

RESOLUTION NO. A-\_\_\_\_\_  
SPECIAL PERMIT NO. 06001B

1           WHEREAS, Fox Hollow, LLC has submitted an application designated as  
2 Special Permit No. 06001B to amend the Grand Terrace Community Unit Plan to add  
3 4.6 acres and up to 31 additional dwelling units, with a waiver of the Design Standards  
4 for cul-de-sac bulb radius from 43.5' to 30' on property generally located at South 84th  
5 Street and Amber Hill Road and legally described as:

6           Lot 1, Amber Hill Estates 2nd Addition, Lancaster County,  
7 Nebraska;

8           WHEREAS, the Lincoln City-Lancaster County Planning Commission held  
9 a public hearing on October 31, 2012 on said application and adopted Resolution No.  
10 PC-01307 conditionally approving the same; and

11           WHEREAS, Russ Kromberg has filed a Notice of Appeal appealing the  
12 action of the Planning Commission conditionally approving Special Permit No. 06001B;  
13 and

14           WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action  
15 appealed from is deemed advisory and the City Council is authorized to take final action  
16 on the application for Special Permit No. 06001B; and

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

5           WHEREAS, said site plan together with the terms and conditions  
6 hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln  
7 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
8 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 Fox Hollow, LLC, hereinafter referred to as  
12 “Permittee” to amend the Grand Terrace Community Unit Plan to add 4.6 acres and up  
13 to 31 additional dwelling units, on the property described above, be and the same is  
14 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the  
15 Lincoln Municipal Code upon condition that construction of said community unit plan be  
16 in substantial compliance with said application, the site plan, and the following additional  
17 express terms, conditions, and requirements:

18           1.     This permit approves a 4.6 acres expansion of the Community Unit Plan  
19 and increases the total number of allowed dwelling units from 508 to 539 dwelling units,  
20 an increase of 31 dwelling units, and grants a waiver to the Design Standards to reduce  
21 cul-de-sac bulb radius from 43.5' to 30'.

22           2.     Before receiving building permits or before a final plat is approved:

- 1 a. The Permittee shall cause to be prepared and submitted to the  
2 Planning Department a revised and reproducible final plot plan  
3 including 5 copies with all required revisions as listed below:
- 4 i. Revise General Note #12 to include the correct lots. Lots  
5 16-20, Block 2, and Outlot G are not correct.
- 6 ii. Delete General Note #14.
- 7 iii. Add General Note #24 which states, "Signs to be reviewed  
8 at the time of sign permit in accordance with the  
9 requirements of LMC Title 27."
- 10 iv. Revise the Waivers Table by: Deleting Waiver #4; adding the  
11 waiver to cul-de-sac radius from 43.5' to 30'; and noting  
12 which blocks Waivers #2 and #3 apply to as previously  
13 approved.
- 14 v. Revise the apartment site layout by removing the detail  
15 shown and instead including the building and setback  
16 envelopes, and the number of units approved per  
17 AA#12028.
- 18 vi. Propose a name for the new private roadway.
- 19 vii. Show required right-of-way to be dedicated as noted by  
20 Public Works and Utilities.
- 21 viii. Show a pedestrian sidewalk connection from South 83rd  
22 Street to South 84th Street along the north edge of the  
23 detention cell through the cul-de-sac bulb or from the private  
24 roadway to Amber Hill Road.
- 25 ix. Add a general note which states, "The garage for the  
26 dwellings facing the private roadway shall be set back 22'  
27 from the back of the sidewalk. The sidewalk should be at  
28 least 8' from the curb along the private roadway.
- 29 b. The Permittee shall submit grading, drainage, and utility plans,  
30 including plans for improvements in Amber Hill Road to the  
31 satisfaction of Public Works and Utilities. The following  
32 improvements will be phased as follows:
- 33 i. Sidewalks and street trees on the west side of 83<sup>rd</sup> Street will  
34 be installed upon development of the land to the west. This

- 1 property will be platted as an outlet for future development  
2 and deeded to the owner to the west.
- 3 ii. Urban curb and gutter segment on the south side of Amber  
4 Hill Road will be the responsibility of any future  
5 redevelopment of the land to the south.
- 6 iii. Urban curb and gutter segment and associated grading on  
7 north side of Amber Hill Road will occur once buildable lots  
8 are platted on this development.
- 9 iv. The water main in Amber Hill Road will not be constructed as  
10 part of this project, but the owner agrees to not object to a  
11 special assessment district for this improvement if it is  
12 proposed in the future.
- 13 v. That the water main in the private roadway will not be  
14 extended to the future water main in Amber Hill Road.
- 15 c. The property shall be annexed and appropriately re-zoned.
- 16 d. The construction plans shall substantially comply with the approved  
17 plans.
- 18 e. Final plats shall be approved by the City.
- 19 4. Before occupying the dwelling units all development and construction shall  
20 have been completed in substantial compliance with the approved plans.
- 21 5. All privately-owned improvements shall be permanently maintained by the  
22 Permittee or an appropriately established owners association approved by the City.
- 23 6. The physical location of all setbacks and yards, buildings, parking and  
24 circulation elements, and similar matters be in substantial compliance with the location  
25 of said items as shown on the approved site plan.
- 26 7. The terms, conditions, and requirements of this resolution shall run with  
27 the land and be binding upon 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  
3 special permit. The City Clerk shall file a copy of the resolution approving the special  
4 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
5 paid in advance by the Permittee. Building permits will not be issued until the letter of  
6 acceptance has been filed.

7           9.     The site plan as approved with this resolution voids and supersedes all  
8 previously approved site plans, however the terms and conditions of all prior resolutions  
9 approving this permit shall remain in full force and effect as specifically amended by this  
10 resolution.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:

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

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| Approved this ___ day of _____, 2012:<br><br>_____<br>Mayor |
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