City Council Introduction: **Monday**, August 19, 2002
Public Hearing: **Monday**, August 26, 2002, at **1:30** p.m.

Bill No. 02R-186

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 02002, FAIRWAY PARK,** requested by Ross Engineering on behalf of Jarock, Inc., for 10 lots and 1 outlot, with requests to waive stormwater detention/retention; sidewalks along the south side of Theresa Street west of the private roadway; curve radius; and floodplain requirements, on property generally located at No. 27th Street and Theresa Street.

STAFF RECOMMENDATION: Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/17/02
Administrative Action: 04/17/02

RECOMMENDATION: Conditional Approval, with amendments to Condition #1.1.1 and Condition #3.3.8 (8-0: Newman, Steward, Larson, Bills-Strand, Carlson, Duvall, Taylor and Schwinn voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.8, concluding that the Land Use Plan designates this area as Industrial. Although a mobile home court currently exists on the land, the Comprehensive Plan discourages residential uses in industrial areas. This proposed plat conforms with the Comprehensive Plan, the Zoning and Subdivision Ordinances and the floodplain development regulations.

2. The applicant's testimony is found on p.12-13, including a request to amend Condition #1.1.1 regarding sidewalks (See Minutes, p.12-13), and to amend Condition #3.3.8 regarding the grading plan (See Minutes, p.13).

3. Katherine Westwood testified during the period for opposition; however, she stated that she was not in favor nor opposed. Her concerns had to do with the effect of this type of decision on tenants of the mobile home court and costs of relocation (See Minutes, p.13-14).

4. The applicant's response to the opposition is found on p.14-15.

5. On April 17, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, with the amendments to Condition #1.1.1 and Condition #3.3.8, as requested by the applicant (See Minutes, p.15).

6. On April 19, 2002, a letter reflecting the action of the Planning Commission and the revised conditions of approval was mailed to the applicant (p.2-5).

7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: August 12, 2002

REVIEWED BY:_____ **DATE**: August 12, 2002

REFERENCE NUMBER: FS\CC\2002\PP.02002

April 19, 2002

Ross Engineering
August Ponstingl
201 N. 8th St., Ste. 401
Lincoln, NE 68508

Re: Preliminary Plat No. 02002
FAIRWAY PARK

Dear Mr. Ponstingl:

At its regular meeting on Wednesday, **April 17, 2002**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Fairway Park**, located in the general vicinity of **N. 27th & Theresa St.,** subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

   1.1 Revise the preliminary plat to show:

   1.1.1 Sidewalks along Theresa Street abutting this property. <u>The sidewalk between the Private Roadway and the west property line must be constructed by the abutting property owner upon construction of a sidewalk within the Theresa Street Wastewater Facility along the south side of Theresa Street. No escrow shall be required for this sidewalk.</u> **(**Per Planning Commission, at the request of the applicant, 4/17/02**)**

   1.1.2 On sheet 5 of 10, amend Note 2 to state “100 year flood elevation”.

   1.1.3 To the waiver requests on sheet 1 of 10, add §26.23.181, which requires that all of the areas of habitation and employment be raised above the 100 year frequency flood.

   1.1.4 Sign the Surveyor’s Certificate.

   1.1.5 Remove the City Departments and Utilities from the Cover Sheet. This information is not required by the Ordinance.

   1.1.6 Remove the “t” in front of Note 1.

1.1.7 The north south dimension on the east side of Lot 3 Block 1 appears to have been measured from the north side of the I.T. instead of the property boundary.

1.1.8 Please identify what the 15' labels in Lots 3 and 6 are measuring.

1.1.9 Remove one of the street labels.

1.1.10 Remove the front yard setback dimensions. Add a note stating, “Front yard setbacks shall be measured from the edge of the public access easement along N. 25th Place.”

1.1.11 Revise the public access and utility easement so that it matches the Outlot boundary. The utility easement overlaps the 10 foot easement L.E.S. requested. This change also ensures that there will not be confusion about the front yard setback - it begins at the property lines this way.

1.1.12 Measure the 10 foot utility easement along Theresa Street from the lot line *after* the right-of-way is dedicated.

1.1.13 Revise the drainage study and grading plan to the satisfaction of Public Works & Utilities.

1.1.14 Provide elevations for the buildings.

1.1.15 Revise Notes 4 and 5 so that they do not conflict - 33' of paving is required.

1.1.16 Revise the sanitary sewer easement across Lots 3 and 4 to show the easement 15' north of sewer centerline.

2. The City Council approves associated request:

2.1 An exception to the design standards to permit shorter centerline radius for curves.

2.2 A modification to the requirements of the land subdivision ordinance to permit areas of employment which are not raised above the 100 year frequency flood.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.

3.2 The appropriate portions of Special Permit Nos. 74 and 74A are rescinded according to the Phasing Plan.

3.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

3.3.1 To submit to the Director of Public Works an erosion control plan.

3.3.2 To protect the remaining trees on the site during construction and development.

3.3.3 To submit to lot buyers and home builders a copy of the soil analysis.

3.3.4 To continuously and regularly maintain street trees along the private roadways.

3.3.5 To complete the private improvements shown on the preliminary plat.

3.3.6 To maintain the outlots and private improvementson a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

3.3.7 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

3.3.8 To inform all purchasers and users that the land is located within the 100 year flood plain and that the grading of the lot shall be in conformance with the grading plan approved with the Fairway Park Preliminary Plat #02002 or as amended by the Director of Planning. The volume of fill material brought into each lot from outside the flood plain shall not exceed that shown on the approved grading plan accompanying the preliminary plat, or as amended by the Planning Director. **(**Per Planning Commission, at the request of the applicant, 4/17/02**)**

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Preliminary Plat #02002 **DATE:** April 3, 2002
Fairway Park

****As Revised by Planning Commission: 4/17/02****

PROPOSAL: Preliminary plat with 10 lots and one outlot.

WAIVER REQUESTS:

1) Stormwater detention/retention
2. Sidewalks along south side of Teresa Street west of the private roadway
3. Curve radius to 25'
4. A waiver to §26.23.181, which requires that all of the areas of habitation and employment be raised above the 100 year frequency flood

LAND AREA: 7.2 acres, more or less

CONCLUSION: The Land Use Plan designates this area as Industrial. Although a mobile home court currently exists on the land, the Comprehensive Plan discourages residential uses in industrial areas (p 43). This proposed plat conforms with the Comprehensive Plan, the Zoning and Subdivision Ordinances, and the flood plain development regulations.

RECOMMENDATION: Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 114 and 124 I.T., located in the NE 1/4 of Section 13-10-6, Lancaster County, Nebraska, generally located at Theresa Street and N. 27th Street.

LOCATION: N. 27th Street and Theresa Street

APPLICANT: JAROCK, Inc.
Corinne Jarrett
2545 Theresa Street
Lincoln, NE 68521
(402) 474-7157

OWNER: same

CONTACT: August Ponstingl
Ross Engineering
201 N. 8th Street - Suite 401
Lincoln, NE 68508
(402) 474-7677

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Mobile home court

SURROUNDING LAND USE AND ZONING:

North:	I-1	Shady Elms mobile home court
South:	I-1	Industrial
East:	H-3	Commercial
West:	P	Theresa Street Treatment Plant

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area as Industrial.

The Land Use Goals section for Industrial land states "*residential uses are discouraged in industrial areas.*" (p 43)

HISTORY:

Date when preliminary plat was submitted: **1/11/02**
Date when Planning Director's letter was sent: **2/11/02**
Date when revised preliminary plat was submitted: **3/15/02**
Other pertinent dates:

On **August 18, 1986**, City Council approved Special Permit #74A, which permitted the construction of a storage shed within the mobile home court.

On **November 7, 1955**, City Council approved Special Permit #74, which revised the plans for the existing mobile home court.

UTILITIES: Available.

TOPOGRAPHY: Flat. The entire area is within the 100 year flood plain.

TRAFFIC ANALYSIS: Theresa Street is a local street.

PUBLIC SERVICE: The closest fire station is located near N. 14th Street and Adams Street.

REGIONAL ISSUES: Reduction of flood storage capacity and public safety (places of employment located in the flood plain).

ENVIRONMENTAL CONCERNS: Additional construction in the flood plain.

ALTERNATIVE USES: Design incorporating "no net rise" principles.

ANALYSIS:

1. This application is for 10 lots and one outlot.

2. The applicant has indicated that the purpose of this preliminary plat is "...to protect the investment in the property. In the event that an ordinance is passed restricting development in the flood plain, our client would lose a substantial investment..." In a letter to residents of the Shamrock Mobile Home Court, the owners state that "we have no immediate plans [for the property], but are only reacting to upcoming changes that the City intents to instigate that otherwise would limit what we might be able to do with the property."

3. The flood plain regulations are currently being reviewed by a task force. This application must be reviewed using current ordinances and design standards.

4. The request to waive the requirement that places of employment and habitation be raised to one foot above the 100 year flood elevation is acceptable. Flood proofing the buildings reduces the amount of fill in the flood plain.

5. The request to waive sidewalks along the south side of Theresa street west of the private roadway should be denied. The sidewalk on the north side of Theresa continues to the eastern boundary of the City property and the sidewalk on the south side should do likewise.

6. Drainage from this subdivision flows to other private property and is not directly conveyed to Salt Creek. Public Works & Utilities recommends that the waiver of stormwater retention/detention be denied - the waiver that was granted for the Carroll M5 Industrial Park on the north side of Theresa Street did not cause the water to drain through other private property.

7. The Lincoln-Lancaster County Health Department "...endorses the opportunity to eliminate industrial and residential zoning conflicts to reduce public health threats from incompatible land uses."

8. The Land Use Plan designates this area as Industrial. Although a mobile home court currently exists on the land, the Comprehensive Plan discourages residential uses in industrial areas (p 43). The proposed plat conforms with the Comprehensive Plan and the flood plain development regulations in the Zoning and Subdivision Ordinance.

WAIVERS:

Sidewalks west of the private roadway on Theresa Street	**Denial**

Stormwater detention/retention	**Denial**
Centerline radius	**Approval**
§26.23.181 (buildings must be above 100 year flood plain)	**Approval**

CONDITIONS:

Site Specific:

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   1.1.2 On sheet 5 of 10, amend Note 2 to state "100 year flood elevation".

   1.1.3 To the waiver requests on sheet 1 of 10, add §26.23.181, which requires that all of the areas of habitation and employment be raised above the 100 year frequency flood.

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3.3.1 To submit to the Director of Public Works an erosion control plan.

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3.3.7 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

3.3.8 To inform all purchasers and users that the land is located within the 100 year flood plain and that the grading of the lot shall be in conformance with the grading plan approved with the Fairway Park Preliminary Plat #02002 or as amended by the Director of Planning. The volume of fill material brought into each lot from outside the flood plain shall not exceed that shown on the approved grading plan accompanying the preliminary plat, or as amended by the Planning Director. **(**Per Planning Commission, at the request of the applicant, 4/17/02**)**

Prepared by:

Jason Reynolds
Planner

PRELIMINARY PLAT NO. 02002
FAIRWAY PARK

PUBLIC HEARING BEFORE PLANNING COMMISSION: April 17, 2002

Members present: Newman, Steward, Larson, Bills-Strand, Carlson, Duvall, Taylor and Schwinn; Krieser absent.

Staff recommendation: Conditional approval.

Proponents

1. Ron Ross of Ross Engineering, 201 No. 8th, appeared on behalf of the developers, Bill and Corinne Jarrett, who are part owners of Jarock, the property owner. This site is located on the south side of Theresa Street at the entrance to the wastewater treatment plant on 7.2 acres, zoned industrial, and currently occupied by about 80 mobile homes. This property has been in the Jarrett family since 1955. Bill Jarrett was raised in the Shamrock Mobile Home Court until the late 1980's. This mobile home court is a bit more upscale than others due to the care it has had over the years. The problem is the maintenance and repair. This facility was started in the 1950's but with undue repair bills at this time, it is becoming unprofitable. The Jarretts are concerned and due to unprofitability and potential changes of land use requirements within the floodplain, they are requesting this preliminary plat.

Ross advised that there was a letter that went out in January to the tenants informing them of the long term plans for this property. That letter outlined some history and explained what is going on. There have been no contacts from the tenants and there have been very few calls in response to this letter. The Jarretts own about 40% of these mobile homes. They have been planning to eventually phase out this project and they will develop this preliminary plat in two phases, the first being the northernmost portion. There are 10 lots and 1 outlot with a private roadway. Water will be public. Everything else will be private and maintained by a property owners association.

Ross further advised that the concern over what may happen with the floodplain regulations has encouraged this developer to become active in protecting their interests. They have no plans, they have no building permits. This is a long range plan to phase out of the mobile home business and get into some form of commercial service, industrial type uses.

Ross indicated that he has talked with his client and they have agreed to develop this property similarly to the project to the north without substantial fill.

The applicant agreed with all conditions of approval, except for Condition #1.1.1 which talks about extension of sidewalks. Ross pointed out that there is a sidewalk on the north side all the way from 27th to the front door of the wastewater treatment plant. You then run into a railing and a brick entrance effect that prohibits movement further to the west. Ross agreed to provide sidewalks on both sides of the private roadway; however, they have left the sidewalk off from this development's private driveway entrance to the west about 166'. It is at a larger brick wall that that sidewalk will terminate. There are

no sidewalks within the wastewater treatment facility until you get up to their buildings between parking lots. Ross believes that future tenants will more than likely not head west into the wastewater treatment facility on foot. Therefore, Ross requested to amend Condition #1.1.1:

> Sidewalks along Theresa Street abutting this property. The sidewalk between the Private Roadway and the west property line must be constructed by the abutting property owner upon construction of a sidewalk within the Theresa Street Wastewater Facility along the south side of Theresa Street. No escrow shall be required for this sidewalk.

There will be an agreement that should that property owner in the future develop and want to put a sidewalk in, they can do so. That sidewalk would cost $1900 and no one is going to use it.

With regard to Condition #3.3.8, Ross noted that this provides that there be no more fill than illustrated in the grading plan unless a particular property owner comes in by administrative amendment and revises a grading plan to fit their exact scheme. To avoid a problem with Building & Safety in the future, Ross requested to amend Condition #3.3.8:

> To inform all purchasers and users that the land is located within the 100 year flood plain and that the grading of the lot shall be in conformance with the grading plan approved with the Fairway Park Preliminary Plat #02002 or as amended by the Director of Planning. The volume of fill material brought into each lot from outside the flood plain shall not exceed that shown on the approved grading plan accompanying the preliminary plat, or as amended by the Planning Director.

Opposition

1. Katherine Westwood, who lives at F8 on the north side, testified that she is not in favor nor opposed. She believes that there are positive reasons to approve this plat because the property is zoned for industrial; however, she believes that the excuse of the 100-year floodplain is used too much. She wanted the Commission to be aware that the odors from the sewer (which she understands are currently being examined) permeate the interior of the trailers, furniture, clothes and cars, and even the water. But, of course, the Sheriff and Mrs. Jarrett have a right to use their property as they choose.

Westwood wonders whether the Planning Commission or even the City Council consider the people affected by these decisions. According to Jason Reynolds in the Planning Department, statistics, research, and surveys about the affect on people is not required to be considered--just that they be notified. Are there any city, county, state or federal funds available for the relocation of the people affected by these decisions that will be required to relocate? Over 50 families will be displaced by the elimination of this trailer court. This is in addition to the ones previously dislocated by the Shady Elm mobile home park. There are homeless residents living in the shelters and living in cars. Even the Governor has asked for more space for the homeless. This decision will affect people to the point of homelessness. She asked the Commission to please consider the variables involved. There should

be funding made available for those people who will be required to relocate. Westwood submitted that the current laws and regulations do not adequately protect all of the citizens involved. She requested that the Planning Commission require research and a survey about the effect of their decisions on these citizens. Research should be done to find funding for the relocation of these people. She is also concerned about the cost of relocation being transferred back to the people who live in that area.

Response by the Applicant

Bill Jarrett stated that he and his wife have worked really hard in this mobile home park. They have not done this the way that Shady Elm did theirs. They have gone about this methodically. He and his wife own over 50% of these mobile homes. They understand the issues with relocation of the tenants, but this is going to be a long term process. They have talked with many of the people that live there through the process of purchasing the mobile homes. They have tried to eliminate as much conflict as possible. Sometimes it has been a burden to him financially, but it is his desire to do this as fairly and painless as possible.

Jarrett explained that when his father purchased this property, it was not in the floodplain and was not in the city. It was part mobile home park and part turkey farm. Subsequently, it became a mobile home park and through the ages it became part of the city. The floodplain issue has gone back and forth over the last 50 years. We went from residential zoning to I-1 zoning. That is how we end up here today being in the city, in the floodplain and under the regulations of an industrial park.

Having gone through the Shady Elm situation, Newman extended appreciation to the Jarretts for the amount of notice given to the tenants. How quickly will you move on this? Jarrett stated that frankly, it is really up to the city because of the new floodplain standards. There are some rumors out there and he is asking the Mayor for clarification. We as landowners, have an investment and long term goals, and you can imagine what this does to the owner of industrial property financially when the city comes in and says there will be no more building in the floodplain areas. Jarrett is hoping the city will give enough warning so that they can proceed accordingly. He would have been happy to leave it as a mobile home park.

Jarrett clarified that they have 6-month or one-year leases on the mobile homes. The spaces are rented on a month-to-month basis.

Staff questions

Schwinn pointed out that the staff report history does not cover when and why the zoning was changed to I-1. He wondered whether the I-1 change was done by the city. Jason Reynolds of Planning staff did not have that information available. Jarrett informed the Commission that he did not apply for the I-1 zoning.

Newman advised that she is serving on the floodplain task force and they don't know what they're doing yet. If Jarrett wants to continue running this as it is now, the floodplain task force does not have the authority to require them to move. Reynolds suggested that the owner believes that the potential

recommendations of the floodplain task force could affect the future potential for the property. This plat gives them a 5-year window within which to develop. After 5 years, they could be required to meet current regulations at the time of that application.

Schwinn wondered whether the improvements have to be installed prior to final plat. Reynolds advised that they will be required to post the bonds or escrows for the improvements.

Reynolds agreed with the applicant's proposed amendment to Condition #3.3.8 regarding the fill; however, he suggested that granting the requested amendment to Condition #1.1.1 regarding the sidewalk is a decision that the Planning Commission should make.

Jarrett explained that the existing floodplain regulations require them to raise the homes to the floodplain level, the air conditioners have to be raised up, and any sheds have to be raised up on any new mobile homes. This becomes very costly and prohibits him from operating the property as mobile home park. It puts the mobile homes 4-5 feet in the air. It is not cost-effective.

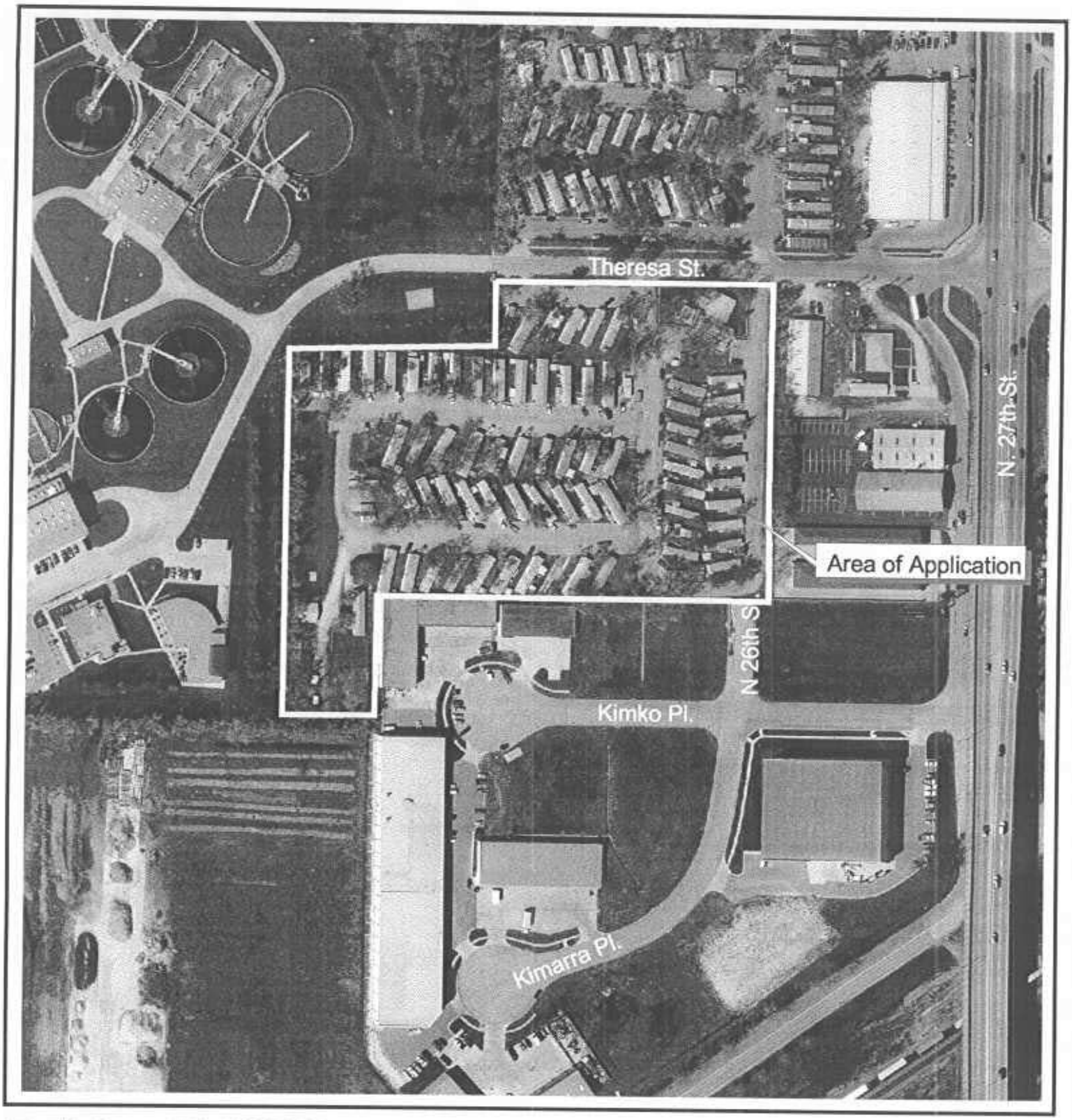
Ross added that the owner will absolutely give the tenants a 90-day notice. The Jarretts truly have no plans right now to do anything. It is a long term plan and the floodplain regulations scare them. The Jarretts are approaching this totally different than the Shady Elm situation. Ross also suggested that the city is very much interested in this not continuing on as a mobile home park. It would be very helpful and positive if the city could look into some form of relocation assistance. He challenged the Planning Commission to try to do something about this need. The relocation with this application will happen over a long period of time but certainly with adequate notification.
Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: April 17, 2002

Steward moved approval of the staff recommendation of conditional approval, with the two amendments requested by the applicant, seconded by Bills-Strand.

Steward complimented this owner for taking a different strategy than the Shady Elm situation and being more sensitive. However, that has not alleviated the problem for some people. We don't have a solution to this relocation issue. If we did, we would articulate it quickly and firmly and be assured that it was in our power to take care of it. It apparently is not even in the power of the city at the moment. However, he would hope that both the property owner and the tenants would address the City Council and Urban Development with this matter, and continue to try to be a catalyst for search for the people who are living in barely affordable circumstances. It is in his personal view a part of the city's responsibility to take care of affordable housing in this community and to have programs to take care of the people in those circumstances.

Motion for conditional approval, with amendments, carried 8-0: Newman, Steward, Larson, Bills-Strand, Carlson, Duvall, Taylor and Schwinn voting 'yes'; Krieser absent.



Preliminary Plat #02002
Fairway Park
N. 25th & Theresa St.

N

Photograph Date: 1999

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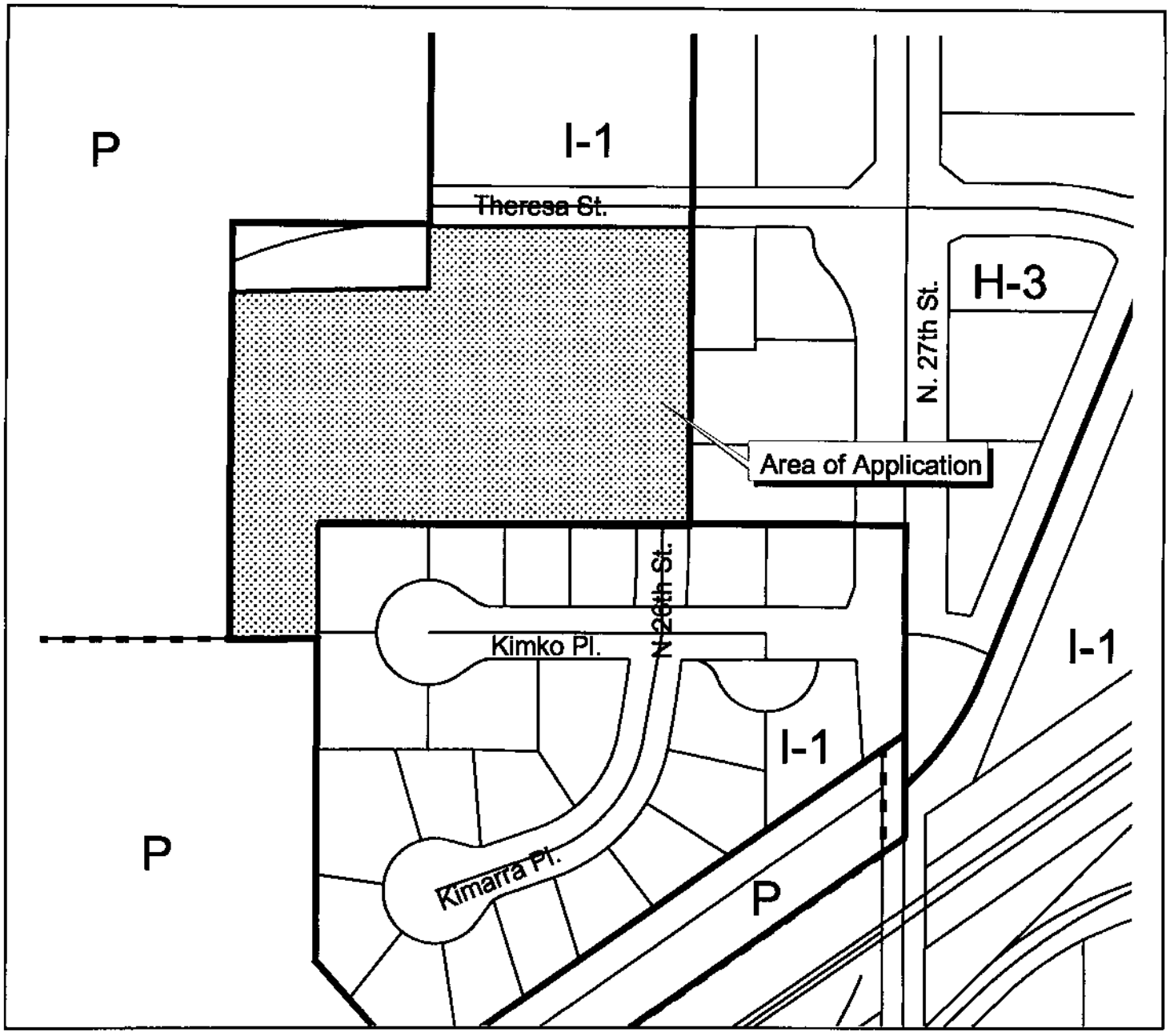
Lincoln City - Lancaster County Planning Dept.



Preliminary Plat #02002
Fairway Park
N. 25th & Theresa St.

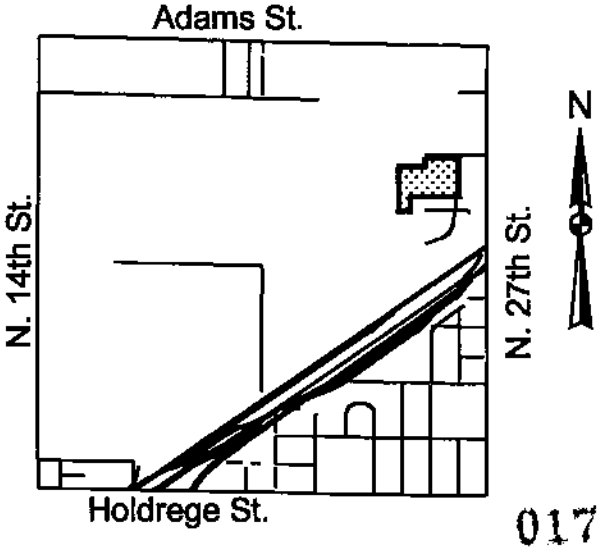
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 13 T10N R6E

Zoning Jurisdiction Lines

City Limit Jurisdiction



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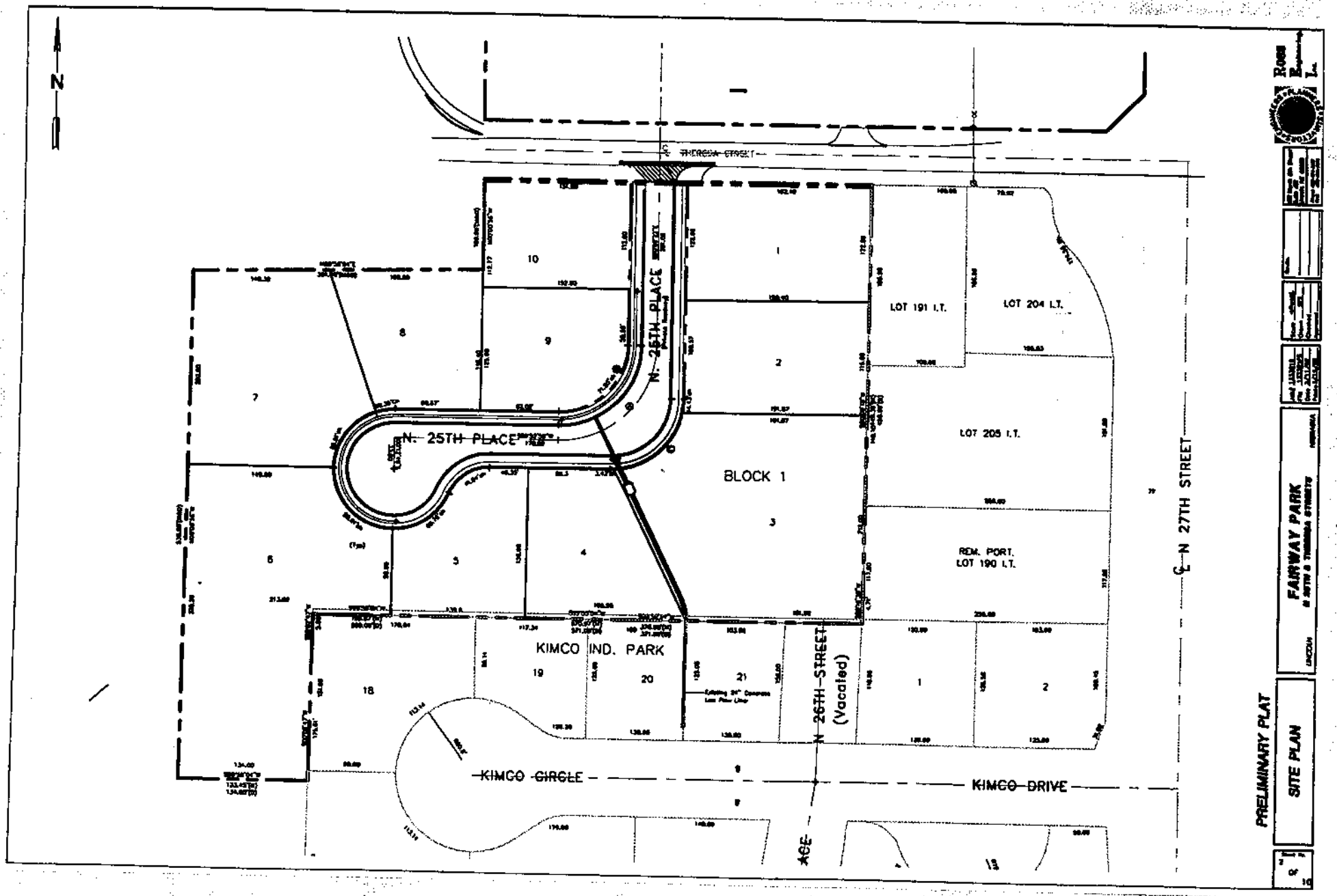
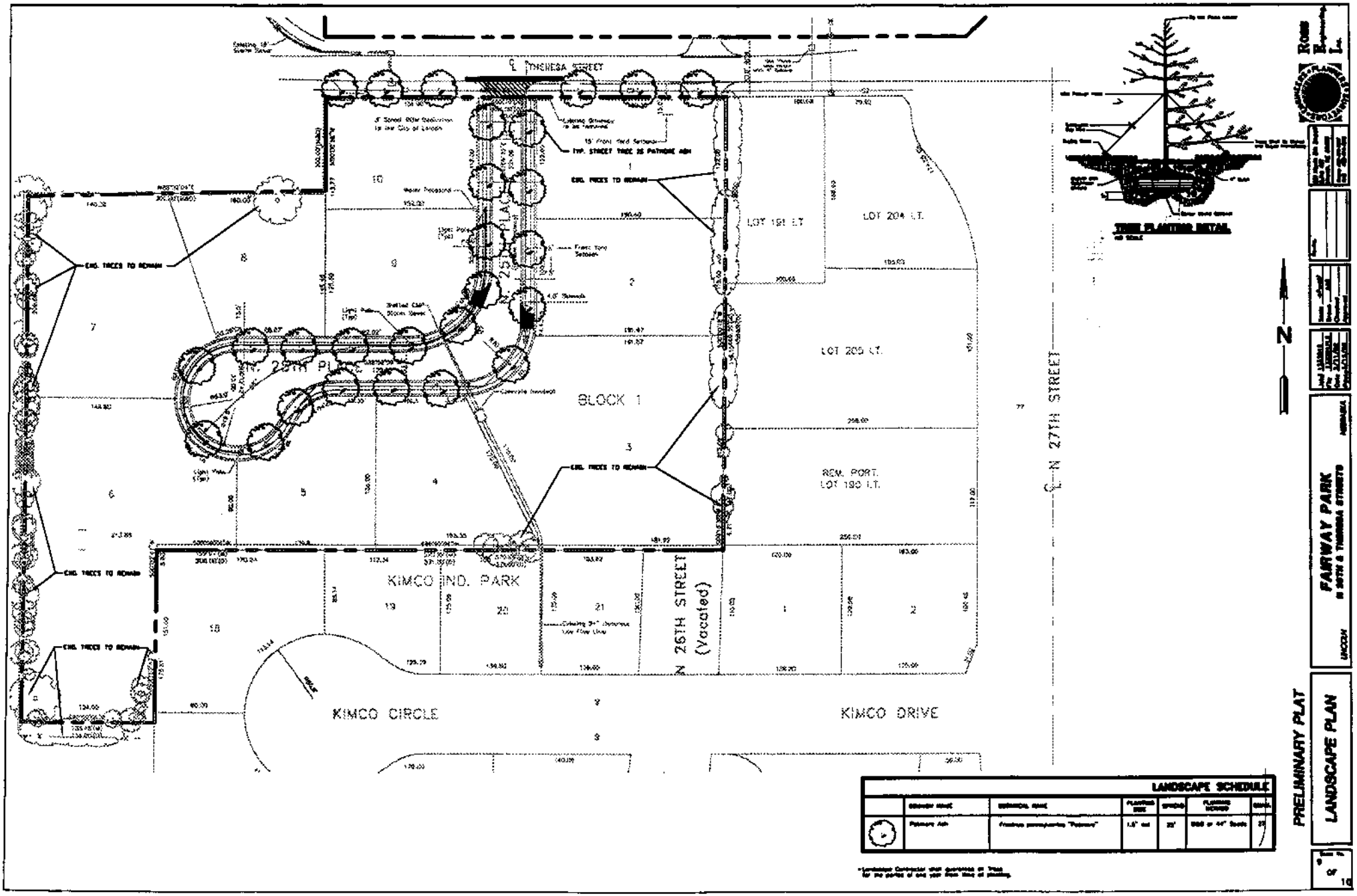
Lincoln City - Lancaster County Planning Dept.


N
THERON STREET
N. 25TH PLACE
N. 25TH PLACE
BLOCK 1
KIMCO IND. PARK
N 26TH STREET (Vacated)
N 27TH STREET
LOT 191 I.T.
LOT 204 I.T.
LOT 205 I.T.
REM. PORT. LOT 190 I.T.
KIMCO CIRCLE
KIMCO DRIVE
PRELIMINARY PLAT
SITE PLAN
FAIRWAY PARK


THERESA STREET
N. 25TH PLACE
BLOCK 1
LOT 191 I.T.
LOT 204 I.T.
LOT 205 I.T.
REM. PORT. LOT 190 I.T.
N 27TH STREET
N 26TH STREET (Vacated)
KIMCO IND. PARK
KIMCO CIRCLE
KIMCO DRIVE
TYP. STREET TREE 25 PATMORE ASH
EXG. TREES TO REMAIN
TREE PLANTING DETAIL
N
LANDSCAPE SCHEDULE
PRELIMINARY PLAT
LANDSCAPE PLAN
FAIRWAY PARK
N 26TH & THERESA STREETS
LINCOLN
NEBRASKA
Ross Engineering Inc.

M e m o r a n d u m

RECEIVED
APR - 8 2002
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

To: Jason Reynolds, Planning

From: Dennis Bartels, Engineering Services

Subject: Fairway Park Revised Preliminary Plat

Date: April 4, 2002

cc: Roger Figard
Randy Hoskins
Nicole Fleck-Tooze
Virendra Singh

Engineering Services has reviewed the revised preliminary plat for Fairway Park Located at 26th and Theresa Streets and has the following comments:

1. Water - The water system has been revised and is satisfactory.

2. Sanitary Sewer - The sewer easement for the existing 30" sewer across Lots 3 and 4 has not been revised to show 15' of easement north of the sewer centerline. The revised easement must be shown.

3. Drainage - The drainage study does not meet design standards and must be revised. The study is required by design standards. The calculations must be revised to show the 100 year major storm as well as the 10 year storm along all flow paths. Elevations need to be shown for buildings or development to be protected along these flow paths.

   Drainage from this subdivision flows to other private property and is not directly conveyed to Salt Creek.

   The reasons given by the developer's engineer are not sufficient for Public Works to recommend waiver of subdivision ordinance detention requirements. The waiver recommended for the Mark V Industrial Park located north of Theresa Street did not drain through other private property.

4. Streets - The requested waiver for the centerline radius of North 25th Street is satisfactory.

   General Notes 4 and 5 are in conflict with each other. 33' of paving is required.

   Sidewalks should be required the entire length of Theresa Street, not stopped at the private roadway.

5. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO:	Jason Reynolds	**DATE:**	1/23/2002
DEPARTMENT:	Planning	**FROM:**	Chris Schroeder
ATTENTION:		**DEPARTMENT:**	Health
CARBONS TO:	Bruce Dart, Director EH File EH Administration	**SUBJECT:**	Fairway Park PP #02002

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the site plan and accompanying documentation for the proposed Fairway Park development with the following noted:

- The LLCHD endorses the opportunity to eliminate industrial and residential zoning conflicts to reduce public health threats from incompatible land uses.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

FEB 0 2002

Date Printed: January 17, 2002

City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A seperate set of plans for review and and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF02005**
Address
Job Description: FAIRWAY PARK
Location: FAIRWAY PARK
Special Permit: N
Preliminary Plat: Y 02002
Use Permit: N
CUP/PUD: N
Requested By: JASON

JAN 17 2002
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Status of Review: Approved

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

1997 Uniform Building Code and Local Amendments
1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
1989 Fair Housing Act As Amended Effictive March 12, 1989
1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
1999 National Electrical Code and Local Amendments
1997 Uniform Mechanical Code and Local Amendments
1994 Lincoln Gas Code
1994 NFPA 101 Life Safety Code
1997 Uniform Fire Code and Local Amendments
Applicable NFPA National Fire Code Standards

MICHAEL WOOLMAN <lpd737@CJIS.CI.LINCOLN.NE.US>

01/17/2002 11:08 AM

To: Jason Reynolds <JReynolds@ci.lincoln.ne.us>
cc:
Subject: Fairway Park PP02002

Jason,

The Lincoln Police Department has no objections to the Fairway Park PP02002.

Michael S. Woolman
Planning Sergeant
Lincoln Police Department

Dennis L Roth
01/18/2002 02:39 AM

To: JReynolds@ci.lincoln.ne.us
cc:
Subject: re: Fairway Park

PROJ NAME: Fairway Park
PROJ NMBR: PP02002
PROJ DATE: 01/11/02
PLANNER: Jason

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

Streets: N 25th Pl, N 25th St

Dale L Stertz
04/09/2002 11:41 AM

To: Jason W Reynolds/Notes@Notes
cc:
Subject: Re: Fairway Park Preliminary Plat #02002

Jason, For commercial/industrial zoned areas we would encourage developers to floodproof structures over bringing in fill, this way we can preserve flood storage. However, you may want to check with Public Work to see what their take would be on this. The developer/builder must understand there are additional structural requirements that need to be looked at to floodproof a building and insurance rates may be more expensive for a none elevated building. Dale Stertz
Jason W Reynolds

Jason W Reynolds
04/08/2002 04:11 PM

To: Dale L Stertz/Notes@Notes
cc:
Subject: Fairway Park Preliminary Plat #02002

Dale -

We just discussed this applicant's request to waive the Subdivision Ordinance requirement that all places of habitation and employment be raised one foot above the 100 year flood elevation. You indicated that in commercial/industrial areas the City encourages floodproofing in lieu of fill. If done in accordance with the requirements of the Zoning Ordinance floodproofing reduces the amount of fill in the flood plain. For that reason, the waiver request is acceptable.

Please let me know if this summary is accurate so that I may include your comments in my report.

Thanks!
>Jason

Rodger P Harris

04/09/2002 11:30 AM

To: Jason W Reynolds/Notes@Notes
cc: Chuck A Zimmerman/Notes@Notes
Subject: Fairway Park prelim. plat

We have reviewed this prelim plat and have the following comments to offer;

1. The street name should simply be North 25th Place.

2. The existing special permits for a mobile home park should be rescinded when the site is redeveloped.

SUPERVISOR, CUSTOMER SERVICE SUPPORT

UNITED STATES
POSTAL SERVICE

JAN 2 2002

January 18, 2002

Jason
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992

SUBJECT: Fairway Park – PP02002

Jason,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

Delores A Risk
Manager. Customer Service Support

700 R ST
LINCOLN NE 68501-9662
(402) 473-1627
FAX: (402) 473-1795

Memo

Lincoln
Parks & Recreation

To: Jason Reynolds, Planning Department

From: Mark Canney, Parks & Recreation

Date: March 25, 2002

Re: Fairway Park #02002

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

INTER–DEPARTMENT COMMUNICATION

DATE January 24, 2002

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #25N-25E

Attached is the Preliminary Plat for Fairway Park.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald

JAN 25 2002

LINCOLN CITY-LANCASTER COUNTY

ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO/DEDEAS.Frm

ROSS
Engineering,
Inc.

January 3, 2002

Kathleen Sellman, AICP
Director of Planning
County-City Building
555 South 10th Street
Lincoln, NE 68508

ESTABLISHED 1974

Innovative Designs For the Future of Tomorrow

RE: Fairway Park
Preliminary Plat
N. 26th and Theresa St.
REI Project No. 133301-B

Dear Kathleen:

On behalf of JAROCK INC., we are submitting an application for a Preliminary Plat. The total area is 7.197 acres and is zoned I-1. The proposed development, generally located at N. 26th Street and Theresa Street, is for 10 lots and one Outlot. The Outlot is for the private roadways, sidewalks, and utilities. The 1994 Lincoln-Lancaster County Comprehensive Plan identifies this area as industrial on the Land Use Plan. The area is currently Shamrock Mobile Home Park and is located south of Shady Elm Mobile Home Court, north of Kimco Industrial Park, and east of the State Fairgrounds and Wastewater Treatment Plant.

We would like to begin by listing the reasons our client is submitting this preliminary plat.

RECEIVED
JAN 11 2002
PLANNING DEPARTMENT

1. The primary reason for submitting this Preliminary Plat is the fact that all of Shamrock Park lies within the 100 Year Flood Plain. The City of Lincoln discourages use of land within these areas for residential development. Based upon discussions with the City of Lincoln Planning Department, it is anticipated that the City Council will enact new development procedures that will limit the use of property that lies within a Flood Plain to exclude this type of development.

2. The second reason for this submission is to protect the investment in the property. In the event that the ordinance is passed restricting development in the flood plain, our client would lose a substantial investment made in their land in both time and money, and in lost opportunity. Shamrock Mobile Home Park has been a family run business for many years, and our client owns approximately forty-five percent of the trailers on the property. There have been numerous costly repairs and upgrades over the years to maintain the park. All this investment is potentially lost if restrictions are passed. Additionally, some of the proposed restrictions would unfairly limit improvements to this site where as adjacent property have already benefited by developing to more productive uses.

3. Finally, the land could be developed in many ways more suitable to existing uses adjacent to the property. For example, immediately to the west is the City sewage treatment plant. Although improved, there are still many offensive odors and sounds that negatively affect a residential development. To the south and to the east of the property is industrial/commercial development. And based on a recently approved Preliminary Plat for Carroll M5 Industrial Park the area to the north will

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678

www.rossengineering.com

be developed with additional industrial and commercial buildings. These industrial developments are inherently incompatible with a residential development due to the many negative externalities that accompany industrial development. The long-term use of this land as a trailer park appears by all standards and conventions an inappropriate use for this site.

We want to reassure the City and current residents of Shamrock Mobile Home Park, there are no immediate plans to start construction, move, or displace anyone. This is simply a precaution to be able to develop the property in the future as currently allowed by the existing I-1 Industrial Zoning District, at such time that the City either forces our client to stop using the property as a Mobile Home Park, or our client decides to begin to use a portion of the property for other allowable uses. In the interim, Shamrock Mobile Home Park intends to continue to operate as usual.

If, in the event that there is any change in the use of the existing Mobile Home Court, it will be done in such a fashion that will not suddenly displace anyone. It will be done in a manner that will cause the least amount of disturbance to the current tenants, and done in an orderly manner, phased over time. A minimum of a 90-day written notification will be given to all tenants who may be affected by such development. Access, and all current services will continue. The owners of Shamrock Mobile Home Park own a majority of the trailers, but for those who may be displaced, an attempt will be made to accommodate these residents in open spaces. The well being of the tenants is a high concern for JAROCK, INC.

To sum up the reasons for submitting this Preliminary Plat: First, due to anticipated changes in the ordinance for the City of Lincoln, a residential development within the Flood Plain may be prohibited. Secondly, the anticipated changes in the ordinance would remove development options and limit the return of investment of the land, and finally, the continued use of this land as a mobile home park is not in the best interests of the residents and the City of Lincoln.

The next section of this letter covers physical and engineering development issues such as roads, water, and sewers. To begin with, the entrance into the development will be from Theresa Street. The proposed street will be private and maintained through a property owners association. The Private Roadway shall be 33-feet wide as shown on the Site Plan. The name of the road is N. 25th St.. It then becomes N. 25h Place where it turn 90 degrees to the west and ends in a cul de sac. We are asking for a waiver of the centerline radius along the horizontal curve in the road due to the unique shape and small size of the property. The proposed radius of the street is 100', as compared to the required 150'. The street will be for local traffic only; therefore we don't anticipate heavy traffic. We have also widened the outside of the curve to allow for extra turning space for larger vehicles.

Public water and sanitary sewer will serve the development. The water main is proposed to be 8-inch and sanitary sewer 8-inch. The water main will tie into the existing 8-inch water main along Theresa Street. An existing 10-inch sanitary sewer main extends along the east boundary. A new 8-inch main will tie into the existing trunk sewer between Lots 4 & 5. A public access, pedestrian and utility easement is shown over the private roadway within the Outlot.

The entire site is located within the 100-Year Flood Plain as indicated on the FEMA Panel 25. The property shall be filled as indicted on the Grading Plan. A Flood Plain Development Permit will also be submitted.

In order to minimize the amount of fill material required to be brought into the Flood Plain, all of the proposed buildings will be flood proofed to an elevation of one foot above the 100 Year Flood Plain which has an elevation of 1147.6. This will allow for the exterior grade around the buildings and the parking lots and driveways to be kept at a lower finish grade than if each of the ten buildings were constructed to a finish floor elevation of 1148.6. Certain areas within the parking lots and drives will result in excavation below the existing ground elevation and will lessen the impact on the amount of fill within the flood plain.

JAN 11 2002

We are requesting the following waivers to design standards:

a. Allow a reduction in the minimum centerline radius for curves from 150-feet to 100-feet. The proposed Private Roadways are to serve this development only. The reduction in the horizontal curve will help lower the speed of traffic. We do not want to encourage drivers to speed through this area. We do not envision people using the proposed private roadway other than for access to one of the buildings.
b. Storm-water detention/retention facility. We are requesting this waiver because of the proximity of Salt Creek to the site. The drainage plan shows that storm-water runoff will surface drain primarily to the southwest. After leaving the site, storm-water runoff will drain through a proposed drainage-way west of the site.

Enclosed you will find a copy of the letter JAROCK, INC. sent to the Tenants explaining the proposed Preliminary Plat. The owners are ready and willing to schedule a meeting with the residents of Shamrock Mobile Home Park if a substantial number of tenants have questions and concerns regarding the proposal.

This application includes the following:

1. Site Plan	17 copies
2. Existing Topographic Site Plan	7 copies
3. Street Profile	7 copies
4. Grading Plan	7 copies
5. Drainage Area Plan	7 copies
6. Utility Plan	7 copies
7. Phasing Plan	7 copies
8. Application for Preliminary plat	
9. Preliminary Plat technical Checklist	
10. Soils map and report	
11. Preliminary Plat Filing Fee	$1,020.00
12. Letter to Shamrock tenants	

If you need any additional information or have questions, please call me.

Sincerely,

ROSS ENGINEERING, INC.

August J Ponstingl
Senior Land Planner

Cc: Bill & Corinne Jarrett

Enclosure

AJP
133301L02.doc

JAN 11 2002

033

Shamrock Mobile Home Court
2545 Theresa
Lincoln, NE 68521
(402) 464-7157

January 2, 2002

Shamrock Mobile Home Court
2545 Teresa Street
Lincoln, NE

Dear Shamrock Tenants:

You may have followed some of the events of the existing Shady Elm Mobile Home Park located north of Teresa Street, during the past six months. The Owner of Shady Elm has decided to phase out the operation of the existing Mobile Home Park, and has submitted and received approval of a Preliminary Plat to eventually develop an Industrial Park in this location. They have started construction of the first phase of their development in an area furthest to the north, immediately south of the motel parking lot.

Part of the reason for discontinuing use as Shady Elm Mobile Home Park is the fact that the entire area lies within the 100 Year Flood Plain and the City of Lincoln discourages use of land within these areas for residential development, and plans to impose upcoming legislation which will severely limit the use of areas within a Flood Plain. Based upon discussions with the City of Lincoln Planning Department, it is anticipated that the City Council will enact new development procedures that prevent fill from being brought into a Flood Plain, which will limit the use of property that lies within a Flood Plain. A study group has been appointed that is currently reviewing development procedures and it is expected that within the next twelve months, new development standards will be approved by the City of Lincoln.

In order to protect our family's investment in our property, we have engaged the services of a local engineering firm to assist us with evaluation of the proper course of action to consider, in order to be able to continue to use our property to the fullest extent. Although we plan to prepare and submit a Preliminary Plat for our property, we want you to understand that we do not have any immediate plans to start any construction for other uses other than the current Mobile Home Court, or to move or displace anyone. We are simply taking steps to be able to develop our property in the future as currently allowed by the existing I-1 Industrial Zoning District, at such time that the City either forces us to stop using the property as a Mobile Home Court, or we decide to begin to use a portion of the property for other allowable uses. Please do not feel threatened by this action. We want you to be aware of what may be going on, not concerned. We have no current buyer or other developers waiting for any development plans to be approved; but in fact intend to continue to operate our business as usual at this time.

In the event that there is any change in the use of the existing Mobile Home Court, it will be done in such a fashion that will not suddenly displace anyone. Should a change be made in the future, it will be done in a manner that will cause the least amount of disturbance to the current tenants, and will be done in an orderly phased manner. We will agree to give a minimum of a 90-day written notification to any tenant who may be affected by any such development. Again, we have no immediate plans, but are only reacting to upcoming changes that the City intends to instigate that otherwise would limit what we might be able to do with the property.

JAN 11 2002
LINCOLN CITY-LANCASTER
PLANNING DEPARTMENT

Once the Preliminary Plat has been completed and filed with the City of Lincoln Planning Department, there will be a notice of a Public Hearing before the Planning Commission and the City Council, posted by means of a yellow "Notice" sign on the property. You may also read of this in the newspaper or hear about it on the TV or possibly the radio. In addition you may be mailed a notice from the City, indicating a proposed change in the use of the area and informing you of the dates of the upcoming Public Hearings. Should you have any questions or concerns at anytime, please to not hesitate to either call or stop in the office. We may not be able to tell you anything more regarding any anticipated time frames, because as previously indicated, we do not have any immediate plans, nor have we been contacted by anyone interested in building within the existing property.

Thanks,

Bill and Corinne

Wm & Corinne
Jarrett

JAN 1 1 2002

PLANNING DEPARTMENT

Memo

Lincoln
Parks & Recreation

To: Jason Reynolds, Planning Department

From: Mark Canney, Parks & Recreation

Date: February 1, 2002

Re: Fairview Park PP02002

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

RECEIVED
FEB - 2 2002
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT