



RESOLUTION NO. PC-01474

SPECIAL PERMIT NO. 15069

1 WHEREAS, John D. & Janice K. VerMaas have submitted an application designated
2 as Special Permit No. 15069 for authority to develop a Community Unit Plan for up to 37
3 dwelling units with waivers of the Land Subdivision Ordinance and City of Lincoln Design
4 Standards to allow double frontage lots, to waive stormwater detention facilities, to modify the
5 radius of a cul-de-sac and to allow roll-over curbs on private roadways, on property generally
6 located at South 27th Street and Rokeby Road and legally described as:

7 Lot 85 I.T., located in the Northeast Quarter of
8 Section 36, Township 9 North, Range 6 East of the
9 6th P.M., Lincoln, Lancaster County, Nebraska; and

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

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

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

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

Return to:
Deputy City Clerk

City Clerk 70.00

1 That the application of John D & Janice K. VerMaas, hereinafter referred to as
2 "Permittee", to develop a Community Unit Plan for up to 37 dwelling units, be and the same is
3 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln
4 Municipal Code upon condition that construction of said development be in substantial
5 compliance with said application, the site plan, and the following additional express terms,
6 conditions, and requirements:

7 1. This permit approves a Community Unit Plan for up to 37 dwelling units with a
8 waiver to allow for double-frontage lots, a waiver of the requirement to provide stormwater
9 detention facilities, a waiver to allow modification to the design standard for radius of a cul-de-
10 sac, and a waiver to allow roll-over curbs on private roadways.

11 2. The City Council must approve Change of Zone #15033.

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

13 4. Before receiving approval of a final plat, the Permittee shall cause to be
14 prepared and submitted to the Planning Department a revised and reproducible final plot plan
15 including 3 copies with all required revisions as listed below:

16 a. Change title of site plan to "Sievers Landing C.U.P. Special Permit #15069",
17 and add a label to the site plan that states, "note: The zoning ordinance
18 does not allow any accessory buildings in the front yards of the double
19 frontage lots adjacent to Rokeby Road and this requirement may not be
20 amended administratively."

21 b. Submit a landscape plan showing (i) the planned landscape screening to be
22 installed by the developer along the north and south sides of the Community
23 Unit Plan; (ii) the trees adjacent to the Rokeby Road right-of-way adjacent
24 as per the attached Sievers Landing, C.U.P. #15069 (Sheet 5 of 5) exhibit;
25 and (iii) a 6-foot high screening fence on the neighboring southern property
26 adjacent to Lots 9 through 12, Block 2 and the South 26th Street right-of-
27 way, and a note stating that the screening and fence are not required if the
28 land to the south is rezoned from AG Agricultural to another district.

29 c. Make the following changes to the General Site Notes:

30 i. Remove Note 3, as building envelopes are to be removed.

- 1 ii. Revise Note 4, to specify that private roadways shall be 27 feet in
2 width as shown.
- 3 iii. Remove Note 5. This note is redundant, as the note is already
4 covered by Chapters 14.80, 26.23, and 26.27 of the Lincoln Municipal
5 Code.
- 6 iv. Delete Note 7. This note regarding common and public access
7 easements is not necessary to include on a Special Permit for a
8 Community Unit Plan, but would be appropriate to include on a future
9 final plat.
- 10 v. Delete Note 8. This note references Section 27.71.110. That Section
11 of the Zoning Code no longer exists, and the note is already covered
12 by Section 27.72.060 (f) of the Zoning Code.
- 13 vi. Add a note stating that, "Setbacks are per the R-3 District."
- 14 vii. Add a note stating that, "Signs need not be shown on this site plan,
15 but need to be in compliance with Chapter 27.69 of the Lincoln
16 Zoning Ordinance, and must be approved by Building & Safety
17 Department prior to installation."
- 18 viii. Add a note stating that, "Note: The zoning ordinance does not allow
19 any accessory buildings in the front yards of the double frontage lots
20 adjacent to Rokeby Road and this requirement may not be amended
21 administratively."
- 22 d. List the fourth requested waiver to allow troll-over curbs on private roadways
23 under the Approved Waivers section of the site plan.
- 24 e. Remove the building envelopes and setback dimensions on the lots, as
25 setbacks are per the R-3 District.
- 26 f. Show a minimum of at least one on-street guest parking stall per two
27 dwelling units. These minimum guest stalls must be adjacent or near the front of the houses,
28 along Sievers Lane, Sievers Court, or 26th Street, not along Rokeby Road behind the houses.
- 29 g. Show future extension and lot layout of Sievers Lane and S. 26th Street for a
30 full 300 feet to the west and south, respectively.
- 31 h. Show stormwater drainage infrastructure and easements to the satisfaction
32 of the Public Works & Utilities department. Specifically regarding roll-over curbs, provide

1 calculations and details showing intended design of roll-over curb and curb inlets, as well as
2 inlet spacing that will result in no curb overtopping during a 5-year storm event.

3 5. Before a final plat is approved a demolition permit will be required for all existing
4 buildings.

5 6. Before a final plat is approved Permittee must provide to the Planning
6 Department verification from the Register of Deeds that the letter of acceptance as required by
7 the approval of the special permit has been recorded.

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

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

1 an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security
2 agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

- 5 a. To complete the street paving of public streets, and temporary turnarounds
6 and barricades located at the temporary dead-end of the streets shown on
7 the final plat within two (2) years following the approval of the final plat.
- 8 b. To complete the paving of private roadway shown on the final plat within two
9 (2) years following the approval of this final plat.
- 10 c. To complete the installation of sidewalks along both sides of Sievers Court,
11 Sievers Lane, S. 26th Street, and Rokeby Road as shown on the final plat
12 within four (4) years following the approval of the final plat.
- 13 d. To complete the installation of sidewalks along S. 27th Street as shown on
14 the final plat within two (2) years following the approval of this final plat.
- 15 e. To complete the public water distribution system to serve this plat within two
16 (2) years following the approval of the final plat.
- 17 f. To complete the public wastewater collection system to serve this plat within
18 two (2) years following the approval of the final plat.
- 19 g. To complete the enclosed public drainage facilities shown on the approved
20 drainage study to serve this plat within two (2) years following the approval
21 of the final plat.
- 22 h. To complete land preparation including storm water detention/retention
23 facilities and open drainageway improvements to serve this plat prior to the
24 installation of utilities and improvements and within two (2) years following
25 the approval of the final plat.
- 26 i. To complete the installation of public street lights within this plat within two
27 (2) years following the approval of the final plat.
- 28 j. To complete the installation of private street lights within this plat within two
29 (2) years following the approval of the final plat.
- 30 k. To complete the planting of the street trees within this plat within six (6)
31 years following the approval of the final plat.
- 32 l. To complete the installation of street trees along S. 27th Street & Rokeby
33 Road as shown on the final plat within two (2) years following the approval
34 of this final plat.

- 1 m. To complete the planting of the landscape screen within this plat within two
2 (2) years following the approval of the final plat.
- 3 n. To complete the installation of the street name signs within two (2) years
4 following the approval of the final plat.
- 5 o. To complete the installation of the permanent markers prior to construction
6 on or conveyance of any lot in the plat.
- 7 p. To complete any other public or private improvement or facility required by
8 the Land Subdivision Ordinance in a timely manner which inadvertently may
9 have been omitted from the above list of required improvements.
- 10 q. To submit to the Director of Public Works a plan showing proposed
11 measures to control sedimentation and erosion and the proposed method to
12 temporarily stabilize all graded land for approval.
- 13 r. To comply with the provisions of the Land Preparation and Grading
14 requirements of the Land Subdivision Ordinance.
- 15 s. To complete the public and private improvements shown on the Sievers
16 Landing Community Unit Plan.
- 17 t. To keep taxes and special assessments on the outlot from becoming
18 delinquent.
- 19 u. To maintain the outlots on a permanent and continuous basis.
- 20 v. To maintain the private improvements in good order and condition and state
21 of repair including the routine and reasonable preventive maintenance of the
22 private improvements on a permanent and continuous basis.
- 23 w. To maintain the street trees along the private roadways and landscape
24 screens, including replacement and replanting as reasonably necessary, on
25 a permanent and continuous basis.
- 26 x. To maintain the private facilities which have common use or benefit in good
27 order and condition and state of repair, including the routine and reasonable
28 preventive maintenance of the private facilities, on a permanent and
29 continuous basis.
- 30 y. To recognize that there may be additional maintenance issues or costs
31 associated with the proper functioning of storm water detention/retention
32 facilities as they were designed and construction within the development
33 and that these additional maintenance issues or costs are the responsibility
34 of the Permittee.
- 35 z. To retain ownership of and the right of entry to the outlots in order to
36 perform the above-described maintenance of the outlots and private
37 improvements on a permanent and continuous basis. However,

1 Permittee(s) may be relieved and discharged of such maintenance
2 obligations upon creating in writing a permanent and continuous association
3 of property owners who would be responsible for said permanent and
4 continuous maintenance subject to the following conditions:

5 (1) Permittee shall not be relieved of Permittee's maintenance obligation
6 for each specific private improvement until a registered professional
7 engineer or nurseryman who supervised the installation of said
8 private improvement has certified to the City that the improvement
9 has been installed in accordance with approved plans.

10 (2) The maintenance agreements are incorporated into covenants and
11 restrictions in deeds to the subdivided property and the documents
12 creating the association and the restrictive covenants have been
13 reviewed and approved by the City Attorney and filed of record with
14 the Register of Deeds

15 aa. To pay all design, engineering, labor, material, inspection, and other
16 improvement costs.

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

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

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

25 13. The terms, conditions, and requirements of this resolution shall run with the land
26 and be binding upon the Permittee, its successors and assigns.

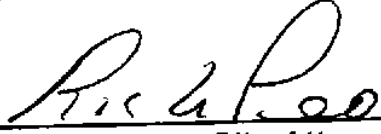
27 14. The applicant shall sign and return the letter of acceptance to the City Clerk. This
28 step should be completed within 60 days following the approval of the special permit. The City
29 Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance
30 with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building
31 permits will not be issued unless the letter of acceptance has been filed.

ATTEST:



Chair

Approved as to Form & Legality:

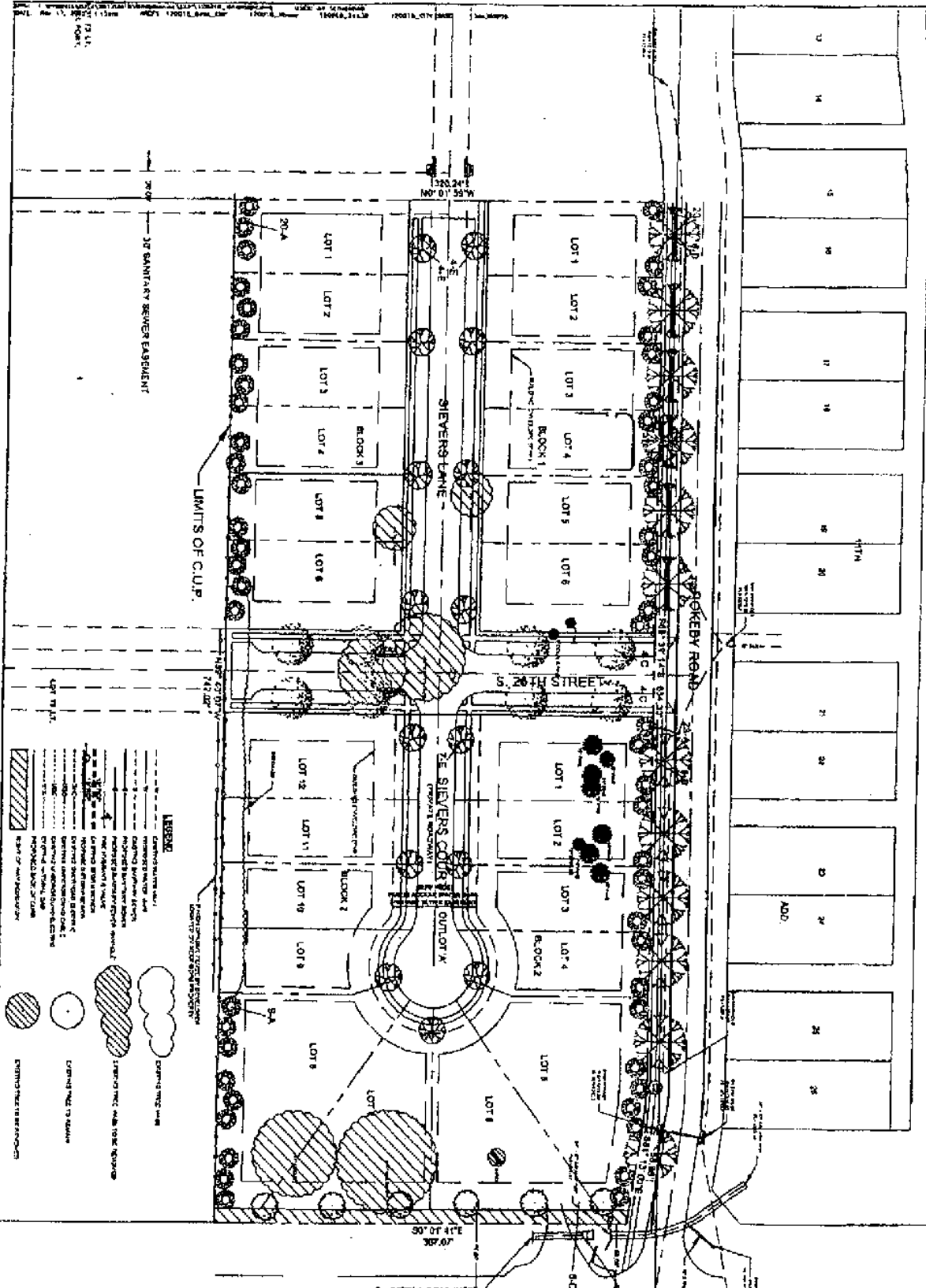


Chief Assistant City Attorney

STREET TREE & LANDSCAPE SCHEDULE

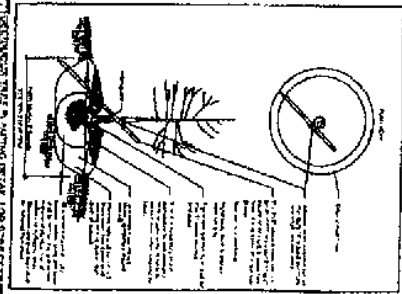
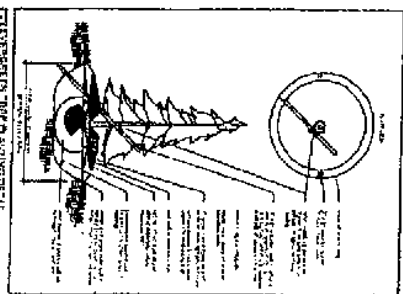
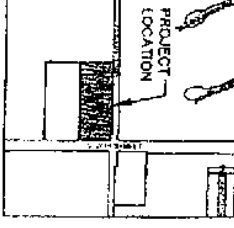
NO.	LOCATION	CONTRACTOR	PLANT NAME	SIZE	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY
A	STREET TREE	CONTRACTOR	PLANT NAME	SIZE	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY
B	STREET TREE	CONTRACTOR	PLANT NAME	SIZE	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY
C	STREET TREE	CONTRACTOR	PLANT NAME	SIZE	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY
D	STREET TREE	CONTRACTOR	PLANT NAME	SIZE	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY
E	STREET TREE	CONTRACTOR	PLANT NAME	SIZE	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY	PLANT QUANTITY

- NOTES:**
1. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LINCOLN, NEBRASKA, PLANTING SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LINCOLN, NEBRASKA.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND LANDSCAPE.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PLANTING.
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SIEVERS LANDING

C.U.P. #15069



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 630 EXECUTIVE WOODS DR., SUITE 208
 LINCOLN, NEBRASKA 68504
 TEL: 402-434-9991 FAX: 402-434-9747
 www.civilgroup.com

CONSULTING ENGINEERS AND LANDSCAPE ARCHITECTS
 CIVIL DESIGN GROUP, INC. OF VLS, OMBENT & PLANNING AND ZONING

REVISIONS	
NO.	DATE

LANDSCAPE PLAN

SIEVERS LANDING

LINCOLN, NEBRASKA

2015

SHEET 4 OF 8

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 15069** - for a Community Unit Plan to allow for the addition of up to 37 dwelling units, with waivers to allow for double-frontage lots, waive the storm water detention requirement, and allow for reduction of the radius of a cul-de-sac, on property generally located at South 27th Street and Rokeby Road.

TO THE CITY CLERK:

The undersigned, "Permittee" under Special Permit No. 15069, granted by **Resolution No. PC-01474**, adopted as amended by the Lincoln City-Lancaster County Planning Commission on November 18, 2015, 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 Use Permit.

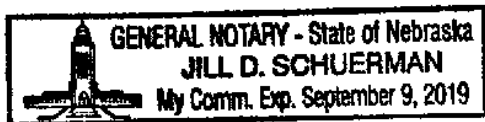
DATED the 22nd day of December, 2015.

VerMaas & Sons, LLC, Permittee

By [Signature]
Title: Managing Member

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

The foregoing Instrument was acknowledged before me this 22nd day of December, 2015 by Gary VerMaas, the Managing Member of VerMaas & Sons, LLC, as permittee.



[Signature]
Notary Public

CERTIFICATE

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

I, Soulinnee Phan, 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 No. 15069** as adopted and approved by **Resolution No. PC-01474** of the Lincoln City-Lancaster County Planning Commission at its meeting held **November 18, 2015** 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 4th day of December, 2015.


Deputy City Clerk

