

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

SPECIAL PERMIT NO. 14009

1           WHEREAS, the Lincoln Housing Authority has submitted an application  
2 designated as Special Permit No. 14009 for authority to develop the South 84th Street  
3 Community Unit Plan for 72 multi-family dwelling units, together with a request to waive  
4 Land Subdivision Ordinance requirement to allow more than 40 dwelling units on a dead-  
5 end street, on property generally located at South 84th Street and South Street and legally  
6 described as:

7                           A portion of Lot 51 I.T., and Outlot A, Trendwood  
8                           17th Addition, located in the Southeast Quarter of  
9                           Section 34, Township 10 North, Range 7 East of  
10                          the 6th P.M., Lincoln, Lancaster County,  
11                          Nebraska, as more particularly described and  
12                          depicted on Attachment A attached hereto;

13           WHEREAS, the Lincoln City-Lancaster County Planning Commission held a  
14 public hearing on May 28, 2014 on said application and denied said special permit; and

15           WHEREAS, Lincoln Housing Authority has filed a Notice of Appeal appealing the  
16 action of the Planning Commission denying Special Permit No. 14009; and

17           WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the action  
18 appealed from is deemed advisory and the City Council is authorized to take final action on the  
19 application for Special Permit No. 14009; and

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

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

8           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
9 Lincoln, Nebraska:

10           That the application of the Lincoln Housing Authority, hereinafter referred to  
11 as "Permittee", to develop the South 84th Street Community Unit Plan for 72 multi-family  
12 dwelling units, together with a request to waive Land Subdivision Ordinance requirement to  
13 allow more than 40 dwelling units on a dead-end street, be and the same is hereby granted  
14 under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code  
15 upon condition the City Council approves associated requests CZ 14012 and Comp. Plan  
16 Conformance #13020, and that construction of said development be in substantial  
17 compliance with said application, the site plan, and the following additional express terms,  
18 conditions, and requirements:

19           1.       This permit approves the South 84th Street Community Unit Plan for  
20 72 dwelling units which includes a density bonus of three units for low income families and  
21 individuals and a waiver of the subdivision ordinance to allow more than 40 units on a dead-  
22 end street.

23           2.       The City Council must approve Change of Zone #14012 and Comp.  
24 Plan Conformance #13020.

- 1                   3.     Before receiving building permits:
- 2                   a.     The Permittee shall cause to be prepared and submitted to the
- 3 Planning Department a revised and reproducible final plot plan including five copies with all
- 4 required revisions as listed below:
- 5                   i.     Remove notes 3, 8, 11, 12, and 16.
- 6                   ii.    Replace Item #10 under General Conditions on the site
- 7 plan with text that states, "The building footprints and
- 8 parking spaces shown on the site plan are conceptual
- 9 and are subject to minor adjustments."
- 10                  iii.   Add a note that states, "Direct vehicular access to S. 84<sup>th</sup>
- 11 Street is relinquished."
- 12                  iv.    Remove Cross Section A-A.
- 13                  v.     Show the natural gas line and the 175 foot separation on
- 14 the final plan. Add a note that identifies the hazard area
- 15 and states, "Natural Gas Pipeline Hazard Area - No
- 16 Dwelling Units Permitted."
- 17                  vi.    Remove the label "Existing Driveway" and label the
- 18 public right-of-way as Viewpoint Drive.
- 19                  vii.   Show sidewalk connections to the existing sidewalks on
- 20 both sides of Viewpoint Drive.
- 21                  viii.   Provide a second sidewalk connection to S. 84<sup>th</sup> Street
- 22 in the northeast portion of the plat. Widen the north
- 23 sidewalk to a minimum of 10' to provide for an
- 24 emergency access to S. 84<sup>th</sup> Street.
- 25                  ix.    Show the rear yard as 40' instead of 30', as noted in the
- 26 applicant's letter.
- 27                  x.     Show the 25' setback on the south side of Outlot A.
- 28                  xi.    Show the existing City driveway on the north portion of
- 29 Parcel 2. Add a note that it will be relocated by the City
- 30 of Lincoln.
- 31                  xii.   Clearly identify the west property line. Identify the line
- 32 pattern that appears to be showing the locations of
- 33 existing fences.



1           6. The physical location of all setbacks and yards, buildings, parking and  
2 circulation elements, and similar matters must be in substantial compliance with the location  
3 of said items as shown on the approved site plan.

4           7. The terms, conditions, and requirements of this resolution shall run with the  
5 land and be binding upon the Permittee, its successors and assigns.

6           8. The Permittee shall sign and return the letter of acceptance to the City Clerk.  
7 This step should be completed within 60 days following the approval of the special permit.  
8 The City Clerk shall file a copy of the resolution approving the special permit and the letter of  
9 acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the  
10 applicant. 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 \_\_\_\_\_, 2014:

\_\_\_\_\_  
Mayor