

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

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**for February 28, 2007 PLANNING COMMISSION MEETING**

**PROJECT #:** Waiver of Design Standards #07002

**PROPOSAL:** Waive sidewalks associated with Final Plat #01076

**LOCATION:** 4025 and 4045 G Street

**LAND AREA:** .4 acres

**CONCLUSION:** Sidewalks are encouraged by the Comprehensive Plan to provide for safe and convenient pedestrian access throughout the city. The Subdivision Ordinance requires them to be installed when existing land is subdivided at the time of final plat. The intent is to provide a paved surface for pedestrians to walk on out of the streets, including those areas that were developed before sidewalks were required.

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

**LEGAL DESCRIPTION:** Lots 1 and 2, Martin Heights 3<sup>rd</sup> Addition.

**EXISTING ZONING:** R-4 Residential

**EXISTING LAND USE:** Residential

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-2
South:	Residential	R-2
East:	Residential	R-2
West:	Residential	R-4

**HISTORY:**

**February 13, 2002** - FPPL#01076, the final plat of Martin Heights 3<sup>rd</sup> Addition was approved.

**May 8, 1979** - The zoning on these lots was changed from D (Multiple Dwelling District) to R-4 Residential with the Zoning Update.

**April 24, 1963** - CZ#462 was approved changing the zoning from B (Two-family Dwelling District) to D (Multiple Dwelling District).

**July 14, 1959** - The City adopted the Land Subdivision Ordinance which required sidewalks.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg. 11** - Guiding Principles - Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools and places to recreate. 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.

**Pg 66** - Residential - Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or review process.

**Pg 92** - Other Areas - All areas of the community should have safe, secure, and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

**Pg 99** - Transportation and Mobility - Effective public transportation service requires good pedestrian connections to and from transit stops, density of activities, and development designs supportive of transit riders. Pedestrian connections to transit must be direct and the sidewalk system must have continuity. Street crossings to transit stops must be safe. Productive transit service requires high-density land development patterns which link residential areas and employment, retail, and service centers. Development design needs to be transit friendly providing convenient access to transit services. The TDP should help recommend a system for transit review of new development designs. This would be important in ensuring that new development contain transit-oriented standards.

### **ANALYSIS:**

1. The final plat of Martin Heights 3<sup>rd</sup> Addition was approved on February 13, 2002. The final plat combined three platted lots into two, thereby creating lots large enough for a duplex on each lot. The lots created by the final plat are located at the southwest corner of the intersection of South 41<sup>st</sup> and G Streets.

2. As required by Title 26 - The Land Subdivision Ordinance, the owner was required to install sidewalks along both South 41<sup>st</sup> Street or G Street adjacent to the lots in the final plat within four years of its approval. As an alternative to installing sidewalks prior to approval of the final plat, owners are allowed to provide a surety to guarantee the installation of the sidewalks. In this case, the owner provided the City with a \$3,300 bond to guarantee the installation of the sidewalks.
3. This area was originally developed prior to the time when sidewalks were required by Title 26. As a result, sidewalks are not continuous throughout this area, and there are many lots which do not have them. However, they have been installed along the west edge of the same block, and in all or portions of adjacent blocks to the south, north and northeast.
4. Public Works notes that the Americans With Disabilities Act (ADA) guidelines include the requirement for sidewalks, and not requiring them to be installed would be inconsistent with the Act. It is also noted that the installation of sidewalks along these properties will facilitate the City in constructing sidewalks through the Executive Order process to connect those in the area.
5. The Comprehensive Plan recommends sidewalks in areas like this. Being a requirement at the time of final plat is one way to get them installed in areas where they don't exist, and is consistent with the goal of having sidewalks throughout the city.

Prepared by:

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Brian Will  
Planner  
February 14, 2006

**APPLICANT/  
OWNER/**

**CONTACT:** Rebecca Cast  
4831 Mandarin Circle  
Lincoln, NE 68516



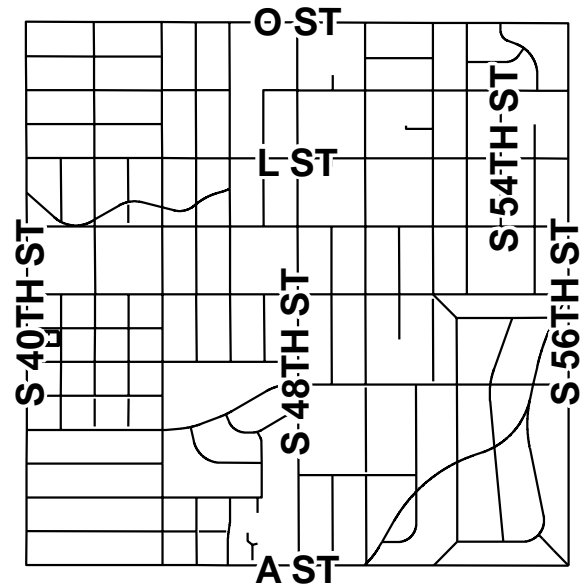
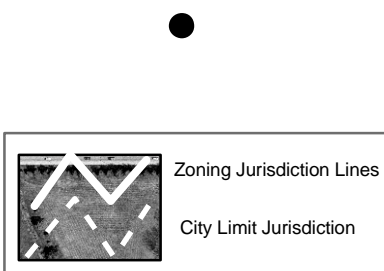
2005 aerial

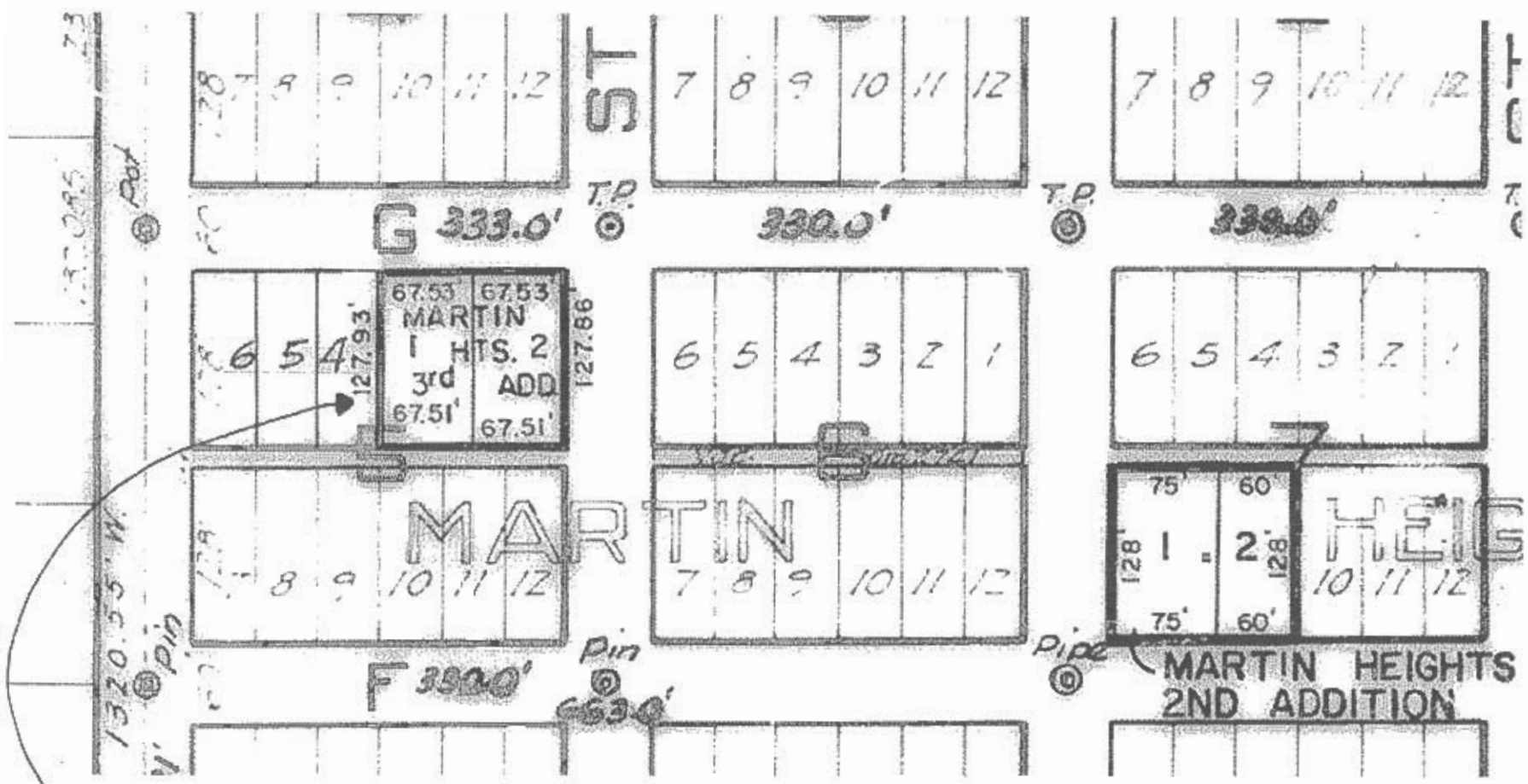
# Waiver #07002 S. 41st and 'G' St.

## 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. 29 T10N R7E





SUBJECT LOTS

January 25, 2007  
4831 Mandarin Circle  
Lincoln, NE 68516



Planning Department  
555 South Tenth Street  
Lincoln, NE 68508

**WAIVER OF SIDEWALK REQUIREMENT FOR MARTIN HEIGHTS 3<sup>RD</sup> ADDITION.**



- Martin Heights 3<sup>rd</sup> Addition, Lot 2 - 4045 G Street
- Martin Heights 3<sup>rd</sup> Addition, Lot 1 - 4025 G Street

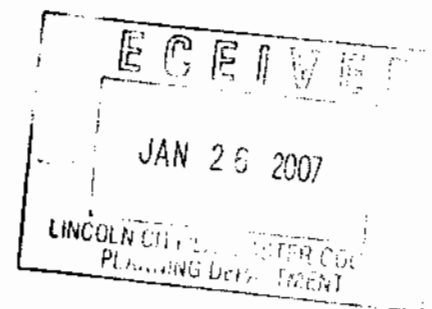
My husband and I own two properties located at 4045 and 4025 G Street, Lincoln, Nebraska. We purchased 4045 G Street in 1958. When we purchased 4025 G Street in 1989, there was a vacant lot attached to the property. All three lots were zoned R-2 at the time of purchase.

In 2000 the house at 4045 G Street sustained minor fire damage. Because it was an original old farm house, we opted not to have it repaired but to sell it as a duplex-zoned lot. In the course of trying to sell 4045 G Street, we found that it no longer met the requirements of a duplex-zoned lot. We then decided to subdivide the three lots and make two lots which would meet the R-4 zoning requirements for a duplex.

During the process of rezoning these lots, we found we were required to put a sidewalk on these properties. Until this was done, we had to invest in a sidewalk bond.

The property at 4045 G Street has been for sale since 2002 and has still not sold even though we have had numerous persons inquire about purchasing it. Therefore, rather than renew the sidewalk bond again, we are requesting a sidewalk waiver primarily because there are no other sidewalks on the block from 40<sup>th</sup> to 41<sup>st</sup> Street on either side of G Street or on 41<sup>st</sup> Street between F and G Streets. Installation of sidewalk would create a problem for persons wishing to walk on the sidewalk because it would end on our property lot lines. At that point walkers would have to enter the street or continue walking on the lawns of the neighboring homes.

  
REBECCA J. CAST, (Trustee) 



# M e m o r a n d u m

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**To:** Brian Will, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities  
**Subject:** Waiver of Sidewalks WVR #07002  
**Date:** February 7, 2007  
**cc:** Randy Hoskins  
Harry Kroos  
Barnie Blum

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Waiver of Sidewalks WVR #07002 request located 41st and "G" Streets. Public Works has the following comments:

- Public Works cannot support the requested waiver of the sidewalk requirement associated with the subdivision of the lots located at 4025 and 4045 "G" Streets. Public Works understands that there will be no connecting sidewalks when these are constructed. However in light of the requirements and under ADA guidelines, for Public Works to support this request, we would be in direct violation.
- The installation of the sidewalks along these properties will facilitate the City in constructing the adjoining sidewalks by the Executive Order process to the west and south to meet existing sidewalks.