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81R-327

Introduce: 11-16-81

RESOLUTION NO. A- 67844

SPECIAL PERMIT NO. 573D

L 36, 37, 72

01 WHEREAS, Phil Stettinger has submitted an application
02 designated as Special Permit No. 573D for authority to construct
03 and develop a community unit plan consisting of three 24-unit
04 multiples, one 12-unit multiple, and 70 townhouse units in 14
05 multiple townhouse structures for a total of 154 units, on the
06 following described real property, to wit:

07 Lot 13, 14, and part of 78, Irregular Tract,
08 in the South Half of Section 21, Township 10
09 North, Range 6 East, Lincoln, Lancaster County,
10 Nebraska, said tract containing approximately
11 11.5 acres.

12 WHEREAS, the real property adjacent to the area included
13 within the plot plan for this community unit plan will not be
14 adversely affected; and

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

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

21 That the application of Phil R. Stettinger, hereinafter
22 referred to as "Permittee," to construct and develop a community
23 unit plan consisting of three 24-unit multiples, one 12-unit
24 multiple, and 10 townhouse units in 14 multiple townhouse structures
25 for a total of 154 units, and common open areas, existing basket-
26 ball court, proposed clubhouse, existing and proposed parking and
27 proposed private roadways be and the same is hereby granted under
28 the provisions of Section 27.65.040 of the Lincoln Municipal Code
29 upon condition that construction, development, and operation of
30 said community unit plan be in strict compliance with said application,
31 the plot plan, and the following additional express terms, conditions,
32 and requirements:

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01 1. The preliminary plats of Western Manor 1st Addition
02 and Western Manor Duplex be approved, and that permittee prepare
03 and submit final plats thereof in accordance with the Land Sub-
04 division Ordinance of the City of Lincoln, and receive approval
05 of the final plats by the City.

06 2. Prior to the issuance of any building permits by
07 the City, the permittee shall prepare and submit to the Planning
08 Director for his review and approval a coordinated schedule of
09 development and occupancy which will govern the development of
10 this community unit plan. Failure of the permittee to follow such
11 schedule, including failure to start and complete construction as
12 specified in the schedule, shall constitute noncompliance on the
13 part of the permittee. Noncompliance shall be cause for the City
14 to revoke this special permit, withhold building permits and
15 occupancy permits, or to institute other appropriate remedies.

16 3. Prior to the approval and acceptance of any final
17 plat or to the issuance of any building permits by the City,
18 whichever occurs first, permittee shall prepare and submit a
19 landscape screen plan to the Planning Director for his review and
20 approval. The approved landscape screen plan for each phase of
21 development shall be implemented within two planting seasons
22 following the issuance of occupancy permits to sixty percent
23 (60%) of the total number of dwelling units allowed within each
24 phase of development. The landscape screen plan shall include,
25 along with the screening material, the type of seeding or sodding
26 or other ground cover for the areas which are not otherwise
27 surfaced. The landscape screen and grounds shall be maintained
28 by the owner so long as this special permit is in effect to the
29 satisfaction of the Planning Director.

30 4. Prior to the issuance of any building permits by
31 the City, permittee shall prepare and submit a recreation plan to
32 the Planning Director for his review and approval. The approved
33 recreation plan shall be implemented prior to the issuance of
34 occupancy permits to sixty percent (60%) of the total number of
35 dwelling units allowed within the community unit plan.

36 5. Prior to the issuance of any building permits, the
37 permittee shall submit to the Building Inspection Department for

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01 review and approval an ornamental street lighting plan for the
02 private roadways and pedestrian ways within this community unit
03 plan.

04 6. Prior to the issuance of any building permits by
05 the City, the permittee shall cause to be prepared and submitted
06 to the Planning Director a permanent reproducible final plot
07 plan. This final plot plan shall include all revisions to the
08 community unit plan required by the City.

09 7. That development and construction of this community
10 unit plan shall be in strict compliance with the approved plot
11 plan or as amended by the City, or amended by administrative
12 amendment of the Planning Director.

13 8. Street name signs for private roadways in accordance
14 with Section 14.24.020 of the Lincoln Municipal Code shall be at
15 the sole cost and expense of the permittee. The signs shall be
16 installed prior to the city issuing the initial occupancy permit
17 in the community unit plan.

18 9. The construction of all improvements shall be in
19 compliance with the adopted design standards of the City.

20 10. The total number of dwelling units within the
21 limits of this community unit plan including the full 20 percent
22 (20%) density bonus shall not exceed 154 provided the permittee
23 complies with the Design Standards for Density Bonus as they
24 apply to the provision of housing for low income and handicapped
25 and including Security Standards. Otherwise, the total number of
26 dwelling units shall not exceed 129.

27 11. No development or construction whatsoever, of the
28 proposed community unit plan shall proceed until the same has
29 been approved by the Building Official for the City of Lincoln;
30 and no dwelling units shall be occupied or otherwise used until
31 said Building Official has found that permittee has complied with
32 all the terms, conditions, and requirements of the City in authorizing
33 the special permit.

34 12. That the permittee, his successors, and assigns
35 agree that if the Building Official finds at any time that the
36 terms, conditions, and requirements of this special permit have
37 not been complied with, or that any phase thereof has not been

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01 completed as required under said special permit or any administrative
02 amendment thereto, the Building Official shall report this fact
03 to the City Council which may, after a hearing of which the
04 permittee shall be notified, revoke such special permit for
05 failure to comply with such terms, conditions, and requirements,
06 or take such other action as it may deem necessary to obtain
07 compliance.

08 13. Within 30 days from the date of adoption of this
09 resolution, permittee shall properly execute the Letter of Acceptance
10 attached hereto as Appendix "A" and file the Letter with the City
11 Clerk, evidencing the permittee's unqualified acceptance of all
12 the terms, conditions, and requirements of this resolution and
13 permit. If the permittee fails to so execute and file the Letter
14 of Acceptance, then the City Clerk shall inform the City Council
15 and the permittee of such failure, and this special permit may be
16 declared void and revoked by the City Council. The permittee may
17 request an administrative amendment of the Planning Director for
18 an extension of time in which to file the Letter of Acceptance,
19 but not to exceed six (6) months from approval of this resolution.

20 14. That all the terms, conditions, and requirements
21 of this special permit herein granted shall be binding and obligatory
22 on permittee, his successors and assigns. That within 10 days
23 from the date the Letter of Acceptance is filed, the City Clerk
24 shall cause a certified copy of the Resolution together with a
25 certified copy of said executed Letter of Acceptance to be filed
26 in the Office of the Register of Deeds for Lancaster County,
27 filing fees shall be paid in advance by permittee.

28 15. That upon the adoption of Special Permit No. 573D
29 by the City Council, Special Permit No. 573B approved by the City
30 Council on May 25, 1976, Resolution No. A-62763 shall be rescinded
31 and repealed and of no force and effect.

APPROVED

32
Lucien Borach
MAYOR

Introduced by:
Margarette Ahlschwede

AYES: Danley, Frohardt, Hampton,
Shackelford, Steinman, Youngberg;
NAYS: Ahlschwede.

Approved as to Form and Legality: Staff Review Completed **ADOPTED**

William F. Anderson
City Attorney

EC Amustead
Administrative Director By City Council

DEC 7 1981

12/7/81 COUNCIL PROCEEDINGS:
STEINMAN Moved to approve the resolution subject to the avigation easement as identified by the Airport Authority attachments of the communication dated 11/30/81. Seconded by Frohardt, and carried by 6-1 vote: NAYS: Ahlschwede.

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APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 573D

TO THE CITY COUNCIL:

I, Phil R. Stettinger, Applicant under Special Permit No. 573D, granted by Resolution No. A- 67844, adopted by the City Council on December 7, 19 81, do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.


Applicant

C E R T I F I C A T E

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

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of RESOLUTION NO. A-67844 AND LETTER OF ACCEPTANCE (S.P. #573D)

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held DECEMBER 7, 1981 as the original appears of record in my office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 24th day of DECEMBER, 1981.

Paul A. Malzer
City Clerk



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MICRO-FILED *msc*
GENERAL

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1981 DEC 24 AM 9:08

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 81- 23521

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City Clerk
RD 531