

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 08007

1 WHEREAS, Olderbak Enterprises North LLC has submitted an application
 2 designated as Special Permit No. 08007 for authority to expand a nonconforming use to
 3 increase the area where the sale of alcoholic beverages for consumption off the premises is
 4 allowed on property generally located northwest of the intersection of S. 48th Street and
 5 Meredith Street, and legally described as:

6 Lots 10-12, Block 39, College View, Lincoln, Lancaster County,
 7 Nebraska; and

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission
 9 conditionally approved said application after holding a public hearing thereon; and

10 WHEREAS, Keith Sackschewsky filed a Notice of Appeal appealing the action of
 11 the Planning Commission approving Special Permit No. 08007; and

12 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed
 13 from is deemed advisory and the City Council is authorized to take final action on the matter; and

14 WHEREAS, the community as a whole, the surrounding neighborhood, and the
 15 real property adjacent to the area included within the site plan for this expansion of a non-
 16 standard area and sale of alcoholic beverages for consumption off the premises will not be
 17 adversely affected by granting such a permit; and

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

22 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
 23 Nebraska:

1 That the application of Olderbak Enterprises North LLC, hereinafter referred to as
2 "Permittee", to expand a nonconforming use to increase the area where the sale of alcoholic
3 beverages for consumption off the premises is allowed on property described above be and the
4 same is hereby granted under the provisions of Section 27.63.280 of the Lincoln Municipal Code
5 upon condition that construction of said area be in substantial compliance with said application,
6 the site plan, and the following additional express terms, conditions, and requirements:

7 1. This approval permits the reconstruction of a nonconforming use, and permits the
8 sale of alcohol for consumption off the premises.

9 2. The City Council must approve the associated request, Change of Zone #08003.

10 3. Upon approval of the special permit, the Permittee shall cause to be prepared and
11 submitted to the Planning Department a revised and reproducible final site plan including 5 copies
12 with all required revisions and documents as listed below before receiving building permits:

13 a. Add a General Note that states "Signs need not be shown on this site plan,
14 but must to be in compliance with Zoning Ordinance be approved by
15 Building & Safety Department prior to installation".

16 b. Add a General Note that states "This approval does not allow an
17 automobile wash facility."

18 c. Revise the site plan to show an 8'-tall opaque fence along the west lot line
19 stepping down to 6' in height south of the building and adjacent to the
20 parking stalls near the west property line. The fence shall end at the south
21 end of the parking spaces, and the screening required along the remaining
22 portion of the west lot line south of last parking stall to the south lot line
23 shall be provided by a 100% screen at least three feet in height consisting of
24 plants.
25

26 d. Add a General Note that states "All canopy lights shall be flush mounted.
27 Lighting otherwise to comply with applicable Design Standards."

28 e. Add a General Note that states "Required screening will be reviewed at the
29 time of building permit and will comply with City of Lincoln Design
30 Standards with one exception. Screening along the west property line to be
31 as shown on the approved site plan".

32 f. Add a General Note that states "Parking lot and drive aisles will be
33 reviewed at the time of building permit and will comply with City of Lincoln
34 Design Standards."

1 g. Revise the site plan removing the north driveway and showing shared
2 access via the alley.

3 h. Provide documentation from the Register of Deeds that the letter of
4 acceptance as required by the approval of the special permit has been
5 recorded.

6 4. Before occupying buildings or starting the operation all development and
7 construction must substantially comply with the approved plans.

8 5. All privately-owned improvements, including landscaping, must be permanently
9 maintained by the Permittee.

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

13 7. This resolution's terms, conditions, and requirements bind and obligate the
14 Permittee, its successors and assigns.

15 8. The Permittee shall sign and return the letter of acceptance to the City Clerk within
16 60 days following the approval of the special permit, provided, however, said 60-day period may
17 be extended up to six months by administrative amendment. The City Clerk shall file a copy of
18 the resolution approving the special permit and the letter of acceptance with the Register of
19 Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2008:

Mayor