

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

SPECIAL PERMIT NO. 1901

1           WHEREAS, Michael Thomalla and Marty Fortney have submitted an  
 2 application designated as Special Permit No. 1901 for authority to develop Vavik Ridge  
 3 Community Unit Plan consisting of 22 dwelling units for elderly housing on property located  
 4 at S. 56th Street and Elkcrest Drive, and legally described to wit:

5                   Lot 126 I.T., in the Northeast Quarter of Section 8, Township  
 6                   9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster  
 7                   County, Nebraska;

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

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

13           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
 14 Lincoln, Nebraska:

15           That the application of Michael Thomalla and Marty Fortney, hereinafter  
 16 referred to as "Permittee", to develop Vavik Ridge Community Unit Plan consisting of 22  
 17 dwelling units for elderly housing, on the property legally described above, be and the  
 18 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of  
 19 the Lincoln Municipal Code upon condition that construction and operation of said  
 20 community unit plan be in strict compliance with said application, the site plan, and the  
 21 following additional express terms, conditions, and requirements:

1                   1.       This permit approves a community unit plan with 22 dwelling units for  
2 elderly housing including 100 percent density bonus.

3                   2.       The City Council hereby approves the following modifications to the  
4 zoning and subdivision requirements:

5                   a.       A modification of Section 27.11.080(a) of the Lincoln Municipal  
6 Code to reduce the required front yard from 30 feet to 25 feet  
7 along S. 56th Street and to 26 feet along the north side of  
8 Vavik Place and the east and west side of S. 55th Court.

9                   b.       A modification of Section 27.11.080(a) of the Lincoln Municipal  
10 Code to reduce the required side yard from 20 feet to 5 feet on  
11 all lots.

12                   c.       A modification of Section 27.11.080(a) of the Lincoln Municipal  
13 Code to reduce the required rear yard from the lesser of 30  
14 feet or 20 percent of lot depth to 12 feet on Lots 1 through 8,  
15 Block 1, and to 20 feet on Lots 1 through 4, Block 2, and Lots  
16 1 through 10, Block 3.

17                   d.       A waiver of Section 26.23.140(a) of the Lincoln Municipal Code  
18 requiring lots not to exceed a 3-to-1 depth to width ratio on  
19 Lots 1 through 8, Block 1, Lots 1 through 4, Block 2, and Lots  
20 1 through 10, Block 3.

21                   e.       A waiver of Section 26.23.095 of the Lincoln Municipal Code  
22 requiring sidewalks on the east side of S. 55th Court south of  
23 Vavik Place.

24                   f.       A modification of City of Lincoln Design Standards to reduce  
25 the required 4 feet between the curb and sidewalk to 0 feet on  
26 both sides of S. 55th Court.

27                   3.       Before receiving building permits:

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

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

31                   c.       Final plats within Vavik Ridge CUP must be approved by the  
32 City.  
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1           4.       During the construction process, the Permittee will be responsible for  
2 controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air  
3 Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall  
4 include, but are not limited to, application of water to roads, driveways, parking lots on site,  
5 site frontage and any adjacent business or residential frontage. Planting and maintenance  
6 of vegetable ground cover will also be incorporated as necessary.

7           5.       Before occupying the dwelling units all development and construction  
8 must be completed in conformance with the approved plans.

9           6.       All privately-owned improvements must be permanently maintained  
10 by the Permittee or an appropriately established homeowners association approved by the  
11 City.

12          7.       The site plan approved by this permit shall be the basis for all  
13 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
14 elements, and similar matters.

15          8.       The terms, conditions, and requirements of this resolution shall be  
16 binding and obligatory upon the Permittee, their successors, and assigns. The building  
17 official shall report violations to the City Council which may revoke the special permit or  
18 take such other action as may be necessary to gain compliance.

19          9.       The Permittee shall sign and return the City's letter of acceptance to  
20 the City Clerk within 30 days following approval of the special permit, provided, however,  
21 said 30-day period may be extended up to six months by administrative amendment. The  
22 City Clerk shall file a copy of the resolution approving the special permit and the letter of

- 1 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
- 2 Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this ____ day of _____, 2001:  _____ Mayor
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