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11R-220

Introduce: 9-12-11

RESOLUTION NO. A- 86504

Special Permit No 1174H

1 WHEREAS, Chateau Development, LLC, has submitted an application  
2 designated as Special Permit No. 1174H for authority to expand the boundary of the  
3 existing Chateau Community Unit Plan to add approximately 1.41 acres of R-2 zoned  
4 property to the north and to add eight units to the existing total of 1,294 approved  
5 dwelling units on property generally located south of North 63rd Street and Holdrege  
6 Street, and legally described as:

7 Lots 1-5, Chateau First Addition, and Lot 116  
8 Irregular Tract, located in the Northwest  
9 Quarter of Section 21, Township 10 North,  
10 Range 7 East of the 6th P.M., Lincoln,  
11 Lancaster County, Nebraska;

12 WHEREAS, the Lincoln City-Lancaster County Planning Commission has  
13 held a public hearing on said application and adopted Resolution No. PC-01246  
14 conditionally approving the same; and

15 WHEREAS, concerned residents have filed a Notice of Appeal appealing  
16 the action of the Planning Commission approving Special Permit No. 1174H and in  
17 particular the addition of a third entrance and exit on 63rd Street, and

18 WHEREAS, the community as a whole, the surrounding neighborhood,  
19 and the real property adjacent to the area included within the site plan for this  
20 excavation will not be adversely affected by granting such a permit, and

21 WHEREAS, said site plan together with the terms and conditions  
22 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln

Return to:  
Teresa @ City Clerk

1 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
2 public health, safety, and general welfare.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
4 Lincoln, Nebraska

5 That the application of Chateau Development, LLC, hereinafter referred to as  
6 "Permittee", to amend the Chateau Community Unit Plan to add approximately 1.41  
7 acres of R-2 zoned property to the north and adding 8 units to the total approved  
8 dwelling units, be and the same is hereby granted under the provisions of Section  
9 27.63 320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
10 construction of said community unit plan be in substantial compliance with said  
11 application, the site plan, and the following additional express terms, conditions, and  
12 requirements:

13 1 This permit approves the expansion of the Community Unit Plan to include  
14 1.41 acres to the north (Lot 116 I.T.), increases the total number of approved dwelling  
15 units from 1,294 to 1,302 units and allows the Permittee to build 36 multi-family units on  
16 the added property

17 2. Before receiving building permits

18 a. The Permittee shall cause to be prepared and submitted to the  
19 Planning Department a revised and reproducible final site plan  
20 including 5 copies with all required revisions as listed below

21 i. Add street names that are used in this complex to the  
22 drawing to aid in identifying locations within the complex.

23 ii. Provide a landscape buffer of at least 15 feet to the single-  
24 family residence to the north Provide additional screening  
25 through either moving the garages to the east or, if used for  
26 surface parking, then the area must be at least three feet  
27 below the highest grade of the property to the north.

- 1                                   iii     Remove the building envelope from within the utility
- 2    easement.
  
- 3                                   iv.     Relocate the utility easement to the satisfaction of Public
- 4    Works & Utilities
  
- 5                                   v.     Revise the plan to show future drive to the west
  
- 6                                   vi     Provide a grading plan to the satisfaction of Public Works
- 7    Department to show drainage from the proposed addition
- 8    through Berkshire Court
  
- 9                                   vii.   Revise the Utility Plan to the satisfaction of the Fire
- 10   Department.
  
- 11                                   viii.  Remove Notes 5, 6, 14 and 17 from the General Notes.
- 12    ix Remove the proposed new drive/access to N 63rd Street
- 13                                   b.     Grant an access easement if reciprocated by an access easement
- to Holdrege Street by the development to the west.
  
- 14                                   c     Provide verification to the Planning Department from the Register of
- 15    Deeds that the letter of acceptance as required by the approval of
- 16    the special permit has been recorded
  
- 17                                   d.     Provide verification to the Planning Department that the required
- 18    easements as shown on the site plan have been recorded with the
- 19    Register of Deeds.
  
- 20                                   e     The construction plans must substantially comply with the approved
- 21    plans
  
- 22
- 23                                   3.     Before occupying the new dwelling units all development and construction
- 24    must substantially comply with the approved plans.     \*
  
- 25                                   4     All privately-owned improvements, including landscaping and recreational
- 26    facilities, must be permanently maintained by the Permittee or an appropriately
- 27    established homeowners association approved by the City.
  
- 28                                   5.     The physical location of all setbacks and yards, buildings, parking and
- 29    circulation elements, and similar matters must be in substantial compliance with the
- 30    location of said items as shown on the approved site plan

-3-     \*     Permittee represents and agrees that the architectural style and color scheme of the new dwelling units will be similar to the existing structure at 1025 N. 63rd Street, Building H. At such time as the existing building at 1200 Berkshire Ct. is repainted Permittee agrees to change the color scheme to one similar to the existing structure at 1025 N 63rd Street, Building H.

1           6.     The Permittee must annually certify that all occupied dwelling units for  
2 elderly housing are occupied by individuals meeting the requirements for elderly or  
3 retirement housing.

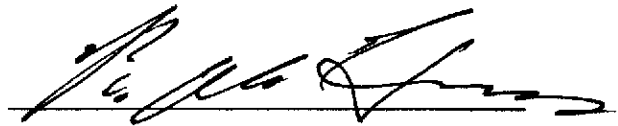
4           7     The terms, conditions, and requirements of this resolution shall run with  
5 the land and shall bind and obligate the Permittee, its successors and assigns

6           8     The Permittee shall sign and return the letter of acceptance to the City  
7 Clerk within 60 days following the approval of the special permit, provided, however,  
8 said 60-day period may be extended up to six months by administrative amendment.  
9 The City Clerk shall file a copy of the resolution approving the special permit and the  
10 letter of acceptance with the Register of Deeds, filing fees therefor to be paid in  
11 advance by the applicant.

12          9     The site plan as approved with this resolution voids and supersedes all  
13 previously approved site plans; however the terms, conditions and requirements of all  
14 resolutions/ordinances approving previous permits shall remain in force except as  
15 specifically amended by this resolution.

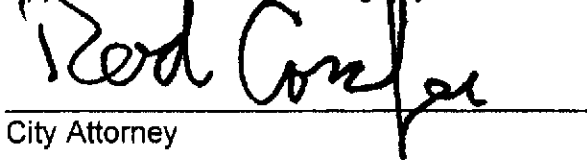
See further Council Proceedings on  
next page.

Introduced by:




AYES: Camp, Carroll, Cook,  
Emery, Eskridge, Hornung;  
NAYS: None.

Approved as to Form & Legality:

  
City Attorney

**ADOPTED**  
SEP 19 2011  
**BY CITY COUNCIL**

Approved this 21<sup>st</sup> day of Sept., 2011:

  
Mayor

**11R-220**

9/19/11 Council Proceedings:

EMERY Moved MTA #1 to amend Bill No. 11R-220 in the following manner:

1. On page 3, after line 11, add the following language:

ix. Remove the proposed new drive/access to N. 63rd Street.

2. On page 3, line 24, add the following language:

Permittee represents and agrees that the architectural style and color scheme of the new dwelling units will be similar to the existing structure at 1025 N. 63rd Street, Building H. At such time as the existing building at 1200 Berkshire Ct. is repainted. Permittee agrees to change the color scheme to one similar to the existing structure at 1025 N. 63rd Street, Building H.

Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung; NAYS: None.

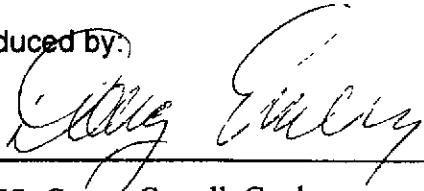
11R-220

MOTION TO AMEND NO. 1

I hereby move to amend Bill No 11R-220 in the following manner:

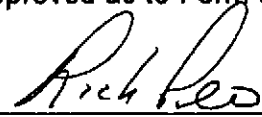
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- 2. On page 3, line 24, add the following language  
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Introduced by:



AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung;  
NAYS: None.

Approved as to Form & Legality:

  
City Attorney

Requested by: Mark Hunzeker, Attorney for the Developer

Reason for Request: To address the concerns of the neighbors to eliminate the new drive connection to N. 63rd Street and to make the building more compatible with the neighborhood

**ADOPTED**  
SEP 19 2011  
**BY CITY COUNCIL**

**LETTER OF ACCEPTANCE**

City of Lincoln  
Lincoln, Nebraska

**RE: Special Permit 1174H**

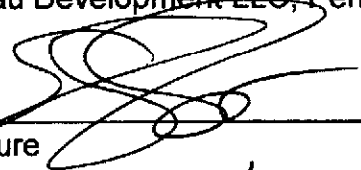
To The City Clerk:

The undersigned, "Permittee" under **Special Permit 1174H** granted by **Resolution A-86504**, adopted by the City Council of the City of Lincoln, Nebraska, on **September 19, 2011**, 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 28<sup>th</sup> day of September, 2011.

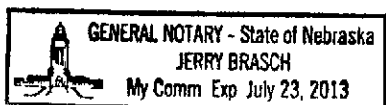
Chateau Development LLC, Permittee

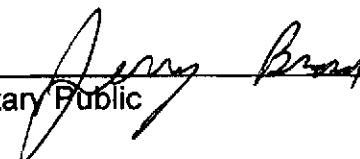
  
\_\_\_\_\_  
Signature

Managing Member  
\_\_\_\_\_  
Title

STATE OF NEBRASKA            )  
COUNTY OF LANCASTER    ) ss.

The foregoing instrument was acknowledged before me this 28 day of Sept, 2011, by STEPHEN GASPAR, on behalf of Chateau Development LLC.



  
\_\_\_\_\_  
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 1174H** approved by **Resolution A-86504**, adopted by the City Council on **September 19, 2011**, 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 22<sup>nd</sup> day of September, 2011.

*Teresa J. Meier*  
Deputy City Clerk

