

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 872F

1           WHEREAS, Firethorn Investment has submitted an application designated as Special  
 2 Permit No. 872F for authority to expand the boundaries of the Firethorn Community Unit Plan  
 3 and to add 95 single family residential lots on property generally located northeast of the  
 4 intersection of South 84th Street and Pioneers Boulevard and legally described as set out on  
 5 Exhibit A attached hereto; and

6           WHEREAS, the Lincoln City-Lancaster County Planning Commission, after public  
 7 hearing, conditionally granted said application, in part upon condition that the site plan be  
 8 revised to show a street connection to Pioneers Boulevard; and

9           WHEREAS, the Firethorn Investment has filed a notice of appeal appealing the action  
 10 of the Planning Commission; and

11           WHEREAS, on appeal the action of the Planning Commission is deemed to be an  
 12 advisory recommendation of approval; and

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

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

20           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
 21 Nebraska:

1           That the application of Firethorn Investment, hereinafter referred to as "Permittee", to  
2 expand the boundaries of the Firethorn Community Unit Plan and to add 95 single family  
3 residential lots be and the same is hereby granted under the provisions of Section 27.63.320  
4 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said  
5 community unit plan be in strict compliance with said application, the site plan, and the following  
6 additional express terms, conditions, and requirements:

- 7           1.     This permit approves up to 545 dwelling units.
- 8           2.     The City Council must approve the following associated request:
  - 9           a.     Annexation #06020.
  - 10           b.    Change of Zone #06077.
- 11          3.     Before receiving building permits:
  - 12           a.     The Permittee shall complete the following instructions and submit  
13               the documents and plans to the Planning Department for review  
14               and approval.
    - 15               i.    A revised site plan including 5 copies showing the  
16                   following revisions:
      - 17                   (1)    Revise the Proposed/Existing Lots table to note the total  
18                       number of acres of land in the CUP.
      - 19                       (2)    Revise General Note #4 to state: THIS CUP ALLOWS  
20                       545 DWELLING UNITS AND ONE CLUHOUSE  
21                       FACILITY.
      - 22                       (3)    Show a street connection to Pioneers Boulevard.
      - 23                       (4)    Revise General Note #1 from 'Special Permit #872' to  
24                       'Special Permit #872E'.
      - 25                       (5)    Delete General Notes #11 and #15.
      - 26                       (6)    Revise General Note #14 to state: ALL SIDEWALKS,  
27                       DRIVEWAYS AND PARKING LOTS TO BE PAVED TO  
28                       CITY OF LINCOLN DESIGN STANDARDS.
      - 29                       (7)    Revise General Note #19 to state: SIGNS NEED NOT  
30                       BE SHOWN ON THE SITE PLAN AND THE LOCATION  
31                       AND SIZE WILL BE APPROVED AT THE TIME OF  
32

1 SIGN PERMITS IN COMPLIANCE WITH THE ZONING  
2 ORDINANCE.

3 (8) Revise General Note #24 to specify where the common  
4 access over drives and parking stall is granted.

5 (9) Revise General Note #29 to state: THE SALE OF  
6 ALCOHOLIC BEVERAGES FOR CONSUMPTION ON  
7 THE PREMISES IS PERMITTED PER LMC 27.63.680.

8 (10) Combine General Site Notes #28 and #30 and eliminate  
9 duplication and conflicting phrases between the two.

10 (11) Revise General Note #33 to state: THE BUILDING  
11 ENVELOPES SHOWN ARE FOR ILLUSTRATING THE  
12 PERMITTED USES AND THEIR APPROXIMATE  
13 LOCATIONS. FINAL SITE LAYOUTS TO BE  
14 DETERMINED AT THE TIME OF BUILDING PERMITS.

15 (12) Revise General Note #34 to state: REQUIRED  
16 EASEMENTS TO BE DETERMINED AT THE TIME OF  
17 FINAL PLAT.

18 (13) General Note #35 conflicts with General Notes #14 and  
19 #15. Either revise or delete General Note #35.

20 (14) General Notes #16 and #36 conflict. Revise to specify  
21 actual road standard and eliminate conflict between the  
22 notes.

23 (15) Note the existence and approximate location of the 18"  
24 high-pressure gas line near South 84<sup>th</sup> Street as noted  
25 by the Health Department.

26 (16) State intended purpose of all outlots.

27 (17) Show a public sanitary sewer easement in a location  
28 acceptable to Public Works and Utilities.

29 ii. Revise the grading and drainage plan to the satisfaction of  
30 Public Works and Utilities.

31 iii. Provide documentation from the Register of Deeds that the letter  
32 of acceptance as required by the approval of the special permit  
33 has been recorded.

34 b. The construction plans must conform to the approved plans.

1           4. Before occupying the new dwelling units all development and construction  
2 is to comply with the approved plans.

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

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

9           7. The current conservation easement on the 18-hole golf course shall be  
10 retained subject to minor modifications through agreement with the Planning Department.

11          8. This resolution's terms, conditions, and requirements bind and obligate the  
12 Permittee, its successors and assigns.

13          9. The applicant shall sign and return the letter of acceptance to the City Clerk  
14 within 60 days following the approval of the special permit, provided, however, said 60-day  
15 period may be extended up to six months by administrative amendment. The City Clerk shall  
16 file a copy of the resolution approving the special permit and the letter of acceptance with the  
17 Register of Deeds, filling fees to be paid in advance by the applicant.

18          10. The site plan as approved with this resolution voids and supersedes all  
19 previously approved site plans, however all resolutions approving previous permits remain in  
20 force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2007:

\_\_\_\_\_  
Mayor