

RESOLUTION NO. A-_____

USE PERMIT NO. 149

1 WHEREAS, Ridge Development Company and Southview, Inc. have
2 submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal
3 Code designated as Use Permit No. 149 for authority to construct 166,100 square feet
4 of commercial space, including waivers to allow a street curve with less than a 150 foot
5 radius, to allow zero setbacks for certain lots, to reduce the front yard setback along
6 South 27th Street, and to waive the sidewalk on the east side of South 26th Street, on
7 property generally located northwest of the intersection of South 27th Street and
8 Yankee Hill Road, and legally described to wit:

9 A portion of Lot 81 I.T., located in the Southeast Quarter of
10 Section 24, Township 9 North, Range 6 East of the 6th p.m.,
11 Lancaster County, Nebraska, and more particularly
12 described as follows:

13 Commencing at the southeast corner of said Southeast
14 Quarter; thence on an assumed bearing of north 00 degrees
15 02 minutes 09 seconds west along the east line of said
16 Southeast Quarter, a distance of 533.63 feet to a point;
17 thence south 89 degrees 57 minutes 51 seconds west, a
18 distance of 50.00 feet to a point of intersection with the east
19 line of said Lot 81 I.T., said point being the true point of
20 beginning; thence south 89 degrees 57 minutes 51 seconds
21 west, a distance of 394.09 feet to a point; thence north 35
22 degrees 06 minutes 51 seconds west, a distance of 97.06
23 feet to a point; thence north 00 degrees 02 minutes 09
24 seconds west, a distance of 115.27 feet to a point; thence
25 north 77 degrees 07 minutes 34 seconds west, a distance of
26 293.13 feet to a point; thence along a curve in a clockwise
27 direction, having a radius of 1,007.00 feet, arc length of
28 474.92 feet, delta angle of 27 degrees 01 minutes 18
29 seconds, a chord bearing of north 75 degrees 23 minutes 47
30 seconds west, and a chord length of 470.53 feet to a point of

1 intersection with a west line of said Lot 81 I.T.; thence north
2 28 degrees 01 minutes 29 seconds east along a west line of
3 said Lot 81 I.T., a distance of 377.16 feet to a west corner of
4 said Lot 81 I.T.; thence north 20 degrees 57 minutes 33
5 seconds east along a west line of said Lot 81 I.T., a distance
6 of 86.51 feet to a west corner of said Lot 81 I.T.; thence
7 north 77 degrees 26 minutes 11 seconds east along a north
8 line of said Lot 81 I.T., a distance of 67.92 feet to a west
9 corner of said Lot 81 I.T.; thence north 00 degrees 02
10 minutes 08 seconds west along a west line of said Lot 81
11 I.T., a distance of 130.00 feet to the northwest corner of
12 said Lot 81 I.T.; thence north 89 degrees 57 minutes 52
13 seconds east along a north line of said Lot 81 I.T., a
14 distance of 185.01 feet to a north corner of said Lot 81 I.T.;
15 thence south 88 degrees 24 minutes 06 seconds east along
16 a north line of said Lot 81 I.T., a distance of 148.41 feet to a
17 point of curvature; thence along a curve in a clockwise
18 direction, having a radius of 400.00 feet, arc length of
19 147.15 feet, delta angle of 21 degrees 04 minutes 39
20 seconds, a chord bearing of south 77 degrees 51 minutes
21 47 seconds east along a north line of said Lot 81 I.T., and a
22 chord length of 146.32 feet to a point of tangency; thence
23 south 67 degrees 19 minutes 27 seconds east along a north
24 line of said Lot 81 I.T., a distance of 84.84 feet to a point of
25 curvature; thence along a curve in a counter clockwise
26 direction, having a radius of 400.00 feet, arc length of
27 158.56 feet, delta angle of 22 degrees 42 minutes 42
28 seconds, a chord bearing of south 78 degrees 40 minutes
29 48 seconds east along a north line of said Lot 81 I.T., and a
30 chord length of 157.52 feet to a point of tangency; thence
31 north 89 degrees 57 minutes 51 seconds east along a north
32 line of said Lot 81 I.T., a distance of 207.04 feet to the
33 northeast corner of said Lot 81 I.T.; thence south 00 degrees
34 02 minutes 09 seconds east along the east line of said Lot
35 81 I.T., said line being 50.00 feet west of and parallel with
36 the east line of said Southeast Quarter, a distance of 838.58
37 feet to the point of beginning, said tract contains a calculated
38 area of 787,350.45 square feet or 18.08 acres, more or less;

39 WHEREAS, the real property adjacent to the area included within the site

40 plan for the development of commercial space will not be adversely affected; and

1 WHEREAS, Lincoln Municipal Code § 26.31.015 provides that the
2 requirements of Title 26 of the Lincoln Municipal Code may be modified under the
3 conditions of approval of a use permit; and

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

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

9 That the application of Ridge Development Company and Southview, Inc.,
10 hereinafter referred to as "Permittee", to construct 166,100 square feet of commercial
11 space, be and the same is hereby granted under the provisions of Section 27.31.100 of
12 the Lincoln Municipal Code upon condition that construction and operation of said
13 commercial space be in strict compliance with said application, the site plan, and the
14 following additional express terms, conditions, and requirements:

- 15 1. This permit approves 166,100 square feet of commercial floor area.
- 16 2. This permit approves the following modifications and waivers:
 - 17 a. The requirement of Lincoln Municipal Code § 26.27.020
18 requiring sidewalks on both sides of all streets is waived for
19 the east side of South 26th Street.
 - 20 b. The requirement of the Urban Public Street Design
21 Standards that the minimum centerline radius for curves on
22 local streets be 150 feet is waived to allow a street curve
23 with less than a 150' radius.

- 1 c. The yard requirements of the B-2 Planned Neighborhood
2 Business District are waived to allow the required yards to
3 have 0' setbacks for Lots 1-8, Block1, and to reduce the
4 front yard setback from 50' to 40' along South 27th Street.
- 5 3. Before receiving building permits:
- 6 a. The Permittee must submit an acceptable, revised and
7 reproducible final plan including five copies to the Planning
8 Director.
- 9 b. The construction plans must conform to the approved plans.
- 10 c. Final plats within this use permit area must be approved by
11 the City.
- 12 4. Before occupying any buildings all development and construction
13 must be completed in conformance with the approved plans.
- 14 5. All privately-owned improvements must be permanently maintained
15 by the Permittee or an appropriately established property owners association approved
16 by the City.
- 17 6. The site plan approved by this permit shall be the basis for all
18 interpretations of setbacks, yards, locations of buildings, location of parking and
19 circulation elements, and similar matters.
- 20 7. The terms, conditions, and requirements of this resolution shall be
21 binding and obligatory upon the Permittee, and its successors and assigns. The
22 building official shall report violations to the City Council which may revoke this use
23 permit or take such other action as may be necessary to gain compliance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003

Mayor