

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

SPECIAL PERMIT NO. 04025

1           WHEREAS, Brighton Construction Company has submitted an application  
2 designated as Special Permit No. 04025 for authority to develop Liberty Village  
3 Community Unit Plan consisting of 16 single-family residential units with requested  
4 waivers to the required preliminary plat process, front yard setback, side yard setback,  
5 storm water detention, minimum lot area, average lot width, recreation facilities, open  
6 space, and utility easement width, on property located at 24th and Vine Streets, and  
7 legally described to wit:

8                       Lots 4 and 5, Block 3, Hawley’s Addition; Lots A, B, and C,  
9                       Kelly’s Subdivision; the west 20 feet of existing S. 24th  
10                      Street right-of-way and the north 15 feet of existing U Street  
11                      right-of-way adjacent thereto, located in the Southeast  
12                      Quarter of Section 24, Township 10 North, Range 6 East,  
13                      Lancaster County, Nebraska;

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

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

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

21           That the application of Brighton Construction Company, hereinafter  
22 referred to as "Permittee", to develop Liberty Village Community Unit Plan consisting of

1 16 single-family residential units, on the property legally described above, be and the  
2 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of  
3 the Lincoln Municipal Code upon condition that construction and operation of said  
4 community unit plan be in strict compliance with said application, the site plan, and the  
5 following additional express terms, conditions, and requirements:

6 1. This permit approves 16 single-family detached dwelling units and the  
7 following variances to the Zoning Code, Land Subdivision Ordinance and Design  
8 Standards:

- 9 a. The required front yard setback is reduced from 20' to 10' along  
10 Vine Street, to 1' along N. 24th Street, and to 5' along U Street.
- 11 b. The required side yard setback is reduced from 5' to 4'.
- 12 c. The requirement for on-site storm water detention is waived as this  
13 is an infill project that has adjacent City storm sewer.
- 14 d. The required minimum lot area is reduced from 4,000 sq. ft. to  
15 2,200 sq. ft. due to the unique site conditions.
- 16 e. The required average lot width is reduced from 50 ft. to 30 ft.  
17 similar to other residences in the area.
- 18 f. The required recreational facilities are waived as there are  
19 adequate recreational facilities near this site.
- 20 g. The required open space is waived as this is a single family infill  
21 area near existing parks.
- 22 h. The required utility easement width is waived provided Permittee  
23 maintains 10' of separation between the water and sewer mains.
- 24 i. The requirement that the Permittee submit a preliminary plat is  
25 waived, except that this waiver of the preliminary plat shall only be  
26 effective for a period of ten years from the date of the this approval,  
27 and shall be of no force or effect thereafter. If any final plat on all or  
28 a portion of the approved community unit plan is submitted five  
29 years or more after the effective date of the community unit plan,

1 the City may require that a new community unit plan be submitted,  
2 pursuant to all the provisions of Section 26.31.015. A new  
3 community unit plan may be required if the subdivision ordinance,  
4 the design standards, or the required improvements have been  
5 amended by the city; and as a result, the community unit plan as  
6 originally approved does not comply with the amended rules and  
7 regulations.

8 2. Before receiving building permits:

9 a. The Permittee must submit an acceptable, revised final plan  
10 including 8 copies.

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

12 c. Final plats within the area of this community unit plan must be  
13 approved by the City.

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

16 4. All privately-owned improvements must be permanently maintained by the  
17 Permittee or an appropriately established homeowners association approved by the City  
18 Attorney.

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

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

26 7. The Permittee shall sign and return the City's letter of acceptance to the

1 City Clerk within 30 days following approval of the special permit, provided, however,  
2 said 30-day period may be extended up to six months by administrative amendment.  
3 The City Clerk shall file a copy of the resolution approving the special permit and the  
4 letter of acceptance with the Register of Deeds, filing fees therefor to be paid in  
5 advance by the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

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

\_\_\_\_\_  
Mayor