

RESOLUTION NO. A- _____
SPECIAL PERMIT NO. 16025

1 WHEREAS, Neighborhoods, Inc. dba Neighborworks Lincoln has submitted an
2 application designated as Special Permit No. 16025 for authority to develop a Community Unit
3 Plan for up to 7 dwelling units with requested waivers of the Land Subdivision Ordinance to (1)
4 waive the required lot width to depth ratio for lots intended to be occupied by two-family
5 dwellings; (2) reduce the required front yard setback from 25 feet to 15 feet on D Street and E
6 Street and to 5 feet on South 9th Street and reduce the required rear yard setback from 20 feet
7 to 18 feet, for both single-family and two-family dwellings; (3) reduce the required minimum lot
8 area from 5,000 square feet to 3,500 square feet, reduce the required minimum average lot
9 width from 50 feet to 35 feet, and reduce the required side yard setback from 5 feet to 4 feet or
10 3 feet as shown on the site plan, for single-family dwellings; and (4) reduce the required
11 minimum lot area from 2,500 square feet per family to 2,400 square feet, reduce the required
12 minimum lot width from 25 feet to 22 feet, and reduce the required side yard setback from 5 feet
13 to 3 feet when there is no party wall, for two-family dwellings, on property generally located at
14 828 D Street and 848 D Street, and legally described as:

15 Lot 10, Block 192, Lincoln Original & the South Half of adjacent
16 vacated east-west alley, and Lots 1-2 & Lots 11-12, Block 192,
17 Lincoln Original & adjacent vacated east-west alley, located in the
18 Southeast Quarter of Section 26, Township 10 North, Range 6
19 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

1 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public
2 hearing on August 3, 2016 on said application and adopted Resolution No. PC-01509
3 conditionally approving the same; and

4 WHEREAS, Charles Clark, William Wood, and Myrna Wood have filed a Notice of
5 Appeal appealing the action of the Planning Commission conditionally approving Special Permit
6 No. 16025; and

7 WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed
8 from is deemed advisory and the City Council is authorized to take final action on the application
9 for Special Permit No. 16025; and

10 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
11 property adjacent to the area included within the site plan for this special permit will not be ad-
12 versely affected by granting such a permit; and

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

17 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
18 Nebraska:

19 That the application of Neighborhoods, Inc. dba Neighborworks Lincoln, hereinafter
20 referred to as "Permittee", to develop a Community Unit Plan for up to 7 dwelling units and the
21 requested waivers of the Land Subdivision Ordinance to reduce the required lot width to depth
22 ratio for lots intended to be occupied by two-family dwellings; and requests waivers of Zoning
23 Code to (1) reduce the required front yard setback from 25 feet to 15 feet on D Street and E
24 Street and to 5 feet on South 9th Street and reduce the required rear yard setback from 20 feet
25 to 18 feet, for both single-family and two-family dwellings; (2) reduce the required minimum lot
26 area from 5,000 square feet to 3,500 square feet, reduce the required minimum average lot

1 width from 50 feet to 35 feet, and reduce the required side yard setback from 5 feet to 4 feet or
2 3 feet as shown on the site plan, for single-family dwellings; and (3) reduce the required
3 minimum lot area from 2,500 square feet per family to 2,400 square feet, reduce the required
4 minimum lot width from 25 feet to 22 feet, and reduce the required side yard setback from 5 feet
5 to 3 feet when there is no party wall, for two-family dwellings, be and the same is hereby
6 granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code upon condition
7 that construction of said development be in substantial compliance with said application, the site
8 plan, and the following additional express terms, conditions, and requirements:

9 1. Before receiving approval of a final plat the Permittee shall:

10 a. Cause to be prepared and submitted to the Planning Department a
11 revised and reproducible final plot plan including **3** copies with all required revisions as listed
12 below:

- 13 i. Revise the sheet numbering to show "Sheet 1 of 1" for Sheet G1.1
14 as this will be the only sheet for the approved CUP.
- 15 ii. Revise the sheet title to read, "Cooper Commons Community Unit
16 Plan, Special Permit #16025" and delete the "Submittal
17 Documents" subtitle.
- 18 iii. Under the Proposed CUP table, correct "Font" to "Front".
- 19 iv. Remove the "Drawing Index".
- 20 v. Remove "(side)" from the front yard setback label along 9th Street.
- 21 vi. Revise Note A.3 to state "Building footprints are conceptual and
22 may be located anywhere within the approved building
23 envelopes."
- 24 vii. Revise Note B.2 to state "Accessory Buildings are permitted in the
25 identified Commons area in Outlot A and must meet the minimum
26 5 foot front yard setback to 9th Street."
- 27 viii. Revise Note C.1 to state "A final plat will be required according to
28 the proposed lot sizes."
- 29 ix. Revise Note C.2 to state "Proposed exterior home designs are
30 subject to review and recommendation by the Historic
31 Preservation Commission and must meet the Design Standards
32 for Neighborhoods."

- 1 x. Remove the “Lot Total – 8” under the Proposed Lots table.
- 2 xi. Under the Proposed CUP table, change the proposed “3,714
3 average square feet” to “3,500 single family/ 2,400 two-family lots”
4 to allow for minor variation.
- 5 b. Provide verification that the letter of acceptance as required by the approval of
6 the special permit has been recorded with the Register of Deeds.
- 7 c. Complete the public streets, private roadway improvements, sidewalks, public
8 sanitary sewer system, public water system, drainage facilities, land preparation and grading,
9 sediment and erosions control measures, storm water detention/retention facilities, drainageway
10 improvements, street lights, landscaping screens, street trees, temporary turnaround and
11 barricades, and street name signs, or provide a guarantee (bond, escrow or security agreement)
12 to guarantee completion which must be approved by the City Law Department. The
13 improvements must be completed in conformance with adopted design standards and within the
14 time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu
15 of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10
16 or fewer lots.
- 17 d. Enter into a Subdivision Agreement with the City wherein:
- 18 i. Permittee agrees to complete the planting of the street trees along D
19 Street and E Street within this plat within six years following the approval
20 of the final plat.
- 21 ii. Permittee agrees to complete the planting of street trees along South 9th
22 Street as shown on the final plat within two years following the approval of
23 this final plat.
- 24 iii. Permittee agrees to complete the installation of the permanent markers
25 prior to construction on or conveyance of any lot in the plat.
- 26 iv. Permittee agrees to complete any other public or private improvement or
27 facility required by the Land Subdivision Ordinance in a timely manner
28 which inadvertently may have been omitted from the above list of required
29 improvements.
- 30 v. Permittee agrees to submit to the Director of Public Works a plan showing
31 proposed measures to control sedimentation and erosion and the
32 proposed method to temporarily stabilize all graded land for approval.

- 1 vi. Permittee agrees to comply with the Land Preparation and Grading
2 requirements of the Land Subdivision Ordinance.
- 3 vii. Permittee agrees to complete the public and private improvements shown
4 on the Community Unit Plan.
- 5 viii. Permittee agrees to keep taxes and special assessments on the outlots
6 from becoming delinquent.
- 7 ix. Permittee agrees to maintain the outlots on a permanent and continuous
8 basis.
- 9 x. Permittee agrees to maintain the private facilities which have common
10 use or benefit in good order and condition and state of repair, including
11 the routine and reasonable preventive maintenance of the private
12 facilities, on a permanent and continuous basis.
- 13 xi. Permittee agrees to retain ownership of and the right of entry to the
14 outlots in order to perform the above-described maintenance of the
15 outlots and private improvements on a permanent and continuous basis.
16 However, Permittee may be relieved and discharged of such
17 maintenance obligations upon creating in writing a permanent and
18 continuous association of property owners who would be responsible for
19 said permanent and continuous maintenance subject to the following
20 conditions:
- 21 (1) Permittee shall not be relieved of Permittee's maintenance
22 obligation for each specific private improvement until a registered
23 professional engineer or nurseryman who supervised the
24 installation of said private improvement has certified to the City
25 that the improvement has been installed in accordance with
26 approved plans.
- 27 (2) The maintenance agreements are incorporated into covenants
28 and restrictions in deeds to the subdivided property and the
29 documents creating the association and the restrictive covenants
30 have been reviewed and approved by the City Attorney and filed
31 of record with the Register of Deeds.
- 32 xii. Permittee agrees to pay all design, engineering, labor, material,
33 inspection, and other improvement costs.
- 34 2. Notwithstanding any provision to the contrary above, if any final plat on all or a
35 portion of the approved community unit plan is submitted five (5) years or more after the
36 approval of the community unit plan, the city may require that a new community unit plan be
37 submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may
38 be required if the subdivision ordinance, the design standards, or the required improvements

1 have been amended by the city and, as a result, the community unit plan as originally approved
2 does not comply with the amended rules and regulations.

3 3. Before occupying the dwelling units, all development and construction shall
4 substantially comply with the approved plans.

5 4. All privately-owned improvements, including landscaping and recreational
6 facilities, shall be permanently maintained by the Permittee or an appropriately established
7 owners association approved by the City.

8 5. The physical location of all setbacks and yards, buildings, parking and circulation
9 elements, and similar matters must be in substantial compliance with the location of said items
10 as shown on the approved site plan.

11 6. The terms, conditions, and requirements of this resolution shall run with the land
12 and be binding upon the Permittee, its successors, and assigns.

13 7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
14 This step should be completed within 60 days following the approval of the special permit. The
15 City Clerk shall file a copy of the resolution approving the special permit and the letter of
16 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
17 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2016:

Mayor