

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 11023

1 WHEREAS, Dan Klein and Martin Fortney of Regal Building Systems have
 2 submitted an application designated as Special Permit No. 11023 for authority to develop Magic
 3 Hills Community Unit Plan for 96 dwelling units on property generally located at N. 24th Street
 4 and Dodge Street and legally described as:

5 Outlot "A", Block 1, Northview 3rd Addition and Lot 1, Block 1,
 6 Northview 4th Addition, all located in the Northeast Quarter of
 7 Section 12, Township 10 North, Range 6 East, Lancaster County,
 8 Nebraska;

9 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a
 10 public hearing on said application and adopted Resolution No. PC-01250 conditionally
 11 approving the same; and

12 WHEREAS, Landon's Neighborhood Association and Regalton Neighborhood
 13 Association have filed a Notice of Appeal appealing the action of the Planning Commission
 14 conditionally approving Special Permit No. 11023; and

15 WHEREAS, the community as a whole, the surrounding neighborhood, and the
 16 real property adjacent to the area included within the site plan for this domiciliary care facility will
 17 not be adversely affected by granting such a permit; and

18 WHEREAS, said site plan together with the terms and conditions hereinafter set
 19 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and
 20 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
 21 general welfare.

22 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 23 Lincoln, Nebraska:

1 That the application of Dan Klein and Martin Fortney of Regal Building Systems,
2 hereinafter referred to as "Permittee", to develop Magic Hills Community Unit Plan for 96
3 dwelling units, be and the same is hereby granted under the provisions of Section 27.63.320
4 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said
5 development be in substantial compliance with said application, the site plan, and the following
6 additional express terms, conditions, and requirements:

7 1. This permit approves 96 apartment units in four buildings and a clubhouse, and
8 rescinds Special Permit Nos. 1820 and 1821.

9 2. The City Council must approve the associated change of zone 11035.

10 3. Before receiving building permits the Permittee shall:

11 a. Cause to be prepared and submitted to the Planning Department a
12 revised and reproducible final plot plan including five copies showing the
13 following revisions:

14 i. In the site information table change the required parking to 192.

15 ii. Delete Note #10 in the General Site Notes.

16 iii. Show a detail of the playground and the type of equipment within
17 the playground.

18 iv. On the south property line show a 40 foot building setback and a
19 15 foot parking setback.

20 v. On Lot 1, Block 1, change R-5 to R-4.

21 vi. Delete "change of zone" from the legal description.

22 vii. Remove the landscaping on the east side if it is not intended to
23 remain. If it is to remain, add a note stating landscaping to
24 remain.

25 viii. Remove the City Council approval block.

26 b. Post a \$2,250.00 surety to guarantee the expansion of the detention cell
27 and post a \$2,000.00 surety to guarantee the removal of the street return
28 to be rebuilt to driveway design standards.

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

3 d. The construction plans must substantially comply with the approved
4 plans.

5 4. Before occupying the dwelling units all development and construction is to
6 substantially comply with the approved plans.

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

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

13 7. The terms, conditions, and requirements of this resolution shall run with the land
14 and be binding upon the Permittee, its successors and assigns.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor