

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1808B

1 WHEREAS, NEBCO, Inc. has submitted an application designated as
 2 Special Permit No. 1808B for authority to amend Fallbrook Community Unit Plan to expand
 3 the boundaries of the CUP, revise the layout of a portion of the single-family residential
 4 area, to transfer dwelling units to the single-family residential area, to waive non-radial lot
 5 lines, and to allow an intersection with a grade greater than 3%, on property located north
 6 of Highway 34, south of Alvo Road and west of North 1st Street, and legally described to
 7 wit:

8 Outlots A, B, H, J, M, and a portion of N, O, Q, R, and T,
 9 Fallbrook Addition; Lots 5 through 7, Block 10; Lots 1 through
 10 9, Block 12; Lots 1 and 2, Block 13; Lots 1 through 8 and Lots
 11 10 through 15, Block 11; all of Fallbrook Addition, Lots 1
 12 through 12, Block 1, Lots 1 through 18, Block 2, Outlots A, B,
 13 and C, Fallbrook 1st Addition; Lots 1 through 12 and Outlots A
 14 and B, Fallbrook 3rd Addition, and Lot 8 I.T.; all located in the
 15 South Half of Section 34, Township 11 North, Range 6 East,
 16 Lancaster County, Nebraska;

17 WHEREAS, the real property adjacent to the area included within the site
 18 plan for this community unit plan will not be adversely affected; and

19 WHEREAS, the requested waiver to allow non-radial lot line is not necessary
 20 as the non-radial lot lines provide a better street and lot layout and are permissible
 21 pursuant to Lincoln Municipal Code § 26.23.140(c).

22 WHEREAS, said site plan together with the terms and conditions hereinafter
 23 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
 24 Code to promote the public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of NEBCO, Inc., hereinafter referred to as "Permittee",
4 to amend Fallbrook Community Unit Plan to expand the boundaries of the CUP, revise the
5 layout of a portion of the single-family residential area, and to transfer dwelling units to the
6 single-family residential area, on the property legally described above, be and the same
7 is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the
8 Lincoln Municipal Code upon condition that construction and operation of said dwelling
9 units be in strict compliance with said application, the site plan, and the following additional
10 express terms, conditions, and requirements:

11 1. This permit approves 316 dwelling units and a waiver of the urban
12 public street Design Standards to allow the intersection at N.W. 6th Street and Blue Sage
13 Road to have a grade greater than 3.0%.

14 2. Before receiving building permits:

15 a. The Permittee must submit a revised and reproducible final
16 plan including five copies to the Planning Department.

17 b. The construction plans must conform to the approved plans.

18 c. Final plats within the area of this community unit plan must be
19 approved by the City.

20 3. Before occupying the dwelling units all development and construction
21 must be completed in conformance with the approved plans.

22 4. All privately-owned improvements must be permanently maintained
23 by the owner or an appropriately established homeowners association approved by the City
24 Attorney.

1 5. The site plan approved by this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking, and circulation
3 elements, and similar matters.

4 6. The terms, conditions, and requirements of this resolution shall be
5 binding and obligatory upon the Permittee, its successors, and assigns. The building
6 official shall report violations to the City Council which may revoke the special permit or
7 take such other action as may be necessary to gain compliance.

8 7. The Permittee shall sign and return the City's letter of acceptance to
9 the City Clerk within 30 days following approval of the special permit, provided, however,
10 said 30-day period may be extended up to six months by administrative amendment. The
11 City Clerk shall file a copy of the resolution approving the special permit and the letter of
12 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
13 Permittee.

14 8. The site plan as approved with this resolution voids and supersedes
15 all previously approved site plans, however all resolutions approving previous permits
16 remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2002: _____ Mayor
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