

110 32
CHATEAU
1



08R-159

Introduce: 7-14-08

(Appeal of Planning Commission Action)

RESOLUTION NO. A- 84965

SPECIAL PERMIT NO. 1174G

1 WHEREAS, Chateau Development, LLC has submitted an application designated as
2 Special Permit No. 1174G for authority to expand the Chateau La Fleur/Charleston Court
3 Community Unit Plan to add 144 multiple-family dwelling units, on property generally located at
4 N. 56th Street and Holdrege to N. Cotner Boulevard and Vine Street and legally described as:

5 Lots 1-5, Chateau First Addition, Lincoln, Lancaster County,
6 Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission denied said
8 application after holding a public hearing thereon; and

9 WHEREAS, Chateau Development, LLC filed a Notice of Appeal appealing the action of
10 the Planning Commission denying Special Permit No. 1174G; and

11 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed from is
12 deemed advisory and the City Council is authorized to take final action on the matter; 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 are
17 consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of
18 Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

21 That the application of Chateau Development, LLC, hereinafter referred to as "Permittee",
22 to amend the Chateau La Fleur/Charleston Court Community Unit Plan to add 144 multiple-family

254
495
CITY OF LINCOLN

Return to:
Teresa @ City Clerk

1 dwelling units, on Lots 1-5, Chateau First Addition, be and the same is hereby granted under the
2 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition
3 that construction of said community unit plan be in substantial compliance with said application,
4 the site plan, and the following additional express terms, conditions, and requirements:

- 5 1. This permit approves 826 dwelling units and 94 elderly housing units.
- 6 2. The City Council must approve associated request, Change of Zone #08033
- 7 3. Before receiving building permits:
 - 8 a. The Permittee shall cause to be prepared and submitted to the Planning
9 Department a revised and reproducible final site plan including 5 copies with
10 all required revisions as listed below:
 - 11 i. Revise the Development Summary to the satisfaction of the
12 Planning Department. The parking and density calculations need to
13 be corrected and clarified.
 - 14 ii. Revise the community unit plan boundary to include Lot 5, Chateau
15 1st Addition.
 - 16 iii. Revise the change of zone boundaries to be consistent with Change
17 of Zone #08033.
 - 18 iv. Revise the title block on all sheets to delete "Amended Community
19 Unit #___ & Change of Zone #___" to state "Community Unit Plan
20 #1174G".
 - 21 v. Show the easement for the existing trunk sewer.
 - 22 vi. Revise the plans to the satisfaction of Public Works to show an
23 alternative method for providing sanitary sewer service to the
24 proposed 18 unit building on Norfolk Drive.
 - 25 vii. Revise the site plan to remove or relocate the 18 unit building south
26 of Salisbury Court adjacent to Deadmans Run or provide information
27 that the building envelope does not interfere with the easement for
28 the existing trunk sewer.
 - 29 viii. Revise the plans to show a second emergency vehicular access
30 and a looped water supply system to the proposed development on
31 Abbey Court.
 - 32 ix. Add a note to Sheet 2 General Site Notes that states "A second open
33 emergency vehicular access with ~~a public access easement or~~
34 ~~common an emergency~~ access easement shall be constructed
35 prior to the issuing of building permits for any dwelling units south of
36 Abbey Court."

AMENDED 8/4/08

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

- x. Revise the plans to show a 30' setback from the boundary of the community unit plan to be more consistent with the existing development.
- xi. Revise the plans to show additional recreational facilities that comply with the City of Lincoln Design Standards. This is to compensate for the recreational facility proposed to be removed.
- xii. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

See added condition below. *

- b. The construction plans must substantially comply with the approved plans.
- c. The Permittee shall provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

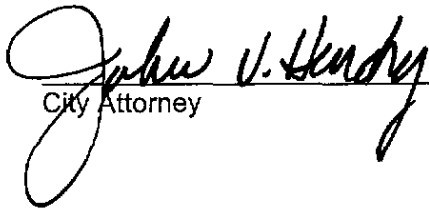
- 4. Before occupying the new dwelling units all development and construction must substantially comply with the approved plans.
- 5. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
- 6. The Permittee must annually certify that all occupied dwelling units for elderly housing are occupied by individuals meeting the requirements for elderly or retirement housing.
- 7. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
- 8. The terms, conditions, and requirements of this resolution shall run with the land and shall bind and obligate the Permittee, its successors and assigns.
- 9. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

3 * xiii. Add a note to the General Notes that states that no building permit for a new structure shall be issued for that portion of the project lying west of Dead Man's Run until August 1, 2009.

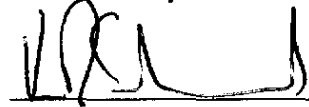
1 10. The site plan as approved with this resolution voids and supersedes all previously
2 approved site plans, however the terms, conditions and requirements of all resolutions/ordinances
3 approving previous permits shall remain in force except as specifically amended by this
4 resolution.

See further Council Proceedings on
next page.

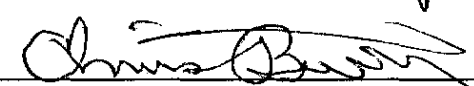
Approved as to Form & Legality:


City Attorney

Introduced by:



AYES: CAMP, ESCHLIMAN,
 SPATZ, SVOBODA;
NAYS: COOK, EMERY, MARVIN.

Approved this 1th day of Aug., 2008:

Mayor

ADOPTED
AUG 04 2008
BY CITY COUNCIL

08R-159

7/28/08 Council Proceedings:

MARVIN Moved amendment #2 to Bill No. 08R-159 in the following manner:

1. On page 3, after line 10, add the following new conditions:

xiii. Add a note to the General Notes that states no building permit for a new structure shall be issued for that portion of the project lying west of Dead Man's Run until August 1, 2009.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

SVOBODA Moved amendment #1 to Bill No. 08R-159 in the following manner:

1. On page 2, line 29, after the word "second" insert the word emergency.
2. On page 2, line 32, delete the word "open" and insert in lieu thereof the word emergency.

3. On page 2, line 32, delete the words "a public access easement or common" and insert in lieu thereof the words an emergency.

Seconded by Emery & tied by the following vote: AYES: Cook, Emery, Marvin
NAYS: Eschliman, Spatz, Svoboda; ABSENT: Camp.

Due to a tie vote, MTA #1 and Main Motion carried over for action in one week to 8/04/08.

8/4/08 Council Proceedings:

SVOBODA Moved amendment #1 to Bill No. 08R-159 in the following manner:

1. On page 2, line 29, after the word "second" insert the word emergency.
2. On page 2, line 32, delete the word "open" and insert in lieu thereof the word emergency.

3. On page 2, line 32, delete the words "a public access easement or common" and insert in lieu thereof the words an emergency.

Seconded by Emery & carried by the following vote: AYES: Camp, Eschliman, Spatz, Svoboda; NAYS: Cook, Emery, Marvin.

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

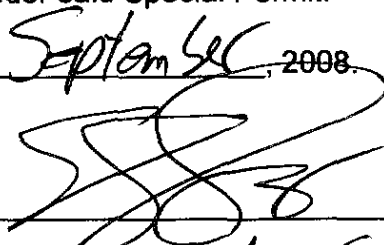
RE: **Special Permit 1174G**

To The City Clerk:

The undersigned, "Permittee" under **Special Permit 1174G** granted by **Resolution A-84965**, adopted by the City Council of the City of Lincoln, Nebraska, on **August 4, 2008**, 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 Special Permit.

Dated this 3rd day of September, 2008.


_____, Permittee
By: STEVAN GASPAR
Title: Managing Partner

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, an individual.

Notary Public

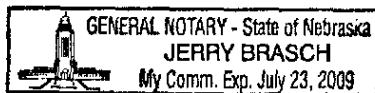
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, general partner of _____, a Nebraska general partnership.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 3 day of SEPT, 2008, by STAFF GILLES, Member, on behalf of CHITRA Dev. LLC., a Nebraska limited liability company.



Jerry Brasch
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by _____, President of _____, a Nebraska corporation.

Notary Public

CERTIFICATE

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

I, Teresa J. Meier, 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 1174G** approved by **Resolution A-84965**, adopted by the City Council on **August 4, 2008**, 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 5th day of August, 2008.

Teresa J. Meier
Deputy City Clerk

