

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1813

1 WHEREAS, Nebraska Nurseries, Inc. has submitted an application
 2 designated as Special Permit No. 1813 for authority to develop The Preserve on Antelope
 3 Creek Community Unit Plan consisting of 150 dwelling units and 180 dwelling units of
 4 retirement housing on property located at the southwest corner of 80th Street and Pioneers
 5 Blvd., and legally described to wit:

6 A tract of land located in the Northeast Quarter of Section 10,
 7 Township 9 North, Range 7 East of the 6th P.M., Lancaster
 8 County, Nebraska, being more particularly described as
 9 follows:

10 Beginning at the southwest corner of Lot 54 of said Quarter
 11 Section; thence north 89 degrees 21 minutes 34 seconds east
 12 along the south line of said Lot 54, a distance of 200.19 feet to
 13 the east line of said Lot 54; thence north 00 degrees 11
 14 minutes 13 seconds west on said line, a distance of 259.93
 15 feet to the south right-of-way line of Pioneers Boulevard;
 16 thence north 89 degrees 20 minutes 29 seconds east on said
 17 line, a distance of 600.59 feet to the east line of Lot 57 of the
 18 aforesaid Northeast Quarter of Section 10; thence south 00
 19 degrees 11 minutes 52 seconds east on said line, a distance
 20 of 2133.34 feet; thence south 00 degrees 13 minutes 54
 21 seconds east on said line, a distance of 456.67 feet; thence on
 22 the southerly and westerly lines of said Lot 57 for the next four
 23 courses; north 89 degrees 58 minutes 22 seconds west, a
 24 distance of 52.68 feet; north 15 degrees 39 minutes 36
 25 seconds west, a distance of 425.55 feet; north 61 degrees 34
 26 minutes 23 seconds west, a distance of 1398.97 feet; north 31
 27 degrees 42 minutes 49 seconds west, a distance of 481.67
 28 feet to the west line of said Lot 57, said line also being the east
 29 line of Outlot "A", Pioneer Subdivision, a subdivision as platted
 30 and recorded in Lancaster County, Nebraska; thence north 00
 31 degrees 16 minutes 08 seconds east on said line, a distance
 32 of 203.46 feet; thence south 89 degrees 43 minutes 52

1 seconds east, a distance of 73.06 feet; thence north 79
2 degrees 07 minutes 47 seconds east, a distance of 70.38 feet;
3 thence south 86 degrees 37 minutes 54 seconds east, a
4 distance of 84.78 feet; thence south 66 degrees 20 minutes 00
5 seconds east, a distance of 78.47 feet; thence north 55
6 degrees 16 minutes 54 seconds east, a distance of 154.09 feet
7 to a point on a curve; thence northwesterly along a curve to the
8 left having a radius of 292.55 feet and a central angle of 15
9 degrees 30 minutes 27 seconds, an arc distance of 79.18 feet
10 (chord = 78.94 feet, chord bearing = north 49 degrees 52
11 minutes 30 seconds west) to a point of reverse curvature;
12 thence northwesterly along a curve to the right having a radius
13 of 420.40 feet and a central angle of 19 degrees 46 minutes 13
14 seconds, an arc distance of 145.06 feet (chord = 144.34 feet,
15 chord bearing = north 47 degrees 44 minutes 38 seconds
16 west) to a point of tangency; thence north 37 degrees 51
17 minutes 31 seconds west, a distance of 48.41 feet to a point
18 of curvature; thence northwesterly along a curve to the left
19 having a radius of 144.27 feet and a central angle of 52
20 degrees 16 minutes 35 seconds, an arc distance of 131.63
21 feet (chord = 127.11 feet, chord bearing = north 63 degrees 59
22 minutes 49 seconds west) to a point of tangency; thence south
23 89 degrees 51 minutes 54 seconds west, a distance of 16.99
24 feet to a point of curvature; thence north westerly along a
25 curve to the right having a radius of 95.82 feet and a central
26 angle of 46 degrees 31 minutes 36 seconds, an arc distance
27 of 77.81 feet (chord = 75.69 feet, chord bearing = north 66
28 degrees 52 minutes 18 seconds west) to a point of tangency;
29 thence north 43 degrees 36 minutes 30 seconds west, a
30 distance of 37.54 feet to the aforesaid west line of Lot 57;
31 thence north 00 degrees 16 minutes 08 seconds east on said
32 line, a distance of 59.13 feet; thence south 89 degrees 46
33 minutes 35 seconds east, a distance of 166.69 feet; thence
34 north 66 degrees 33 minutes 19 seconds east, a distance of
35 289.31 feet; thence north 37 degrees 33 minutes 31 seconds
36 east, a distance of 76.97 feet; thence north 89 degrees 48
37 minutes 08 seconds east, a distance of 183.77 feet; thence
38 north 00 degrees 49 minutes 59 seconds west, a distance of
39 291.51 feet to the south right-of-way line of Pioneers
40 Boulevard; thence north 89 degrees 19 minutes 30 seconds
41 east on said line, a distance of 179.65 feet to the west line of
42 the aforesaid Lot 54; thence south 00 degrees 10 minutes 44
43 seconds east on said line, a distance of 259.81 feet to the
44 point of beginning, except that part lying within Lot 55, Irregular
45 Tract, in the Northeast Quarter of Section 10, Township 9

1 North, Range 7 East of the 6th P.M. Lancaster County,
2 Nebraska; containing 2,538,056 square feet or 58.266 acres,
3 more or less;

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

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

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

11 That the application of Nebraska Nurseries, Inc., hereinafter referred to as
12 "Permittee", to develop The Preserve on Antelope Creek Community Unit Plan, on the
13 property legally described above, be and the same is hereby granted under the provisions
14 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
15 construction and operation of said community unit plan be in strict compliance with said
16 application, the site plan, and the following additional express terms, conditions, and
17 requirements:

18 1. This permit approves a community unit plan for 150 dwelling units and
19 the development of retirement housing for 180 elderly dwelling units.

20 2. The following modifications are hereby approved:

21 a. An exception to the design standards to permit intersection
22 angles less than 80 degrees.

23 b. A modification to the requirements of the Land Subdivision
24 Ordinance to permit double frontage on Lot 2, Block 3.

- 1 c. An adjustment to the maximum building height in the R-3
2 zoning district to increase the maximum height of the
3 independent living building in Lot 1, Block 1, from 35' to 45'.
- 4 d. An adjustment to the required rear yard setback in the R-3
5 district for lots longer than 125' in Blocks 1, 3, and 4 from the
6 smaller of 30' or 20% of depth to 25'.
- 7 3. Before receiving building permits:
- 8 a. The Permittee must submit a revised and reproducible final
9 plan with five copies.
- 10 b. The construction plans must conform to the approved plans.
- 11 c. Final plats within the area of this community unit plan must be
12 approved by the City.
- 13 4. Before occupying the dwelling units, all development and construction
14 must be completed in conformance with the approved plans.
- 15 5. All privately-owned improvements must be permanently maintained by
16 the Permittee or an appropriately established homeowners association approved by the
17 City Attorney.
- 18 6. The site plan approved by this permit shall be the basis for all
19 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
20 elements, and similar matters.
- 21 7. The terms, conditions, and requirements of this resolution shall be
22 binding and obligatory upon the Permittee, successors, and assigns. The building official
23 shall report violations to the City Council which may revoke the special permit or take such
24 other action as may be necessary to gain compliance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ___ day of _____, 2001:

Mayor