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RESOLUTION NO. PC- 01007

SPECIAL PERMIT NO. 1940A

1 WHEREAS, Jeffrey J. Motz and Jami L. Jones and Hartland Homes, Inc. have
2 submitted an application designated as Special Permit No. 1940A for authority to
3 amend Cardinal Heights Community Unit Plan to waive the required width to depth
4 ratio, rear yard setback, minimum lot area, and average lot width, on property generally
5 located at N.W. 56th Street and Partridge Lane and legally described as:
6 Lots 1 through 6, Block 1; Lots 1 through 9, Block 2; Lots 1
7 through 11, Block 3; Lots 1 through 5 and 8, Block 4; Outlots
8 A and B, Hartland's Cardinal Heights Addition;
9 Lots 1-9, Block 1; Lots 1-9, Block 2; Lots 1-15, Block 3; Lots
10 1-10, Block 4; Lots 1 & 2, Block 5; Lots 1-24, Block 6;
11 Hartland's Cardinal Heights 1st Addition;
12 Lots 1-4, Block 1; Lots 1-18, Block 2; Lots 1-18, Block 3;
13 Lots 1-6, Block 4; Hartland's Cardinal Heights 2nd Addition;
14 Lots 14-28, Block 2; Lots 7-21, Block 3; Lots 1-6, Block 4;
15 Hartland's Cardinal heights 3rd Addition;
16
17 Lots 1 & 2; Hartland's Cardinal Heights 4th Addition;
18
19 Lots 1 & 2; Hartland's Cardinal Heights 5th Addition;
20
21 Lots 1 & 2, Block 1; Lots 1-5, Block 2; Lots 1-9, Block 3;
22 Hartland's Cardinal Heights 6th Addition;

Teresa, City Clerk

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

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

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

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

12 That the application of Jeffrey J. Motz and Jami L. Jones and Hartland
13 Homes, Inc., hereinafter referred to as "Permittee", to amend Cardinal Heights
14 Community Unit Plan to waive the required width to depth ratio, rear yard setback,
15 minimum lot area, and average lot width be and the same is hereby granted under the
16 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
17 condition that construction of said community unit plan be in strict compliance with said
18 application, the site plan, and the following additional express terms, conditions, and
19 requirements:

- 20 1. This approval permits 203 dwelling units, with the following waivers:
- 21 a. Width to depth ratio on Lots 2, 3 and 4, Block 1;
- 22 b. Rear yard setback to 20 feet on Lots 1 & 2, Block 8;

- 1 c. Lot area from 5,000 s.f. to 3, 800 s.f. for single family attached lots
2 and from 6,000 s.f. to 4,000 s.f on single family lots;
- 3 d. Lot width from 40 feet to 38 feet for single family attached lots and 50
4 feet to 41 feet for single family lots.
- 5 2. Before a final plat is approved:
- 6 a. The Permittee shall complete the following instructions and submit
7 the documents and plans to the Planning Department office for
8 review and approval.
- 9 i. A revised site plan including 5 copies showing the following
10 revisions:
- 11 ii. Identify which lots are for single-family attached.
- 12 iii. Identify which lots require the waiver to lot area.
- 13 iv. Identify which lots require the waiver to lot width.
- 14 b. Provide documentation from the Register of Deeds that the letter of
15 acceptance as required by the approval of the special permit has
16 been recorded.
- 17 3. Before occupying the dwelling units all development and construction is to
18 comply with the approved plans.
- 19 4. All privately-owned improvements, including landscaping and recreational
20 facilities, are to be permanently maintained by the owner or an appropriately established
21 homeowners association approved by the City.

1 5. The site plan accompanying this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking and
3 circulation elements, and similar matters.

4 6. This resolution's terms, conditions, and requirements bind and obligate the
5 Permittee, its successors and assigns.

6 7. The applicant shall sign and return the letter of acceptance to the City
7 Clerk within 60 days following the approval of the special permit, provided, however,
8 said 60-day period may be extended up to six months by administrative amendment.
9 The City Clerk shall file a copy of the resolution approving the special permit and the
10 letter of acceptance with the Register of Deeds, filling fees therefor to be paid in
11 advance by the applicant.

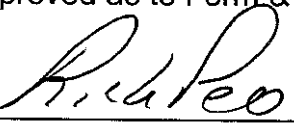
12 8. The site plan as approved with this resolution voids and supersedes all
13 previously approved site plans, however all resolutions approving previous permits
14 remain in force unless specifically amended by this resolution.

15 The foregoing Resolution was approved by the Lincoln City-Lancaster County
16 Planning Commission on this 2nd day of August, 2006.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

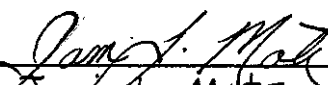
RE: **Special Permit No. 1940A, an amendment to the Cardinal Heights Community Unit Plan**
(N.W. 56th Street & Partridge Lane)

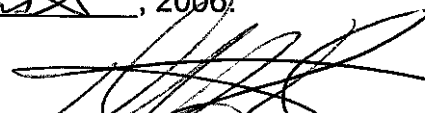
TO THE CITY CLERK:

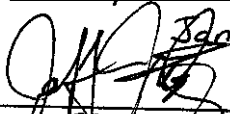
The undersigned, "Permittee" under **Special Permit No. 1940A**, an amendment to the **Cardinal Heights Community Unit Plan**, granted by **Resolution No. PC-01007**, adopted by the Lincoln City-Lancaster County Planning Commission on August 2, 2006, hereby files this Letter of Acceptance and certifies 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 21 day of August, 2006.


By: Sami L. Matz, Permittee
Title: wife, formerly known as Sami L. Jones


By: Duane Hartman, Permittee
Title: President, Hartland Homes, Inc.


By: Jeffrey D. Matz, Permittee
Title: husband

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 29 day of August, 2006, by Jami L. Motz, an individual.



Kimberly A. Loth
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

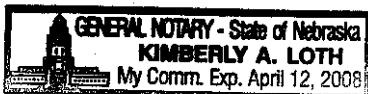
The foregoing instrument was acknowledged before me this 29 day of August, 2006, by Jeffrey J. Motz, an individual.



Kimberly A. Loth
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 21 day of August, 2006, by Duane Hartman, President of Hartland Homes, Inc., a Nebraska corporation.



Kimberly A. Loth
Notary Public

CERTIFICATE

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

I, Teresa J. Meier, 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 1940A** as adopted and approved by **Resolution No. PC-01007** of the Lincoln City-Lancaster County Planning Commission at its meeting held **August 2, 2006** 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 9th day of August, 2006.

Teresa J. Meier
Deputy City Clerk

