

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2005

1 WHEREAS, Gene and Patricia Schmidt have submitted an application designated
 2 as Special Permit No. 2005 for authority to construct Betty’s Haven Community Unit Plan consisting
 3 of 23 dwelling units, with waivers to the lot width, lot depth to width ratio, the requirement to submit
 4 a preliminary plat, and the requirements that final plats accepting the dedication of public streets
 5 and private roadways be reviewed by the Planning Commission, on property generally located at
 6 W. South Street and S. Coddington Ave. and legally described to wit:

7 Lot 131 I.T., in the Southwest Quarter of Section 33, Township 10
 8 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

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

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

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

16 That the application of Gene and Patricia Schmidt, hereinafter referred to as
 17 "Permittee", to develop Betty’s Haven Community Unit Plan consisting of 23 dwelling units, on the
 18 property legally described above, be and the same is hereby granted under the provisions of
 19 Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
 20 construction and operation of said community unit plan be in strict compliance with said application,
 21 the site plan, and the following additional express terms, conditions, and requirements:

- 22 1. This permit approves 23 dwelling units.

1 2. Grants authority to the Planning Director to approve an administrative final
2 plat without a preliminary plat.

3 3. Grants authority to the Planning Director to approve an administrative final
4 plat accepting the dedication of private roadways.

5 4. Administrative Final Plats will be approved by the Planning Director provided
6 the Permittee has completed or posted a surety to guarantee the completion of the public streets,
7 private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities,
8 land preparation and grading, sediment and erosion control measures, storm water
9 detention/retention facilities, drainageway improvements, street lights, landscaping screens, street
10 trees, temporary turnaround and barricades, and street name signs.

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

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

16 b. To complete the private improvements shown on the Community Unit
17 Plan.

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

- 1 d. To continuously and regularly maintain the street trees along S.
2 Coddington Avenue and W. South Street, the private roadways, and landscape screens.
- 3 e. To submit to the lot buyers and home builders a copy of the soil
4 analysis.
- 5 f. To pay all improvement costs.
- 6 g. To comply with the provisions of the Land Preparation and Grading
7 requirements of the Land Subdivision Ordinance.
- 8 h. To protect the trees that are indicated to remain during construction
9 and development.
- 10 i. To properly and continuously maintain and supervise the private
11 facilities which have common use or benefit, and to recognize that there may be additional
12 maintenance issues or costs associated with providing for the proper functioning of storm water
13 detention/retention facilities as they were designed and constructed within the development, and
14 that these are the responsibility of the land owner.
- 15 j. To relinquish the right of direct vehicular access to W. South Street
16 and S. Coddington Avenue except as shown on the site plan.
- 17 k. To inform all purchasers and users that the land is located within the
18 outer approach zone of the Airport Environs District and that all construction shall be in
19 conformance with the airport zoning requirements and the aviation and noise easement and
20 covenant agreement.
- 21 6. Before receiving building permits:
- 22 a. The Permittee must submit an acceptable, revised and reproducible
23 final plan including six copies.
- 24 b. The construction plans must conform to the approved plans.

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

3 7. Before occupying the dwelling units all development and construction must
4 be completed in conformance with the approved plans and the sidewalk along South Street has
5 been constructed.

6 8. All privately-owned improvements must be permanently maintained by the
7 Permittee or an appropriately established homeowners association approved by the City Attorney.

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

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

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

20 BE IT FURTHER RESOLVED that this permit approves the following modifications
21 to the requirements of Title 26 of the Lincoln Municipal Code:

- 22 1. The required lot width is hereby waived.
- 23 2. The required lot area for single family dwellings is hereby waived.
- 24 3. The lot depth to width ratio is waived.
- 25 4. The Requirement to submit preliminary plat is revised as follows:

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The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of § 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor