

City Council Introduction: **Monday**, September 9, 2002
Public Hearing: **Monday**, September 16, 2002, at **1:30 p.m.**

Bill No. 02R-197

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 02015**, requested by Brian D. Carstens and Associates on behalf of Ted and Patricia McNeese, to waive street trees on property generally located at So. 25th Street and Sumner Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 8/21/02
Administrative Action: 8/21/02

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Newman absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to approve the proposed waiver of street trees is based upon the "Analysis" as set forth on p.3, concluding that Public Works and Parks and Recreation support the waiver. Due to existing overhead utility lines and the lack of adequate open space between the property line and parking lot, the Planning Department recommends approval.
2. On August 21, 2002, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 3, 2002

REVIEWED BY: _____

DATE: September 3, 2002

REFERENCE NUMBER: FS\CC\2002\WDS.02015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02015

DATE: August 7, 2002

PROPOSAL: Waive street trees on S. 25th Street and Sumner Street.

CONCLUSION: Public Works Department and Parks and Recreation Department support the waiver. Due to existing overhead utility lines and the lack of adequate open space between the property line and parking lot, the Planning Department recommends approval of the waiver.

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

LEGAL DESCRIPTION: The west 86 feet of Lots 8 and 9, Hardenbergh’s Subdivision, located in the NE 1/4 of Section 36, Township 10 North, Range 6 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska.

LOCATION: Northeast corner of S. 25th St. and Sumner St.

APPLICANT: Ted & Patricia McNeese
2510 Sumner St.
Lincoln, NE 68502
(402) 475-5453

OWNER: Same as applicant

CONTACT: Brian D. Carstens and Associates
601 Old Cheney Road Suite C
Lincoln, NE 68512
(402) 434-2424

EXISTING ZONING: B-1 Local Business District and Franklin Heights Historic District

EXISTING LAND USE: Commercial and residential

SURROUNDING LAND USE AND ZONING:

North:	R-4 Residential	Single family houses
South:	B-1 Local Business	Single family houses
	R-4 Residential	Single family houses
East:	R-4 Residential	Single family houses
West:	B-1 Local Business	Commercial
	R-4 Residential	Single family houses

HISTORY: The Franklin Heights Historic District was created in 1995.

Lots 8 & 9 of Hardenbergh's Subdivision was subdivided by deed in September 1912.

Hardenbergh's Subdivision was platted in June 1886.

TRAFFIC ANALYSIS: S. 25th Street and Sumner Street are local streets.

ANALYSIS:

1. This request is to waive the Subdivision requirements for street trees. (Sec.26.27.090)
2. The waiver requests is associated with Administrative Final Plat No. 02044.
3. There are two existing street trees on Sumner Street. The City of Lincoln Design Standards require one street tree per lot.
4. The proposed final plat of McNeese Addition identifies two lots. Lot 2 would not require any additional street trees. Lot 1 requires one street tree on Sumner Street and two street trees on S. 25th Street.
5. There are no trees planted in the street right-of-way on S. 25th Street between Sumner Street and Garfield Street. There are mature trees on private property.
6. The Parks and Recreation Department supports the waiver for the following reasons:
 - A. There is no room to plant additional trees on Sumner Street.
 - B. There is not adequate room and/or location on S. 25th Street due to concrete, small area between curb and sidewalk and overhead power lines.

Prepared by:

Tom Cajka
Planner

WAIVER OF DESIGN STANDARDS NO. 02015

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

August 21, 2002

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

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 208; SPECIAL PERMIT NO. 1983; FINAL PLAT NO. 02016, TABITHA NEW COMMUNITY 4TH ADDITION; FINAL PLAT NO. 02022, ASHLEY HEIGHTS 1ST ADDITION; ANNEXATION NO. 02005; COMPREHENSIVE PLAN CONFORMANCE NO. 02006; COMPREHENSIVE PLAN CONFORMANCE NO. 02007; COMPREHENSIVE PLAN CONFORMANCE NO. 02005; WAIVER OF DESIGN STANDARDS NO. 02015 and MISCELLANEOUS NO. 02004.**

Item No. 1.6, Comprehensive Plan Conformance No. 02005, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Steward.

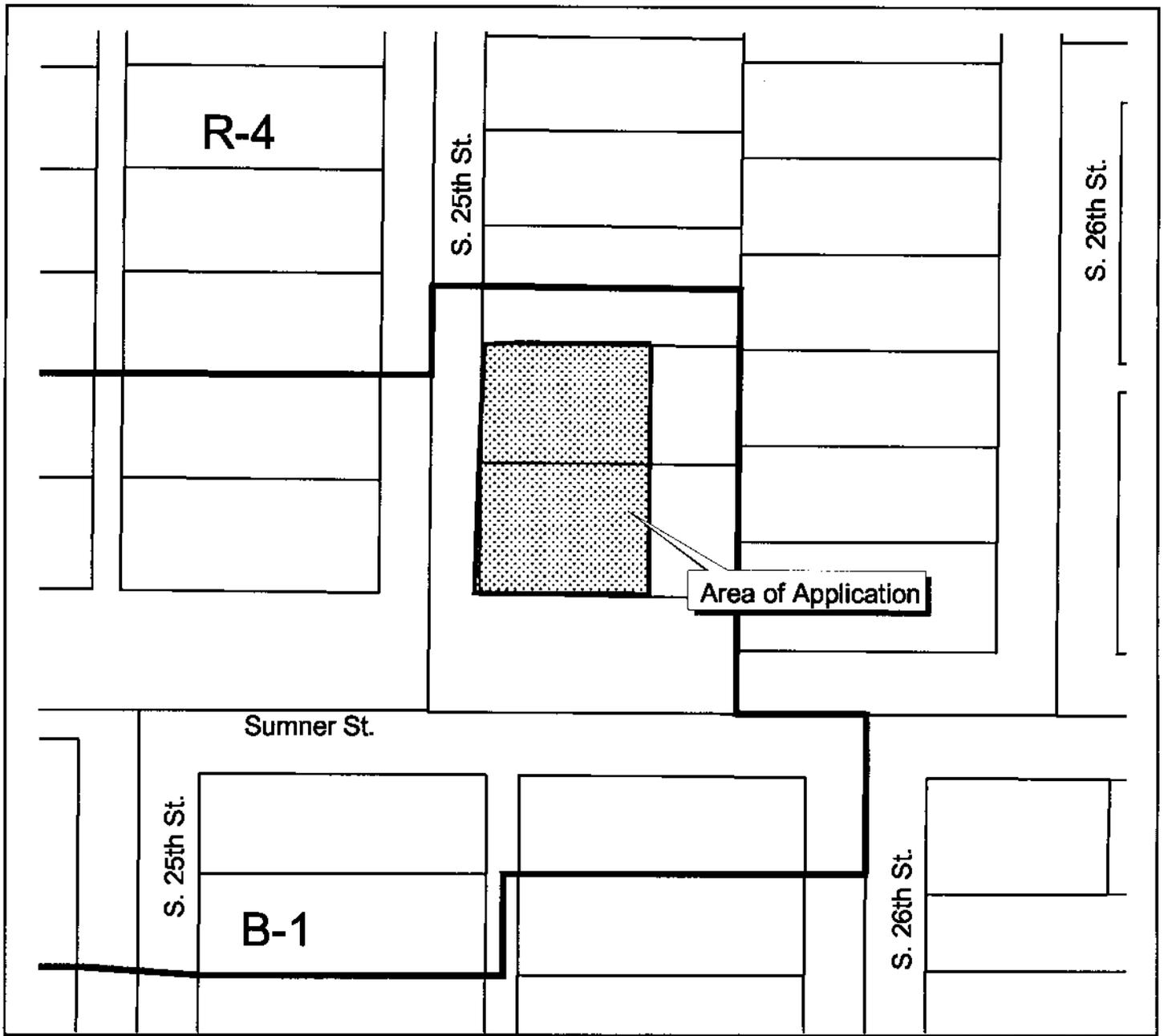
Steward moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Newman absent.

Note: This is final action on Special Permit No. 1983; Tabitha New Community 4th Addition Final Plat No. 02016; Ashley Heights 1st Addition Final Plat No. 02022; Comprehensive Plan Conformance No. 02005; and Miscellaneous No. 02004, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Waiver of Design Standards #02015
S. 25th & Sumner St.**



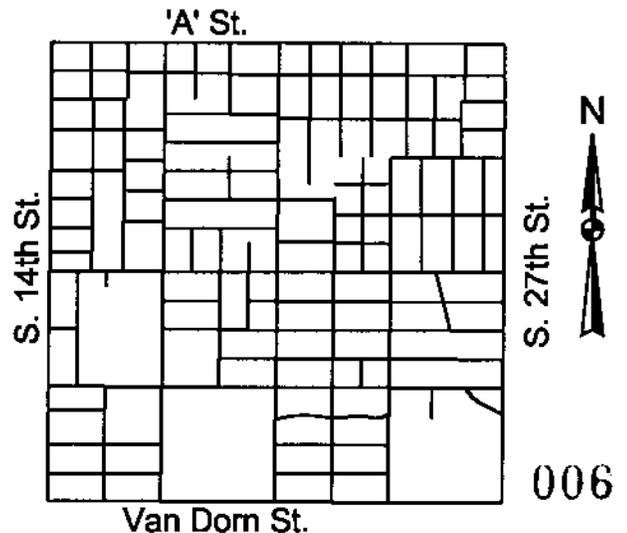
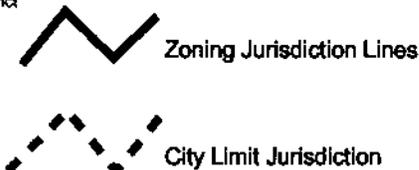


Waiver of Design Standards #02015
S. 25th & Sumner St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 36 T10N R6E



Area
of winter request



70

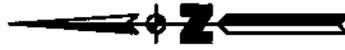
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MCNEESE ADDITION

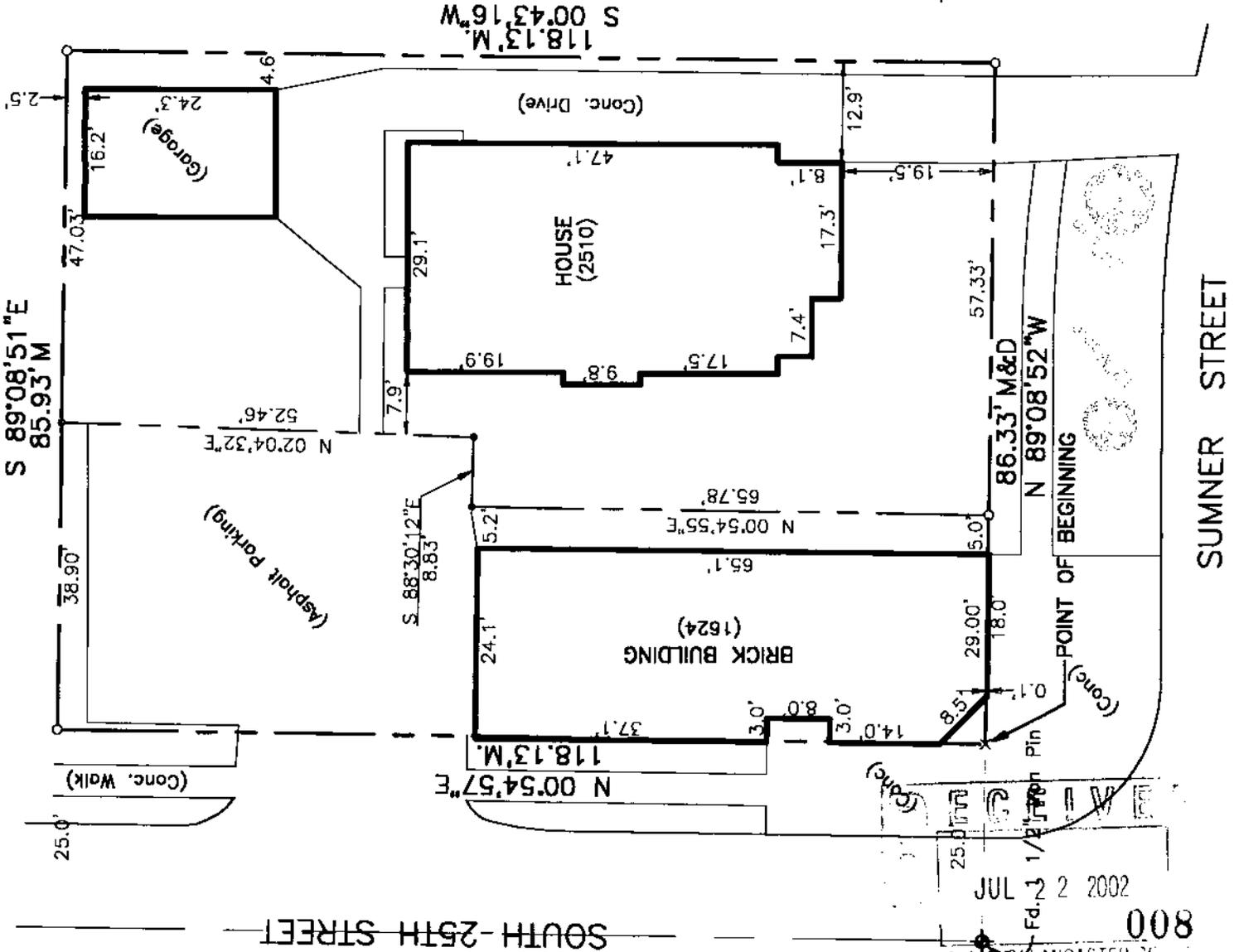
LEGAL DESCRIPTION

The west 86 feet of Lots 8 and 9, Hardenbergh's Subdivision, located in the Northeast Quarter of Section 36, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.



Scale: 1"=20'-0"

- = Set Survey Spike
- = Set 1" x 24" Iron Pipe
- ⊕ = Found 1 1/2" Iron Pin
- = Found corner as recorded
- M = Measured distance
- P = Plat distance
- R = Record distance
- ◁ = Set temp. point
- X = Chiseled Cross in Conc.



800
 JUL 2 2002
 Fd. 1/2" Iron Pin
 LINCOLN CITY, LANCASTER COUNTY
 PLANNING DEPARTMENT



Memo

To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: August 7, 2002

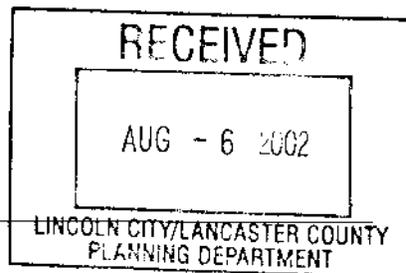
Re: Application WDS 02015 Waiver of Trees & Sidewalks for Hardenbergh's
Subdivision

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments based on field inspection completed by Steve Schwab, City Arborist:

1. Existing mature street trees are located on Sumner and there is no room to plant anymore on Sumner at this location.
2. Not adequate room and/or location on S. 25th Street due to concrete, small area between curb and walk and overhead utility line.
3. Based on the conditions stated in item (1) & (2), a waiver of street trees is acceptable and recommended.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thanks.

M e m o r a n d u m



To: Tom Cajka, Planning Department

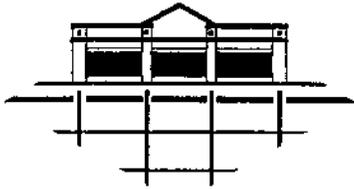
From: Charles W. Baker, Public Works and Utilities *CB*

Subject: Waiver of Design Standards #02015, Street Trees, McNeese Addition

Date: August 6, 2002

cc: Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has no comment on the Waiver of Design Standards for street trees for the McNeese Addition located at South 27th and Sumner Streets.



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 22, 2002

Mr. Mike DeKalb
Interim Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: McNEESE ADDITION
ADMINISTRATIVE FINAL PLAT
South 25th Street & Sumner Street

Dear Mike,

On behalf of Ted and Patricia McNeese, we are submitting the Administrative Final Plat for 'McNeese Addition'. From the existing west 86 feet of Lots 8 and 9, Hardenbergh's Subdivision of Lot 7, we are creating two lots. The existing building locations depict the location of the new lot line.

We are also, at this time, requesting a waiver of street trees along South 25th Street and Sumner Street due to the distance between sidewalk and curb and overhead power lines.

Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Ted & Patricia McNeese

ENCLOSURES:

16 Copies of Sheet 1 of 1
Application for a Administrative Final Plat
Application Fee of \$140.00
Certificate of Ownership
Site/Location Plan

