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RESOLUTION NO. PC- 01540  
SPECIAL PERMIT NO. 1995B

1 WHEREAS, JLI West Inc has submitted an application designated as Special Permit No.  
2 1995B to amend the Hub Hall Heights Community Unit Plan to replace the multi-family units in  
3 the southeast corner of the development with attached single-family units, with waivers to lot  
4 width, lot area, and yard size, on property generally located at Northwest 48<sup>th</sup> Street and West  
5 Holdrege Street and legally described as:

6 REM. PORT. LOT 1 & LOTS 2-8, BLOCK 1, REM. PORT. LOT 1 & LOTS 2-12,  
7 BLOCK 2, LOTS 1-22, BLOCK 3, LOTS 1-16, BLOCK 4, AND OUTLOT 'A', HUB  
8 HALL HEIGHTS: A PORTION OF LOTS 1 AND 14, BLOCK 1, REM. PORT.  
9 LOTS 2, 4, & 5, BLOCK 1, LOTS 3, & 6-13, BLOCK 1, LOTS 1-6, BLOCK 2,  
10 LOTS 1-7 BLOCK 3, LOT 1, BLOCK 5, LOTS 1-47, BLOCK 6, LOTS 1-9,  
11 BLOCK 7, LOTS 1-3, BLOCK 8, LOTS 1-9 AND 12-24, BLOCK 9, LOTS 1-7,  
12 BLOCK 10, LOTS 1-7, BLOCK 11, LOTS 1-6, BLOCK 12, OUTLOTS 'A' & 'B',  
13 AND A PORTION OF THE REMAINING PORTION OF OUTLOT 'C', HUB HALL  
14 HEIGHTS 1ST ADDITION; LOT 1, BLOCK 1, LOTS 1-6, BLOCK 2, LOTS 1-6,  
15 BLOCK 3 HUB HALL HEIGHTS 2ND ADDITION; LOT 1 HUB HALL HEIGHTS  
16 3RD ADDITION; LOTS 1 & 2, HUB HALL HEIGHTS 4TH ADDITION; LOT 1,  
17 HUB HALL HEIGHTS 6TH ADDITION; LOTS 1-6, BLOCK 1, LOTS 1-2, BLOCK  
18 2, AND LOTS 1-7, BLOCK 3 HUB HALL HEIGHTS 7TH ADDITION; LOTS 1-6,  
19 BLOCK 1, LOTS 1-10 BLOCK 2 HUB HALL HEIGHTS 9TH ADDITION; LOT 1,  
20 BLOCK 1, LOTS 1-9, BLOCK 2, LOTS 1-4, BLOCK 3, LOTS 1-10, BLOCK 4,  
21 OUTLOTS 'A' & 'B' HUB HALL HEIGHTS 10TH ADDITION; LOTS 1-11, BLOCK  
22 1, LOTS 1-9, BLOCK 2, LOTS 1-6, BLOCK 3, OUTLOT 'A' HUB HALL HEIGHTS  
23 11TH ADDITION. ALL LOCATED IN THE SOUTHEAST QUARTER OF  
24 SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.,  
25 LINCOLN, LANCASTER COUNTY, NEBRASKA AND WHOLLY DESCRIBED  
26 AS FOLLOWS.

27 REFERRING TO THE SOUTHWEST CORNER OF THE SOUTHEAST  
28 QUARTER OF SAID SECTION 18; THENCE IN A NORTHERLY DIRECTION,  
29 ALONG THIS WEST LINE OF THE SOUTHEAST QUARTER OF SAID

Return to:  
Teresa @ City Clerk

1 SECTION 18, ON AN ASSUMED BEARING OF NORTH 00 DEGREES 45  
2 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 846.58 FEET TO THE  
3 POINT OF BEGINNING.

4 THENCE CONTINUING IN A NORTHERLY DIRECTION, ALONG THE  
5 WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, ON AN  
6 ASSUMED BEARING OF NORTH 00 DEGREES 45 MINUTES 21 SECONDS  
7 WEST FOR A DISTANCE OF 1502.37 FEET;

8 THENCE NORTH 88 DEGREES 49 MINUTES 52 SECONDS EAST,  
9 FOR A DISTANCE OF 2639.59 FEET

10 THENCE SOUTH 00 DEGREES 50 MINUTES 46 SECONDS EAST,  
11 ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION  
12 18, FOR A DISTANCE OF 2347.52 FEET TO THE SOUTHEAST CORNER OF  
13 THE SOUTHEAST QUARTER OF SAID SECTION 18

14 THENCE SOUTH 88 DEGREES 48 MINUTES 02 SECTIONS WEST,  
15 ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID  
16 SECTION 18, FOR A DISTANCE OF 1628.85 FEET

17 THENCE NORTH 01 DEGREES 11 MINUTES 58 SECONDS WEST,  
18 FOR A DISTANCE OF 366.31 FEET

19 THENCE SOUTH 88 DEGREES 48 MINUTES 02 SECONDS WEST,  
20 FOR A DISTANCE OF 60.00 FEET

21 THENCE ON A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS  
22 OF 630.00 FEET, A CENTRAL ANGLE OF 01 DEGREES 54 MINUTES 05  
23 SECONDS AND WHOSE CHORD (20.91 FEET) BEARS NORTH 00 DEGREES  
24 14 MINUTES 55 SECONDS WEST;

25 THENCE ON THE ARC OF SAID CIRCULAR CURVE 20.91 FEET;

26 THENCE NORTH 89 DEGREES 17 MINUTES 53 SECONDS WEST,  
27 FOR A DISTANCE OF 120.00 FEET

28 THENCE NORTH 73 DEGREES 00 MINUTES 50 SECONDS WEST,  
29 FOR A DISTANCE OF 76.38 FEET

30 THENCE NORTH 64 DEGREES 18 MINUTES 00 SECONDS WEST,  
31 FOR A DISTANCE OF 73.59 FEET

32 THENCE NORTH 61 DEGREES 12 MINUTES 11 SECONDS WEST,  
33 FOR A DISTANCE OF 241.00 FEET

34 THENCE NORTH 28 DEGREES 47 MINUTES 49 SECONDS EAST,  
35 FOR A DISTANCE OF 110.00 FEET

36 THENCE NORTH 61 DEGREES 12 MINUTES 11 SECONDS WEST,  
37 FOR A DISTANCE OF 50.00 FEET

38 THENCE SOUTH 28 DEGREES 47 MINUTES 49 SECONDS WEST,  
39 FOR A DISTANCE OF 110.00 FEET

1           THENCE NORTH 61 DEGREES 12 MINUTES 11 SECONDS WEST,  
2           FOR A DISTANCE OF 247.65 FEET

3           THENCE NORTH 50 DEGREES 02 MINUTES 26 SECONDS WEST,  
4           FOR A DISTANCE OF 86.46 FEET

5           THENCE NORTH 35 DEGREES 50 MINUTES 24 SECONDS WEST,  
6           FOR A DISTANCE OF 86.53 FEET

7           THENCE SOUTH 89 DEGREES 14 MINUTES 39 SECONDS WEST,  
8           FOR A DISTANCE OF 109.34 FEET TO THE POINT OF BEGINNING

9           TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS,  
10          AND RESTRICTIONS OF RECORD.

11          SAID PROPERTY CONTAINS 5,615,329.02 SQUARE FEET OR 128.91  
12          ACRES;

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

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

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

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

24          That the application of JLI West Inc, hereinafter referred to as "Permittee", to amend the  
25          Hub Hall Heights Community Unit Plan to replace the multi-family units in the southeast corner  
26          of the development with attached single-family units, with waivers to lot width, lot area, and yard  
27          size, on the property described above, be and the same is hereby granted under the provisions  
28          of Section 27.63.320 of the Lincoln Municipal Code upon condition that construction of said  
29          community unit plan be in substantial compliance with said application, the site plan, and the  
30          following additional express terms, conditions, and requirements:

1           1.       This permit approves a Community Unit Plan for 869 dwelling units, with  
2 requested waivers to lot width, lot area, and front yard setback.

3           2.       Final plat(s) is/are approved by the City

4           3.       Before receiving approval of a final plat:

5           a.       The Permittee shall cause to be prepared and submitted to the Planning  
6 Department a revised and reproducible final plot plan including 3 copies with all required  
7 revisions as listed below:

8           i.       Revise grading and drainage and provide all associated  
9 documentation to the satisfaction of the Public Works and Utilities  
10 Department.

11          ii.       Provide an updated Sheet 2.

12          iii.       Label purpose of the outlots.

13          iv.       On site plan change townhouse references to attached single-  
14 family.

15          v.       Provide dimension for West Holdrege Street right-of-way. There  
16 should be at least 60 feet from centerline to accommodate the  
17 street plus trail. A 6-foot easement in the outlot directly to the  
18 north should be added to accommodate a trail.

19          vi.       Add note that dust complaints about West Holdrege Street from  
20 lots in the CUP would be the responsibility of the developer to  
21 address, and the developer may transfer this responsibility to the  
22 homeowners association.

23          vii.       The diagonal parking on Woodside Village Drive shall be  
24 removed. Add note that guest parking will be addressed by future  
25 administrative amendment, or revise guest parking to show  
26 parking along or near West Frazier Drive and fully comply with the  
27 parking requirement.

28          viii.       Add note that the development standards per 27.63.800 (d-f) shall  
29 apply to all lots that don't meet the minimum area, width, or yard  
30 requirements of the R-3 district.

31          ix.       Add Block 12 as a block length waiver.

32          x.       Label the lots intended for attached single-family.

33          xi.       Label 15-foot pedestrian easement where pedestrian ways are  
34 shown.

35          xii.       Delete Note 4 as it no longer applies.

1                   b.       Permittee shall provide verification from the Register of Deeds that the  
2 letter of acceptance as required by the approval of the special permit has been recorded with  
3 the Register of Deeds.

4                   c.       The public streets, drainage facilities, land preparation and grading,  
5 sediment and erosions control measures, storm water detention/ retention facilities,  
6 drainageway improvements, temporary turnaround and barricades, and street name signs, must  
7 be completed or provisions (bond, escrow or security agreement) to guarantee completion must  
8 be approved by the City Law Department. The improvements must be completed in  
9 conformance with adopted design standards and within the time period specified in the Land  
10 Subdivision Ordinance.

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

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

20                 6.       All privately-owned improvements, including landscaping and recreational  
21 facilities, shall be permanently maintained by the Permittee or an appropriately established  
22 homeowners association approved by the City.

23                 7.       The physical location of all setbacks and yards, buildings, parking and circulation  
24 elements, and similar matters shall be in substantial compliance with the location of said items  
25 as shown on the approved site plan.

1           8.       The terms, conditions, and requirements of this resolution shall run with the land  
2 and be binding upon the Permittee, its successors and assigns.


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

8           10.      The site plan as approved with this resolution voids and supersedes all  
9 previously approved site plans, however the terms and conditions of all prior resolutions  
10 approving this permit shall remain in full force and effect except as specifically amended by this  
11 resolution.

12           BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record this  
13 Resolution with the Register of Deeds office for Lancaster County, Nebraska, filing fees to be  
14 paid in advance by the Permittee.

15           The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning  
16 Commission on this 15 day of February, 2017.

ATTEST:

  
\_\_\_\_\_  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**LETTER OF ACCEPTANCE**

City of Lincoln  
Lincoln, Nebraska

RE: **Special Permit No. 1995B** - Allow for the conversion of apartment area to single-family attached and townhome units with waivers (NW 48<sup>th</sup> Street and West Holdrege Street)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 1995B**, granted by **Resolution No. PC-01540**, adopted by the Lincoln City-Lancaster County Planning Commission on February 15, 2017, 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.

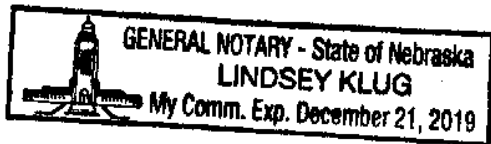
DATED the 13 day of April, 2017.

JLI WEST, INC., Permittee

By: [Signature]  
Title: owner

STATE OF NE )  
COUNTY OF Lancaster ) ss.

The foregoing Instrument was acknowledged before me this 13 day of April, 2017, by Jack Irwin, the owner of JLI WEST, INC., as permittee.



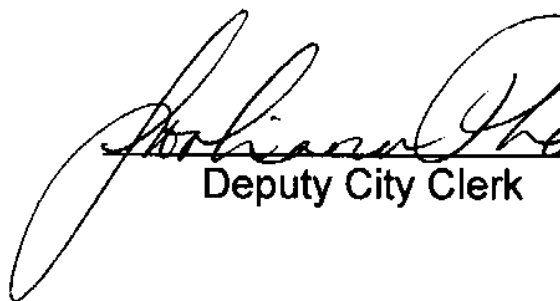
[Signature]  
Notary Public

# CERTIFICATE

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

I, Soulinnee Phan, Deputy Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit No. 1995B** as adopted and approved by **Resolution No. PC-01540** of the Lincoln City-Lancaster County Planning Commission at its meeting held **February 15, 2017** 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 20th day of March, 2017.

  
Deputy City Clerk

