

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

SPECIAL PERMIT NO. 04042

1           WHEREAS, Hoegemeyer Palmer Construction has submitted an application  
2 designated as Special Permit No. 04042 for authority to construct Lattimer’s Addition  
3 Community Unit Plan consisting of 12 single family dwelling units, with requested waivers  
4 to waive the preliminary plat process and to waive the requirement that recreational  
5 facilities be provided, on property located on the east side of S. 84th Street, south of Kathy  
6 Lane, and legally described to wit:

7                   Lot 71, Irregular Tract in the Northwest Quarter of Section 11,  
8                   Township 9 North, Range 7 East of the 6th P.M., Lancaster  
9                   County, Nebraska;

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

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

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

17           That the application of Hoegemeyer Palmer Construction, hereinafter referred  
18 to as "Permittee", to construct Lattimer’s Addition Community Unit Plan consisting of 12  
19 single family dwelling units, on the property legally described above, be and the same is  
20 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln

1 Municipal Code upon condition that construction and operation of said community unit plan  
2 be in strict compliance with said application, the site plan, and the following additional  
3 express terms, conditions, and requirements:

4 1. This permit approves 12 lots and the following waivers to the Land  
5 Subdivision Ordinance, Zoning Code and Design Standards:

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

22 b. The requirement of Section 1.3 of the Design Standards for  
23 Community Plans that adequate and appropriate recreational  
24 facilities be provided in the common open area is waived as there  
25 is no common open area within this development and the lot sizes  
26 are comparable to typical single-family homes not located within a  
27 community unit plan.

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 community unit plan must be  
33 approved by the City.

34 3. Before occupying the dwelling units all development and construction  
35 must be completed in conformance with the approved plans.  
36

1           4. All privately-owned improvements must be permanently maintained  
2 by the Permittee or an appropriately established homeowners association approved 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, its successors, and assigns. The building  
9 official shall report violations to the City Council which may revoke the special permit or  
10 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