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14R-130

Introduce: 5-12-14

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

USE PERMIT NO. 140D

1           WHEREAS, Eiger Corporation has submitted an application in accordance  
2 with Section 27.64.010 of the Lincoln Municipal Code designated as Use Permit No.  
3 140D to amend the use permit for Prairie Lake Regional Shopping Center to expand the  
4 boundary of the existing use permit by approximately 14.6 acres to allow an additional  
5 722 dwelling units, with a requested waiver to allow tandem parking associated with  
6 multi-family dwellings, and to modify the maximum height to 52 feet, and to remove  
7 approximately 6.3 acres being re-zoned to H-4 for mini-warehousing, on property  
8 generally located at South 91st Street and Pine Lake Road, legally described as follows:

9           Lots 2 and 2, Block 1, and Outlot "O", Appian Way Addition;  
10          Lot 1, Appian Way 1st Addition; Lot 1, Appian Way 2nd  
11          Addition; Lot 1, Appian Way 3rd Addition; Lots 1, 2 and 3,  
12          Appian Way 4th Addition; Lots 1, 2 and 3, Appian Way 5th  
13          Addition; Lots 1 and 2, Outlot "A", Appian Way 6th Addition;  
14          Lots 1, 2, 3, 4 and 5, Outlot "A", Appian Way 7th Addition;  
15          Lots 1 and 2, Appian Way 9th Addition; Lots 1 and 2, Outlot  
16          "A", Appian Way 11th Addition; Lot 2, Appian Way 12th  
17          Addition; Lot 1 and Outlot "A", Appian Way 13th Addition;  
18          Lots 1, 2, 3 and 4, Outlot "A", part of Outlot "B", Appian Way  
19          14th Addition; and Lot 117 Irregular Tract, all located in

1 Section 23, Township 9 North, Range 7 East of the 6th P.M.,  
2 City of Lincoln, Lancaster County, Nebraska, as more  
3 particularly described in Attachment "A" hereto;

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

6 WHEREAS, said site plan together with the terms and conditions  
7 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
8 Municipal 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 Eiger Corporation, hereinafter referred to as  
12 "Permittee", to expand the boundary of the existing use permit by approximately 14.6  
13 acres to allow an additional 722 dwelling units, with a requested waiver to allow tandem  
14 parking associated with multi-family dwellings, and to modify the maximum height to 52  
15 feet, and to remove approximately 6.3 acres being re-zoned to H-4 for mini-  
16 warehousing, be and the same is hereby granted under the provisions of Section  
17 27.64.010 of the Lincoln Municipal Code upon condition that construction and operation  
18 of said development be in substantial compliance with said application, the site plan,  
19 and the following additional express terms, conditions, and requirements:

20 1. This permit expands the site plan for Use Permit 140D adding 722  
21 dwelling units, deletes the area being re-zoned to H-4, and approves waivers to allow  
22 for tandem parking associated with multiple-family dwellings, and to increase the  
23 maximum height of buildings from 40 feet to 52 feet.

24 2. Before receiving building permits:

- 1 a. The Permittee shall submit a revised site plan showing the  
2 following revisions:
- 3 i. Delete General Notes #1, 5, 18, 19, 22, 23, 25 which  
4 all re-state code requirements and are redundant.
- 5 ii. Revise Waiver Note #1 to state: NO SIDEWALKS  
6 ALONG HIGHWAY 2 AND ONLY ALONG ONE SIDE  
7 OF PRIVATE ROADWAYS, EXCEPT FOR SOUTH  
8 88<sup>TH</sup> AND SOUTH 89<sup>TH</sup> STREETS WHERE  
9 SIDEWALKS ARE REQUIRED ON BOTH SIDES.
- 10 iii. Add a new General Note which states the final site  
11 layout for the apartment complexes to be reviewed by  
12 administrative amendment prior to building permits.
- 13 iv. Show a building envelope surrounding the apartment  
14 complexes adjacent to all property lines based on the  
15 applicable setbacks for the zoning district.
- 16 b. Final plat(s) are approved by the City.
- 17 3. Before occupying the buildings all development and construction is  
18 to comply with the approved plans.
- 19 4. All privately-owned improvements, including landscaping and  
20 recreational facilities, are to be permanently maintained by the Permittee or an  
21 appropriately established owners association approved by the City.
- 22 5. The site plan accompanying this permit shall be the basis for all  
23 interpretations of setbacks, yards, locations of buildings, location of parking and  
24 circulation elements, and similar matters.
- 25 6. This resolution's terms, conditions, and requirements bind and  
26 obligate the Permittee, its successors and assigns.
- 27 7. The applicant shall sign and return the letter of acceptance to the  
28 City Clerk. This step should be completed within 60 days following the approval of the

1 special permit. The City Clerk shall file a copy of the resolution approving the special  
2 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
3 paid in advance by the Permittee. Building permits will not be issued unless the letter of  
4 acceptance has been filed.

5 8. The site plan as approved with this resolution voids and supersedes  
6 all previously approved site plans; however, the terms and conditions of all resolutions  
7 approving previous permits remain in force except as specifically amended by this  
8 resolution.

Introduced by:

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Approved as to Form & Legality:

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

Approved this ____ day of _____, 2014:  _____ Mayor
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