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RESOLUTION NO. PC-01227

SPECIAL PERMIT NO. 1733D

1 WHEREAS, Park Ridge Apartments Too LLC has submitted an application
2 designated as Special Permit No. 1733D for authority to amend the Muff 3rd Addition
3 Community Unit Plan to add 6.25 acres and up to 85 additional dwelling units, on property
4 generally located at S.W. 8th and West C Streets and legally described as:

5 Lots 6 through 14, Block 1, Lots 1 through 10, Block 2, Lots 5
6 and 6, Block 3, and Outlot "B", all in Muff Addition; Lots 1
7 through 4, Muff 1st Addition; Lots 5 through 15, Block 1, and
8 Lots 1 through 5, Block 2, all in Muff 2nd Addition; Lot 1, Block
9 1, Lots 1 through 8, Block 2, and Outlots "A" and "B", all in Muff
10 3rd Addition; Lot 1, Block 1, and Lots 1 through 4, Block 2, all
11 in Muff 4th Addition; Lots 1 through 11, Block 1, Muff 5th
12 Addition; Lots 1 and 2, Muff 6th Addition; Lots 1 through 3,
13 Muff 7th Addition; Lots 106 I.T., 40 I.T. and 107 I.T., all located
14 in the Southwest Quarter of Section 27, Township 10 North,
15 Range 6 East of the 6th P.M., City of Lincoln, Lancaster
16 County, Nebraska, and more particularly described as follows:

17 Commencing at the northwest corner of Lot 1, Block 1, Muff 4th
18 Addition, said point being the true point of beginning, thence
19 easterly along the north line of said Lot 1 on an assumed
20 bearing of south 89 degrees 18 minutes 51 seconds east, a
21 distance of 175.80 feet to the northwest corner of Lot 1, Muff
22 7th Addition; thence south 89 degrees 49 minutes 17 seconds
23 east along the north line of said Lot 1, a distance of 183.13
24 feet to the northwest corner of Lot 2, Muff 7th Addition; thence
25 south 89 degrees 36 minutes 22 seconds east along the north

1 line of said Lot 2 and a north line of Lot 3, Muff 7th Addition, a
2 distance of 481.32 feet to a point; thence south 89 degrees 40
3 minutes 18 seconds east along a north line of said Lot 3, a
4 distance of 7.68 feet to the northeast corner of said Lot 3, said
5 point being the northwest corner of Lot 106 I.T.; thence south
6 89 degrees 40 minutes 24 seconds east along the north line of
7 said Lot 106 I.T., a distance of 303.66 feet to the northwest
8 corner of Lot 107 I.T.; thence north 89 degrees 05 minutes 47
9 seconds east along a north line of said Lot 107 I.T., a distance
10 of 2.85 feet to a point; thence south 89 degrees 32 minutes 05
11 seconds east along a north line of said Lot 107 I.T., a distance
12 of 110.50 feet to the northeast corner of said Lot 107 I.T.;
13 thence south 00 degrees 25 minutes 02 seconds west along
14 the east line of said Lot 107 I.T., a distance of 651.78 feet to a
15 point of intersection with the north right-of-way line of West C
16 Street; thence north 89 degrees 20 minutes 08 seconds west
17 along the north line of said right-of-way, a distance of 451.79
18 feet to a point of intersection with the west right-of-way line of
19 SW 8th Street; thence south 00 degrees 14 minutes 42
20 seconds west along a west line of said right-of-way, a distance
21 of 352.21 feet to a point; thence south 00 degrees 00 minutes
22 24 seconds west along a west line of said right-of-way, a
23 distance of 159.72 feet to the southeast corner of Lot 2, Muff
24 6th Addition; thence north 89 degrees 30 minutes 20 seconds
25 west along the south line of said Lot 2, the south line of Outlot
26 "B", Muff 3rd Addition, the south line of Lot 5, Block 2, Muff 3rd
27 Addition, the south line of Lot 10, Block 2, Muff Addition, the
28 south line of Lot 5, Block 2, Muff 2nd Addition, and a westerly
29 extension of the south line of said Lot 5, a distance of 632.08
30 feet to a point of intersection with the centerline of right-of-way
31 for Trimble Street; thence south 00 degrees 22 minutes 17
32 seconds east along the centerline of said right-of-way, a
33 distance of 140.83 feet to the southeast corner of Muff 2nd
34 Addition, said point being 33.00 feet north of the south line of
35 the Southwest Quarter of said Section 27; thence north 89
36 degrees 29 minutes 13 seconds west along the south line of
37 Muff 2nd Addition, said line being 33.00 feet north of and
38 parallel with the south line of said Southwest Quarter, a
39 distance of 175.74 feet to the southwest corner of Muff 2nd
40 Addition; said point being on the southerly extension of Lot 15,
41 Block 1, Muff 2nd Addition; thence north 00 degrees 00
42 minutes 00 seconds east along the west line of said Muff
43 Addition and Muff 4th Addition, said line being the west line of
44 the southerly extension of the west line of said Lot 15, Block 1,

1 Muff 2nd Addition, the west line of said Lot 15, the west line of
2 Lots 14 through 5, Block 1, Muff 2nd Addition, the west line of
3 Lots 4 through 1, Block 2, Muff 4th Addition, and the west line
4 of Lot 1, Block 1, Muff 4th Addition, a distance of 1,300.86 feet
5 to the point of beginning, said tract contains a calculated area
6 of 1,257,775.01 square feet or 28.87 acres, more or less

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

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

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

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

18 That the application of Park Ridge Apartments Too LLC, hereinafter referred to
19 as "Permittee" to amend the Muff 3rd Addition Community Unit Plan to add 6.25 acres and
20 up to 85 additional dwelling units, on the property described above, be and the same is
21 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the
22 Lincoln Municipal Code upon condition that construction of said community unit plan be in
23 substantial compliance with said application, the site plan, and the following additional
24 express terms, conditions, and requirements:

1 1. The City Council must approve the associated request, Change of Zone #
2 11005

3 3. Before receiving building permits or before a final plat is approved the
4 Permittee shall:

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

8 i. Revise the R-4 zoning table to reflect that the total number of
9 allowed units is 85 not 74.

10 ii Eliminate the Existing R-3 Zoning calculations and revise it to
11 match the Proposed R-4 Zoning table.

12 iii Remove General Site Notes 2,3,9,13 and 15

13 iv. Show the existing half of the community unit plan as it is currently
14 built.

15 v. Label the proposed recreation area as "Updated as part of 2011
16 Plan".

17 vi. Revise the grading plan to the satisfaction of Public Works and
18 show the preservation of the adjacent wetland as shown on the
19 original plan.

20 vii. Make revisions to the satisfaction of LES including adding a
21 blanket utility easement , excluding building envelopes, over the
22 entire apartment complex area.

23
24 viii. Add to the General Notes, "Signs need not be shown on this site
25 plan, but need to be in compliance with chapter 27.69 of the
26 Lincoln Zoning Ordinance, and must be approved by Building &
27 Safety Department prior to installation".

28 ix. Add to the General Site Notes "Parking is conceptual and will be
29 determined at the time of building permit."

30 x. Add to the General Site Notes "Lots 2 and 3, Block 2 Muff 8th
31 Addition will remain as single or two family uses."

- 1 b. Provide a Storm Water and Sedimentation Plan to the satisfaction of
2 Public Works and Parks Department.
- 3 c. The clubhouse shall be designed to be residential in character
4 including the following. a two and one-half inch in twelve inch pitched
5 roof or steeper; a nonreflective exterior siding material which is or
6 simulates wood, stucco, brick, or stone; a nonreflective roof material
7 which is or simulates asphalt or wood shingles, or tile and no air
8 conditioners on the roof.
- 9
- 10 d. Provide verification from the Register of Deeds that the letter of
11 acceptance as required by the approval of the special permit has been
12 recorded.
- 13
- 14 e. Provide verification that an avigation and noise easement to the Lincoln
15 Airport Authority on all or that part of the land located within the Airport
16 Environs Noise District has been received by the Lincoln Airport
17 Authority.
- 18 f. The construction plans must substantially comply with the approved
19 plans.

20 4 Final plat(s) is/are approved by the City.

21 If any final plat on all or a portion of the approved community unit plan is
22 submitted five (5) years or more after the approval of the community unit plan, the city may
23 require that a new community unit plan be submitted, pursuant to all the provisions of
24 section 26.31.015. A new community unit plan may be required if the subdivision
25 ordinance, the design standards, or the required improvements have been amended by
26 the city; and as a result, the community unit plan as originally approved does not comply
27 with the amended rules and regulations.

28 Before the approval of a final plat, the public streets, private roadway
29 improvements, sidewalks, public sanitary sewer system, public water system, drainage
30 facilities, land preparation and grading, sediment and erosions control measures, storm

1 water detention/retention facilities, drainageway improvements, street lights, landscaping
2 screens, street trees, temporary turnaround and barricades, and street name signs, must
3 be completed or provisions (bond, escrow or security agreement) to guarantee completion
4 must be approved by the City Law Department. The improvements must be completed in
5 conformance with adopted design standards and within the time period specified in the
6 Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or
7 security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

8 5. No final plat shall be approved until the Permittee, as subdivider, enters into
9 an agreement with the City whereby Permittee agrees:

- 10 a. To complete the street paving of public streets, **and temporary**
11 **turnarounds and barricades located at the temporary dead-end of**
12 **the streets** shown on the final plat within two (2) years following the
13 approval of the final plat.
- 14 b. To complete the installation of sidewalks along both sides of *the streets*
15 and along as shown on the final plat within four (4) years following the
16 approval of the final plat.
- 17 c. To complete the public water distribution system to serve this plat within
18 two (2) years following the approval of the final plat.
- 19 d. To complete the public wastewater collection system to serve this plat
20 within two (2) years following the approval of the final plat
- 21 e. To complete the enclosed public drainage facilities shown on the
22 approved drainage study to serve this plat within two (2) years following
23 the approval of the final plat.
- 24 f. To complete land preparation including storm water detention/retention
25 facilities and open drainageway improvements to serve this plat prior to
26 the installation of utilities and improvements but not more than two (2)
27 years following the approval of the final plat
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29
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- 1 g. To complete the installation of public street lights along streets within
2 this plat within two (2) years following the approval of the final plat.
3
- 4 h. To complete the planting of the street trees along streets within this plat
5 within four (4) years following the approval of the final plat.
6
- 7 i. To agree that in consideration of the waiver of the requirements of
8 Section 26.27.090 of the Lincoln Municipal Code that street trees shall
9 be planted along both sides of all streets within the subdivision and on
10 the streets which abut the subdivision along the north side of West C
11 Street because of existing trees the Permittee shall:
- 12 i. Continuously and regularly maintain the existing trees located on
13 the north side of West C Street and SW 8th Street;
- 14 ii. Replace the trees located on the north side of West C Street and
15 SW 8th Street with a street tree specified by the Parks and
16 Recreation Department in the event such trees die and/or are
17 removed;
- 18 iii. Inform potential lot buyers of the foregoing obligations prior to the
19 closing on the sale of such lots; and
- 20 iv. Incorporate the foregoing obligations in permanent covenants and
21 deed restrictions in the deed to such lots.
- 22 j. To complete the installation of the street name signs within two (2)
23 years following the approval of the final plat.
24
- 25 k. To complete the installation of the permanent markers prior to
26 construction on or conveyance of any lot in the plat.
- 27 l. To complete any other public or private improvement or facility required
28 by Chapter 26.23 (Development Standards) of the Land Subdivision
29 Ordinance in a timely manner which inadvertently may have been
30 omitted from the above list of required improvements.
- 31 m. To submit to the Director of Public Works a plan showing proposed
32 measures to control sedimentation and erosion and the proposed
33 method to temporarily stabilize all graded land for approval.

- 1 n. To comply with the provisions of the Land Preparation and Grading
2 requirements of the Land Subdivision Ordinance.
- 3 o. To complete the public and private improvements including but not
4 limited to the recreation area shown on the **Community Unit Plan**.
- 5 p. To keep taxes and special assessments on the outlots from becoming
6 delinquent.
- 7 q. To maintain the outlots on a permanent and continuous basis.
- 8 r. To maintain the private improvements in good order and condition and
9 state of repair including the routine and reasonable preventive
10 maintenance of the private improvements on a permanent and
11 continuous basis.
- 12 s. To maintain the private facilities which have common use or benefit in
13 good order and condition and state of repair, including the routine and
14 reasonable preventive maintenance of the private facilities, on a
15 permanent and continuous basis.
- 16 t. To recognize that there may be additional maintenance issues or costs
17 associated with the proper functioning of storm water
18 detention/retention facilities as they were designed and construction
19 within the development and that these additional maintenance issues or
20 costs are the responsibility of the Permittee.
- 21
22 u. 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,
25 Permittee(s) may be relieved and discharged of such maintenance
26 obligations upon creating in writing a permanent and continuous
27 association of property owners who would be responsible for said
28 permanent and continuous maintenance subject to the following
29 conditions:
- 30 i. Permittee shall not be relieved of Permittee's maintenance
31 obligation for each specific private improvement until a registered
32 professional engineer or nurseryman who supervised the
33 installation of said private improvement has certified to the City
34 that the improvement has been installed in accordance with
35 approved plans.

- 1 ii. The maintenance agreements are incorporated into covenants
2 and restrictions in deeds to the subdivided property and the
3 documents creating the association and the restrictive covenants
4 have been reviewed and approved by the City Attorney and filed
5 of record with the Register of Deeds
- 6 v. To pay all design, engineering, labor, material, inspection, and other
7 improvement costs except those cost the City Council specifically
8 subsidizes
- 9 w. To inform all purchasers and users of land is located within the 100
10 year floodplain that the grading of the lots and outlots within the 100
11 year floodplain shall be in conformance with the approved grading plan
12 or as amended by the Director of Planning. The volume of fill material
13 brought into each lot and outlot from outside the floodplain shall not
14 exceed that shown on the approved grading plan accompanying the
15 preliminary plat.
- 16 x. To inform all prospective purchasers and users of land located within
17 the Airport Environs Noise District, that the land is subject to an
18 avigation and noise easement granted to Lincoln Airport Authority, and
19 that the land is potentially subject to aircraft noise levels which may
20 affect users of the property and interfere with its use.
- 21
22
- 23 6. Before occupying the dwelling units / buildings all development and
24 construction shall substantially comply with the approved plans.
- 25 7. All privately-owned improvements, including landscaping and recreational
26 facilities, shall be permanently maintained by the owner or an appropriately established
27 homeowners association approved by the City.
- 28 8. The physical location of all setbacks and yards, buildings, parking and
29 circulation elements, and similar matters be in substantial compliance with the location of
30 said items as shown on the approved site plan.

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

3 10 The Permittee shall sign and return the letter of acceptance to the City Clerk
4 within 60 days following the approval of the special permit, provided, however, said 60-day
5 period may be extended up to six months by administrative amendment. The City Clerk
6 shall file a copy of the resolution approving the special permit and the letter of acceptance
7 with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

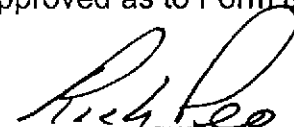
8 11. The site plan as approved with this resolution voids and supersedes all
9 previously approved site plans, however the terms and conditions of all prior resolutions
10 approving this permit shall remain in full force and effect as specifically amended by this
11 resolution.

12 The foregoing Resolution was approved by the Lincoln City-Lancaster County
13 Planning Commission on this 9th day of March, 2011.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 1733D**
(Amendment to Muff 3rd Addition Community Unit Plan - S.W. 8th Street
and West C Street)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 1733D**, an amendment to the **Muff 3rd Addition Community Unit Plan**, granted by **Resolution No. PC-01227**, adopted by the Lincoln City-Lancaster County Planning Commission on March 9, 2011, 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 6 day of April, 2011.

PARK RIDGE APARTMENTS TOO, LLC,
Permittee

By [Signature]
Title: president

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The foregoing Instrument was acknowledged before me this 6 day of April, 2011, by Robert Stephens, the President of Park Ridge Apartments Too, LLC.



[Signature]
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 1733D** as adopted and approved by **Resolution No. PC-01227** of the Lincoln City-Lancaster County Planning Commission at its meeting held **March 9, 2011** 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 17th day of March, 2011.

Teresa J. Meier
Deputy City Clerk

