City Council Introduction: **Monday**, September 10, 2012
Public Hearing: **Monday**, September 17, 2012, at **3:00** p.m.

Bill No. 12R-217

FACTSHEET

TITLE: **WAIVER NO. 12013,** requested by Anne Cech, to waive the requirement of § 26.23.095 of the Lincoln Municipal Code (Land Subdivision Ordinance) to install a sidewalk at 4010 Clifford Drive, located approximately one block northeast of the intersection of South 40th Street and Pioneers Boulevard.

STAFF RECOMMENDATION: Denial

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/22/12
Administrative Action: 08/22/12

RECOMMENDATION: Denial (5-1: Sunderman, Butcher, Gaylor Baird, Lust and Cornelius voting 'yes'; Hove voting 'no'; Francis and Weber absent).

FINDINGS OF FACT:

1. This is a request to waive the installation of a sidewalk which is associated with the final plat of Cech Addition, and which is required by the Land Subdivision Ordinance. The property is located approximately one block northeast of the intersection of South 40th Street and Pioneers Boulevard (4010 Clifford Drive - Lot 2, Cech Addition).

2. The staff recommendation to deny the request to waive the requirement to install the sidewalk is based upon the "Analysis" as set forth on p.4-5, concluding that Title 26 of the Lincoln Municipal Code requires sidewalks along both sides of all public streets and private roadways to provide for safe pedestrian movement separate from motor vehicles. The lot upon which the sidewalk is to be constructed is part of a recently approved community unit plan (CUP) with adjustments to the applicable regulations expressly designed to create the lot involved in this request. Staff worked very closely with the applicant's representative to ensure the lot would still function as a typical lot, be compatible with the neighborhood and accommodate the necessary infrastructure including a sidewalk. The waiver process exists so relief can be granted in those cases where the strict application of the regulations causes undue hardship or is otherwise impractical. In this case, there is neither a hardship nor is building the sidewalk impractical. The staff presentation is found on p.6-7.

3. The applicant's testimony is found on p.7, submitting that there is no need for the sidewalk because no one will use it and it goes nowhere. The applicant also stated that snow removal will be an issue, as well as the water shut-off that would be in the middle of the sidewalk; there is never a traffic problem; no further building space is available; and the front yards are easier to maintain without the sidewalk with attractive landscaping. The applicant's submittal letter is found on p.14.

4. There was no testimony in opposition.

5. Testimony by Rick Peo, on behalf of the City Law Department, is found on p.7, wherein he states that the City Council and the Mayor, under limited circumstances for short distances, have authority to order sidewalks to be constructed; however, the City has not utilized that process very frequently, thus the requirement of the Land Subdivision Ordinance that the subdivider install the sidewalks.

6. On August 22, 2012, the Planning Commission agreed with the staff recommendation and voted 5-1 to deny the waiver request. The majority of the Commissioners did not find there to be a hardship in this case, finding that sidewalk development and sidewalk connectivity is an important part of good development, even though the sidewalk system is developed incrementally; and that the sidewalk needs to be constructed for future homeowners and future developments and redevelopment in the neighborhood (See Minutes, p.8-9).

7. On August 30, 2012, a letter of appeal was filed by the applicant, Anne Cech (p.2).

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: August 31, 2012
REVIEWED BY: Marvin Krout, Director of Planning **DATE**: August 31, 2012
REFERENCE NUMBER: FS\CC\2012\WVR12913 Appeal

FILED
CITY CLERK'S OFFICE
2012 AUG 30 AM 10 11
CITY OF LINCOLN
NEBRASKA

To: Joan Ross
FROM: Anne Cech

Please add my name to the City Council agenda on September 10, 2012.

I wish to appeal waiver #12013 re: ordinance to construct a sidewalk at 4110 Clifford Drive which was denied by the Planning Commission on August 22, 2012.

Please send procedure information to me at 3500 Faulkner Dr. #106, 68516. My phone: (402) 488-5558.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 22, 2012 PLANNING COMMISSION MEETING

PROJECT #: Waiver of Design Standards #12013

PROPOSAL: Waive the requirement to install a sidewalk for Lot 2 associated with the recently approved final plat of Cech Addition, as required by Title 26 Land Subdivision Ordinance of Lincoln Municipal Code (LMC) Section 26.23.095.

LOCATION: 4010 Clifford Drive, located approximately one block northeast of the intersection of South 40th Street and Pioneers Blvd.

CONCLUSION: Sidewalks are required by Title 26 along both sides of all public streets and private roadways to provide for safe pedestrian movement separate from motor vehicles. The lot is part of a recently approved community unit plan (CUP) with adjustments to the applicable regulations expressly designed to create the lot involved in this request. Staff worked very closely with the applicant's representative to ensure the lot would still function as a typical lot, be compatible with the neighborhood, and accommodate the necessary infrastructure including a sidewalk. The waiver process exists so relief can be granted in those cases where the strict application of the regulations causes undue hardship, or is otherwise impractical. In this case, there is neither a hardship nor is building the sidewalk impractical.

RECOMMENDATION: Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Cech Addition, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Single-family dwelling under construction

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-2
South:	Residential	R-2
East:	Open Space	R-2
West:	Open Space	R-2

HISTORY:

APR 2012 - Special Permit #12010 for the Cech Addition community unit plan (CUP) was approved. The CUP included the subject lot and two lots on the north side of Clifford Court. Adjustments to setbacks and lot depth were approved to make the subject lot buildable.

JUN 2012 - FPPL#12025 for the final plat of Cech Addition was approved.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 7.4 - Neighborhoods and Housing, Guiding Principles - Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives and reduce dependence upon the automobile.

-Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

-Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.

Pg 7.5 - Developing Neighborhoods - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and street networks that provides substantial connectivity is also a priority for developing areas.

Pg 7.7 - Detailed Strategies for Developing Neighborhoods - (5) Sidewalks on both sides of all streets.

Pg 9.4 - Community Parks - Locate Community Parks on a collector or arterial street to accommodate automobile access and parking; park sites should also be readily accessible by pedestrians and bicyclists from a commuter/recreation trail.

Pg 9.5 - Strategies for Community Parks - Create pedestrian connections between surrounding residential development and neighborhood-related park features such as playgrounds and park shelters.

Pg 10.6 - Existing Pedestrian and Bicycle Facilities - Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Lincoln's greatest pedestrian asset is the long standing policy of requiring sidewalks on both sides of all City streets and connectivity between subdivisions. Because of this policy, the vast majority of homes and businesses are served by Lincoln's 1,500 miles of sidewalks. However, rehabilitation of sidewalks, particularly in older residential and commercial areas, has proven to be a challenge.

Pg 10.27 - Existing Pedestrian and Bicycle Facilities 2040 Needs - Lincoln currently has a well developed sidewalk system, and the requirement of sidewalks on both sides of all streets should continue.

Pg 10.47 - Guiding Principles Pedestrian and Bicycle Facilities - Provide bicyclists and pedestrians safe, direct, and convenient access to all destinations served by the Lincoln area streets and roads network.

Pg 10.48 - Pedestrian and Bicycle Facilities - Develop and implement a coordinated system of well connected pedestrian and bicycle facilities that serve both new and older neighborhoods and provide access to activity centers such as schools, parks, employment areas and shopping.

ANALYSIS:

1. This is a request to waive the installation of a sidewalk which is associated with the final plat of Cech Addition, and which is required by the Land Subdivision Ordinance. That plat (attached) created Lots 1 and 2. This request affects the sidewalk to be installed adjacent to Lot 2.

2. Sidewalks are required along both sides of all public streets and private roadways by LMC. The standard is intended to provide a separation between pedestrian and motor vehicles primarily for public safety. It affords pedestrians the ability to move freely throughout the city using the sidewalk system with minimal interaction with motor vehicles. It also reduces distractions for drivers thereby making vehicle trips safer.

3. The sidewalk standard is in the Land Subdivision Ordinance because in part Title 26 is designed to help implement the Comprehensive Plan. In the Comprehensive Plan Specifications section appearing on page 2 of this report, the many references to sidewalks along both sides of streets are detailed.

4. There are sidewalks along the entire west side of Clifford Drive, and in front of two lots on the east side of Clifford Drive. The sidewalk along the west side leads to a pedestrian sidewalk extending through the city-owned detention area adjacent to the east. This sidewalk connects to both Lowell Avenue to the south, and to Prescott Avenue to the north, and then extends on to Henry Park and Calvert Elementary School.

5. There are parts of Lincoln today that are substandard with regard to meeting today's development standards, for instance lacking paving, sidewalks, or both. Redevelopment and infill development are opportunities to upgrade these areas and elevate them to the same level of development standards as enjoyed by the other residents of the city. It is not only for the benefit of the current owner, but also for both the future owners of the lot and the public at large.

6. The recently approved CUP which allowed the subject lot to be created was reviewed carefully by staff to ensure all required infrastructure, including a sidewalk, could be accommodated. The sidewalk is shown on the approved site plan for the CUP (plan attached). Part of the rationale of the CUP to create a somewhat unusual lot was that it could be done in a way that complied with the other applicable standards, except for setbacks and lot depth which were adjusted as part of the CUP. In that respect, there is nothing unusual about this lot, nor is there any peculiar condition or circumstance which prohibits the installation of the sidewalk. The sidewalk will both connect to and extend the existing system, and serve to help reduce the number of lots on the east side of Clifford Drive which are substandard due to the lack of sidewalks.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
August 7, 2012

APPLICANT/ OWNER/ CONTACT: Martha Anne Cech
4001 Clifford Drive
Lincoln, NE 68506

WAIVER NO. 12013

PUBLIC HEARING BEFORE PLANNING COMMISSION: August 22, 2012

Members present: Hove, Sunderman, Butcher, Gaylor Baird, Lust and Cornelius; Francis and Weber absent.

Staff recommendation: Denial.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** advised that this application was not on the Consent Agenda because the staff is recommending denial.

Will recalled that the Planning Commission recently approved a special permit for a community unit plan (CUP) for Cech Addition. The subject property is one of the lots created by that CUP. The CUP provides authority to create the lots that are shown by final plat. The CUP is located at the end of Clifford Drive located just northeast of the intersection of South 40th Street and Pioneers Boulevard. What was previously one large lot can now be subdivided to create two lots. Final platting is the time when required improvements are either installed or guaranteed. Most of the improvements are in place for this final plat, except for the street trees and sidewalk.

The applicant is seeking to waive the requirement to construct a sidewalk. Her application letter indicates that she does not see the need for the sidewalk.

Will then reminded the Commission that Title 26, the Land Subdivision Ordinance, requires the construction of sidewalks on both sides of all public streets and roadways. The waiver process exists in those cases where there is some unique circumstance or hardship making it not feasible to install the sidewalk; however, in this case, the staff does not find any of those circumstances to warrant the waiver.

Will went on to state that there are sidewalks on the entire north side of Clifford Drive and then in front of two of the homes on the south side. The fact that sidewalks do not exist in front of all of the homes is not a basis for not continuing to improve the area. Staff views this as an opportunity to upgrade and bring all of the conditions in compliance. The final plat requires the sidewalk and it should be installed unless there is some undue hardship or unusual circumstance, which staff does not find in this case. Staff views the installation of this sidewalk as a continuation of the existing sidewalk system. The staff is recommending denial of the waiver, finding no basis or hardship or reason that it should not or cannot be installed.

Gaylor Baird inquired whether the sidewalk was shown on the site plan for the CUP when it was approved. Will stated that it was shown on the CUP as being installed. It has been on the site plan from the beginning.

Lust inquired whether the lots are vacant in the places where there are no sidewalks. Will explained that one of the lots is an outlot and this applicant was not able to acquire that outlot. Will has reviewed the history and record and he could not demonstrate clearly that a waiver had been

granted on the other properties. Today, those sidewalks would be required. If they were waived, it should have been clearly stated in the record. Should any of these properties redevelop, they would be required to build the sidewalks. They could also voluntarily install the sidewalk.

Butcher also inquired whether there was a sidewalk requirement prior to the CUP when it was one property. Will believes that the cul-de-sac may have been in place prior to the lot. Will did not know why the sidewalk was not required to be built when the residence to the north was established.

Hove wondered about the age of this neighborhood. Will did not know but he would guess that the houses along Clifford Drive probably date back to the 1960's or 1970's. Hove asked whether there is anything besides redevelopment that would force the other homeowners to install the sidewalks that are missing. Will suggested that the homeowners could install the sidewalks voluntarily or the City can order them in.

Rick Peo, City Law Department, approached to advise that there is a mechanism whereby the City Council can order sidewalks to be constructed, and under limited circumstances, the Mayor has authority to order sidewalks for short distances. However, the City has not utilized that process very frequently. It is easier to require the subdivider to install the sidewalks. Hove then suggested that unless the City decided to force the issue and require sidewalks, there would still be gaps. Will concurred, but it would be a substandard condition and not a basis for approving a final plat without the sidewalk.

Proponents

1. Anne Cech, part owner of 4110 Clifford Drive and the applicant, presented her case to approve the waiver of the sidewalk in question. Cech submitted a map showing the sidewalk she is requesting be deleted. The sidewalk would end at the 4110 driveway, which has not yet been poured. There are sidewalks on only two properties, and one of those properties has a tree root resulting in a step up in that sidewalk. There would be 28' of parallel sidewalks from the stoop of the house to the driveway, with approximately 8' between the two for river rock or cement. Cech believes there are two potential issues, the first being snow removal – the snow plow comes off of 40th Street and pushes the snow to the area where 4110 is located. The sidewalk will become the usual mountain of snow. The cul-de-sac is always well cleared of snow. The second issue is water – there is a water shutoff which would be in the middle of the sidewalk. If there was a need to dig, it would probably disturb the sidewalk. 4110 is the end of the water line which was drilled under the cul-de-sac from the previous end of the line at 4101 Clifford and where the water main is located. There is no need for a sidewalk that no one will use and which goes nowhere. There are two children across the street that go to school and have a sidewalk. There are two people with dogs who occasionally walk the dogs and also take the sidewalk across the street. Someone coming from 40th is the only one who uses the present sidewalk. There are no cars; never a street traffic problem; and no further building space is available.

Cech stated that she cares about the environment of this neighborhood. A sidewalk will not enhance the landscape of the block. The front yards are easier to maintain without the sidewalk with attractive landscaping. She wishes the same for 4010.

There was no testimony in opposition.

Butcher asked staff about the standard practice for snow removal when fully engulfed in a cul-de-sac. Will did not know, but it would be the same here as any other cul-de-sac throughout the city as far as snow removal. Will also pointed out that subsequent property owners would have the benefit of a sidewalk in front of their house.

ACTION BY PLANNING COMMISSION: August 22, 2012

Lust moved to deny, seconded by Gaylor Baird.

Lust stated that she is sympathetic that there is not complete sidewalk connectivity in this neighborhood, but the fact that something is existing in a substandard manner is not a reason to approve more substandard development. Sidewalk development and sidewalk connectivity is such an important part of good development that when we have a new subdivision and new CUP that specifically shows the sidewalk being put in as part of the subdivision, and there is no surprise to the property owner and it does connect with a sidewalk that leads to a detention pond and on to a public school, it is important to have that sidewalk.

Gaylor Baird agreed. She also shared sympathy because it is an inconsistent line, but rather than perpetuate the substandard condition, we need to try to make the city better and improve it when we can, even if it is an incremental improvement. We would hope the sidewalk will be completed on the south side.

Hove stated that he will oppose the motion. This is an unnecessary expense. It won't be used for a long time. He does not anticipate that happening in the next 20 years unless the city would require the south side of the area to install sidewalks.

Gaylor Baird challenged that we can't say for certainty that no one will use it. The homeowner may change. Someone with small children would not authorize their children to walk in the street. Her toddlers learn to walk on the sidewalks in front of her house. Cars drive on cul-de-sacs. Sidewalks have been a big issue for the Planning Commission in terms of the health benefits and connectivity. Also in this case, we do have to be concerned about precedent. If we were to approve the waiver in this case, we would have to answer to future applicants who might want approval to exceptions to the guidelines of our Comprehensive Plan. While there is certainly complexity in this case, we need to make sure that this sidewalk is constructed for future homeowners and future developments and redevelopment in this neighborhood.

In addition to children and those who want to expand on health issues, Butcher observed that there are also those with disabilities and handicaps. Having this sidewalk will assist anyone that may have those concerns that may purchase any of these properties in the future.

Cornelius referred to the staff comments suggesting that we need to look at particular unique circumstances that create hardship in general. We don't see any topographic or geographic reasons why a sidewalk would be difficult to install. This body and the city in general have stated many times a commitment to pedestrian facilities and connectivity. We have responsibility going forward to put our money where our mouth is in that regard. Complete and fully connected sidewalk systems don't just appear in any existing neighborhood. They grow incrementally lot-by-lot. This sidewalk was shown on the CUP and it comes as no surprise. These requirements and standards exist to help incrementally build the sidewalk system that we wish we had.

Motion to deny carried 5-1: Sunderman, Butcher, Gaylor Baird, Lust and Cornelius voting ‘yes’; Hove voting ‘no’; Francis and Weber absent. This is final action, unless appealed to the City Council within 14 days.

2010 aerial

Waiver #12013
S 40th St & Pioneers Blvd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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

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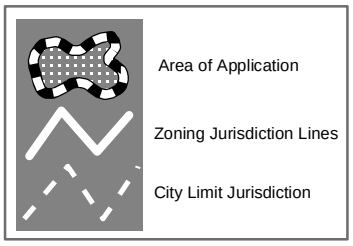
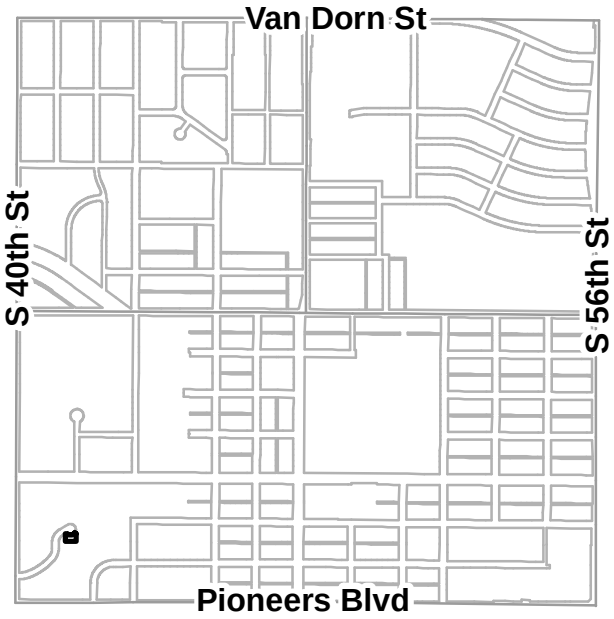
One Square Mile
Sec. 5 T09N R07E





S 42ND ST
S 44TH ST
PRESCOTT AV
LOWELL AV
SUBJECT LOT
N
S 44TH ST
MEREDETH ST
S 43RD ST

CECH ADDITION

FINAL PLAT
BASED ON SPECIAL PERMIT #12010

Inst. # 2012023662 Mon May 21 10:46:11 CDT 2012
Filing Fee: $21.50
Lancaster County, NE Assessor/Register of Deeds Office
Pages 1

#4847

$21.50
NO CHECK
CHA CID

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE SUBDIVISION TO BE KNOWN AS "CECH ADDITION", A SUBDIVISION COMPOSED OF LOT 1, ANNCECH ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE IN A SOUTHERLY DIRECTION, ALONG THE EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF S 00°08'43" W FOR A DISTANCE OF 300.07' TO THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE N 89°43'56" W, ALONG THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 100.14' TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE N 00°10'42" E, ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 67.91', TO A POINT ON THE SOUTHERLY LINE OF CLIFFORD DRIVE;

THENCE ON A CURVE TO THE RIGHT AN ARC LENGTH OF 14.15', A RADIUS OF 11.75', A CHORD BEARING OF S 84°45'33" E, A CHORD LENGTH OF 13.31';

THENCE ON A REVERSE CURVE TO THE LEFT AN ARC LENGTH OF 217.61', A RADIUS OF 50.00', A CHORD BEARING OF N 05°13'39" E, A CHORD LENGTH OF 82.23';

THENCE S 60°58'10" W FOR A DISTANCE OF 23.48' TO A POINT ON THE WEST LINE OF SAID LOT 1;

THENCE N 00°11'49" E, ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 162.72' TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE S 89°49'21" E, ALONG THE NORTH LINE OF SAID LOT 1, FOR A DISTANCE OF 99.91' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 0.51 ACRES

Permanent monuments have been placed at all lot corners, street intersections, points of curvature, centerline points of tangency, and at all other points required by the City of Lincoln, Land Subdivision Ordinance, Title 26 of the Lincoln Municipal Code.

All dimensions are chord measurements unless shown otherwise, and are in feet or decimals of a foot.

Signed this 1ST day of May, 2012.

Kerry W. Simonds

Kerry Simonds #333
Allied Surveying & Mapping, Inc.
6120 S. 58th Street, Suite 'A'
Lincoln, NE 68516
Ph. (402)434-2688

NEBRASKA REGISTERED LS-333 LAND SURVEYOR KERRY W. SIMONDS

DEDICATION

The foregoing plat known as "Cech Addition", and as described in the Surveyor's Certificate is made with the free consent and in accordance with the desires of the undersigned, sole owners, and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Nebraska a municipal corporation, Windstream Nebraska Inc., Time Warner Entertainment - Advance/Newhouse, Black Hills Energy, Lincoln Electric System, their successors and assigns, to allow entry for the purposes of construction, reconstruction, repair, operation and maintenance of wires, cables, conduits, fixtures, poles, towers, pipes and equipment for the distribution of electricity and gas; telephone and cable television; wastewater collections; storm drains; water mains and all appurtenances thereto, over, upon or under the easements as shown on the foregoing plat.

The construction or location of any building or structure, excluding fences, over, upon or under an easement shown thereon shall be prohibited.

The City of Lincoln, Nebraska, its successors or assigns are hereby held harmless for the cost of replacement or damage to any improvement or vegetation over, upon or under any easement shown thereon.

The public access easement shown thereon shall be used for public access and the public is hereby granted the right of such use.

WITNESS OUR HANDS THIS 8 day of May, 2012.

Martha Anne Cech

Martha Anne Cech, a single person

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) SS
LANCASTER COUNTY)

On this 8th day of May, 2012, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said county, personally came Martha Anne Cech, a Single Person, to me personally known to be the identical person whose name is affixed to the dedication of the foregoing plat.

Jill D. Schuerman
NOTARY PUBLIC

GENERAL NOTARY - State of Nebraska JILL D. SCHUERMAN My Comm. Exp. Sept. 9, 2015

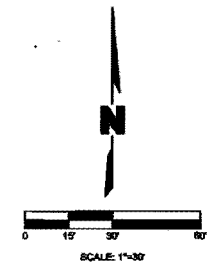
My commission expires the 9th day of Sept, 2015.

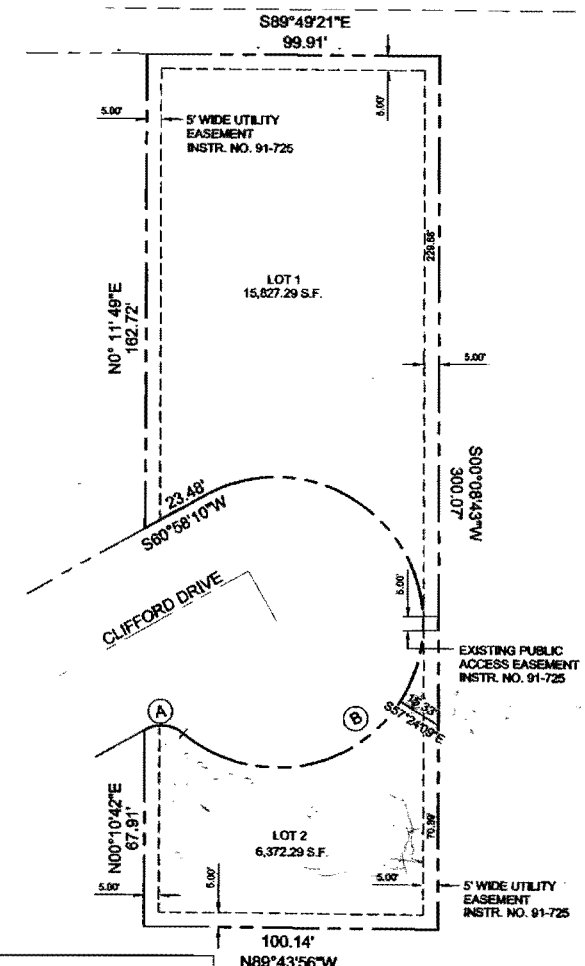
PLANNING DIRECTOR'S APPROVAL

The Planning Director, pursuant to Section 26.11.060 of the LMC, hereby approves this Final Plat.

Stephen Henrichsen for
Planning Director

May 21, 2012
Date



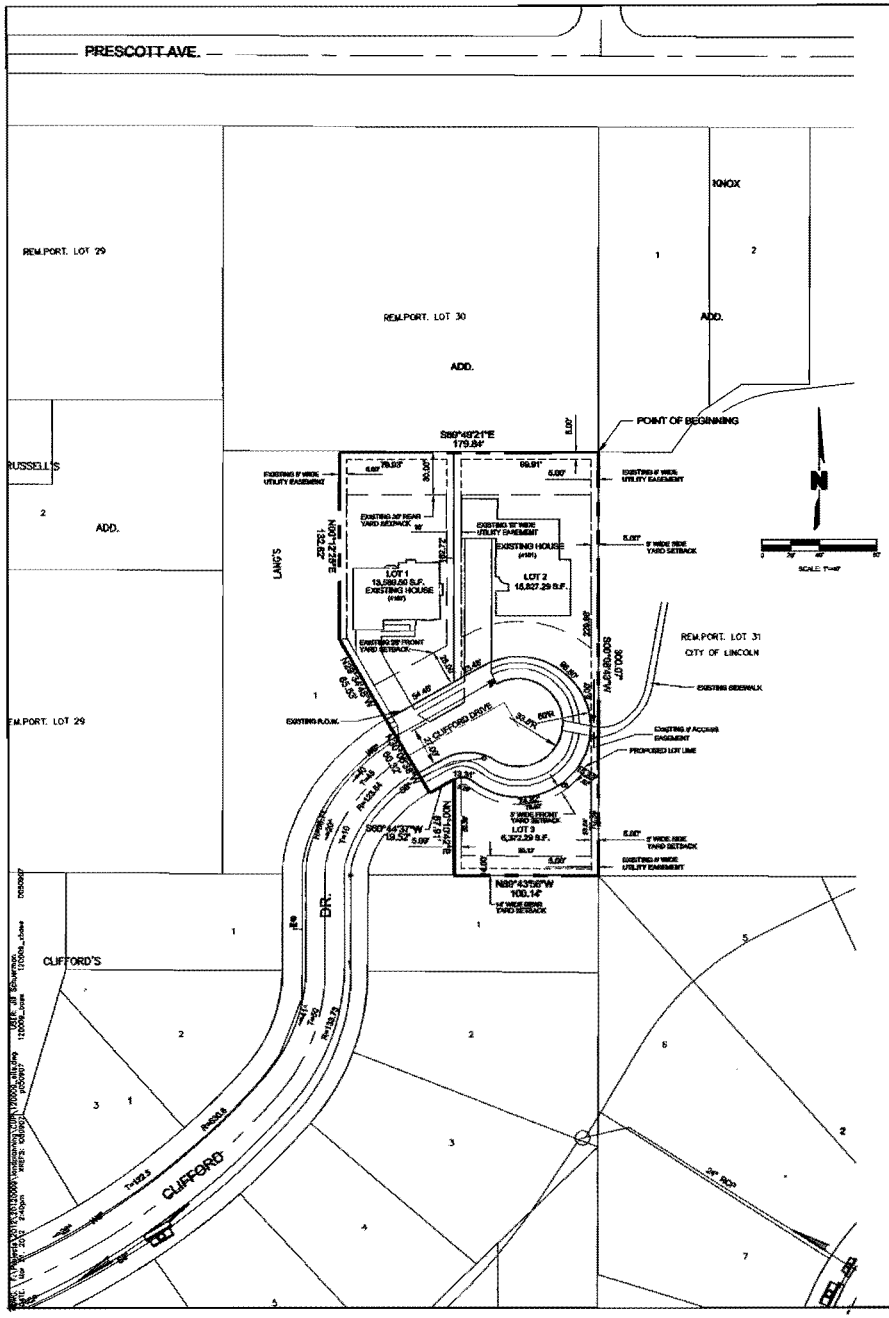


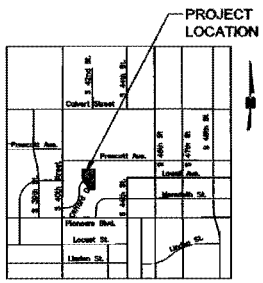
CURVE TABLE

Curve	Radius	Angle	Tangent	Length	Ch Dist	Ch Brg
A	11.75'	68°59'40"	8.07'	14.15'	13.31'	S84°45'33"E
B	50.00'	249°21'54"	72.57'	217.61'	82.23'	N05°13'39"E

012

CECH ADDITION
COMMUNITY UNIT PLAN





VICINITY MAP
NO SCALE

GENERAL SITE NOTES

1. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE IN PUBLIC R.O.W. EXCEPT AS NOTED ALL OTHER WALKS ARE TO BE IN PEDESTRIAN EASEMENTS. PEDESTRIAN EASEMENTS TO BE 5 FEET WIDE IN PEDESTRIAN AREAS AND BIKE PATH EASEMENTS ARE TO BE 20 FEET WIDE. ALL SIDEWALKS ARE TO BE 4 FEET WIDE AND BIKE PATHS ARE TO BE 8 TO 12 FEET WIDE.
4. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE AND DESIGN STANDARDS FOR SUBDIVISIONS REGARDING LAND PREPARATION.
5. EVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
6. THERE SHALL BE 22 FEET BETWEEN THE BACK OF THE SIDEWALK TO THE FACE OF THE GARAGE.

SITE SPECIFIC NOTES

1. THE EXISTING ZONING IS R-2.
2. C.U.P. DENSITY CALCULATIONS

ZONE	TOTAL ACRES	MULTIPLIER	NUMBER OF UNITS
R-2	1.05	5.80	6
REDUCTION DUE TO SMALL SIZE			2
TOTAL ALLOWED UNITS			4
TOTAL UNITS USED			3
TOTAL UNASSIGNED UNITS			1

WAIVER

1. FRONT YARD SETBACK FROM 25 FEET TO 5 FEET ON LOT 3.

LEGAL DESCRIPTION

DESCRIPTION OF LOT 2, LANG'S SUBDIVISION, LOT 1, ANNCECH ADDITION AND A PART OF THE ADJACENT CLIFFORD DRIVE RIGHT OF WAY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE IN A SOUTHERLY DIRECTION, ALONG THE EAST LINE OF SAID LOT 1, ON AN ASSUMED BEARING OF S 00°06'43" W FOR A DISTANCE OF 300.07' TO THE SOUTHEAST CORNER OF SAID LOT 1

THENCE N 89°43'56" W, ALONG THE SOUTH LINE OF SAID LOT 1, FOR A DISTANCE OF 100.14' TO THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE N 00°10'42" E, ALONG THE WEST LINE OF SAID LOT 1, FOR A DISTANCE OF 87.91', TO A POINT ON THE SOUTHERLY LINE OF CLIFFORD DRIVE;

THENCE S 89°44'37" W, ALONG THE SOUTHERLY LINE OF CLIFFORD DRIVE, FOR A DISTANCE OF 19.52;

THENCE N 30°06'36" W FOR A DISTANCE OF 60.22' TO THE MOST SOUTHERLY CORNER OF SAID LOT 2, LANG'S SUBDIVISION;

THENCE N 29°34'48" W, ALONG THE WEST LINE OF SAID LOT 2, FOR A DISTANCE OF 65.53';

THENCE N 00°12'25" E, ALONG THE WEST LINE OF SAID LOT 2, FOR A DISTANCE OF 132.62' TO THE NORTHWEST CORNER OF SAID LOT 2;

THENCE S 89°49'21" E, ALONG THE NORTH LINE OF SAID LOT 2 AND LOT 1, FOR A DISTANCE OF 179.84' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 45631 SQUARE FEET OR 1.052 ACRES

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

KERRY W. SIMMONDS RLS #533

LEGEND

- PROPOSED ROW
- PROPOSED CENTERLINE
- COMMUNITY UNIT PLAN BOUNDARY
- PROPOSED SETBACK
- EASEMENT
- FOUND PROPERTY CORNER
- SET PROPERTY CORNER

APPROVAL

THE FOREGOING COMMUNITY UNIT PLAN WAS APPROVED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____ 20__.

ATTEST: _____
CHAIR

DEVELOPER:
MARTHA ANNE CECH
4101 CLIFFORD DRIVE
LINCOLN, NE 68506-8522

OWNER:
ALICE A. KRUSE
4107 CLIFFORD DRIVE
LINCOLN, NE 68506-8522

MARTHA ANNE CECH
4101 CLIFFORD DRIVE
LINCOLN, NE 68506-8522

ENGINEER:
CIVIL DESIGN GROUP, INC.
8535 EXECUTIVE WOODS DRIVE
SUITE 200
LINCOLN, NE 68512
(402)434-8484

SURVEYOR:
ALLIED SURVEYING & MAPPING, INC.
6120 S. 56TH STREET, SUITE 'A'
LINCOLN, NE 68516
(402)434-2686

Civil Design Group, Inc.
8535 EXECUTIVE WOODS DR., SUITE 200
LINCOLN, NEBRASKA 68512
Ph. (402) 434-8484 Fax (402) 434-8747
www.civildg.com
CONSULTING ENGINEERS • LAND USE PLANNERS
CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

REVISIONS

NO.	DATE	DESCRIPTION

CECH ADDITION

SITE PLAN

LINCOLN, NEBRASKA

2012

drawn by: jdb
checked by: -
approved by: -
project no. 2012-0109
drawing no.: -
date: 10/24/2012

SHEET
1 OF 1

013

My name is Anne Cech. I am requesting to negate a mandate to install a sidewalk that leads to nowhere.

My daughter, Jane, and I are building a house on my sub-divided lot (AnnCech Addition) and separated by a cul-de-sac (dead end street). It is located at 4110 Clifford Drive. A city detention area is located from my lot line to the east which includes several acres and a public access sidewalk on the north side to Prescott and/or 44th Street. Entry to this area is from the east end of the cul-de-sac. The public sidewalk on my home's side of the street continues to 40th Street. The properties (except one) on the opposite side have no public sidewalk to 40th.

The proposed sidewalk would start at the entrance/exit of the detention area and end at the new home-site's driveway. The only exit is the street! The unbuildable/unmaintained lot next to mine on the west is the first non-sidewalk area. The owner of this out lot, who does not live in the area, has refused all offers to purchase it. Hence, the approval of CUP #12010.

For 15 years everyone has entered /exited via the cul-de-sac or the sidewalk on my home's side of the street. Very few vehicles use Clifford Drive—mainly mail trucks and other requested business vehicles.

The "sidewalk to nowhere" and the exit sidewalk from 4110's front porch to the driveway would run parallel for approximately 28 feet. The grass area between the two is approximately8 feet. Obviously, there will be no underground sprinklers in that area. Another consideration is the location of the tree which has been purchased. I prefer the "green look" to a sea of cement.

4110 is in the final stages of construction. The plan is to enter it in the Fall Parade of Homes.

Thank you for your consideration to eliminate the "sidewalk to nowhere" at 4110 Clifford Drive.