

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 13, 2004 PLANNING COMMISSION MEETING

P.A.S.: Waiver #04013

PROPOSAL: Waive sidewalks associated with Sterling Summit final plat #96018.

LOCATION: S. 70th St. & Sterling Place

CONCLUSION: Sterling Summit final plat was approved on July 17, 1996. The subdivision ordinance requires that sidewalks be installed within four years of the final plat approval.

There are no unusual circumstances that would warrant the approval of this waiver. The installation of the sidewalks does not create a hardship or injustice to the subdivider.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 7-9, Sterling Summit; located in the SE 1/4 of Section 33, Township 10, Range 7; Lancaster County, NE

EXISTING ZONING: R-T, Residential Transition

EXISTING LAND USE: Office buildings.

SURROUNDING LAND USE AND ZONING:

North:	R-1, Residential	Single family house
South:	B-1, Local Business Retail	commercial
	O-2, Suburban Office	Office buildings
East:	R-4, Residential	Residential
West:	R-1, Residential	Single family houses

HISTORY:

July 17, 1996 Sterling Summit final plat was approved by the Planning Commission.

February 26, 1996 Use Permit#81 and Preliminary Plat#95018 for Sterling Summit was approved by City Council.

February 26, 1996 Change of Zone 2942 from R-1 to R-T was approved by City Council.

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)

“Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile.” (F-19)

“Streets and public spaces should be safe, comfortable, and interesting to the pedestrian.” (F-19)

“Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.” (F-66)

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.” (F-66)

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

TRAFFIC ANALYSIS:

S. 70th St is classified as a minor arterial.
Sidewalk exist along S. 70th St.

ANALYSIS:

1. This is a request to eliminate the requirement for sidewalks on the north side of Sterling Place adjacent to Lots 7-9.
2. Section 26.27.020 of the Land Subdivision Ordinance states that sidewalks shall be constructed on both sides of all streets within the subdivision and on the side of the streets abutting the subdivision.
3. A condition for approval of the final plat was to install the sidewalks along Sterling Place as shown on the Use Permit or post a surety in the amount of \$4,000.00. A surety in the amount of \$4,000.00 was posted by S.E. Development.

4. The subdivision agreement for Sterling Summit states that the subdivider agrees to complete the private improvements shown on the preliminary plat and use permit. The preliminary plat and use permit show a sidewalk on the north side of Sterling Place.
5. The approved site plan for the Use Permit shows the sidewalk 4'-6" from the curb. The sidewalk is 4' wide and the landscaping is shown north of the sidewalk in a 8' wide area. The utility plan shows the fire hydrant north of the sidewalk. If the hydrant was located closer to the curb than intended, the sidewalk can be designed around it.
6. Sidewalks are required to be installed within four years of the approval of the final plat. It has been more than eight years since the final plat was approved.
7. The applicant states that installing sidewalks would significantly degrade the landscaping. The existing landscaping is grass and shrubs. There is adequate space for a sidewalk between the curb and landscaping on the north side of Sterling Place. The shrubs are approximately 8 feet from the back of curb of Sterling Place. This is adequate room for a 4 feet sidewalk.
8. Section 26.31.010 of the Land Subdivision ordinance states; "Whenever a lot, tract, or parcel of land is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the subdivider may request a modification of such requirements."
9. Although there are sidewalks in front of the office buildings, they do not serve the same purpose of providing a safe place to walk along side the private roadway. This does not release the developer of his obligation to install sidewalks along the private roadway.
10. Nationally and locally more emphasis is being placed on encouraging people to walk. To facilitate walking, pedestrians must have a safe place to walk. This includes installing sidewalks and separating pedestrians from automobiles.
11. On this site, the sidewalk will provide access to the hiker/biker trail built immediately adjacent on the west side of S. 70th Street.
12. A site visit identified a pathway leading from the adjacent house to the west to this development. This would indicate that there is pedestrian traffic through this development.

Prepared by:

Tom Cajka
Planner

DATE: September 28, 2004

APPLICANT: SE Development
P. O. Box 83089
Lincoln, NE 68501
(402) 434-9350

OWNER: same as applicant

CONTACT: A. Michael Alesio
2601 S. 70th St.
Lincoln, NE 68506
(402) 434-9380



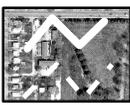
2002 aerial

Waiver #04013
2601 S. 70th St.

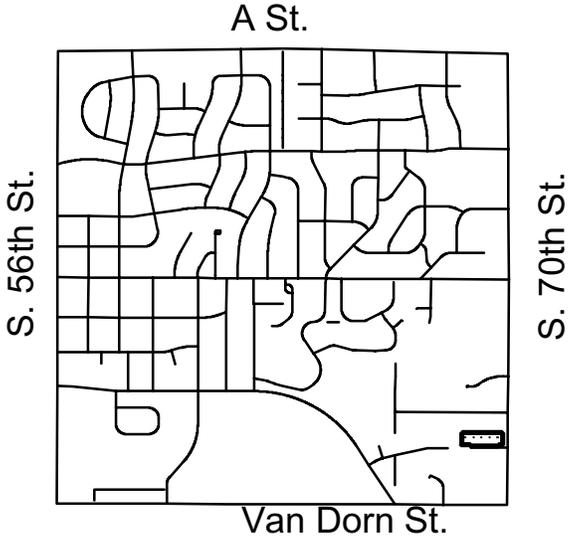
Zoning:

- 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. 33 T10N R7E



Zoning Jurisdiction Lines
 City Limit Jurisdiction



A. MICHAEL ALESIO
SE DEVELOPMENT
PO Box 83089
LINCOLN, NE 68501

September 7, 2004

Mr. Marvin Krout
Director of Planning
City of Lincoln/Lancaster County
555 South 10th, Room 213
Lincoln, NE 68508

Dear Mr. Krout:

Enclosed is our application to waive the sidewalk requirements for the sidewalks in question along our private roadway at Sterling Place. Our attached Purpose Statement outlines our position and we believe you will concur that our reasoning for this request is sound. We respectfully ask for your careful consideration and support for this request. Enclosed you will find:

- City of Lincoln Zoning Application
- Exhibit A – Purpose Statement
- Exhibit B – General Site Plan
- Exhibit C – Lancaster County Parcel Map
- Exhibit D – Site photographs

We respectfully request that this matter be brought forth for consideration at the October 13, 2004, meeting of the Planning Commission. Please feel free to contact our special project manager, Allen Wachter (434-9354), or me directly at 434-9380 if you have further questions or you seek additional clarification on this matter.

Sincerely,



A. Michael Alesio

cc: SE Development File – Sterling Summit
AJW File – Sterling Summit



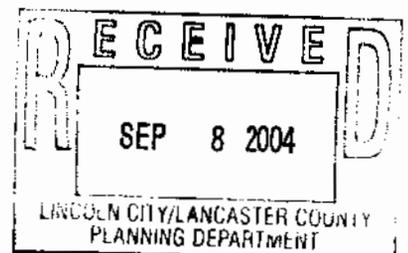
PURPOSE STATEMENT

Exhibit A

September 7, 2004

SAM Properties Inc. is respectfully requesting waiver of sidewalk construction in our Sterling Summit office park development, generally located at 2601 S. 70th Street in Lincoln, Nebraska. We request the waiver of sidewalks along the private roadway Sterling Place (see Exhibits B and C) for the following reasons:

- Sidewalks currently are in place in front of all office park buildings and were constructed to meet ADA accessibility standards for each office building tenant. As developer/landlord of record, we have received zero feedback from the office tenants that sidewalks as they exist today are insufficient to meet consumer/employee needs.
- The sidewalk in question we feel is unnecessary given our now-seven year history with the property and familiarity with traffic and walking patterns in the area. Traffic to our office park is almost exclusively by vehicle and we observe zero pedestrian traffic from 70th to tenant buildings.
- Construction of this sidewalk would significantly degrade our attempt to beautify and landscape our parking lot areas. Significant green space and some landscaping would need to be removed to make this sidewalk possible (See exhibit D).



STERLING SUMMIT OFFICE PARK

Exhibit D



D-3 LOOKING NORTH FROM SOUTH SIDE OF STERLING PLACE



D-4 LOOKING WEST ALONG TENANT BUILDINGS 2601

STERLING

SEP 8 2004

STERLING



D-1 NORTH SIDE OF STERLING PLACE - LOOKING WEST FROM 70TH STREET SIDEWALK



D-2 SOUTH SIDE OF STERLING PLACE - LOOKING WEST FROM 70TH STREET SIDEWALK

**A. Michael Alesio, Attorney
PO Box 83089
Lincoln, NE 68501**

September 7, 2004

HAND DELIVERED

Mr. Marvin Krout
Director of Planning
City of Lincoln/Lancaster County
555 South 10th, Room 213
Lincoln, NE 68508

Dear Director Krout:

Please be advised that I represent SE Development LLC, a Nebraska corporation, and the "applicant" requesting the waiver of sidewalk installation along the private roadway Sterling Place. Please consider this letter my certificate that the description of the ownership of the property in question as listed on the City of Lincoln Zoning Application dated 9-7-04 is correct as shown. SE Development is a corporation in good standing in the State of Nebraska.

If you have any questions, please do not hesitate to call me at 434-9380. Thank you for your time and consideration in this matter.

Sincerely,



A. Michael Alesio

cc: SE Development File – Sterling Summit
AJW File – Sterling Summit

