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LANCASTER COUNTY, NE

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03R-118

Introduce: 5-12-03

RESOLUTION NO. A- 82097  
SPECIAL PERMIT NO. 622F

1 WHEREAS, Villas at Lakeside L.L.C. has submitted an application designated as  
2 Special Permit No. 622F for authority to amend Lakeside Village Community Unit Plan from 130  
3 units in five apartment buildings to 54 townhouses on individual lots, to redesign the roadway within  
4 the townhouse area, to revise the locations of garages, and to add parking stalls, with waivers of the  
5 requirement to submit a preliminary plat, to grant the Planning Director authority to approve an  
6 administrative final plat based upon the approved community unit plan and an administrative final  
7 plat that includes a private roadway, to waive the stormwater detention requirements, and to exceed  
8 the maximum number of dwelling units on a dead-end street on property located at Lakeside Drive  
9 and West Lakeshore Drive, and legally described to wit:

10 Lots 1, 2, Lakeside Village Addition, and Lot 1 and Outlot A, Lakeside  
11 Village 2nd Addition, located in Section 21, Township 10 North,  
12 Range 6 East of the 6th P.M., Lancaster County, Nebraska;

13 WHEREAS, the real property adjacent to the area included within the site plan for this  
14 amended community unit plan will not be adversely affected; and

15 WHEREAS, said site plan together with the terms and conditions hereinafter set forth  
16 are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
17 public health, safety, and general welfare.

18 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
19 public hearing on said application and by Resolution No. PC-00568 has conditionally approved Use  
20 Permit No. 622F; and

21 WHEREAS, Villas at Lakeside L.L.C. has appealed the action of the Lincoln City-  
22 Lancaster County Planning Commission approving Special Permit 622F with regard to requests for  
23 waivers of certain required conditions; and

city clerk

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
2 Nebraska:

3 That the application of Villas at Lakeside L.L.C., hereinafter referred to as "Permittee",  
4 to amend the Lakeside Village Community Unit Plan from 130 units in five apartment buildings to  
5 54 townhouses on individual lots, to redesign the roadway within the townhouse area, to revise the  
6 locations of garages, and to add parking stalls, on the property legally described above, be and the  
7 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln  
8 Municipal Code upon condition that construction and operation of said community unit plan be in  
9 strict compliance with said application, the site plan, and the following additional express terms,  
10 conditions, and requirements:

- 11 1. This permit approves 54 dwelling units on 54 townhouse lots.
- 12 2. The requirement that the Permittee submit a preliminary plat is waived.
- 13 3. The Planning Director is hereby authorized to approve an Administrative Final  
14 Plat based upon the approved Community Unit Plan.
- 15 4. The Planning Director is hereby authorized to approve an Administrative Final  
16 Plat that includes a private roadway within this Community Unit Plan.
- 17 5. The requirement of Lincoln Municipal Code § 26.23.080 that dead-end streets  
18 shall not have more than a potential 40 dwelling units is hereby waived to allow 42 dwelling units on  
19 the dead end street of Surfside Drive.
- 20 6. Administrative Final Plats will be approved by the Planning Director provided  
21 the Permittee has completed or posted a surety to guarantee the completion of the public streets,  
22 private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities,  
23 land preparation and grading, sediment and erosion control measures, storm water  
24 detention/retention facilities, drainageway improvements, street lights, landscaping screens, street  
25 trees, temporary turnaround and barricades, and street name signs.

7. The waiver of the filing of a preliminary plat and the Planning Director's authorization to approve an Administrative Final Plat based on the approved Lakeside Village Community Unit Plan shall only be effective for a period of ten (10) years from the date of this Resolution, and shall be of no force or effect thereafter. If any final plat on all

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CON'T ON PAGE 3

Cont.

or a portion of the approved community unit plan is submitted five (5) years or more after the date of this Resolution, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the community unit plan

~~The Permittee shall enter into a signed Subdivision Agreement that binds the~~

- 8. Subdivider, its successors and assigns, which shall provide as follows:
  - a. ~~To submit a plan for approval of the Director of~~
  - b. ~~To submit a plan for approval of the Director of Public Works showing~~ proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.
  - c. ~~To complete the private improvements shown on the Community Unit Plan.~~
  - d. ~~To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.~~
  - e. ~~To continuously and regularly maintain the street trees along Lakeside Drive, the private roadways, and landscape screens.~~
  - f. ~~To submit to the lot buyers and home builders a copy of the soil analysis.~~
  - ~~g. To pay all improvement costs.~~
  - g. ~~h. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.~~
  - h. ~~i. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.~~

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as originally approved does not comply with the amended rules and regulations. Public Works showing revisions to the grading and drainage plan to reflect the comments of the Lower Platte South NRD and the Nebraska Game and Parks Commission regarding stormwater detention and retention facilities.

1            ~~7-~~ j. To inform all purchasers and users that the land is located within the  
2 outer approach zone of the Airport Environs District and that all construction shall be in  
3 conformance with the airport zoning requirements and the aviation and noise easement and  
4 covenant agreement.

5            ~~7-~~ k. To inform all purchases and users that the land is located within a  
6 noise impact zone as established by the Nebraska Department of Roads based upon proximity to  
7 Interstate 80, and that no noise abatement devices will be installed by the Nebraska Department of  
8 Roads along the Interstate.

9            ~~8-~~ 9. Before receiving building permits:

10            a. The Permittee must submit an acceptable, revised and reproducible  
11 final plan including five copies.

12            b. The construction plans must conform to the approved plans.

13            c. Administrative Final Plats must conform to the approved Community  
14 Unit Plan and be approved administratively by the Planning Director.

15            ~~9-~~ 10. Before occupying the dwelling units all development and construction must  
16 be completed in conformance with the approved plans.

17            ~~10-~~ 11. All privately-owned improvements must be permanently maintained by the  
18 Permittee or an appropriately established homeowners association approved by the City Attorney.


19            ~~11-~~ 12. The site plan approved by this permit shall be the basis for all interpretations  
20 of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
21 matters.

22            ~~12-~~ 13. The terms, conditions, and requirements of this resolution shall be binding  
23 and obligatory upon the Permittee, its successors, and assigns. The building official shall report  
24 violations to the City Council which may revoke the special permit or take such other action as may  
25 be necessary to gain compliance.

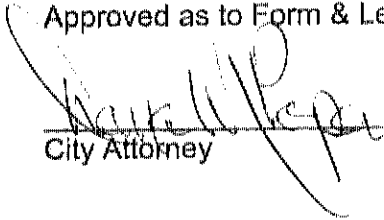
1            ~~13.14~~ .The Permittee shall sign and return the City's letter of acceptance to the City  
2 Clerk within 30 days following approval of the special permit, provided, however, said 30-day period  
3 may be extended up to six months by administrative amendment. The City Clerk shall file a copy  
4 of the resolution approving the special permit and the letter of acceptance with the Register of  
5 Deeds, filing fees therefor to be paid in advance by the Permittee.

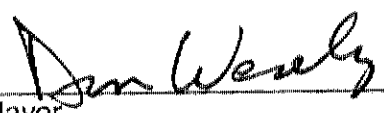
6            ~~14.15~~ .The site plan as approved with this resolution voids and supersedes all  
7 previously approved site plans, however all resolutions approving previous permits remain in force  
8 unless specifically amended by this resolution.

Introduced by:

  
AYES: Camp, Cook, Friendt,  
McRoy, Seng, Svoboda, Werner;  
NAYS: None.

Approved as to Form & Legality:

  
City Attorney

Approved this 19<sup>th</sup> day of May, 2003:  
  
Mayor

ADOPTED  
MAY 19 2003  
BY CITY COUNCIL

AMENDED 5/19/03

MOTION TO AMEND

I hereby move to amend Bill No. 03R-118 in the following manner:

1. On page 2, following line 25, add a new paragraph 7 to read as follows:

7. The waiver of the filing of a preliminary plat and the Planning Director's authorization to approve an Administrative Final Plat based on the approved Lakeside Village Community Unit Plan shall only be effective for a period of ten (10) years from the date of this Resolution, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the date of this Resolution, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

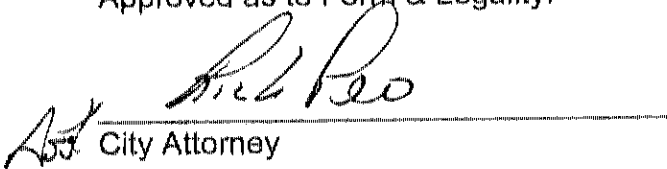
2. Renumber the subsequent paragraphs accordingly.

Introduced by:



AYES: Camp, Cook, Friendt,  
McRoy, Seng, Svoboda, Werner;  
NAYS: None.

Approved as to Form & Legality:

  
City Attorney

ADOPTED

MAY 19 2003

BY CITY COUNCIL

Requested by: Greg Czaplewski, Planning

Reason for Request: In compliance with the Land Subdivision Ordinance for a time limit on the approval of preliminary plats.

MOTION TO AMEND #2

I hereby move to amend Bill No. 03R-118 in the following manner:

1. On page 3, line 3, insert a new paragraph a. as follows:

a. To submit a plan for approval of the Director of Public Works showing revisions to the grading and drainage plan to reflect the comments of the Lower Platte South NRD and the Nebraska Game and Parks Commission regarding stormwater detention and retention facilities.

2. Renumber the subsequent paragraphs accordingly.

Introduced by:

AYES: Camp, Cook, Friendt,  
McRoy, Seng, Svoboda, Werner ;  
NAYS: None.

Approved as to Form & Legality:

City Attorney

Requested by: Public Works

Reason for Request:

ADOPTED  
MAY 19 2003  
BY CITY COUNCIL

**LETTER OF ACCEPTANCE**

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, CRAIG G. BAUER the undersigned representative(s) of **Villas at Lakeside L.L.C.**, Permittee in **Special Permit No. 622F** granted by **Resolution No. A-82097** adopted by the City Council of the City of Lincoln, Nebraska, on **May 19, 2003** do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

Dated this 27 day of MAY, 2003.

Craig G. Bauer  
Villas at Lakeside L.L.C.



