

RESOLUTION NO. A-_____

USE PERMIT NO. 04005A

1 WHEREAS, RLM, LLC, has submitted an application in accordance with
2 Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04005A to
3 reduce the side and rear yard setbacks on property generally located at N.W. 1st Street and
4 Barons Road, and legally described as:

5 Lots 1 - 15, Block 1; Lots 1 - 13, Block 2, Outlots A and B; Baron's
6 Ridge Addition; and Lots 1 and 2, Block 1; Lots 1 and 2, Block 2;
7 Baron's Ridge 2nd Addition, Lincoln, Lancaster County, Nebraska;

8 WHEREAS, the real property adjacent to the area included within the site plan for
9 this amendment to the development within the use permit will not be adversely affected; and

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

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

15 That the application of RLM, LLC, hereinafter referred to as "Permittee", to
16 reduce the side and rear yard setbacks, on the property legally described above be and the
17 same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal
18 Code upon condition that construction and operation of said development be in strict
19 compliance with said application, the site plan, and the following additional express terms,
20 conditions, and requirements:

- 21 1. This permit approves 10,000 square feet of office and 30 dwelling units and
22 reduces the rear yard setback from 30' to 25' for Lots 1-17, Block 1 and from 30' to 20' for Lots
23 1-13, Block 2; and reduces the side yard setback from 7.5 feet to 5 feet for Lots 1-17, Block 1
24 and Lots 1-13, Block 2. All previous waivers approved by Use Permit #04005 remain in effect.

1 2. Final plats within the area of this Use Permit must be approved by the City.

2 3. If any final plat on all or a portion of the approved use permit is submitted five (5)
3 years or more after the approval of the use permit, the city may require that a new use permit
4 plan be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be
5 required if the subdivision ordinance, the design standards, or the required improvements have
6 been amended by the City; and as a result, the use permit as originally approved does not
7 comply with the amended rules and regulations.

8 4. Before the approval of a final plat, the public streets, private roadway
9 improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,
10 land preparation and grading, sediment and erosions control measures, storm water
11 detention/retention facilities, drainageway improvements, street lights, landscaping screens,
12 street trees, temporary turnaround and barricades, and street name signs, must be completed
13 or provisions (bond, escrow or security agreement) to guarantee completion must be approved
14 by the City Law Department. The improvements must be completed in conformance with
15 adopted design standards and within the time period specified in the Land Subdivision
16 Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may
17 be furnished for sidewalks and street trees along major streets that have not been improved to
18 an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security
19 agreement may be furnished for street trees on a final plat with 10 or fewer lots.

20 5. Before the approval of a final plat, the Permittee must enter into a Subdivision
21 Agreement with the City wherein Permittee as Subdivider agrees:

22 a. To complete the paving of private roadway, and temporary turnarounds
23 and barricades located at the temporary dead-end of the private
24 roadways shown on the final plat within two (2) years following the
25 approval of this final plat.

26 b. To complete the installation of sidewalks along both sides of NW
27 Pemberly Lane as shown on the final plat within four (4) years following
28 the approval of the final plat.

- 1 c. To complete the public water distribution system to serve this plat within
2 two (2) years following the approval of the final plat.
- 3 d. To complete the public wastewater collection system to serve this plat
4 within two (2) years following the approval of the final plat.
- 5 e. To complete the enclosed public drainage facilities shown on the
6 approved drainage study to serve this plat within two (2) years following
7 the approval of the final plat.
- 8 f. To complete the enclosed private drainage facilities shown on the
9 approved drainage study to serve this plat within two (2) years following
10 the approval of the final plat.
- 11 g. To complete land preparation including storm water detention/retention
12 facilities and open drainageway improvements to serve this plat prior to
13 the installation of utilities and improvements but not more than two (2)
14 years following the approval of the final plat
- 15 h. To complete the installation of private street lights along the private street
16 within this plat within two (2) years following the approval of the final plat.
- 17 i. To complete the planting of the street trees along NW Pemberly Lane
18 within this plat within four (4) years following the approval of the final plat.
- 19 j. To complete the planting of the landscape screen within this plat within
20 two (2) years following the approval of the final plat.
- 21 k. To complete the installation of the street name signs within two (2) years
22 following the approval of the final plat.
- 23
- 24 l. To complete the installation of the permanent markers prior to
25 construction on or conveyance of any lot in the plat.
- 26 m. To complete any other public or private improvement or facility required
27 by Chapter 26.23 (Development Standards) of the Land Subdivision
28 Ordinance in a timely manner which inadvertently may have been omitted
29 from the above list of required improvements.
- 30 n. To complete the public and private improvements shown on the Use
31 Permit.
- 32 o. To submit to the Director of Public Works a plan showing proposed
33 measures to control sedimentation and erosion and the proposed method
34 to temporarily stabilize all graded land for approval.
- 35 p. To retain ownership of and the right of entry to the outlots in order to
36 perform the above-described maintenance of the outlots and private
37 improvements on a permanent and continuous basis. However,
38 Subdivider(s) may be relieved and discharged of such maintenance
39 obligations upon creating in writing a permanent and continuous
40 association of property owners who would be responsible for said
41 permanent and continuous maintenance subject to the following
42 conditions:

- 1 (1) Subdivider shall not be relieved of Subdivider's maintenance
2 obligation for each specific private improvement until a register
3 professional engineer or nurseryman who supervised the
4 installation of said private improvement has certified to the City
5 that the improvement has been installed in accordance with
6 approved plans.
- 7 (2) The maintenance agreements are incorporated into covenants
8 and restrictions in deeds to the subdivided property and the
9 documents creating the association and the restrictive covenants
10 have been reviewed and approved by the City Attorney and filed
11 of record with the Register of Deeds.
- 12 q. To maintain the outlots and private improvements on a permanent and
13 continuous basis.
- 14 r. To continuously and regularly maintain the street trees along the private
15 roadways and landscape screens.
- 16 s. To properly and continuously maintain and supervise the private facilities
17 which have common use or benefit, and to recognize that there may be
18 additional maintenance issues or costs associated with providing for the
19 proper functioning of storm water detention/retention facilities as they
20 were designed and constructed within the development, and that these
21 are the responsibility of the land owner.
- 22 t. To maintain the street trees along the private roadways and landscape
23 screens on a permanent and continuous basis.
- 24 u. To submit to the lot buyers and home builders a copy of the soil analysis.
- 25 6. Upon approval of the Use Permit by the City Council, the developer shall cause
26 to be prepared and submitted to the Planning Department a revised and reproducible final plot
27 plan including 5 copies with all required revisions and documents as listed below.
- 28 a Add to the General Notes, "Signs need not be shown on this site plan,
29 but need to be in compliance with chapter 27.69 of the Lincoln Zoning
30 Ordinance, and must be approved by Building & Safety Department prior
31 to installation".
- 32 b Delete Note #18 under General Notes. Administrative Amendment
33 #06048 deleted this note.
- 34 c. In Waiver #1, change 40 feet to 30 feet.
- 35 d. In Waiver #2, change 15 feet to 7.5 feet and 7.5 feet to 5 feet.
- 36 e. Identify the lot line for Lots 14 & 15, Block 2.
- 37 7. Prior to building permit:

1 a. Ornamental street lights for private roadways and pedestrian way
2 easements are approved by L.E.S.

3 b. The construction plans comply with the approved plans.

4 8. Before occupying the dwelling units / buildings all development and construction
5 is to comply with the approved plans.

6 9. All privately-owned improvements, including landscaping and recreational
7 facilities, are to be permanently maintained by the owner or an appropriately established
8 homeowners association approved by the City.

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

12 11. This resolution's terms, conditions, and requirements bind and obligate the
13 permittee, its successors and assigns.

14 12. The applicant shall sign and return the letter of acceptance to the City Clerk
15 within 60 days following the approval of the special permit, provided, however, said 60-day
16 period may be extended up to six months by administrative amendment. The clerk shall file a
17 copy of the resolution approving the special permit and the letter of acceptance with the
18 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

19 13. The site plan as approved with this resolution voids and supersedes all
20 previously approved site plans, however all resolutions approving previous permits remain in
21 force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor