Inst # 2019005609 Thu Feb 21 09:47:12 CST 2019
Filing Fee: \$88.00 pockg
Lancaster County; NE Assessor/Register of Deeds Office RESOL
Pages 14



18R-233 Special Permit No. 18021

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Introduce: 10-22-18

RESOLUTION NO. A-

WHEREAS, Heritage Lakes, LLC c/o Roger Severin, acting on behalf of itself as well as on behalf of B & J Partnership, LTD, a Nebraska limited partnership, BCLINC, LLC, a Nebraska limited liability company, and David Rallis, has submitted an application designated as Special Permit No. 18021 for authority to develop a Community Unit Plan for 290 residential dwelling units of single family attached, single family detached, and townhouse residential uses with 100 unassigned units, on property generally located at South 93rd Street and A Street, and legally described as:

A tract of land composed of the remaining portion of Lot D, a Subdivision of the east half of Section 26, Township 10, Range 7 east of the 6th P.M., a portion of vacated Missouri Pacific Railroad right-of-way, a portion of "A" Street right-of-way, and a portion of South 98th Street right-of-way, all located in the Southeast Quarter of Section 26, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

TOGETHER WITH THE FOLLOWING:

Lot 18 I.T. and a portion of "A" Street right-of-way, all located in the Northeast Quarter of Section 35, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on June 20, 2018 on said application and adopted Resolution No. PC-01606 approving the same; and

WHEREAS, Chris Kidwell filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 18021 through Planning Commission Resolution No. PC-01606 adopted June 20, 2018; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the action appealed from is deemed advisory and the City Council is authorized to make such decision as ought to be made with respect to application for Special Permit No. 18021; and

Return to: Teresa @ City Clerk WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected by granting such a permit; and

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

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

That the application of Heritage Lakes, LLC c/o Roger Severin et al, hereinafter referred to as "Permittee", to develop a Community Unit Plan for 290 residential dwelling units of single family attached, single family detached, and townhouse residential uses with 100 unassigned units be and the same are hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code upon condition that construction of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

- 1. This permit approves a Community Unit Plan for 290 residential dwelling units of single family attached, single family detached, and townhouse residential uses with 100 unassigned units with the following waivers:
 - a. Waiver of block length requirements under LMC §26.23.130(a) for Blocks 1, 8, and 9.
 - b. Waiver from LMC §26.23.140(c) to allow for side tot lines to deviate from being radial and perpendicular to street right of way lines on curved streets.
 - c. Waiver from LMC Table 27.72.020 requirements to allow single family detached units on Lots 12-17, Block 6 and Lots 1-7, Block 5 to have a front yard setback of

20 feet on one street side and a front yard setback of 10 feet on the other street side with no garages permitted to face the street as well as a rear yard setback of 10 feet.

- Waiver from Table 27.72.020 requirements to allow for single family attached units on corner lots in Blocks 2, 3, 4 as well as for any corner lots included in Lots 17-26, Block 1 to have a front yard setback of 20 feet on one street side with a 10 feet front yard setback on the other street side with no garages permitted to face the street. Further for Blocks 2, 3, and 4 as well as lots 17-26, Block 1, the side yard setback is reduced to 5 feet, the shared lot line setback is reduced to 0 feet, and the rear yard setback is reduced to 15 feet. Finally, for Lots 21-22, Block 1, the minimum frontage shall be allowed to be less than 50 feet.
- e. Waiver from LMC Table 27.72.020 requirements for Lots 10-25, Block 8, all of Blocks 9 and 11, and Lots 1-38, Block 12 by reducing the minimum lot area to 2,500 square feet for townhomes and for single family attached units, reducing the minimum lot width to 20 feet, reducing the front yard setbacks for corner lots to 20 feet on one street side and 10 feet on the other street side with no garages permitted to face the street, reducing the side yard setback to 5 feet, reducing the shared lot line setback to 0 feet, and reducing the rear yard setback to 10 feet.
- f. Waiver from Design Standards in Title 2, Chapter 2.00, Section 3.6, to allow for sanitary sewer mains to run opposite the street grades.
- Waiver from Design Standards, Title 2, Chapter 2.15, Section 3.3.3. to reduce the required Cul-de-sac radii to thirty feet (30°) for Casa Colina Court, Casa Galenao Court, and Triana Court, and reducing the required cul-de-sac radius for Signature Court to thirty-five feet (35°).
- h. Waiver from Design Standards, Title 2, Chapter 2.15, Section 3.3.2 to allow for Street radii less than Design Standards otherwise require for curves C1, C4, C5, C6.

ŧ	2.	The City Co	ouncil approves associated requests:
2		a. Ann	exation #18001
3		b. Chai	nge of Zone #18006
4		c. Com	prehensive Plan Conformance #18009
5	3.	Before a fi	nal plat is approved the Permittee shall cause to be prepared and
6	submitted to		Department a revised and reproducible final plot plan including 3 copies
7	with all required revisions as listed below:		
8 9 10		i.	Sheet 1 of 14: Add Community Unit Plan density calculation per Title 3, 3.35 Design Standards for Community Unit Plans. List the 290 dwelling units shown and 100 unassigned units.
11 12 13 14 15		ii.	Sheet 1 of 14: Add note to Community Unit Plan notes that a temporary barricade will be placed at the existing terminus of East Hillcrest Drive in Hillcrest Heights which will remain in place until such time that East Hillcrest Drive, Hillcrest Trail, and South 93rd Street connecting to A Street are constructed.
16 17		iii.	Sheet 1 of 14: Remove reference to City Council under CUP Notes 2.
18		iv,	Sheet 1 of 14: Revise CUP Notes 8 as follows:
19 20 21 22 23 24 25 26 27 28 29 30 31 32			The Stevens Creek Trunk Sewer is to be completed by the city by June 2019. The extension to serve the Hilcrest CUP Area appears in year 21/22 of the proposed CIP. The sanitary sewer line extension (East "A" Street Sewer Line) to connect the CUP area to the Trunk Sewer is planned subject to Annexation Agreement. Both sanitary sewers are necessary to serve the Hillcrest Community Unit Plan area. Building permits shall be allowed prior to the trunk sewer and sewer line extension being provided, as long as streets, street signs, and water mains are completed and provided both sanitary sewer project completion dates are within 6 months of expected occupancy. The developer shall be responsible for any temporary pumping of sewage until connection to the trunk sewer is completed. Temporary pumping of sewage shall be per the approval of the Public Works & Utilities Department.
33 34 35 36		v.	Revise proposed lots 22-25 in Block 8 along East Hillcrest Drive to show one single family residential lot, at least 100 feet in width, adjacent to the existing lot to the north instead of lots for townhouses.

1 2	vi.	Dimension Lincoln Public Schools property and show conceptual lot layout.
3	vii.	Show conceptual lot layout on Kidwell property.
4	viii.	Show location of existing house on Earthtone property.
5 6	ix.	Remove conceptual layout note on White Horse property and show the lot layout per the preliminary plat.
7 8	х.	Provide pedestrian connection for Block 17, Lots 11, 12 if block length is over 1,000 feet.
9 10	xi.	Provide pedestrian easement next to Lot 1, Block 19 if necessary due to block length.
11 12 13 14	xii.	Rename Reserve Lane, Lauren Lane, and Cordoba Streets to other names not already in use or similar to existing names. Rename Casa Colina Drive north-south section to different name than east-west section. Name the private streets off of White Horse Way.
15 16 17 18 19	xiii.	Sheet 2 of 14: Add note that flowage easements will be provided to the City on Hillcrest golf course property for the areas of the proposed west and east detention cells. Further add a note indicating that the flowage easement will be released upon the future extension of 97th Street.
20 21	xiv.	Sheet 2 of 14: Add curbs to private street cross section and change reduced berm cross section "c" to stream crossing section "c".
22 23 24 25 26	XV.	Provide block length information for all blocks in a separate exhibit including adjacent lot layout with the total block length calculation divided by 2 to provide the block length. Blocks 2, 3, 4, and 5 need to be recalculated as per block length calculation (total block length divided by 2).
27 28	xvi.	Sheet 1 of 14: Add note that existing residence located on proposed Lot 7, Block 8 will request an address change at owner expense.
29 30	xvii.	Submit corrections to the satisfaction of the County Assessor for CAD.
31	xviii.	Sheet 1 of 14: Remove Note 6 from General Site Notes.
32 33	xix.	Sheet I of 14: Correct letter formatting under Requested Waivers, Notes 4, 6, and 7.
34 35 36	XX,	Sheet 1 of 14: Add a note that sidewalk installation along A Street on the entire south side and on the north side from the west boundary to the trail, will be included as final plat for adjacent lots.

2	p	orating Plan: Opdate to reflect sidewalk installation along A Stree er above condition and to accommodate all pedestrian easements equired.
4 5 6 7 8	d C ad	heet 2 of 14: Add note for Outlot E along Cordoba Drive to be edicated for purpose of providing a front yard setback along fordoba Drive to the adjacent lot at no cost to the owner of said djacent lot. Sidewalk installation for outlot shall be responsibility of the developer.
9 10	xxiii. S Z	how guest parking as required for lots under 35' in width to mee oning Ordinance 27.67.040 requirement.
1 i	xxiv. P	rovide correct block length information for Block 17.
12 13	xxv. R la	evise the lot layout for Lots 8-10, Block 8 to a more functional lot yout for future owners.
14	xxvi. R	emove Block 11 label and relabel as part of Block 9.
15 16	xxvii. Re St	emove 60' Access & Utility Easement label next to South 97th reet by golf course.
17 18	xxviii. St to	now South 97th Street extending fully to north property line next golf course.
19 20	xxix. Sh	now sidewalk connection from Triana Court cul-de-sac to A Street dewalk and from South 97th Street Outlot A to A Street sidewalk.
21 22	xxx. St Pt	abmit corrections and additional information to the satisfaction of ablic Works-Watershed Management.
23	4. Before a final pla	t is approved provide verification from the Register of Deeds that
24	the letter of acceptance as requir	ed by the approval of special permit has been recorded.
25	5. Final plat(s) is/are	e approved by the City.
26	6. If any final plat or	nall or a portion of the approved community unit plan is submitted
27	five (5) years or more after the	approval of the community unit plan, the city may require that a
28	new community unit plan be sub	mitted, pursuant to all the provisions of section 26.31.015. A new
29	community unit plan may be re-	quired if the subdivision ordinance, the design standards, or the
30	required improvements have been	en amended by the city; and as a result, the community unit plan
31	as originally approved does not o	comply with the amended rules and regulations.

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

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- 8. No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:
 - a. To complete the street paving of public streets and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
 - b. To complete the installation of sidewalks along both sides on all streets as shown on the final plat within four (4) years following the approval of the final plat.
 - c. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - d. To complete the public wastewater collection system to serve this plat within two(2) years following the approval of the final plat.
 - e. To complete the public enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

1	f.	To complete the installation of public street lights within this plat within two (2)
2		years following the approval of the final plat.
3	g.	To complete the planting of street trees along all streets within this plat within six
4		(6) years following the approval of the final plat.
5	h.	To complete the planting of landscape screen within this plat within two (2) years
6		following the approval of the final plat.
7	i.	To complete the installation of the street name signs within this plat within two (2)
8		years following the approval of the final plat.
9	j.	To complete the installation of the permanent markers prior to construction on or
10		conveyance of any lot in the plat.
11	k.	To complete any other public or private improvement or facility required by
12		Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a
13		timely manner which inadvertently may have been omitted from the above list of
14		required improvements.
15	I,	To submit to the Director of Public Works and Utilities a plan showing proposed
16		measures to control sedimentation and erosion and the proposed method to
17		temporarily stabilize all graded land for approval.
18	m.	To comply with the provisions of the Land Preparation and Grading requirements
19		of the Land Subdivision Ordinance.
20	n.	To complete the public and private improvements shown on the Community Unit
21		Plan.
22	o.	To keep taxes and special assessments on the outlots from becoming delinquent.
23	p.	To maintain the outlots on a permanent and continuous basis.

To maintain the private improvements in good order and state of repair, including the routine and reasonable preventable maintenance of the private improvements, 2 3 on a permanent and continuous basis. ۲. To maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis. ς To maintain the landscape screens, including replacement and replanting as 6 S. 7 reasonably necessary, on a permanent and continuous basis. To recognize that there may be additional maintenance issues or costs associated ١. 8 9 with the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these additional 10 11 maintenance issues or costs are the responsibility of the Subdivider. To retain ownership of and the right of entry to the outlots in order to perform the 12 ti. 13 above-described maintenance of the outlots and private improvements on a] 4 permanent and continuous basis. However, Subdivider(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent 15 and continuous association of property owners who would be responsible for said 16 17 permanent and continuous maintenance subject to the following conditions: 18 Permittee shall not be relieved of Permittee's maintenance obligation for (1) 19 each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said improvement has 20 21 certified to the City that the improvement has been installed in accordance 22 with approved plans. 23 (2) The maintenance agreements are incorporated into covenants and 24 restrictions in deeds to the subdivided property and the documents creating 25 the association and the restrictive covenants have been reviewed and

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1	approved by the City Attorney and filed of record with the Register of
2	Dceds.
3	v. To pay all design, engineering, labor, material, inspection, and other improvement
4	costs.
5	w. To inform purchasers and users of land located within the 100 year floodplain that
6	said land is located within the 100 year floodplain and that the grading of the lots
7	and outlots shall be in conformance with the grading plan approved with Change
8	of Zone #16036 or as amended by the Director of Planning. The volume of fill
9	material brought into each lot and outlot from outside the floodplain shall not
10	exceed that shown on the approved grading plan accompanying the preliminary
11	plat.
12	9. Before occupying the dwelling units, all development and construction shall
13	substantially comply with the approved plans.
14	10. All privately-owned improvements, including landscaping and recreational
15	facilities, shall be permanently maintained by the Permittee or an appropriately established
16	homeowners association approved by the City.
17	11. The physical location of all setbacks and yards, buildings, parking and circulation
18	elements, and similar matters must be in substantial compliance with the location of said items as
19	shown on the approved site plan.
20	12. The terms, conditions, and requirements of this resolution shall run with the land
21	and be binding upon the Permittee, its successors, and assigns.
22	13. The Permittee shall sign and return the letter of acceptance to the City Clerk. This
23	step should be completed within 60 days following the approval of the special permit. The City

Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance

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- with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee. Building
- 2 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:

AYES: Camp, Christensen, Eskridge, Gaylor Baird,

Lamm, Raybould, Shobe; NAYS; None.

ADOPTED

NOV 1 9 2018

BY CITY COUNCIL

Approved this 20° day of $\Lambda 0 \circ ..., 2018$:

Mayor

18R-233

11/5/18 Council Proceedings:

CHRISTENSEN Moved Motion to Amend No. 1 on Bill No. 18R-233.

Seconded by Lamm & LOST by the following vote: AYES: Camp, Christensen,

Lamm; NAYS: Eskridge, Gaylor Baird, Shobe; ABSENT: Raybould.

CAMP Moved to Reopen Public Hearing on Bill No. 18R-233.

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

LAMM Moved to delay action on Bill No. 18R-233 with public hearing for two weeks to 11/19/18.

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

11/19/18 Council Proceedings:

CHRISTENSEN Motion to Amend No. 1 on Bill No. 18R-233 to amend Special Permit No. 18021 as follows:

- A. Amend paragraph 1(a) to provide "waiver of block length requirements under LMC § 26.23.130(a) for Blocks 1, 8, 9 and 13"; and
 - B. Add a new provision as follows:

"3(xxi). Add a note to the Site Plan to permit "Signature Drive" located on Block 13 to be final platted alternatively as a cul-de-sac identified as "West Signature Court" to be determined no later than approval of a special permit or preliminary plat of the property located to the west."

Seconded by Lamm & LOST by the following vote: AYES: Camp, Christensen, Lamm; NAYS: Eskridge, Gaylor Baird, Raybould, Shobe.

LETTER OF ACCEPTANCE

City of Lincoln Lincoln, Nebraska

RE: Special Permit 18021

To The City Clerk:

The undersigned, "Permittee" under Special Permit 18021 granted by Resolution A-91370, adopted by the City Council of the City of Lincoln, Nebraska, on November 19, 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 18 day of FEBRUAR, 2019.

To-c. V. Signature

Heritage Lakes LLC, Permittee

THE THEIR

STATE OF Lancaster)

COUNTY OF Lancaster)

The foregoing instrument was acknowledged before me this _\footnote{\chi} day of

February, 2019, by Roger Severin, on behalf of

Heritage Lakes LLC, permittee.

State of Nebraska - General Notary EMILY G BAUSCH My Commission Expires March 19, 2019

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 18021** approved by **Resolution A-91370**, adopted by the City Council on **November 19, 2018**, 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 $\underline{18}^{th}$ day of $\underline{January}$, 2019.