

RESOLUTION NO. A-_____

USE PERMIT NO. 137A

1 WHEREAS, Pioneer Woods/Normandy Court Association has submitted an
 2 application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as
 3 Use Permit No. 137A to amend Use Permit No. 137 in order to reduce the existing front yard
 4 setback in front of Lot 3 along S. 16th Street and to add eight parking stalls on property
 5 generally located at S. 16th Street and Normandy Court, and legally described as:

6 Lots 1, 2, 3, 4, 5, 6, and 7, all in Kensington Plaza Addition,
 7 located in the Southwest Quarter of Section 12, Township 9 North,
 8 Range 6 East of the 6th P.M., City of Lincoln, Lancaster County,
 9 Nebraska, and more particularly described as follows:

10 Commencing at the northwest corner of said Lot 3, said point
 11 being on the east line of South 16th Street right-of-way, said point
 12 also being the true point of beginning; thence easterly along the
 13 north line of said Lot 3, and the north line of Lots 4 and 5, on an
 14 assumed bearing of south 89 degrees 58 minutes 59 seconds
 15 east, a distance of 810.68 feet to the northeast corner of said Lot
 16 5; thence south 45 degrees 37 minutes 10 seconds west along the
 17 southeast line of said Lot 5, and the southeast line of Lots 6, 7,
 18 and 1, a distance of 719.18 feet to the southeast corner of said Lot
 19 1, said point being on the north line of Old Cheney Road right-of-
 20 way; thence north 89 degrees 11 minutes 53 seconds west along
 21 the south line of said Lot 1, said line being the north line of Old
 22 Cheney Road right-of-way, a distance of 277.58 feet to the
 23 southwest corner of said Lot 1; thence north 44 degrees 35
 24 minutes 57 seconds west along the southwest line of said Lot 1,
 25 said line being the northeast line of said right-of-way, a distance of
 26 35.60 feet to a southwest corner of said Lot 1, said point being on
 27 the east line of South 16th Street right-of-way; thence north 00
 28 degrees 00 minutes 00 seconds east along the west line of said
 29 Lot 1, the west line of Lot 2, and a west line of said Lot 3, said line
 30 being the east line of South 16th Street right-of-way, a distance of
 31 395.33 feet to a point of curvature of a non-tangent curve in a
 32 clockwise direction having a radius of 560.00 feet, a central angle
 33 of 08 degrees 04 minutes 46 seconds, an arc distance of 78.97
 34 feet along a west line of said Lot 3, said line being an east line of
 35 said right-of-way, a tangent length of 39.55 feet, a chord bearing
 36 of north 04 degrees 16 minutes 12 seconds east, and a chord
 37 distance of 78.90 feet to the point of beginning, said tract contains
 38 a calculated area of 280,449.39 square feet or 6.44 acres, more or
 39 less;

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

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

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
7 Lincoln, Nebraska:

8 That the application of Pioneer Woods/Normandy Court Association, hereinafter
9 referred to as "Permittee", to amend Use Permit No. 137 in order to reduce the existing front
10 yard setback in front of Lot 3 along S. 16th Street and to add eight parking stalls, on the
11 property legally described above be and the same is hereby granted under the provisions of
12 Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation
13 of said development be in substantial compliance with said application, the site plan, and the
14 following additional express terms, conditions, and requirements:

15 1. This permit approves a waiver to the front yard setback from 20 feet to 8.5 feet in
16 front of Lot 3 along S. 16th Street as shown on the site plan and will provide 100 percent
17 screening from 0 to 3 feet in front of the new parking area along S. 16th Street.

18 2. Upon approval of the use permit by the City Council, the developer shall cause to
19 be prepared and submitted to the Planning Department a revised and reproducible final site
20 plan including five copies before receiving building permits.

21 3. Before applying for a building permit all development and construction must
22 substantially comply with the approved plans.

23 4. All privately-owned improvements, including landscaping and recreational
24 facilities, are to be permanently maintained by the owner or an appropriately established
25 homeowners association approved by the City.

1 5. The physical location of all setbacks and yards, buildings, parking and circulation
2 elements, and similar matters must be in substantial compliance with the location of said Items
3 as shown on the approved site plan.

4 6. This resolution's terms, conditions, and requirements bind and obligate the
5 permittee, its successors and assigns.

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2008: _____ Mayor
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