

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

SPECIAL PERMIT NO. 04035

1           WHEREAS, Chris Kodad and Believer's Fellowship Church have  
2 submitted an application designated as Special Permit No. 04035 for authority to  
3 develop Andrea's Court Community Unit Plan consisting of 32 townhouse units and a  
4 church, with requested waivers to eliminate the preliminary plat process,  
5 detention/retention storage for storm water, sidewalks on both sides of the private  
6 roadway, minimum lot area, cul-de-sac geometry, and the required yard setbacks on  
7 property generally located at 40th and Superior Streets, and legally described to wit:

8           The remaining portion of Lot 1, Hanson-Jordan Addition,  
9 located in the Northeast Quarter of Section 7, Township 10  
10 North, Range 7 East of the 6th P.M., Lancaster County,  
11 Nebraska, more particularly described as follows:

12           Beginning at a found 3/4" pipe, being the southeast corner of  
13 the remaining portion of Lot 1, Hanson-Jordan Addition to  
14 the City of Lincoln or the northeast corner of Lot 75 I.T., all  
15 located in the Northeast Quarter of Section 7, Township 10  
16 North, Range 7 East of the 6th P.M., Lancaster County,  
17 Nebraska and said point is on the west right-of-way line of  
18 North 40th Street; thence north 89 degrees 43 minutes 34  
19 seconds west (an assumed bearing) and on the south line of  
20 the remaining portion of Lot 1 of said Hanson-Jordan  
21 Addition or the north line of Lot 75 I.T. of said Section 7, a  
22 distance of 719.18 feet to a found 1" pipe being the point of  
23 non-tangent curvature; thence on a curve to the right, and on  
24 the south line of the remaining portion of Lot 1 of said  
25 Hanson-Jordan Addition or the north line of Lot 75 I.T. of  
26 said Section 7, having a radius of 256.48 feet, an arc length  
27 of 111.10 feet and a central angle of 24 degrees 49 minutes  
28 05 seconds, with a chord bearing of north 77 degrees 01  
29 minutes 27 seconds west, a chord distance of 110.23 feet to  
30 a found 1" pipe, being the southwest corner of the remaining

1 portion of Lot 1 or the southeast corner of Outlot "A" of said  
2 Hanson-Jordan Addition; thence north 37 degrees 28  
3 minutes 14 seconds east, and on the west line of the  
4 remaining portion of Lot 1 or the east line of Outlot "A" of  
5 said Hanson-Jordan Addition, a distance of 867.79 feet to a  
6 found 1" pipe, being the northwest corner of the remaining  
7 portion of Lot 1 or the northeast corner of Outlot "A" of said  
8 Hanson-Jordan Addition and also said point is on the south  
9 right-of-way line of Superior Street; thence north 89 degrees  
10 29 minutes 57 seconds east, and on the north line of the  
11 remaining portion of Lot 1 of said Hanson-Jordan Addition or  
12 the south right-of-way line of said Superior Street, a distance  
13 of 289.73 feet to a found 1" pipe, being the point of non-  
14 tangent curvature; thence on a curve to the right, and on the  
15 northerly line of the remaining portion of Lot 1 of said  
16 Hanson-Jordan Addition or the southerly right-of-way line of  
17 said Superior Street, having a radius of 20.00 feet, an arc  
18 length of 24.18 feet, and a central angle of 69 degrees 15  
19 minutes 33 seconds, with a chord bearing of south 34  
20 degrees 12 minutes 59 seconds east, a chord distance of  
21 22.73 feet to a found 1" pipe, being a point on the west right-  
22 of-way line of said North 40th Street; thence south 00  
23 degrees 18 minutes 48 seconds west, and on the east line of  
24 the remaining portion of Lot 1 of said Hanson-Jordan  
25 Addition or the west right-of-way line of said North 40th  
26 Street, a distance of 700.67 feet to the point of beginning  
27 and containing a calculated area of 410,046.25 square feet  
28 or 9.413 acres, more or less;

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

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

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

36 That the application of Chris Kodad and Believer's Fellowship Church,  
37 hereinafter referred to as "Permittee", to develop Andrea's Court Community Unit Plan

1 consisting of 32 townhouse units and a church, on the property legally described above,  
2 be and the same is hereby granted under the provisions of Section 27.63.320 and  
3 Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and  
4 operation of said community unit plan be in strict compliance with said application, the  
5 site plan, and the following additional express terms, conditions, and requirements:

6 1. This permit approves:

7 a. 32 dwelling units and a church and the following variances to the  
8 Land Subdivision Ordinance and Design Standards:

9 i. Detention/Retention storage for storm water.

10 ii. Cul-de-sac geometry.

11 b. The requirement that the Permittee submit a preliminary plat is  
12 waived, except that this waiver of the preliminary plat shall only be  
13 effective for a period of ten years from the date of the this approval,  
14 and shall be of no force or effect thereafter. If any final plat on all or  
15 a portion of the approved community unit plan is submitted five  
16 years or more after the effective date of the community unit plan,  
17 the City may require that a new community unit plan be submitted,  
18 pursuant to all the provisions of Section 26.31.015. A new  
19 community unit plan may be required if the subdivision ordinance,  
20 the design standards, or the required improvements have been  
21 amended by the city; and as a result, the community unit plan as  
22 originally approved does not comply with the amended rules and  
23 regulations.

24 2. Final plats will be approved by the Planning Director after:

25 a. You have completed or posted a surety to guarantee the  
26 completion of the private roadway improvements, sidewalks,  
27 sanitary sewer system, water system, drainage facilities, land  
28 preparation and grading, sediment and erosions control measures,  
29 drainageway improvements, street lights, landscaping screens,  
30 street trees, and street name signs.

31 b. The subdivider has signed an agreement that binds the subdivider,  
32 its successors and assigns:

- 1 i. to complete the street paving of the private roadway shown  
2 on the final plat within two (2) years following the approval of  
3 this final plat.
- 4 ii. to complete the installation of sidewalks along both sides of  
5 the private roadway, the west side of North 40<sup>th</sup> Street, the  
6 south side of Superior Street, and the connector sidewalk to  
7 the recreational area shown on the final plat within four (4)  
8 years following the approval of this final plat.
- 9 iii. to complete the public water distribution system to serve this  
10 plat within two (2) years following the approval of this final  
11 plat.
- 12 iv. to complete the private wastewater collection system to  
13 serve this plat within two (2) years following the approval of  
14 this final plat.
- 15 v. to complete the enclosed drainage facilities shown on the  
16 approved drainage study to serve this plat within two (2)  
17 years following the approval of this final plat.
- 18 vi. to complete land preparation including open drainageway  
19 improvements to serve this plat prior to the installation of  
20 utilities and improvements but not more than two (2) years  
21 following the approval of this final plat
- 22 vii. to complete the installation of street lights along the private  
23 roadway within this plat within two (2) years following the  
24 approval of this final plat.
- 25 viii. to complete the planting of the street trees along the private  
26 roadway, North 40<sup>th</sup> Street, and Superior Street within this  
27 plat within four (4) years following the approval of this final  
28 plat.
- 29 ix. to complete the installation of the street name signs within  
30 two (2) years following the approval of this final plat.
- 31 x. to complete any other public or private improvement or  
32 facility required by Chapter 26.23 (Development Standards).
- 33 xi. to submit to the Director of Public Works a plan showing  
34 proposed measures to control sedimentation and erosion  
35 and the proposed method to temporarily stabilize all graded  
36 land for approval.

- 1                   xii.    to complete the public and private improvements shown on  
2                   the preliminary plat.
- 3                   xiii.   to submit to the lot buyers and home builders a copy of the  
4                   soil analysis.
- 5                   xiv.    to pay all design, engineering, labor, material, inspection,  
6                   and other improvement costs.
- 7                   xv.     to comply with the provisions of the Land Preparation and  
8                   Grading requirements of the Land Subdivision Ordinance.
- 9                   xvi.    to properly and continuously maintain and supervise the  
10                  private facilities which have common use or benefit, and to  
11                  recognize that there may be additional maintenance issues  
12                  or costs associated with providing for the proper functioning  
13                  of storm water facilities as they were designed and  
14                  constructed within the development, and that these are the  
15                  responsibility of the land owner.
- 16                  xvii.   to relinquish the right of direct vehicular access from Lots 1  
17                  and 32 North 40<sup>th</sup> Street, and from Lot 33 to Superior Street,  
18                  and North 40<sup>th</sup> Street except as shown.
- 19                  xviii.  to timely complete the public and private improvements and  
20                  facilities required by Chapter 26.23 of the Land Subdivision  
21                  Ordinance which have not been waived including but not  
22                  limited to the list of improvements described above.
- 23                  xix.    to post the required security to guarantee completion of the  
24                  required improvements if the improvements are not  
25                  completed prior to approval of this final plat.
- 26           5.     Before receiving building permits:
- 27           a.     The permittee must submit an acceptable, revised **final** plan  
28           including 5 copies.
- 29           b.     Submit a Written Notice of Intent and Stormwater Pollution  
30           Prevention Plan for approval to the Lower Platte South NRD.
- 31           c.     Submit an approved Section 404 permit, or a letter from the US  
32           Army Corps of Engineers stating such permit is not required.
- 33           d.     The construction plans must conform to the approved plans.

1 e. Final Plats within the area of this community unit plan must be  
2 approved by the City.

3 f. Obtain a floodplain fill permit from the Building and Safety  
4 Department.

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

7 7. All privately-owned improvements shall be permanently maintained by the  
8 owner or an appropriately established homeowners association approved by the City  
9 Attorney.

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

13 9 The terms, conditions, and requirements of this resolution shall be binding  
14 and obligatory upon the Permittee, successors, and assigns. The building official shall  
15 report violations to the City Council which may revoke the special permit or take such  
16 other action as may be necessary to gain compliance.

17 10 The Permittee shall sign and return the City's letter of acceptance to the  
18 City Clerk within 30 days following approval of the special permit, provided, however,  
19 said 30-day period may be extended up to six months by administrative amendment.  
20 The City Clerk shall file a copy of the resolution approving the special permit and the  
21 letter of acceptance with the Register of Deeds, filing fees therefor to be paid in  
22 advance by the Permittee.

Introduced by:

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Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor