

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02004

DATE: March 13, 2002

PROPOSAL: To release the dedicated pedestrian way easement on Lots 8 and 9, Block 2, Vintage Heights 7th Addition and on Lots 9 and 10, Block 2, Vintage Heights 6th Addition

LAND AREA: 2,651 square feet, more or less

CONCLUSION: While a pedestrian way is necessary in this block, several unusual circumstances make waiving the requirement the only feasible choice.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 8 and 9, Block 2, Vintage Heights 7th Addition and Lots 9 and 10, Block 2, Vintage Heights 6th Addition, located in the SE 1/4 of Section 14, T9N, R7E of the 6th P.M., Lancaster County, Nebraska.

LOCATION: South of Benziger Drive and Blackstone Road

APPLICANT: Pine Lake Development, L.L.C.

OWNERS: Pine Lake Development, L.L.C. (Lot 8, Block 2, Vintage Heights 7th)
Mark & Renee Halverson (Lot 9, Block 2, Vintage Heights 7th)
Prairie Home Builders Inc. (Lot 9, Block 2, Vintage Heights 6th)
Charles A. Leininger (Lot 10, Block 2, Vintage Heights 6th)

CONTACT: Robert L. Dean
EDC
630 N Cotner Blvd. - Suite 105
Lincoln, NE 68505
(402) 464-4011

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Single family house on Lot 9, Block 2, Vintage Heights 7th Addition. The other three lots are vacant.

SURROUNDING LAND USE AND ZONING:

North:	R-3	Residential
South:	R-3	Residential with some vacant lots
East:	R-3	Residential with some vacant lots
West:	R-3	Residential with some vacant lots

HISTORY:

- May 14, 2001** Planning informed the developer that the Pedestrian Way Easement could be moved to another location via Executive Order. The developer was to contact the City Attorney’s office to begin the process. The developer never proceeded to move the easement.
- October 20, 2000** Building permit issued on Lot 9, Block 2 Vintage Heights 7th Addition. The plan indicated a 5' setback from the north property line, but the zoning ordinance requires a 10' setback from pedestrian way easements.
- June 28, 2000** Planning Commission approved Vintage Heights 7th Addition Final Plat. There is a 10' pedestrian way easement along the property line between Lots 8 and 9, Block 2. Construction of the sidewalk in the easement was required at the time of street paving.
- January 26, 2000** Planning Commission approved Vintage Heights 6th Addition Final Plat. The plat depicted a 10' easement along the property line between Lots 9 and 10, Block 2. The easement was not labeled, although the resolution required construction of the sidewalk at the same time as Blackstone Road was paved.
- June 16, 1999** The Planning Commission approved the Vintage Heights 2nd Addition Preliminary Plat. The plat showed a pedestrian way easement in what became Lots 9 and 10, Block 2 in Vintage Heights 6th Addition and Lots 8 and 9, Block 2 in Vintage Heights 7th Addition.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Urban Residential.

The overall objectives of the transportation plan include:

Increasing the use of alternative means of transportation... and pedestrian movement, by improving and expanding facilities and services and encouraging compact, "walkable" land use patterns and project designs. (p 80)

UTILITIES: Available

TRAFFIC ANALYSIS: Gabrielle Drive and Blackstone Road are local streets

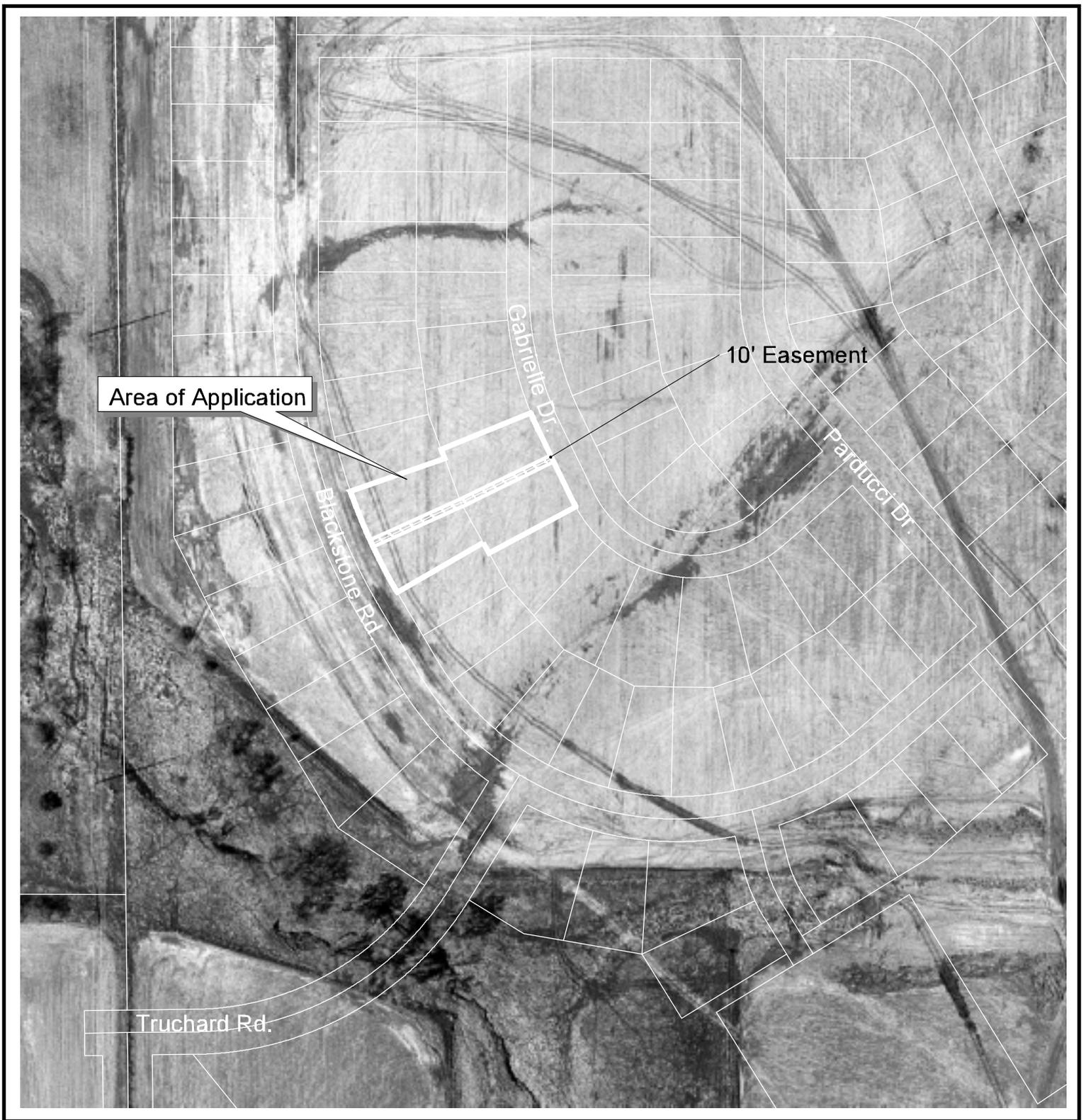
PUBLIC SERVICE: City of Lincoln fire and police

ANALYSIS:

1. The Subdivision Ordinance requires pedestrian way easements on all blocks that are longer than 1000 feet. The purpose of this is to improve pedestrian circulation through the neighborhood without creating additional cross streets.
2. The pedestrian way easement was not labeled on the Vintage Heights 6th Addition final plat, although the resolution did require its construction at the same time as Blackstone Road was paved.
3. The resolution for Vintage Heights 7th Addition required the construction of the sidewalk in the pedestrian way easement at the same time as the paving of Gabrielle Drive.
4. Neither portion of the sidewalk was constructed at the time required by the resolution approving the final plat and as set forth in the land subdivision ordinance.
5. Building and Safety issued a building permit on Lot 9, Block 2, Vintage Heights 7th Addition in October 2000. The building plans did not meet the requirements of §27.71.230 - that buildings be at least 10 feet from a pedestrian way easement. The house abuts the easement.
6. There is no longer a viable alternative location for the easement because houses have been constructed on those lots.
7. A pedestrian way easement is necessary in this block; however, the unusual circumstances noted above make it infeasible to construct a sidewalk now.

Prepared by:

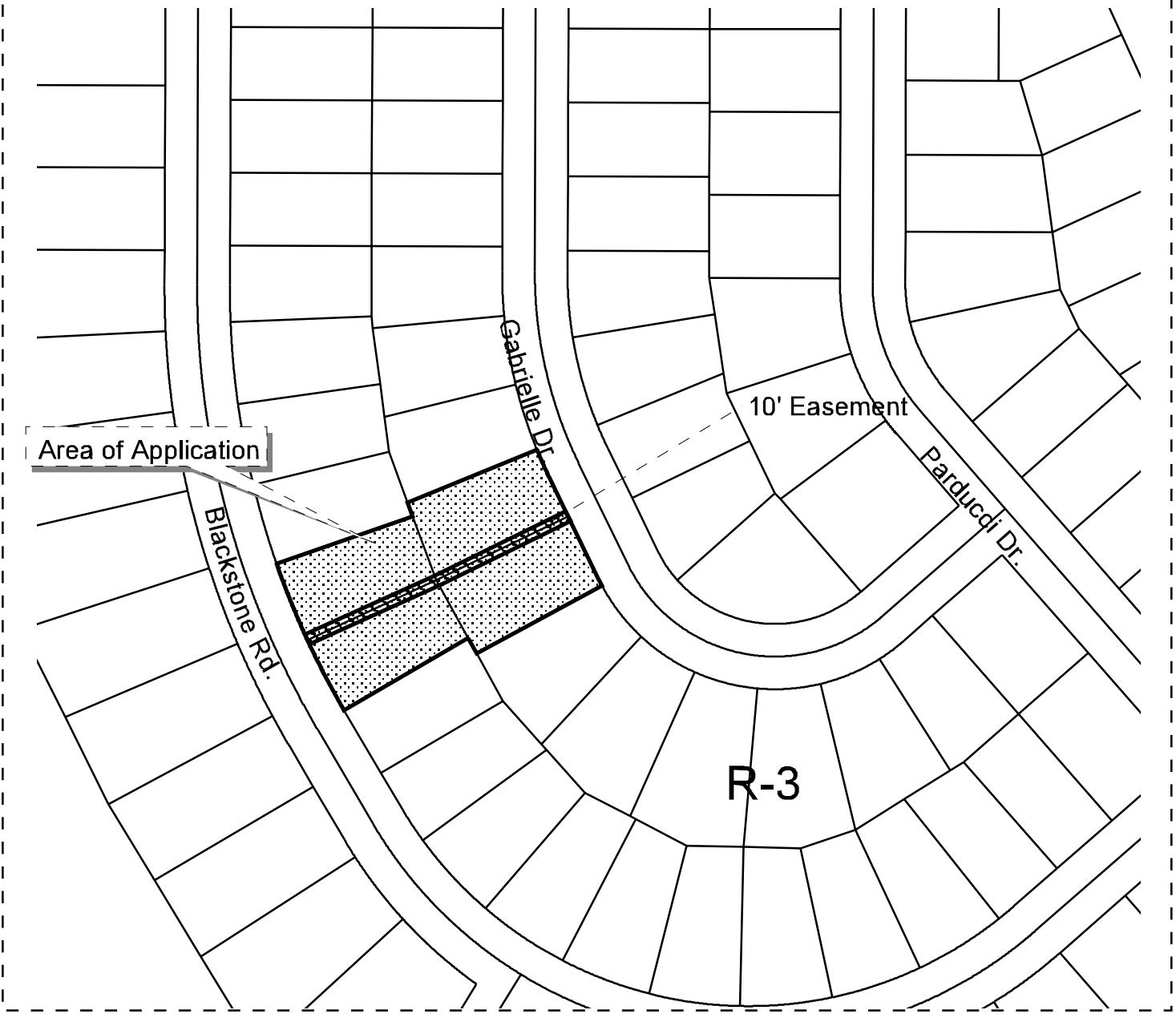
Jason Reynolds
Planner



**Waiver of Design Standards #02004
Benziger Dr. & Blackstone Rd.**



Photograph Date: 1999

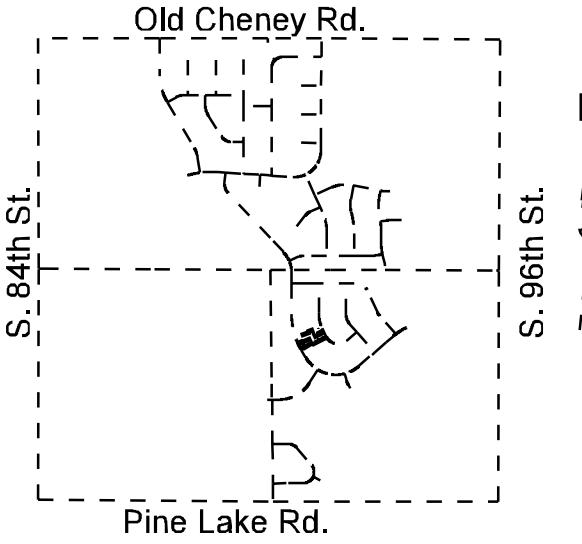


Waiver of Design Standards #02004 Benziger Dr. & Blackstone Rd.

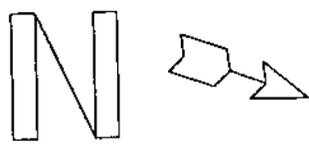
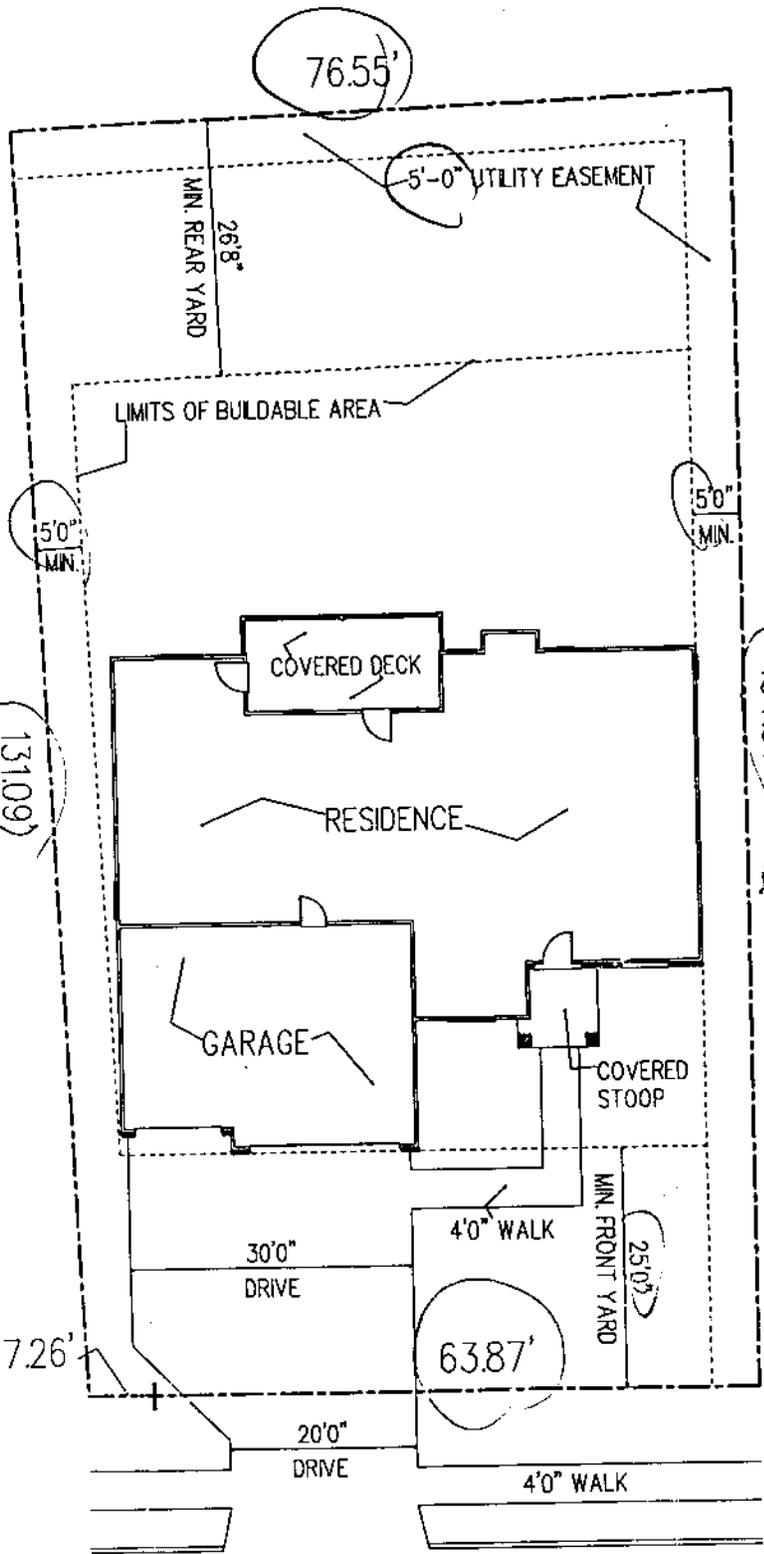
Zoning:

- 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. 14 T9N R7E



B0003681



NOTE:
 BUILDING MAY BE LOCATED
 ANYWHERE WITHIN BUILDABLE
 AREA OF LOT.

LEGAL:
 VINTAGE HEIGHTS
 7TH ADDITION
 BLOCK #2
 LOT #9

*R-3 Zone
 20' Front
 5' Side
 26.8' Rear*

PLOT PLAN

SCALE: 1" = 20'-0"

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 THE CITY SAFETY DEPARTMENT
 OF LINCOLN, NEBR.
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DATE _____
 REVIEWER _____
 SIGNATURE _____