.L.C.  
Robert D. Hampton  
3600 Village Drive, Suite 140  
Lincoln, NE 68516  
Phone: 402-434-5650

**OWNER**

Sutherland Park First Addition Owners Assoc.  
Judy A. Krasomil  
PO Box 6248  
Lincoln, NE 68506

**AUTHORIZED AGENT**

Engineering Design Consultants, L.L.C.  
Richard P. Onnen, P.E.  
2200 Fletcher Avenue, Suite 102  
Lincoln, NE 68521  
Phone: 402-438-4014

Please contact me if you have any questions or require addition information regarding this plat.

Regards,



Richard P. Onnen, P.E.  
Project Manager

RPO/kle

Enclosures

cc: Bob Lewis  
Mark Hunzeker



cc: Planning Commission  
Public Works  
City Attorney  
Applicant



## FRIENDS OF WILDERNESS PARK

June 8, 2003

Marvin Krout  
Director, Lincoln-Lancaster County Planning Department

Commissioners  
Lincoln-Lancaster County Planning Commission

Mr. Krout and Commissioners,

This letter is in reference to Preliminary Plat No. 03002 for the Pioneer Business Park Addition that was deferred to June 11<sup>th</sup> for public hearing and action.

As stated in the staff report, a portion of this land is in the floodway, and the most of the rest of it is in the floodplain. Wisely, staff recommended denial of a stormwater detention waiver and went so far as to recommend that the portion of the land that is in the floodway be placed under a conservation easement. Good for them. But there is a much larger issue on this action that needs to be addressed. The plan calls for **260,000 cubic yards of clay** to be trucked in to bring the building sites above the floodplain. This is exactly the opposite of the Floodplain Task Force recommendation, which calls for a "No Adverse Impact" policy. In short, the action of one property owner shall not adversely impact the flooding risk for other properties. If approved, this huge displacement of floodwater would put anyone downstream from it at increased flood risk, which is exactly what the Floodplain Task Force recommendation is trying to avoid.

The fact that the floodway in question is Beal Slough is indeed ironic. It was the flooding of downstream properties caused by excessive runoff from upstream development that helped expedite the initiation of the Beal Slough Stormwater Master Plan. Approving the trucking in of **260,000 cubic yards of clay** will displace a significant amount of runoff/floodwater, and hasten the erosion of Beal Slough and Salt Creek, particularly where they merge.

Another key recommendation of the Floodplain Task Force is a "No Net Rise/Compensatory Storage Standard." Specifically, development within the floodplain in the existing urban area (this land is in the city limits and has been zoned Industrial since

1984) should be required to demonstrate through an engineering study that it will cause no increase in the water surface elevation of the floodplain greater than five hundredths of a foot (0.05'). In addition, compensatory storage of structures should be required at a ratio of 1 to 1 for volume of flood storage lost to fill or structures within the floodplain. And Mr. Hampton wants to waive the current less demanding storm water detention requirement!

This land is also one of the parcels that the Wilderness Park Subarea Plan recommended that the city acquire to expand and buffer the park. That same Subarea Plan was reaffirmed and accepted as part of the Comprehensive Plan revision just last year.

Is it realistic to expect the city to acquire the land as recommended by the Comprehensive Plan? Maybe not, but we can hope. Is it realistic for the Planning Commission to defer action on the plat plan until the Floodplain Task Force's recommendations are acted upon—**absolutely**. That is the only reasonable and prudent course for you to take. To allow any developer, particularly one who was on the Floodplain Task Force, to slip in under the wire and create a clearly dangerous flooding situation for current downstream landowners just before new policies are put into effect is just plain wrong. Do the right thing and defer this action until the Floodplain Task Force's recommendations can be acted upon.

Sincerely,

Michael Carlin, Member of the Board, Friends of Wilderness Park  
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June 10, 2003

TO: Lincoln /Lancaster County Planning Commission

FROM: Mary Roseberry-Brown, President, Friends of Wilderness Park

RE: **Agenda Item 4.3: Preliminary Plat 03002: Pioneer Business Park Addition**

I am President of Friends of Wilderness Park, a membership organization dedicated to protecting the natural resources of Wilderness Park and to enhancing the public's enjoyment of those resources.

The Board of Friends of Wilderness Park has asked me to express the following concerns about the preliminary plat for the Pioneer Business Park Addition. The property proposed for platting is very close to the park, being separated from it by only the widths of two railroad right-of ways. Moreover, the southern part of the Business Park drains into Beal Slough just before it enters the park

The southern 28 acres of this property are recommended for inclusion into Wilderness Park in the Wilderness Park Sub Area Study. This document is part of the current Comprehensive Plan. Although it may or may not be possible to add this parcel to the park at this time, in honor of the Comprehensive Plan and Wilderness Park, we need to recognize the importance of this particular parcel of land to Wilderness Park.

1 Stormwater draining off the developed property may contribute to serious stream bank erosion for Beal Slough. There is already serious erosion in Beal Slough, both at that site and where Beal Slough enters Wilderness Park. The current preliminary plat provides for a storm sewer that cuts diagonally across the Business Park and empties with a 48-inch pipe at the southwest corner of the property. If water gushes out of that pipe in too great a quantity and at too high a velocity, there may be serious stream bank erosion just before and after Beal Slough reaches Wilderness Park.

As we understand, the applicant has demonstrated that the overland water flow is unlikely to cause significant erosion for Beal Slough; but, he has yet to demonstrate that post-development flows from the 48-inch sewer meet the city's standards.

Therefore, **we urge** the Commission to require evidence of safe velocities from the pipe, for 2, 10, and 50 year storm frequencies, before final plat approval is granted. If need be, the flow could be slowed by a more gentle pitch and/or detention.

**We urge** that the land rights for bank stabilization of Beal Slough be given to an appropriate agency such as the Lower Platte South Natural District and be on file with the Register of Deeds before final plat deliberations.

2. The applicant has requested a waiver for the storm water detention that is already in place for current run off conditions. City staff has recommended denial "until issues with the 100 year flow path have been resolved." **We urge** that detention be required. The development of this property will mean the loss of many additional acre-feet of storm water storage capacity. Any detention pond that compensates for that additional loss should be better than no compensation. A slow moving, heavy storm might sit for several hours in the Denton-Hickman areas before moving up Salt Creek. A peak flood flow might already be in this part of Salt Creek when the storm hits this area.
3. An I-1 Industrial site such as this would most likely have toxic, polluting run off. **We urge** that a detention area be built to hold this run off for a time, allowing suspended solids to drop out before being discharged. A wet type basin, creating a little wetland would be especially beneficial to the water quality of both Beal Slough and Salt Creek.
4. The flood way at the southern end of the property needs protection. City staff recommends that "a Conservation Easement will be placed over the entire area located within the flood way." Such an easement would increase the legal protection of that land from inappropriate management by owners. **We urge** that the easement specifically state that the floodway be maintained in its natural state similar to the adjacent Wilderness Park, prohibit current tree removal except for what is necessary for storm sewer construction, and that pavement be prohibited. The purpose should be written into this easement. It would help slow down flood water, help slow down both the velocity and sedimentation of any remaining surface runoff, help filter pollutants from any remaining surface run off and provide a visual buffer to the site as one approaches Wilderness Park on Pioneer Boulevard.

**We urge** that the Commission require such an easement be on file with the Register of Deeds prior to scheduling deliberations on the final plat.

5. **We urge** that flood plain properties, certainly those adjoining or very near to a public park, be considered for public purchase or a conservation easement. They should not be filled in and developed.

Thank you for the opportunity to address you with these concerns.