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RESOLUTION NO. PC- 01562

SPECIAL PERMIT NO. 17020

WHEREAS, Cedar Wood Estates, LLC (applicant and owner), requested approval of County Special Permit No. 17020, for a community unit plan under the provisions of Section 13.001(z) on property located at S. 96<sup>th</sup> Street and Martell Road, legally described as follows:

Lots 7 and 8 and the SW1/4 of the SE1/4 all in Section 23,

Township 8 North, Range 7 East, Lancaster County, NE;

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that this proposal meets the intent of a rural cluster subdivision under the AG zoning. The waiver to block length is typical of rural subdivisions with large lots;

WHEREAS, on June 21, 2017, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 17020 and voted 7-0 to recommend conditional approval of the special permit; and

WHEREAS, all requirements of the Lancaster County Zoning Resolution have been met;

NOW, THEREFORE, BE IT RESOLVED, by Lincoln-Lancaster County Planning Commission, that County Special Permit No. 17020 for a community unit plan under the provisions of Article 13.001(z) on property located at S. 96<sup>th</sup> Street and Martell Road, legally described as follows:

Lots 7 and 8 and the SW1/4 of the SE1/4 all in Section 23, Township 8 North, Range 7

East, Lancaster County, NE;

is hereby approved subject to the following conditions:

mail Donn Stoner  
(BK Page address)

**Site Specific Conditions:**

Per Section 13.001(z) of the Lancaster County Zoning Resolution, this approval permits a Community Unit Plan for 6 dwelling units and a waiver to block length.

1. Before a final plat is approved the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
  - 1.1 Change 500 year floodplain to 100 year floodplain.
  - 1.2 Delete or identify the 2 parallel lines in the northern part of the plan.
  - 1.3 On Lot 3 change “front yard setback” to “rear yard setback”.
  - 1.4 On Lot 5 and 6 dimension the rear yard setback.
  - 1.5 Show conceptual road providing access to the west and north.
  - 1.6 Change the density calculations to read  $96.13 \text{ acres}/20=4.80 \times 1.25= 6.01$
  - 1.7 Delete Note #10.
  - 1.8 Delete all waivers, since they are not necessary, except block length.
  - 1.9 Delete the County Board approval block. It is not necessary.
  - 1.10 Make corrections to the satisfaction of the County Engineer.
  - 1.11 Show conceptual layout for Outlot A and B.
  - 1.12 In the title change “Community Unit Plan #” to “Special Permit #17020.”
  - 1.13 Correct the sheet number on sheet 1 to 1 of 3.
  - 1.14 Change Lot 5 to Lot 4 and Lot 7 to Lot 6 for the lots to the east adjacent to the development.
  - 1.15: Show a building envelope on Lot 4 so it provides a 400 feet no build zone for dwellings from the east boundary of the Community Unit Plan.
2. Before a final plat is approved provide the following documents to the Planning Department:

- 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Final plat(s) is/are approved by the County.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the County may require that a new community unit plan be submitted, pursuant to all the provisions of Section 3.12 of the County's Land Subdivision Resolution. A new community unit plan may be required if the Land Subdivision Resolution or the required improvements have been amended by the County; and as a result, the community unit plan as originally approved does not comply with the amended Land Subdivision Resolution.

Before the approval of a final plat, the public streets, rural water system, land preparation and grading, sediment and erosions control measures, drainageway improvements, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Resolution.

No final plat shall be approved until the Permittee, as subdivider agrees:

To maintain County roads in good order and condition, including repair and replacement of paving or gravel as reasonably necessary, until the County Board specifically accepts the maintenance.

To relinquish the right of direct vehicular access to Martell Road except at Birdsong Place.

**Standard Conditions:**

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
- 4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the County.
- 4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 4.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

- 4.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this \_\_\_\_ day of June, 2017, by the Lincoln-Lancaster County Planning Commission.

By: Chris Hove  
Name: Chris Hove  
Title: Chairman



I, Kelly Lundgren on this date, 8/2/17, as an employee of the Lancaster County Clerk's office in Lincoln, Nebraska do hereby certify that this is a true and accurate copy of a record on file in this office.

Record #(if applicable) \_\_\_\_\_  
By Kelly Lundgren

DONN STONER

17300 S. 71

ATTACHMENT A

Hickman, Ne- 68372 LETTER OF ACCEPTANCE

Cedar Wood Estates, LLC, owner of record, hereby agrees to all of the conditions of County Special Permit No. 17020, for a community unit plan under the provisions of Section 13.001(z) of the Lancaster County Zoning Resolution on property located at S. 96<sup>th</sup> Street and Martell Road, legally described as follows:

Lots 7 and 8 and the SW1/4 of the SE1/4 all in Section 23, Township 8 North, Range 7 East, Lancaster County, NE;  
granted by the Lincoln-Lancaster County Planning Commission, and embodied in Resolution No. 01562, all costs which owner hereby represents have been paid and that this agreement shall be binding upon Cedar Wood Estates, LLC, and its heirs, successors, and assigns and shall run with the land.

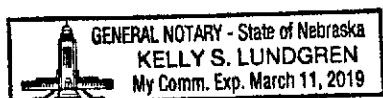
DATED this 21 day of August, 2017, in Lancaster County, Nebraska.

Owner of Record  
BY: Donn R. Stoner  
For Cedar Wood Estates, LLC

STATE OF NEBRASKA                    )  
  )     ss.  
County of Lancaster                 )

On this 21 day of August, 2017, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Donn R. Stoner, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be his voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 21 day of August, 2017.



Kelly S. Lundgren  
Notary Public