

(Appeal of Firethorn Investment)

92R 06

Introducer 3-30-92

RESOLUTION NO. A- **74731**

SPECIAL PERMIT NO. 1423

WHEREAS, Marjorie M. Grosskruger, f/k/a Marjorie M. Albin and Guy M. Lammie have submitted an application designated as Special Permit No. 1423 for authority to develop a golf course on property zoned AG Agricultural and located south of Pioneers Boulevard between 84th Street and 91st Street, and legally described to wit:

Lots 49 and 50 of Irregular Tracts and the East Half of the Northwest Quarter of Section 11, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and;

A part of the South Half of Section 11, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, described as follows: Commencing at the south quarter corner of said Section 11; thence northerly along the east line of the Southwest Quarter of said Section 11, a distance of 50.00 feet to the north right-of-way line of Old Cheney Road, said point to be the point of beginning; thence westerly deflecting 89 degrees 55 minutes 30 seconds left along said right-of-way line, a distance of 76.38 feet; thence westerly deflecting 2 degrees 26 minutes 01 seconds left along said right-of-way line, a distance of 150.14 feet; thence northerly deflecting 92 degrees 21 minutes right, a distance of 1273.89 feet to the south line of the North Half of said Southwest Quarter; thence easterly deflecting 90 degrees 06 minutes 30 seconds right along said south line, a distance of 226.32 feet to the southeast corner of the North Half of said Southwest Quarter; thence northerly along the east line of said Southwest Quarter, a distance of 30.77 feet; thence easterly deflecting 90 degrees 21 minutes 30 seconds right, a distance of 448.37 feet; thence southerly deflecting 89 degrees 40 minutes right, a distance of 1298.0 feet to the north right-of-way line of Old Cheney Road; thence westerly along said right-of-way line, a distance of 450.3 feet to the point of beginning; and

A part of the Northwest Quarter of the Southeast Quarter of Section 11, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, described as follows: Beginning at the northwest corner of said Northwest Quarter; thence southerly along the west line of said Northwest Quarter, a distance of 1286.46 feet; thence easterly deflecting 89 degrees 38 minutes 30 seconds left,

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1 a distance of 1323.37 feet to the east line of said
2 Northwest Quarter; thence northerly along said east line,
3 a distance of 1290.5 feet to the northeast corner of said
4 Northwest Quarter; thence westerly along the north line of
5 said Northwest Quarter, a distance of 1324.1 feet to the
6 point of beginning; and

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

9 WHEREAS, the community as a whole, the surrounding neighborhood, and
10 the real property adjacent to the area included within the plot plan for this
11 golf course will not be adversely affected by granting such a permit; and

12 WHEREAS, said plot plan together with the terms and conditions
13 hereinafter set forth are consistent with the comprehensive plan of the City
14 of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal
15 Code to promote the public health, safety, morals, and general welfare.

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

18 That the application of Marjorie M. Grosskruger, f/k/a Marjorie M.
19 Albin and Guy M. Lammie, hereinafter referred to as "Permittees", to develop a
20 golf course on the above-described property be and the same is hereby granted
21 under the provisions of §§ 27.07.040(b) and 27.63.130 the Lincoln Municipal
22 Code upon condition that construction and operation of said golf course be in
23 strict compliance with said application, the plot plan, and the following
24 additional express terms, conditions, and requirements:

25 1. This permit approves the development and operation of an 18
26 hole golf course to be open to the public.

27 2. Before receiving building permits, the Permittees shall:

28 A. Complete the following instructions and submit the
29 required documents and plans to the Planning Department
30 for review and approval.

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- (1) Documentation showing that Flatt Golf Services of Overland Park, Kansas, is licensed to design and construct golf courses and that the design of the proposed golf course conforms to the recommendations of the U.S. Golf Association or similar nationally recognized golf association.
- (2) A revised site plan showing the following:
 - a. The location of the existing right-of-way for Pioneers Boulevard and Old Cheney Road.
 - b. The addition of a note that right-of-way will be dedicated to 50 feet from the centerline of Pioneers Boulevard and Old Cheney Road.
 - c. The relocation of the two-way driveway to a location which is a minimum of 600 feet from the centerline of Pioneers Court.
 - d. The parking area relocated to a location which is a minimum of 50 feet from the new right-of-way line of Pioneers Boulevard.
 - e. A revised layout of the parking area to meet the City's design standards and a note stating that said parking area will be paved.
 - f. The location of the existing residential driveway.
 - g. The addition of a note relinquishing access to Pioneers Boulevard except at the proposed driveway location.

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h. The dimensions and location of any proposed signs.

i. A note stating that the ^{new} proposed driveway will be paved to the right-of-way line.

j. The location of the existing golf cart underpass under Pioneers Boulevard.

B. Submit a landscape plan identifying existing trees which are to remain and the identification of all proposed trees.

C. Provide a boundary survey including section and quarter section corners to the satisfaction of the County Engineer.

D. Provide an erosion control plan and a grading and drainage plan satisfactory to Public Works and the County Engineer.

E. Dedicate the necessary additional right-of-way in Pioneers Boulevard and Old Cheney Road.

F. Obtain the necessary permits from the County Health Department prior to the construction of any new water wells and the sewerage system.

G. Submit outdoor lighting plans showing no light trespass on adjacent property and public streets, which plans shall be reviewed and approved by the Lincoln Electric System.

3. Before receiving building permits, all construction plans shall comply with the approved plans.

1 5 4. Before operating this golf course, all development and con-
2 struction shall comply with the approved plans.

3 5. Before constructing the clubhouse facilities for the golf
4 course, the City-County Health Department shall approve the water and waste
5 water systems.


6 6. All privately owned improvements, including landscaping and
7 recreational facilities, shall be permanently maintained by the owner.

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

13 9.8: The Permittees shall sign and return the City's letter of
14 acceptance to the City Clerk within 30 days following approval of the special
15 permit, provided, however, said 30-day period may be extended up to six months
16 by administrative amendment. The City Clerk shall file a copy of the resolu-
17 tion approving the special permit and the letter of acceptance with the
18 Register of Deeds, filing fees therefor to be paid in advance by the Permit-
19 tees.

(See back of page for paragraph
#8.)

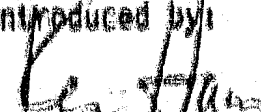
Approved as to form & legality:


City Attorney

Staff Review Completed:


Administrative Assistant

Introduced by:


AYES: Hall, Hempel, Johnson,
Minnick, Bong.
NAYS: None.
ABSENT: Young.
CONFLICT OF INTEREST: Wilson.

APPROVE

APR 10 1992

MAYOR

ADOPTED

APR 6 1992

By City Council

92R-86

MOTION TO AMEND

I hereby move to amend Bill No. 92R-86 on page 5, at line 13 by adding the following new paragraphs:

8. The Permittees shall not construct or develop any water production well, with an output greater than 50 gallons per minute, within 2,000 feet of Pioneers Boulevard. Any water production well developed by the Permittees, which is located more than 2,000 feet from Pioneers Boulevard, shall not have an output more than approximately 250 gallons per minute.

The remaining section shall be renumbered accordingly.

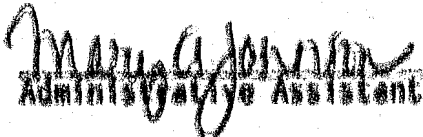
ADOPTED

4-6-92
By City Council

Approved as to Form & Legality:

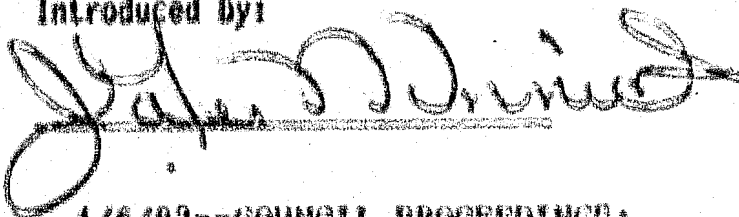

City Attorney

Staff Review Completed:


Administrative Assistant

Requested by: Both the Permittees and the Appellant.
Minnick made the motion;
seconded by Beng & carried
by the following vote: AYES: 250
Haar, Hempel, Johnson, Minnick, Beng;
NAYS: None; ABSENT: Young; CONFLICT OF INTEREST: Wilson.

Introduced by:



4/6/92--COUNCIL PROCEEDINGS:
Moved to amend Bill No. 92R-86 by
adding a new paragraph "8" as shown
below and renumbering the remaining
sections accordingly:

"8. The Permittee shall not construct
or develop any water production well, with
an output greater than 50 gallons per
minute, within 2,000 feet of Pioneers Blvd.
Any water production well developed by
the Permittees, which is located more than
2,000 feet from Pioneers Blvd. shall not
have an output more than approximately
250 gallons per minute.

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LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

Re: Special Permit No. 1423

TO THE CITY COUNCIL:

X(We), Marjorie M. Grosskremer & Guy M. Lammie, Permittee(s)
under Special Permit No. 1423, granted by Resolution No.
A- 74734, adopted by the City Council on April 6, 1992,
1992, do hereby certify that X(we) have thoroughly read said
resolution, understand the contents thereof, and do hereby accept
without qualification all of the terms, conditions, and requirements
therein.


Permittee - Marjorie M. Grosskremer
f/k/a Marjorie M. Albin

Permittee - Guy M. Lammie

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C E R T I F I C A T E

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

I, Joan E. Ross, 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 No. 1421 approved by Resolution No. A-74714

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held April 6, 1992, 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 16th day of April, 19 92.

Joan E. Ross
Deputy City Clerk

11977
#4230

INST. NO. 92 20230

Return to City Clerk