

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 15035

1 WHEREAS, South Hills, Inc., has submitted an application in accordance with
 2 Section 27.63.530 of the Lincoln Municipal Code designated as Special Permit No. 15035 to
 3 allow the construction of a residential health care facility for up to 258 residents, including
 4 waivers to the Zoning Code and Land Subdivision Ordinance to increase the maximum height of
 5 buildings, allow block length to exceed 1,320 feet, and eliminate pedestrian easement
 6 requirements for a block length exceeding 1,000 feet, on property generally located on the west
 7 portion of the Knolls Country Club, west of Norman Road and south of Old Cheney Road, and
 8 legally described as:

9 A tract of land composed of Outlot 'A' and Lot 1, Block 1, Chez Ami
 10 Knolls Second Addition, located in the Northeast Quarter, and Lot 23
 11 I.T., located in the Northwest Quarter, all in Section 13, Township 9
 12 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County,
 13 Nebraska, and more particularly described as follows:

14 Beginning at the northwest corner of said Northeast Quarter; thence
 15 southerly, along the west line of said Northeast Quarter, said line
 16 being the east line of said Lot 23 I.T., on an assumed bearing of
 17 south 00 degrees 07 minutes 06 seconds east, a distance of 40.00
 18 feet to the northwest corner of said Outlot 'A', said point being on a
 19 south right-of-way line of Old Cheney Road; thence south 89
 20 degrees 15 minutes 02 seconds east, along a north line of said
 21 Outlot 'A', said line being 40.00 feet south of and parallel with the
 22 north line of said Northeast Quarter, a distance of 149.40 feet to the
 23 northeast corner of said Outlot 'A', said point being on the west right-
 24 of-way line of Norman Road, said point being a point of non tangent
 25 curvature; thence along a non tangent curve to the left having a
 26 radius of 724.63 feet, a delta angle of 25 degrees 33 minutes 17
 27 seconds, an arc length of 323.20 feet, along an east line of said
 28 Outlot 'A', said line being the west right-of-way line of Norman Road,

1 and a chord bearing of south 12 degrees 33 minutes 29 seconds
2 east, and a chord distance of 320.52 feet to an east corner of said
3 Outlot 'A'; thence south 25 degrees 20 minutes 57 seconds east,
4 along an east line of said Outlot 'A', said line being the west right-of-
5 way line of Norman Road, a distance of 449.50 feet to a point of non
6 tangent curvature; thence along a non tangent curve to the left
7 having a radius of 1667.02 feet, a delta angle of 03 degrees 37
8 minutes 15 seconds, an arc length of 105.35 feet, along an east line
9 of said Outlot 'A', said line being the west right-of-way line of Norman
10 Road, and a chord bearing of south 26 degrees 48 minutes 29
11 seconds east, and a chord distance of 105.33 feet to the northeast
12 corner of said Lot 1, Block 1, Chez Ami Knolls Second Addition, said
13 point being a point of non tangent curvature; thence along a non
14 tangent curve to the left having a radius of 1667.02 feet, a delta
15 angle of 04 degrees 01 minutes 49 seconds, an arc length of 117.26
16 feet, along the east line of said Lot 1, Block 1, said line being the
17 west right-of-way line of Norman Road, and a chord bearing of south
18 30 degrees 55 minutes 08 seconds east, and a chord distance of
19 117.23 feet to the southeast corner of said Lot 1, Block 1; thence
20 south 60 degrees 01 minutes 30 seconds west, along the south line
21 of said Lot 1, Block 1, a distance fo 175.47 feet to the southwest
22 corner of said Lot 1, Block 1, said point being on an east line of said
23 Outlot 'A'; thence south 32 degrees 43 minutes 04 seconds east,
24 along an east line of said Outlot 'A', said line being the west line of
25 Lot 2, Block 1, Chez Ami Knolls Second Addition, a distance of 27.17
26 feet to a southeast corner of said Outlot 'A', said point being on the
27 west line of said Lot 2, Block 1, said point also being on the north
28 line of Lot 7, Block 1, Chez Ami Knolls Second Addition; thence
29 south 89 degrees 54 minutes 04 seconds west, along the south line
30 of said Outlot 'A', said line being the north line of Lot 7, Lot 8 and Lot
31 9, Block 1, Chez Ami Knolls Second Addition, a distance of 379.83
32 feet to the southwest corner of said Outlot 'A', said point being the
33 northwest corner of said Lot 9, Block 1, said point being on the west
34 line of Lot 12, Block 4, Skyline's Rolling Hills; thence north 00
35 degrees 07 minutes 06 seconds west, along the west line of said
36 Outlot 'A', said line being the east line of Lot 12 and Lot 11, Block 4,
37 Skyline's Rolling Hills, a distance of 127.32 feet to a west corner of
38 said Outlot 'A', said point being an east corner of said Lot 11, Block
39 4, Skyline's Rolling Hills, said point being the southeast corner of
40 said Lot 23 I.T.; thence north 29 degrees 44 minutes 52 seconds
41 west, along the southwest line of said Lot 23 I.T., said line being the
42 northeast line of Lot 11 through Lot 5, inclusive, Block 4, Skyline's
43 Rolling Hills, a distance of 650.51 feet to a west corner of said Lot 23
44 I.T., said point being the most north corner of said Lot 5, Block 4,
45 Skyline's Rolling Hills, said point also being the southeast corner of
46 Lot 4, Block 4, Skyline's Rolling Hills; thence north 41 degrees 12
47 minutes 17 seconds west, along the southwest line of said Lot 23
48 I.T., said line being the northeast line of Lot 4 through Lot 2,
49 inclusive, Block 4, Skyline's Rolling Hills, a distance of 200.07 feet
50 to a west corner of said Lot 23 I.T., said point being an east corner

1 of said Lot 2, Block 4, Skyline's Rolling Hills; thence north 00
2 degrees 37 minutes 51 seconds east, along a west line of said Lot
3 23 I.T., said line being the east line of Lot 2 and Lot 1, Block 4,
4 Skyline's Rolling Hills, and its extension, a distance of 229.91 feet to
5 the northwest corner of said Lot 23 I.T., said point being on the north
6 line of the Northwest Quarter of said Section 13; thence south 89
7 degrees 16 minutes 15 seconds east, along a north line of said Lot
8 23 I.T., said line being the north line of said Northwest Quarter, a
9 distance of 450.13 feet to the point of beginning.

10 Said tract of land contains a calculated area of 570,112.11 square
11 feet or 13.09 acres, more or less; and

12 WHEREAS, the real property adjacent to the area included within the site plan for
13 this residential health care facility will not be adversely affected; and

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

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

19 That the application of South Hills, Inc., hereinafter referred to as "Permittee", to
20 allow the construction of a residential health care facility for up to 258 residents, including
21 waivers to the Zoning Code and Land Subdivision Ordinance to increase the maximum height of
22 buildings, allow block length to exceed 1,320 feet, and eliminate pedestrian easement
23 requirements for a block length exceeding 1,000 feet, on the property legally described above,
24 be and the same is hereby granted under the provisions of Section 27.63.530 of the Lincoln
25 Municipal Code upon condition that construction and operation of the residential health care
26 facility be in substantial compliance with said application, the site plan, and the following
27 additional express terms, conditions, and requirements:

28 1. This permit approves the development of a residential health care facility
29 for 258 residents, and waives the requirement to provide a pedestrian easement for a block

1 length exceeding 1,000 feet, allows a block length to exceed 1,320 feet, and allows height
2 limitations of buildings to increase from 35 feet to 45 feet.

3 2. City Council approves the associated request Change of Zone #15014.

4 3. Before receiving building permits:

5 a. The Permittee shall cause to be prepared and submitted to the
6 Planning Department a revised and reproducible final site plan
7 including five copies showing the following revisions:

8 i. Delete notes 3 and 9.

9 ii. Combine notes 11 and 13 to state that “accessory
10 structures not requiring an occupancy permit are permitted
11 outside the setback and need not be shown on the plan. A
12 detached maintenance shed or building shall not be
13 permitted”.

14 b. Obtain approval of an administrative amendment to remove the
15 area of this special permit from the Chez Ami Knolls Community
16 Unit Plan.

17 c. Provide documentation from the Register of Deeds that the letter
18 of acceptance as required by the approval of the special permit
19 has been recorded.

20 d. The revised site plan shall be as shown on attached Exhibit A,
21 provided that, additional parking may be added within the yellow
22 outlined area shown on Exhibit A which is outside the front yard
23 setback area.

24 e. Provide a landscape plan that is substantially in conformance to
25 the attached Exhibit B-1 and Exhibit B-2 and at a minimum shows
26 the following:

27 i. What trees or tree masses are to remain, and

28 ii. Screening along the south and west lot lines that meet the
29 design standards for multifamily development.

30 iii. The proposed tree masses west and south of the building
31 as shown on Exhibit B-2; provided that, such tree masses
32 shall be modified to accommodate the approved grading
33 and drainage plan. Thereafter, if any tree dies within one
34 year after the completion of the building that is located
35 within the west and south tree masses of the building as
36 shown on Exhibit B-2, then the developer, at its expense,

1 shall replace any dead tree with a replacement tree of at
2 least two inches in diameter.

3 f. Add a note to the site plan indicating that “no occupancy permit
4 shall be issued until the screening on the south and west lot lines
5 is installed or the owner shall post a bond to guarantee the
6 installation of said screening if building occupancy is at a time
7 when weather will not permit the installation of the screening prior
8 to occupancy”.

9 g. Provide building elevation plans that at a minimum shows the
10 following:

11 i. The exterior design of the building shall have at least 60%
12 brick, stone or tile on all faces of the building, except for
13 the first phase independent living’s building face that will
14 be removed when the second phase of the independent
15 living building is constructed. During the interim period,
16 said building face shall have exterior windows and some
17 brick.

18 h. Submit a drainage and stormwater study to the satisfaction of the
19 Director of Public Works. Revise the site plan to show stormwater
20 and drainage improvements to the satisfaction of the Director of
21 Public Works.

22 i. At least eighty percent of the occupied units shall be occupied by
23 at least one person 55 years of age or older.

24 4. Before occupying the dwelling units/buildings or starting operations all
25 development and construction must substantially comply with the approved plans.

26 5. All privately-owned improvements, including landscaping and recreational
27 facilities, shall be permanently maintained by the Permittee or an appropriately established
28 owners association approved by the City.

29 6. The physical location of all setbacks and yards, buildings, parking and
30 circulation elements, and similar matters must be in substantial compliance with the location of
31 said items as shown on the approved site plan.

32 7. The terms, conditions, and requirements of this resolution shall run with
33 the land and be binding on the Permittee, its successors, and assigns.

1 8. The Permittee shall sign and return the letter of acceptance to the City
2 Clerk. This step should be completed within 60 days following the approval of the special
3 permit. 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 advance by the
5 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2015: _____ Mayor
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