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INST. NO 2004

2004 OCT -6 P 3:42

065987

LANCASTER COUNTY, NE

BLOCK
 NO
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 1

FILE AGAINST: Crown Pointe Estates 6th Addition,
Lot 1



18281

03-179

Introduce: 11-17-03

Change of Zone 2751A

ORDINANCE NO. 18281

1 AN ORDINANCE amending the Van Dorn Acres Planned Unit Development to
 2 increase the number of multi-family dwelling units from 96 to 210 dwelling units, to increase the
 3 commercial floor area uses allowed in the B-1 Local Business District from 10,000 square feet
 4 to 33,000 square feet, including the sale of alcohol for consumption on and off the premises in
 5 portions of buildings 9 and 10 that are within 100' of a residential district, provided the on-sale
 6 alcohol for consumption on the premises is limited to businesses which derive more than 50%
 7 of their gross receipts from food sales, and to waive prohibitions within the Land Subdivision
 8 Ordinance and Zoning Code to allow a private sanitary ejector pump to serve the commercial
 9 area, to allow tandem parking to meet the required parking, and to allow the maximum building
 10 height for the multi-family structures to exceed 35 feet, on property generally located at the
 11 southwest corner of 84th and Van Dorn Streets.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 1. This permit approves a development plan consisting of 210 multi-family
 14 dwelling units, 33,000 sq. ft. of service commercial floor area, for uses found in the B-1 Local
 15 business District, including the sale of alcohol for consumption on and off the premises located
 16 in those portions of Buildings 9 and 10 that are located 100 feet or more from a residential
 17 building. The sale of alcohol for consumption on the premises shall be limited to businesses
 18 which provide documentation satisfactory to the City that more than 50% of their gross business
 19 receipts are derived from food sales. The development plan is for property generally located at
 20 the southwest corner of S. 84th Street and Van Dorn Street and legally described as:

21 Block 4, Outlot A, Crown Pointe Estates Addition, located in the
 22 Northeast Quarter of Section 3, Township 9 North, Range 7 East
 23 of the 6th P.M., Lancaster County, Nebraska.

1 2. Prohibitions and requirements within the Land Subdivision Ordinance and
2 Zoning Code are waived to allow:

- 3 a. The use of a private sanitary ejector pump is approved for the
4 commercial buildings. The private ejector pump shall be
5 maintained by the developer, and designed to discharge into the
6 private sanitary sewer system located on site.
- 7 b. The use of tandem parking stalls to meet required parking stalls in
8 the amount shown on the approved plan.
- 9 c. An increase in building heights from 35' to up to 38' for the
10 multiple-family dwellings.

11 3. Before receiving building permits.

- 12 a. The Permittee must submit an acceptable, revised and
13 reproducible final plan including five copies to the Planning
14 Director.
- 15 b. The construction plans must conform to the approved plans.
- 16 c. Final Plats within the area of this Planned Unit Development must
17 be approved by the City.
- 18 d. The Permittee must obtain a Section 404 permit from the Army
19 Corps of Engineers for fill on this site, or provide documentation
20 that such a permit is not required.
- 21 e. Developer must provide escrow or security agreement for the
22 costs of constructing a traffic signal at 84th and Rockledge Road.
- 23 f. Show easements required by Lincoln Electric System; ~~however,~~
24 ~~easements will be avoided to not disrupt screening between the~~
25 ~~multi-family and single family dwellings.~~

1 4. Before occupying the dwelling units all development and construction
2 must be completed in conformance with the approved plans.

3 5. All privately-owned improvements must be permanently maintained by the
4 owner or an appropriately established homeowners association approved by the City Attorney.

5 6. The site plan approved by this permit shall be the basis for all
6 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
7 elements, and similar matters.

8 7. The terms, conditions, and requirements of this resolution shall be binding
9 and obligatory upon the Permittee, their successors, and assigns. The building official shall
10 report violations to the City Council which may revoke the special permit or take such other
11 action as may be necessary to gain compliance.

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

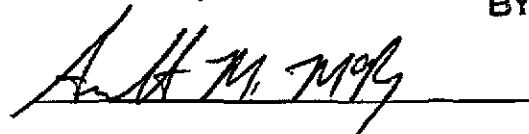
See further Council Proceedings
on next page.

PASSEL

DEC 01 2003

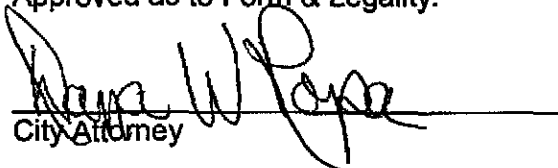
BY CITY COUNCIL

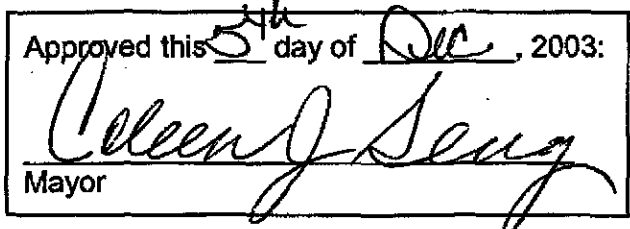
Introduced by:



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

Approved as to Form & Legality:


City Attorney

Approved this ^{5th} day of Dec, 2003:

Mayor

03-179

12/1/03 Council Proceedings:

SVOBODA Moved to amend Bill NO. 03-179 on page 2, beginning on line 23 through line 25 delete the language";however, easements will be avoided to not disrupt screening between the multi-family and single family dwellings".

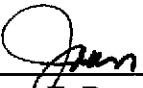
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.


CERTIFICATE

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

I, Joan E. Ross, City Clerk of the City of Lincoln, Nebraska, hereby certify that the foregoing is a true and correct copy of **Ordinance No. 18281 passed by the Lincoln City Council on December 1, 2003**, as the original appears of record in my said office.

In Witness Whereof, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, September 21, 2004.


Joan E. Ross, City Clerk



certify.wpd

Ret to City Clerk