

Waiver 12020

RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, Hamann Meadows 1st Addition, generally located northeast of South  
2 76th Street and Pioneers Boulevard was previously approved by the City of Lincoln; and

3           WHEREAS, pursuant to the Land Subdivision Ordinance a pedestrian way is  
4 required to be provided when a block length exceeds 1,000 feet in length; and

5           WHEREAS, pursuant to said requirement a pedestrian sidewalk was required to  
6 be installed in Outlot A generally located between Crystal and Diamond Courts  
7 approximately one block northeast of the intersection of Pioneers Blvd. and South 76th  
8 Street as a condition of approval for Hamann Meadows 1st Addition; and

9           WHEREAS, Hamann Meadows Townhomes, LLC, owner of Outlot A, Hamann  
10 Meadows 1st Addition, has requested a modification of the Land Subdivision Ordinance  
11 to waive said requirement, pursuant to § 26.31.010 of the Lincoln Municipal Code; and

12           WHEREAS, on October 17, 2012 the Planning Commission held a public hearing  
13 on said request and denied the waiver; and

14           WHEREAS, on October 29, 2012 the applicant filed a notice of appeal appealing  
15 the action of the Planning Commission denying the requested waiver; and

16           WHEREAS, pursuant to Lincoln Municipal Code § 26.31.010(g)(2) the action  
17 appealed from is deemed advisory and the City Council is authorized to take final action  
18 on the requested waiver; and

1           WHEREAS, the City Council finds that the strict application of the requirement  
2 that a pedestrian way be located in Outlot A, Hamann Meadows 1st Addition, would not  
3 result in actual difficulties or substantial hardship or injustice to the property owner.

4           NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

5           That the requested waiver of the requirement of the Land Subdivision Ordinance  
6 that a pedestrian way sidewalk be installed in Outlot A in Hamann Meadows 1st  
7 Addition, is hereby denied.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2012:

\_\_\_\_\_  
Mayor