

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 1991

1           WHEREAS, Patrick Mooberry has submitted an application designated as  
 2 Special Permit No. 1991 for authority to develop Pinecrest Community Unit Plan consisting  
 3 of 188 dwelling units on property located at North 14th Street and Morton Road, and legally  
 4 described to wit:

5           A portion of Lot 5, a portion of Lot 6, Grove Park Subdivision,  
 6 Lots 1 - 38 inclusive, Clason and Fletchers Subdivision, Lot 24  
 7 I.T., Lot 25 I.T., vacated Orchard Road, vacated east-west  
 8 alley, and the vacated unnamed right-of-way adjacent to Lots  
 9 1 - 16 Clason and Fletchers Subdivision; all located in the  
 10 Northeast Quarter of Section 2, Township 10 North, Range 6  
 11 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and  
 12 more particularly described as follows:

13           Commencing at the southeast corner of the said Northeast  
 14 Quarter; thence west along the south line of said Northeast  
 15 Quarter, on an assumed bearing of north 89 degrees 37  
 16 minutes 50 seconds west, a distance of 33.00 feet to the point  
 17 of beginning; thence continuing north 89 degrees 37 minutes  
 18 50 seconds west, along the south line of said Northeast  
 19 Quarter, a distance of 1,320.85 feet to a point; thence north 00  
 20 degrees 07 minutes 06 seconds west, a distance of 33.00 feet  
 21 to the southeast corner of said Lot 16, Clason and Fletchers  
 22 Subdivision; thence north 89 degrees 37 minutes 50 seconds  
 23 west, along the south line of said Lots 16 - 23, Clason and  
 24 Fltechers Subdivision, a distance of 299.97 feet to the  
 25 southwest corner of said Lot 23, Clason and Fletchers  
 26 Subdivision; thence north 00 degrees 01 minutes 42 seconds  
 27 east, along the west line of said Lots 23 - 38, Clason and  
 28 Fletchers Subdivision, a distance of 598.12 feet to the  
 29 northwest corner of lot 38, Clason and Fletchers Subdivision;  
 30 thence north 89 degrees 40 minutes 04 seconds west, along  
 31 the south line of said Lot 5, Grove Park Subdivision, a distance  
 32 of 197.55 feet to a point on the southerly line of Interstate  
 33 Highway 80 right-of-way; thence north 55 degrees 14 minutes

1 13 seconds east, along the southerly line of Interstate Highway  
2 80 right-of-way, said line being a north line of said Lot 5, a  
3 north line of Lot 6, a northwest line of Lot 24 I.T., and the north  
4 line of said Lot 25 I.T., a distance of 2,174.36 feet to the north  
5 corner of said Lot 25 I.T; thence south 03 degrees 36 minutes  
6 47 seconds east, along an east line of said Lot 25 I.T., a  
7 distance of 446.70 feet to a point that is 33.00 feet west of the  
8 east line of said Northeast Quarter; thence south 00 degrees  
9 08 minutes 47 seconds east, along an east line of said Lot 25  
10 I.T., and the east line of said Lot 24 I.T., said line also being  
11 33.00 feet west of and parallel to the east line of said  
12 Northeast Quarter, a distance of 1,436.70 feet to the point of  
13 beginning; said tract contains a calculated area of 2,159,615  
14 square feet or 49.58 acres, more or less;

15 WHEREAS, the real property adjacent to the area included within the site  
16 plan for this Community Unit Plan will not be adversely affected; and

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

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

22 That the application of Patrick Mooberry, hereinafter referred to as  
23 "Permittee", to develop Pinecrest Community Unit Plan consisting of 288 dwelling units,  
24 on the property legally described above, be and the same is hereby granted under the  
25 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon  
26 condition that construction and operation of said Community Unit Plan be in strict  
27 compliance with said application, the site plan, and the following additional express terms,  
28 conditions, and requirements:

- 29 1. This permit approves 288 dwelling units.
- 30 2. This permit approves modifications to the Design Standards to allow

1 the maximum height of the multi-family buildings from 35 feet to 40 feet; lot area; lot width;  
2 a reduction of the front yard setback for the residential identification sign; and to allow  
3 cluster density of more than 15 dwelling units per acre.

4 3. Before receiving building permits:

5 a. The Permittee must submit an acceptable, revised final plan  
6 and six copies.

7 b. The construction plans must conform to the approved plans.

8 4. Before occupying the dwelling units, all development and construction  
9 must be completed in conformance with the approved plans.

10 5. All privately-owned improvements shall be permanently maintained by  
11 the Permittee or an appropriately established homeowners association approved by the  
12 City Attorney.

13 6. The site plan approved by this permit shall be the basis for all  
14 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
15 elements and similar matters.

16 7. The terms, conditions, and requirements of this resolution shall be  
17 binding and obligatory upon the Permittee, his successors, and assigns. The building  
18 official shall report violations to the City Council which may revoke the special permit or  
19 take such other action as may be necessary to gain compliance.

20 8. The Permittee shall sign and return the City's letter of acceptance to  
21 the City Clerk within 30 days following approval of the special permit, provided, however,  
22 said 30-day period may be extended up to six months by administrative amendment. The  
23 City Clerk shall file a copy of the resolution approving the special permit and the letter of

- 1 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
- 2 Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor