

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1423C

WHEREAS, Dru, Guy, and David Lammle have submitted an application designated as Special Permit No. 1423C for authority to amend the HiMark Estates Community Unit Plan to add land to the community unit plan, increase the number of dwelling units from 240 to 300 in the area designated for multi-family, and to approve the site plan for the multiple family area on property located at the northeast corner of South 84th Street and Old Cheney Road, and legally described to wit:

Lot 2 I.T., all of Outlot "D" HiMark Estates 1st Addition, Outlot "D", and that part of Outlot "E" HiMark Estates Addition, the part of Outlot "E" is more particularly described as:

Commencing at the northwest corner of Lot 7, block 2, HiMark Estates; thence north 00 degrees 00 minutes 00 seconds east (assumed bearing) along the west line of Lot 6, Block 2, HiMark Estates Addition 14.28 feet to the point of beginning; thence north 76 degrees 30 minutes 07 seconds, 540.46 feet along the north line of Outlot "D", HiMark Estates Addition; thence continuing along said north line south 89 degrees 54 minutes 36 seconds west, 275.0 feet to the east right-of-way line of 84th Street; thence north 00 degrees 05 minutes 27 seconds west, 70.0 feet along said right-of-way line; thence north 89 degrees 54 minutes 36 seconds east, 275.0 feet; thence south 71 degrees 16 minutes 39 seconds east, 555.01 feet to the west line of Lot 6, Block 2, HiMark Estates Addition; thence south 00 degrees 00 minutes 00 seconds east, 18.0 feet to the point of beginning, all located in the southwest Quarter of Section 11, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

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

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

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

That the application of Dru, Guy, and David Lammle, hereinafter referred to as "Permittee", to add land to the community unit plan, increase the number of dwelling units from 240 to 300 in the area designated for multi-family, and to approve the site plan for the multiple family, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a maximum of 300 dwelling units.
2. Prior to City Council action on this permit the Permittee shall agree with the Parks and Recreation Department upon a suitable bike trail easement between 84th Street and Old Cheney Road.
3. The 404 permit shall be obtained prior to the fill of any wetlands on the site.
4. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies. Said plan shall show:

- i. Fire hydrants as approved by the Lincoln Fire Department.
- ii. A vehicular access easement from the west driveway in this site to Lot 48 I.T. for a single family dwelling only.
- iii. A 25-foot wide easement for vehicular access from a driveway on S. 88th Street.
- iv. Sidewalks along S. 84th Street, Old Cheney Road, and S. 88th Street.
- v. A drainage and grading plan, including all necessary floodplain information as approved by the Public Works & Utilities Department and Planning Staff.
- vi. Driveways at public streets designed as approved by the Public Works & Utilities Department.
- vii. The elevation of the 100 year floodplain with the building areas one foot above the 100 year floodplain.
- viii. The amount of fill imported to the 100 year floodplain.
- ix. Storm water detention as approved by the Public Works & Utilities Department.
- x. The number of parking spaces in each row of parking and the number of spaces in each garage.
- xi. A certificate signed by a qualified engineer indicating that the proposed development and grading within the floodway will cause no increase in the 100-year flood elevation.
- xii. An erosion control plan as approved by the Lower Platte South Natural Resources District.
- xiii. Utility easements as requested by LES.
- xiv. Add street trees to the landscape plan and identify the trees on the site that are 3" caliper or greater that will be removed.
- xv. A maximum of 300 dwelling units.

xvi. The new right-of-way along Old Cheney Road and S. 84th Street as shown on the plans approved in April 1997 and the buildings setback no less than the standard 20 feet from the new right-of-way.

xvii. Calculations and supporting documentation to demonstrate how the floodplain and floodway limits were derived and to demonstrate the impact of the proposed structures within the floodplain and floodway.

b. The construction plans must conform to the approved plans.

c. The final plat within this community unit plan must be approved by the City.

5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

6. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-

day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant