

FACTSHEET

TITLE: WAIVER NO. 04010, requested by the University of Nebraska Foundation, to waive the requirement of the Land Subdivision Ordinance that sidewalks and street trees be installed within four years of final plat approval, on property generally located at N.W. 1st Street and W. Highland Boulevard.

STAFF RECOMMENDATION: Approval, except for lots that have buildings and along W. Highlands Boulevard and N.W. 1st Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/15/04
Administrative Action: 09/15/04

RECOMMENDATION: Approval of the staff recommendation (8-0: Carlson, Carroll, Krieser, Larson, Marvin, Taylor, Bills-Strand and Sunderman voting 'yes'; Pearson absent).

FINDINGS OF FACT:

1. The applicant is requesting to extend the time for the installation of sidewalks and street trees for four years. The sidewalks and street trees for the University of Nebraska Technology Park Original Addition, approved in 1996, were required to be installed by September 25, 2000. The requirement was extended with a replat of the property in 1999. The approval of this application would be an eight year extension from the original deadline.
2. The staff recommendation of approval, except for the lots which have buildings and except for the lots along the perimeter streets, W. Highlands Boulevard and N.W. 1st Street, is based upon the "Analysis" as set forth on p.3-4.
3. The applicant did not appear at the public hearing before the Planning Commission; however, a letter from the University of Nebraska Foundation and the University of Nebraska Technology Park in agreement with the staff recommendation was submitted for the record (p.13).
4. On September 15, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval as follows:

University of Nebraska Technology Park Original Addition

Sidewalks	Approval for the west lot line of Lot 1, Block 1 only.
Street Trees	Approval for the west lot line of Lot 1, Block 1 only.

University of Nebraska Technology Park 1st Addition

Sidewalks	Approval except for sidewalks along W. Highland Blvd, Lot 1, Block 1, and Lot 5, Block 1.
Street trees	Approval except for street trees along W. Highland Blvd, N. W. 1 st St., Lot 1, Block 1, and Lot 5, Block 1.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 20, 2004

REVIEWED BY: _____

DATE: September 20, 2004

REFERENCE NUMBER: FS\CC\2004\WVR.04010

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 15, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04010

PROPOSAL: To waive the requirement that sidewalks and street trees be installed within four years of final plat approval. Applicant is requesting a time extension of four years to install sidewalks and street trees. This waiver is associated with University of Nebraska Technology Park Original Addition and 1st Addition

LOCATION: N.W. 1st & W. Highland Blvd.

LAND AREA: 43.57 acres, more or less

CONCLUSION: The time extension for the installation of sidewalks and street trees is acceptable except for lots that have buildings and along W. Highlands Blvd and N. W. 1st St. The sanitary sewer has been completed. No reason to extend completion date.

RECOMMENDATION:

University of Nebraska Technology Park Original Addition

Sidewalks Approval for the west lot line of Lot 1, Block 1 only.
Street Trees Approval for the west lot line of Lot 1, Block 1 only.

University of Nebraska Technology Park 1st Addition

Sidewalks Approval except for sidewalks along W. Highland Blvd, Lot 1, Block 1 and Lot 5, Block 1.
Street trees Approval except for street trees along W. Highland Blvd, N. W. 1st St., Lot 1, Block 1 and Lot 5, Block 1.

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-5, Block 1 and Outlot "A"; University of Nebraska Technology Park 1st Addition and Lot 1, Block 1 & Lot 1, Block 2, University of Nebraska Technology Park Original Addition.

EXISTING ZONING: O-3 Office Park District

EXISTING LAND USE: Offices and undeveloped

SURROUNDING LAND USE AND ZONING:

North: R-3, Residential Single -family and two-family residential
South: O-3, Office Park Undeveloped
East: O-3, Office Park Office and undeveloped
West: I-2, Industrial Undeveloped

HISTORY:

August 11, 1999 University of Nebraska Technology Park 1st Addition final plat was approved by Planning Commission.

September 25, 1996 University of Nebraska Technology Park Addition final plat was approved by Planning Commission.

COMPREHENSIVE PLAN SPECIFICATIONS:

“Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents.” (F-18)

“The sidewalk system should be complete and without gaps.” (F-89)

“The trees that shelter homes from the elements, purify the air, provide wildlife habitat, stabilize the soil, and define the character of neighborhoods and business areas have all essentially been planted and nurtured. It is recognized that trees, both occurring naturally and planted and managed, are essential to the quality of life of residents and the character of the community.” (F-140)

ANALYSIS:

1. The applicant is requesting an extension of time for the installation of sidewalks and street trees. The requested time extension is four years for sidewalks and street trees.
2. The Land Subdivision Ordinance states that sidewalks and street trees are to be installed within four years of final plat approval and sanitary sewer within two years from final plat approval. (Section 26.11.040)
3. The sidewalks and street trees associated with University of Nebraska Technology Park Original Addition were required to be installed by September 25, 2000. Granting an extension of four years would be in reality an 8 year extension.
4. Direct vehicular access to W. Highland Blvd and N. W. 1st St. was relinquished with the final plat. Since vehicular access was relinquished, no driveways are allowed that would conflict with sidewalks and street trees along N. W. 1st St and W. Highland Blvd. Constructing the sidewalks would eliminate a gap in the sidewalk system.

5. Lot 1, Block 2, University of Nebraska Technology Park Original Addition has an existing building. Sidewalks and street trees abutting this lot should be installed immediately. The time extension should only be granted for Lot 1, Block 1; University of Nebraska Technology Park Original Addition which is vacant.
6. The sidewalks and street trees associated with University of Nebraska Technology Park 1st Addition were required to be installed by August 11, 2003. There are existing buildings on Lots 1 & 5. The time extension should not apply to these lots.
7. The Streamline Committee has been discussing revisions to the subdivision ordinance regarding the appropriate time sidewalks and street trees should be installed.

Prepared by:

Tom Cajka
Planner

DATE: August 30, 2004

APPLICANT: University of Nebraska Foundation
1010 Lincoln Mall, Suite 300
Lincoln, NE 68508
(402) 472-2151

OWNER: same as applicant

CONTACT: Stephen Frayser, President
University of Nebraska Foundation
1010 Lincoln Mall, Suite 300
Lincoln, NE 68508
(402) 472-2151

WAIVER NO. 04010

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 20, 2004

Members present: Larson, Carroll, Marvin, Carlson, Krieser, Sunderman, Taylor and Bills-Strand; Pearson absent.

Staff recommendation: Approval, except for lots that have buildings and along W. Highlands Boulevard and N.W. 1st Street.

Ex Parte Communications: None

Tom Cajka of Planning staff submitted a letter from the applicants, the University of Nebraska Foundation and the University of Nebraska Technology Park, agreeing with the staff recommendation.

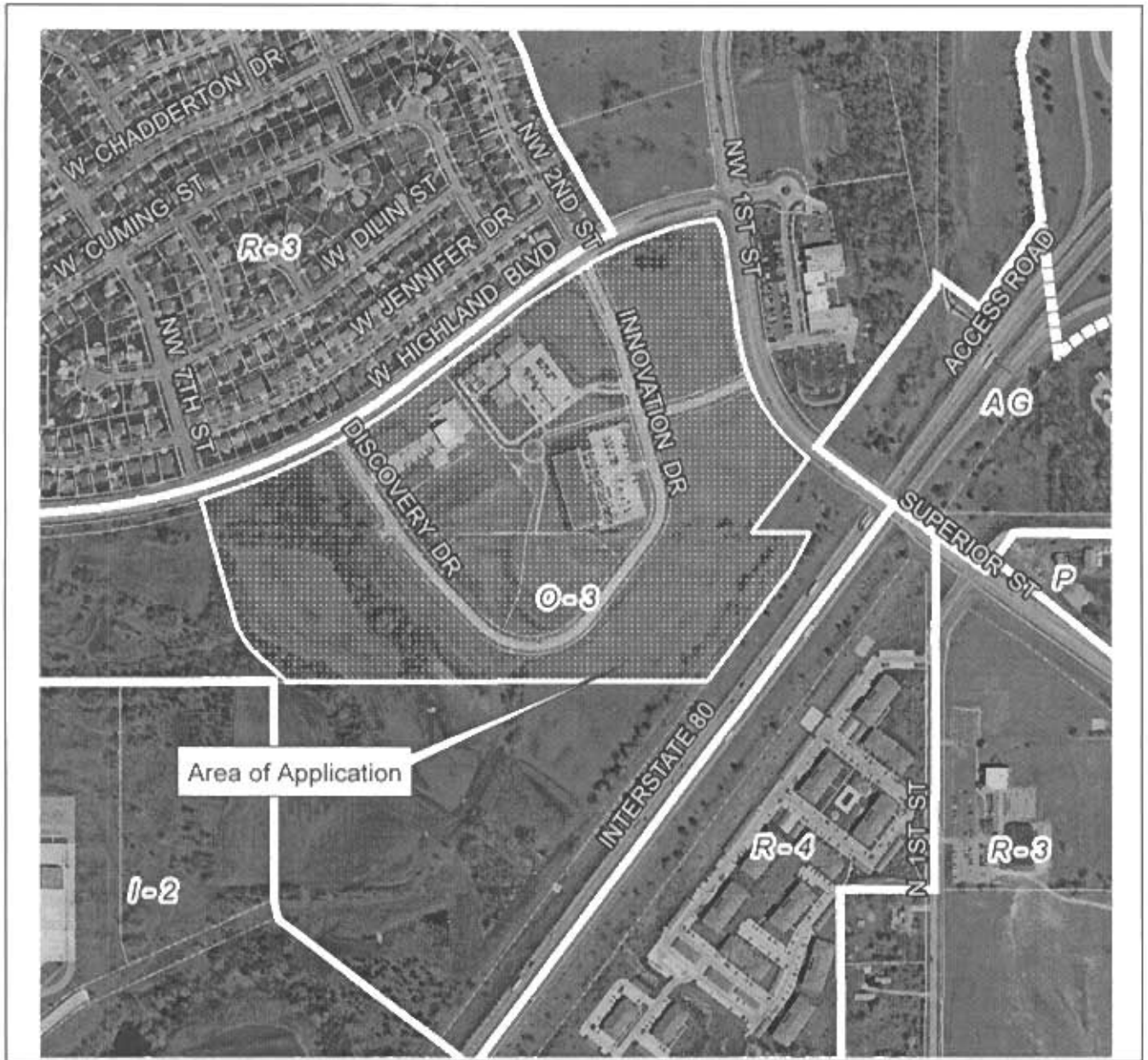
The applicant was not present.

There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 15, 2004

Marvin moved approval of the staff recommendation, seconded by Larson and carried 8-0: Larson, Carroll, Marvin, Carlson, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Pearson absent. This is a recommendation to the City Council.



2002 aerial

Waiver #04010 Innovation Dr. & Highlands Blvd

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-1 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. 10 T10N R6E



Zoning Jurisdiction Lines
City Limit Jurisdiction

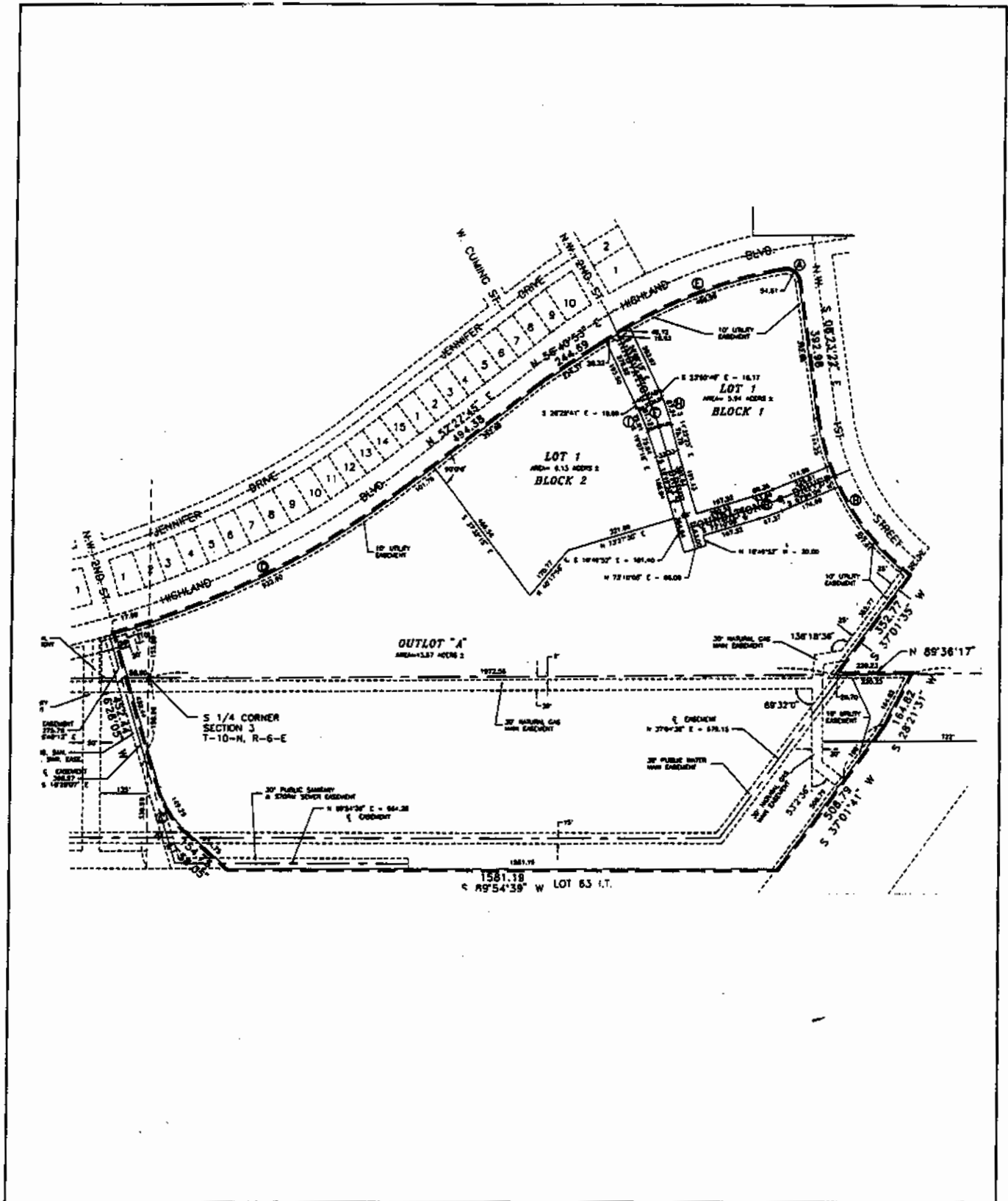
Fletcher Ave.



Adams St.

N. 1st St.

006



FINAL PLAT NO. 96011
UNIVERSITY OF NEBRASKA TECHNOLOGY PARK

Scale: N.T.S.
 Sheet: 2 of 2
 Date: 9-9-96



007

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: September 1, 2004

Re: Waiver 04010

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. If time extension is granted for the sidewalk improvements such extension shall be granted for street trees. Street tree installation shall be coordinated and installed at the time the sidewalk installation has been completed.

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



August 11, 2004

Mr. Ray Hill, Development Review Manager
Planning Department
555 S 10th St, Room 213
Lincoln, NE 68508

Dear Mr. Hill,

We are writing to request an extension of time for certain improvements to the University of Nebraska Technology Park 1st Addition, as referenced in Resolution PC-00523 approved by the Lincoln City – Lancaster County Planning Commission on August 11, 1999. Enclosed is the \$250.00 processing fee. Specifically, we request extensions for:

Project	Section of Resolution PC-00523	Original Escrow Amount	Extension Requested	Notes
Sidewalks along both sides of public streets	Article 1, Second	\$ 36,600.00	4 years from approval of this request	Combined with part of Highlands Trail improvement in Finance Warranty Bonds database for a sum of \$42,500.00
Sewer Mains; public wastewater system	Article 1, Sixth	\$ 96,700.00	2 years from approval of this request	Project is 95% complete; total remaining obligation is \$4,700.00
Trees along both sides of streets, south side of W Highlands Blvd, and west side of NW 1st St	Article 1, Ninth	\$ 16,720.00	4 years from approval of this request	n/a

We require a time extension for these improvements because some lots at the Technology Park remain undeveloped, and we have no firm schedule to develop them. It would be unwise to install infrastructure improvement such as sidewalks and trees prior to development of a specific lot, as those items may then need to be removed and replaced after development, creating additional expense and project delays. Additionally, we are working with Public Works to formally release our obligations for the Highlands Trail

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1010 Lincoln Mall, Suite 300
Lincoln, NE 68508
(402) 472-2151

Omaha
8712 W. Dodge Road, Suite 100
Omaha, NE 68114
(402) 595-2302

Kearney
214 W. 39th Street, P.O. Box 2678
Kearney, NE 68848
(308) 865-8272

Scottsbluff
4502 Avenue I
Scottsbluff, NE 69361
(308) 632-1207

www.nufoundation.org

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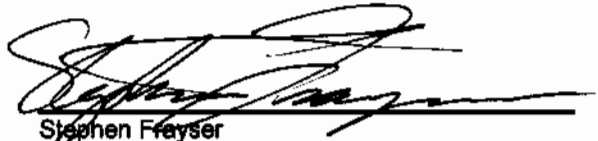
(also referred to as Pedestrian Sidewalks in the Finance Warranty Bonds database) and street signs. As such, we are not requesting time extensions for those improvements.

Please advise us on any additional requirements or information necessary to obtain these time extensions. We appreciate your flexibility and look forward to resolving this matter in the near future.

Sincerely,



Keith D. Miles
Vice-President & General Counsel
University of Nebraska Foundation



Stephen Freyser
President
University of Nebraska Technology Park, LLC



Kimberly Bilder
<kbilder@foundation.nebraska.edu>

08/30/2004 02:41 PM

To: "tcajka@ci.lincoln.ne.us" <tcajka@ci.lincoln.ne.us>
cc: Keith Miles <kmiles@foundation.nebraska.edu>, Steve Frayser
<sfrayser@foundation.nebraska.edu>, "Nina Vejnovich, Paralegal"
<nvejnovich@ci.lincoln.ne.us>
Subject: University of Nebraska Tech Park Original

Tom,

I am writing to request a time extension (in addition to the August 11, 2004 request) for the following improvements for the University of Nebraska Tech Park Original:

1. Sidewalks; balance = \$18,000
2. Trees; balance = \$7,629.44

Please note that I contacted Dennis Bartels at Public Works on August 5 to initiate the release of the Highlands Trail.

I appreciate your assistance with this process! Please contact me if you need any additional information,

Sincerely,

Kimberly Peschka Bilder

Clerk to General Counsel

University of Nebraska Foundation

1010 Lincoln Mall, Suite #300

Lincoln, NE 68508

402.472.0365

kbilder@foundation.nebraska.edu



University of Nebraska
FOUNDATION

RECEIVED

SEP 13 2004

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Ms. Mary Bills-Strand
Chair, Planning Commission
555 S 10th St, Rm 213
Lincoln, NE 68508

September 13, 2004

Re: Waiver 04010; Item 3.5 of the September 15, 2004 agenda

Dear Ms. Bills-Strand,

A request for an extension of time for sidewalk and street tree improvements at the University of Nebraska Technology Park will be up for review at the September 15, 2004 Planning Commission Meeting. The University of Nebraska Foundation and the University of Nebraska Technology Park agree with the provisions of the Lincoln/Lancaster County Planning Staff Report and plan to go forward with the improvements described as "exceptions" in the Report.

We appreciate your consideration of our request.

Sincerely,

Keith D. Miles
Vice-President & General Counsel
University of Nebraska Foundation

Stephen Frayser
President
University of Nebraska Technology Park, LLC