

City Council Introduction: **Monday**, October 1, 2001
Public Hearing: **Monday**, October 8, 2001, at **1:30 p.m.**

Bill No. 01R-261

FACTSHEET

TITLE: **WAIVER OF DESIGN STANDARDS NO. 01017**, requested by the Director of the Parks & Recreation Department, to waive utility service to the proposed lots in the Fairview Cemetery 2nd Addition administrative final plat, on property generally located on the northwest corner of Adams Street and North 84th Street.

STAFF RECOMMENDATION: Approval, provided that the equivalent cost of the water and sanitary sewer is paid at the time of connection.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 9/19/01
Administrative Action: 9/19/01

RECOMMENDATION: Approval, provided that the equivalent cost of the water and sanitary sewer is paid at the time of connection (8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4.
2. The applicant's testimony is found on p.5.
3. There was no testimony in opposition.
4. On September 19, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, as set forth in the staff report dated August 31, 2001.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 24, 2001

REVIEWED BY: _____

DATE: September 24, 2001

REFERENCE NUMBER: FS\CC\FSW01017

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #01017

DATE: August 31, 2001

PROPOSAL: Requested by the Director of Parks and Recreation Department for a Waiver of Design Standards to waive utility service to the proposed lots in the administrative subdivision that is currently under review, Administrative Final Plat Fairview Cemetery 2nd Addition #00082.

LAND AREA: 19.15 acres

CONCLUSION: This is not in conformance with the Land Subdivision Ordinance or the Comprehensive Plan, however this application is unique because it deals with cemetery land and parkland both of which are public uses. There is no need for utility service at this time, however the applicant shall be required to pay the equivalent cost of the water and sanitary sewer at the time connection is made.

RECOMMENDATION: Waive sanitary sewer and water, provided that the equivalent cost of the water and sanitary sewer is paid at the time of connection:
Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 and 2, Fairview Cemetery 1st Addition and Lot 37 Irregular Tract, located in the SE1/4 of Section 10, T10N, R7E, Lincoln, Lancaster County, Nebraska.

LOCATION: Generally located on the northwest corner of Adams and North 84th Streets

APPLICANT: Lynn Johnson
Director of Parks and Recreation

OWNERS: City of Lincoln, and
Wyuka Cemetery

CONTACT: Lynn Johnson
Parks and Recreation

EXISTING ZONING: P, Public Use District

EXISTING LAND USE: Undeveloped, cemetery

SURROUNDING LAND USE AND ZONING:

North:	Mahoney Park	P, Public Use District
South:	Golf Course	P, Public Use District
East:	Single family dwellings and undeveloped	AG, Agricultural
West:	Mahoney Park	P, Public Use District

HISTORY: Changed from AA Rural to P Public Use District during the 1979 Zoning Update.

On **June 11, 2001** City Council approved the waiver of additional 17 feet of right-of-way along Adams Street adjacent to Lot 1, Fairview Cemetery 1st Addition.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Land Use Plan indicates this area as Public. The Comprehensive Plan specifies that public and semi-public land includes lands held by non-governmental owners which serve a similar purpose such as cemeteries.

The Functional Street and Road Classification indicates 84th Street as an Urban Principal Arterial and Adams Street as an Urban Minor Arterial.

UTILITIES: Sewer and water are not available to this area at this time. According to Title 26, the Land Subdivision Ordinance, when a property is inside the corporate limits and where utilities are reasonably accessible it is required that utilities be extended to serve each lot. Utilities may not be necessary for the purposes of the landowner, however utility extension along arterial streets is crucial to the future growth and service limit of the City. The Public Works & Utilities Department recommends that the cost of the equivalent water and sanitary sewer main be paid at the time of connection.

TRAFFIC ANALYSIS: The Functional Street and Road Classification indicates 84th Street as an Urban Principal Arterial and Adams Street as an Urban Minor Arterial.

ANALYSIS:

1. This is a waiver of the subdivision requirement of extending utilities to each lot within the city limits.
2. The Subdivision Ordinance states in 26.11.010(c):
"The conveyance of portions of property that have been declared surplus by any governmental agency shall not be required to comply with the purposes of this title. For purposes of this subsection, a governmental agency shall include the federal government, the State of Nebraska, any natural resources district, any county, the City, or any village within the jurisdiction of the City. Any such surplus property so conveyed may not thereafter be separately conveyed or devoted to a separate use without complying with all otherwise applicable requirements for lots within the zoning district in which such surplus property is situated".
3. Although not required, Wyuka and the Parks and Recreation Department are using the subdivision process to update the plat maps to reflect ownership patterns.
4. The Public Works & Utilities Department indicated that sewer and water service is not available to this area at this time. The Public Works & Utilities Department does not object to waiving the design standards for subdivision regulations for serving each lot with sewer and water. However, the Public Works & Utilities Department indicated that at the time of connection, the equivalent cost of the water and sewer main be paid by the beneficiaries of service.

5. A subdivision agreement shall be signed by the owners indicating that a connection fee shall be required at the time a connection is made to the sanitary sewer and water mains.

Prepared by:

Becky Horner
Planner

WAIVER OF DESIGN STANDARDS NO. 01017

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 19, 2001

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

Planning staff recommendation: Approval of the waiver of sewer and water, provided that the equivalent cost of the water and sanitary sewer is paid at the time of connection.

Proponents

1. **Lynn Johnson, Director of Parks & Recreation**, presented the application, explaining that this waiver acknowledges existing use of the property as cemetery and golf course. There is a proposed condition that Fairview Cemetery would agree to pay connection fees if and when there is some development of the property that requires utilities. Johnson has discussed this with the cemetery and they have agreed to that condition.

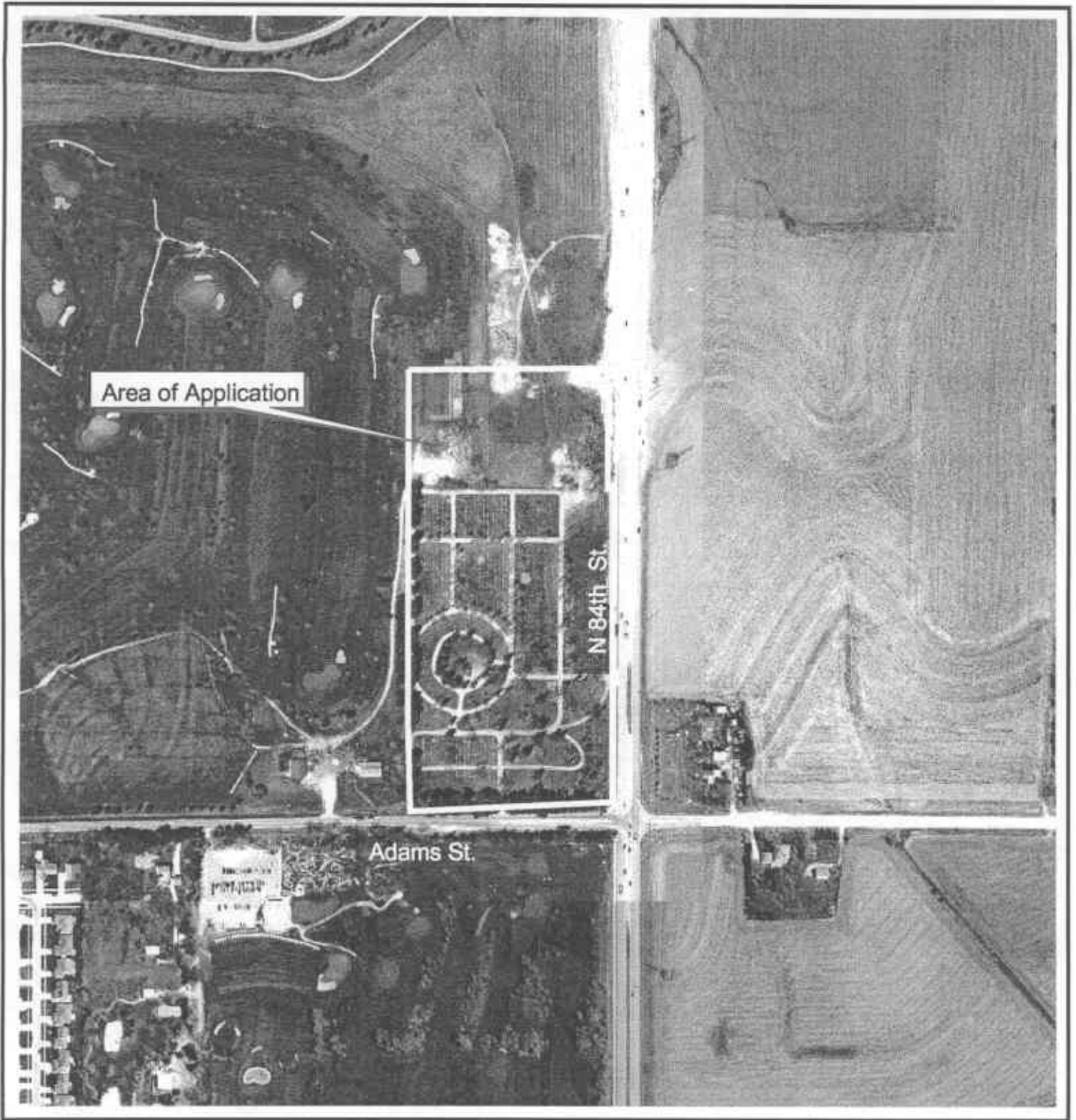
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 19, 2001

Duvall moved approval, as set forth in the staff report dated August 31, 2001, seconded by Hunter and carried 8-0: Hunter, Carlson, Steward, Taylor, Duvall, Bills, Newman and Schwinn voting 'yes'; Krieser absent.



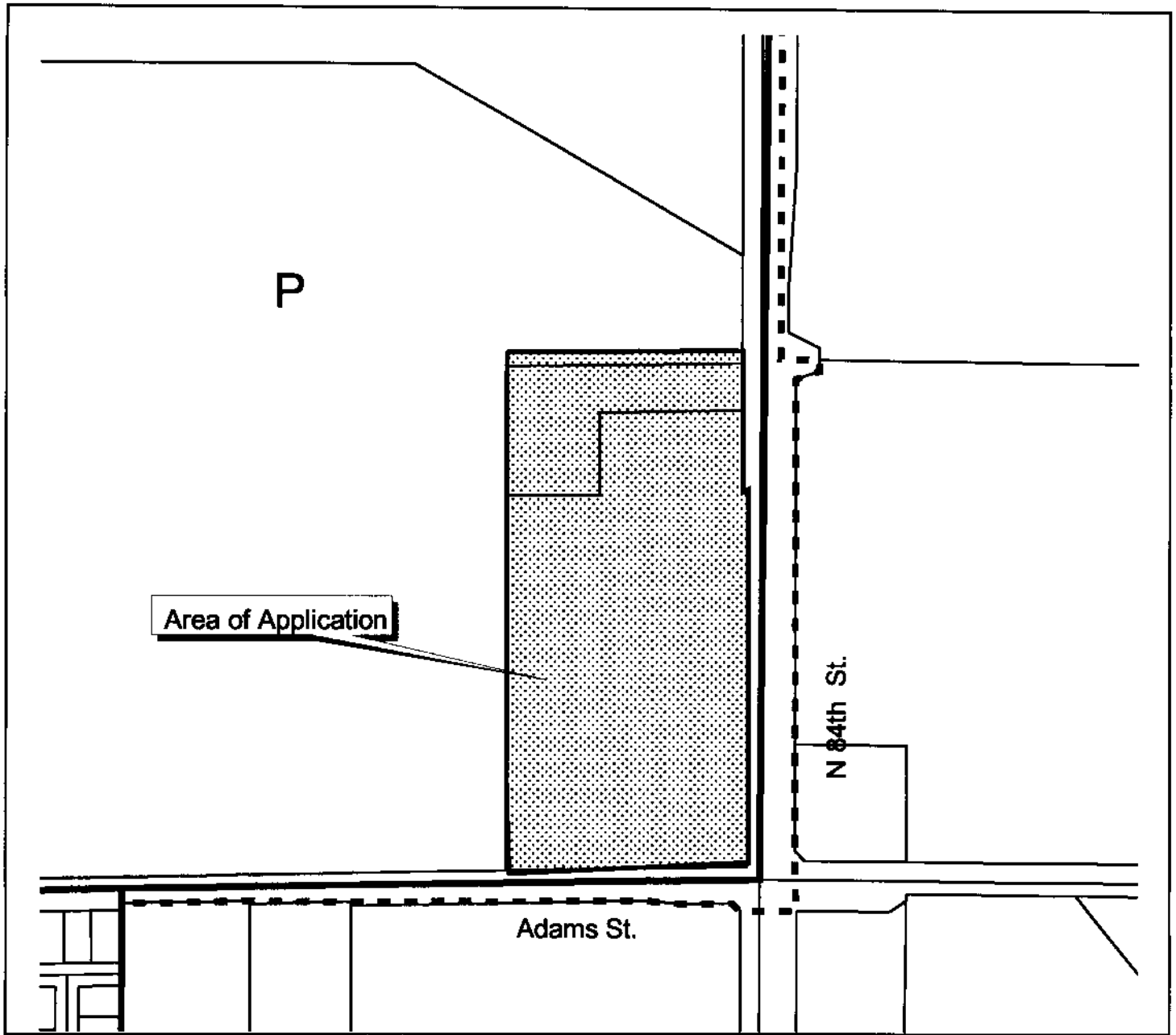
Area of Application

N 84th St.

Adams St.

**Waiver of Design Standards #01017
N. 84th & Adams**



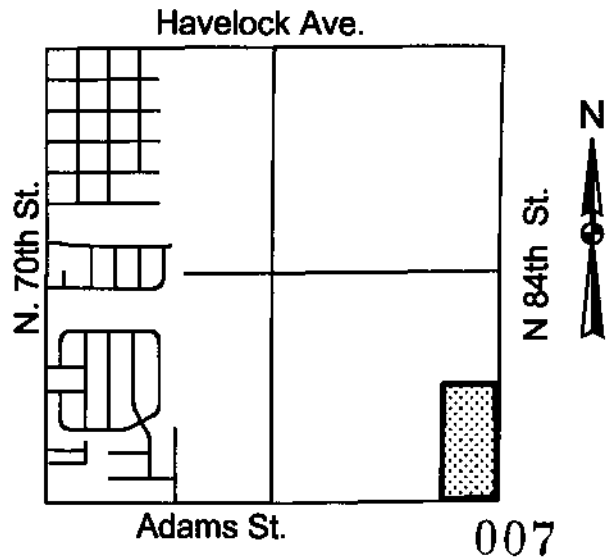
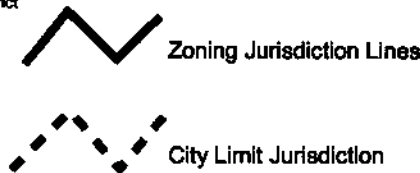


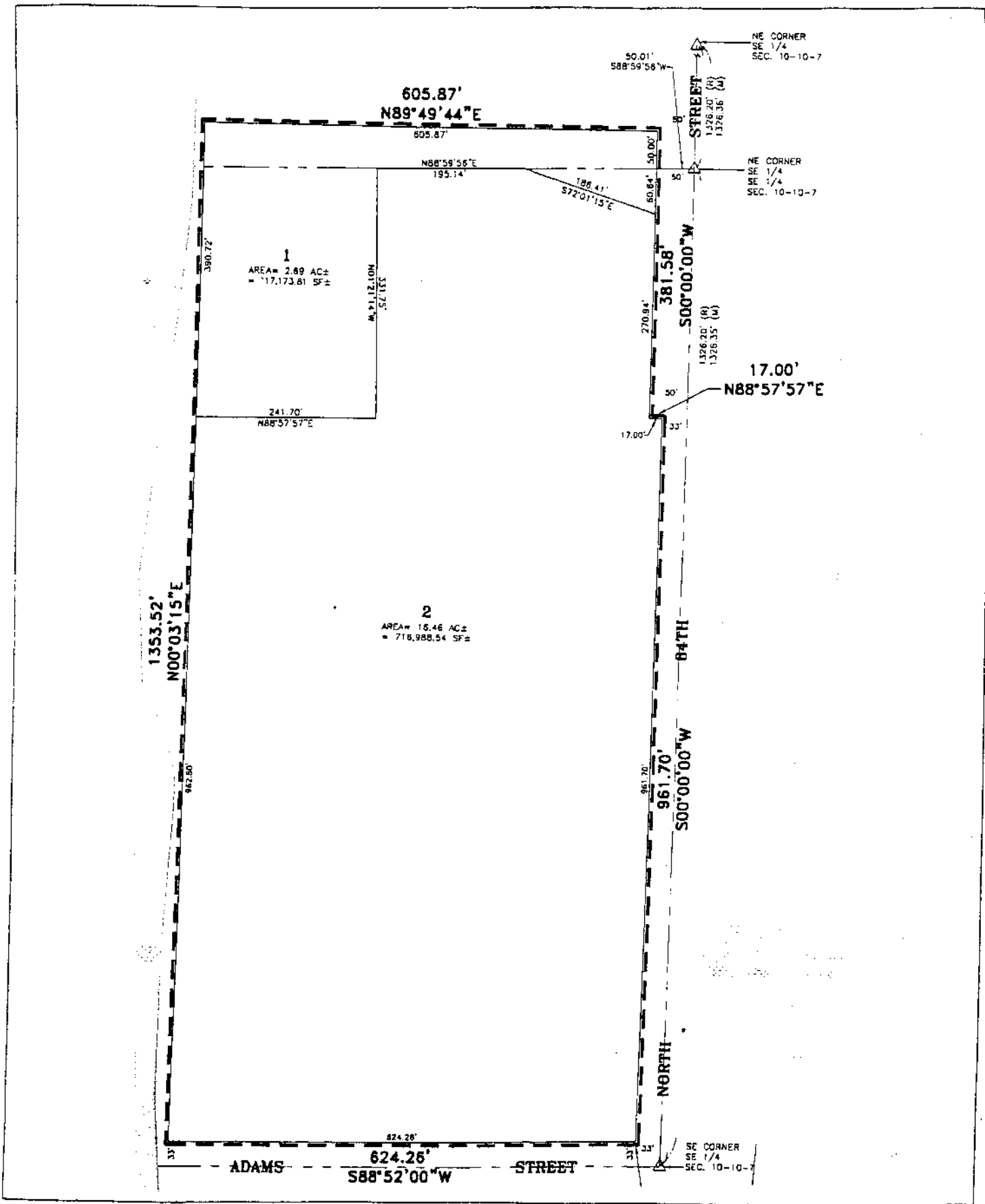
Waiver of Design Standards #01017 N. 84th & Adams

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-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. 10 T10N R7E





**FAIRVIEW CEMETERY 2ND ADDITION
PROPOSED LOT LAYOUT**

Date: 9/5/01



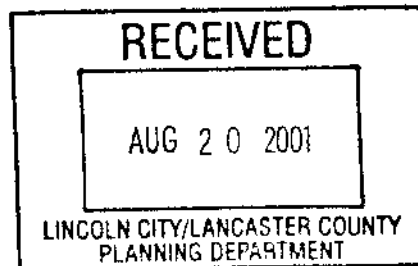
Memorandum

August 11, 2001

TO: Ray Hill, Planning

FR: Lynn Johnson, Parks and Recreation

RE: Fairview Cemetery, 2nd Addition



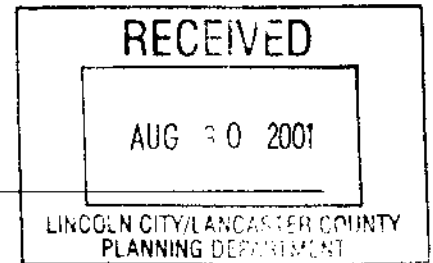
The purpose of this memo is to request a waiver from the provisions of the Land Subdivision regulation regarding utility service to the proposed lots.

Ownership of proposed Lot1 will be retained by the City of Lincoln. The parcel adjoins Mahoney Park to the north and Mahoney Golf Course to the west. At present the parcel is incorporated as part of Mahoney Golf Course. Any future use of this parcel associated with improvements to either Mahoney Park or Mahoney Golf Course would be in conjunction with adjoining lots having frontage and utility access on North 84th Street and/or Adams Street.

Lot 2 incorporates the existing area of Fairview Cemetery and area for future expansion. Fairview Cemetery is owned and managed by Wyuka Cemetery. Representatives of Wyuka Cemetery do not envision development of office or other facilities on the site which would require access to public utilities.

Please phone me at 441-8265 with questions or comments regarding this waiver request. Thank you for your assistance.

Memorandum



To: Ray Hill, Planning Department

From: Gary Lacy, Public Works and Utilities

GLL

Subject: Waive Utility Service to Lots in Fairview Cemetery, 2nd Addition

Date: August 29, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request to waive sewer and water to Fairview Cemetery, 2nd Addition at 84th Street and Adams. Public Works has the following comments:

1. Sewer and water service is not available to this plat at this time. Engineering Services does not object to waiving the subdivision requirements for serving each lot with sewer and water.
2. Recent discussion with a developer concerning development of the southeast corner of 84th and Adams indicate the need to construct a 16" water main in Adams, west of 84th. This development should be responsible for half the cost of an equivalent 6" water main for its Adams Street frontage. A \$7800 surety should be required with this plat with a requirement that the development pay this cost when the main is built.