

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 04044

1 WHEREAS, Hampton Development Services, Inc. has submitted an
2 application designated as Special Permit No. 04044 for authority to develop North
3 Creek Villas Community Unit Plan for 52 dwelling units with requested waivers to the
4 Land Subdivision Ordinance, Zoning Code, and City of Lincoln Design Standards to
5 waive the requirement that lot lines be radial to the street, to waive private roadway
6 design standards, to allow double frontage lots, to reduce the minimum lot depth along
7 a major road, and to reduce the rear yard setbacks on property generally located south
8 of Fletcher Avenue, east of N. 14th Street, and legally described to wit:

9 Lots 2 and 3, and a portion of Lots 1 and 4, Block 1, North
10 Creek Business Park located in the Southeast and Southwest
11 Quarters of Section 36, Township 11 North, Range 6 East of the
12 6th P.M., City of Lincoln, Lancaster County, Nebraska and being
13 more particularly described as follows:

14 Beginning at the northeast corner of said Lot 3 also being on the
15 south right-of-way line of Fletcher Avenue; thence on said south
16 right-of-way line for the next four calls, easterly on a 1,740.00 foot
17 radius curve to the right, an arc length of 56.57 feet (long chord
18 bears north 78 degrees 53 minutes 31 seconds east, 56.56 feet);
19 thence south 54 degrees 03 minutes 12 seconds east, 34.97 feet;
20 thence south 08 degrees 02 minutes 55 seconds east, 10.96 feet;
21 thence north 81 degrees 43 minutes 09 seconds east, 30.01 feet;
22 thence south 08 degrees 24 minutes 11 seconds east, 259.86 feet
23 to the south line of said Block 1; thence on the south line of said
24 Block 1 for the next four calls, south 58 degrees 48 minutes 56
25 seconds west, 151.56 feet; thence south 79 degrees 22 minutes
26 21 seconds west, 262.39 feet; thence south 65 degrees 18
27 minutes 20 seconds west, 422.76 feet; thence south 42 degrees
28 35 minutes 22 seconds west, 135.48 feet; thence north 46
29 degrees 19 minutes 41 seconds west, 218.26 feet to the south
30 right-of-way line of Fletcher Avenue; thence on said south right-of-
31 way line for the next six calls, north 43 degrees 38 minutes 13

1 seconds east, 29.99 feet; thence north 46 degrees 27 minutes 33
2 seconds west, 17.01 feet; thence north 00 degrees 38 minutes 45
3 seconds west, 28.02 feet; thence northeasterly on a 1,740.00 foot
4 radius curve to the right, an arc length of 292.32 feet (long chord
5 bears north 50 degrees 08 minutes 30 seconds east, 291.97 feet);
6 thence northeasterly on a 1,740.00 foot radius curve to the right,
7 an arc length of 314.91 feet (long chord bears north 60 degrees
8 08 minutes 46 seconds east, 314.49 feet); thence easterly on a
9 1,740.00 foot radius curve to the right, an arc length of 383.52
10 feet (long chord bears north 71 degrees 37 minutes 38 minutes
11 east, 382.75 feet) to the point of beginning, containing 313,430.14
12 square feet (7.20 acres) more or less;

13 WHEREAS, the Planning Commission has recommended conditional
14 approval of the community unit plan and has further recommended approval of the
15 requested waivers to the Land Subdivision Ordinance, Zoning Code, and Design
16 Standards; and

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

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

22 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
23 Lincoln, Nebraska:

24 That the application of Hampton Development Services, Inc., hereinafter
25 referred to as "Permittee", to develop North Creek Villas Community Unit Plan on the
26 property legally described above, be and the same is hereby granted under the
27 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
28 condition that construction and operation of said community unit plan be in strict
29 compliance with said application, the site plan, and the following additional express
30 terms, conditions, and requirements:

1 1. This permit approves 52 dwelling units and the following waivers to the
2 Land Subdivision Ordinance, Zoning Code and Design Standards:

- 3 a. The requirement of Lincoln Municipal Code § 26.23.140(c) that
4 side lot lines be at right angles to the street or radial if the street is
5 curved is waived to accommodate non-radial lot lines.
- 6 b. The Private Roadway Design Standards requiring a transverse
7 slope and concrete curbs are waived to allow Silver Brook,
8 Haswell, Mad Creek, and Sharps Dale Drive to be constructed
9 with an inverse slope and without curbs.
- 10 c. The requirement of Lincoln Municipal Code § 26.140(e) prohibiting
11 double frontage lots is waived to allow double frontage lots in
12 Block 1 and 6.
- 13 d. The requirement of Lincoln Municipal code § 26.23.140(a) that
14 lots abutting a major street have a minimum lot depth of 120 feet
15 is waived for the lots with frontage on Fletcher Avenue.
- 16 e. The R-4 Residential District required rear yard setback is waived
17 to allow a 10' setback for Blocks 3 - 5.

18 2. Before receiving building permits:

- 19 a. The Permittee must submit a revised and reproducible final
20 plan including six copies.
- 21 b. The construction plans must conform to the approved plans.
- 22 c. Final plats within the area of this Community Unit Plan must
23 be approved by the Planning Director.

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

26 4. All privately-owned improvements must be permanently maintained
27 by the owner or an appropriately established homeowners association approved by the
28 City Attorney.

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004: _____ Mayor
