

(Appeal of Planning Commission Action)

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

SPECIAL PERMIT NO. 08039

1           WHEREAS, Lincoln Federal Bancorp, Inc. has submitted an application  
2 designated as Special Permit No. 08039 for authority to develop Stone Bridge View Community  
3 Unit Plan for 35 single-family lots and 31 lots that may be a combination of single-family  
4 detached, two-family or townhouses, together with a request to waive the requirements of the  
5 Land Subdivision Ordinance to reduce the average lot width for single family detached  
6 dwellings, minimum lot area requirement, and depth to width ratio, on property generally located  
7 southeast of N. 14th Street and Humphrey Drive and legally described as:

8           A portion of Stone Bridge Creek 8th Addition, located in the  
9 Southwest Quarter of Section 36, Township 11 North, Range 6  
10 East of the 6th Principal Meridian, Lancaster County, Nebraska  
11 and more particularly described by metes and bounds as follows:

12           Commencing at the West Quarter corner of Section 36, Township  
13 11 North, Range 6 East of the 6th Principal Meridian, Lancaster  
14 County, Nebraska; thence south 89 degrees 35 minutes 54  
15 seconds east for a distance of 2638.19 feet to a point on the north  
16 line of the Southwest Quarter; thence south 38 degrees 54  
17 minutes 07 seconds west for a distance of 610.28 feet; thence  
18 south 38 degrees 46 minutes 18 seconds west for a distance of  
19 79.98 feet to the point of beginning; thence south 38 degrees 45  
20 minutes 36 seconds west for a distance of 1130.98 feet, on the  
21 north right-of-way of Interstate 80; thence north 32 degrees 03  
22 minutes 30 seconds west for a distance of 315.49 feet on the  
23 south line of Lot 48, Block 1 to the northwest corner of Lot 48,  
24 Block 1; thence on a curve to the right having a radius of 470.00  
25 feet and an arc length of 24.75 feet, being subtended by a chord  
26 of north 73 degrees 15 minutes 21 seconds east for a distance of  
27 24.74 feet to a point on the north line of Lot 48, Block 1; thence on  
28 a curve to the left having a radius of 630.00 feet and an arc length  
29 of 18.42 feet, being subtended by a chord of north 74 degrees 00  
30 minutes 25 seconds east for a distance of 18.42 feet to a point on  
31 the north line of Lot 47, Block 1; thence north 29 degrees 38  
32 minutes 21 seconds west for a distance of 61.70 feet to the  
33 southwest corner of Lot 13, Block 5; thence north 29 degrees 38  
34 minutes 21 seconds west for a distance of 159.80 feet on the

1 north line of Lots 1 and 2, Block 5, to the northeast corner of Lot 2,  
2 Block 5; thence north 40 degrees 33 minutes 00 seconds west for  
3 a distance of 130.97 feet on the north line of Lots 2-4, Block 5, to  
4 the northwest corner of Lot 4, Block 5; thence north 50 degrees 21  
5 minutes 27 seconds west for a distance of 65.69 feet on the north  
6 line of Lot 5, Block 5, to the northwest corner of Lot 5, Block 1;  
7 thence north 54 degrees 01 minutes 03 seconds west for a  
8 distance of 78.88 feet on the north line of Lot 6, Block 5, to the  
9 northwest corner of Lot 6, Block 5; thence on a curve to the left  
10 having a radius of 1530.01 feet and an arc length of 117.76 feet,  
11 being subtended by a chord of north 33 degrees 43 minutes 55  
12 seconds east for a distance of 117.73 feet to a point on the north  
13 line of Lot 7, Block 5; thence north 31 degrees 28 minutes 48  
14 seconds east for a distance of 3.63 feet on the south right-of-way  
15 of Elbert Drive to the northwest corner of Lot 7, Block 5; thence  
16 along a curve to the right having a radius of 870.00 feet and an  
17 arc length of 74.24 feet, being subtended by a chord of south 54  
18 degrees 03 minutes 15 seconds east for a distance of 74.22 feet  
19 to a point on the north line of Lot 7, Block 5; thence north 40  
20 degrees 16 minutes 11 seconds east for a distance of 60.00 feet  
21 to the southeast corner of Lot 25, Block 7; thence north 40  
22 degrees 33 minutes 23 seconds east for a distance of 10.70 feet  
23 on the north right-of-way of Belford Street to a point on the east  
24 line of Lot 7, Block 5; thence on a curve to the right having a  
25 radius of 280.02 feet and an arc length of 64.25 feet, being  
26 subtended by a chord of north 46 degrees 56 minutes 44 seconds  
27 east for a distance of 64.12 feet to the northeast corner of Lot 25,  
28 Block 7; thence north 36 degrees 32 minutes 58 seconds west for  
29 a distance of 151.37 feet on the north line of Lot 25, Block 7, to  
30 the northeast corner of Lot 25, Block 7; thence north 72 degrees  
31 57 minutes 11 seconds east for a distance of 143.84 feet on the  
32 south line of Lots 3-5, Block 7, to the southeast corner of Lot 5,  
33 Block 7; thence north 88 degrees 51 minutes 58 seconds east for  
34 a distance of 230.69 feet on the south line of Lots 6-9, Block 7 to  
35 the southeast corner of Lot 9, Block 7; thence south 68 degrees  
36 43 minutes 10 seconds east for a distance of 87.28 feet on the  
37 south line of Lots 10-11, Block 7, to the southeast corner of Lot  
38 11, Block 7; thence south 51 degrees 19 minutes 40 seconds east  
39 for a distance of 260.19 feet on the south line of Lots 12-15, Block  
40 7, to the southeast corner of Lot 15, Block 7; thence south 51  
41 degrees 19 minutes 40 seconds east for a distance of 60.07 feet  
42 to a point on the west line of Lot 26, Block 1; thence north 38  
43 degrees 44 minutes 24 seconds east for a distance of 297.63 feet  
44 on the west line of Lots 18-26, Block 1, to the northwest corner of  
45 Lot 18, Block 1; thence south 51 degrees 22 minutes 21 seconds  
46 east for a distance of 133.68 feet to the northeast corner of Lot 18,  
47 Block 1; thence south 51 degrees 46 minutes 00 seconds east  
48 and the point of beginning, and containing a calculated area of  
49 11.13 acres, more or less;

1           WHEREAS, the Lincoln City-Lancaster County Planning Commission  
2 conditionally approved said application after holding a public hearing thereon; and

3           WHEREAS, Brad and Amy Okamoto on behalf of the Stone Bridge Creek  
4 homeowners filed a Notice of Appeal appealing the action of the Planning Commission's  
5 conditional approval of Special Permit No. 08039; and

6           WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed  
7 from is deemed advisory and the City Council is authorized to take final action on the matter; and

8           WHEREAS, the community as a whole, the surrounding neighborhood, and the  
9 real property adjacent to the area included within the site plan for this community unit plan will not  
10 be adversely affected by granting such a permit; and

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

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

17           That the application of Lincoln Federal Bancorp, Inc., hereinafter referred to as  
18 "Permittee", to develop Stone Bridge View Community Unit Plan for 35 single-family lots and 31  
19 lots that may be a combination of single-family detached, two-family or townhouses, be and the  
20 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the  
21 Lincoln Municipal Code upon condition that construction of said development be in substantial  
22 compliance with said application, the site plan, and the following additional express terms,  
23 conditions, and requirements:

1           1.       This permit approves 66 dwelling units (35 single-family lots and 31 lots that may  
2 be a combination of single-family detached, two-family or townhouses), and grants the following  
3 adjustment to the Zoning Code and Land Subdivision Ordinance.

4           a.       The requirement in Sections 27.15.080 and 27.19.080 of the Lincoln  
5 Municipal Code that single family dwelling (detached) lots in the R-3  
6 Residential District and the R-5 Residential District have an average lot  
7 width of 50 feet is hereby reduced to 40 feet.

8           b.       The requirement in Section 27.15.080 of the Lincoln Municipal Code that  
9 single-family dwelling lots in the R-3 Residential District have a minimum lot  
10 area of 6,000 square feet is hereby waived as shown on the site plan.

11          c.       The requirement of Section 26.23.140(a) of the Lincoln Municipal Code that  
12 residential lots shall have a maximum depth of three times its width is  
13 waived for those lots which exceed said ratio as shown on the site plan.

14          2.       Before receiving building permits:

15          a.       Permittee shall cause to be prepared and submitted to the Planning  
16 Department a revised and reproducible final plot plan including five copies  
17 showing the below required revisions.

18           i.       Add the waivers for lot width and lot area to the Waiver Notes.

19           ii.      Remove the tie lines from the townhouse lots.

20           iii.     Show the Outlot at the rear of Lots 1-31, block 4, that was approved  
21 with the preliminary plat. Identify the landscape easement in the  
22 Outlot.  
23

24           iv.     Show utility easements as requested by the Lincoln Electric System  
25 in the September 8, 2008 inter-department communication from  
26 Emily Koenig.

27           v.       Show the lot area for each lot.

28           vi.     Sign the Surveyor's Certificate.

29           vii.    Revise Note #6 under Site Specific Notes to read, "Lots 1-31, Block  
30 4, may be single-family detached, two-family or townhouses.  
31 Single-family detached shall have an average lot width of 40 feet.  
32 Two-family and townhouses shall meet the lot width and area of the  
33 R-5 district."

34           viii.   Add Vistar Homes as an owner. Vistar Homes owns two lots within  
35 the boundary of the CUP.

1 b. Provide documentation from the Register of Deeds that the letter of  
2 acceptance as required by the approval of the special permit has been  
3 recorded.

4 c. The construction plans substantially comply with the approved plans.

5  
6 d. Final plats must be approved by the City.

7  
8 If any final plat on all or a portion of the approved community unit plan is  
9 submitted five (5) years or more after the approval of the community unit  
10 plan, the city may require that a new community unit plan be submitted,  
11 pursuant to all the provisions of section 26.31.015. A new community unit  
12 plan may be required if the subdivision ordinance, the design standards, or  
13 the required improvements have been amended by the city; and as a result,  
14 the community unit plan as originally approved does not comply with the  
15 amended rules and regulations.

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

32 e. Permittee shall enter into an agreement with the City wherein Permittee as  
33 subdivider agrees:

34 i. to complete the installation of sidewalks along both sides of Belford  
35 St., Blanca Dr., and Grays Peak Dr. as shown on the final plat within  
36 four (4) years following the approval of the final plat.

37 ii. to complete the planting of the street trees along both sides of  
38 Belford St., Blanca Dr., and Grays Peak Dr. within this plat within  
39 four (4) years following the approval of the final plat.

40 iii. to complete the planting of the landscape screen within this plat  
41 within two (2) years following the approval of the final plat.  
42

- 1 iv. to complete the installation of the permanent markers prior to  
2 construction on or conveyance of any lot in the plat.
- 3 v. to complete any other public or private improvement or facility  
4 required by Chapter 26.23 (Development Standards) of the Land  
5 Subdivision Ordinance in a timely manner which inadvertently may  
6 have been omitted from the above list of required improvements.
- 7 vi. to submit to the Director of Public Works a plan showing proposed  
8 measures to control sedimentation and erosion and the proposed  
9 method to temporarily stabilize all graded land for approval.
- 10 vii. to comply with the provisions of the Land Preparation and Grading  
11 requirements of the Land Subdivision Ordinance.
- 12 viii. to complete the public improvements shown on the Community Unit  
13 Plan.
- 14 ix. to keep taxes and special assessments on the outlots from  
15 becoming delinquent.
- 16 x. to maintain private improvements in a condition as near as practical  
17 to the original construction on a permanent and continuous basis.
- 18 xi. to maintain the landscape screens on a permanent and continuous  
19 basis.  
20
- 21 xii. to retain ownership of and the right of entry to the outlots in order to  
22 perform the above-described maintenance of the outlots and private  
23 improvements on a permanent and continuous basis. However,  
24 Subdivider may be relieved and discharged of such maintenance  
25 obligations upon creating in writing a permanent and continuous  
26 association of property owners who would be responsible for said  
27 permanent and continuous maintenance subject to the following  
28 conditions:
- 29 (1) Subdivider shall not be relieved of Subdivider's maintenance  
30 obligation for each specific private improvement until a  
31 register professional engineer or nurseryman who  
32 supervised the installation of said private improvement has  
33 certified to the City that the improvement has been installed  
34 in accordance with approved plans.
- 35 (2) The maintenance agreements are incorporated into  
36 covenants and restrictions in deeds to the subdivided  
37 property and the documents creating the association and the  
38 restrictive covenants have been reviewed and approved by  
39 the City Attorney and filed of record with the Register of  
40 Deeds.

1           3.     Before occupying the dwelling units all development and construction must  
2 substantially comply with the approved plans.

3           4.     All privately-owned improvements, including landscaping, are to be permanently  
4 maintained by the Permittee or an appropriately established homeowners association approved  
5 by the City.

6           5.     The physical location of all setbacks and yards, buildings, parking and circulation  
7 elements, and similar matters must be in substantial compliance with the location of said items as  
8 shown on the approved site plan.

9           6.     The terms, conditions, and requirements of this resolution shall run with the land  
10 and be binding on the Permittee, its successors and assigns.

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

16          8.     The site plan as approved with this resolution voids and supersedes all previously  
17 approved site plans, however all resolutions/ordinances approving other previous permits remain  
18 in full force and effect except as specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ____ day of _____, 2008:  _____ Mayor
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