

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 622F

1 WHEREAS, Villas at Lakeside L.L.C. has submitted an application designated as
 2 Special Permit No. 622F for authority to amend Lakeside Village Community Unit Plan from 130
 3 units in five apartment buildings to 54 townhouses on individual lots, to redesign the roadway within
 4 the townhouse area, to revise the locations of garages, and to add parking stalls, with waivers of
 5 the requirement to submit a preliminary plat, to grant the Planning Director authority to approve an
 6 administrative final plat based upon the approved community unit plan and an administrative final
 7 plat that includes a private roadway, to waive the stormwater detention requirements, and to
 8 exceed the maximum number of dwelling units on a dead-end street on property located at
 9 Lakeside Drive and West Lakeshore Drive, and legally described to wit:

10 Lots 1, 2, Lakeside Village Addition, and Lot 1 and Outlot A,
 11 Lakeside Village 2nd Addition, located in Section 21, Township 10
 12 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

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

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

18 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
 19 public hearing on said application and by Resolution No. PC-00568 has conditionally approved Use
 20 Permit No. 622F; and

21 WHEREAS, Villas at Lakeside L.L.C. has appealed the action of the Lincoln City-
 22 Lancaster County Planning Commission approving Special Permit 622F with regard to requests
 23 for waivers of certain required conditions; and

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

3 That the application of Villas at Lakeside L.L.C., hereinafter referred to as
4 "Permittee", to amend the Lakeside Village Community Unit Plan from 130 units in five apartment
5 buildings to 54 townhouses on individual lots, to redesign the roadway within the townhouse area,
6 to revise the locations of garages, and to add parking stalls, on the property legally described
7 above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter
8 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said
9 community unit plan be in strict compliance with said application, the site plan, and the following
10 additional express terms, conditions, and requirements:

- 11 1. This permit approves 54 dwelling units on 54 townhouse lots.
- 12 2. The requirement that the Permittee submit a preliminary plat is waived.
- 13 3. The Planning Director is hereby authorized to approve an Administrative
14 Final Plat based upon the approved Community Unit Plan.
- 15 4. The Planning Director is hereby authorized to approve an Administrative
16 Final Plat that includes a private roadway within this Community Unit Plan.
- 17 5. The requirement of Lincoln Municipal Code § 26.23.080 that dead-end
18 streets shall not have more than a potential 40 dwelling units is hereby waived to allow 42 dwelling
19 units on the dead end street of Surfside Drive.
- 20 6. Administrative Final Plats will be approved by the Planning Director provided
21 the Permittee has completed or posted a surety to guarantee the completion of the public streets,
22 private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities,
23 land preparation and grading, sediment and erosion control measures, storm water
24 detention/retention facilities, drainageway improvements, street lights, landscaping screens, street
25 trees, temporary turnaround and barricades, and street name signs.

1 7. The Permittee shall enter into a signed Subdivision Agreement that binds the
2 Subdivider, its successors and assigns, which shall provide as follows:

3 a. To submit a plan for approval of the Director of Public Works showing
4 proposed measures to control sedimentation and erosion and the proposed method to temporarily
5 stabilize all graded land.

6 b. To complete the private improvements shown on the Community Unit
7 Plan.

8 c. To maintain the outlots and private improvements on a permanent
9 and continuous basis. However, the subdivider may be relieved and discharged of this
10 maintenance obligation upon creating in writing a permanent and continuous association of
11 property owners who would be responsible for said permanent and continuous maintenance. The
12 subdivider shall not be relieved of such maintenance obligation until the document or documents
13 creating said property owners association have been reviewed and approved by the City Attorney
14 and filed of record with the Register of Deeds.

15 d. To continuously and regularly maintain the street trees along
16 Lakeside Drive, the private roadways, and landscape screens.

17 e. To submit to the lot buyers and home builders a copy of the soil
18 analysis.

19 f. To pay all improvement costs.

20 g. To comply with the provisions of the Land Preparation and Grading
21 requirements of the Land Subdivision Ordinance.

22 h. To properly and continuously maintain and supervise the private
23 facilities which have common use or benefit, and to recognize that there may be additional
24 maintenance issues or costs associated with providing for the proper functioning of storm water
25 detention/retention facilities as they were designed and constructed within the development, and
26 that these are the responsibility of the land owner.

1 i. To inform all purchasers and users that the land is located within the
2 outer approach zone of the Airport Environs District and that all construction shall be in
3 conformance with the airport zoning requirements and the aviation and noise easement and
4 covenant agreement.

5 j. To inform all purchases and users that the land is located within a
6 noise impact zone as established by the Nebraska Department of Roads based upon proximity to
7 Interstate 80, and that no noise abatement devices will be installed by the Nebraska Department
8 of Roads along the Interstate.

9 8. Before receiving building permits:

10 a. The Permittee must submit an acceptable, revised and reproducible
11 final plan including five copies.

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

13 c. Administrative Final Plats must conform to the approved Community
14 Unit Plan and be approved administratively by the Planning Director.

15 9. Before occupying the dwelling units all development and construction must
16 be completed in conformance with the approved plans.

17 10. All privately-owned improvements must be permanently maintained by the
18 Permittee or an appropriately established homeowners association approved by the City Attorney.

19 11. The site plan approved by this permit shall be the basis for all interpretations
20 of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
21 matters.

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor