

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 22, 2005 PLANNING COMMISSION MEETING

PROJECT #: Waiver #05006

PROPOSAL: Waive sidewalks associated with Osie Square final plat #02033

LOCATION: N. 64th St. and Cotner Blvd.

LAND AREA: 4,633 sq. ft., more or less

CONCLUSION: There are no unusual circumstances that would prevent the installation of the sidewalk. The installation of the sidewalk adjacent Lot 2, Osie Square would fill the gap in the sidewalk between Dudley St. and Orchard St.

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

LEGAL DESCRIPTION: Lot 2, Osie Square, located in the NE 1/4 of Section 21, Township 10 North, Range 7 East, Lancaster County, NE

EXISTING ZONING: B-1, Local Business

EXISTING LAND USE: Single-family house

SURROUNDING LAND USE AND ZONING:

North: B-1, Local Business Commercial office
South: B-1, Local Business Dental clinic and retail
East: B-1, Local Business Commercial
West: R-3, Residential Single-family residential

HISTORY:

October 8, 2002 Osie Square final plat was approved by the Planning Director.

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)

ANALYSIS:

1. This is a request to waive the sidewalk on N. 64th St. associated with Osie Square final plat.
2. The 2025 Comprehensive Plan encourages walking and interconnected sidewalks.
3. The applicant's letter states that the sidewalk would be completely within a fenced in area. The fence is located within the street right-of-way and is a violation of Chapter 14.40 of the Municipal Code.
4. The applicant's letter further states that there are two large elm trees that are in the path of the sidewalk. Public Works & Utilities Department states that there is adequate space to construct the sidewalk around the trees.
5. There are sidewalks north and south of this lot. The installation of this sidewalk would complete the sidewalk system between Dudley St. and Orchard St. The attached aerial was photographed in 2002. Sidewalks have been constructed along Dudley St. and N. 64th St. since 2002 except in front of the subject lot.
6. Section 26.11.040(a) of the Land Subdivision Ordinance states, "Sidewalks along non-major streets shall be installed prior to the City issuing an occupancy permit or within four years following final plat approval, whichever occurs first." This plat was approved on October 8, 2002.. The applicant has until October 8, 2006 to install the sidewalks.
7. 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. There are no difficulties or hardships that would preclude the applicant from installing the sidewalk.

Prepared by:

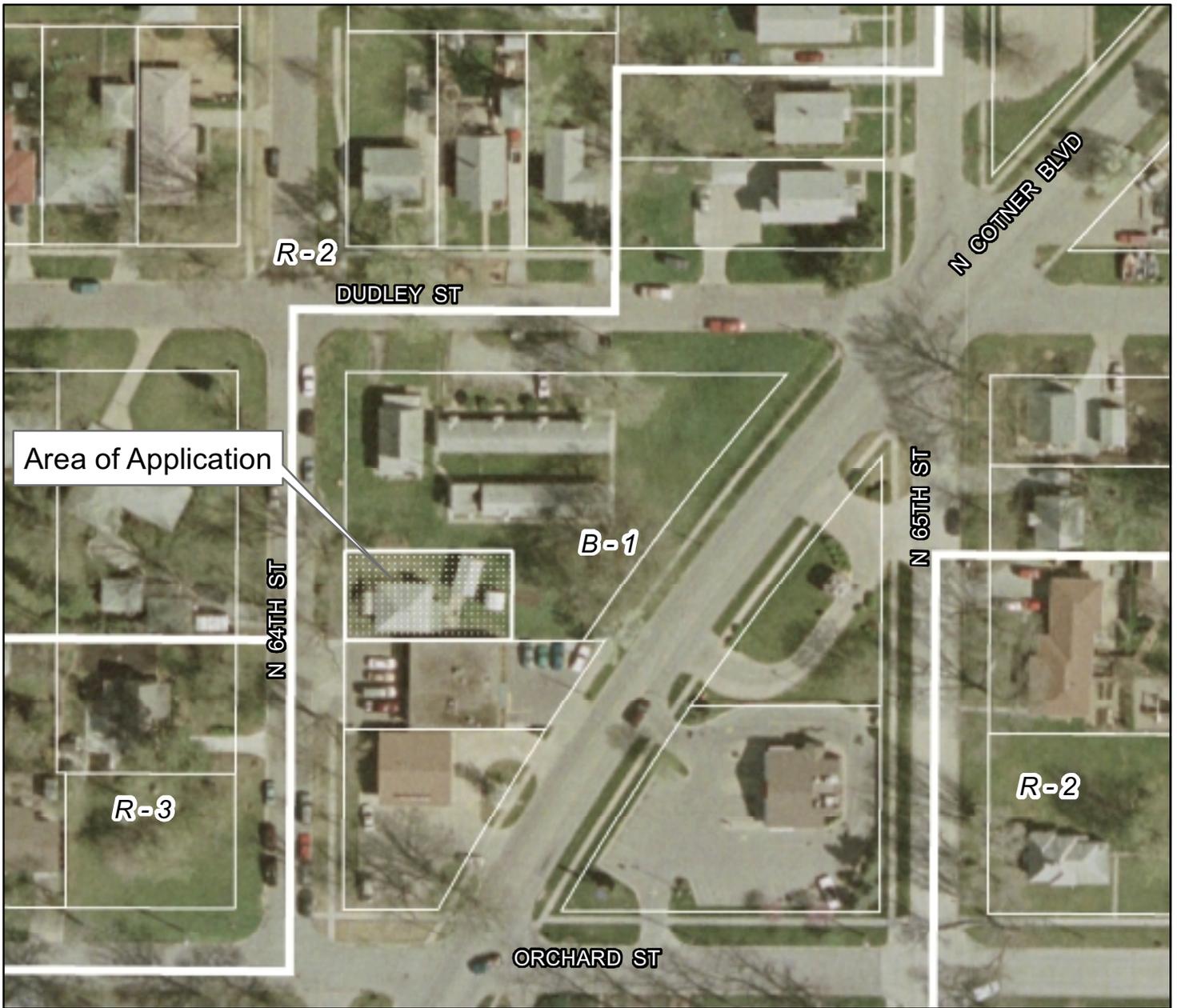
Tom Cajka
Planner

DATE: June 7, 2005

APPLICANT: Stevan Osenbaugh
1221 North Cotner Blvd.
Lincoln, NE 68508
(402) 489-9180

OWNER: Kenneth Bundy
1220 N. 64th St.
Lincoln, NE 68505

CONTACT: same as applicant



2002 aerial

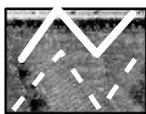
Waiver #05006 N. 64th & Cotner Blvd

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-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

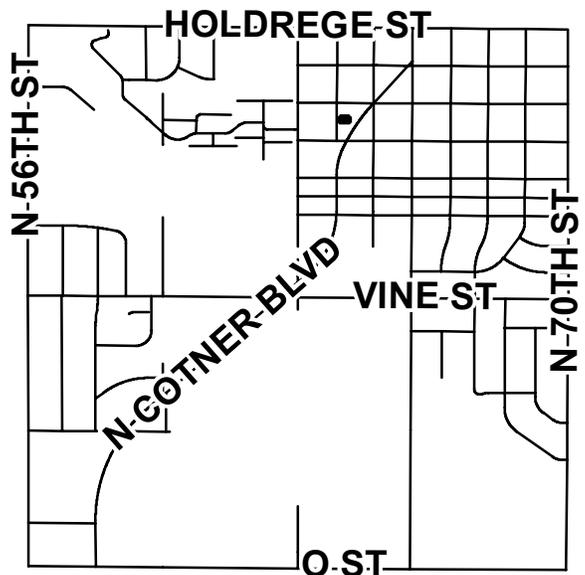
One Square Mile
Sec. 21 T10N R7E





Zoning Jurisdiction Lines

City Limit Jurisdiction



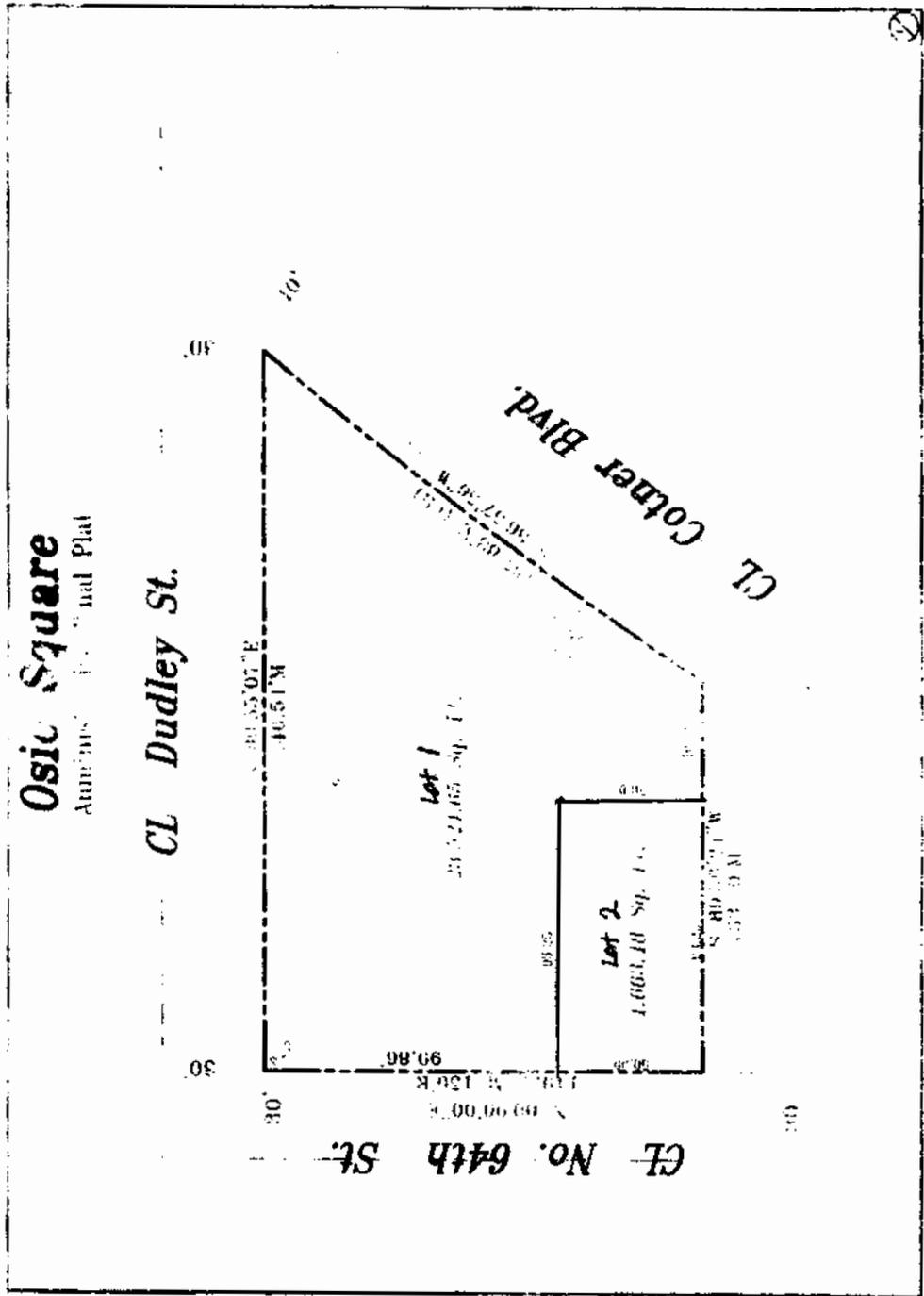
Osic Square

Amended Original Plat

CL Dudley St.

CL No. 64th St.

CL Colver Blvd.



Harry B Kroos/Notes
05/23/2005 04:40 PM

To Thomas J Cajka/Notes@Notes
cc Charles W Baker/Notes@Notes
bcc
Subject Sidewalk Waiver Osie Square

Tom:

I looked at the property at 1220 N. 64th Street. I have included several photos of the front yard. There is a short wire fence which has been placed into the public right-of-way. This is a violation of Chapter 14.40 of the Municipal Code.

Photo 1 shows the property from the north and photo 5 shows the property from the south.



MVC-001F.JPG



MVC-005F.JPG

The sidewalk alignment could be adjusted to go behind the large ash trees shown. There is 4 ft of right-of-way behind the existing sidewalk which should provide enough space to complete the sidewalk. Also there is sidewalk on the property south of the dental office and the drives and paving for the parking at the dental office has completed a walk for pedestrians with a short connection of each end.

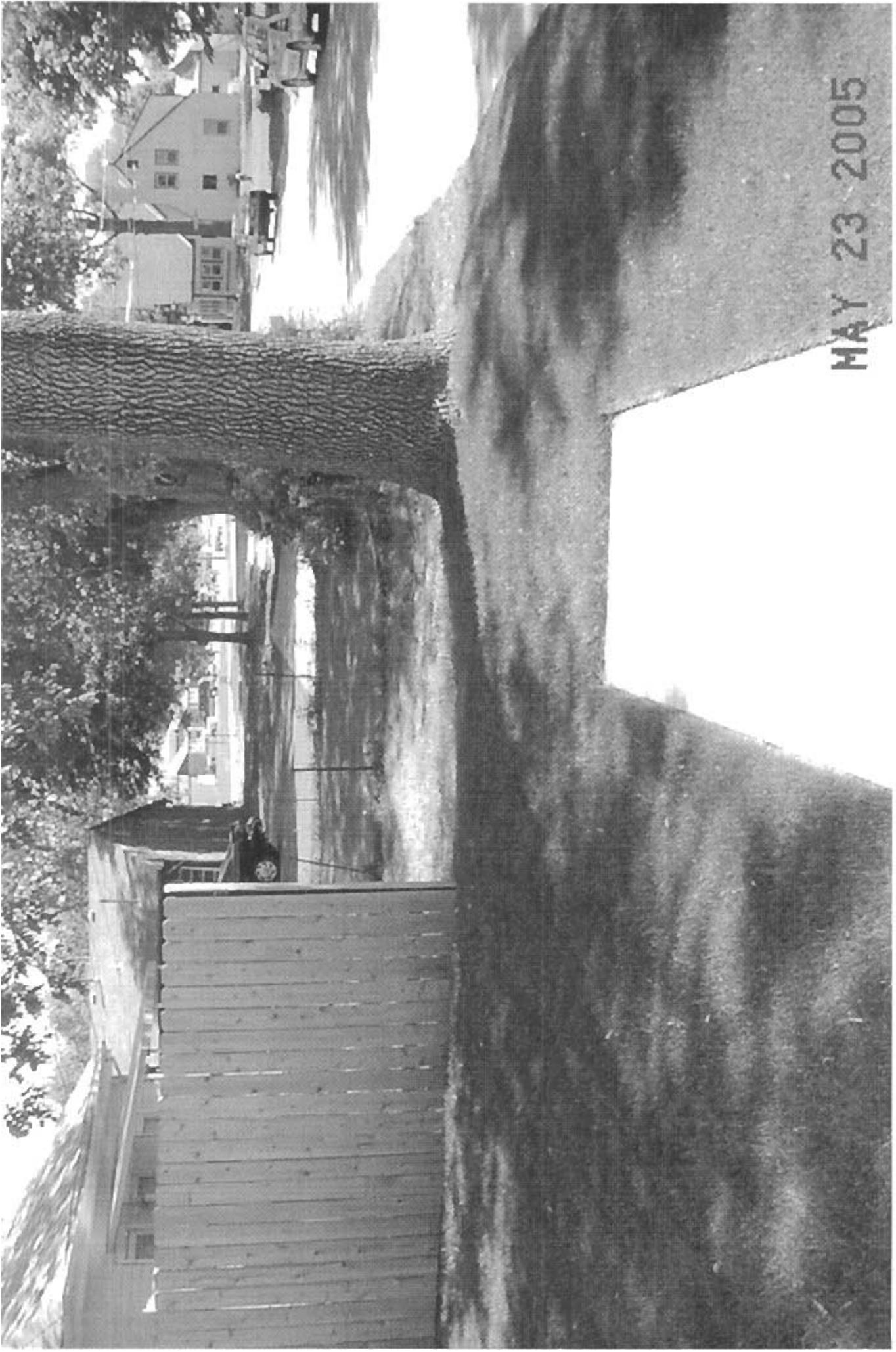
Photo 4 shows the view from the existing sidewalk south of the Dental Office



MVC-004F.JPG

Thus completion of sidewalk across Lot 2 Osie Square would complete the sidewalk in this block.. This office recommends denial of the waiver.

Harry Kroos
Engineering Services



MAY 23 2005

#1

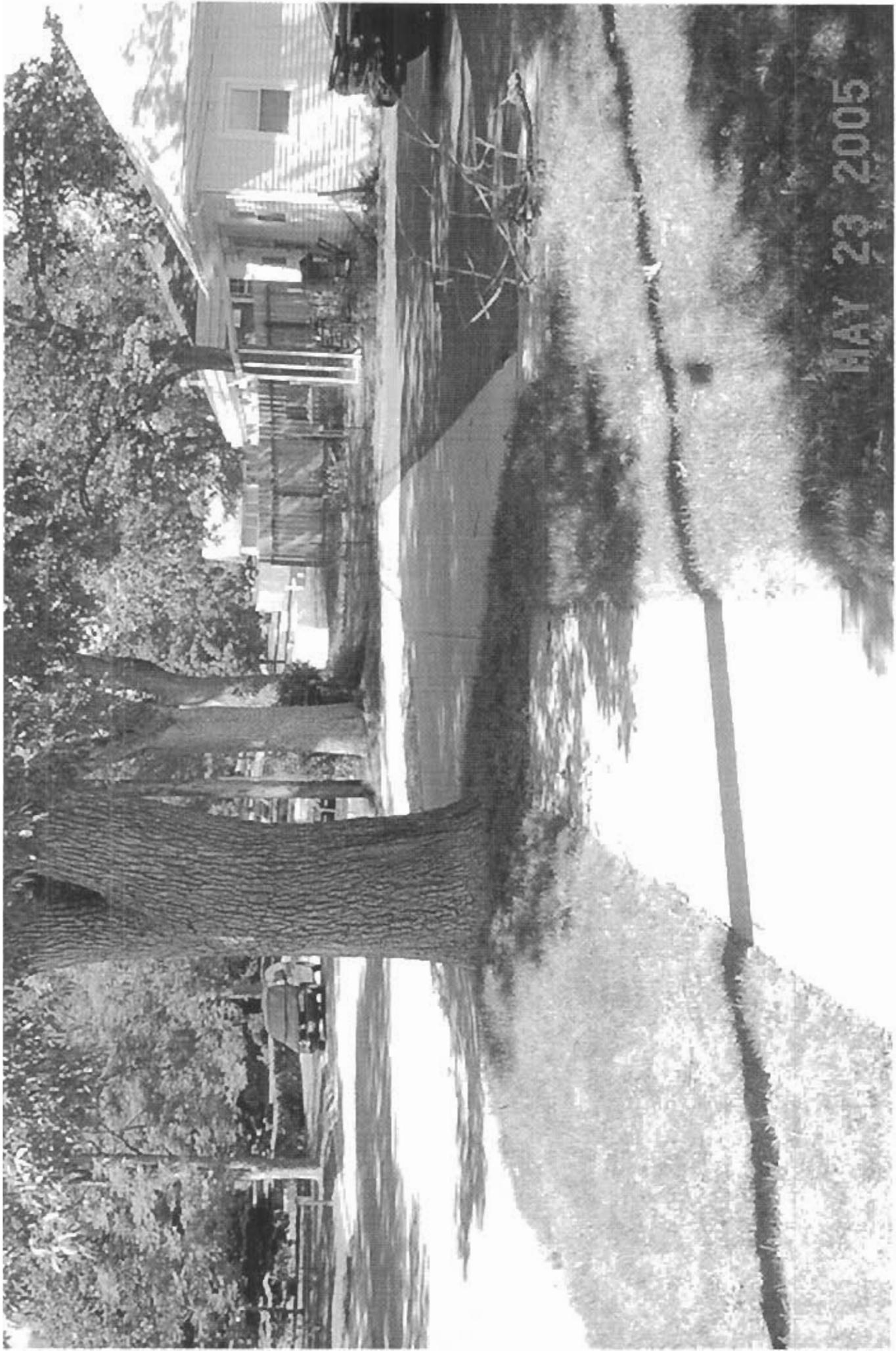
Looking south on N. 64th St.



MAY 23 2005

Looking North on N. 64th St,

45



Looking north on N. 64th St. From south of dental office

#4
11

STRUCTURAL ENGINEER

J.R. KING ENGINEERING
 JERRY KING
 10890 NORTHMARK DRIVE,
 EDEN PRAIRIE, MN 55344
 PHONE: (982) 944-1261
 FAX: (982) 944-0808

LIST OF DRAWINGS:

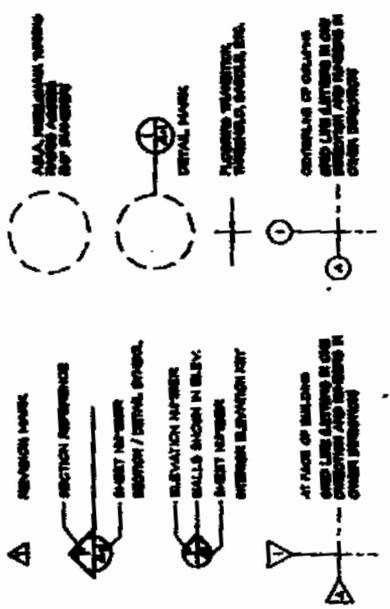
- T-1 COVER SHEET/TITLE
- GR-1 to GR-4 CONSTRUCTION SPECIFICATIONS
- G-1 SITE PLAN/DETAILS
- G-2 LAYOUTS & DETAIL PLAN/DETAILS, NOTES
- A-1 GROUND FLOOR PLAN - CONCRETE
- A-2 GROUND FLOOR PLAN - APPROXIMATE LAYOUT
- A-3 2ND LEVEL PLAN
- A-4 EXISTING ELEVATIONS
- A-5 BUILDING SECTION
- A-6 WALL, SECTION & DETAILS
- A-7 WALL, SECTION & DETAILS
- A-8 WALL, SECTION & DETAILS
- A-9 FOUNDATION PLAN
- A-10 ROAD TIE-IN PLAN
- A-11 2ND LEVEL FINISH PLAN
- A-12 PLUMBING / HVAC PLAN, NOTES & NOTES
- U ELECTRICAL, POWER PLAN
- 2 2ND LEVEL CEILING / LIGHTING PLAN
- 2 2ND LEVEL CEILING / LIGHTING PLAN

NOTATIONS:

- 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED
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NOTATION LIST IS A REPRODUCED STANDARD AND NOT ALL NOTATIONS ARE NECESSARILY USED OR REFERENCED ON THIS PROJECT AND SOME THAT HAVE BEEN USED MAY NOT BE LISTED.

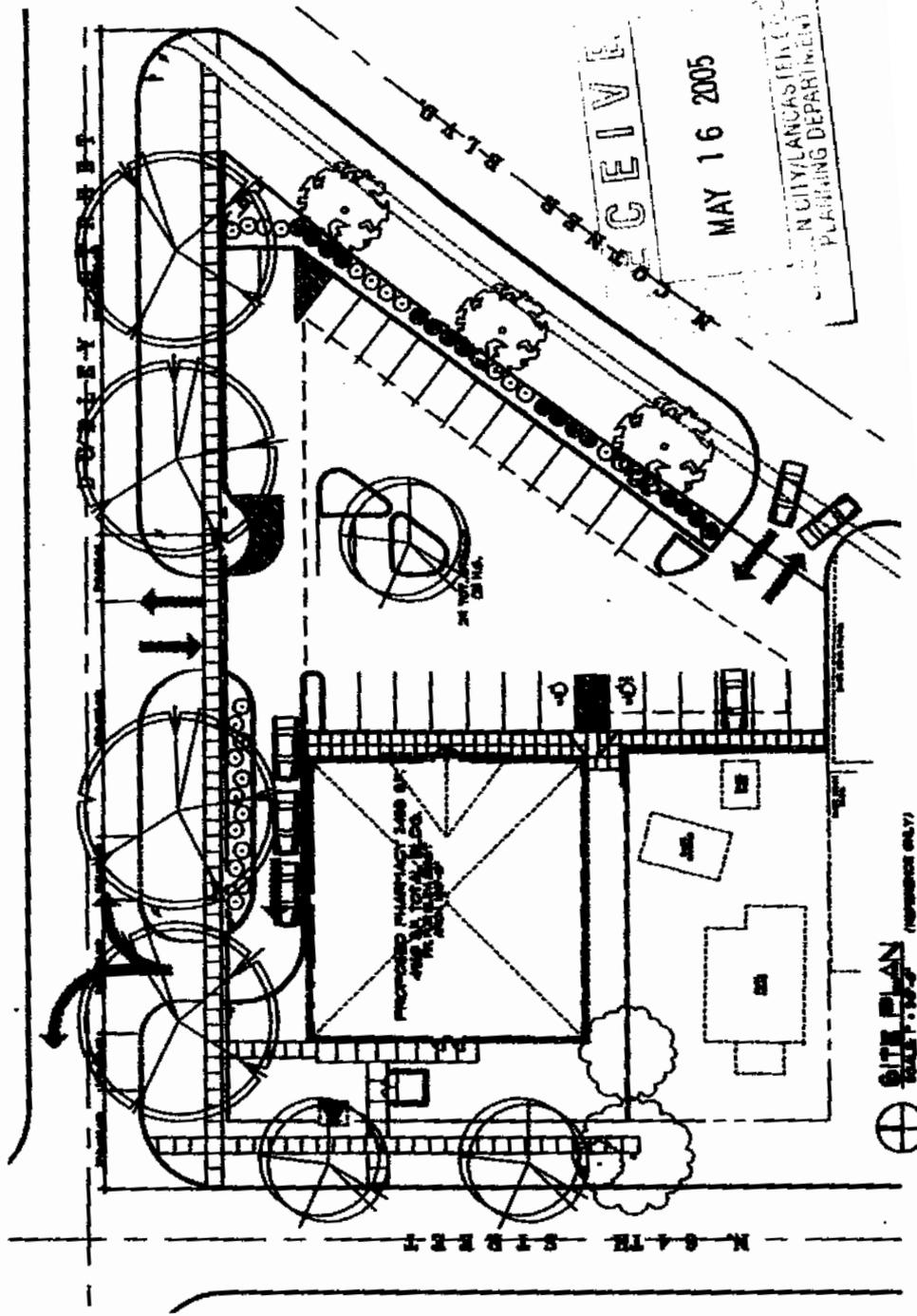
SYMBOL LEGEND



LOCATION



NEIGHBORHOOD PLAN



SITE PLAN



(REFERENCE ONLY)

Dear Sir:

Re: Waiver of 50 feet of sidewalks on Lot 2 of Osie Square.

Reason: Disruption of the fenced in front yard of Kenneth Bundy.

My name is Steve Osenbaugh and I am responsible for the development of this plat called Osie Square. I bought property from Dick Evans and the back half of a lot owned by Kenneth Bundy and then had the land replatted for redevelopment.

As part of the requirements for this plat on block 78 we were obligated to insure the installation of sidewalks on the Plat. Those requirements were met except for the final 50 feet across the front yard of Kenneth Bundy. This block is zoned business and Mr. Bundy has the final residential piece of property on the block. We have erected a privacy fence for Mr. Bundy across the back of his lot (along Cotner Blvd.) and along the north border of his lot to insure his privacy.

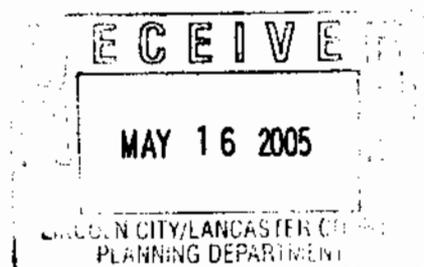
Mr. Bundy has a small front yard facing North 64th Street which is enclosed with a fence. From his front stoop to the border of the fence (running north/south parallel to 64th Street) is approximately 18 feet.. The edge of the sidewalk towards the street (western edge) would run along the border of his fence, which places the sidewalk completely within his fenced in area. To make matters worse, on both his south and north property lines are large elm trees which also sit on what would be the western edge of the sidewalk. For the sidewalk to continue on a straight path these trees would have to be removed, or alternately the side walk could take a curve in (east) and then continue on its path. If we curve the sidewalk in to avoid the trees then we are going to place the sidewalks about 6 feet into his fenced front yard leaving him approximately 12 feet. The sidewalk on the south end will butt into the parking lot of a dental clinic.

Throughout the redevelopment of this area I have maintained an excellent working relationship with Kenneth and we have tried to insure his privacy with minimal disturbance. I felt fortunate that he would sell me the back half of his property for this development and I hope sometime in the future to acquire the rest of his property to finish the development of this plat. However for now, he is an elderly gentlemen who just desires to be stay on his property which has minimal space. I really hate to infringe upon any more of his property by taking away his small fenced in front yard.

So I am asking for a waiver on this 50 feet of sidewalk to allow Mr. Bundy to keep his fenced in front yard undisturbed.

Thank you for your consideration.

Steve Osenbaugh
the pharmacy
1221 North Cotner
Lincoln, NE 68505



June 6, 2005

Dear Sir:

Re: Waiver of 50 feet of sidewalks on Lot 2 of Osie Square.

My name is Steve Osenbaugh and I have made an application to waive approximately 50 feet of sidewalks at 1220 N 64th Street, which is on Kenneth Bundy's property. I am processing this waiver as the redeveloper of the plat on my behalf and Kenneth's behalf, who would not be able to handle this process on his own. Since my original filing I have had a meeting on site with Harry Kroos, from City Engineering Services, Kenneth Bundy, and myself.

At this meeting we reviewed how the sidewalk would be constructed as to avoid removing the trees, and what impact this would have on Kenneth. After discussing the possibilities and their impact, Kenneth still desires not to have a sidewalk placed in front of his house because of the impact it would have on his fenced in front yard. This is the last piece of residential property in a block that is zoned business. Myself, or the neighboring dental office, would like to purchase the property in the future, but it is Kenneth's desire to stay on the property as long as he is healthy enough.

From a humanitarian stand point I believe we should leave Kenneth alone and let him remain on his property as he has for the last forty years. From an aesthetic point, I believe it would be more attractive if we had his fence removed and a sidewalk built.

From a business point of view I would like to purchase this property in the future and add to my current structure, or property. When redevelopment does take place I believe most of the proposed sidewalk will have to be torn out and replaced because of the grade on this property. Again, this is on odd piece of property with an area cut out for a driveway, but no real driveway. This driveway, (dirt/grassy path), runs east and west. This area that looks like it should be a driveway leads to a garage on the back part of the property which has its garage door facing north with no way of entering the garage with a car from the driveway area. If we place a sidewalk at grade level, this will be too low in the future when redevelopment takes place, or if we leave the sidewalk above grade to match the rest of the property it will act like a speed bump plus block the drainage off the property.

One possibility would be to postpone the sidewalk requirement until a future date, but then I would be required to leave a remaining balance in the escrow account until an unknown date in the future. **I believe the best solution would be to require new sidewalks within six months from the sale of this property.**

Thank you for your consideration.

Steve Osenbaugh
the pharmacy
1221 North Cotner
Lincoln, NE 68505