

RESOLUTION NO. A-_____

1 WHEREAS, M&S Construction and the Lincoln Chamber of Commerce
2 (hereinafter collectively referred to as "Subdivider") have submitted the preliminary plat
3 of ASHLEY HEIGHTS ADDITION for acceptance and approval; and

4 WHEREAS, the Lincoln City - Lancaster County Planning Department has
5 reviewed said preliminary plat and recommended conditional approval as contained in
6 the staff report dated November 13, 2000, which is attached hereto as Exhibit "A"; and

7 WHEREAS, the Lincoln City - Lancaster County Planning Commission
8 has held a public hearing on the preliminary plat and has recommended denial thereof.

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
10 Lincoln, Nebraska:

11 That the preliminary plat of ASHLEY HEIGHTS ADDITION, as submitted
12 by Subdivider is hereby accepted and approved, subject to the following terms and
13 conditions:

14 1. Subdivider shall submit to the Planning Director for her review and
15 approval a revised preliminary plat which:

- 16 a. Shows the boundaries of the C.U.P.
- 17 b. Provides a metes and bounds legal description of the C.U.P.
18 on the plat, signed and sealed by a surveyor.
- 19 c. Revises the size of the sanitary sewer lines to the
20 satisfaction of the Public Works Department.
- 21 d. Revises note 10 to indicate that sidewalks will be
22 constructed on the east side of N.W. 48th Street and the
23 south side of W. Adams Street, adjacent to this plat.
- 24 e. Revises note 13 to indicate the proper number of outlots.

- 1 f. Revises Outlot C to define the area of the mini park to the
2 satisfaction of the Parks and Recreation Department.
- 3 g. Provides a recreational facilities plan as required by the
4 Design Standards for Community Unit Plans. Alternatively,
5 the Parks and Recreation Department may be willing to
6 enter into an agreement to install the equipment if the
7 developer donates the cost of the equipment.
- 8 h. Provides a walkway to the park that is a minimum of six feet
9 in width, designed to meet accessibility guidelines and within
10 a 10 foot easement.
- 11 i. Revises the plat to show 10 foot pedestrian way easements.
- 12 j. Revises the plat to show the required 10 foot side yard
13 setback from a pedestrian easement.
- 14 k. Shows a pedestrian way easement in Block 9.
- 15 l. Shows the trail from Huntington Avenue east to the limits of
16 the preliminary plat.
- 17 m. Adds a note indicating that improvements to the street
18 system will be required at the time a Use Permit is proposed
19 for the B-2 parcel, and that a traffic study will be provided at
20 that time.
- 21 n. Provides a "sanitary sewer exhibit" as an official portion of
22 the submittal packet, with a sheet number corresponding to
23 the other sheets in the packet.
- 24 o. Revises the site plan and "sanitary sewer exhibit" to be
25 consistent and to the satisfaction of the Public Works
26 Department.
- 27 p. Revises the drainage and grading plan to the satisfaction of
28 Public Works.
- 29 q. Adds a note acknowledging that the site is within the Airport
30 Environs District and that the appropriate regulations of
31 Chapters 27.58 and 27.59 of the Zoning Ordinance will
32 apply.
- 33 r. Revises the Grading Plan to show elevations in NAVD 1988.
- 34 s. Provides easements requested by LES.
- 35

1 2. Final Plats will not be scheduled on the Planning Commission

2 agenda until after:

3 a. Streets, sidewalks, public water distribution system, public
4 wastewater collection system, drainage facilities, ornamental
5 street lights, landscape screens, street trees, temporary
6 turnarounds and barricades, street name signs, and
7 permanent survey monuments have been completed or the
8 Subdivider has submitted a bond or an approved escrow of
9 security agreement to guarantee their completion.

10 b. The Subdivider has signed an agreement that binds the
11 Subdivider, its successors and assigns:

12 i. To submit to the Director of Public Works an erosion
13 control plan.

14 ii. To protect the remaining trees on the site during
15 construction and development.

16 iii. To pay all improvement costs except those costs the
17 City Council specifically subsidizes as follows: The
18 cost above that of an 8" sewer line for the 15" sewer
19 line shown upstream of Manhole 32.

20 iv. To submit to lot buyers and home builders a copy of
21 the soil analysis.

22 v. To complete the private improvements shown on the
23 preliminary plat and/or community unit plan, and or
24 planned unit development.

25 vi. To maintain the street trees, landscape screens,
26 sidewalks in the pedestrian way easement, outlots
27 and private improvements on a permanent and
28 continuous basis. However, the Subdivider may be
29 relieved and discharged of this maintenance
30 obligation upon creating in writing a permanent and
31 continuous association of property owners who would
32 be responsible for said permanent and continuous
33 maintenance. The Subdivider shall not be relieved of
34 such maintenance obligation until the document or
35 documents creating said property owners association
36 have been reviewed and approved by the City
37 Attorney and filed of record with the Register of
38 Deeds.

- vii. To relinquish the right of direct vehicular access from Lot 1, Block 12 and Outlot B to N.W. 48th Street.
- ix. To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

- 1. The Subdivision Design Standard requiring a maximum 3% roadway platform approach is waived.
- 2. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block lengths shall not exceed 1,320 feet between cross streets is waived for Block 8.
- 3. The requirement of Section 26.23.125 of the Lincoln Municipal Code that a pedestrian easement shall be provided when a block exceeds 1000 feet in length is waived for Block 1.
- 4. The requirement of Section 26.15.030(b) of the Lincoln Municipal Code that a request for a use permit which is required to complete the development be submitted at the time of the preliminary plat is waived.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant