City Council Introduction: **Monday**, November 19, 2012
Public Hearing: **Monday**, December 3, 2012, at **3:00** p.m.

Bill No. 12R-274

FACTSHEET

TITLE: **WAIVER NO. 12020,** requested by Marc Schniederjans, to waive the requirement to install a pedestrian way, on property generally located between Crystal Court and Diamond Court, approximately one block northeast of the intersection of Pioneers Boulevard and South 76th Street.

STAFF RECOMMENDATION: Denial

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/17/12
Administrative Action: 10/17/12

RECOMMENDATION: Denial (5-0: Butcher, Francis, Lust, Hove and Cornelius voting 'yes'; Gaylor Baird, Sunderman and Weber absent).

FINDINGS OF FACT:

1. This is a request to waive the requirement for a pedestrian sidewalk associated with a block in excess of 1,000 feet in length as required by Section 26.23.125 of the Land Subdivision Ordinance of the Lincoln Municipal Code. The sidewalk which has been constructed and would be removed if this waiver is approved is located between Crystal Court and Diamond Court, approximately one block northeast of the intersection of Pioneers Boulevard and South 76th Street.

2. The staff recommendation of denial is based upon the "Analysis" as set forth on p.4-6, concluding that the existing pedestrian sidewalk was planned and included in the approved development plans consistent with the goals of the Comprehensive Plan. It serves as both an amenity for the residents in the area and contributes to the city's overall trail and sidewalk system. The sidewalk is not unique in any way, nor does it place an undue burden on the neighboring residents when compared to other similar facilities throughout the city. Staff does not find adequate justification to warrant the waiver and the removal of the sidewalk. The staff presentation is found on p.8.

3. The applicant's testimony is found on p.9, submitting that the topography of the sidewalk is not acceptable; the purchasers of the homes were not aware that the sidewalk would be built; it is an invasion of privacy; there is no security; and it is a safety concern. The applicant also stated that he would personally pay for the removal of the sidewalk if this waiver is granted. The petitions submitted by the applicant with the application in support of the waiver are found on p.27-57; those in opposition are found on p.59-61; and one party being undecided is found on p.63-64.

4. Testimony in support is found on p.9-10, and the record consists of three additional letters in support (p.66-69). A letter from the sales agent for the townhomes in Hamann Meadows indicating that the purchasers were not aware that this sidewalk would be built is found on p.65.

5. There was no testimony in opposition; however, there were two additional letters in opposition submitted for the record (p.71-72).

6. On October 17, 2012, the Planning Commission agreed with the staff recommendation and voted 5-0 to deny the waiver request, finding that the sidewalk exists as a result of the principles set forth in the Comprehensive Plan and the desire of the community to have a connected pedestrian network. The Commission did not find the sidewalk to be an invasion of privacy any more than a sidewalk in the front yard (See Minutes, p.11-12).

7. On October 29, 2012, a letter of appeal was filed by the applicant, Marc Schniederjans (p.2).

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: November 9, 2012

REVIEWED BY: Marvin Krout, Director of Planning **DATE**: November 9, 2012

REFERENCE NUMBER: FS\CC\2012\WVR12020 Appeal

APPEAL

of Planning Commission action
to City Council

FILED
CITY CLERK'S OFFICE
2012 OCT 29 AM 11 49
CITY OF LINCOLN
NEBRASKA

Today's Date Oct 26, 2012

(this form must be received by the City Clerk within 14 days of the action by the Planning Commission)

To: City Clerk
Joan Ross
555 S. 10th St., Ste. 103
Lincoln NE 68508
402-441-7436
jross@lincoln.ne.gov

Dear Clerk:

I am submitting this letter of appeal to Resolution No. Denial Waiver12020, adopted by the Lincoln-Lancaster County Planning Commission on (Date) Oct 17, 2012, approving Special Permit No. _____ on property generally located at sidewalk, Hamann Meadows 1st Addition, between Crystal Court and Diamon Court.

Please advise me of the hearing date before the City Council.

Signature of person requesting appeal: Marc Schniederjans

Printed Name Marc Schniederjans

Address 7521 Crystal Court | Lincoln | NE | 68506
Street | *City* | *State* | *ZIP*

Phone Number (402) 483-7898

Email MJS4835665@aol.com

cc: Planning Department
Jean Preister
555 S. 10th St., Ste. 213
Lincoln NE 68508
402-441-6365
jpreister@lincoln.ne.gov

Access this form on the web: http://www.lincoln.ne.gov/city/plan/databank/apforms/cityappeal.pdf
Updated: January 13, 2011

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for October 17, 2012 PLANNING COMMISSION MEETING

PROJECT #: Waiver of Design Standards #12020

PROPOSAL: Waive the requirement for a pedestrian sidewalk associated with a block in excess of 1,000 feet in length as required by Title 26 Land Subdivision Ordinance of Lincoln Municipal Code (LMC) Section 26.23.125.

LOCATION: Between Crystal and Diamond Courts, approximately one block northeast of the intersection Pioneers Blvd and South 76th Street.

CONCLUSION: The existing pedestrian sidewalk was planned and included in the approved development plans consistent with the goals of the Comprehensive Plan. It serves as both an amenity for the residents in the area, and contributes to the city's overall system trail and sidewalk system. The sidewalk is not unique in any way, nor does it place an undue burden on the neighboring residents when compared to other similar facilities throughout the city. Staff does not find adequate justification to warrant the waiver and the sidewalk's removal.

RECOMMENDATION: Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Outlot A, Hamann Meadows 1st Addition, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	Residential	R-3
East:	Residential	R-3
West:	Open Space	R-3

HISTORY:

NOV 2005 - Hamann Meadows preliminary plat was approved.

MAR 2010 - Special Permit #10007 for the Hamann Meadows community unit plan 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.

-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 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 10.47 - 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 requirement for a pedestrian sidewalk associated with a block in excess of 1,000 feet in length as required by the Land Subdivision Ordinance Section 26.23.125. The applicant's stated justification for the request is a loss of privacy, increased risk to property and residents, maintenance costs, and loss of aesthetic view. If this request is approved, the applicant states that the developer has agreed to remove the sidewalk.

2. The Land Subdivision Ordinance contains requirements for the layout of subdivisions, and includes a limit on the maximum length of a block, which is 1,320 feet. There is also a requirement that if a block exceeds 1,000 feet in length, a pedestrian sidewalk must be provided. The intent of the pedestrian sidewalk requirement is to provide better connectivity to facilitate and enhance pedestrian access throughout the city.

3. The pedestrian 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 pedestrian sidewalks are detailed.

4. The subject pedestrian sidewalk was constructed during the month of September, 2012, and is now complete and in use. The sidewalk provides a connection from the sidewalk system in South 76th Street to the bike trail extending along Antelope Creek to the west. Beyond this request, there have been no complaints and are no documented problems staff is aware of.

   In this area there are sidewalk connections to the trail both to the south where it crosses Pioneers Blvd, and to the north where there is a connection which extends west from the sidewalk in Cooper Avenue through the adjacent park. The subject sidewalk is a convenience, and being a direct connection to the trail should serve to encourage its use. As the sidewalk is not fenced in, there is good visibility to and from the trail.

5. The development was originally approved in 2005 with the preliminary plat of Hamann Meadows. The layout of the lots surrounding Crystal and Diamond Courts was revised in 2010 when the Hamann Meadows community unit plan (CUP) was approved. The CUP increased the number of lots around the two courts from 32 to 44. The subject sidewalk has been shown as part of the approved plans for both the preliminary plat and the CUP since their approval. Without the proposed sidewalk, staff would have required connections from the ends of the cul-de-sac to the trail, likely resulting in fenced-in sidewalks much nearer to homes than this sidewalk.

6. Pedestrian sidewalks are intended for use by not only the residents in the vicinity, but also for the public at large. They are considered primarily an amenity for nearby residents, but significantly contribute to the city's larger trail and sidewalk system, and facilitate non-motorized movement throughout the city consistent with the goals of the Comprehensive Plan.

7. The rationale provided to waive the sidewalk would similarly apply to many other such facilities throughout the city. In this case, the impact or cost associated with the sidewalk does not appear disproportionate when compared to other similar facilities, and does not provide adequate justification for it's removal on that basis. It is noted that the obligation to maintain and repair pedestrian sidewalks such as this one is assigned from the developer to the homeowners association, as compared to public sidewalks adjacent to streets in public rights-of-way which are maintained by the City.

8. The applicant gathered signatures of residents in the area stating their view on the waiver request. Of the 35 letters submitted, 31 support the waiver (See p.26-57), three are opposed (See p.58-61), and one is undecided (See p.63-64). An exhibit indicating the residences and their preference is attached.

9. In response to a question not related to this request about the repair of a sidewalk, the Law Department was asked by Councilman Jonathan Cook to comment on the City's responsibility in such issues. Law noted the applicability of the American's with Disabilities Act (ADA) sidewalk provisions, and that "all alterations after March 2012 have to comply with current (ADA) guidelines." Law noted that for any alterations found not in compliance with ADA, the City could be liable for attorney's fees if an action were bought against the City.

   Removing a sidewalk raises the question of whether it results in an alteration which creates a condition of noncompliance with ADA or not. Stated another way, the removal of any

sidewalk could be viewed as an alteration and may be judged to be less compliant rather than more compliant. The concern is that either reduced or noncompliance creates liability on the part of the City.

The Planning Department thought it prudent that the Planning Commission and City be cautioned about this possibility when considering requests to remove or eliminate sidewalks.

10. The Mayor's Pedestrian/Bicycle Advisory Committee reviewed this request and supports keeping the sidewalk in place (See p.24). The Committee notes that such facilities enhance connectedness, which facilitates a more walkable and healthier community. Their letter is attached. The Parks and Recreation and Public Works and Utilities Departments also both recommend denial of this request.

11. Staff finds that multiple routes encourage walking for health and pleasure. Additionally, such facilities can actually enhance security by providing more 'eyes on the street', which serves to discourage crime instead of facilitate it. There are more than 133 miles of trails (either existing or funded to be built) throughout the City. The system extends through commercial areas, residential neighborhoods, and parks. Staff is not aware of any persistent or recurrent problems associated with the trail system.

12. The subject sidewalk is in a 5'-wide public access easement, located within an outlot reserved for open space. In this area, the outlot is 60' wide, meaning the sidewalk is approximately 27.5' from the rear lot lines of the adjacent homes. Beyond that, there is a 15' required rear setback for the dwellings, for a total separation of at least 42.5' from the sidewalk to a dwelling. Compared to many instances throughout the City where such sidewalks are immediately adjacent to a rear or side lot line, this amount of separation is not unusual.

13. Loss of property value is also cited as a reason to eliminate the sidewalk. Contrary to that rationale, staff has studies (one completed by the Vermont Department of Transportation in 2006, and another by the University of Nebraska-Omaha covering the Omaha Recreational Trails System in 2000) which conclude that the effect of such facilities is either neutral or positive. The finding is that comparable facilities are typically considered an amenity, and are associated with the outdoors and active, healthy lifestyles.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
October 3, 2012

OWNER: Hamann Meadows Townhomes. LLC
8040 Eiger Drive
Lincoln, NE 68516
402-420-2335

APPLICANT/
CONTACT: Marc Schniederjans
7521 Crystal Court
Lincoln, NE 68506
402-483-7898

WAIVER NO. 12020

PUBLIC HEARING BEFORE PLANNING COMMISSION: October 17, 2012

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

Staff recommendation: A finding of general conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** presented the proposed waiver of the pedestrian connection in a block in excess of 1,000 feet located in the Hamann Meadows development generally northwest of Pioneers Boulevard and Lucile Drive, specifically between Diamond and Crystal Courts.

The subject pedestrian connection was originally shown with the preliminary plat for Hamann Meadows approved in 2006; that preliminary plat was slightly modified in 2010 with the community unit plan, there being no significant change; however, with both the preliminary plat and the CUP, the pedestrian connection had been shown from the beginning.

Will advised that the staff is recommending denial of this waiver request, finding that this sidewalk meets both the letter and intent of the subdivision ordinance; it is an enhancement to the larger sidewalk and trails system throughout the city; and the sidewalk has been installed and is in use today. Based upon these factors, staff is recommending denial of the waiver request.

Lust inquired whether the townhouses in this subdivision have sidewalks in their front yards. Will explained that there are sidewalks in front of the homes and in South 76th Street. The sidewalks in front of the homes are closer to the homes than the sidewalk in the back. Will further explained that the outlot is approximately 60 feet wide; there is a minimum setback from the rear lot line to the dwellings of at least 15'. He estimated that it would be 43', give or take, from the subject sidewalk to the nearest point of a dwelling. Most of the dwellings are actually set back further than the minimum 15'.

Hove asked what the subject sidewalk connects. Will stated that it connects to the sidewalk system on both sides of 76th Street and connects to the existing trail that runs along Antelope Creek all the way to downtown. It is flush with the sidewalk in 76th Street.

Lust inquired about the studies referred to in the staff report finding that back yard sidewalks are no more dangerous than front yard sidewalks and, in fact, improve safety. Will explained that the research had been done associated with other issues – one study was done in 2000 referring to the recreational trails system in Omaha, and another study was done back east in Vermont in 2006. The general finding was that there is no more risk or safety hazard associated with these facilities. As far as property values, the finding in the studies was that it would be neutral, but in some cases there is an enhancement to the property value just because these sorts of facilities are viewed as being associated with outdoor, healthy lifestyles, outdoor activities, etc. Will could not point to a study that finds an increased safety hazard or property devaluation.

Proponents

1. Mark Schniederjans, 7221 Crystal Court, the applicant, testified in support. His property abuts the sidewalk in question. He stated that, "obviously, 90% of us want this sidewalk removed." (The petitions to which the applicant referred are attached to the staff report). The topography of how this sidewalk lays in relationship to the homes that were built is not acceptable. One of the letters the Commission has received is from the sales agent for these properties, attesting that no one who bought homes in Hamann Meadows knew the sidewalk was going to be constructed. The sidewalk is up higher and people can look directly into the homes. These homes were built with a lot of glass windows in the back because this is a pretty spacious area and the property owners were promised a meadow on one side with a pond on the other side. The people coming down this sidewalk do not treat it as a sidewalk. Schniederjans works at home and watches it every day. It is the behavior of the people that is a concern. The people who are riding bikes ride down this path (which is downhill) are really moving once they hit the bike path. There was a near miss one day recently. There are seven windows and two glass doors in the back of his house, and now there are people looking in from this sidewalk. There is no more security. The bike path is used by lots and lots of people but they are not coming up through this subdivision. He believes it is a safety concern, regardless of the research cited.

Schniederjans reiterated that the people in this subdivision overwhelmingly do not want the sidewalk in their back yards. Everyone who abuts this property unanimously signed the petition opposed to the sidewalk – 31 are opposed. It is an imposition that this sidewalk was not adequately disclosed to the residents. The aerial photograph does not show this, but the sidewalk negatively impacts the property the way it is positioned. You can look into the main level of most of these homes from that sidewalk. It poses a hazard and risk to the homeowners in this neighborhood.

Butcher inquired whether there are any requirements within the homeowners association with regard to fencing. Schniederjans stated that at this point, the homeowners association is still held by the developer and has not been turned over to the homeowners.

Support

1. Nancy Reissig, 3842 S. 76th Street, testified in support of the waiver. She is the Neighborhood Watch person for the area. If the goal of placing this sidewalk was to connect the bike trail to 76th Street, she believes there is adequate access either from Cooper Street or down Lucile to Pioneers. They do have some history of problems with people violating the properties in Hamann Meadows, e.g. at the end of the cul-de-sac, the public bike pedestrian trail is very close to the back of the Hamann Meadows homes. One night after 3:00 a.m. the owner heard three teenagers knocking on his windows and they set off fireworks before they left. There have been several other things that have happened. So the new sidewalk between Crystal Court and Diamond Court has taken away the privacy of the people who live there and is setting up the same kind of environment where property rights are violated and mischief could cause serious harm to homeowners and their property. She wants the sidewalk removed.

2. Lee Nugara, 3932 S. 76th Street, testified in support of the waiver. The builder informed him of a pond and the bike trail, but they never mentioned the sidewalk. The van he parks on the street has been egged 28 times, and he reported it to the police the last time it occurred.

Lust asked Nugara to be specific about when his van was egged. Was it after the sidewalk was installed? Nugara explained that it has been egged 28 times since last summer, and it has happened three times since the sidewalk was installed. He clarified that is not saying the sidewalk is why it happened.

3. Jill Schniederjans, 7521 Crystal Court, clarified that the covenants made by the developer provide that there shall be no fences. The homeowners association has not yet come together and is still run by the developer. They have begun preliminary meetings.

There was no testimony in opposition.

Staff questions

Francis sought clarification as to the topography of the land. The applicant is suggesting that the sidewalk sits higher and you can see into the homes. She recalled that requests to waive sidewalks have come before the Commission in the past because the lay of the land was not conducive to having the sidewalk installed and thus it was more common sense not install the sidewalk. Francis assumes that if the topography would not meet ADA requirements, the sidewalk would not be required. Will stated that there is potential that there would not be sidewalks in that situation. There is a slight incline on both sides for grading up to the sidewalk but it is not what he would characterize as "significant". Francis indicated that she personally visited the site of the sidewalk and it looked pretty level to her. Will stated that the sidewalk as constructed meets all the applicable standards.

Francis then confirmed that the location of that sidewalk would be no closer to the properties than a house on a corner lot in a residential neighborhood with a sidewalk on two sides. Will believes that the separation would be increased or greater than what you would find with a typical sidewalk in front or along side of your house.

Lust asked whether there will be further development in this area. Will showed the aerial photograph and stated that it is anticipated that the three cul-de-sacs will be fully built out. There are opportunities for further subdivision across the street as well.

Hove inquired whether there was any change that precipitated the construction of this sidewalk or just the fact that the sidewalk got built in a couple days. Will reiterated that the sidewalk has been part of the original preliminary plat approved in 2006, and also the update of the preliminary plat in 2010. It has always been shown as part of the development and as final platted. He believes it is the fact that the sidewalk was actually installed that prompted this application.

Hove wondered whether the covenants can be changed to address any fencing issues once the association is turned over to the homeowners. Will explained that the city is not a party to those covenants – they are agreements among private property owners. Generally, there is a provision for modifying and amending.

Response by the Applicant

Schniederjans reiterated that the positioning of these homes are such that you can look into the people's home if you walk down this sidewalk. The owners are going to have to maintain the sidewalk, keep it trimmed and remove the snow. It is going to be dangerous. There is a serious

safety issue and a serious privacy violation to the homeowners. There are a lot of elderly people here who cannot pay any higher association dues. This is an unnecessary burden on the homeowners. None of the homeowners were told about this sidewalk. "We feel we have been cheated and have a lessened property by this sidewalk." The homeowners are going to have to pay for the maintenance of this sidewalk.

Hove inquired as to who would pay for the removal of the sidewalk if this waiver is approved. Schniederjans stated that he will personally pay for the removal of the sidewalk. In all honesty, he wants his meadow back. He does not want to overlook this sidewalk and have people looking into his property.

ACTION BY PLANNING COMMISSION: October 17, 2012

Lust moved to deny, seconded by Francis.

Francis is sympathetic that this seems to be something that is new to the homeowners. But, with real estate transactions, there is something called "caveat emptor" – let the buyer beware. The fact that the real estate agent who was promoting these homes on the seller's behalf did not know about this sidewalk is no excuse for anybody not to have picked up the phone and called the city about the platting of this ground. That is the biggest drawback of new construction. Anything that is vacant can be changed. She understands that the homeowners purchased the property and that they want to see the nice green space, but that is not realistic in today's world.

Lust knows that change is hard, and what was quite a bit of space of vacant property now has a sidewalk. She suggested that when it first comes in, it is very concerning, but after you live with it for awhile, she believes the property owners will actually benefit from it; there will be children getting to the bike path; the neighbors will get to know each other better. Connectivity in the city to the wonderful bike trail system is extremely important. Furthermore, the sidewalk is no closer to the homes than the sidewalk that you have in your front yard; and being able to look out your window and see neighbors walking though your front yard is no different. While she is disappointed that the agent that sold the property did not advise about the sidewalk, she really thinks it is actually a benefit to the neighborhood as a whole and it needs to stay for connectivity reasons. And, it is probably a lot better than two of these sidewalks, which would have been the alternative if the sidewalk had not been located where it is now. She has to vote denial.

Lust further urged that the property owners call the police the second there is any vandalism or problems. That's their job.

Cornelius agreed with Lust regarding issues of trespass and violation – if you let it go and do not call the police, it is impossible to resolve the problems. The sidewalk exists as a result of the principles set forth in our Comprehensive Plan and the values that we have as a community have stated that we want a connected pedestrian network – a degree of friendliness for walking and biking in our residential and commercial areas – and this is what this sidewalk is meant to facilitate. Living in the city, you have these pedestrian facilities where people can look in windows. People can look in his front window as well. He understands further that this is a change and it changes the complexion of the area behind the homes; however, this is something that was in the plan from the beginning and it is unfortunate that as the properties were bought and sold that this information was not conveyed, but it is on record. As far as maintenance, that was part of the community unit plan as well.

Motion to deny carried 5-0: Butcher, Francis, Lust, Hove and Cornelius voting ‘yes’; Gaylor Baird, Sunderman and Weber absent. This is final action, unless appealed to the City Council within 14 days.

2010 aerial

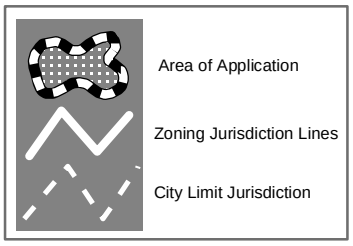
Waiver #12020
Lucile Dr & Pioneers Blvd

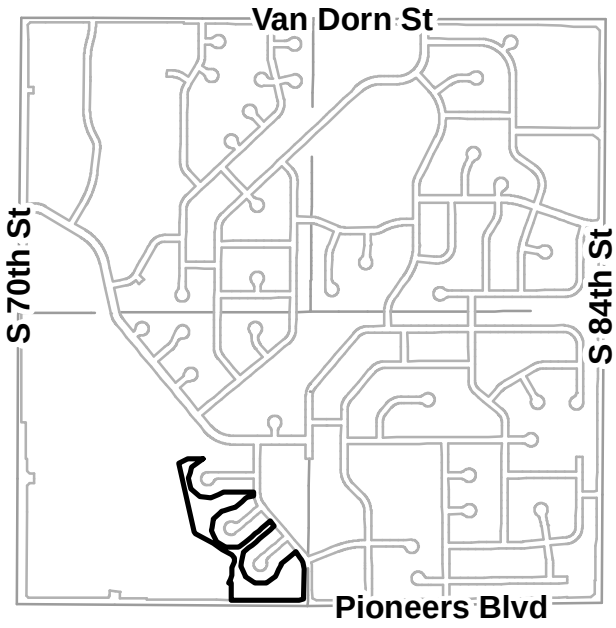
Zoning:

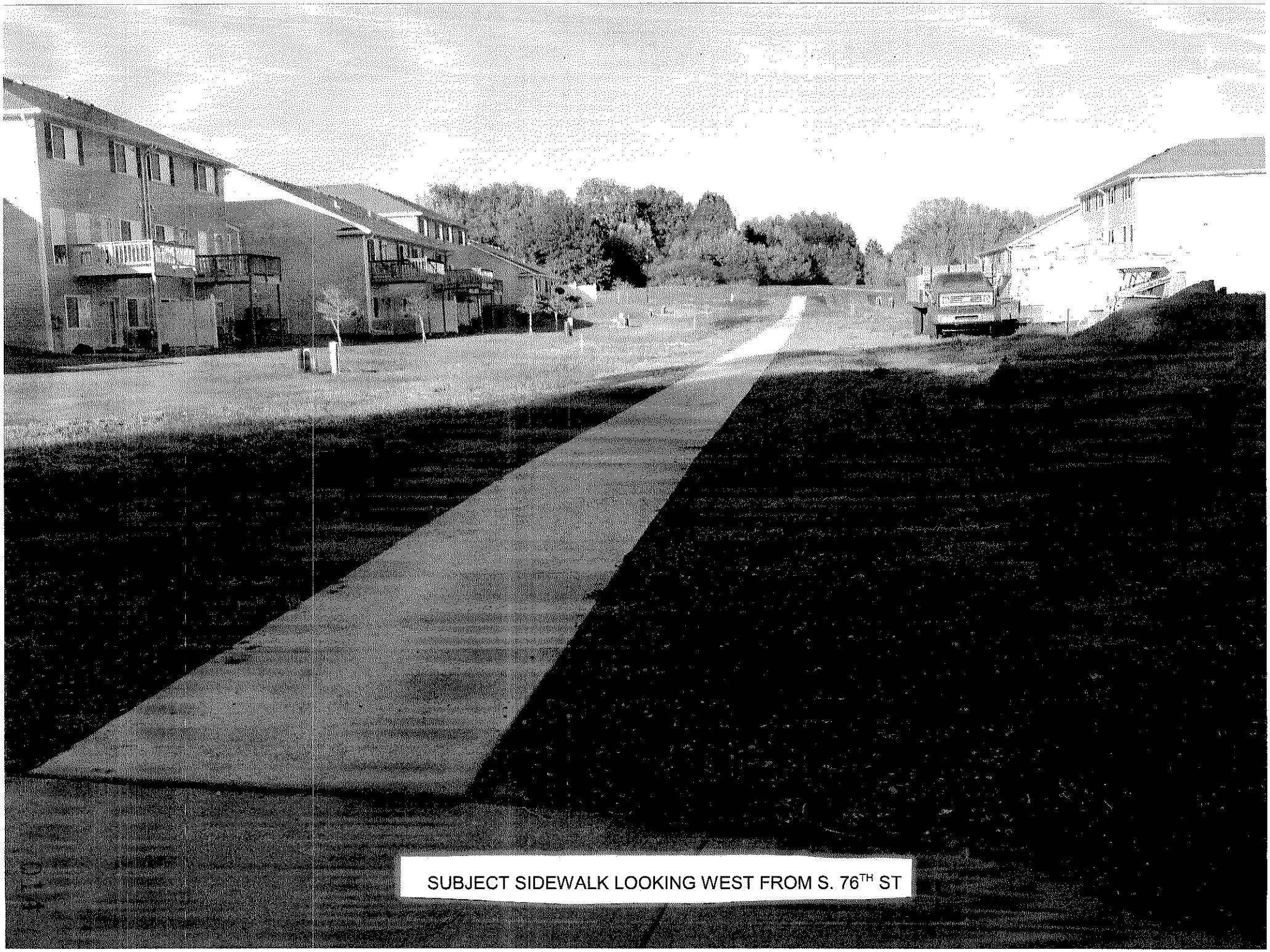
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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

m:\plan\arcview\Agendadrawings.mxd (WVR12020)

One Square Mile
Sec. 3 T09N R07E







SUBJECT SIDEWALK LOOKING WEST FROM S. 76TH ST

SUBJECT SIDEWALK CONNECTION TO THE TRAIL ALONG ANTELOPE CREEK

Date: September 18, 2012
To: Mr. Marvin Krout, City Planning Director, City of Lincoln
From: Marc Schniederjans, Homeowner, Spearheading this effort for the Hamann Meadows HOA
Subject: Application for a Waiver

Hello Mr. Krout:

Thank you for your call on this matter a few weeks ago. This is an Application for a Waiver requesting the removal of the requirement that a sidewalk be built on the commons property of the Hamann Meadows subdivision. The sidewalk has been built, but we seek with this petition the beginning of the process to have it removed. Attached you will find the following supporting documents:

1. APPLICATION FOR A WAIVER form. This has been signed by our developer, Mr. Blake Collingsworth, who is still technically the Hamann Meadows Homeowners' Association (HOA). Mr. Collingsworth felt it would be more appropriate for a homeowner, like me, to submit this waiver, so he graciously signed the wavier.

2. An email from Mr. Jon Camp, our City Council representative, in support of the waiver.

3. A total of 35 signed homeowner petitions. Of those signed, 31 want the sidewalk removed, 3 want to keep it, and 1 is undecided. An explanation of the efforts to poll the homeowners is also provided to show they represent the will of those in our community who care about the issue.

In accordance with the PROCEDURE for the APPLICATION FOR A WAIVER, let me be specific:

Specific Modification Requested: We want the requirement waived such that the pedestrian sidewalk between the cul-de-sacs of Crystal Court and Diamond Court off of South 76th Street connecting to the Billy Wolff Trail can be removed. The builder's APPLICATION FOR A WAIVER provides other exact legal tract information.

Supporting Reasons Why the Modification is Needed:

- Loss of privacy: The nearness and elevation of the sidewalk in relation to the townhomes permits easy viewing directly into all of the unfinished basements and all of the townhomes, which have large windows and many with glass windowed doors.
- Increased risk to property and residents: Many neighbors have expressed concern over the liability that this new sidewalk imposes on the HOA. A neighbor's home security service has informed him that his home, which abuts the sidewalk, is at greater risk because of the sidewalk. We currently have three women with young children in the townhomes abutting the sidewalk, one of which expressed concern about safety issues the sidewalk poses to her family. Other homeowners have expressed concern about leaving lawn furniture or other property out, because the nearness of sidewalk makes an easy target for theft.
- Cost to maintain: We are a small subdivision, and the cost of snow removal and insurance is viewed as an unneeded and unfair burden.
- Other reasons: During the petition effort to document the justification for the wavier, homeowners also expressed other concerns about the existence of the sidewalk. These included the loss of privacy, increased risk that might cause a loss of property values and loss of the aesthetic view of the meadow that homeowners expected when they purchased their

homes. Please note that none of the homeowners currently living in their homes who purchased their homes abutting the sidewalk were told it was going to be built in that location.

Documentation Why the Modification is Needed:

The attached 35 signed petitions, 31 wanting the sidewalk requirement removed (so the sidewalk can be removed) and only 3 wanting to keep the sidewalk, represents the community will of more than 10 to 1 favoring that the sidewalk requirement be removed.

So that you can understand this represents the will of Hamann Meadows, let me explain how the petitions were collected and the efforts taken to make it representative of those interested in this issue. There are currently 51 homeowners in the Hamann Meadows subdivision. An initial petition was taken by giving every one of the 51 homeowners a petition to sign and return. Only three days were allowed for that effort, and only 26 petitions were returned by the time limit (25 for removal, 1 against). A second petition effort was undertaken by giving the 25 remaining townhome owners a second chance to respond. They were given 10 days to return the petition, and 6 of the 25 returned them by the time limit. Finally, on September 17, we held an HOA meeting where the issue was once again reviewed for those attending. One additional petition was turned in at the meeting. Given these collection efforts, and despite the 16 non-responsive homeowners, I believe we have adequately polled the only interested homeowners in our subdivision, and with more than a 10 to 1 desire to have the sidewalk requirement removed, there is good reason to agree to the modification.

How the Public Welfare Will be Preserved: For reasons stated above, there is genuine concern for the invasion of privacy and risks this sidewalk poses, not just for those abutting it, but also for the entire subdivision.

Why the Modification will Not Detract from the Intent and Spirit of the Design Standards: As I understand, the intent of the design standard causing this sidewalk was to increase the general connectivity through the neighborhood to the Billy Wolff Trail. There are adequate sidewalks without this new sidewalk. There is currently street sidewalk access from Pioneers (which abuts our subdivision) and on Cooper Avenue to the Billy Wolff Trail. Our subdivision homeowners can go in either direction from their homes and gain access to the Trail within a block or two. Some homeowners will actually walk further by taking the sidewalk in question than by using the Cooper Avenue access.

If there are any further questions or things I need to do to further this application, please feel free to contact me. The person who is the Hamann Meadows HOA Committee Chair (we do not yet have an HOA President) has asked me to spearhead this project, so I am the contact person for our HOA.

Best wishes,

Marc Schniederjans

Marc Schniederjans
7521 Crystal Court
Lincoln, NE 68506
Phone: 402-483-7898
Email: MJS4835665@aol.com

Subj: **Crystal Court to Billy Wolff Trail sidewalk**
Date: 9/4/2012 11:27:34 A.M. Central Daylight Time
From: joncamp@lincolnhaymarket.com
To: mkrout@lincoln.ne.gov
CC: mmmeyer@lincoln.ne.gov, mjs4835665@aol.com, LQuenzer@lincoln.ne.gov

Marvin:

Marc Schniederjans and I visited by telephone about the sidewalk that runs from S. 76th Street to the Bill Wolff Trail, along the south side of the Crystal Court townhomes. Marc has previously visited with you and received information concerning the possibility of petitioning for "removal of the sidewalk". Marc has obtained signatures on a petition of approximately 25 of 50 nearby homeowners who desire to have this sidewalk removed.

Reasons for removal include (1) security of their homes (passersby can look directly into their homes and easily observe everything) and (2) privacy.

The Billy Wolff Trail can be accessed at Pioneers or Cooper Avenue thereby still providing "connectivity".

I am sending this email to encourage the appropriate City officials, including my City Council colleagues to respect the rights of the nearby homeowners and support this petition for removal of the sidewalk.

Thank you in advance for your assistance in this matter. I welcome any comments you may have concerning the matter. Mary Meyer in the Council office will also distribute this email to my City Council colleagues.

Jon

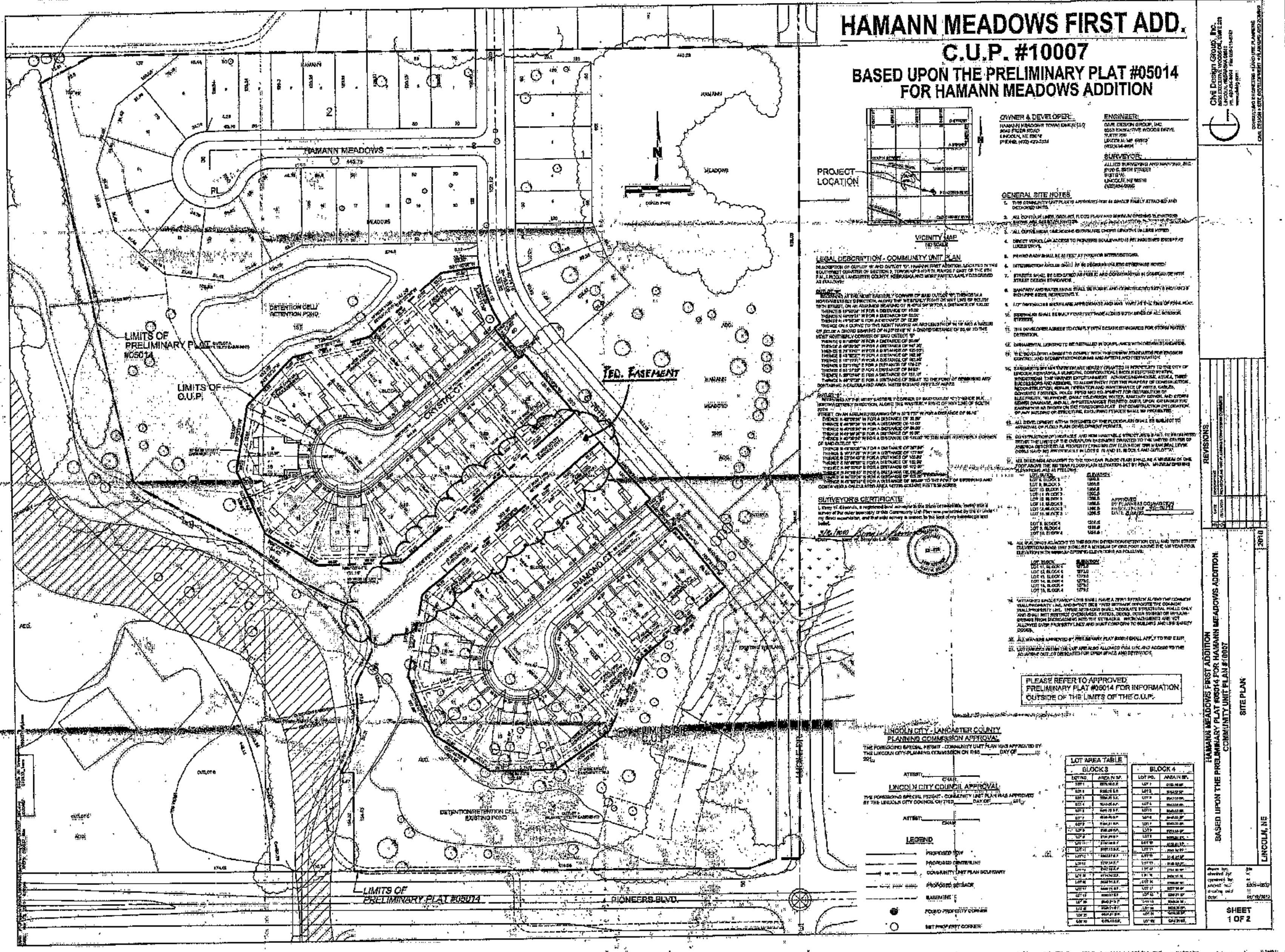
JON A. CAMP
Haymarket Square/CH, Ltd.
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812
Fax: 402.474.1838
Cell: 402.560.1001

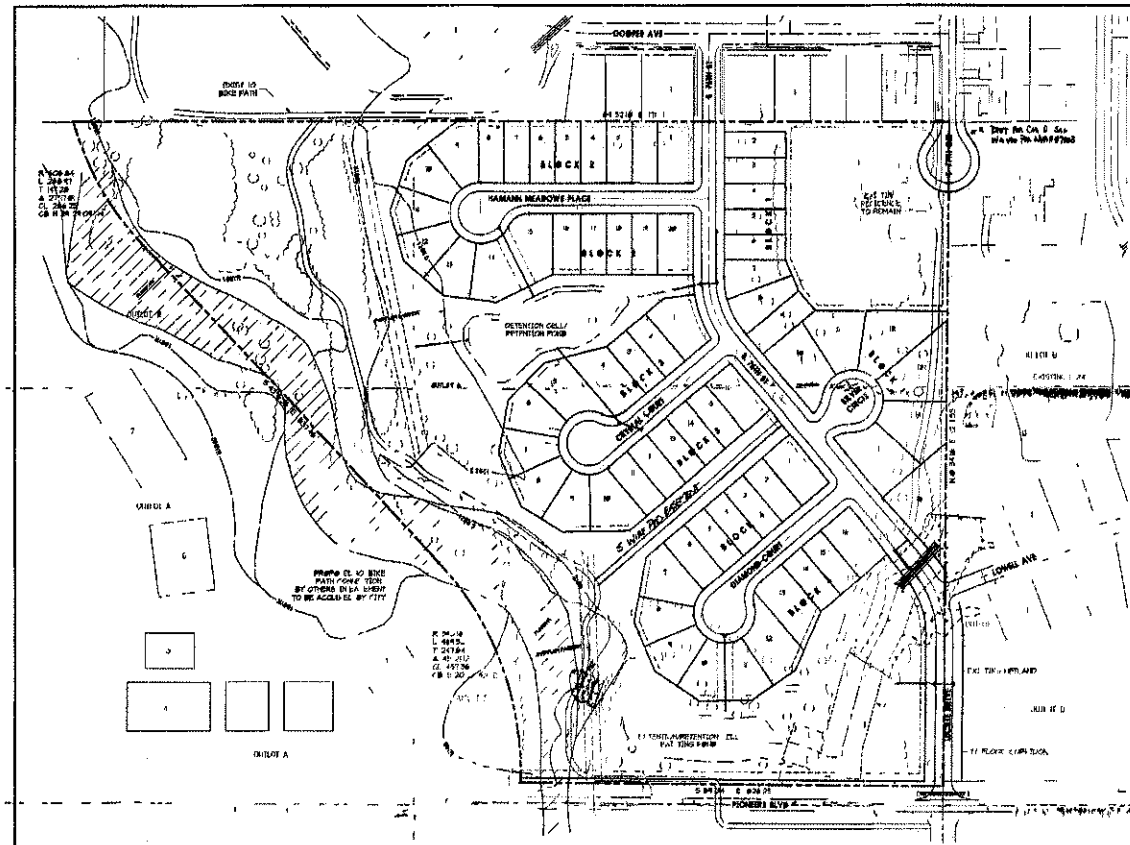
Email: joncamp@lincolnhaymarket.com
Website: www.lincolnhaymarket.com

"The American Republic will endure until the day Congress discovers that it can bribe the public with the public's money"

~ *Alexis de Tocqueville* (French Historian and Political scientist. 1805-1859)


HAMANN MEADOWS FIRST ADD.
C.U.P. #10007
BASED UPON THE PRELIMINARY PLAT #05014
FOR HAMANN MEADOWS ADDITION
PROJECT LOCATION
VICINITY MAP
OWNER & DEVELOPER:
ENGINEER:
SURVEYOR:
GENERAL SITE NOTES
LEGAL DESCRIPTION - COMMUNITY UNIT PLAN
SURVEYOR'S CERTIFICATE
HAMANN MEADOWS
CRYSTAL CT
DIAMOND CT
DETENTION CELL/ DETENTION POND
DETENTION/RETENTION CELL EXISTING POND
LIMITS OF PRELIMINARY PLAT #05014
LIMITS OF C.U.P.
FED. EASEMENT
LIMITS OF C.U.P.
LIMITS OF PRELIMINARY PLAT #05014
PIONEERS BLVD.
PLEASE REFER TO APPROVED PRELIMINARY PLAT #05014 FOR INFORMATION OUTSIDE OF THE LIMITS OF THE C.U.P.
LINCOLN CITY - LANCASTER COUNTY PLANNING COMMISSION APPROVAL
LINCOLN CITY COUNCIL APPROVAL
LEGEND
LOT AREA TABLE
BLOCK 3
BLOCK 4
REVISIONS
HAMANN MEADOWS FIRST ADDITION
BASED UPON THE PRELIMINARY PLAT #05014 FOR HAMANN MEADOWS ADDITION
COMMUNITY UNIT PLAN #10007
SITE PLAN
LINCOLN, NE
SHEET 1 OF 2
Civil Design Group, Inc.

619



SITE PLAN
SCALE 1" = 80'

OWNER

DONALD D HAMANN TRUST
7400 PIONEERS BLVD
LINCOLN NE 68506

APPLICANT/DEVELOPER

DONALD D HAMANN TRUSTEE
7400 PIONEERS BLVD
LINCOLN NE 68506

SURVEYOR

ALLIED SURVEYING & MAPPING
1420 SOUTH 56TH STREET SUITE A
LINCOLN NE 68506
402 434 2486

DESIGNER/ENGINEER

DESIGN ASSOCIATES OF LINCOLN
1600 N STREET
LINCOLN NE 68508
402 474 3000

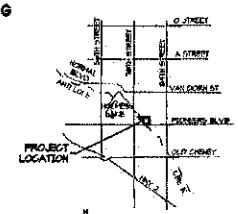
PROJECT ZONING

EXISTING ZONING R-3
PROPOSED ZONING R-3

LOT COUNT

OUTLOTS
OUTLOT A

LOTS	
BLOCK 1	16 LOTS
BLOCK 2	20 LOTS
BLOCK 3	9 LOTS
BLOCK 4	6 LOTS
OUTLOT A	1 LOT
TOTAL	
1 OUTLOT	
52 LOTS	1 OUTLOT



VICINITY MAP
NO SCALE

GENERAL NOTES

1. ALL CONTOUR LINE OFFSETS FLOOD PLAIN AND MINIMUM OPENING ELEVATIONS SHOWN ARE BASED ON NAVD 88
2. ALL CURVE DEFLECTION SHOWN ARE 90 PER LENGTH UNLESS NOTED
3. DIRECT VEHICULAR ACCESS TO PIONEERS BOULEVARD IS ELIMINATED EXCEPT AT LUCILLE DRIVE
4. PAVING CURB SHALL BE FORMED AT INTERSECTION
   INTERSECTION ANGLE SHALL BE 90 DEGREES UNLESS OTHERWISE NOTED
   INTERSECTION RADII SHALL BE DESIGNATED AT PLANS AND CONSTRUCTION IN COMPLIANCE WITH STREET DESIGN STANDARDS
5. SANITARY AND WATER MAINS SHALL BE PUBLIC AND CONSTRUCTED WITH 8 INCH AND 6 INCH RESPECTIVELY
6. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT
7. SIDEWALK SHALL BE BUILT FOUR FEET WIDE ALONG BOTH SIDES OF ALL PUBLIC STREETS
8. THE DEVELOPER AGREES TO COMPLY WITH LINCOLN STANDARDS FOR STORM WATER DETENTION
9. ORNAMENTAL STREET LIGHTS TO BE INSTALLED IN CONFORMANCE WITH OPPSS STANDARDS
10. THE DEVELOPER AGREES TO COMPLY WITH THE CITY OF LINCOLN GUIDELINES FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION
11. EASEMENT GRANTED TO NEBRASKA PUBLIC POWER DISTRICT GRANTED IN PERPETUITY TO THE CITY OF LINCOLN NEBRASKA A MUNICIPAL CORPORATION LINCOLN ELECTRIC SYSTEM TO BE HAVE AN OPEN TO BE HAVE AN EXTRA EASEMENT ADVANCE NEBRASKA PUBLIC POWER DISTRICT AND ASSIGNS TO ALLOW RIGHT FOR THE REPAIR OF CONSTRUCTION OPERATION AND MAINTENANCE OF POWER CABLES CONDUITS FOUNDATIONS POLES STEEL AND GUY HEAT FOR BUILDING OF ELECTRICITY TELEPHONE CABLE TELEVISION WATER SANITARY SEWER AND STREET LIGHT IN ADDITION AND ALL AT FOREVERMORE THEREIN OVER UPON AND UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT THE ENTIRETY OF LOCATION OF ANY BUILDING OR STRUCTURE EXCLUDING FENCES SHALL BE PROHIBITED
12. ALL DEVELOPMENT WITHIN THE LIMITS OF THE FLOOD PLAIN SHALL BE SUBJECT TO APPROVAL OF FLOOD PLAIN DEVELOPMENT PERMITS
13. CONSTRUCTION OF HABITABLE AND NON HABITABLE STRUCTURES SHALL BE PROHIBITED WITHIN THE LIMITS OF THE OVERFLOW EASEMENT GRANTED TO THE UNITED STATES OF AMERICA THE PUBLIC AT PROPERTY LYING BELOW ELEVATION 1266 (MEAN SEA LEVEL DATUM NAVD 88) SPECIFICALLY BLOCK 3 LOTS 1 2 3 BLOCK 4 LOT 6 TRACT 4 BLOCK 3 AND OUTLOT A
14. ALL BUILDING AND LOT TO ONE FOOT ABOVE FLOOD PLAIN SHALL BE A MINIMUM OF ONE FOOT ABOVE THE 100 YEAR FLOOD PLAIN ELEVATION AS BY DATA THEREON OPENING ELEVATIONS ARE AS FOLLOWS

LOT BLOCK	ELEVATION
LOT 10 BLOCK 1	1277.0
LOT 11 BLOCK 1	1270.0
LOT 12 BLOCK 1	1266
LOT 13 BLOCK 1	1 265
LOT 7 BLOCK 3	1269
LOT 8 BLOCK 3	1 265
LOT 9 BLOCK 3	1 265
LOT 10 BLOCK 3	1 6 5
LOT 1 BLOCK 4	LOT 4
LOT 2 BLOCK 4	1267

15. ALL BUILDING ADJACENT TO THE DRY DETENTION/RETENTION CELL AND 148TH STREET CULVERT/DRAINAGE WAY SHALL BE A MINIMUM OF ONE FOOT ABOVE THE 100 YEAR FLOOD ELEVATION WITH MINIMUM OPENING ELEVATIONS AS FOLLOW

LOT BLOCK	ELEVATION
LOT 14 BLOCK 1	1 7 0 3
LOT 15 BLOCK 1	LOT 3
LOT 16 BLOCK 1	LOT 3
LOT 4 BLOCK 2	1 3 1 0
LOT 10 BLOCK 4	1 7 7 0
LOT 11 BLOCK 4	1 7 7 0
LOT 12 BLOCK 4	1 7 7 0

16. TREE MAINTENANCE WITHIN THE RIGHT OF WAYS AND EASEMENTS AND OUTLOTS THE DEVELOPER AGREES TO REMOVE THE RIGHT TO REMOVE MAINTAIN REPLACE TREES WITHIN THE LIMITS OF THE PLAT ALL TREES WITHIN THE CLEARING LIMITS SHALL BE REMOVED
17. PERMIT APPROVAL REQUIRED FOR IMPACT TO WETLANDS
18. LOT AREAS BELOW 3 AND MAXIMUM BUILDING HEIGHT SHALL CONFORM TO R-3 ZONING DISTRICT
19. SINGLE FAMILY DWELLING MAY BE CONSTRUCTED AS DETACHED OR ATTACHED ON INDIVIDUAL LOTS SINGLE FAMILY DWELLINGS MAY BE CONSTRUCTED ON ITS OWN LOT
20. TWO FAMILY DWELLINGS MAY BE CONSTRUCTED ON SINGLE LOTS OR PAIRS OF LOTS IN COMPLIANCE WITH THE R-3 ZONING DISTRICT
21. ATTACHED SINGLE FAMILY LOTS SHALL HAVE A ZERO SETBACK ALONG THE COMMON WALL/PROPERTY LINE AND A 5 FOOT SIDE YARD SETBACK OPPOSITE THE COMMON WALL/PROPERTY LINE THE SETBACKS SHALL REGULATE STRUCTURAL WALLS ONLY AND SHALL NOT RESTRICT OVERHANG EAVES DOORS AND OR HEADER JAMBS WHICH ENCROACHING INTO THE SETBACKS
22. OUTLOT A SHALL BE SET ASIDE FOR OPEN SPACE DRAINAGE STORM WATER DETENTION AND NOT BY ASSOCIATION MEMBERS AND THEIR GUESTS
23. THE DEVELOPER OR THE OWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF OUTLOT A INCLUDING PONDS STORM WATER WETLANDS AND BERMS
24. TRAIL LOCATION IS APPROXIMATE AND MAY VARY ACTUAL LOCATION TO BE DETERMINED BY AND TO THE SATISFACTION OF THE PARKS AND RECREATION PROVIDED THE TRAIL IN DEDICATED PORTION OF THE EXISTING SANITARY SEWER EASEMENT EXCEPT BETWEEN CRYSTAL AND BRANDON DRIVE WHERE THE TRAIL FALLING EAST OF THE SANITARY SEWER EASEMENT BY APPROXIMATELY TWO HUNDRED FEET DEMONSTRATING A TEMPORARY TRAIL EASEMENT EAST OF THE SANITARY SEWER EASEMENT ADJACENT TO PIONEERS BOULEVARD UNTIL SUCH TIME AS AND UNDER CITY DIRECTION THE PARKS PLANNER BOULEVARD
25. HALF HEIGHT STREET ACCESS IS ALLOWED FULL HEIGHT STREET WILL BE REQUIRED AT THE TIME OF FINAL PLAT
26. ANY DRAINAGE TO WETLANDS MUST BE APPROVED BY MITIGATION UNDER THE US ARMY CORPS OF ENGINEERS
27. PARKING TO BE RESTRICTED ALONG THE EAST SIDE OF 148TH STREET

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I CAUSED TO BE SURVEYED THE SUBDIVISION THE HOMES AS HAMANN MEADOWS A SUBDIVISION OF LOT 30 OR IRREGULAR TRACTS 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 SOUTHEAST CORNER OF SAID LOT 30 OF PIONEERS AIR TRACT THENCE IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF SAID LOT 30 ON AN ASSUMED BEARING OF NORTH 00 DEGREES 24 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 1,015.55 FEET THE NORTHEAST CORNER OF SAID LOT 30

THENCE NORTH 89 DEGREES 50 MINUTES 15 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 30 FOR A DISTANCE OF 1,000.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 30

THENCE ALONG THE WESTERLY LINE OF SAID LOT 30 ON A CURVE TO THE LEFT HAVING A RADIUS OF 649.64 FEET AND AN ARC LENGTH OF 288.97 FEET BEING SUBTENDED BY A CHORD OF NORTH 24 DEGREES 28 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 286.75 FEET

THENCE NORTH 43 DEGREES 06 MINUTES 36 SECONDS EAST ALONG THE WESTERLY LINE OF SAID LOT 30 FOR A DISTANCE OF 831.46 FEET

THENCE CONTINUING ALONG THE WESTERLY LINE OF SAID LOT 30 ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1,969.86 FEET AND AN ARC LENGTH OF 484.92 FEET BEING SUBTENDED BY A CHORD OF SOUTH 28 DEGREES 28 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 483.59 FEET TO THE SOUTHWEST CORNER OF SAID LOT 30

THENCE NORTH 84 DEGREES 34 MINUTES 03 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 30 FOR A DISTANCE OF [illegible] FEET TO THE POINT OF BEGINNING

TOGETHER WITH AND SUBJECT TO COVENANTS EASEMENTS AND RESTRICTIONS OF RECORD

SAID PROPERTY CONSISTS OF 52 LOTS 1 OUTLOT AND CONTAINS 38.01 ACRE MORE OR LESS EXCLUDING [illegible] ACRES OF RIGHT OF WAY

Kenneth W. Lamm
KENNETH W. LAMM
6/30/00
DATE

APPROVED WAIVERS

1. A WAIVER OF DESIGN STANDARDS TO ALLOW SANITARY SEWER FROM TO FLOW OUTSIDE STREET CURVES ALONG 148TH STREET
2. A FINAL DRIVE STREET TRUNCATES ALONG CONTINUOUS BOULEVARD TO ALIGN EXISTING TREES ADJACENT TO PIONEERS BOULEVARD TO REMAIN
3. A WAIVER OF ALLOWING LOT LINE NOT EXPRESSLY AT RADIAL TO THE PUBLIC RIGHT OF WAY FOR THE FOLLOWING COMMON LOT LINE

LOT 8 BLOCK 2
LOT 9 BLOCK 2
LOT 10 BLOCK 2
LOTS 10 BLOCK 3
LOTS 8 BLOCK 3
LOTS 1 BLOCK 4
LOTS 1 BLOCK 4

4. A WAIVER OF ALLOWING A DEVIATION FROM LOT OF LOT 1 BLOCK 1

SHEET INDEX

1 OF 7	OVERALL PLAN
2 OF 7	LOT DETAIL PLAN
3 OF 7	UTILITY PLAN
4 OF 7	GRADING PLAN
5 OF 7	LANDSCAPE PLAN
6 OF 7	STREET PROFILES
7 OF 7	STREET PROFILES

APPROVAL

THE FOREGOING PRELIMINARY PLAT HAS APPROVED BY THE LINCOLN CITY LANCASTER COUNTY PLANNING COMMISSION ON THIS 14th DAY OF June 2006

ATTEST [illegible]
CHAIR

HAMANN MEADOWS
PRELIMINARY PLAT
LINCOLN NEBRASKA

Design Associates
PLANNERS ENGINEERS SURVEYORS
1600 N STREET LINCOLN NEBRASKA 68508
PHONE 402 474 3000 FAX 402 474 3000

1 OF 7

020

City of Lincoln - Lancaster County

PLANNING DEPARTMENT

555 S. 10th Street, Suite 213
Lincoln, NE 68508
Ph: (402) 441-7491
Fax: (402) 441-6377

ePlan
ePlan Submittal

Application Information			
Application #	WVR12020	Title	HAMANN MEADOWS CUP
Associated Requests			

Planning Department Use Only			
Submission Date	9/20/2012	Review Due	9/30/2012
Project Planner	Brian Will		

Review Agencies (Planning Department Use Only)

Review Agencies	<Choose Entry>	<Choose Entry>	

Development Review Manager:	Steve Henrichsen (shenrichsen@lincoln.ne.gov)	Remove Agency Reviewer
Public Works:	Dennis Bartels (dbartels@lincoln.ne.gov)	Remove Agency Reviewer
Sidewalk & Pedestrian Waivers:	David Cary (dcary@lincoln.ne.gov)	Remove Agency Reviewer
Parks & Recreation:	Mark Canney (mcanney@lincoln.ne.gov)	Remove Agency Reviewer

Review Comments

021

Planning	◉ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1:	
Development Review Manager (Steve Henrichsen)	○ Corrections Needed for Review ○ Insufficient Information for Review ◉ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1:	
Public Works (Dennis Bartels)	○ Corrections Needed for Review ○ Insufficient Information for Review ◉ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: No justification has been provided for eliminating this easement sidewalk. Due to block length and standard subdivision requirements the existing easement and sidewalk should be left in place. Its potential use and requirements for its existence is intended for the residents in the neighborhood and not just Hamann Meadows residents.	
Sidewalk & Pedestrian Waivers (David Cary)	○ Corrections Needed for Review ○ Insufficient Information for Review ◉ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1: This pedestrian easement was required and approved as part of the CUP due to block length requirements. It is an enhancement to the pedestrian network in this neighborhood is is generally for the use of those living in and visiting the neighborhood. There are other connections to the multi-use trail to the north through the park off of Cooper Ave., and along Pioneers Boulevard to the south. However, since this is an easement that breaks up the block length and provides a more convenient access point to the trail, it should remain.	
Parks & Recreation (Mark Canney)	○ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1:	

022

Brian Will

From: Mark E. Canney
Sent: Wednesday, October 03, 2012 3:44 PM
To: Brian Will
Subject: RE: Hamann Meadows Sidewalk Waiver - WVR#12020
Attachments: HAMANN LETTER.pdf

Brian,

I am attaching the letter from the Bicycle Pedestrian Committee that was sent to the Mayor. We concur with their conclusion and request and decline the request for waiver of the sidewalk.

Let me know what additional information you might need.

Thank you.

Mark Canney
Park Planner
Lincoln Parks & Recreation
2740 A Street
Lincoln, NE 68502
402.441.8248
mcanney@lincoln.ne.gov

Lincoln Parks & Recreation

MAYOR'S PEDESTRIAN/BICYCLE ADVISORY COMMITTEE
2740 "A" STREET
LINCOLN, NEBRASKA, 68502

September 25, 2012

Mayor Chris Beutler
City County Building
555 So. 10th, Suite 301
Lincoln, NE 68508

Dear Mayor:

At the September 11, 2012 Mayor's Pedestrian and Bicycle Advisory Committee (PBAC), there was discussion about the pedestrian easement sidewalk connecting the South 76th Street sidewalk to the nearby trail in the Hamann Meadows Development. The PBAC would like to voice their support for keeping this important sidewalk network in place.

As we understand it, the requirement for the sidewalk connection was part of the Community Unit Plan (CUP) that was approved by Planning Commission and City Council. This connection makes for more direct and convenient access to the trail or to the local street, depending upon which direction you are going. Such connections are important to have and are identified as such in the 2040 Long Range Transportation Plan (LRTP) and updated Comprehensive Plan (LPLAN 2040). It would seem that such opportunities for walking and making connections are not without precedent in the community. They provide a much needed link between places, allowing persons within the community to walk to their destination. This type of connectedness makes for a more walkable and healthier neighborhood and community. Such places can also be an opportunity to build community as persons are walking about.

We hope you take our concerns about walking connections into consideration as discussion about this sidewalk takes place.

Sincerely,

Barb Fraser

Barb Fraser, Chair
Mayor's Pedestrian and Bicycle Advisory Committee

Cc: City Council

Lancaster County/City of Lincoln GIS Map

FOR

NOT SURE

AGAINST

N W E S

Printed: Oct 04, 2012

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.

025

PETITIONS IN FAVOR OF THE WAIVER (Remove the Sidewalk)

Petition to Amend the Community Unit Plan in Hamann Meadows

Check one of the three boxes that best voices your opinion on this matter:

[X] Remove Sidewalk Option

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

[ ] Keep Sidewalk Option

I (or we) want the sidewalk as it is presently located in Hamann Meadows

[ ] No Opinion Option

I (or we) have no opinion on removing or keeping the sidewalk in Hamann Meadows

PLEASE write your street address, print your name, provide your signature and return to Marc Schniederjans, 7521 Crystal or call for pick up at 483-7898

Homeowner address

(print address street name and number) 7508 CRYSTAL CT

Homeowner (print name) MICHAEL WARRINGTON

Homeowner (signature) Michael Warrington

Homeowner (print name) Kathy Warrington

Homeowner (signature) Kathy Warrington

Petition to Amend the Community Unit Plan in Hamann Meadows

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[X] **Remove Sidewalk Option**

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Homeowner address

(print address street name and number) 7517 Hamann Meadows Pl.

Homeowner (print name) Timothy M. Culwell

Homeowner (signature) [signature]

Homeowner (print name) Rachel Culwell

Homeowner (signature) Rachel Culwell

Petition to Amend the Community Unit Plan in Hamann Meadows

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Homeowner address

(print address street name and number) 7549 Hamann Meadows Place

Homeowner (print name) Ashley Skalka

Homeowner (signature) Ashley Skalka

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

Check one of the three boxes that best voices your opinion on this matter:

[✓] **Remove Sidewalk Option**

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PLEASE write your street address, print your name, provide your signature and return to Marc Schniederjans, 7521 Crystal or call for pick up at 483-7898

Homeowner address

(print address street name and number) 3912 S 76th

Homeowner (print name) Jeanie Cole

Homeowner (signature) Jeanie Cole

Homeowner (print name)

Homeowner (signature)

Petition to Amend the Community Unit Plan in Hamann Meadows

Check one of the three boxes that best voices your opinion on this matter:

[X] Remove Sidewalk Option

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PLEASE write your street address, print your name, provide your signature and return to Marc Schniederjans, 7521 Crystal or call for pick up at 483-7898

Homeowner address

(print address street name and number)

Kyle Northup
7506 Hamman Meadows Pl
Lincoln NE 68516

Homeowner (print name) Kyle Northup

Homeowner (signature)

Homeowner (print name)

Homeowner (signature)

SEP 05 2012

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7530 HAMANN MEADOWS PL.

Homeowner (print name) Doug Dworak

Homeowner (signature)

Homeowner (print name) SHIRLEY DWORAK

Homeowner (signature) Shirley Dworak

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7511 HAMANN MEADOWS PL

Homeowner (print name) JOHN BENNETT II

Homeowner (signature) John Bennett II

Homeowner (print name)

Homeowner (signature)

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7521 CRYSTAL CT.

Homeowner (print name) MARC SCHNIEDERJANS

Homeowner (signature) Marc J Schniederjans

Homeowner (print name) Jill M. Schniederjans

Homeowner (signature) Jill M. Schniederjans

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 3902 S. 76th St.

Homeowner (print name) Linda O'Connor

Homeowner (signature) Linda O'Connor

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7541 Hamann Meadows Pl.
Lincoln, NE 68506

Homeowner (print name) Kelly Dance

Homeowner (signature) Kelly Dance

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7534 Crystal Ct.

Homeowner (print name) Anna R. Pool

Homeowner (signature) Anna R. Pool

Homeowner (print name) _____

Homeowner (signature) _____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7512 Hamann Meadows Place
Lincoln, NE 68506

Homeowner (print name) Kenneth C. Eagleson

Homeowner (signature) Kenneth C. Eagleson

Homeowner (print name) Mary M. Eagleson

Homeowner (signature) Mary M. Eagleson

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7544 Hamann Meadows Pl

Homeowner (print name) Susan Peters

Homeowner (signature) Susan Peters

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 4000 S. 76 St.

Homeowner (print name) Leslie VanOsdol

Homeowner (signature) Leslie VanOsdol

Homeowner (print name) Joyce VanOsdol

Homeowner (signature) Joyce VanOsdol

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7552 HAMANN MEADOWS PL.

Homeowner (print name) CAROLYN SCHROEDER

Homeowner (signature) Carolyn Schroeder

Homeowner (print name) LAWRENCE SCHROEDER

Homeowner (signature) Lawrence Schroeder

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7566 HAMANN MEADOWS PL

Homeowner (print name) WANETTE RYBA

Homeowner (signature) Wanette Ryba

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7505 Hamann Meadows Place

Homeowner (print name) John Hoffman

Homeowner (signature) John E. Hoffman

Homeowner (print name) Liz Hoffman

Homeowner (signature) Elizabeth N. Hoffman

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7558 HAMANN MEADOWS PLACE

Homeowner (print name) LILA L. AGENA

Homeowner (signature) Lila L. Agena

Homeowner (print name) _____

Homeowner (signature) _____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7518 Hamann Meadows Pl

Homeowner (print name) James M Portsche

Homeowner (signature) James M Portsche

Homeowner (print name) Nancy Portsche

Homeowner (signature) Nancy Portsche

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7514 Crystal CT

Homeowner (print name) Jim Lise

Homeowner (signature)

Homeowner (print name)

Homeowner (signature)

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7538 Hamann Meadows Pl.

Homeowner (print name) MARY LEE HAIN

Homeowner (signature) Mary Lee Hain

Homeowner (print name)

Homeowner (signature)

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7559 CRYSTAL CT.

Homeowner (print name) PERRY GAUTHIER

Homeowner (signature)

Homeowner (print name)

Homeowner (signature)

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 3842 S. 76th

Homeowner (print name) Nancy Reissig

Homeowner (signature) Nancy Reissig

Homeowner (print name) —

Homeowner (signature) —

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7564 Diamond CT.

Homeowner (print name) Stan Ahlin

Homeowner (signature) Stan Ahlin

Homeowner (print name)

Homeowner (signature)

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7551 Crystal Ct., Lincoln, NE-68506

Homeowner (print name) Mayank & Deepika Malik

Homeowner (signature) Malik

Homeowner (print name) Deepika Malik

Homeowner (signature) Deepika

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7515 Crystal Court

Homeowner (print name) Kenneth E Waltke

Homeowner (signature) Kenn E Waltke

Homeowner (print name) Peggy L Waltke

Homeowner (signature) Peggy L Waltke

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7527 Crystal Ct.

Homeowner (print name) Valerie Maguire

Homeowner (signature) Valerie Maguire

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7543 Crystal Ct

Homeowner (print name) Cheryl Taylor

Homeowner (signature) Cheryl Taylor

Homeowner (print name) _____

Homeowner (signature) _____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 7567 Crystal Court

Homeowner (print name) John P. Shaw

Homeowner (signature) John P. Shaw

Homeowner (print name) Jeanette F. Shaw

Homeowner (signature) Jeanette F. Shaw

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 3852 So. 76th Street

Homeowner (print name) Carol Lorimer

Homeowner (signature) Carol B Lorimer

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number) 3932 S. 76th

Homeowner (print name) Deborah K. Nugara (Nugara)

Homeowner (signature) Deborah K. Nugara

Homeowner (print name) LEE NUGARA

Homeowner (signature) Lee Nugara

PETITIONS AGAINST THE WAIVER (Keep the Sidewalk)

Petition to Amend the Community Unit Plan in Hamann Meadows

Check one of the three boxes that best voices your opinion on this matter:

[ ] Remove Sidewalk Option

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

[X] Keep Sidewalk Option I use + enjoy the sidewalk to access the bike trail... carry.

I (or we) want the sidewalk as it is presently located in Hamann Meadows

[ ] No Opinion Option

I (or we) have no opinion on removing or keeping the sidewalk in Hamann Meadows

PLEASE write your street address, print your name, provide your signature and return to Marc Schniederjans, 7521 Crystal or call for pick up at 483-7898

Homeowner address

(print address street name and number) 3832 S. 76th St

Homeowner (print name) Lynn Reppert

Homeowner (signature) Ly Reppert

Homeowner (print name)_____

Homeowner (signature)_____

Petition to Amend the Community Unit Plan in Hamann Meadows

Check one of the three boxes that best voices your opinion on this matter:

[ ] Remove Sidewalk Option

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

[X] Keep Sidewalk Option

I (or we) want the sidewalk as it is presently located in Hamann Meadows

[ ] No Opinion Option

I (or we) have no opinion on removing or keeping the sidewalk in Hamann Meadows

PLEASE write your street address, print your name, provide your signature and return to Marc Schniederjans, 7521 Crystal or call for pick up at 483-7898

Homeowner address

(print address street name and number) 7550 Crystal Ct

Homeowner (print name) Kim McKay

Homeowner (signature) Kim McKay

Homeowner (print name) Bob McKay

Homeowner (signature) Bob McKay

Petition to Amend the Community Unit Plan in Hamann Meadows

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

Homeowner address

(print address street name and number)_____

Homeowner (print name)_____

Homeowner (signature)_____

Homeowner (print name)_____

Homeowner (signature)_____

We like the sidewalk, want to keep sidewalk
The sidewalk was a part of the master plan
plotted for this area and approved by the city
Council We prefer the sidewalk as it is a
safer quiet walk than on Pioneers. The distance
from the sidewalk to your homes as the bike trail to
other homes in this area.

[No change]

[X] Jeannie Will Jeannie Will

Roger a Will Roger a Will

7524 Hamann Meadows Place

061

PETITIONS UNDECIDED ABOUT THE WAIVER

Petition to Amend the Community Unit Plan in Hamann Meadows

Check one of the three boxes that best voices your opinion on this matter:

[ ] Remove Sidewalk Option

I (or we) request the City of Lincoln to permit the removal of the requirement to have the sidewalk located in the commons area between Crystal Court and Diamond Court connecting the City of Lincoln Bike Path with 76th Street. It is the desire of the undersigned to have this sidewalk removed.

[ ] Keep Sidewalk Option

I (or we) want the sidewalk as it is presently located in Hamann Meadows

[X] No Opinion Option (OVER PLEASE)

I (or we) have no opinion on removing or keeping the sidewalk in Hamann Meadows

PLEASE write your street address, print your name, provide your signature and return to Marc Schniederjans, 7521 Crystal or call for pick up at 483-7898

Homeowner address

(print address street name and number) 7520 CRYSTAL COURT

Homeowner (print name) JOAN E. CLABAUGH

Homeowner (signature) Joan E. Clabaugh 9-17-12

Homeowner (print name) RICHARD A. CLABAUGH II

Homeowner (signature) R A Clabaugh II 9-17-12

Mark & Jill -- Congratulations! 9-17-12

Thankyou for including us in this matter. You have done a good job in making your concerns known and in communicating with your neighbors. I find confidence in knowing we have self motivated and committed members in our future property owners Home owners association like the Schniedersjans'.

We X "No opinion" because there a still some unanswered questions in our minds:

1. With what authority was the sidewalk in question added to the commons ground supporting it?
2. Is there an easement that is a matter of record that exists in the presence or absence of sidewalk?
3. Would it be possible to have this sidewalk publicly dedicated as the streets are to remove HOA liability and maintain commons?
4. What legal documentation could be given to each HOA member to show easement has been removed and or members will have no present or future liability to us, house for work done to remove?

064

Jean Preister

From: MJS4835665@aol.com
Sent: Saturday, October 13, 2012 7:35 PM
To: Jean Preister
Subject: Fwd:Waiver No. 12020/From the Townhome Sales Agent for Hamann Meadows

To: City Planning/Item No. 4.2: Waiver No. 12020 Sidewalk-Hamann Meadows

I have recently received this email below from the sales agent for the town homes in Hamann Headows about how much home buyers knew about the sidewalk in question. I am forwarding it to you to add to the record on this issue.

Thanking you in advance,
Marc Schniederjans (Proponent and organizer for Hamann Meadows of Waiver No. 12020)
7521 Crystal Court
Lincoln, NE 68506
Phone: 483-7898
Email: MJS4835665@aol.com

From: Connie@camerontownhomes.com
To: MJS4835665@aol.com
Sent: 10/10/2012 8:56:01 A.M. Central Daylight Time
Subj: RE: Marc Schniederjans Calling/Sidewalk issue

Mark,

You are correct that you did not know it was going in prior to it going in. I did not know. The builder bought the land from another developer, Pat Mooberry. The plat map that we were given to sell the homes from did not show the sidewalk. The builder was not even aware until he went to put the sidewalk in to Superior Street. It is also not on the trails map

Connie Burleigh, Broker
CJ Burleigh Real Estate, PC
402-560-9088
cell: 402-770-8960

CJ@WelcomeHomeLincoln.com

If you, or someone you know, are looking for the best value on a home in Lincoln, check out Cameron Townhomes!

Nothing else comes close to the value of these homes! Tell your friends!

www.welcomehomelincoln.com

Connie@CameronTownhomes.com

www.CameronTownhomes.com

065

Jean Preister

From: Joyce A. VanOsdol [jvanosdol@clinewilliams.com]
Sent: Wednesday, October 17, 2012 8:55 AM
To: Jean Preister
Cc: MJS4835665@aol.com
Subject: Waiver No. 12020 - Hamann Meadows sidewalk matter

We would like to comment on the hearing being held today regarding Waiver No. 12020 regarding the sidewalk located in Hamann Meadows.

We have multiple concerns with this sidewalk: the fact that it was going to be constructed was not disclosed to the homeowners of the Hamann Meadows neighborhood. This is troubling to us even though our property doesn't back directly onto the sidewalk. We feel that this should have been disclosed to **all** of the homeowners in our neighborhood not just for clear communication, but to inform us that the sidewalk would be installed and that we would be responsible for maintenance, snow removal and binding insurance on it. We were shown rough outlines of the Diamond and Crystal Courts, but this sidewalk was nowhere on the drawing.

We are concerned about the loss of privacy – the sidewalk as much as INVITES people from the current bike path to come into our neighborhood. When visiting our neighbors whose home now backs up to the sidewalk (it was constructed after they moved in), we could look out of their main floor living room windows (they have a walk-out basement) and see people on the sidewalk. This is not conducive to serenity or privacy.

Do these neighbors now have to spend money to install privacy fences – money they may not have planned to spend but now feel compelled to spend in order to achieve the privacy and serenity that they thought they **already had**? Part of the appeal of this neighborhood is the view of the wooded area – that will now be lost if privacy fences must be installed to give our neighbors the privacy and security they had BEFORE the sidewalk was installed. (And, don't forget that since we are in a neighborhood association, construction of privacy fences will need to be approved by committee, thus making the process longer and forcing these neighbors to feel exposed for an even longer period of time.)

We believe that the fact that the **planned** installation of this sidewalk was not disclosed to the homeowners (and the costs to our homeowners association driven by maintenance, snow removal and insurance coverage), and the subsequent loss of privacy, security and serenity, justifies us in asking that this sidewalk be removed – and that the cost of removal NOT be passed onto the Hamann Meadows homeowners.

Thank you for your consideration of this matter.

Les and Joyce VanOsdol

Jean Preister

From: MJS4835665@aol.com
Sent: Saturday, October 13, 2012 7:22 PM
To: Jean Preister
Subject: Fwd: Neighborhood sidewalk issue/Waiver No. 12020

To: City Planning/Item No. 4.2: Waiver No. 12020 Sidewalk-Hamann Meadows

I have recently received this email below from the one of the homeowners whose property now abuts the sidewalk in question. I am forwarding it to you to add to the record on this issue.

Thanking you in advance,
Marc Schniederjans (Proponent and organizer for Hamann Meadows of Waiver No. 12020)
7521 Crystal Court
Lincoln, NE 68506
Phone: 483-7898
Email: MJS4835665@aol.com

From: valeriedawn01@gmail.com
To: mjs4835665@aol.com
Sent: 10/11/2012 9:06:25 P.M. Central Daylight Time
Subj: Neighborhood sidewalk issue

Hi Marc,

I have several comments regarding the sidewalk that is running through our back yard. First of all, I feel it brings an unnecessary risk to my safety and the safety of my two young children. Anytime my children want to play in our back yard, I have to worry about who may be walking past on the new sidewalk that may pose a threat to them. I'm sure there are some people who will see the sidewalk as an opportunity to hurt innocent children. As a single mother, I don't feel safe having strangers walking through our back yard all the time.

Another concern I have is the loss of privacy that the sidewalk brings. Anyone walking by can peek through our windows or watch me playing with my children in the back yard. My kids feel uncomfortable playing outside with people watching them.

This brings me to my next concern: the financial impact of this new sidewalk. There is an increased possibility of theft and vandalism caused by the sidewalk. With all the people walking past my home, someone is bound to see something they want to steal. Others might think would be fun to destroy my property through childish pranks. The sidewalk will also bring an increase in maintenance costs for all the homeowners in the neighborhood and a decrease in the resale values of our homes. We will have to pay for snow removal in the winter and extra grass trimming in the summer. I imagine there will be a lot more trash to clean up from littering pedestrians, as well.

When I bought my home four months ago, I was told that there would be a beautiful commons area behind my property once they finished building the new homes on Diamond Court. I decided to buy a home with a walk-out basement for easier access to the back yard. I imagined my kids playing safely behind our home. Then one evening, we came home to find a sidewalk running through our back yard. There is no need for this sidewalk, as far as I can see, and the detriments far outweigh any possible benefits to the community.

Thanks,

Valerie Magwire

7527 Crystal Court

068

Jean Preister

From: Jim Lisec [lcstenniscoach@gmail.com]
Sent: Monday, October 15, 2012 9:58 AM
To: Jean Preister
Subject: wavier # 12020

Ms. Jean Preister, hi! cannot "text", will be brief, this "sidewalk to nowhere" issue is vitally important and ask that it be removed.
Imagine your back yard being subject, day or night, without any lighting, to vandalism, window peekers, perfect strangers looking to rob you or harm you, all that exists, because an unknown "requirement"
was mandated to a percievablyly quiet, safe, "open for kids" , Commons area in the development where I reside. Access is adequate with bike paths and sidewalks already in existence. This invasion of privacy has created great safety concerns for the single moms and retirees who now live in "glass walled" surroundings. This appears to be an afterthought by good people in the Planning Dept who didn't have all the facts when the mandate was laid down. The hurredly placed, improperly prepared base, soon will fall apart and become not only an insurance liability but a hazard and dangerous. Its got to go.
Families need to be safe in their own homes. Thanks for allowing me to share. Jim Lisec 7514 Crystal Ct. 402-840-8923

069

Jean Preister

From: MJS4835665@aol.com
Sent: Saturday, October 13, 2012 7:16 PM
To: Jean Preister
Subject: Fwd:Waiver No. 12020/From the President of Willow Springs Homeowners Association

To: City Planning/Item No. 4.2: Waiver No. 12020 Sidewalk-Hamann Meadows

I have recently received this email below from the President of Willow Springs Homeowners Association Board and I am forwarding it to you to add to the record on this issue.

Thanking you in advance,
Marc Schniederjans (Proponent and organizer for Hamann Meadows of Waiver No. 12020)
7521 Crystal Court
Lincoln, NE 68506
Phone: 483-7898
Email: MJS4835665@aol.com

From: cklamphear@windstream.net
To: mjs4835665@aol.com
Sent: 10/9/2012 2:57:35 P.M. Central Daylight Time
Subj: Waiver No. 12020

Marc,
The Willow Springs Association Board's opinion is no impact.
Charles Lamphear, President
Willow Springs Association

Sent from my iPad

Jean Preister

From: sue semke [suesemke@hotmail.com]
Sent: Friday, October 12, 2012 3:02 PM
To: Jean Preister
Subject: Waiver number 12020 Lucille Drive & Pioneers Boulevard

We recieved the notice concerning a waiver for the above concerning the sidewalk. I cannot imagine why you would agree to this. Every time we turn the tv on there is something telling us to be more fit. I believe that the city of Lincoln has spent advertising dollars on this very thing. Yet, you are considering not requiring sidewalks in a residential area. No sidewalks would require pedestrians to walk in the street, a very unsafe idea. There are many people that walk and ride bikes in this area. Please do not force them to the streets. The only reason I can think of to approve this idea is to the save the developer money. We all spent money to put a sidewalk in when we built our homes. All residential areas as well as commercial areas in Lincoln should be required to have a sidewalk.

Please do not allow this waiver. It is not good for the citizens of Lincoln.

Sue Semke

Jean Preister

From: Dave & Sue Holland [dholland@neb.rr.com]
Sent: Wednesday, October 10, 2012 6:29 PM
To: Jean Preister
Subject: Waiver No. 12020

I would like to express my concern about eliminating this sidewalk. The sidewalk provides a large area of residences with a direct route to the bike path. Without this sidewalk, people are forced to take a circuitous route to access the City's bike path by way of either Pioneers Boulevard or Cooper Avenue.

It just seems a waste to remove this new section of sidewalk that was required by the original platting and dedicated to the public. I would hope that if this waiver is approved that the homeowners association is paying for the removal and is reimbursing the developer for the cost of this sidewalk.

I hope that good reason wins out on this and the sidewalk remains. There are a lot of walkers in this area and if this waiver is approved, the people in the surrounding houses will suffer the consequences. I believe the dedicated public access benefits a larger area than the 18 lots that abut this commons.

Dave Holland, President of the Edenton North Homeowners Association