

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2017

1 WHEREAS, Mike Moser with the permission of the owner, Aquila, has submitted an
2 application designated as Special Permit No. 2017 for authority to develop Maple Village
3 Community Unit Plan for 36 attached single-family units and one single-family unit, with waivers
4 of the requirement to submit a preliminary plat, to grant the Planning Director authority to approve
5 an administrative final plat based upon the approved community unit plan and an administrative
6 final plat that includes public streets and private roadways, to waive the required rear yard
7 setbacks, front yard setbacks, average lot width, lot area, centerline curve radius, and private
8 roadway width on property generally located southwest of the intersection of Cherrywood Drive and
9 Sycamore Drive, and legally described to wit:

10 Outlot A, Maple Village, and Lot 63 Irregular Tract, located in the
11 Northeast Quarter of Section 27, Township 10 North, Range 7 East
12 of the Sixth Principal Meridian, Lancaster County, Nebraska, more
13 particularly described by metes and bounds as follows:

14 Commencing at the North Quarter corner of Section 27, Township
15 10 North, Range 7 East of the Sixth Principal Meridian; thence south
16 00 degrees 01 minutes 36 seconds east (an assumed bearing) on
17 the west line of the Northeast Quarter, a distance of 269.69 feet to
18 the point of beginning; thence continuing on the previous bearing of
19 south 00 degrees 01 minutes 16 seconds east, on said west line, a
20 distance of 604.57 feet to a point of intersection of said west line,
21 and the north line of the vacated Missouri Pacific Railroad; thence on
22 a curve to the left on the north right-of-way line of said vacated
23 Railroad right-of-way, having a radius of 1822.58 feet, a central
24 angle of 06 degrees 41 minutes 41 seconds, a chord bearing of
25 south 78 degrees 31 minutes 14 seconds east, and a chord distance
26 of 212.84 feet; thence south 08 degrees 07 minutes 56 seconds
27 west, on said right-of-way, a distance of 37.50 feet; thence on a
28 curve to the left on said north right-of-way having a radius of
29 1860.08 feet, a central angle of 07 degrees 23 minutes 22 seconds,
30 a chord bearing of south 85 degrees 33 minutes 45 seconds east,
31 a chord distance of 239.72 feet to the point of tangency; thence
32 south 89 degrees 08 minutes 38 seconds east, on said north right-
33 of-way, a distance of 2.75 feet to the southwest corner of Lot 18,

1 Block 6, Maple Village; thence north 00 degrees 02 minutes 28
2 seconds west, on the west line of Block 6, Maple Village, a distance
3 of 586.46 feet to the southeast corner of Lot 7, Block 6, Maple
4 Village; thence south 89 degrees 04 minutes 32 seconds west, on
5 the south line of Lots 1 through 7, Block 6, Maple Village, a distance
6 of 420.25 feet, to the southwest corner of Lot 1, Block 6, said Maple
7 Village; thence north 00 degrees 04 minutes 24 seconds east, on
8 the west line of said Lot 1, a distance of 123.04 feet to a point on the
9 southerly right-of-way of Cherrywood Drive; thence south 89
10 degrees 49 minutes 12 seconds west, on said southerly right-of-way,
11 a distance of 24.96 feet to the point of beginning, and containing a
12 calculated area of 245,494.01 square feet or 5.635 acres, more or
13 less;

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

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

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

21 That the application of Mike Moser, hereinafter referred to as "Permittee", to develop
22 Maple Village Community Unit Plan for 36 attached single-family units and one single-family unit,
23 with waivers of the requirement to submit a preliminary plat, to grant the Planning Director authority
24 to approve an administrative final plat based upon the approved community unit plan and an
25 administrative final plat that includes public streets and private roadways, to waive the required rear
26 yard setbacks, front yard setbacks, average lot width, lot area, centerline curve radius, and private
27 roadway width, on the property legally described above, be and the same is hereby granted under
28 the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
29 condition that construction and operation of said community unit plan be in strict compliance with
30 said application, the site plan, and the following additional express terms, conditions, and
31 requirements:

- 32 1. This permit approves a community unit plan for up to 35 dwelling units rather

1 than the requested 37 dwelling units.

2 2. The requirement that the Permittee submit a preliminary plat is waived.

3 3. The Planning Director is hereby authorized to approve an Administrative
4 Final Plat based upon the approved Community Unit Plan.

5 4. The Planning Director is hereby authorized to approve an Administrative
6 Final Plat that includes public streets and private roadways within this Community Unit Plan.

7 5. A waiver to the required rear yard setback is approved for all lots excepts
8 Lots 23, 24, and 25 as shown on the site plan.

9 6. A waiver to the required front yard setback is approved for Lots 5, 20, 31,
10 and 32 as shown on the site plan.

11 7. A waiver to the minimum lot area is approved.

12 8. A waiver to the average lot width is approved.

13 9. A modification of the centerline curve radius and private roadway width from
14 27 feet to 24 feet is approved.

15 10. Before receiving building permits:

16 a. The Permittee must submit an acceptable, revised and reproducible
17 final plan including five copies.

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

19 c. Final plats within this community unit plan must be approved by the
20 Planning Director.

21 11. Before occupying the dwelling units all development and construction must
22 be completed in conformance with the approved plans.

23 12. All privately-owned improvements must be permanently maintained by the
24 Permittee or an appropriately established homeowners association approved by the City Attorney.

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

1 matters.

2 14. The terms, conditions, and requirements of this resolution shall be binding
3 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
4 violations to the City Council which may revoke the special permit or take such other action as may
5 be necessary to gain compliance.

6 15. The Permittee shall sign and return the City's letter of acceptance to the City
7 Clerk within 30 days following approval of the special permit, provided, however, said 30-day period
8 may be extended up to six months by administrative amendment. The City Clerk shall file a copy
9 of the resolution approving the special permit and the letter of acceptance with the Register of
10 Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor