

(Appeal of the Planning Commission Action of Denial)
RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 05003

1 WHEREAS, Lyle Mayer has submitted an application designated as
2 Special Permit No. 05003 for authority to develop Meadow View 2nd Addition
3 Community Unit Plan for 57 dwelling units, with requested waivers to eliminate the
4 preliminary plat process, to waive ornamental street lighting, sidewalks, street trees,
5 landscape screens, block length, non-perpendicular lot lines, lot depth to width ratio,
6 and to allow sanitary sewer to flow opposite street grade where necessary, on property
7 located at the northeast corner of S.W. 84th Street and W. Pioneers Blvd., and legally
8 described to wit:

9 A portion of Lot 8 I.T., located in the Southwest Quarter of
10 Section 2, Township 9 North, Range 5 East of the 6th P.M.,
11 Lancaster County, Nebraska, and more particularly
12 described as follows:

13 Commencing at the southeast corner of said Lot 8 I.T., said
14 point being the southeast corner of said Southwest Quarter,
15 said point being the true point of beginning; thence west
16 along the south line of said Lot 8 I.T., said line being the
17 south line of said Southwest Quarter, on an assumed
18 bearing north 89 degrees 50 minutes 16 seconds west, a
19 distance of 2,007.22 feet to a point located 617.50 feet east
20 of the west line of said Southwest Quarter; thence north 00
21 degrees 28 minutes 15 seconds west along a line located
22 617.50 feet east of and parallel with the west line of said
23 Southwest Quarter, a distance of 610.04 feet to a point;
24 thence north 89 degrees 50 minutes 16 seconds west along
25 a line located 610.00 feet north of and parallel with the south
26 line of said Southwest Quarter, a distance of 557.10 feet to
27 a point of intersection with the west line of said Lot 8 I.T.,
28 said point being on the east line of S.W. 84th Street right-of-

1 way, said point being 60.43 feet east of the west line of said
2 Southwest Quarter; thence north 00 degrees 25 minutes 56
3 seconds west along the west line of said Lot 8 I.T., said line
4 being the east line of S.W. 84th Street right-of-way, a
5 distance of 2,034.84 feet to the northwest corner of said Lot
6 8 I.T., said point being on the north line of said Southwest
7 Quarter, said point being 61.80 feet east of the northwest
8 corner of said Southwest Quarter; thence south 89 degrees
9 49 minutes 15 seconds east along the north line of said Lot
10 8 I.T., said line being the north line of said Southwest
11 Quarter, a distance of 2,575.46 feet to the northeast corner
12 of said Lot 8 I.T., said point being the northeast corner of
13 said Southwest Quarter; thence south 00 degrees 12
14 minutes 00 seconds east along the east line of said Lot 8
15 I.T., said line being the east line of said Southwest Quarter,
16 a distance of 2,644.02 feet to the point of beginning, said
17 tract contains a calculated area of 6,456,279.55 square feet
18 or 148.2158 acres, more or less;

19 WHEREAS, the Lincoln City-Lancaster County Planning Commission held
20 a public hearing on March 2, 2005 and denied Resolution No. PC-00904 which would
21 have conditionally approved Special Permit No. 05003; and

22 WHEREAS, Lyle Mayer (Owner) and Hub Hall (Contract Purchaser) have
23 appealed the action of the Lincoln City - Lancaster County Planning Commission and
24 are requesting that Special Permit No. 05003 be approved; and

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

28 WHEREAS, said site plan together with the terms and conditions
29 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
30 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
31 public health, safety, and general welfare; and

32 WHEREAS, the final action of the Lincoln City - Lancaster County
33 Planning Commission should be reversed; and

1 WHEREAS, the requested waiver of sidewalks, ornamental street lighting,
2 street trees and landscape screens are not necessary as Ordinance No. 18456
3 amended Title 26 of the Lincoln Municipal Code to waive the requirement that
4 sidewalks, ornamental street lighting, street trees and landscape screens be installed in
5 subdivisions located outside the City limits where all lots contain an area of one acre or
6 more.

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

9 That the application of Lyle Mayer, hereinafter referred to as "Permittee",
10 to develop Meadow View 2nd Addition Community Unit Plan for 57 dwelling units be
11 and the same is hereby granted under the provisions of Section 27.63.320 and Chapter
12 27.65 of the Lincoln Municipal Code upon condition that construction of said
13 development be in strict compliance with said application, the site plan, and the follow-
14 ing additional express terms, conditions, and requirements:

15 1. This permit approves 57 dwelling units and the following waivers to
16 the Land Subdivision Ordinance, Zoning Code, and City of Lincoln Design Standards:

- 17 a. The requirement that the Permittee submit a preliminary plat
18 is waived except that if any final plat on all or a portion of the
19 approved community unit plan is submitted five (5) years or
20 more after the approval of the community unit plan, the city
21 may require that a new community unit plan be submitted,
22 pursuant to all the provisions of section 26.31.015. A new
23 community unit plan may be required if the subdivision
24 ordinance, the design standards, or the required
25 improvements have been amended by the city; and as a
26 result, the community unit plan as originally approved does
27 not comply with the amended rules and regulations.
- 28 b. The requirement of Lincoln Municipal Code § 26.23.130 that
29 block lengths shall not exceed 1320 feet between cross-

1 streets is waived for those blocks shown on the approved
2 site plan which exceed 1320 feet.

3 c. The requirement of Lincoln Municipal Code § 26.23.140(c)
4 that the side lines of any lot shall be at right angles
5 (perpendicular) to the street is waived for those lots shown
6 on the approved site plan which are not perpendicular to the
7 street.

8 d. The requirement of Lincoln Municipal Code § 26.23.140(a)
9 that a residential lot shall have a maximum depth of three
10 times its width is waived for those lots shown on the
11 approved site plan which exceed the required lot depth to
12 width ratio.

13 2. Before the approval of a final plat, the public streets, private
14 roadway improvements, drainage facilities, land preparation and grading, sediment and
15 erosions control measures, drainageway improvements, temporary turnaround and
16 barricades, and street name signs, must be completed or provisions (bond, escrow or
17 security agreement) to guarantee completion must be approved by the City Law
18 Department. The improvements must be completed in conformance with adopted
19 design standards and within the time period specified in the Land Subdivision
20 Ordinance.

21 3. Permittee agrees:

22 a. To complete the street surfacing of public streets, and
23 temporary turnarounds and barricades located at the
24 temporary dead-end of the streets shown on the final plat
25 within two (2) years following the approval of the final plat.

26 b. To complete the surfacing of private roadway, and
27 temporary turnarounds and barricades located at the
28 temporary dead-end of the private roadways shown on the
29 final plat within two (2) years following the approval of this
30 final plat.

31 c. To complete the enclosed public drainage facilities shown
32 on the approved drainage study to serve this plat within two
33 (2) years following the approval of the final plat.

- 1 d. To complete land preparation including storm water
2 detention/retention facilities and open drainageway
3 improvements to serve this plat prior to the installation of
4 utilities and improvements but not more than two (2) years
5 following the approval of the final plat
- 6 e. To complete the installation of the street name signs within
7 two (2) years following the approval of the final plat.
- 8 f. To complete any other public or private improvement or
9 facility required by Chapter 26.23 (Development Standards)
10 of the Land Subdivision Ordinance in a timely manner which
11 inadvertently may have been omitted from the above list of
12 required improvements.
- 13 g. To submit to the Director of Public Works a plan showing
14 proposed measures to control sedimentation and erosion
15 and the proposed method to temporarily stabilize all graded
16 land for approval.
- 17 h. To complete the public and private improvements shown on
18 the Community Unit Plan.
- 19 i. To retain ownership of or the right of entry to the outlots in
20 order to maintain the outlots and private improvements on a
21 permanent and continuous basis and to maintain the plants
22 in the medians and islands on a permanent and continuous
23 basis. However, the subdivider may be relieved and
24 discharged of this maintenance obligation upon creating, in
25 writing, a permanent and continuous association of property
26 owners who would be responsible for said permanent and
27 continuous maintenance. The subdivider shall not be
28 relieved of such maintenance obligation until the private
29 improvements have been satisfactorily installed and the
30 documents creating the association have been reviewed
31 and approved by the City Attorney and filed of record with
32 the Register of Deeds.
- 33 j. To agree to the future conversion of lots to a higher density,
34 including timing of annexation, funding of infrastructure cost,
35 and agreement to petition for special assessment districts
36 and that this is designed for future platting to a density of
37 about 300 dwellings and for future subdivision of the
38 acreage lots, said agreement and deed restrictions to be
39 reviewed and approved by the City Attorney and filed of
40 record with the Register of Deeds.
41

- 1 k. To submit to the lot buyers and home builders a copy of the
2 soil analysis.
- 3 l. To pay all design, engineering, labor, material, inspection,
4 and other improvement costs except those cost the City
5 Council specifically agrees to subsidize.
- 6 m. To comply with the provisions of the Land Preparation and
7 Grading requirements of the Land Subdivision Ordinance.
- 8 n. To perpetually maintain the sidewalks/surfacing in the
9 pedestrian way easements on Block 1 at Permittee's cost
10 and expense.
- 11 o. To inform all purchasers and users of land that is located
12 within the 100 year floodplain that their land is located in the
13 100 year floodplain and to inform all purchasers and users of
14 land that the grading of the lots and outlots shall be in
15 conformance with the grading plan approved with the
16 Meadow View 2nd CUP or as amended by the Director of
17 Planning. The volume of fill material brought into each lot
18 and outlot from outside the floodplain shall not exceed that
19 shown on the approved grading plan accompanying the
20 Community Unit Plan.
- 21 p. To protect the trees that are indicated to remain during
22 construction and development.
- 23 q. To properly and continuously maintain and supervise the
24 private facilities which have common use or benefit, and to
25 recognize that there may be additional maintenance issues
26 or costs associated with providing for the proper functioning
27 of storm water detention/retention facilities as they were
28 designed and constructed within the development, and that
29 these are the responsibility of the land owner.
- 30 r. To relinquish the right of direct vehicular access to SW 84th
31 Street except for Lyle Mayer Lane and to W. Pioneers Blvd,
32 except for SW 77th Cir.(Street)
- 33 s. To maintain County roads until the County Board specifically
34 accepts the maintenance.
- 35 t. To submit to all potential purchasers of lots a copy of the
36 ground water report.
- 37 4. Before receiving building permits:

- 1 a. The permittee shall complete the following instructions and
2 submit the documents and plans to the Planning Department
3 office for review and approval.
- 4 i. A revised site plan including 5 copies showing the
5 following revisions:
- 6
- 7 (1) Make the corrections requested by the County
8 Engineer in his letter of January 31, 2005.
- 9
- 10 (2) Make the corrections requested by the Public
11 Works and Utilities Department in their memo
of February 8, 2005.
- 12
- 13 (3) Make the corrections requested by the
14 Lincoln/Lancaster County Health Department
in their memo of February 1, 2005
- 15
- 16 (4) Make the corrections and revision requested
17 by Building and Safety in their memo dated
January 28, 2005.
- 18
- 19 (5) Revise the drawing to show the acreage of all
lots and outlots.
- 20
- 21 (6) Revise the drawing to show all acreage lots
22 less than one acre and the acreage
23 development area component at no more than
40% of the total area.
- 24
- 25 (7) Show provisions for the future connection of
26 SW 77th with W. Pioneers Blvd. and rename
the street as S. W. 77th Street.
- 27
- 28 (8) Show the easements requested by Norris
Public Power.
- 29
- (9) Show the easements on all lots and future lots.
- 30
- 31 (10) Note a preservation easement on the flood
32 plain.
- 33
- (11) Show grading on all future streets.
- 34
- 35 (12) Revise the street cross section to reference the
Rural and Intermediate BTA.

1 (13) Show the minimum opening elevation for each
2 dwelling.

3 (14) Add "with BTA" to the Title Block

4 (15) Add a note that this is designed for future
5 platting to a density of about 300 dwellings and
6 for future subdivision of the acreage lots.

7 (16) Add a note that a written agreement shall be
8 provided for the future conversion of lots to a
9 higher density, including timing of annexation,
10 funding of infrastructure cost, and agreement
11 to petition for special assessment districts.

12 (17) Add a note that only one main building in a
13 building envelope is allowed per platted lot.

14 (18) Note on page 3 this is the "Transitional Plat".

15
16 ii. Submit a permanent final plan with 5 copies as
17 approved.

18 b. The construction plans comply with the approved plans.

19 c. Final plat(s) is/are approved by the City/County.

20 d. The required easements as shown on the site plan are
21 recorded with the Register of Deeds.

22 5. Before occupying this Community Unit Plan all development and
23 construction is to comply with the approved plans.

24 6. Before occupying these dwellings the City/County Health
25 Department must approve the water and waste water systems.

26 7. All privately-owned improvements, including landscaping and
27 recreational facilities, are to be permanently maintained by the owner or an
28 appropriately established homeowners association approved by the City.

1 8. The site plan accompanying this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking and
3 circulation elements, and similar matters.

4 9. This resolution's terms, conditions, and requirements bind and
5 obligate the permittee, its successors and assigns.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
