



18R-3

Introduce: 1-8-18

90903

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 17022

1 WHEREAS, Starostka-Lewis, LLC/Lewis-Starostka, Inc. and James Buel have submitted
2 an application designated as Special Permit No. 17022 for authority to develop a Community
3 Unit Plan for single family detached and townhome residential uses for up to 433 total dwelling
4 units, with waivers to allow for sanitary sewer mains to run opposite the street grades, to allow
5 block lengths to exceed 1,320 feet for Blocks 15 and 25, and to allow for side lot lines to deviate
6 from being radial and perpendicular to street ROW lines on curved streets, on property
7 generally located at O Street and North 112th Street, and legally described as:

8 A tract of land composed of Lot 18 and 19 Irregular Tracts and the
9 South Half of the Northeast Quarter located in the East Half of
10 Section 24, Township 10 North, Range 7 East of the 6th P.M.,
11 Lincoln, Lancaster County, Nebraska;

12 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public
13 hearing on November 15, 2017 on said application and adopted Resolution No. PC-01575
14 approving the same; and

15 WHEREAS, Mark Hunzeker has filed a Notice of Appeal appealing the action of the
16 Planning Commission approving Special Permit No. 17022; and

17 WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed
18 from is deemed advisory and the City Council is authorized to take final action on the application
19 for Special Permit No. 17022; and

Chg CTD \$82.00

Return to:
Teresa @ City Clerk

1 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
2 property adjacent to the area included within the site plan for this special permit will not be ad-
3 versely affected by granting such a permit; and

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

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
9 Nebraska:

10 That the application of Starostka-Lewis, LLC/Lewis-Starostka, Inc. and James Buel,
11 hereinafter referred to as "Permittee", to develop a Community Unit Plan for single family
12 detached and townhome residential uses for up to 433 total dwelling units, with waivers to allow
13 for sanitary sewer mains to run opposite the street grades, to allow block lengths to exceed
14 1,320 feet for Blocks 15 and 25, and to allow for side lot lines to deviate from being radial and
15 perpendicular to street ROW lines on curved streets, be and the same is hereby granted under
16 the provisions of Section 27.63.320 of the Lincoln Municipal Code on the condition that
17 construction of said development be in substantial compliance with said application, the site
18 plan, and the following additional express terms, conditions, and requirements:

19 1. This permit approves a Community Unit Plan for single family detached and
20 townhome residential uses for up to 433 total dwelling units, with waivers to allow for sanitary
21 sewer mains to run opposite the street grades, to allow block lengths to exceed 1,320 feet for
22 Blocks 15 and 25, and to allow for side lot lines to deviate from being radial and perpendicular to
23 street ROW lines on curved streets.

24 2. The City Council approves associated requests:

- 25 a. Annexation #17007
- 26 b. Change of Zone #17015

1 3. Before a final plat is approved:

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

5 i. Amend Phasing Exhibit (as revised on November 8, 2017) to have
6 the number of assigned and unassigned dwelling units to be no
7 greater than the total number of units requested for the first four
8 phases (433 dwelling units). Also add a third condition that
9 ~~“Temporary barricades will be installed on Piper Way and~~
10 ~~Beechcraft Road, at the connection between Sky Ranch Acres~~
11 ~~and the Dominion at Stevens Creek, until such time that~~
12 ~~occupancy permits have been granted for 74 single-family units~~
13 ~~within the new development. *See page 3 (a)~~

14 As an additional option, Phase 1 shall include either the
15 connection of Crescent Moon Drive to N. 104th Street in Waterford
16 Estates, or a connection to Shore Front Drive. However, if the
17 sole connection to Phase 1 is Shore Front Drive, final platting of
18 Phase 1 shall be limited to 35 lots, until the connection of
19 Crescent Moon Drive to N. 104th Street is completed.

20 Phase 3A/3B must include a connection to either Shore Front
21 Drive or East “O” Street.

22 ii. Submit corrections to the satisfaction of LES.

23 iii. Submit corrections to the satisfaction of Public Works-Watershed
24 Management.

25 iv. Delete Site Notes 5, 8, 9, and 12 on Sheet 1 of 20.

26 v. Show a 20 foot trail easement in outlot. Note it will be located in a
27 future location to the satisfaction of the Parks and Recreation
28 Department.

29 vi. Add note that prior to any final plat in Phase 3B Waterford Estates
30 preliminary plat must be amended or the Dominion site plan
31 revised to match their currently approved plan.

32 vii. Provide exhibit showing block length for all blocks.

33 viii. Change Weston Lane name to Boathouse Road. Add note that
34 this access will be coordinated with adjacent developer.

35 ix. Change Site Note 11 on Sheet 1 of 20 for Hospitals to Residential
36 and Nonresidential Health Care Facilities.

37 x. Label 20 foot trail easement on adjoining Waterford Estates
38 property.

Prior to commencement of any construction, the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for 74 single-family units In Phase 1 and in Phase 2, north of Century Lane, of the new development, as shown on the Phasing Exhibit for the Community Unit Plan. Add a fourth condition to note Phase 2 or 3B may begin prior to Phase 1.

1 xi. Add pedestrian easement and confirm grading meets ADA in
2 Block 17.

3 xii. Add pedestrian easement and revise grading to conform to ADA
4 from the Crescent Moon cul de sac to the potential bike trail to the
5 east.

6 b. Provide verification that the letter of acceptance as required by the
7 approval of the special permit has been recorded with the Register of Deeds.

8 4. Final plat(s) is/are approved by the City.

9 5. If any final plat on all or a portion of the approved community unit plan is
10 submitted five (5) years or more after the approval of the community unit plan, the city may
11 require that a new community unit plan be submitted, pursuant to the provisions of section
12 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design
13 standards, or the required improvements have been amended by the city; and as a result, the
14 community unit plan as originally approved does not comply with the amended rules and
15 regulations.

16 6. Before the approval of a final plat, the public streets, private roadway
17 improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,
18 land preparation and grading, sediment and erosions control measures, storm water
19 detention/retention facilities, drainageway improvements, street lights, landscaping screens,
20 street trees, temporary turnaround and barricades, and street name signs must be completed or
21 provisions (bond, escrow, or security agreement) to guarantee completion must be approved by
22 the City Law Department. The improvements must be completed in conformance with adopted
23 design standards and within the time period specified in the Land Subdivision Ordinance. A
24 cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished
25 for sidewalks and street trees along major streets that have not been improved to an urban
26 cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement
27 may be furnished for street trees on a final plat with 10 or fewer lots.

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

- 3 i. to complete the street paving of public streets, and temporary
4 turnarounds and barricades located at the temporary dead-end of the
5 streets shown on the final plat within two (2) years following the approval
6 of the final plat.
- 7 ii. to complete the installation of sidewalks along both sides of all streets as
8 shown on the final plat within four (4) years following the approval of the
9 final plat.
- 10 iii. to complete the public water distribution system to serve this plat within
11 two (2) years following the approval of the final plat.
- 12 iv. to complete the public wastewater collection system to serve this plat
13 within two (2) years following the approval of the final plat.
- 14 v. to complete the enclosed public drainage facilities shown on the approved
15 drainage study to serve this plat within two (2) years following the
16 approval of the final plat.
- 17 vi. to complete the installation of public street lights along streets within this
18 plat within two (2) years following the approval of the final plat.
- 19 vii. to complete the planting of the street trees along all streets within this plat
20 within six (6) years following the approval of the final plat.
- 21 viii. to complete the planting of the landscape screen within this plat within
22 two (2) years following the approval of the final plat.
- 23 ix. to complete the installation of the street name signs within two (2) years
24 following the approval of the final plat.
- 25 x. to complete the installation of the permanent markers prior to construction
26 on or conveyance of any lot in the plat.
- 27 xi. to complete any other public or private improvement or facility required by
28 the Land Subdivision Ordinance in a timely manner which inadvertently
29 may have been omitted from the above list of required improvements.
- 30 xii. to submit to the Director of Public Works a plan showing proposed
31 measures to control sedimentation and erosion and the proposed method
32 to temporarily stabilize all graded land for approval.
- 33 xiii. to comply with the provisions of the Land Preparation and Grading
34 requirements of the Land Subdivision Ordinance.
- 35 xiv. to complete the public and private improvements shown on the
36 Community Unit Plan.

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- xv. to keep taxes and special assessments on the outlots from becoming delinquent.
 - xvi. to maintain the outlots on a permanent and continuous basis.
 - xvii. to maintain the private improvements in good order and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.
 - xviii. to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.
 - xix. to maintain the landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.
 - xx. to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.
 - xxi. to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds
 - xxii. to pay all design, engineering, labor, material, inspection, and other improvement costs.
 - xxiii. to inform all purchasers and users of land located within the 100 year floodplain that the grading of the lots and outlots within the 100 year floodplain shall be in conformance with the approved grading plan or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

1 xxiv. to protect the trees that are indicated to remain during construction and
2 development.

3 xxv. to relinquish the right of direct vehicular access to O Street and N. 112th
4 Street except as shown.

5 8. Before occupying the dwelling units, all development and construction shall
6 substantially comply with the approved plans.

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

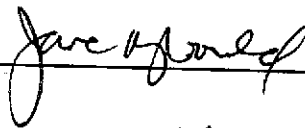
9 10. The physical location of all setbacks and yards, buildings, parking and circulation
10 elements, and similar matters must be in substantial compliance with the location of said items
11 as shown on the approved site plan.

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

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

See further Council Proceedings on next page.


Introduced by:



Approved as to Form & Legality:



City Attorney

Approved this 15th day of Febr., 2018:


Mayor

ADOPTED
FEB 12 2018
BY CITY COUNCIL

AYES: Camp, Christensen, Eskridge, Gaylor
Baird, Lamm Raybould, Shobe; NAYS: None.

18R-3

01/29/18 Council Proceedings:

RAYBOULD Moved to Continue Public Hearing on Bill No. 18R-3 one week to 2/05/18.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

02/12/18 Council Proceedings:

ESKRIDGE Moved motion #2 to amend Bill No. 18R-3 in the following manner:

(a) By deleting all of lines 9 through 13 on page 3 and inserting in lieu thereof the following:

Prior to commencement of any construction, the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for 74 single-family units In Phase 1 and in Phase 2, north of Century Lane, of the new development, as shown on the Phasing Exhibit for the Community Unit Plan. Add a fourth condition to note Phase 2 or 3B may begin prior to Phase 1.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

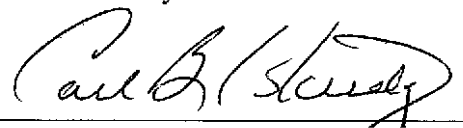
MOTION TO AMEND #2

I hereby move to amend Bill No. 18R-3 in the following manner:

(a) By deleting all of lines 9 through 13 on page 3 and inserting in lieu thereof the following:

Prior to commencement of any construction, the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for 74 single-family units in Phase 1 and in Phase 2, north of Century Lane, of the new development, as shown on the Phasing Exhibit for the Community Unit Plan. Add a fourth condition to note Phase 2 or 3B may begin prior to Phase 1.

Introduced by:



AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Approved as to Form & Legality:

City Attorney

ADOPTED
FEB 12 2018
BY CITY COUNCIL

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit 17022**

To The City Clerk:

The undersigned, "Permittee" under **Special Permit 17022** granted by **Resolution A-90903**, adopted by the City Council of the City of Lincoln, Nebraska, on **February 12, 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 this 15 day of February, 2018.

STAROSTKA-LEWIS LLC, Permittee

LEWIS-STAROSTKA INC, Permittee

By: [Signature]
Title: MANAGING member

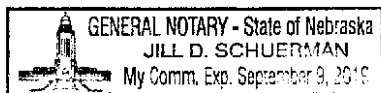
By: [Signature]
Title: VP

JAMES BUEL, Permittee

By: [Signature]
Title: _____

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

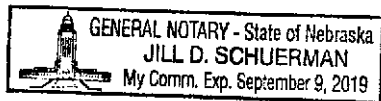
The foregoing instrument was acknowledged before me this 15th day of February, 2018, by Mark Lewis, on behalf of Starostka-Lewis LLC, Permittee.



[Signature]
Notary Public

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

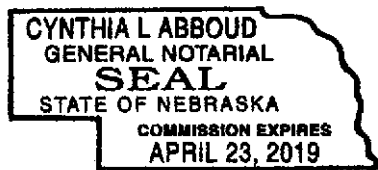
The foregoing instrument was acknowledged before me this 15th day of February, 2018, by Mark Lewis, on behalf of Lewis-Starostka Inc, Permittee.



Jill D. Schuerman
Notary Public

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

The foregoing instrument was acknowledged before me this 22 day of February, 2018, by James Buel, Permittee.



Cynthia L. Abboud
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 17022** approved by **Resolution A-90903**, adopted by the City Council on **February 12, 2018**, 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 14th day of February, 2018.

Teresa J. Meier
City Clerk

The seal of the City of Lincoln, Nebraska, is circular. It features a central portrait of a man with a beard and glasses, likely a historical figure. The text around the seal reads "CITY OF LINCOLN" at the top, "FOUNDED JULY 29, 1854" on the right, "SEAL" below the portrait, "INCORPORATED APRIL 7, 1869" on the left, and "LANCASTER COUNTY, NEBRASKA" at the bottom.