

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 13043

1 WHEREAS, Broadmoor Development Company on behalf of the owner,
2 Livingston Investments, has submitted an application designated as Special Permit No. 13043
3 for authority to develop the Broadmoor Ashbrook Apartments Community Unit Plan for up to 220
4 dwelling units, together with a request to waive/modify Land Subdivision and Zoning Code
5 requirements to (1) waive the block length requirement to not make a required street
6 connection; and (2) adjust the building height from 35' to 40', on property generally located at
7 Ashbrook Drive and Highway 2 and legally described as:

8 A part of Lot 89, I.T., located in the SW 1/4 of
9 Section 15, Township 9 North, Range 7 East of the
10 6th P.M., Lancaster County, Nebraska, as more
11 particularly described on Attachment A attached
12 hereto;

13 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a
14 public hearing on October 2, 2013 on said application and denied said application; and

15 WHEREAS, Broadmoor Development Company has filed a Notice of Appeal
16 appealing the action of the Planning Commission denying Special Permit No. 13043; and

17 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the action
18 appealed from is deemed advisory and the City Council is authorized to take final action on the
19 application for Special Permit No. 13043; and

1 WHEREAS, the community as a whole, the surrounding neighborhood, and the
2 real property adjacent to the area included within the site plan for this community unit plan will
3 not be adversely affected by granting such a permit; and

4 WHEREAS, said site plan together with the terms and conditions hereinafter set
5 forth are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and
6 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
7 general welfare; and

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

10 That the application of Broadmoor Development Company on behalf of the
11 owner, Livingston Investments, hereinafter referred to as "Permittee", to develop the Broadmoor
12 Ashbrook Apartments Community Unit Plan for up to 220 dwelling units, be and the same is
13 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln
14 Municipal Code upon condition the City Council approves associated requests AN #13004 and
15 CZ #13020, and that construction of said development be in substantial compliance with said
16 application, the site plan, and the following additional express terms, conditions, and
17 requirements:

18 1. This permit approves the Broadmoor Ashbrook Apartments Community
19 Unit Plan for up to 220 dwelling units with the requested adjustments to block length street
20 connection and to height from 35' to 40'.

21 2. Before receiving building permits:

22 a. The Permittee shall cause to be prepared and submitted to the
23 Planning Department a revised and reproducible final plot plan including five copies with all
24 required revisions as listed below:

25 i. Show the driveway extended to the lot line at the southeast
26 corner of the site.
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- ii. Add a note regarding waivers which states the Pine Ridge Lane connection need not be made, and that the height is adjusted to 40'.
 - iii. Delete General Notes 3, 7, 10-12, 15, 19, and 23-26 which restate existing requirements or are redundant.
 - iv. Add a general note which states "Sidewalk and road extension of Pine Ridge Lane is waived provided that the developer is responsible for the construction of the driveway (with a sidewalk) to Eiger Drive once an access easement is obtained. However, the obligation to construct this improvement is contingent on the property being in open space use. If the property is approved for additional development, then the developer is not responsible for the improvement."
 - v. Revise the density calculation on the site plan to show the correct density for the R-4 zoning district.
 - vi. Delete the setbacks and no-build line and show a building envelope instead, where it is outside the 50' no-build area along the east, the 25' setback on the south, the 5' setback on the west, and the north line will be an approximate straight east-west line drawn in the location of the dam breach line, the location of which is subject to approval by the Planning Department.
 - vii. Remove the parking from the front yard setback along Ashbrook Drive.
 - viii. Add a note which states "Landscaping and screening shall comply with the requirements of the Design Standards, except that the screening of the east property line will provide a 100% landscape screen from 6'-25' in height planted within 25' of the east property line. An 8'-tall wrought iron fence for decorative purposes will also be erected along the east property line."
 - ix. Add a note which states " The developer reserves the right to build anywhere within the building envelope."
 - x. Provide a public sidewalk from the east lot line to the west lot line, with a revised fence that does not block public access. The sidewalk must meet ADA standards.
 - xi. Show correctly where the access easement to the horse stable is located.
 - xii. Show easements per the L.E.S. review.

