

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

USE PERMIT NO. 137

1           WHEREAS, Michael Raasch has submitted an application in accordance  
2 with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No.  
3 137 for authority to construct 56,000 square feet of mixed commercial space, and  
4 legally described to wit:

5                       Lots 15, 16, and 17, Block 3, Lincoln Industrial Park South,  
6                       located in the Southwest Quarter of Section 12, Township 9  
7                       North, Range 6 East of the 6th P.M., Lancaster County,  
8                       Nebraska;

9           WHEREAS, the real property adjacent to the area included within the site  
10 plan for this commercial development will not be adversely affected; and

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

14           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
15 Lincoln, Nebraska:

16           That the application of Michael Raasch, hereinafter referred to as  
17 "Permittee", to construct 56,000 square feet of mixed commercial space on the property  
18 legally described above be and the same is hereby granted under the provisions of  
19 Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and  
20 operation of said commercial space be in strict compliance with said application, the  
21 site plan, and the following additional express terms, conditions, and requirements:

- 1           1.     This permit approves 56,000 square feet of commercial space.
- 2           2.     The following modifications of the Land Subdivision Ordinance,  
3     Zoning Code, and City of Lincoln Design Standards are hereby approved:
  - 4           a.     Waiver of the required sidewalks along the south side of  
5                 renamed Kensington Court.
  - 6           b.     An adjustment to the rear yard setback from 50 feet to 20  
7                 feet along the east property line.
  - 8           c.     Waiver of the design standard that requires the slope of the  
9                 sanitary sewer to be parallel with the slope of the street to  
10                allow the flow of sewage against the street grade.
- 11          3.     Pre-existing Use Permit #31 is hereby rescinded.
- 12          4.     Before receiving building permits:
  - 13           a.     The Permittee must submit a revised and reproducible final  
14                 plan along with five copies.
  - 15           b.     The construction plans must conform to the approved plans.
  - 16           c.     Final plats within the area of this Use Permit must be  
17                 approved by the City.
- 18          5.     Before occupying the new construction all development and  
19     construction must be completed in conformance with the approved plans.
- 20          6.     All privately-owned improvements must be permanently maintained  
21     by the Permittee or an appropriately established association approved by the City  
22     Attorney.
- 23          7.     The site plan approved by this permit shall be the basis for all

1 interpretations of setbacks, yards, locations of buildings, location of parking and  
2 circulation elements, and similar matters.

3 8. The terms, conditions, and requirements of this resolution shall be  
4 binding and obligatory upon the Permittee, his successors and assigns. The building  
5 official shall report violations to the City Council which may revoke this use permit or  
6 take such other action as may be necessary to gain compliance.

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

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

|   |
|---|
| Approved this ___ day of _____, 2001:<br><br>_____<br>Mayor |
|---|