

City Council Introduction: **Monday**, February 10, 2003  
Public Hearing: **Monday**, February 24, 2003, at **5:30 p.m.**

Bill No. 03R-37

## **FACTSHEET**

**TITLE: AMENDMENT TO RESOLUTION NO. A-81669, Fairway Park Preliminary Plat**, requested by Ross Engineering on behalf of Jarock, Inc., to delete Condition #3.2 of Exhibit "A" to allow Jarock, Inc. to final plat Fairway Park and continue to operate the existing mobile home court, generally located at No. 27<sup>th</sup> and Theresa Streets.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** N/A

**STAFF RECOMMENDATION:** Approval.

### **FINDINGS OF FACT:**

1. Resolution A-81669 accepting the preliminary plat of Fairway Park was adopted by the City Council on August 26, 2002 (p.5-6). Condition #3.2 of Exhibit A provided that no final plat shall be approved until the appropriate portions of Special Permit Nos. 74 and 74A are rescinded (p.7-9). Special Permit Nos. 74 and 74A allow the mobile home court.
2. The applicant, Jarock, Inc., has requested to amend Resolution A-81669 to delete Condition #3.2 of Exhibit A. The purpose of the amendment is to allow Jarock, Inc. to final plat Fairway Park and continue to operate the existing mobile home court.
3. The proposed revised resolution deletes Condition #3.2 and adds the following:
  - 3.3.9 To not convert the use of any lot which is final platted from its existing use under Special Permit Nos. 74 and 74A until such time as said lot and other appropriate portions of Special Permit Nos. 74 and 74A are rescinded.
  - 3.3.10 To not sell any final platted lot unless such sale is subject to the buyer agreeing to maintain the existing use of the lot under Special Permit Nos. 74 and 74A until such time as said lot and other appropriate portions of Special Permit Nos. 74 and 74A are rescinded.
4. The staff recommends approval of the proposed amended resolution.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** February 3, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 3, 2003

**REFERENCE NUMBER:** FS\CC\2003\PP.02002A Fairway Park

cc: Ross Engineering, Inc., 201 No. 8<sup>th</sup>, Suite 401, Lincoln, NE 68508  
Bill and Corinne Jarrett, 2545 Theresa Street, Lincoln, NE 68521  
Sue Beeck, Northwest Lincoln Community Assn., 2020 Benton St., Lincoln, NE 68521  
Kathryn Westwood, 2545 Theresa Street, #F8, Lincoln, NE 68521

## MEMORANDUM

**DATE:** January 29, 2003  
**TO:** City Council  
**FROM:** Tom Cajka, Planning Department  
**SUBJECT:** Resolution No. A-81669 Fairway Park

Resolution A-81669 accepting the preliminary plat of Fairway Park was adopted by City Council on August 26, 2002. Condition 3.2 of Exhibit A provided that no final plat shall be approved until the appropriate portions of Special Permit 74 and 74A are rescinded. Special Permit 74 and 74A allow the mobile home court.

The applicant, Jarock, Inc., has requested to amend Resolution A-81669 to delete condition 3.2 of Exhibit A. The purpose of the amendment is to allow Jarock, Inc. to final plat Fairway Park and continue to operate the existing mobile home court. A revised resolution is attached, as well as the original resolution.

## RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, Resolution No. A-81669, adopted by the City Council on August 26,  
2           2002, accepted and approved Jarock, Inc.'s preliminary plat of Fairway Park subject to the  
3           terms and conditions set forth in Exhibit A attached to and made a part of said resolution; and

4           WHEREAS, Condition 3.2 of Exhibit A provided that no final plat shall be  
5           scheduled on the Planning Commission agenda until after the appropriate portions of Special  
6           Permit Nos. 74 and 74A are rescinded according to the Phasing Plan; and

7           WHEREAS, Jarock, Inc. desires to final plat Fairway Park and continue to operate  
8           the existing mobile home court on said property pursuant to Special Permit Nos. 74 and 74A;  
9           and

10          WHEREAS, the City is willing to allow final plats of Fairway Park to be  
11          scheduled on the Planning Commission agenda without such portions of Special Permit Nos.  
12          74 and 74A first being rescinded, provided that Jarock, Inc. enters into an agreement that binds  
13          Jarock, Inc., its successors and assigns from converting the use of any lot within any final plat  
14          of Fairway Park until such time as the appropriate portions of Special Permit Nos. 74 and 74A  
15          are rescinded.

16          NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
17          Lincoln, Nebraska that Exhibit A attached to Resolution No. A-81669 be and the same is  
18          hereby amended as follows:

- 19                 1. Condition 3.2 is hereby deleted.
- 20                 2. Condition 3.3 is hereby amended by adding new sections 3.3.9 and 3.3.10

21          to read as follows:

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3.3.9 To not convert the use of any lot which is final platted from its existing use under Special Permit Nos. 74 and 74A until such time as said lot and other appropriate portions of Special Permit Nos. 74 and 74A are rescinded.

3.3.10 To not sell any final platted lot unless such sale is subject to the buyer agreeing to maintain the existing use of the lot under Special Permit Nos. 74 and 74A until such time as said lot and other appropriate portions of Special Permit Nos. 74 and 74A are rescinded.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2002:  
\_\_\_\_\_  
Mayor

RESOLUTION NO. A- 81669

1 WHEREAS, **Jarock, Inc.** has submitted the preliminary plat of **FAIRWAY**  
2 **PARK** and associated request for waiver of stormwater detention/retention, sidewalks  
3 along the south side of Theresa Street west of the private roadway, curve radius, and  
4 flood plain requirements for acceptance and approval; and

5 WHEREAS, the Lincoln City - Lancaster County Planning Commission  
6 has reviewed said preliminary plat and made recommendations as contained in the  
7 letter dated April 19, 2002, which is attached hereto as Exhibit "A"; and

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission  
9 recommended denial of the requested waivers for stormwater detention/retention and  
10 sidewalks along the south side of Theresa Street west of the private roadway.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
12 Lincoln, Nebraska:

13 That the preliminary plat of **FAIRWAY PARK**, located at N. 27th Street  
14 and Theresa Street as submitted by **Jarock, Inc.** is hereby accepted and approved,  
15 subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and  
16 made a part of this resolution as though fully set forth verbatim.

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

1           1.     The centerline radius requirements of the Design Standards are  
2 waived to permit shorter centerline radius for curves.

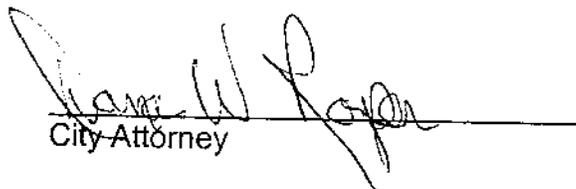
3           2.     The requirement of Section 26.23.181 of the Lincoln Municipal  
4 Code that all areas of habitation and employment be raised to one foot above the 100  
5 year flood elevation is hereby waived in order to minimize the amount of fill material  
6 required to be brought into the floodplain.

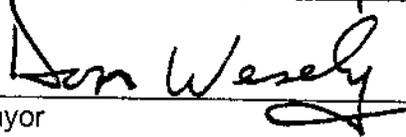
Introduced by:



AYES: Camp, Cook, Friendt,  
      McRoy, Seng, Svoboda;  
NAYS: None;  
ABSENT: Werner.

Approved as to Form & Legality:

  
City Attorney

Approved this 3<sup>rd</sup> day of Sept., 2002:  
  
Mayor

**ADOPTED**

AUG 26 2002

By City Council

EXHIBIT "A"

April 19, 2002

Ross Engineering  
August Ponstingl  
201 N. 8<sup>th</sup> 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. 27<sup>th</sup> & 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. 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. (\*\*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. 25<sup>th</sup> 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 improvements on 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