



A92071

20R-104
Special Permit No. 20003

Introduce: 3-16-20

4d

RESOLUTION NO. A- 92071

1 WHEREAS, Pine Lake Development, LLC has submitted an application designated as
2 Special Permit No. 20003 for authority to develop a Community Unit Plan for up to 192 dwelling
3 units with waivers to decrease the internal setbacks to 0', to decrease the minimum lot width from
4 50' to 20', and to decrease the minimum lot area from 6,000 square feet to 1,500 square feet, on
5 property generally located at South 93rd Street and Old Cheney Road, and legally described as:

6 A TRACT OF LAND COMPOSED OF LOT 1, BLOCK 3,
7 VINTAGE HEIGHTS 4TH ADDITION, LOCATED IN THE
8 NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 9
9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF
10 LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE
11 PARTICULARLY DESCRIBED AS FOLLOWS:

12 BEGINNING AT THE NORTHWEST CORNER OF LOT 1,
13 BLOCK 3, VINTAGE HEIGHTS 4TH ADDITION, SAID POINT
14 BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH
15 93RD STREET, AND ON THE SOUTH RIGHT-OF-WAY LINE
16 OF OLD CHENEY ROAD; THENCE EASTERLY ON THE
17 NORTH LINE OF SAID LOT 1, SAID LINE BEING THE SOUTH
18 LINE OF SAID RIGHT-OF-WAY ON AN ASSUMED BEARING
19 OF S89°43'02"E, A DISTANCE OF 682.70' TO THE
20 NORTHEAST CORNER OF SAID LOT 1; THENCE
21 S00°11'08"W, ON AN EAST LINE OF SAID LOT 1, A
22 DISTANCE OF 533.00' TO NORTH CORNER OF SAID LOT 1;
23 THENCE S89°43'02"E, ON A NORTH LINE OF SAID LOT 1, A
24 DISTANCE OF 200.00' TO AN EAST CORNER OF SAID LOT 1;
25 THENCE S00°11'08"W, ON AN EAST LINE OF SAID LOT 1, A
26 DISTANCE OF 997.23' TO THE SOUTHEAST CORNER OF
27 SAID LOT 1; THENCE N89°48'52"W, ON A SOUTH LINE OF
28 SAID LOT 1, A DISTANCE OF 195.52' TO A SOUTH CORNER
29 OF SAID LOT 1; THENCE N78°29'26"W, ON A SOUTH LINE
30 OF SAID LOT 1, A DISTANCE OF 621.26' TO SOUTH CORNER
31 OF SAID LOT 1; THENCE N24°25'49"W, ON A WEST LINE OF
32 SAID LOT 1, A DISTANCE OF 10.57' TO A SOUTH CORNER
33 OF SAID LOT 1; THENCE N89°43'02"W, ON A SOUTH LINE
34 OF SAID LOT 1, A DISTANCE OF 123.94' TO THE
35 SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING
36 ON AN EAST RIGHT-OF-WAY LINE OF SOUTH 93RD
37 STREET; THENCE N29°44'13"E, ON A WEST LINE OF SAID
38 LOT 1, SAID LINE BEING AN EAST LINE OF SAID RIGHT-
39 OF-WAY, A DISTANCE OF 9.28' TO A WEST CORNER OF
40 SAID LOT 1, SAID POINT BEING A POINT OF CURVATURE

Vintage

Chp 065 #76

1 FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE
2 DIRECTION HAVING A CENTRAL ANGLE OF 28°39'21", A
3 RADIUS OF 331.46', AN ARC LENGTH OF 165.78' ON A WEST
4 LINE OF SAID LOT 1, SAID LINE BEING AN EAST LINE OF
5 SAID RIGHT-OF-WAY, A CHORD LENGTH OF 164.05', A
6 TANGENT LENGTH OF 84.66', AND A CHORD BEARING OF
7 N15°37'22"E TO A WEST CORNER OF SAID LOT 1; THENCE
8 N00°16'58"E, ON A WEST LINE OF SAID LOT 1, SAID LINE
9 BEING AN EAST LINE OF SAID RIGHT-OF-WAY, A
10 DISTANCE OF 1,233.71' TO THE POINT OF BEGINNING,
11 SAID TRACT CONTAINS A CALCULATED AREA OF
12 1,201,714.12 SQUARE FEET OR 27.59 ACRES, MORE OR
13 LESS.

14 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public
15 hearing on February 19, 2020 on said application and adopted Resolution No. PC-01692 approving
16 the same; and

17 WHEREAS, Kristin Kraemer filed a Notice of Appeal appealing the action of the Planning
18 Commission approving Special Permit No. 20003 through Planning Commission Resolution No.
19 PC-01692 adopted February 19, 2020; and

20 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the action appealed from is
21 deemed advisory and the City Council is authorized to make such decision as ought to be made
22 with respect to application for Special Permit No. 20003; and

23 WHEREAS, the Property under consideration includes approximately 27.59 acres, and is
24 zoned R-3 Residential; and

25 WHEREAS, testimony of Planning Staff demonstrates that the Property can be served with
26 public water and sanitary sewer services from existing nearby infrastructure; and

27 WHEREAS, the waivers to setbacks, lot width, and lot area requirements are consistent
28 with the desire to provide a greater variety of housing types throughout the City and are mitigated
29 by the fact that the reduced size lots are surrounded by outlots that serve to provide necessary open
30 space throughout the development area; and

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 community unit plan will not be
3 adversely affected by granting such a permit; and

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

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

9 That the application of Pine Lake Development, LLC, hereinafter referred to as
10 "Permittee", to develop a Community Unit Plan for up to 192 dwelling units with waivers to
11 decrease the internal setbacks to 0', to decrease the minimum lot width from 50' to 20', and to
12 decrease the minimum lot area from 6,000 square feet to 1,500 square feet, be and the same are
13 hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code upon
14 condition that construction of said development be in substantial compliance with said application,
15 the site plan, and the following additional express terms, conditions, and requirements:

16 1. This permit approves a Community Unit Plan for up to 192 dwelling units with
17 waivers to allow internal setbacks to 0', to reduce the required minimum lot width to 20', and to
18 reduce the required minimum lot area to 1,500 square feet.

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

- 22 a. Correct the density calculation table to show: Total Units Assigned – 133;
23 Total Units Unassigned - 59.
- 24 b. Create typical separation between Lots 37 and 38, Block 1 and Lots 5 and
25 6, Block 3.

- 1 c. Add a note which states: The parking lot in Outlot F is shown conceptually
2 and can only be built if the outlot comes under ownership of the larger
3 Vintage Heights Homeowners Association.
- 4 d. Revise the right-of-way dedication in Old Cheney Road to show an
5 additional 6' to accommodate the City's bike trail system.
- 6 e. Provide a new name for Kunde Drive, which is phonetically too similar to
7 the existing Dundee Drive, and for Stone Hill, which is phonetically too
8 similar to Stony Hill.
- 9 f. Revise the waiver table by deleting waivers 1-3 and renumbering the
10 remaining waivers accordingly.
- 11
12 g. Show Outlot B 30' in width with an access easement for park maintenance,
13 and show a 15'-wide pedestrian way easement from Reese Drive to the park
14 to the satisfaction of the Planning Department.
- 15 h. Make the revisions and corrections as noted in the written comments and
16 redlines as provided by Watershed Management.
- 17 i. Combine CUP Notes #6 and #63 to state: "Single-family detached 'cottage'
18 (which are located on Lots 30-44 and Lots 64-71, Block 1; Lots 1-17, Block
19 3; and Lots 1-15, Block 4) lot locations may vary, but the dwelling will not
20 encroach into the 20' boundary setback for the CUP.
- 21 j. Add a note which states: "For Lots 33, 34, 35, 38, 39, 42, and 43, Block 1,
22 covered decks and patios may extend up to 10' into the 20' CUP boundary
23 setback. For Lots 65-71, Block 1, decks and patios may extend to within 10'
24 of the west line of Outlot B."
- 25 k. Correct the note numbering for the CUP notes.
- 26 l. Revise the utility plan as follows: Show the sanitary sewer line serving the
27 dwellings along South 93rd Street approximately 10' from the edge of the
28 sanitary sewer easement (or a different amount approved by LTU); and,
29 show the sanitary sewer serving the lots along South 94th Street and along
30 Stone Hill Lane in those locations where it is not shown.
- 31 3. Before a final plat is approved, Permittees shall provide verification to the Planning
32 Department Verification from the Register of Deeds that the letter of acceptance as required by the
33 approval of special permit has been recorded.
- 34 4. Final plat(s) is/are approved by the City.

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

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

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

- 21 a. To complete the paving of public streets and temporary turnarounds and
22 barricades located at the temporary dead-end of the streets shown on the
23 final plat within two (2) years following the approval of the final plat.

- 1 b. To complete the installation of sidewalks along both sides of all streets as
2 shown on the final plat within four (4) years following the approval of the
3 final plat.
- 4 c. To complete the public water distribution system to serve this plat within
5 two (2) years following the approval of the final plat.
- 6 d. To complete the public wastewater collection system to serve this plat
7 within two (2) years following the approval of the final plat.
- 8 e. To complete the enclosed public drainage facilities shown on the approved
9 drainage study to serve this plat within two (2) years following the approval
10 of the final plat.
- 11 f. To complete the installation of public street lights along streets within this
12 plat within two (2) years following the approval of the final plat.
- 13 g. To complete the planting of the street trees along all streets within this plat
14 within six (6) years following the approval of the final plat.
- 15 h. To complete the planting of the landscape screen within this plat within two
16 (2) years following the approval of the final plat.
- 17 i. To complete the installation of the street name signs within this plat within
18 two (2) years following the approval of the final plat.
- 19 j. To complete the installation of the permanent markers prior to construction
20 on or conveyance of any lot in the plat.
- 21 k. To complete any other public or private improvement or facility required
22 by Chapter 26.23 (Development Standards) of the Land Subdivision
23 Ordinance in a timely manner which inadvertently may have been omitted
24 from the above list of required improvements.

- 1 l. To submit to the Director of Transportation and Utilities for approval, a plan
2 showing proposed measures to control sedimentation and erosion and the
3 proposed method to temporarily stabilize all graded land.
- 4 m. To comply with the provisions of the Land Preparation and Grading
5 requirements of the Land Subdivision Ordinance.
- 6 n. To complete the public and private improvements shown on the Community
7 Unit Plan.
- 8 o. To keep taxes and special assessments on the outlots from becoming
9 delinquent.
- 10 p. To maintain the outlots on a permanent and continuous basis.
- 11 q. To maintain the private improvements in good order and state of repair,
12 including the routine and reasonable preventive maintenance of the private
13 improvements, on a permanent and continuous basis.
- 14 r. To maintain the plants in the medians and islands, including replacement
15 and replanting as reasonably necessary, on a permanent and continuous
16 basis.
- 17 s. To recognize that there may be additional maintenance issues or costs
18 associated with the proper functioning of stormwater detention/retention
19 facilities as they were designed and constructed within the development and
20 to further recognize and agree that these additional maintenance issues and
21 costs are the responsibility of the Permittee.
- 22 t. To retain ownership of and the right of entry to the outlots in order to
23 perform the above-described maintenance of the outlots and private
24 improvements on a permanent and continuous basis. However, Permittee
25 may be relieved and discharged of such maintenance obligations upon

1 creating in writing a permanent and continuous association of property
2 owners who would be responsible for said permanent and continuous
3 maintenance subject to the following conditions:

4 (1) Permittee shall not be relieved of Permittee's maintenance
5 obligation for each specific private improvement until a registered
6 professional engineer or nurseryman who supervised the installation
7 of said improvement has certified to the City that the improvement
8 has been installed in accordance with approved plans.

9 (2) The maintenance agreements are incorporated into covenants and
10 restrictions in deeds to the subdivided property and the documents
11 creating the association and the restrictive covenants have been
12 reviewed and approved by the City Attorney and filed of record with
13 the Register of Deeds.

14 u. To pay all design, engineering, labor, material, inspection, and other
15 improvement costs.

16 v. To inform all purchasers and users of land that is located within the 100
17 year floodplain that the grading of the lots and outlots within the 100 year
18 floodplain shall be in conformance with the approved grading plan as
19 amended by the Director of Planning. The volume of fill material brought
20 into each lot and outlot from outside the floodplain shall not exceed that
21 shown on the approved grading plan accompanying the preliminary plat.

22 w. To protect the trees that are indicated to remain during construction and
23 development.

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

1 9. All privately-owned improvements, including landscaping and recreational
2 facilities, shall be permanently maintained by the Permittee or a duly established homeowners
3 association approved by the City.

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

7 11. The terms, conditions, and requirements of this resolution shall run with the land
8 and be binding upon the Permittees, its successors, and assigns.

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

**See further Council
Proceedings on next page.**

Approved as to Form & Legality:


City Attorney

Introduced by:



AYES: Bowers, Christensen, Meginnis,
Raybould, Shobe, Ward, Washington; NAYS:
None.

Approved this 2 day of April, 2020:


Mayor

ADOPTED

MAR 30 2020

BY CITY COUNCIL

20R-104

3/16/20 Council Proceedings:

CHRISTENSEN Moved to delay Public Hearing on Bill No. 20R-104 to 3/30/20.

Seconded by Meginnis & carried by the following vote: AYES: Bowers, Christensen, Meginnis, Raybould, Shobe, Ward, Washington; NAYS: None.

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: Special Permit 20003

To The City Clerk:

The undersigned, "Permittee" under Special Permit 20003 granted by Resolution A-92071, adopted by the City Council of the City of Lincoln, Nebraska, on March 30, 2020, 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.

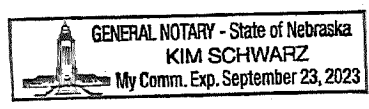
Dated this 4 day of MAY, 2020.

PINE LAKE DEVELOPMENT LLC, Permittee

[Signature]
Signature

MANAGER
Title

STATE OF NE
COUNTY OF Dodge)
SS:



The foregoing instrument was acknowledged before me this 4 day of MAY, 2020, by Robert Hampton, on behalf of Pine Lake Development LLC, permittee.

[Signature]
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 Resolution A-92071 - Appeal by Kristin Kraemer of Planning Commission's approval of Special Permit 20003 to allow a Community Unit Plan (CUP) for up to 192 dwelling units with waivers to setbacks, lot area, and lot width on property generally located at the southeast corner of Old Cheney Road and South 93rd Street. adopted by the City Council on **March 30, 2020**, 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 20th day of May 2020.


Interim City Clerk

