

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1174G

1 WHEREAS, Chateau Development, LLC has submitted an application designated as
 2 Special Permit No. 1174G for authority to expand the Chateau La Fleur/Charleston Court
 3 Community Unit Plan to add 144 multiple-family dwelling units, on property generally located at
 4 N. 56th Street and Holdrege to N. Cotner Boulevard and Vine Street and legally described as:

5 Lots 1-5, Chateau First Addition, Lincoln, Lancaster County,
 6 Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission denied said
 8 application after holding a public hearing thereon; and

9 WHEREAS, Chateau Development, LLC filed a Notice of Appeal appealing the action of
 10 the Planning Commission denying Special Permit No. 1174G; and

11 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed from is
 12 deemed advisory and the City Council is authorized to take final action on the matter; and

13 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
 14 property adjacent to the area included within the site plan for this amendment to the community
 15 unit plan, will not be adversely affected by granting such a permit; and

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

19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
 20 Nebraska:

21 That the application of Chateau Development, LLC, hereinafter referred to as "Permittee",
 22 to amend the Chateau La Fleur/Charleston Court Community Unit Plan to add 144 multiple-family

1 dwelling units, on Lots 1-5, Chateau First Addition, be and the same is hereby granted under the
2 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition
3 that construction of said community unit plan be in substantial compliance with said application,
4 the site plan, and the following additional express terms, conditions, and requirements:

- 5 1. This permit approves 826 dwelling units and 94 elderly housing units.
- 6 2. The City Council must approve associated request, Change of Zone #08033
- 7 3. Before receiving building permits:
 - 8 a. The Permittee shall cause to be prepared and submitted to the Planning
9 Department a revised and reproducible final site plan including 5 copies
10 with all required revisions as listed below:
 - 11 i. Revise the Development Summary to the satisfaction of the
12 Planning Department. The parking and density calculations need to
13 be corrected and clarified.
 - 14 ii. Revise the community unit plan boundary to include Lot 5, Chateau
15 1st Addition.
 - 16 iii. Revise the change of zone boundaries to be consistent with Change
17 of Zone #08033.
 - 18 iv. Revise the title block on all sheets to delete "Amended Community
19 Unit #___ & Change of Zone #___" to state "Community Unit Plan
20 #1174G".
 - 21 v. Show the easement for the existing trunk sewer.
 - 22 vi. Revise the plans to the satisfaction of Public Works to show an
23 alternative method for providing sanitary sewer service to the
24 proposed 18 unit building on Norfolk Drive.
 - 25 vii. Revise the site plan to remove or relocate the 18 unit building south
26 of Salisbury Court adjacent to Deadmans Run or provide
27 information that the building envelope does not interfere with the
28 easement for the existing trunk sewer.
 - 29 viii. Revise the plans to show a second vehicular access and a looped
30 water supply system to the proposed development on Abbey Court.
 - 31 ix. Add a note to Sheet 2 General Site Notes that states "A second
32 open vehicular access with a public access easement or common
33 access easement shall be constructed prior to the issuing of
34 building permits for any dwelling units south of Abbey Court."

- 1 x. Revise the plans to show a 30' setback from the boundary of the
2 community unit plan to be more consistent with the existing
3 development.
- 4 xi. Revise the plans to show additional recreational facilities that
5 comply with the City of Lincoln Design Standards. This is to
6 compensate for the recreational facility proposed to be removed.
- 7 xii. Add to the General Notes, "Signs need not be shown on this site
8 plan, but need to be in compliance with Chapter 27.69 of the Lincoln
9 Zoning Ordinance, and must be approved by Building & Safety
10 Department prior to installation".
- 11 b. The construction plans must substantially comply with the approved plans.
12
- 13 c. The Permittee shall provide documentation from the Register of Deeds that
14 the letter of acceptance as required by the approval of the special permit
15 has been recorded.
- 16 4. Before occupying the new dwelling units all development and construction must
17 substantially comply with the approved plans.
- 18 5. All privately-owned improvements, including landscaping and recreational facilities,
19 must be permanently maintained by the Permittee or an appropriately established homeowners
20 association approved by the City.
- 21 6. The Permittee must annually certify that all occupied dwelling units for elderly
22 housing are occupied by individuals meeting the requirements for elderly or retirement housing.
- 23 7. The physical location of all setbacks and yards, buildings, parking and circulation
24 elements, and similar matters must be in substantial compliance with the location of said items as
25 shown on the approved site plan.
- 26 8. The terms, conditions, and requirements of this resolution shall run with the land
27 and shall bind and obligate the Permittee, its successors and assigns.
- 28 9. The Permittee shall sign and return the letter of acceptance to the City Clerk within
29 60 days following the approval of the special permit, provided, however, said 60-day period may
30 be extended up to six months by administrative amendment. The City Clerk shall file a copy of
31 the resolution approving the special permit and the letter of acceptance with the Register of
32 Deeds, filling fees therefor to be paid in advance by the applicant.

1 10. The site plan as approved with this resolution voids and supersedes all previously
2 approved site plans, however the terms, conditions and requirements of all resolutions/ordinances
3 approving previous permits shall remain in force except as specifically amended by this
4 resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2008:

Mayor