

RESOLUTION NO. A-\_\_\_\_\_  
SPECIAL PERMIT NO. 17010

1 WHEREAS, Paws 4 Fun LLC has submitted an application designated as Special Permit  
2 No. 17010 for a kennel, with allowance for up to 30 animals in the outdoor area at any one time,  
3 on property generally located at 222 North 44<sup>th</sup> Street, and legally described as:

4 Lot 2, Meginnis Addition, located in the Southwest Quarter of  
5 Section 20, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M.,  
6 Lincoln, Lancaster County, Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public  
8 hearing on May 24, 2017 on said application and adopted Resolution No. PC-01555 approving  
9 the same; and

10 WHEREAS, Ronald H. Wilhelm and Herbert J. Friedman, on behalf of Herbert J.  
11 Friedman/Daniel H. Friedman, have each filed a Notice of Appeal appealing the action of the  
12 Planning Commission approving Special Permit No. 17010; and

13 WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed  
14 from is deemed advisory and the City Council is authorized to take final action on the application  
15 for Special Permit No. 17010; and

16 WHEREAS, the community as a whole, the surrounding neighborhood, and the real  
17 property adjacent to the area included within the site plan for this special permit will not be ad-  
18 versely affected by granting such a permit; and

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

5           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
6 Nebraska:

7           That the application of Paws 4 Fun LLC, hereinafter referred to as "Permittee", for a  
8 special permit for a kennel, with allowance for up to 30 animals in the outdoor area at any one  
9 time, on the property described above, be and the same is hereby granted under the provisions  
10 of Section 27.63.790 of the Lincoln Municipal Code upon condition that the development be in  
11 substantial compliance with said application, the site plan, and the following additional express  
12 terms, conditions, and requirements:

13           1.       This permit approves a kennel with an allowance for up to 30 animals in the  
14 outdoor area at any one time between the hours of 7:00 a.m. and 10:00 p.m. only.

15           2.       Before receiving building permits:

16           a.       The Permittee shall cause to be prepared and submitted to the Planning  
17 Department a revised and reproducible final site plan including **3** copies with all required  
18 revisions as listed below:

19           i.       Retain existing easements as noted by Lincoln Electric System.

20           ii.      Add a note that the parking and building layout is general and can  
21 be amended at time of building permit without amendment to the  
22 Special Permit.

23           b.       The Permittee shall provide verification that the letter of acceptance as  
24 required by the approval of the special permit has been recorded with the Register of Deeds.

25           3.       In the event of repeated violations of Lincoln Municipal Code § 6.04.435, the  
26 Special Permit may be revoked.

1           4.     Before occupying the buildings all development and construction shall  
2 substantially comply with the approved plans.

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

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

8           7.     The Permittee shall sign and return the letter of acceptance to the City Clerk.  
9 This step should be completed within 60 days following the approval of the special permit. The  
10 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
11 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
12 Permittee. Building permits will not be issued until the letter of acceptance has been filed.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this ____ day of _____, 2017:  _____ Mayor
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