

Special Permit 15025

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

1           WHEREAS, Good Shepherd Lutheran Church has submitted an application  
 2 designated as Special Permit No. 15025 to construct a 100-foot broadcast tower at  
 3 Good Shepherd Lutheran Church on property generally located at 3825 Wildbriar Lane,  
 4 legally described as:

5                   Lot 1, Block 1, Briarhurst West 5<sup>th</sup> Addition, except 400  
 6 square feet in the northeast corner and 95.72 square feet in  
 7 the southeast corner for the street, located in the Southeast  
 8 Quarter of Section 7, Township 9 North, Range 7 East of the  
 9 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska;

10           WHEREAS, on May 27, 2015 the Planning Commission held a public hearing on  
 11 said request and approved Special Permit No. 15025 with conditions, by adopting  
 12 Resolution No. PC-01454; and

13           WHEREAS, on June 10, 2015 Robert J. Van Valkenburg filed a notice of appeal,  
 14 dated June 9, 2015 with the City Clerk, appealing the action of the Planning  
 15 Commission approving Special Permit No. 15025; and

16           WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed  
 17 from is deemed advisory and the City Council is authorized to take final action on the  
 18 Special Permit; and

19           WHEREAS, the real property adjacent to the area included within the site plan for  
 20 this broadcast tower will not be adversely affected; and

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

1 NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

2 That the application of Good Shepherd Lutheran Church, hereinafter referred to  
3 as "Permittee", to allow a 100-foot broadcast tower, on property legally described above  
4 be and the same is hereby granted under the provisions of Section 27.63.150 of the  
5 Lincoln Municipal Code upon condition that construction of said broadcast tower be in  
6 substantial compliance with said application, the site plan, and the following additional  
7 express terms, conditions, and requirements:

8 1. This permit approves a 100-foot broadcast tower.

9 2. Before receiving building permits, the Permittee shall submit a revised and  
10 reproducible site plan including five copies showing the following revision to the  
11 Planning Department for review and approval:

12 a. Add a note to the site plan which states that, "This site plan does  
13 not regulate the use of the land by the church except with respect  
14 to this special permit for a broadcast tower."

15 3. Before use of the facility, all development and construction shall  
16 substantially comply with the approved plans.

17 4. All privately-owned improvements shall be permanently maintained by the  
18 Permittee.

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

22 6. The terms, conditions, and requirements of this resolution shall run with  
23 the land and be binding on the Permittee, its successors, and assigns.

1           7.     The applicant shall sign and return the letter of acceptance to the City  
2 Clerk. This step should be completed within 60 days following the approval of the  
3 special permit. The City Clerk shall file a copy of the resolution approving the special  
4 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
5 paid in advance by the applicant. Building permits will not be issued unless the letter of  
6 acceptance has been filed.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2015:

\_\_\_\_\_  
Mayor