

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for November 24, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** Waiver #04015

**PROPOSAL:** Waive the sidewalk in the pedestrian easement associated with Pointe East Estates 9<sup>th</sup> Addition

**LOCATION:** Eastwood Dr. & S. 83<sup>rd</sup> St.

**CONCLUSION:** The pedestrian easement does not lead to any sidewalk, street or common open space. The installation of a sidewalk at this location would serve no purpose. The Planning Department recommends this waiver be granted due to the unusual circumstances.

**RECOMMENDATION:**

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 8, Pointe East Estates 9<sup>th</sup> Addition, located in the NE 1/4 of Section 3, Township 9 North, Range 7 East, Lancaster County, NE

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Single family dwelling

**SURROUNDING LAND USE AND ZONING:**

North:	R-3, Residential	Single family dwellings
South:	R-1, Residential	Single family dwellings
East:	AGR, Agricultural Residential	Acreage lots
West:	R-3, Residential	Single family dwellings

**HISTORY:**

**January 14, 2002** Alderwood Preliminary Plat #04015 was approved by the City Council.

**June 28, 2000** Pointe East Estates 9<sup>th</sup> Addition final plat #00015 was approved by Planning Commission.

**September 2003** Van Dorn Acres Final Planned Unit Development was approved by the 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. 83<sup>rd</sup> St. and Eastwood Dr. are local streets.

**ANALYSIS:**

1. The block length is measured along the street alignment between S. 81<sup>st</sup> & East Pointe Rd. This distance exceeds 1,000 feet. The subdivision ordinance requires a pedestrian way when block lengths exceed a 1,000 feet.
2. This is a request to eliminate the sidewalk within a pedestrian easement.
3. The pedestrian easement leads to a detention pond within Alderwood subdivision
4. The pedestrian easement does not connect with any other sidewalk or street.
5. Alderwood Preliminary Plat did not show a connection to the pedestrian easement in Pointe East Estates 9<sup>th</sup> Addition.
6. Public Works & Utilities Department does not object to this waiver.
7. This waiver request, if approved, deletes the sidewalk requirement but does not remove the easement. An Executive Order signed by the Mayor is required to release

the easement. The applicant is required to pay for the filing fee of the Executive Order at register of deeds.

**CONDITIONS:**

1. Applicant pays the cost of filing the Executive Order at the Register of Deeds

Prepared by:

Tom Cajka  
Planner

**DATE:** November 5, 2004

**APPLICANT:** Tate Wright  
Wright Development  
5221 S. 84<sup>th</sup> St.  
Lincoln, NE 68516  
(402) 601-4499

**OWNER:** same as applicant

**CONTACT:** same as applicant



2002 aerial

# Waiver #04015 S. 83rd & Eastwood Dr.

## Zoning:

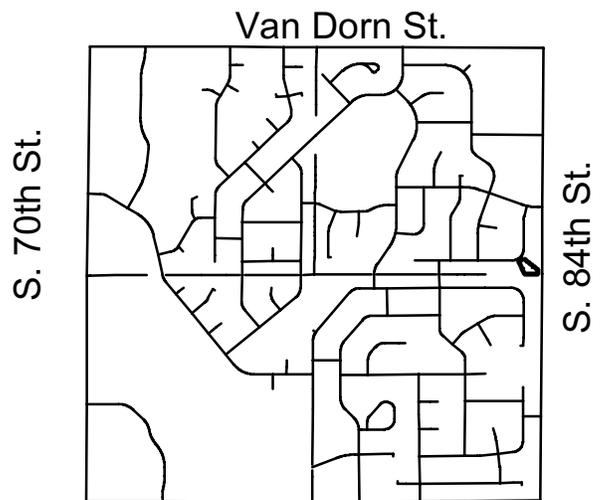
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 3 T9N R7E



Zoning Jurisdiction Lines

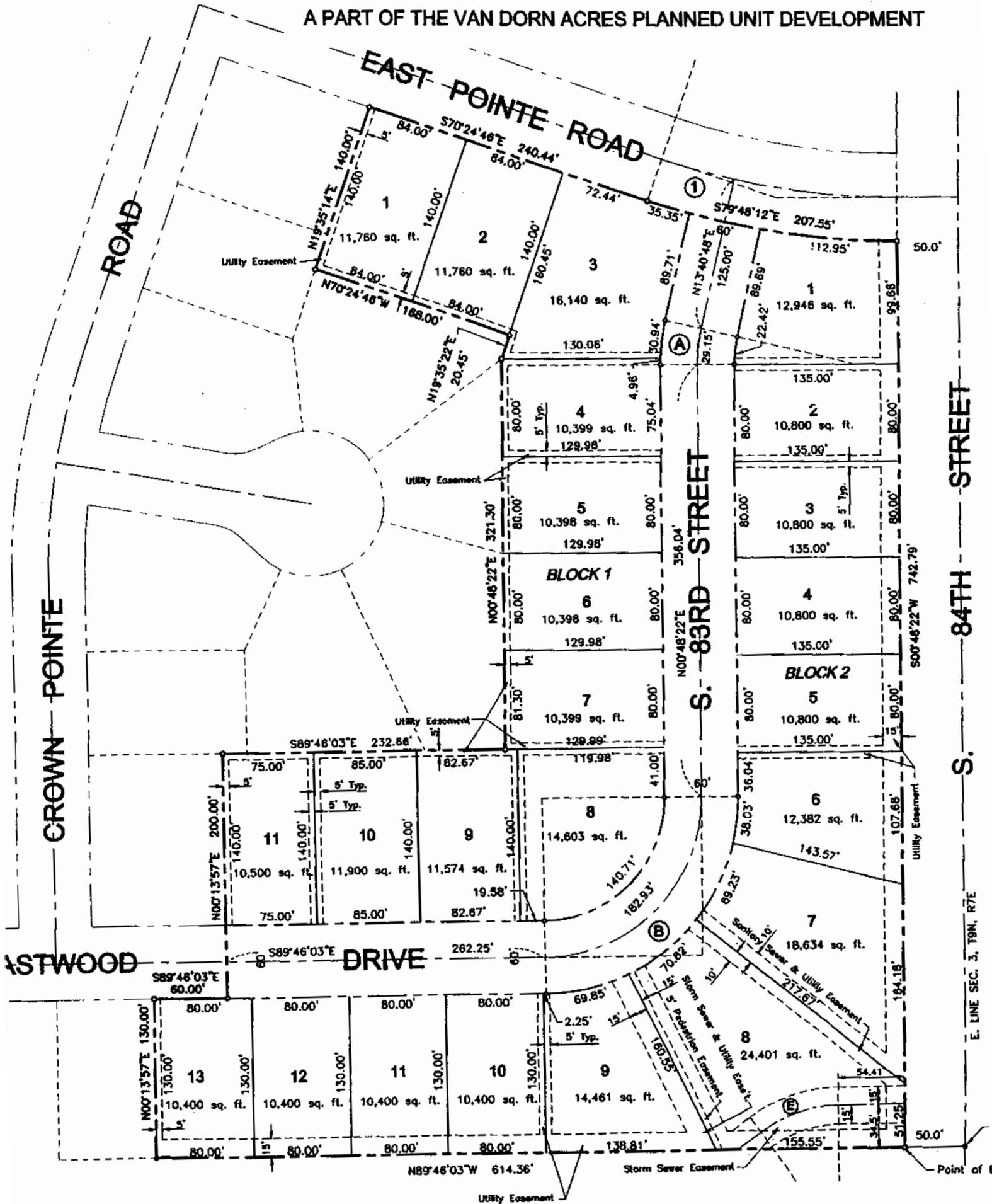
City Limit Jurisdiction



Pioneers Blvd.

Lincoln City - Lancaster County Planning Dept.

**FINAL PLAT**  
**POINTE EAST ESTATES 9TH ADDITION**  
 A PART OF THE VAN DORN ACRES PLANNED UNIT DEVELOPMENT



**EASEMENT CENTERLINE CURVE DATA:**

# Memorandum

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<b>To:</b>	Tom Cajka, Planning Department
<b>From:</b>	Charles W. Baker, Public Works and Utilities
<b>Subject:</b>	Waiver #04015, Pedestrian Easement Pointe East Estates 9th Addition
<b>Date:</b>	November 4, 2004
<b>cc:</b>	Randy Hoskins Harry Kroos

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request to waive the pedestrian easement on the south side of Lot 8 Block 2 Pointe East Estates 9th Addition. Public Works has no objections. The easement was not continued to the addition to the south and currently leads to a detention pond on the adjoining property.

September 29, 2004

Mr. Ray Hill  
City Planning Department  
555 South 10  
Lincoln NE 68508

Dear Mr. Hill,

This letter is in regard to the pedestrian walk as required on the south side of Lot 8 Block 2 Pointe East Estates 9th Additon. There is a requirement on the plat that shows a pedestrian walk which dead ends in a catch basin pond and a large pile of rocks for the retaining part of the back end of the catch basin. Also, the lot accross the pond does not have a pedestrian walk to connect to. I showed this to Mr. Kroos, the city sidewalk inspector, and he agreed with me that a walk on this lot is pointless as well as a liability to the city.

This lot has been sold and a home is under construction at this time--I no longer own this lot.

Mr. Kroos said he would send a memo to your office concerning this situation. We need to do whatever is necessary to have this pedestrian sidewalk requirement deleted, as it seems not only pointless, but a liability for the city to require a pedestrian walk that dead ends into a pond and a large pile of rocks.

Please advise me as to how to proceed to take care of this matter and get the requirement waived.

Sincerely,

*Glen E. Herbert*

