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RESOLUTION NO. PC- 01594

SPECIAL PERMIT NO. 18002

1 WHEREAS, Anderson Homes, Inc. and Heartland Church Network have  
2 submitted an application designated as Special Permit No. 18002 for authority to develop a  
3 Community Unit Plan for 22 dwelling units consisting of 20 single-family attached or detached  
4 units, two unassigned dwelling units, and three outlots for drainage and open space, with  
5 waivers to the minimum lot depth, lot width-to-depth ratio, front yard setbacks, side yard  
6 setbacks, rear yard setbacks, and lot area, on property generally located at 1125 W. A Street,  
7 and legally described as:

8 Lot 222, Irregular Tract, located in the Northwest Quarter of  
9 Section 34, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M.,  
10 Lincoln, Lancaster County, Nebraska;

11 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
12 public hearing on said application; and

13 WHEREAS, the community as a whole, the surrounding neighborhood, and the  
14 real property adjacent to the area included within the site plan for this community unit plan will  
15 not be adversely affected by granting such a permit; and

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

1                   NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
2 Planning Commission of Lincoln, Nebraska:

3                   That the application of Anderson Homes, Inc. and Heartland Church Network,  
4 hereinafter referred to as "Permittee", to develop a Community Unit Plan for 22 dwelling units  
5 consisting of 20 single-family attached or detached units, two unassigned dwelling units, and  
6 three outlots for drainage and open space, with waivers to the minimum lot depth, lot width-to-  
7 depth ratio, front yard setbacks, side yard setbacks, rear yard setbacks, and lot area, be and the  
8 same is hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal  
9 Code upon condition that construction of said development be in substantial compliance with  
10 said application, the site plan, and the following additional express terms, conditions, and  
11 requirements:

12                1.       This permit approves a Community Unit Plan for 22 dwelling units consisting of  
13 20 single-family attached or detached units, two unassigned dwelling units, and three outlots for  
14 drainage and open space, with waivers to the minimum lot depth, lot width-to-depth ratio, front  
15 yard setbacks, side yard setbacks, rear yard setbacks, and lot area.

16                2.       Before a final plat is approved:

17                   a.       The Permittee shall cause to be prepared and submitted to the Planning  
18 Department a revised and reproducible final plot plan including 3 copies with all required  
19 revisions as listed below:

20                               1.       Make the following revisions to Site Plan (Sheet 1):

21                                   i.       Add to the General Notes: No changes shall be made to  
22 the berm located between Block 2 and Hwy 77 unless  
23 approved by the Nebraska Department of Transportation  
24 (NDOT).

25                                   ii.      Add labels between Lots 5 and 6, Block 1 and between  
26 Lots 6 and 7, Block 2 identifying 10' Utility Easements to  
27 the satisfaction of Lincoln Electric System (LES).

28                                   iii.     Remove lot width-to-depth ratio waiver.



1 street trees, temporary turnaround and barricades, and street name signs, must be completed  
2 or provisions (bond, escrow or security agreement) to guarantee completion must be approved  
3 by the City Law Department. The improvements must be completed in conformance with  
4 adopted design standards and within the time period specified in the Land Subdivision  
5 Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may  
6 be furnished for sidewalks and street trees along major streets that have not been improved to  
7 an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security  
8 agreement may be furnished for street trees on a final plat with 10 or fewer lots.

9 7. No final plat shall be approved until the Permittee, as subdivider, enters into an  
10 agreement with the City whereby Permittee agrees:

- 11 i. to complete the street paving of public streets, and temporary  
12 turnarounds and barricades located at the temporary dead-end of the  
13 streets shown on the final plat within two (2) years following the approval  
14 of the final plat.
- 15 ii. to complete the installation of sidewalks along both sides of all streets as  
16 shown on the final plat within four (4) years following the approval of the  
17 final plat.
- 18 iii. to complete the public water distribution system to serve this plat within  
19 two (2) years following the approval of the final plat.
- 20 iv. to complete the public wastewater collection system to serve this plat  
21 within two (2) years following the approval of the final plat.
- 22 v. to complete the enclosed public drainage facilities shown on the approved  
23 drainage study to serve this plat within two (2) years following the  
24 approval of the final plat.
- 25 vi. to complete the installation of public street lights along streets within this  
26 plat within two (2) years following the approval of the final plat.
- 27 vii. to complete the planting of the street trees along all streets within this plat  
28 within six (6) years following the approval of the final plat.
- 29 viii. to complete the planting of the landscape screen within this plat within  
30 two (2) years following the approval of the final plat.
- 31 ix. to complete the installation of the street name signs within two (2) years  
32 following the approval of the final plat.
- 33 x. to complete the installation of the permanent markers prior to construction  
34 on or conveyance of any lot in the plat.

- 1 xi. to complete any other public or private improvement or facility required by  
2 the Land Subdivision Ordinance in a timely manner which inadvertently  
3 may have been omitted from the above list of required improvements.
- 4 xii. to submit to the Director of Public Works a plan showing proposed  
5 measures to control sedimentation and erosion and the proposed method  
6 to temporarily stabilize all graded land for approval.
- 7 xiii. to comply with the provisions of the Land Preparation and Grading  
8 requirements of the Land Subdivision Ordinance.
- 9 xiv. to complete the public and private improvements shown on the  
10 Community Unit Plan.
- 11 xv. to keep taxes and special assessments on the outlots from becoming  
12 delinquent.
- 13 xvi. to maintain the outlots on a permanent and continuous basis.
- 14 xvii. to maintain the private improvements in good order and state of repair,  
15 including the routine and reasonable preventive maintenance of the  
16 private improvements, on a permanent and continuous basis.
- 17 xviii. to maintain the plants in the medians and islands, including replacement  
18 and replanting as reasonably necessary, on a permanent and continuous  
19 basis.
- 20 xix. to maintain the landscape screens, including replacement and replanting  
21 as reasonably necessary, on a permanent and continuous basis.
- 22 xx. to recognize that there may be additional maintenance issues or costs  
23 associated with the proper functioning of storm water detention/retention  
24 facilities as they were designed and construction within the development  
25 and that these additional maintenance issues or costs are the  
26 responsibility of the Permittee.
- 27 xxi. to retain ownership of and the right of entry to the outlots in order to  
28 perform the above-described maintenance of the outlots and private  
29 improvements on a permanent and continuous basis. However,  
30 Permittee(s) may be relieved and discharged of such maintenance  
31 obligations upon creating in writing a permanent and continuous  
32 association of property owners who would be responsible for said  
33 permanent and continuous maintenance subject to the following  
34 conditions:
- 35 (1) Permittee shall not be relieved of Permittee's maintenance  
36 obligation for each specific private improvement until a registered  
37 professional engineer or nurseryman who supervised the  
38 installation of said private improvement has certified to the City  
39 that the improvement has been installed in accordance with  
40 approved plans.
- 41 (2) The maintenance agreements are incorporated into covenants  
42 and restrictions in deeds to the subdivided property and the

1 documents creating the association and the restrictive covenants  
2 have been reviewed and approved by the City Attorney and filed  
3 of record with the Register of Deeds

4 xxii. to pay all design, engineering, labor, material, inspection, and other  
5 improvement costs.

6 xxiii. to inform all purchasers and users of land that is located within the 100  
7 year floodplain. The grading of the lots and outlots within the 100 year  
8 floodplain shall be in conformance with the approved grading plan or as  
9 amended by the Director of Planning. The volume of fill material brought  
10 into each lot and outlot from outside the floodplain shall not exceed that  
11 shown on the approved grading plan accompanying the preliminary plat.

12 xxiv. to protect the trees that are indicated to remain during construction and  
13 development.

14 8. Before occupying the dwelling units all development and construction shall  
15 substantially comply with the approved plans.

16 9. All privately-owned improvements shall be permanently maintained by the  
17 Permittee or an appropriately established homeowners association approved by the City.

18 10. The physical location of all setbacks and yards, buildings, parking and circulation  
19 elements, and similar matters must be in substantial compliance with the location of said items  
20 as shown on the approved site plan.

21 11. The terms, conditions, and requirements of this resolution shall run with the land  
22 and be binding upon the Permittee, its successors, and assigns.

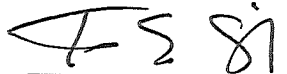
23 12. The Permittee shall sign and return the letter of acceptance to the City Clerk.  
24 This step should be completed within 60 days following the approval of the special permit. The  
25 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
26 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the  
27 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

28 The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning  
29 Commission on this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

  
\_\_\_\_\_  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Assistant City Attorney

**LETTER OF ACCEPTANCE**

City of Lincoln  
Lincoln, Nebraska

**RE: Special Permit No. 18002** - Allow for the development of 22 dwelling units, including waivers to zoning and subdivision requirements (1125 West A Street)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 18002**, granted by **Resolution No. PC-01594**, adopted by the Lincoln City-Lancaster County Planning Commission on March 14, 2018, 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.

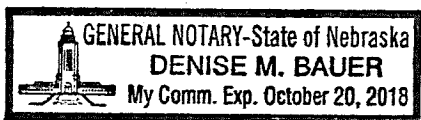
DATED the 27<sup>th</sup> day of March, 2018.

Heartland Church Network, Permittee

By: Mark R Elliott  
Title: Director of Missions

STATE OF Nebraska )  
COUNTY OF Douglas ) ss.

The foregoing Instrument was acknowledged before me this 27<sup>th</sup> day of March, 2018 by Mark Elliott, the Director of Missions of Heartland Church Network, as permittee.



Denise M Bauer  
Notary Public



# CERTIFICATE

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

I, Teresa J. Meier, 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 18002** as adopted and approved by **Resolution No. PC-01594** of the Lincoln City-Lancaster County Planning Commission at its meeting held **March 14, 2018** as the original appears of record in my office, and is now in my charge remaining as City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 16<sup>th</sup> day of March, 2018.

*Teresa J. Meier*  
City Clerk

