

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 15, 2007 PLANNING COMMISSION MEETING

PROJECT #: Waiver #07006 - Sunlight Court

PROPOSAL: Waive sidewalk associated with Final Plat #95019

LOCATION: Approximately one block south of South 56th Street and Elkcrest Drive

CONCLUSION: Sidewalks are encouraged by the Comprehensive Plan to provide safe and convenient pedestrian access throughout the city. The Subdivision Ordinance requires them to be installed when land is subdivided. The intent is to provide a safe, paved surface for pedestrians to walk on that is located out of streets.

RECOMMENDATION:	Denial
------------------------	---------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Edgewood Village Addition

EXISTING ZONING: R-2 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:

July 5, 1995 - Edgewood Village Addition Final Plat #95019 was approved.

April 10, 1995 - Special Permit #1540 authorizing the Edgewood Village community unit plan (CUP) was approved.

February 15, 1995 - Edgewood Village Preliminary Plat #94026 was approved.

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. This is a request to waive the required sidewalk along Sunlight Court per Lincoln Municipal Code (LMC) Section 26.23.095. LMC either requires sidewalks to be installed at the time a final plat is approved, or a surety be provided to guarantee their installation within two years of plat approval.
2. The final plat of Edgewood Village Addition was approved on July 5, 1995. The final plat created sixteen lots for attached single-family dwellings with access

provided by two private roadways (Sunlight Court and Harmony Court) consistent with the approved preliminary plat and community unit plan.

3. A waiver to the requirement to install sidewalks along both sides of the street was requested and granted with the preliminary plat in 1995. This waiver allowed sidewalks to be installed on only one side of both Harmony and Sunlight Courts. The rationale was that both are private roadways, that they serve only a limited number of residences, that neither one extends beyond the boundary of this CUP nor connects to a public street, and that sidewalks would be constructed on one side to provide a convenient and safe location for pedestrians.
4. As shown on the approved plans, there is enough distance between the garage door and the proposed location of the sidewalk to park a car.
5. The owner provided the City a bond to guarantee the installation of sidewalks with the final plat, and the funds to install the sidewalk along Sunlight Court are still being held by the City. The owners are requesting that the sidewalk not be built and that the money be released. A petition signed by all the owners of the residential units within the CUP, including the four that front onto Sunlight Court, is attached.
6. The sidewalk along Harmony Court has been installed.
7. Public Works notes that the Americans With Disabilities Act (ADA) guidelines include the requirement for sidewalks, and that not requiring them to be installed would be inconsistent with the Act. Without sidewalks, all pedestrians, including those with limited mobility are forced to use Sunlight Court to get to the surrounding sidewalk system. This includes the sidewalks along Dogwood Drive and Harmony Court, and the one that extends to the Edgewood Shopping Center to the south.
8. The Health Department (LLCHD) notes that “according to the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use, a core recommendation was made to continue efforts to plan, construct, and maintain sidewalks and trails in a manner that is consistent with community design to support a physically active population. Therefore, in general, the LLCHD will not support the approval of sidewalk waiver requests.”
9. The Comprehensive Plan states that sidewalks should be installed along all streets to facilitate pedestrian access and encourage pedestrian activity. They are considered a necessary public improvement that promotes public safety for all residents.

Prepared by:

WVR #07006
Sunlight Court

Page 4

Brian Will
Planner
August 1, 2007

CONTACT: Lois Hartzell
5831 South 58th Streets Ste A
Lincoln, NE 68516
402.499.0207

F:\FILES\PLANNING\PC\WVR\07000\WVR07006 Sunlight Court Sidewalk.bjw.wpd



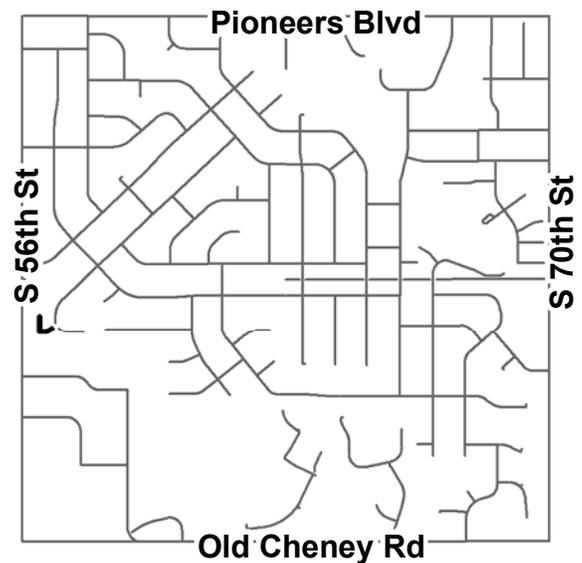
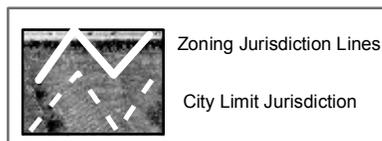
2005 aerial

Waiver #07006 Sunlight Court

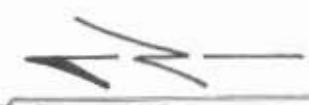
Zoning:

- 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

One Square Mile
Sec. 9 T09N R07E

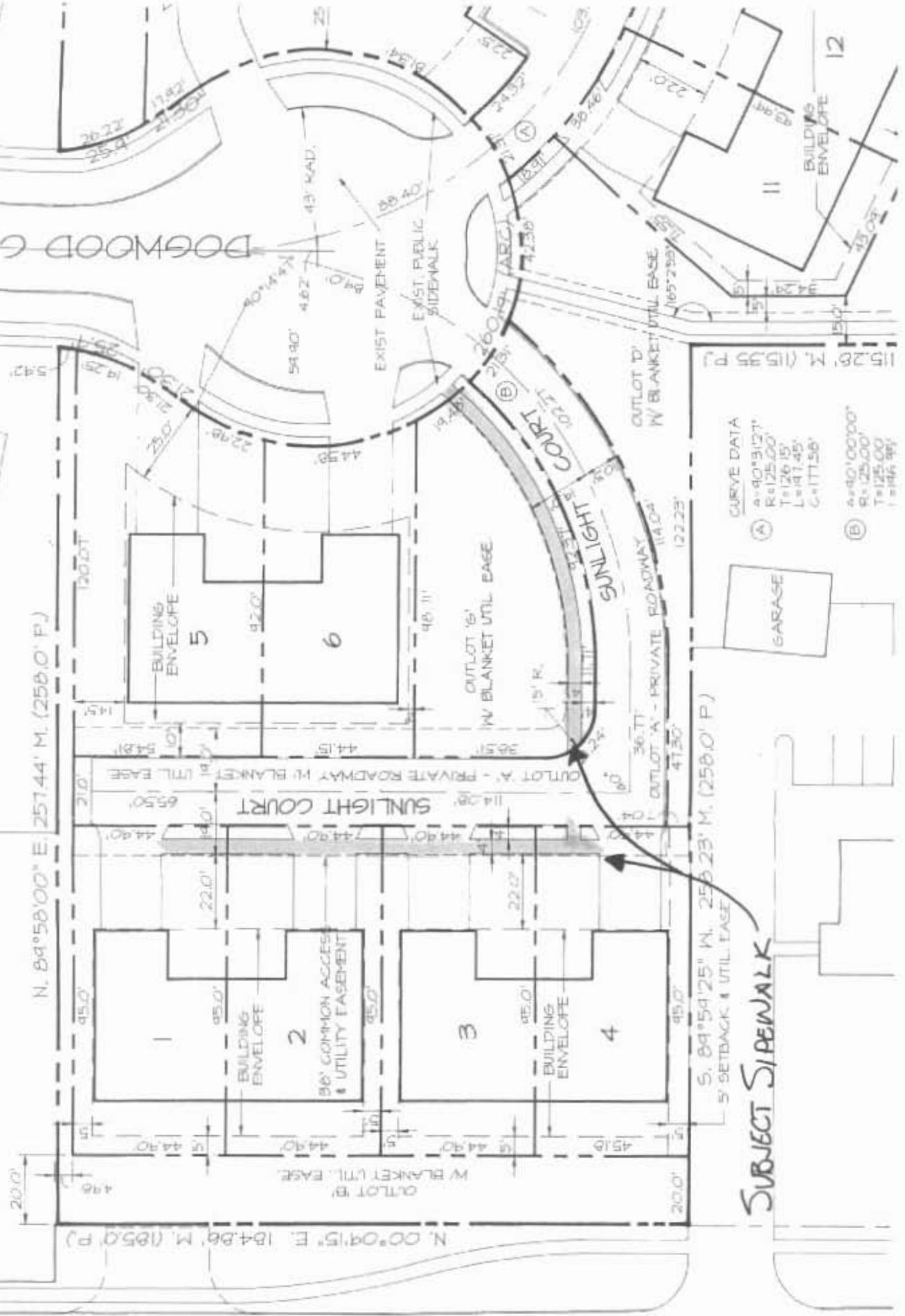


SOUTH 56TH STREET



ARC RADIUS OF 44.20 FEET,
THENCE ON THE ARC OF SAID CIRCULAR CURVE 26.24 FEET TO THE
POINT OF TANGENCY;
THENCE 5.00' OR 5'00.00", 251.44 FEET;
THENCE 5.00' OR 5'00.00", 184.86 FEET;
THENCE N. 04°58'25" E., 258.23 FEET;
THENCE S. 00°49'00" E., 185.00 FEET;
CONTAINING 3.24 ACRES.

EXIST. SINGLE FAMILY
RESIDENCES TYPICAL



CURVE DATA

(A)	A=90°31'27"
	R=125.00'
	T=126.15'
	L=147.45'
	C=171.56'
(B)	A=90°00'00"
	R=125.00'
	T=125.00'
	L=146.99'

SUBJECT SIDEWALK

GARAGE

BUILDING ENVELOPE

11

12

N. 89°58'00" E. 257.44' M. (258.0' P.)

S. 89°54'25" N. 258.23' M. (258.0' P.)

N. 00°04'15" E. 184.86' M. (185.0' P.)

SUNLIGHT COURT

SUNLIGHT COURT

DOGWOOD CT.

1 2 3 4 5 6

BUILDING ENVELOPE

5

6

BUILDING ENVELOPE

2

36' COMMON ACCESS & UTILITY EASEMENT

BUILDING ENVELOPE

4

BUILDING ENVELOPE

3

BUILDING ENVELOPE

1

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

July 6, 2007

City of Lincoln
Planning Department
555 So 10 Street
Lincoln NE 68508

Re: Project Name: Edgewood Village, Edgewood Village Org,
Edgewood Village 2nd Addition
Planning #: 9'0', 95019 and 99040
Developer: Milestone, Edgewood Developers

To Whom It May Concern.

I am writing you today to finalize our sub-division in Edgewood Village. We were required to add sidewalks along Sunlight Court. I am sending you a signed petition by the homeowners and their association minutes stating that they do not want the sidewalks installed.

All sidewalks are installed in the neighborhood except the highlighted area as shown on the included map which are the sidewalks that the association do not feel they need nor want. If you need any additional information, please let me know. My direct number is (402) 499-0207.

Sincerely,


Lois Hartzell



EDGEWOOD VILLAGE HOMEOWNERS ASSOCIATION

The annual meeting of the Edgewood Village Homeowners Association met on Saturday, November 25, 2006 at 9:00 a.m. in the Sheridan meeting rooms at Madonna Rehabilitation Hospital.

PRESENT: Sandy and Joseph Dubas Bill and Sharon Waldo
 Jerry and Jolene McInnis Ron and Jan Hibbert
 Keith Olsen Janice Bennetch
 Elmer Krebs Connie Paben
 Marfae Rutledge Mason and Frieda Bowes
 Dorothy Otoupalik Gene and Lorraine Huber

CALL TO ORDER: The Edgewood Village Homeowners Association meeting was called to order at 9:20 a.m. by president, Joseph Dubas.

WELCOME: President Dubas welcomed all to the meeting, stating that we have had no changes in membership since our last annual meeting.

UPCOMING CHANGE ANNOUNCED: The Waldo's reported they expect their new dwelling to be completed in April, 2007 and expect to move from the neighborhood prior to our next annual meeting. President Dubas noted that Bill has been a bulwark of the Association, serving as our founding president and for many additional years as president. Bill and Sharon will be missed.

MINUTES: Minutes of the November 5, 2005 Edgewood Village Homeowners Association meeting were read by Janice Bennetch. Jerry and Jolene McInnis were incorrectly listed as being present at last year's annual meeting. They were not.

It was moved (Bill Waldo) and seconded (Jan Hibbert) that the minutes be approved as corrected.

TREASURERS REPORT:

Ron Hibbert reported the Association is finishing up 2005 in a better financial position than last year. With only one yardwork invoice expected for the remainder of 2006, our balance is approximately \$4,000 compared to last year's November 5 balance of \$2891.00. Watering, tree and lawn care account for the bulk of our Association's expenses.

Members are reminded that Association dues of \$450 are due January 1 and July 1 of each year, or \$900 in their entirety at January 1.

It was moved (Jerry McInnis) seconded (Gene Huber) and carried to accept the treasurer's report

OLD BUSINESS: 1. Street repair Joe Duhas reported he found pricing for hot tar street

crack repair to run between \$700 and \$800. While the treasurer reported we do have funds available to cover that repair now, group consensus was to keep an eye on the cracks for now and wait for them to become larger before taking any further action.

2. Articles of Incorporation Bill Waldo announced that he had nothing to report on this subject at this time. Joe Dubas suggested that once Owner/Developer Milestone and the City of Lincoln finalize our sidewalk issue, the Milestone people could be removed from our Articles of Incorporation.
3. Lawn Replacement There being no members from the grounds committee present during this subject discussion, there was no report received on costs of replacing our current Bluegrass with Fescue, trying to re-seed just the east hill with Fescue, or any other options the ground committee considered trying to resolve the east hill wash-out conditions.
4. Sidewalk Extension President Dubas announced that the City of Lincoln is holding Milestone money in escrow until they put in the sidewalks, as shown on a blueprint handout given to members present. Although the expense would be borne by Milestone, no one present at the meeting declared they wanted sidewalks added, The streets in our Association are deadends and there is little traffic on those streets. Homeowners felt safe walking along the street without sidewalks.

President Dubas circulated a petition with each homeowner's name listed, and asked that those who opposed the addition of sidewalks to Edgewood Village as depicted in the provided blueprint copy, sign their name to so indicate. Those members not present at today's meeting will be contacted by Dubas to afford them the opportunity to sign—or not—the petition.

NEW
BUSINESS:

1. Frieda Mason reported that when the electric box was moved away from the house, it was attached to an unsightly, unpainted piece of wood that remains visible from her kitchen window. Ron Hibbert volunteered to paint the wood.
2. Thank you to Jerry McInnis for painting the fireplugs on Harmony Court.
3. Joe Dubas asked for discussion on providing members with copies of minutes who are absent from our meetings. Group decided they would all appreciate a copy of the minutes regardless of attendance. Janice will provide an original, Joe will make copies and Jerry volunteered to deliver them.
4. Tree Replacement Ron Hibbert reported that during this past year there have been some trees blown over by winds. He has hired the

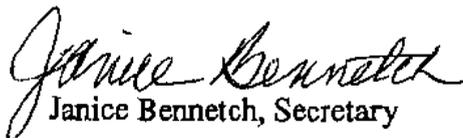
services of Mr. Amoto to not only trim, fertilize and spray the trees on our commons property, but also to clear away the dead trees. If the tree was on the homeowner's property, Ron gave the homeowner \$100 towards the purchase of a new tree. The remainder of replacement cost was the homeowner's responsibility. If the tree was from our commons area, the Association footed the bill for the entire replacement. Homeowners who have trees on their own properties that need to be trimmed, need to arrange and pay for that service independently.

Members requested a written tree policy be created so that there will continue to be a consistent handling of tree replacement in the future, and also to enable new homeowners to have this written policy. Jerry McInnis will write up a policy and it will become an Addendum to these minutes.

5. Election of Officers for 2007 Jerry McInnis moved and Gene Huber seconded a motion that all 2006 officers remain in office for 2007. During a floor discussion, members were asked if anyone else was interested in running for any of the offices. There being no offers, a vote was taken and the motion carried.

ADJOURN: There being no further business, the Edgewood Village Homeowners Association meeting adjourned at 10:10 a.m.

Respectfully submitted:


Janice Bennetch, Secretary

We are signing this petition to ask that the requirement for a sidewalk along the length of Sunlight Court and along Dogwood in the "Edgewood Village" sub division be eliminated.

Names	Address	Signatures	Date
Mason Bowes	5611 Harmony Court	Mason Bowes	
Frieda Bowes	5611 Harmony Court	Frieda M. Bowes	
Elmer Krebs	5615 Harmony Court	Elmer Krebs	
Bethel Krebs	5615 Harmony Court	Bethel G. Krebs	
Marfae Rutledge	5621 Harmony Court	Marfae Rutledge	
Eugene Huber	5625 Harmony Court	Eugene S. Huber	
Lorraine Huber	5625 Harmony Court	Lorraine Huber	
Ron Hibbert	5631 Harmony Court	Ron Hibbert	
Jan Hibbert	5631 Harmony Court	Jan Hibbert	11/25/06
Keith Olsen	5635 Harmony Court	Keith Olsen	11/25/06
Doris Olsen	5635 Harmony Court		
Fay Whittle	5634 Harmony Court	Fay Whittle	11-25-06
Lil Whittle	5634 Harmony Court	Lil Whittle	11-25-06
Dennis Paben	5630 Harmony Court	Dennis Paben	11/25/06
Connie Paben	5630 Harmony Court	Connie Paben	11/25/06
Jerry McInnis	5614 Harmony Court	Jerry McInnis	11/25/06
Jolene McInnis	5614 Harmony Court	Jolene McInnis	11/25/06
Bill Waldo	5610 Harmony Court	Bill Waldo	11-25-06
Sharon Waldo	5610 Harmony Court	Sharon Waldo	11/25/06
Lou Shields	5201 Dogwood Court	Lou Shields	12-29-06
Jay Walker	5201 Dogwood Court	Jay Walker	12-29-06
Dorothy Otoupalik	5205 Dogwood Court	Dorothy Otoupalik	
Joseph Dubas	5225 Sunlight Court	Joseph Dubas	11-25-06
Sandy Dubas	5225 Sunlight Court	Sandy Dubas	11-25-06
Eric Ruskamp	5221 Sunlight Court	Eric Ruskamp	12-11-06
Nicole Ruskamp	5221 Sunlight Court	Nicole Ruskamp	12-11-06
Pat O'Brien	5205 Sunlight Court	PATRICK A O'BRIEN	
Janice Bennetch	5201 Sunlight Court	Janice Bennetch	11-25-06
Karen O'Brien	5205 Sunlight Ct.	Karen O'Brien	12-9-06

EDGEWOOD VILLAGE ADD.

EXECUTIVE ORDER NO. 048920

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

On behalf of the City I have executed the attached Subdivision Agreement and the Agreement for Escrow of Security Fund for EDGEWOOD VILLAGE ADDITION Final Plat on property located in Lots 1 through 4, Block 1, Heritage Heights 3rd Addition and Lot 3, Heritage Heights 5th Addition to Lincoln, Lancaster County, Nebraska, as fully described in Resolution No. P.C 00227 dated July 5, 1995.

The City Clerk is directed to file said final plat and a certified copy of the Resolution accepting the plat, together with the executed Subdivision Agreement with the Register of Deeds, and to return copies of the Resolution, the Subdivision Agreement, and Agreement for Escrow of Security Fund to the Planning Department.

Dated this 26 day of July, 1995.

Mike Johnson
Mike Johnson, Mayor

Approved as to Form and Legality:

Bill Peo
Assistant City Attorney

Staff Review Completed:

Mary G. Moore
Administrative Assistant

RESOLUTION NO. PC-00227

A RESOLUTION accepting and approving the plat designated as EDGEWOOD VILLAGE ADDITION as an addition to the City of Lincoln, filed in the office of the Planning Department of the City of Lincoln, Nebraska, upon certain conditions herein specified and providing for sureties conditioned upon the strict compliance with such conditions.

1. That the plat of EDGEWOOD VILLAGE ADDITION as an addition to the City of Lincoln, Nebraska, filed in the office of the Planning Department of said City by Milestone, a Nebraska general partnership, as owner is hereby accepted and approved, and said owner is given the right to plat said EDGEWOOD VILLAGE ADDITION as an addition to said City in accordance therewith. Such acceptance and approval are conditioned upon the following:

Second: That said owner shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of sidewalks along one side of the private roadways as shown on the final plat. The construction shall be completed within two years following Planning Commission approval of this final plat.

Third: That said owner shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of sidewalk in the pedestrian way easement as shown on the final plat. The construction shall be completed before October 1, 1995.

b. To perpetually maintain the sidewalks in the pedestrian way easements and along the private roadways at their own cost and expense.

b. A bond or an approved escrow or security agreement in the sum of \$3,600.00 conditioned upon the strict compliance by said owner with the conditions contained in paragraph designated "Second" of Paragraph 1 of this resolution.

c. A bond or an approved escrow or security agreement in the sum of \$1,200.00 conditioned upon the strict compliance by said owner with the conditions contained in paragraph designated "Third" of Paragraph 1 of this resolution.

The foregoing Resolution was approved by the Lincoln City - Lancaster County Planning Commission on this 5th day of July, 1995.

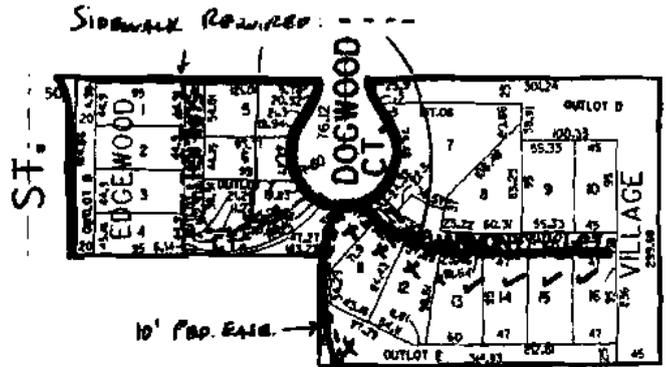
Dated this 5th day of July, 1995.

ATTEST:

Robert Johnson
Chairman

Approved as to Form & Legality:

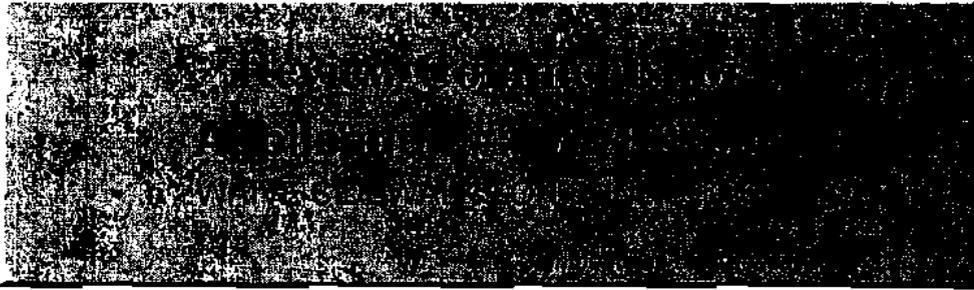
Bill Peo
Asst. City Attorney



SECOND
COMPLETED: 273.91 L.F.
TO BE COMPLETED:
TOTAL: 561.92 L.F.

THIRD
COMPLETED: 155.00 L.F.
TO BE COMPLETED:
TOTAL: 155.00 L.F. APPROX.

PREPARED E.O. 11/18/05 TO RELEASE \$1,200 FOR PED SIDEWALK



Status of Review: No Rev Req

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

07/23/2007 10:50:00 AM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: July 23, 2007

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Edgewood Village
EH Administration WVR #07006

The Lincoln-Lancaster County Health Department has reviewed the request for waiver application with the following noted:

According to the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use, a core recommendation was made to continue efforts to plan, construct, and maintain sidewalks and trails in a manner that is consistent with community design to support a physically active population. Therefore, in general, the LLCHD will not support the approval of sidewalk waiver requests.

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Complete

07/30/2007 2:27:48 PM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum□□
□

To:□Brian Will, Planning Department
From:□Charles W. Baker, Public Works and Utilities
Subject:□Edgewood Village 2nd Addition Sidewalk Waiver #07006
Date:□July 30, 2007
cc:□Randy Hoskins
□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Edgewood Village 2nd Addition Sidewalk Waiver #07006 request for the walks located along the north and west sides of Sunlight Court. Sunlight Court is a private roadway that serves four townhouse units to the west of Dogwood Court. Public Works has the following comments:

•□The sidewalks were required with the plat of this area and were shown on all submitted drawings.

•□The documentation in the Resolution stated that the sidewalks were required to be installed within two years of the approval of the Final Plat(1995). The townhouses were constructed, and the driveways were poured. The sidewalks should have been installed at that time if there was any intention of doing them at all. The pedestrian way sidewalk within the easement from Dogwood Court to the south business area was installed and that bond has been released.

•□Public Works cannot recommend approval of this waiver. We recognize that this sidewalk would only serve the four townhomes, but reluctance in constructing the walks does not justify the waiver. If the intension was to not have sidewalks in this area, there were other avenues that should have been discussed prior to the approval of the plat that could have meet ADA requirements to serve this location and not force the pedestrian traffic into a roadway.
