

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1989

1 WHEREAS, Susan and Donald Brouse, Thomas Folsom and National Bank
 2 of Commerce Trust and Savings Association have submitted an application designated as
 3 Special Permit No. 1989 for authority to develop a planned service commercial
 4 development consisting of approximately 115,000 sq. ft. of office/commercial floor area,
 5 including an automobile dealership, with waivers to the required front, side, and rear yard
 6 setbacks, and to defer the review and approval of site plans, ground signs, and required
 7 landscape plans to the time of building permits, on property located at southwest of the
 8 intersection of South 27th Street and Porter Ridge Road, and legally described to wit:

9 A portion of Lot 32 I.T., located in the South Half of the
 10 Northeast Quarter of Section 24, Township 9 North, Range 6
 11 East of the 6th P.M., Lancaster County, Nebraska, more
 12 particularly described as follows:

13 Beginning at the northeast corner of Lot 32 I.T. on an assumed
 14 bearing along the westerly right-of-way of South 27th Street,
 15 south 01 degrees 06 minutes 54 seconds west, a distance of
 16 117.55 feet; thence south 01 degrees 04 minutes 03 seconds
 17 west, a distance of 450.08 feet; thence south 05 degrees 42
 18 minutes 20 seconds west, a distance of 74.08 feet; thence
 19 south 01 degrees 55 minutes 16 seconds east, a distance of
 20 7.51 feet; thence north 89 degrees 40 minutes 59 seconds
 21 west, a distance of 514.04 feet; thence north 72 degrees 29
 22 minutes 32 seconds west, a distance of 265.60 feet; thence
 23 north 00 degrees 23 minutes 38 seconds east, a distance of
 24 571.38 feet to a point on the northerly line of Lot 32 I.T.;
 25 thence along the northerly lot line of Lot 32 I.T. south 89
 26 degrees 36 minutes 22 seconds east, a distance of 781.21 feet
 27 to the point of beginning and containing a calculated area of
 28 494,526.19 square feet or 11.35 acres, more or less;

1 WHEREAS, the real property adjacent to the area included within the site
2 plan for this office/commercial development will not be adversely affected; and

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

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

8 That the application of Susan and Donald Brouse, Thomas Folsom and
9 National Bank of Commerce Trust and Savings Association, hereinafter referred to as
10 "Permittee", to develop a planned service commercial development consisting of
11 approximately 115,000 sq. ft. of office/commercial floor area, including an automobile
12 dealership, with waivers to the required front, side, and rear yard setbacks, and to defer
13 the review and approval of site plans, ground signs, and required landscape plans to the
14 time of building permits, on the property legally described above, be and the same is
15 hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code
16 upon condition that construction and operation of said planned service commercial
17 development be in strict compliance with said application, the site plan, and the following
18 additional express terms, conditions, and requirements:

19 1. This permit approves 115,000 square feet of retail/commercial floor
20 area including 80,000 square feet of floor area for an automotive dealership.

21 2. This permit approves a waiver of the front yard setback along South
22 27th Street from 50 feet to 40 feet.

1 3. This permit approves a waiver of the side yard setback from 50 feet
2 to 10 feet except along the north property line where the setback reduction is from 50 feet
3 to 20 feet.

4 4. The Planning Director is hereby authorized to approve the site plans,
5 ground signs, and required landscape plans at the time building permits are issued.

6 5. Before receiving building permits:

7 a. A site plan showing building layout, including a landscape plan
8 showing all required landscaping and any proposed signs.

9 b. The construction plans must conform to the approved plans.

10 c. A formal agreement concerning the developer's obligation for
11 traffic improvements to the surrounding arterial street system.

12 6. Before occupying any buildings all development and construction must
13 be completed in conformance with the approved plans.

14 7. All privately-owned improvements must be permanently maintained
15 by the Permittee or an appropriately established property owners association approved by
16 the City Attorney.

17 8. 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 circulation
19 elements, and similar matters.

20 9. The terms, conditions, and requirements of this resolution shall be
21 binding and obligatory upon the Permittee, their successors, and assigns. The building
22 official shall report violations to the City Council which may revoke the special permit or

1 take such other action as may be necessary to gain compliance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003: _____ Mayor
