

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04023

1 WHEREAS, Rose Investments, Inc. has submitted an application
2 designated as Special Permit No. 04023 for authority to develop Flat Iron Crossing
3 Community Unit Plan for 34 dwelling units, together with requested waivers to the City
4 of Lincoln Design Standards and Land Subdivision Ordinance requirements regarding
5 the filing of a preliminary plat with the special permit, minimum lot area, maximum block
6 length, pedestrian way easement, lot depth to width ratio, providing a recreational
7 facility, sidewalks and location of sanitary sewer and water mains, on property generally
8 located west of N. 33rd Street and south of Apple Street, and legally described to wit:

9 A portion of Lots 1 and 2, Koser Subdivision, and a portion
10 of the vacated Missouri Pacific Railroad, all located in the
11 Northwest Quarter of Section 19, Township 10 North, Range
12 7 East of the Sixth Principal Meridian, Lancaster County,
13 Nebraska, more particularly described by metes and bounds
14 as follows:

15 Commencing at the southwest corner of Lot 2, Koser
16 Subdivision; thence north 00°06'18" west (an assumed
17 bearing) on the east right of way line of North 30th Street, a
18 distance of 19.16 feet to the point of beginning; thence
19 continuing on said bearing a distance of 127.61 feet; thence
20 south 89°30'46" east, a distance of 189.89 feet; thence
21 south 00°04'35" east, a distance of 20.00 feet; thence south
22 89°23'06" east, a distance of 1286.63 feet; thence south
23 00°04'03" east, a distance of 30.04 feet; thence south
24 00°00'16" east, a distance of 22.70 feet; thence south
25 00°02'25" east, a distance of 80.97 feet; thence south 89°49'
26 19" west, a distance of 1153.66 feet; thence north 00°01'37"
27 west, a distance of 113.66 feet; thence on a curve to the left,
28 having a radius of 286.50 feet, a central angle of 27°29'36",
29 a chord bearing of south 76°16'49" west, a chord distance of

1 136.16 feet to a point of reverse curvature; thence on a
2 curve to the right, having a radius of 313.50 feet, a central
3 angle of 27°21'41", a chord bearing of south 76°45'40" east,
4 a chord distance of 148.29 feet; thence south 89°53'42"
5 east, a distance of 40.77 feet; thence on a curve to the left,
6 having a radius of 20.00 feet, a central angle of 16°38'55", a
7 chord bearing of south 81°34'15" west, a chord distance of
8 5.79 feet to the point of beginning, and containing a
9 calculated area of 192,015.87 square feet or 4.41 acres
10 more or less;

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

13 WHEREAS, the area included within the site plan for this community unit
14 plan is surrounded by such development or unusual conditions that strict application of
15 the design standards and subdivision requirements would result in actual difficulties or
16 substantial hardship; and

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

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

22 That the application of Rose Investments, Inc., hereinafter referred to as
23 "Permittee", to develop Flat Iron Crossing Community Unit Plan consisting of 34
24 dwelling units, on the property legally described above, be and the same is hereby
25 granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln
26 Municipal Code upon condition that construction and operation of said community unit
27 plan be in strict compliance with said application, the site plan, and the following
28 additional express terms, conditions, and requirements:

1 1. This permit approves 34 dwelling units and waives design
2 standards and subdivision requirements regarding filing a preliminary plat, minimum lot
3 area, maximum block length, pedestrian way easement, lot depth to width ratio,
4 providing a recreational facility, installing sidewalks on the north side of the private
5 roadway, and location of sanitary sewer and water mains.

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

15 3. Before receiving building permits:

- 16 a. The Permittee must submit an acceptable, revised and
17 reproducible final plan including six copies.
- 18 b. The construction plans must conform to the approved plans.
- 19 c. Final plats will be approved by the Planning Director after:
 - 20 i. The Permittee completes or posts a surety to
21 guarantee the completion of the public streets, private
22 roadway improvements, sidewalks, sanitary sewer
23 system, water system, drainage facilities, land
24 preparation and grading, sediment and erosions
25 control measures, storm water detention/retention
26 facilities, drainageway improvements, street lights,
27 landscaping screens, street trees, temporary
28 turnaround and barricades, and street name signs.

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- ii. The Subdivider signs an agreement that binds the Subdivider, its successors and assigns:
 - (1) To complete the street paving of O'Carroll Street (to be renamed) shown on the final plat within two years following the approval of the final plat.
 - (2) To complete the installation of sidewalks along the north side of O'Carroll Street (to be renamed) and along N. 30th and N. 33rd Streets as shown on the final plat within four years following the approval of the final plat.
 - (3) To complete the public water distribution system to serve this plat within two years following the approval of the final plat.
 - (4) To complete the public wastewater collection system to serve this plat within two years following the approval of the final plat.
 - (5) To complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two years following the approval of the final plat.
 - (6) To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two years following the approval of the final plat.
 - (7) To complete the installation of private street lights along streets within this plat within two years following the approval of the final plat.
 - (8) To complete the planting of the street trees along streets within this plat within two years following the approval of the final plat.
 - (9) To complete the installation of the street name signs within two years following the approval of the final plat.
 - (10) To complete any other public or private improvement or facility required by Chapter

1 26.23 (Development Standards) of the Land
2 Subdivision Ordinance in a timely manner
3 which inadvertently may have been omitted
4 from the above list of required improvements.

5 (11) To Submit to the Director of Public Works a
6 plan shown proposed measures to control
7 sedimentation and erosion and the proposed
8 method to temporarily stabilize all graded land
9 for approval.

10 (12) To complete the public and private
11 improvements shown on the Community Unit
12 Plan.

13 (13) To retain ownership of or the right of entry to
14 the outlots in order to maintain the outlots and
15 private improvements on a permanent and
16 continuous basis and to maintain the plants in
17 the medians and islands on a permanent and
18 continuous basis. However, the subdivider
19 may be relieved and discharged of this
20 maintenance obligation upon creating, in
21 writing, a permanent and continuous
22 association of property owners who would be
23 responsible for said permanent and continuous
24 maintenance. The subdivider shall not be
25 relieved of such maintenance obligation until
26 the private improvements have been
27 satisfactorily installed and the documents
28 creating the association have been reviewed
29 and approved by the City Attorney and filed of
30 record with the Register of Deeds.

31 (14) To continuously and regularly maintain the
32 street trees along the private roadways.

33 (15) To submit to the lot buyers and home builders
34 a copy of the soil analysis.

35 (16) To pay all design, engineering, labor, material,
36 inspection, and other improvement costs.

37 (17) To disclose to the lot buyers that the Lincoln
38 Lancaster County Health Department is
39 concerned about potential risks associated
40 with residential near an I-1 Industrial District.

1 (18) To comply with the provisions of the Land
2 Preparation and Grading requirements of the
3 Land Subdivision Ordinance.

4 (19) To properly and continuously maintain and
5 supervise the private facilities which have
6 common use or benefit, and to recognize that
7 there may be additional maintenance issues or
8 costs associated with providing for the proper
9 functioning of storm water detention/retention
10 facilities as they were designed and
11 constructed within the development, and that
12 these are the responsibility of the land owner.

13 (20) To post the required security to guarantee
14 completion of the required improvements if the
15 improvements are not completed prior to
16 approval of the final plat.

17 4. Before occupying the dwelling units all development and
18 construction must be completed in conformance with the approved plans.

19 5. All privately-owned improvements must be permanently maintained
20 by the Permittee or an appropriately established homeowners association approved by
21 the City Attorney.

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

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

29 8. The Permittee shall sign and return the City's letter of acceptance
30 to the City Clerk within 30 days following approval of the special permit, provided,

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor