

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04036

1 WHEREAS, Bob Rentfro has submitted an application designated as Special
 2 Permit No. 04036 for authority to develop Village Pointe at Capitol Beach Community Unit
 3 Plan consisting of 18 dwelling units, with requested waivers to the lot area, lot width,
 4 stormwater detention and recreation plan requirements on property located at W. Industrial
 5 Lake Drive and Lamont Drive, and legally described to wit:

6 Lot 1 and 2, Block 3, Lincoln Saline Wetland Nature Center 1st
 7 Addition, Lots 3 through 13, Block 7, and Outlot A, Capitol
 8 Beach East Addition, and the east 30 feet of Lamont Drive
 9 adjacent thereto, all located in the East Half of Section 22,
 10 Township 10 North, Range 6 East of the 6th P.M., Lancaster
 11 County, Nebraska;

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

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

17 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 18 Lincoln, Nebraska:

19 That the application of Bob Rentfro, hereinafter referred to as "Permittee",
 20 to develop Village Point at Capitol Beach Community Unit Plan, on the property legally
 21 described above, be and the same is hereby granted under the provisions of Section
 22 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
 23 construction and operation of said community unit plan be in strict compliance with said

1 application, the site plan, and the following additional express terms, conditions, and
2 requirements:

3 1. This permit approves 18 dwelling units and the following waivers to the
4 Land Subdivision Ordinance, Zoning Code and Design Standards:

5 a. The requirement of Lincoln Municipal Code § 26.11.020 that a
6 preliminary plat is required for all subdivisions is waived, except that
7 this waiver of the preliminary plat shall only be effective for a period
8 of ten years from the date of the this approval, and shall be of no
9 force or effect thereafter. This waiver is further subject to the
10 requirement that if any final plat on all or a portion of the approved
11 community unit plan is submitted five years or more after the
12 effective date of the community unit plan, the City may require that
13 a new community unit plan be submitted, pursuant to all the
14 provisions of Section 26.31.015. A new community unit plan may be
15 required if the subdivision ordinance, the design standards, or the
16 required improvements have been amended by the city; and as a
17 result, the community unit plan as originally approved does not
18 comply with the amended rules and regulations.

19 b. The requirements of Lincoln Municipal Code § 27.15.080(a) which
20 require a minimum lot area of 6,000 sq. ft. and an average lot width
21 of 50 ft. are waived in order to create more lots within the CUP in
22 order to provide affordable housing.

23 c. The requirement of Lincoln Municipal Code § 26.23.105 for on-site
24 stormwater detention to limit the peak rate of stormwater discharge
25 from the subdivision is waived as the Department of Public Works &
26 Utilities has determined stormwater detention is not necessary for
27 this development.

28 2. Before receiving building permits:

29 a. The Permittee must submit an acceptable revised and
30 reproducible final plan including five copies.

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

32 c. Final plats within the area of this CUP must be approved by
33 the City.

34 3. Before occupying the dwelling units all development and construction
35 must be completed in conformance with the approved plans.

1 4. All privately-owned improvements must be permanently maintained
2 by the Permittee or an appropriately established homeowners association approved by the
3 City Attorney.

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

7 6. The terms, conditions, and requirements of this resolution shall be
8 binding and obligatory upon the Permittee and Permittee's successors, and assigns. The
9 building official shall report violations to the City Council which may revoke the special
10 permit or take such other action as may be necessary to gain compliance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor