



RESOLUTION NO. PC- 01473

SPECIAL PERMIT NO. 06014A


1 WHEREAS, Andermatt, LLC has submitted an application designated as Special
2 Permit No. 06014A to amend the Southlake Community Unit Plan to allow an additional 91
3 dwelling units for a total of 181 dwelling units, with waivers of City of Lincoln Design Standards,
4 Land Subdivision Ordinance, and the Zoning Code to allow drive-over curbs on private
5 roadways, to allow lots to exceed the 3 to 1 lot width to depth ratio, and to adjust the front
6 setback for one front yard for corner lots from 20 feet to 15 feet, on property generally located
7 at Southwest 91st Street and Andermatt Drive and legally described as:

8 A tract of land composed of Lot 127, I.T.; Lot 128 I.T.; Lots 1-17,
9 Outlot A and Outlot C, Southlake Addition; Outlot A, Southlake 1st
10 Addition; part of Outlot C, Southlake 2nd Addition; Lots 2-34 and
11 Outlots A-G, Southlake 3rd Addition; Lots 1-6 and Outlot A,
12 Southlake 4th Addition; Lots 1-2, Southlake 5th Addition; and Outlot
13 B, Southlake 6th Addition, all located in the east half of Section 23,
14 Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster
15 County, Nebraska, and more particularly described on Exhibit A
16 attached hereto; and

17 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
18 public hearing on said application; and

19 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
20 property adjacent to the area included within the site plan for this amendment to the community
21 unit plan will not be adversely affected by granting said amendment; and

(NO) IT (SE)
(NO) SOLA 1
(NO) SOLA 2
(NO) SOLA 3
(NO) SOLA 4
NO SOLA 6

Return to: 
Deputy City Clerk

1 WHEREAS, said site plan together with the terms and conditions hereinafter set forth
2 are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and
3 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
4 general welfare.

5 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
6 Planning Commission of Lincoln, Nebraska:

7 That the application of the Andermatt, LLC, hereinafter referred to as "Permittee", to
8 amend the Southlake Community Unit Plan to allow an additional 91 dwelling units for a total of
9 181 dwelling units, with waivers of City of Lincoln Design Standards, Land Subdivision
10 Ordinance, and the Zoning Code to allow drive-over curbs on private roadways, to allow lots to
11 exceed the 3 to 1 lot width to depth ratio, and to adjust the front setback for one front yard for
12 corner lots from 20 feet to 15 feet, on the property described above, be and the same is hereby
13 granted upon condition that construction of said community unit plan be in substantial
14 compliance with said application, the site plan, and the following additional express terms,
15 conditions, and requirements:

16 1. This permit approves an additional 91 dwelling units for a total of 181 dwelling
17 units, with waivers to allow drive-over curbs on private roadways, to allow lots to exceed the 3 to
18 1 lot width to depth ratio, and to adjust the front setback for one front yard for corner lots from
19 20 feet to 15 feet.

20 2. Before receiving approval of a final plat:

21 a. The Permittee shall cause to be prepared and submitted to the Planning
22 Department a revised and reproducible final plot plan including three copies with all required
23 revisions as listed below:

- 1 i. Revise Note #31 to reflect the correct number of dwelling units, which
2 is 181.
- 3 ii. Revise the legal description to contain the legal description for the
4 entire CUP.
- 5 iii. Show the pedestrian connection extending to the adjacent lot to the
6 south, the design of which will comply with the applicable ADA
7 requirements.
- 8 iv. The street name of 'Bell' is already in use. The proposed name 'Belle'
9 is too similar and another name needs to be selected.
- 10 v. Revise Note #25 to: Include the setback adjustments granted up to
11 this point; to include the statement that for all residential dwellings
12 there shall be a minimum of 22 feet between the face (door side) of
13 the garage and the back of the sidewalk; and to note that one front
14 setback for corner lots in the blocks south of Andermatt Drive are
15 adjusted from 20 feet to 15 feet as specified in Waiver Note #12.
- 16 vi. Revise Waiver Note #12 to include the lot/block designations of the
17 lots with a front setback adjustment from 20 feet to 15 feet.
- 18 b. Revise the grading and drainage and utilities plans to the satisfaction of
19 Public Works and Utilities.
- 20 c. Submit a petition to vacate the right-of-way stub and any other excess
21 right-of-way in South 98th Street. Said vacation must be approved prior to
22 time of final plat.
- 23 d. City Council approves associated requests AN#15010 and CZ#15029.
- 24 e. The construction plans comply with the approved plans.
- 25 3. Before occupying the dwelling units all development and construction shall
26 substantially comply with the approved plans.
- 27 4. All privately owned improvements, including landscaping and recreational
28 facilities, shall be permanently maintained by the Permittee or an appropriately established
29 owners association approved by the City Attorney.

1 5. The physical location of all setbacks and yards, buildings, parking and circulation
2 elements, and similar matters shall be in substantial compliance with the location of said items
3 as shown on the approved site plan.

4 6. The terms, conditions, and requirements of this resolution shall run with the land
5 and be binding upon the Permittee, its successors and assigns.

6 7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
7 This step should be completed within 60 days following the approval of the special permit. The
8 City Clerk shall file a copy of the resolution approving the special permit and the letter of
9 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
10 Permittee. Building permits will not be issued until the letter of acceptance has been filed.

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

15 The foregoing Resolution was approved by the Lincoln City-Lancaster County
16 Planning Commission on this 18 day of November, 2015.

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

**LEGAL DESCRIPTION
CUP**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 127 I.T.; LOT 128 I.T.; LOTS 1-17, OUTLOT A AND OUTLOT C SOUTHLAKE ADDITION; OUTLOT A SOUTHLAKE 1st ADDITION; PART OF OUTLOT "C" SOUTHLAKE 2nd ADDITION; LOTS 2-34 AND OUTLOTS A-G SOUTHLAKE 3rd ADDITION; LOTS 1-6 AND OUTLOT A SOUTHLAKE 4th ADDITION; LOTS 1-2 SOUTHLAKE 5th ADDITION; AND OUTLOT B SOUTHLAKE 6th ADDITION, ALL LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 128 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE ON THE NORTH LINE OF SAID LOT 128 I.T. FOR THE NEXT NINETEEN (19) COURSES, ON AN ASSUMED BEARING OF N68°45'51"E A DISTANCE OF 96.18' TO A POINT CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 29°22'37", A RADIUS OF 107.86', AN ARC LENGTH OF 55.30', A CHORD BEARING OF N54°04'33"E A CHORD DISTANCE OF 54.70' TO A POINT OF TANGENCY, THENCE N39°23'14"E A DISTANCE OF 67.74' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 21°50'12", A RADIUS OF 308.32', AN ARC LENGTH OF 117.51', A CHORD BEARING OF N50°18'20"E A CHORD DISTANCE OF 116.80' TO A POINT OF TANGENCY, THENCE N61°13'26"E A DISTANCE OF 25.77' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 48°26'27", A RADIUS OF 63.99', AN ARC LENGTH OF 54.10', A CHORD BEARING OF N37°00'13"E A CHORD DISTANCE OF 52.50' TO A POINT OF TANGENCY, THENCE N12°46'59"E A DISTANCE OF 69.78 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 154°34'56", A RADIUS OF 52.25', AN ARC LENGTH OF 140.97', A CHORD BEARING OF S89°55'32"E A CHORD DISTANCE OF 101.94' TO A POINT, THENCE S48°44'34"E A DISTANCE OF 130.61' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 79°18'19", A RADIUS OF 202.52', AN ARC LENGTH OF 280.32', A CHORD BEARING OF S 88°23'43"E A CHORD DISTANCE OF 258.46' TO A POINT OF TANGENCY, THENCE N51°57'07"E A DISTANCE OF 196.74' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 10°31'14", A RADIUS OF 500.00', AN ARC LENGTH OF 91.81', A CHORD BEARING OF N46°41'31"E A CHORD DISTANCE OF 91.68' TO A POINT OF TANGENCY, THENCE N41°25'54"E A DISTANCE OF 42.78' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 17°35'57", A RADIUS OF 500.00', AN ARC LENGTH OF 153.58', A CHORD BEARING OF N50°13'52"E A CHORD DISTANCE OF 152.98' TO A POINT OF TANGENCY, THENCE N59°01'51"E 474.32' TO A POINT OF DEFLECTION, THENCE N81°57'07"E A DISTANCE OF 100.21' TO A POINT OF DEFLECTION,

THENCE N55°32'46"E A DISTANCE OF 154.33', TO A POINT ON THE WEST RIGHT OF WAY FOR SOUTH 98th STREET, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 128; THENCE ON SAID WEST RIGHT OF WAY LINE FOR THE NEXT NINE (9) COURSES, S00°07'15"E A DISTANCE OF 1303.54'; THENCE S00°07'24"E A DISTANCE OF 426.88'; THENCE S04°39'52"W A DISTANCE OF 119.81'; THENCE S00°07'24"E A DISTANCE OF 689.25'; THENCE S44°52'48"W A DISTANCE OF 38.18'; THENCE S00°07'24"E A DISTANCE OF 60.00'; THENCE S45°07'36"E A DISTANCE OF 48.17'; THENCE S05°50'04"E A DISTANCE OF 29.50'; THENCE S00°07'24"E A DISTANCE OF 726.26', TO THE SOUTHEAST CORNER OF SAID LOT 127; THENCE ON THE SOUTH LINE OF SAID LOT 127 FOR THE NEXT FIVE (5) COURSES, S75°56'26"W A DISTANCE OF 612.81', TO THE NORTHWEST CORNER OF SAID LOT 64; THENCE ON THE WEST LINE OF SAID LOT 64, S09°58'06"W 69.09', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY No. 2; THENCE NORTHWESTERLY ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, N50°31'45"W 432.69'; THENCE N59°21'03"W 346.68'; THENCE N54°38'19"W 72.74', TO THE SOUTHWEST CORNER OF SAID LOT 127; THENCE NORTHEASTERLY ON THE WEST LINE OF SAID LOT 127, N28°12'50"E 407.51'; THENCE N41°33'20"W 57.29'; THENCE N34°41'33"W 88.57'; THENCE N10°08'12"W 84.62', TO A POINT ON A CIRCULAR CURVE TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 270.00', A CENTRAL ANGLE OF 16°12'09" AND AN ARC LENGTH OF 76.35'; THENCE ON SAID CURVE, HAVING A CHORD OF N70°02'18"E 76.10', TO A POINT OF REVERSE CURVATURE FOR A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 330.00', A CENTRAL ANGLE OF 44°34'42" AND AN ARC LENGTH OF 256.75'; THENCE ON SAID CURVE, HAVING A CHORD OF N55°51'01"E 250.33'; THENCE N33°33'40"E 170.97', TO A POINT ON A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 530.00', A CENTRAL ANGLE OF 5°20'50" AND AN ARC LENGTH OF 49.46'; THENCE ON SAID CURVE, HAVING A CHORD OF N30°53'15"E 49.45', TO THE NORTHEAST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE WEST LINE OF SAID LOT 127; THENCE NORTHEASTERLY ON SAID WEST LINE, N28°12'50"E 126.31', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE, SAID POINT ALSO BEING A POINT OF NON-TANGENT CURVATURE OF A CIRCULAR CURVE TURNING IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 08°31'30", A RADIUS OF 1,033.00' AND AN ARC LENGTH OF 153.70'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N66°35'27"W, AND A CHORD DISTANCE OF 153.56' TO A POINT OF TANGENCY, THENCE N62°19'42"W, A DISTANCE OF 211.09' TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 07°22'03", A RADIUS OF 558.00' AND AN ARC LENGTH OF 71.75'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N58°38'40"W, AND A CHORD DISTANCE OF 71.70' TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ON A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 139°51'42", A RADIUS OF 97.00' AND AN ARC LENGTH OF 236.78'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N50°22'50"W, AND A CHORD DISTANCE OF 182.22' TO A POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ON A CURVE IN A CLOCKWISE DIRECTION,

HAVING A CENTRAL ANGLE OF 30°11'37", A RADIUS OF 573.00' AND AN ARC LENGTH OF 301.96 FEET; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N21°22'57"W, AND A CHORD DISTANCE OF 298.48' TO A POINT; THENCE N46°20'45"W A DISTANCE OF 30.16' TO A POINT OF CURVATURE OF A NON-TANGENT CURVE; THENCE ON A CURVE IN A CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 02°18'57", A RADIUS OF 581.00' AND AN ARC LENGTH OF 23.48'; THENCE ON SAID CURVE, HAVING A CHORD BEARING OF N85°15'43"W AND A CHORD DISTANCE OF 23.48' TO A POINT OF TANGENCY, THENCE N84°06'15"W, A DISTANCE OF 204.69 FEET TO A POINT, THENCE S49°44'20"W A DISTANCE OF 27.71' TO A POINT OF INTERSECTION WITH THE EAST RIGHT OF WAY LINE FOR SOUTH 91st STREET, SAID POINT BEING THE POINT OF CURVATURE OF A NON TANGENT CURVE; THENCE ON A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A CENTRAL ANGLE OF 31°46'58", A RADIUS OF 1,065.00' AND AN ARC LENGTH OF 590.77', A CHORD BEARING OF N11°46'17"W ON SAID EAST RIGHT OF WAY LINE, AND A CHORD DISTANCE OF 583.23' TO A POINT OF TANGENCY; THENCE N27°39'47"W ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 54.44' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 3,981,001.30 SQUARE FEET OR 91.39 ACRES, MORE OR LESS.

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 06014A** - Add approximately 32 acres to the Southlake Community Unit Plan for 91 single-family lots, with requests for adjustments to setbacks, the lot width-to-depth ratio, and to allow drive-over curbs in private roadways, on property generally located at South 98th Street and Andermatt Drive.


TO THE CITY CLERK:

The undersigned, "Permittee" under Special Permit No. 15069, granted by **Resolution No. PC-01473**, adopted by the Lincoln City-Lancaster County Planning Commission on November 18, 2015, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Use Permit.

DATED the 18th day of December, 2015.

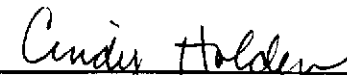
Andermatt, LLC, Permittee

By 
Title: Managing Member

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

The foregoing Instrument was acknowledged before me this 18th day of December, 2015, by Kelvin Korver, the Managing Member of Andermatt, LLC, as permittee.



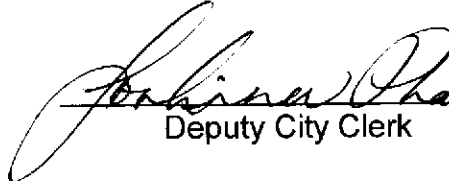

Notary Public

CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss:
CITY OF LINCOLN)

I, Soulinnee Phan, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit No. 06014A** as adopted and approved by **Resolution No. PC-01473** of the Lincoln City-Lancaster County Planning Commission at its meeting held **November 18, 2015** as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 7th day of December, 2015.


Deputy City Clerk

