

FACTSHEET

TITLE: **WAIVER NO. 05003**, requested by Geanine Bordogna on behalf of Park Place Estates, to waive the requirement that street trees and sidewalks be installed within four years of final plat approval; and to waive the requirement that ornamental lights and landscape screen be installed within two years of final plat approval, associated with Park Place Estates 5th Addition, on property generally located at Park Place Drive and Park Place Court.

STAFF RECOMMENDATION: Approval of the waiver of sidewalks abutting Lots 4 and 5; and denial of the waiver of street trees, landscape screen and ornamental lighting requirements.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/30/05
Administrative Action: 03/30/05

RECOMMENDATION: Approval of the waiver of sidewalks abutting Lots 4 and 5; and denial of the waiver of street trees, landscape screen and ornamental lighting requirements (9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This is a request to extend the time for installation of sidewalks, street trees, landscape screening and ornamental street lights associated with Park Place Estates 5th Addition. The applicant is requesting the extension because there are vacant lots within the development.
2. The staff recommendation to approve the waiver of the sidewalk requirements abutting Lots 4 and 5, and to deny the extension of time for installation of street trees, landscape screen and ornamental lighting is based upon the "Analysis" as set forth on p.3-4, concluding that a corrected plat of Park Place Estates 5th Addition was approved on November 3, 1999. The subdivision ordinance requires that sidewalks and street trees be installed within four years and ornamental lights and landscape screening within two years of the final plat approval. There are no unusual circumstances that would warrant the waiver of street trees, landscape screen and ornamental lighting. The installation of these improvements does not create a hardship or injustice to the subdivider.
3. The applicant's testimony is found on p.5.
4. Testimony in opposition on behalf of Park Place South Homeowners Association is found on p.5. Park Place South agrees with the staff recommendation.
5. On March 30, 2005, the Planning Commission voted 9-0 to agree with the staff recommendation to approve the waiver of sidewalk requirements abutting Lots 4 and 5, and to deny the waiver of the requirements for street trees, landscape screen and ornamental lighting.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 5, 2005

REVIEWED BY: _____

DATE: April 5, 2005

REFERENCE NUMBER: FS\CC\2005\WVR.05003

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 30, 2005 PLANNING COMMISSION MEETING

P.A.S.: Waiver #05003

PROPOSAL: Waive the requirement that street trees and sidewalks be installed within four years of final plat approval. Waive the requirement that ornamental lights and landscape screen be installed within two years of final plat approval associated with Park Place Estates 5th Addition.

LOCATION: Park Place Dr. and Park Place Ct.

CONCLUSION: A corrected plat of Park Place Estates 5th Addition final plat was approved on November 3, 1999. The subdivision ordinance requires that sidewalks and street trees be installed within four years and ornamental lights and landscape screening within two years of the final plat approval.

There are no unusual circumstances that would warrant the waiver of street trees, landscape screen and ornamental lighting. The installation of these improvements does not create a hardship or injustice to the subdivider.

RECOMMENDATION:

| | |
|---------------------|---|
| Sidewalks | Approval for sidewalk abutting Lots 4 & 5 |
| Street trees | Denial |
| Landscape Screen | Denial |
| Ornamental Lighting | Denial |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Park Place Estates 5th Addition

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Attached single-family and undeveloped

SURROUNDING LAND USE AND ZONING:

North: R-1 Residential
O-2 Office
South: P Public
East: O-2 Office
B-1 Local Business

West: R-1 Residential
P Public

HISTORY:

- December 14, 2001** Administrative Amendment #01097 to relocate the sidewalk to the west side of Park Place Ct. was approved by the Planning Director.
- November 3, 1999** A Corrected Plat of Park Place Estates 5th Addition final plat was approved by the Planning Director.

COMPREHENSIVE PLAN SPECIFICATIONS:

“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.” (F-18)

“Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile.” (F-19)

“Streets and public spaces should be safe, comfortable, and interesting to the pedestrian.” (F-19)

“Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.” (F-66)

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.” (F-66)

The sidewalk system should be complete and without gaps.” (F-89)

“The trees that shelter homes from the elements, purify the air, provide wildlife habitat, stabilize the soil, and define the character of neighborhoods and business areas have all essentially been planted and nurtured. It is recognized that trees, both occurring naturally and planted and managed, are essential to the quality of life of residents and the character of the community.” (F-140)

ANALYSIS:

1. This is a request to extend the time for installation of sidewalks, street trees, landscape screening and ornamental street lights associated with Park Place Estates 5th Addition. The applicant is requesting the extension because there are vacant lots within the development.
2. The landscape screen and ornamental lights were required to be installed by November 1, 2001. The sidewalks and street trees were required to be installed by November 1, 2003.
3. The time extension relating to the sidewalk is for Park Place Ct. The sidewalk is to be installed only on the west side of the street. There is an outlot and two vacant lots on the west side of Park Place Ct. The recent changes to the subdivision ordinance now requires sidewalks abutting an outlot, that is not reserved for future development, to be installed at the same time

the street is paved. Since the street is already built, the sidewalk should be installed on Park Place Ct. up to lot 5.

4. Street trees have not been planted on Park Place Ct. and on the north side of Park Place Dr. The landscape plan identifies street trees to be installed at locations that should not interfere with future driveways.
5. The landscape screen is a requirement of the special permit. The landscape screen is installed on the perimeter of the community unit plan. Future development of vacant lots should not impact the landscaping.
6. One street light on Park Place Ct. was required with the final plat. The street light should be installed prior to construction of houses. The installation of the street light will enable safer pedestrian traffic.
7. Section 26.31.010 of the Land Subdivision Ordinance states, "Whenever a lot, tract, or parcel of land is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the subdivider may request a modification of such requirements. The applicant has shown no hardship.

Prepared by:

Tom Cajka
Planner

DATE: March 17, 2005

APPLICANT: Park Place Estates
5301 Concord Rd.
Lincoln, NE 68516
(402) 423-9263

OWNER: Geanine Bordogna
Park Place Estates
5301 Concord Rd.
Lincoln, NE 68516
(402) 423-9263

CONTACT: same as owner

WAIVER NO. 05003

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Approval of the waiver of the requirements for sidewalks abutting Lots 4 and 5; denial of the waiver of the requirements for street trees, landscape screen and ornamental lighting.

Ex Parte Communications: None.

Proponents

1. **Geanine Bordogna**, the present developer and applicant, gave a history of subject area. It was originally platted 29 years ago and it has been replatted four times since. As the present developer she has tried to please the past homeowners. She did not develop 23 of the original homes. She only built five on the south side of the street. The association was split into two and she is now developing in Park Place Estates North. She has tried and is still trying to please the present homeowners. There are no sidewalks in the whole development except along the street, so the homeowners are objecting and they do not want to pay for it and maintain it. She is actually requesting to eliminate the sidewalk. The only reason she is asking to waive the street trees is because her lots are very different. There is room to park only one car in the front and she does not know what the elevation of the homes will be. She builds 3-bedroom homes with two of the bedrooms downstairs and a family room, so the elevation is changed. She is also asking not to put in the street trees or screening because of the elevation.

With regard to ornamental lighting, Bordogna advised that all of the lighting is in on Park Place Drive. There are only two street lights that are not installed and the homeowners do not want that lighting.

Opposition

1. **Jeanette Miller**, 2955 Park Place Drive, on the south side of Park Place, testified as President of the Park Place South Homeowners Association, with 26 townhomes. They are in opposition to the extension or waiver of the requirements. They would like to see the area have the trees put in to make it a more pleasant surrounding in hopes of attracting people to the area. They want the trees and screening because of the medical buildings to the east and north. This was to have been done in November of 2001. Sixty-two percent of the homeowners are opposed to allowing an extension on the landscaping, the street trees or ornamental lighting, but are in favor of the extension for the sidewalks. The townhome owners do not want the street light on Holmes Court, so they would like to see that waived.

Tom Cajka of Planning staff clarified that this application does not include the Holmes Court street light. This request for extension of time only applies to the 5th Addition which is Park Place Court and mainly the lots on the north side of Park Place Drive. There was one street light required in Park Place Court and that is the light referred to in the staff report.

Response by the Applicant

Bordogna thinks there is a misunderstanding about the trees. She has installed screening trees, but they were not a requirement. She has put them there because she chose to do so.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Taylor moved approval of the staff recommendation as set forth in the staff report, seconded by Carroll and carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



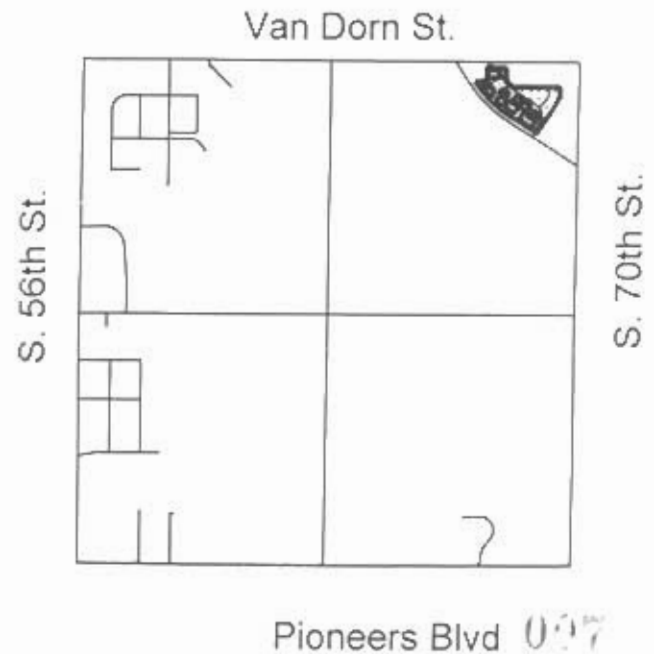
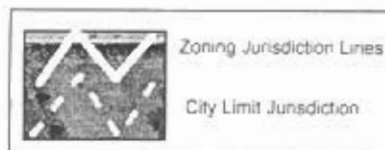
2002 aerial

Waiver #05003 S. 70th & Van Dorn St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 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

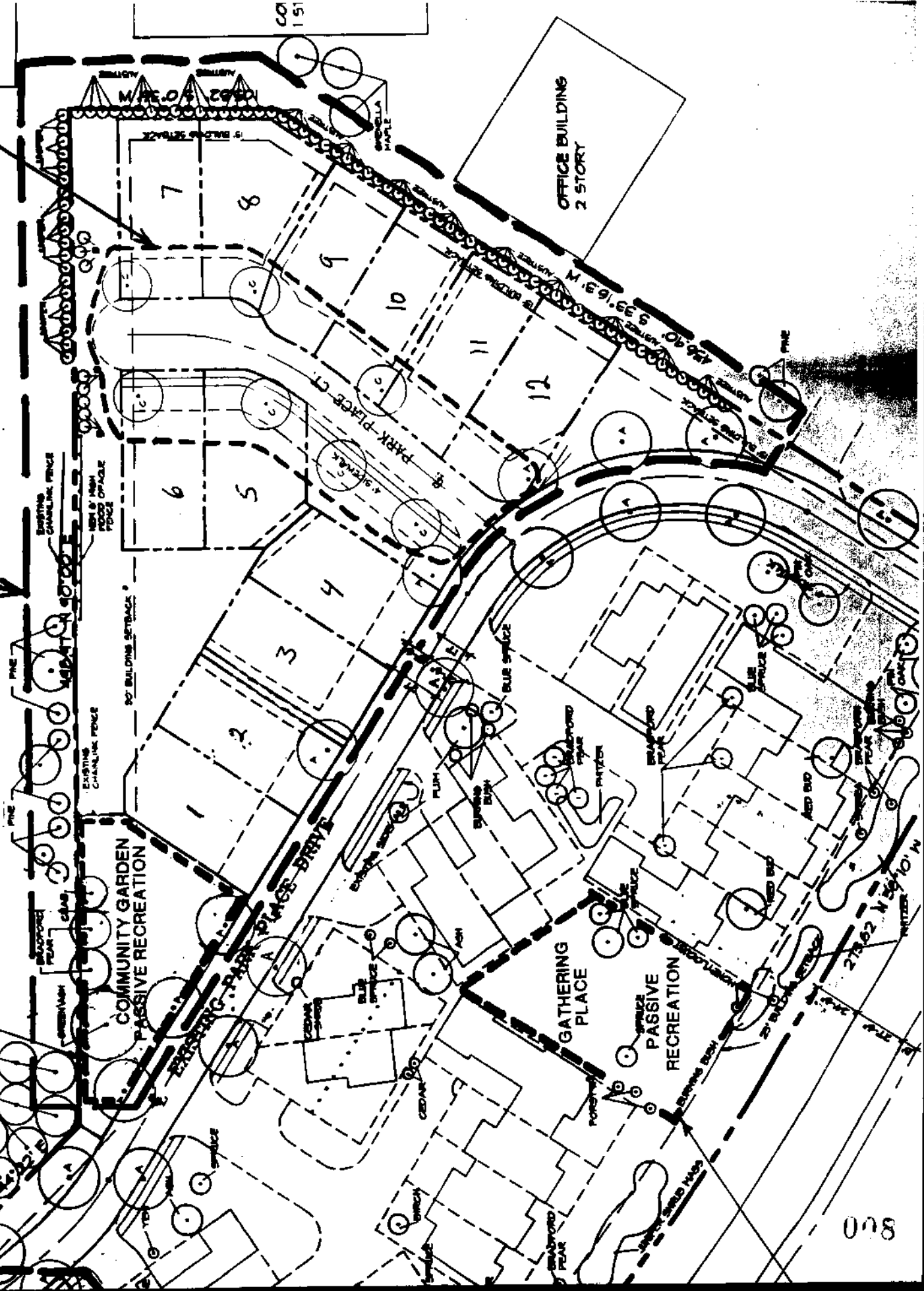
One Square Mile
Sec. 4 T9N R7E



**LIMITS OF ADMINISTRATIVE
AMENDMENT #00046**

**LIMITS OF ADMINISTRATIVE
AMENDMENT #18033**

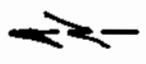
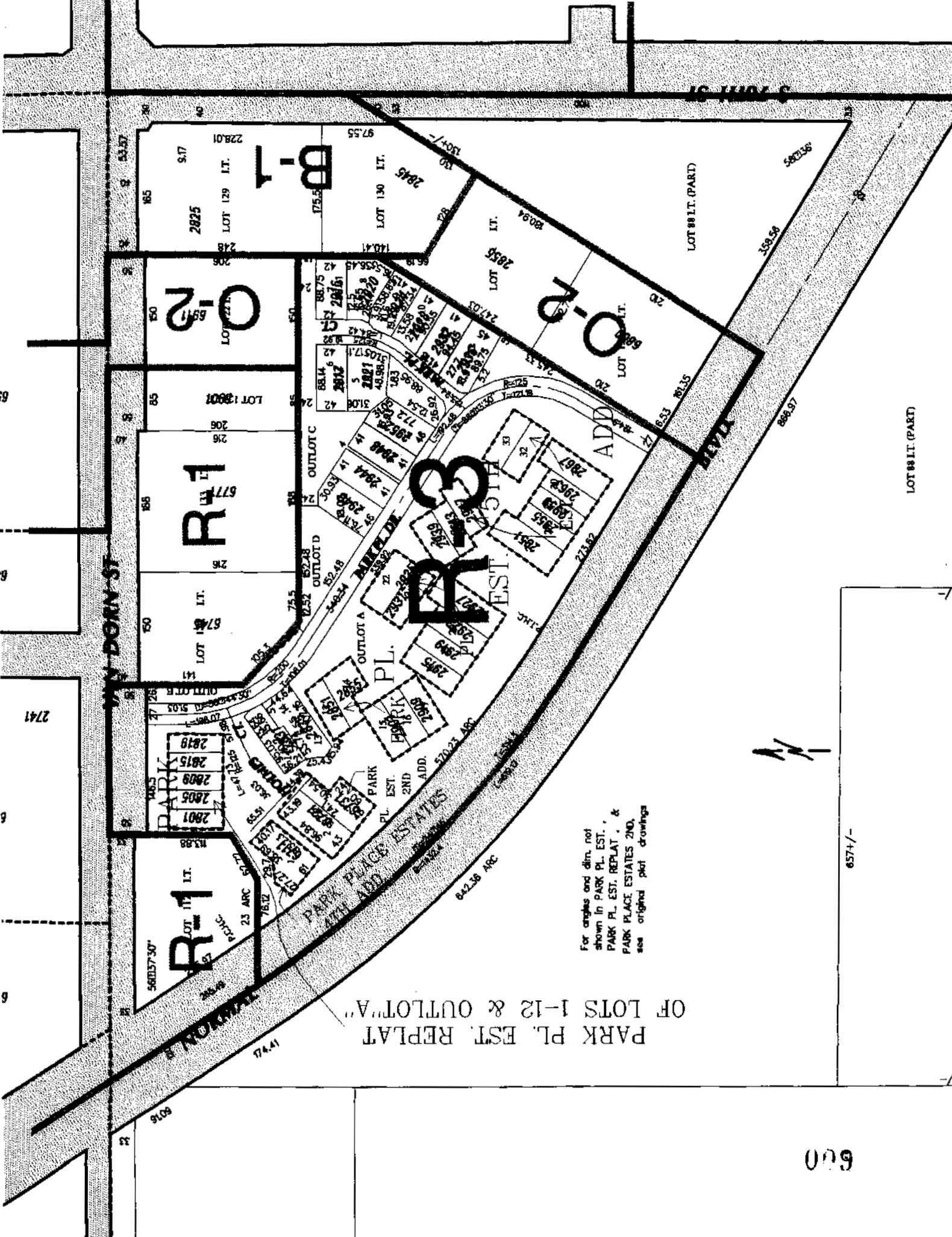
EXISTING PRIVATE
ROADWAY W/ COMMON
ACCESS EASEMENT



151
83

PARK PL. EST. REPLAT
OF LOTS 1-12 & OUTLOT "A"

For angles and dim. not
shown in PARK PL. EST. ,
PARK PL. EST. REPLAT . &
PARK PLACE ESTATES 2ND,
see original plat drawings



657+/-

LOT 88 I.T. (PART)

657+/-

657+/-

657+/-

2741

657+/-

657+/-

657+/-

657+/-

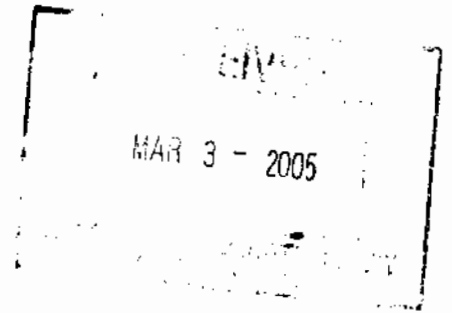
657+/-

Memorandum

| | |
|-----------------|--|
| To: | Tom Cajka, Planning Department |
| From: | Charles W. Baker, Public Works and Utilities |
| Subject: | Waiver #05003, Park Place Estates 5th Addition (Sidewalks) |
| Date: | March 14, 2005 |
| cc: | Randy Hoskins |
| | |

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request to waive the sidewalk requirement to January 2007 or January 2009 for the sidewalks along the west side of Park Place Court or until the buildings have been completed. Public Works objects.

The sidewalk in Outlot "C" from Park Place Drive to Lot 5 needs to be constructed at this time. The current bond in place will then serve to guarantee the construction of the remaining sidewalks for Lots 5 and 6 without reduction in that bond amount for the portion required to be constructed with this memo.



February 28, 2005

Planning Department
City of Lincoln
575 South 10th Street
Lincoln, NE 68508

RE: Request for extension of time for completion date

Dear Sir,

Please extend the completion date to either January 1, 2007 or January 1, 2009 for all outstanding improvements relating to Park Place Estates 5th Addition.

The above project cannot be completed presently because construction has not been started on vacant or uncompleted units. It is more prudent to finish the projects after the town homes have built and landscaped.

It is my understanding that the cost of this application is \$125.00. Check No. 3812 is enclosed in payment of this amount.

If there are questions concerning this request, then please advise me. You may call me at 423-9263.

Thank you for your attention to this matter.

Yours truly,

PARK PLACE DEVELOPMENT

Geanine Bordogna, Owner

Copy to: Nina Vejnovich, Legal Department
City of Lincoln
575 South 10th Street, Suite 4201
Lincoln, NE 68508

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