



RESOLUTION NO. PC- 01712

SPECIAL PERMIT NO. 05015B

1 WHEREAS, HH Development, Inc. has submitted an application designated as
2 Special Permit No. 05015B to amend an existing Community Unit Plan to for 312 dwelling units,
3 with waivers to 1) waive the minimum block length for Blocks 1, 9, and 14; 2) reduce the minimum
4 lot width from 50 feet to 41 feet; 3) reduce the minimum lot area from 6,000 square feet to 4,500
5 square feet; 4) allow double frontage lots on Blocks 1, 16, and 18; 5) waive the requirement to
6 provide pedestrian ways in Blocks 2, 9, 13, 14, and 18; 6) and allow sanitary sewer to run opposite
7 the street grade in Garden Valley Road, Pennsylvania Avenue, McLou Lane, and North 10th Street,
8 on property generally located at North 14th Street and Humphrey Avenue, and legally described
9 as:

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Lots 1 through 7, Block 1, Lots 1 through 11, Block 2, Lots 1 through 4, Block 3, Lots 1 through 18, Block 4, Outlot 'D', and internal street right-of-way, Hartland's Garden Valley Addition; Lots 1 through 6, Block 1, Lots 1 through 9, Block 2, Lots 1 through 8, Block 3, Hartland's Garden Valley 1st Addition; Lots 1 through 3 and Outlot 'B', Hartland's Garden Valley 2nd Addition; Lots 1 through 14, Block 1, Lots 1 through 3, Block 2, Lots 1 through 5, Block 3, Lots 1 and 2, Block 4, Hartland's Garden Valley 3rd Addition; Lot 1, Block 1, Lots 1 through 7, Block 2, Lots 1 through 7, Block 3, Lots 1 through 10, Block 4, Lots 1 through 6, Block 5, Lots 1 through 5, Block 6, and Outlots 'A', 'B', 'C', 'D' and 'E', Hartland's Garden Valley 4th Addition, all located in the Southeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln, Lancaster County Nebraska, and more particularly described as follows:

25 Beginning at the Northeast corner of former corner of Outlot 'E',
26 Hartland's Garden Valley Addition; thence along the East line of the
27 former said Outlot 'E', said line also being the West Right-of-Way
28 line of North 14th Street S 00°12'41" W a distance of 1228.72' to the
29 Southeast corner of former said Outlot 'E'; thence along the North
30 Right-of-Way line of Pennsylvania Avenue, N 89°51'18" W a
31 distance of 1919.41' to the Southwest corner of said Outlot 'D',
32 Hartland's Garden Valley 4th Addition; thence along the West line

1 of said Outlots 'D' & 'E', and Lot 1, Block 3 and Lot 7, Block 2,
2 Hartland's Garden Valley 4th Addition,

3 N 00°21'42" E a distance of 937.20' to the Northwest Corner of said
4 Lot 7, Block 2; thence along the South line of said Outlot 'B',
5 Hartland's Garden Valley 2nd Addition, N 89°54'10" W a distance
6 of 626.06' to the Southwest corner of said Outlot 'B'; thence along
7 the West line of said Outlot 'B', said line also being the East Right-
8 of-Way line of North 7th Street N 00°25'29" E a distance of 304.23'
9 to the Northwest corner of said Outlot 'B'; thence along the South
10 Right-of-Way line of Humphrey Avenue

11 S 89°55'07" E a distance of 2261.97'; thence along the West Right-
12 of-Way line of North 13th Street, S 00°04'53" W a distance of
13 10.00'; thence along the South Right-of-Way line of Humphrey
14 Avenue, S 89°55'07" E a distance of 170.00'; thence S 00°04'53" W
15 a distance of 5.00'; thence along the South Right-of-Way line of
16 Humphrey Avenue, S 89°55'07" E a distance of 109.87' to the point
17 of beginning, having an area of 2,570,247.35 square feet or 59.0
18 acres, more or less.

19 And

20 Lot 2 and Lot 3 except the South 7.00 feet and part of Lot 1, Block
21 4, and the East Half of Lots 1 and 4 except the South 7.00 feet, Block
22 3, and That part of North 11th Street which lies between Blocks 3
23 and 4, Garden Valley, Located in the Southeast Quarter of Section
24 35, Township 11 North, Range 6 East of the 6th. P.M., Lincoln,
25 Lancaster County Nebraska, and more particularly described as
26 follows:

27 Beginning at the intersection of the East line of said Lot 3, Block 4
28 and the North Right-of-Way line of Fletcher Avenue; thence along
29 the North Right-of-Way line of Fletcher Avenue N 89°46'39" W a
30 distance of 1004.56' to a point on the North Right-of-Way line of
31 Fletcher Avenue; thence N 00°18'05" E a distance of 1255.54' to a
32 point on the North line of said Lot 1, Block 3; thence along the North
33 line of said Blocks 3 and 4, said line also being the South Right-of-
34 Way line of Southwick Avenue S 89°51'18" E a distance of 1342.15'
35 to the Northeast corner of said part of Lot 1, Block 4; thence S
36 00°12'48" W a distance of 151.19'; thence S 00°11'45" W a distance
37 of 449.85'; thence N 89°34'03" W a distance of 339.30'; thence
38 along the East line of said Lot 3, Block 4 S 00°21'07" W a distance
39 of 374.41'; thence S 00°06'04" W a distance of 283.15' to the point
40 of beginning, having an area of 1,464,414.04 square feet or 33.62
41 acres, more or less.

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

3 WHEREAS, the Property under consideration includes approximately 92.62 acres;
4 and

5 WHEREAS, the Planning Department Staff Report demonstrates that the Property
6 can be served with public water and sanitary sewer services from existing nearby infrastructure;
7 and

8 WHEREAS, the amendments requested will reduce the density of the development
9 and place less demand on City infrastructure; and

10 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
11 property adjacent to the area included within the site plan for this community unit plan will not be
12 adversely affected by amending the existing Community Unit Plan as requested; and

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

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

19 That the application of HH Development, Inc., hereinafter referred to as
20 "Permittee", to amend an existing Community Unit Plan to for 312 dwelling units, with waivers to
21 1) waive the minimum block length for Blocks 1, 9, and 14; 2) reduce the minimum lot width from
22 50 feet to 41 feet; 3) reduce the minimum lot area from 6,000 square feet to 4,500 square feet; 4)
23 allow double frontage lots on Blocks 1, 16, and 18; 5) waive the requirement to provide pedestrian
24 ways in Blocks 2, 9, 13, 14, and 18; and 6) allow sanitary sewer to run opposite the street grade in

1 Garden Valley Road, Pennsylvania Avenue, McLou Lane, and North 10th Street, be and the same
2 are hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code upon
3 condition that construction of said development be in substantial compliance with said application,
4 the site plan, and the following additional express terms, conditions, and requirements:

5 1. This permit approves and amendment to the existing Community Unit Plan by
6 reducing the number of dwelling units allowed to 312 dwelling units, with the following waivers:

7 a) Waiver to allow block length to exceed the maximum allowable length under LMC
8 §26.23.130 for Blocks 1, 9, and 14;

9 b) Waiver to reduce the minimum average lot width required under LMC §27.72.20
10 from 50 feet to 41 feet;

11 c) Waiver to reduce the minimum lot area required under LMC §27.72.020 from 6,000
12 square feet to 4,500 square feet;

13 d) Waiver from LMC §26.23.140 to allow double frontage lots on Blocks 1, 16, and
14 18;

15 e) Waiver of the requirement under LMC §26.23.125 to provide pedestrian ways in
16 Blocks 2, 9, 13, 14, and 18; and

17 f) Waiver to Design Standard Title 2, Chapter 2.00, Section 3.6, to allow sanitary
18 sewer to run opposite the street grade in Garden Valley Road, Pennsylvania Avenue,
19 McLou Lane, and North 10th Street.

20 2. Before receiving building permits or before a final plat is approved the Permittees
21 shall cause to be prepared and submitted to the Planning Department a revised and reproducible
22 final plot plan including 2 copies with all required revisions and documents as listed below:

23 a. Remove the labels for public park.

24 b. Revise the waivers to match how they are listed in this Resolution.

- 1 c. Submit a CAD file of the grading plan to Lincoln Electric System.
- 2 d. Make revisions to the satisfaction of Watershed Management.
- 3 e. Change the street names for Viola Drive and Jayden Avenue subject to
4 approval by the Planning Director.
- 5 f. Add a note requiring that lots fronting on both Pennsylvania Avenue and an
6 intersecting street must take access from the intersecting street and
7 relinquish access to Pennsylvania Avenue.
- 8 g. Show a roundabout in Fletcher Avenue at Mashae Drive and including the
9 right-of-way necessary for the roundabout subject to approval of the
10 Lincoln Transportation and Utilities Department.
- 11 h. Add to the General Notes, "Signs need not be shown on this site plan but
12 need to be in compliance with Chapter 27.69 of the Lincoln Zoning
13 Ordinance and must be approved by Building & Safety Department prior to
14 installation".
- 15 i. Add to the General Notes, "Prior to final platting Lots 8-15, Block 15, Lots
16 1-6, Block 16, Lots 6-11, Block 17 or Lots 2-10, Block 18, the developer
17 shall submit a cash contribution to cover the developer's share of improving
18 Fletcher Avenue, plus a share of the roundabout cost, in an amount to the
19 satisfaction of the Transportation and Utilities Department. Upon receipt of
20 said funds by the City, the developer shall be relieved of any responsibility
21 for improvements on Fletcher Avenue."
- 22 3. Before receiving building permits or before a final plat is approved, Permittees shall
23 provide the following documents to the Planning Department:
- 24 a. Verification from the Register of Deeds that the letter of acceptance as required
25 by the approval of the special permit has been recorded.
- 26 b. Prior to final platting Lots 8-15, Block 15; Lots 1-6, Block 16; Lots 6-11, Block
27 17; or Lots 2-10, Block 18, the developer shall submit a cash contribution to
28 cover the developer's share of improving Fletcher Avenue, plus a share of the
29 roundabout cost, in an amount to the satisfaction of the Transportation and
30 Utilities Department. This would relieve the developer of any responsibility for
31 improvements on Fletcher Avenue.

1 c. Complete demolition permits, including removal of all structures, at 1000
2 Fletcher Avenue and 1220 Fletcher Avenue and install a gate or other form of
3 secured entrance a all drives to the Property off of Fletcher Avenue prior to
4 approval of any final plat submitted following approval of this special permit.

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

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

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

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

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

16 9. The Permittee shall sign and return the letter of acceptance to the City Clerk. This
17 step should be completed within 60 days following the approval of the special permit. The City
18 Clerk shall file a copy of this Resolution and the letter of acceptance with the Register of Deeds
19 with the filing fees to be paid in advance by the Permittees. Building permits will not be issued
20 until the letter of acceptance has been filed.

21 10. The site plan as approved with this resolution voids and supersedes all previously
22 approved site plans, however all prior resolutions approving this permit remain in full force and
23 effect as specifically amended by this resolution.

1 The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning
2 Commission on this 8th day of July, 2020.

ATTEST:

Tracy J. Carr
Chair

Approved as to Form & Legality:

ES Si
Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: Special Permit 05015B - Allow up to 312 single-family lots and revision of the layout and drainage study, with waivers to lot dimensions, block length, pedestrian way easements, allow for double frontage lots, and sanitary sewer design standards (No. 14th Street and Fletcher Avenue)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit 05015B**, granted by **Resolution PC-01712**, adopted by the Lincoln City-Lancaster County Planning Commission on July 8, 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.

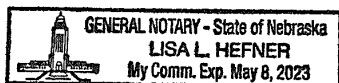
DATED the 25 day of August, 2020.

HH Development, Inc., Permittee

By:
Title:

STATE OF NE)
COUNTY OF Lancaster) ss.

The foregoing Instrument was acknowledged before me this 25 day of August, 2020 by Andrew Hartman the President of HH Development, Inc., as permittee.



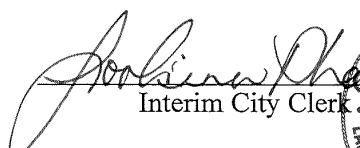
Laura R. Hefner
Notary Public

C E R T I F I C A T E

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

I, Soulinnee Phan, Interim 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 05015B** as adopted and approved by **Resolution No. PC-01712** of the Lincoln City-Lancaster County Planning Commission at its meeting held **July 8, 2020** as the original appears of record in my office, and is now in my charge remaining as Interim City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 17th day of July, 2020.


Interim City Clerk.

