

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1833

1 WHEREAS, M&S Construction and the Lincoln Chamber of Commerce has
 2 submitted an application designated as Special Permit No. 1833 for authority to develop
 3 Ashley Heights Community Unit Plan consisting of 289 dwelling units on property located
 4 at N.W. 48th Street and W. Adams Street, and legally described to wit:

5 A portion of Lot 27 I.T., located in the Northeast Quarter of
 6 Section 18, Township 10 North, Range 6 East of the 6th P.M.
 7 Lancaster County, Nebraska, and more particularly described
 8 as follows:

9 Commencing at the northwest corner of said Northeast
 10 Quarter; thence on an assumed bearing of south 00 degrees
 11 46 minutes 42 seconds east along the west line of said
 12 Northeast Quarter, a distance of 1623.83 feet to a point;
 13 thence north 89 degrees 13 minutes 18 seconds east, a
 14 distance of 46.30 feet to a point of intersection with the west
 15 line of said Lot 27 I.T., said point being the true point of
 16 beginning; thence north 89 degrees 13 minutes 18 seconds
 17 east, a distance of 152.46 feet to a point of curvature; thence
 18 along a curve in a counterclockwise direction having a radius
 19 of 450.00 feet, arc length of 316.35 feet, delta angle of 40
 20 degrees 16 minutes 46 seconds, a chord bearing of north 69
 21 degrees 04 minutes 55 seconds east, and a chord length of
 22 309.88 feet to a point of tangency; thence north 48 degrees 56
 23 minutes 32 seconds east, a distance of 602.12 feet to a point;
 24 thence south 41 degrees 03 minutes 28 seconds east, a
 25 distance of 181.12 feet to a point on the north line of said Lot
 26 27 I.T.; thence north 89 degrees 08 minutes 55 seconds east
 27 along the north line of said Lot 27 I.T., a distance of 1571.17
 28 feet to a northeast corner of said Lot 27 I.T.; thence south 00
 29 degrees 51 minutes 05 seconds east along the east line of
 30 said Lot 27 I.T., a distance of 1366.80 feet to the southeast
 31 corner of said Lot 27 I.T.; thence south 88 degrees 49 minutes
 32 42 seconds west along the south line of said Lot 27 I.T., a
 33 distance of 2606.12 feet to the southwest corner of said Lot 27

1 I.T., said point being 33.00 feet east of the west line of said
2 Northeast Quarter; thence north 00 degrees 46 minutes 42
3 seconds west along the west line of said Lot 27 I.T., said line
4 being 33.00 feet east of and parallel with the west line of said
5 Northwest Quarter, a distance of 596.50 feet to a point of
6 deflection; thence north 89 degrees 13 minutes 18 seconds
7 east along a north line of said Lot 27 I.T., a distance of 11.00
8 feet to a point of deflection; thence north 00 degrees 28
9 minutes 16 seconds west along the west line of said Lot 27
10 I.T., a distance of 428.39 feet to the true point of beginning,
11 said tract contains a calculated area of 78.14 acres or
12 3,403,771.52 square feet more or less;

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

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

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

20 That the application of M&S Construction and the Lincoln Chamber of
21 Commerce, hereinafter referred to as "Permittee", to develop Ashley Heights Community
22 Unit Plan, on the property legally described above, be and the same is hereby granted
23 under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal
24 Code upon condition that construction and operation of said community unit plan be in
25 strict compliance with said application, the site plan, and the following additional express
26 terms, conditions, and requirements:

- 27 1. This permit approves a community unit plan consisting of 289 dwelling
28 units.
- 29 2. The City Council must approve Comprehensive Plan Amendment 94-

1 52, Annexation 00001, Change of Zone 3248, and Preliminary Plat 00005.

2 3. Before receiving building permits:

3 a. Submit certified information from an abstractor or an attorney
4 indicating the current record owner(s) of all land within the
5 limits of this application.

6 b. The Permittee must submit a revised and reproducible final
7 plan to the Planning Director for her review and approval
8 which:

9 (1) Shows the boundaries of the C.U.P.

10 (2) Provides a metes and bounds legal description of the
11 C.U.P. on the plat, signed and sealed by a surveyor.

12 (3) Revises the size of the sanitary sewer lines to the
13 satisfaction of the Public Works Department.

14 (4) Revises note 10 to indicate that sidewalks will be
15 constructed on the east side of N.W. 48th Street and
16 the south side of W. Adams Street, adjacent to this plat.

17 (5) Revises note 13 to indicate the proper number of
18 outlots.

19 (6) Revises Outlot C to define the area of the mini park to
20 the satisfaction of the Parks and Recreation
21 Department.

22 (7) Provides a recreational facilities plan as required by the
23 Design Standards for Community Unit Plans.
24 Alternatively, the Parks and Recreation Department
25 may be willing to enter into an agreement to install the
26 equipment if the developer donates the cost of the
27 equipment.

28 (8) Provides a walkway to the park that is a minimum of six
29 feet in width, designed to meet accessibility guidelines
30 and within a 10 foot easement.

- 1 (9) Revises the plat to show 10 foot pedestrian way
2 easements.
- 3 (10) Revises the plat to show the required 10 foot side yard
4 setback from a pedestrian easement.
- 5
6 (11) Shows a pedestrian way easement in Block 9.
- 7 (12) Shows the trail from Huntington Avenue east to the
8 limits of the preliminary plat.
- 9 (13) Adds a note indicating that improvements to the street
10 system will be required at the time a Use Permit is
11 proposed for the B-2 parcel, and that a traffic study will
12 be provided at that time.
- 13 (14) Provides a “sanitary sewer exhibit” as an official portion
14 of the submittal packet, with a sheet number
15 corresponding to the other sheets in the packet.
- 16 (15) Revises the site plan and “sanitary sewer exhibit” to be
17 consistent and to the satisfaction of the Public Works
18 Department.
- 19 (16) Revises the drainage and grading plan to the
20 satisfaction of Public Works.
- 21 (17) Adds a note acknowledging that the site is within the
22 Airport Environs District and that the appropriate
23 regulations of Chapters 27.58 and 27.59 of the Zoning
24 Ordinance will apply.
- 25 (18) Revises the Grading Plan to show elevations in NAVD
26 1988.
- 27 (19) Provides easements requested by LES.
- 28 b. The construction plans must conform to the approved plans.
- 29 c. Final plats within Ashley Heights must be approved by the City.
- 30 4. Before occupying the dwelling units all development and construction
31 must be completed in conformance with the approved plans.

1 5. All privately-owned improvements must be permanently maintained
2 by the owner or an appropriately established homeowners association approved by the City
3 Attorney.

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

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

11 8. The Permittee shall sign and return the City's letter of acceptance to
12 the City Clerk within 30 days following approval of the special permit, provided, however,
13 said 30-day period may be extended up to six months by administrative amendment. The
14 City Clerk shall file a copy of the resolution approving the special permit and the letter of
15 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
16 Permittee.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant