



RESOLUTION NO. PC- 01497

SPECIAL PERMIT NO. 16001

1 WHEREAS, Triple S & L Developers, LLC has submitted an application
2 designated as Special Permit No. 16001 for authority to develop a Community Unit Plan for 11
3 dwelling units with waivers of (1) the prohibition against sanitary sewer running opposite street
4 grades ("Sanitary Sewer Requirement"), (2) the requirement that the entire urban reserve
5 component be graded ("Grading Requirement"), and (3) the requirement to show how the urban
6 reserve component can be further subdivided at such time as the property is annexed and can
7 be served by City Services ("Conversion Plan Requirement"), on property generally located at
8 South 68th Street and Saltillo Road, and legally described as:

9 Lots 4, 23 and 25 of Irregular Tracts, located in the Northeast
10 Quarter of Section 4, Township 8 North, Range 7 East of the 6th
11 P.M., Lancaster County, Nebraska;

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

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

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

City Clerk \$52.00

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

3 That the application of Triple S & L Developers, LLC, hereinafter referred to as
4 "Permittee", to develop a Community Unit Plan for 11 dwelling units with waivers of the Sanitary
5 Sewer Requirement, Grading Requirement, and Conversion Plan Requirement, be and the
6 same is hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal
7 Code upon condition that construction of said development be in substantial compliance with
8 said application, the site plan, and the following additional express terms, conditions, and
9 requirements:

10 1. Before receiving approval of a final plat the Permittee shall:

11 a. Cause to be prepared and submitted to the Planning Department a
12 revised and reproducible final plot plan including 3 copies with all required revisions as listed
13 below:

- 14 i. Make corrections to the satisfaction of the County Engineer.
- 15 ii. Make corrections to the satisfaction of Public Works and Utilities
16 Watershed Management.
- 17 iii. In Note 2 delete the rest of the sentence after "located within ..."
- 18 iv. Show a pedestrian easement in a separate outlot from Outlot B.
19 Revise Notes 20 and 25 to reflect the correct outlots for the future
20 urban development.
- 21 v. Change AGR to AG in the Density Calculation.
- 22 vi. Correct the waivers listed to match the submittal letter.
- 23 vii. Change the street name of Sunflower as it is already in use.
- 24 viii. Change the name "Drive A" to S. 63rd Street or another numbered
25 street to the satisfaction of Building and Safety.
- 26 ix. If Outlot A is only for the drainage, delete "and future development."

27 b. Complete the public streets, private roadway improvements, sidewalks, public
28 sanitary sewer system, public water system, drainage facilities, land preparation and grading,
29 sediment and erosions control measures, storm water detention/retention facilities, drainageway

1 improvements, street lights, landscaping screens, street trees, temporary turnaround and
2 barricades, and street name signs, or provide a guarantee (bond, escrow or security agreement)
3 to guarantee completion must be approved by the City Law Department. The improvements
4 must be completed in conformance with adopted design standards and within the time period
5 specified in the Land Subdivision Ordinance.

6 c. Enter into a Subdivision Agreement with the City wherein:

- 7 i. Permittee agrees to complete the street paving of public streets, and
8 temporary turnarounds and barricades located at the temporary dead-
9 end of the streets shown on the final plat within two years following
10 the approval of this final plat.
- 11 ii. Permittee agrees to complete the installation of sidewalks along both
12 sides of Sunflower Way, South 62nd Street and South 63rd Street
13 (Drive A) from the north lot line of Lot 3, Block 1 as shown on the final
14 plat within four years following the approval of the final plat.
- 15 iii. Permittee agrees to complete the public wastewater collection system
16 to serve this plat within two years following the approval of the final
17 plat.
- 18 iv. Permittee agrees to complete land preparation, including storm water
19 detention/retention facilities and open drainageway improvements, to
20 serve this plat prior to the installation of utilities and improvements but
21 not more than two years following the approval of the final plat.
- 22 v. Permittee agrees to complete the planting of the street trees along
23 Sunflower Way, South 62nd Street and South 63rd Street (Drive A)
24 within this plat within six years following the approval of the final plat.
- 25 vi. Permittee agrees to complete the installation of the street name signs
26 within two years following the approval of the final plat.
- 27 vii. Permittee agrees to complete the installation of the permanent
28 markers prior to construction on or conveyance of any lot in the plat.
- 29 viii. Permittee agrees to complete any other public or private improvement
30 or facility required by the Land Subdivision Ordinance in a timely
31 manner which inadvertently may have been omitted from the above
32 list of required improvements.
- 33 ix. Permittee agrees to submit to the Director of Public Works a plan
34 showing proposed measures to control sedimentation and erosion
35 and the proposed method to temporarily stabilize all graded land for
36 approval.
- 37 x. Permittee agrees to comply with the provisions of the Land
38 Preparation and Grading requirements of the Land Subdivision
39 Ordinance.

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- xi. Permittee agrees to complete the public and private improvements shown on the Community Unit Plan.
- xii. Permittee agrees to keep taxes and special assessments on the outlots from becoming delinquent.
- xiii. Permittee agrees to maintain the outlots on a permanent and continuous basis.
- xiv. Permittee agrees to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.
- xv. Permittee agrees to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.
- xvi. Permittee agrees 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 constructed within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.
- xvii. Permittee agrees to maintain County roads in good order and condition, including repair and replacement of paving as reasonably necessary, until the County Board specifically accepts the maintenance.
- xviii. Permittee agrees 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 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.

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

1 2. If a community wastewater system and/or community water system is proposed,
2 the final plat cannot be approved until documentation that the community wastewater system
3 and community water system necessary to serve every lot in the final plat has been completed
4 and approved by the appropriate agency.

5 3. Final plat(s) must be approved.

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

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

15 6. All privately-owned improvements, including landscaping and recreational
16 facilities, shall be permanently maintained by the Permittee or an appropriately established
17 owners association approved by the City.

18 7. 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 8. Before occupying the dwelling units City/County Health Department is to approve
22 the community waste water system.

23 9. The terms, conditions, and requirements of this resolution shall run with the land
24 and be binding upon the Permittee, its successors, and assigns.

25 10. The Permittee shall sign and return the letter of acceptance to the City Clerk.
26 This step should be completed within 60 days following the approval of the special permit. The

1 City Clerk shall file a copy of the resolution approving the special permit and the letter of
2 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
3 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

4 The foregoing Resolution was approved by the Lincoln City-Lancaster County
5 Planning Commission on this 25 day of May, 2016.

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 16001** - Allow an AG Community Unit Plan that incorporates build-through with waivers
(South 68th Street and Saltillo Road)

TO THE CITY CLERK:

The undersigned, "Permittee" under Special Permit No. 16001, granted by **Resolution No. PC-01497**, adopted by the Lincoln City-Lancaster County Planning Commission on May 25, 2016, 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.

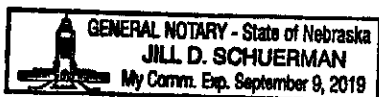
DATED the 21st day of June, 2016.

Triple S & L Developers, LLC, Permittee

By Robert E. Schultz
Title: Managing Director

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

The foregoing Instrument was acknowledged before me this 21st day of June, 2016, by Robert E. Schultz, the Managing Member of Triple S & L Developers, LLC, as permittee.



Jill D. Schuerman
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 16001** as adopted and approved by **Resolution No. PC-01497** of the Lincoln City-Lancaster County Planning Commission at its meeting held **May 25, 2016** 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 14th day of June, 2016.

Teresa J. Meier
City Clerk

