

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

USE PERMIT NO. 152

1           WHEREAS, John, Janice, and Gary VerMaas have submitted an applica-  
2           tion in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as  
3           Use Permit No. 152 for authority to construct 49,900 square feet of medical, financial,  
4           and office space; to waive the requirement for front yard setback along S. 13th Street,  
5           to waive the parking lot design standards for Zoning Regulations requiring parking lot  
6           screening along S. 13th Street, and to waive Land Subdivision Ordinance and Design  
7           Standard requirements requiring sidewalks along Highway 2 south of Pioneers and  
8           along South 13th Street, and sanitary sewer flow in the same direction as street grades,  
9           on property generally located northeast of the intersection of Pioneers Boulevard and  
10          Highway 2, and legally described to wit:

11                   All of Outlot "A", USPS Addition, located in the Southeast Quarter  
12                   of Section 2, Township 9 North, Range 6 East of the 6th P.M.,  
13                   Lincoln, Lancaster County, Nebraska, more particularly described  
14                   as follows:

15                   Commencing at the intersection of the southerly right-of-way line  
16                   of Calvert Street and the westerly right-of-way line of South 13th  
17                   Street, said point being the northeast corner of Lot 1, said USPS  
18                   Addition; thence southerly on said westerly right-of-way line, on an  
19                   assigned bearing of south 03 degrees 03 minutes 08 seconds  
20                   west, a distance of 522.99 feet, to the point of beginning; thence  
21                   southerly continuing on said west right-of-way line, south 03  
22                   degrees 03 minutes 08 seconds west, 59.35 feet to a point on a  
23                   circular curve to the left, having a radius of 913.51 feet and a  
24                   central angle of 32 degrees 45 minutes 12 seconds, said curve  
25                   also being said westerly right-of-way line; thence southeasterly on  
26                   the chord of said curve, south 16 degrees 16 minutes 35 seconds  
27                   east, 515.13 feet; thence southeasterly continuing on said  
28                   westerly right-of-way line, south 30 degrees 32 minutes 35  
29                   seconds east, 393.83 feet; thence southwesterly south 46  
30                   degrees 14 minutes 06 seconds west, 58.49 feet to a point on a

1 circular curve to the right, having a radius of 5032.74 feet and a  
2 central angle of 06 degrees 37 minutes 26 seconds, said curve  
3 also being the easterly right-of-way line of Highway 2; thence  
4 northwesterly on the chord of said curve, north 40 degrees 14  
5 minutes 19 seconds west, 581.50 feet; thence northwesterly  
6 continuing on said easterly right-of-way line, north 54 degrees 52  
7 minutes 44 seconds west, 139.99 feet; thence northwesterly  
8 continuing on said easterly right-of-way line, north 30 degrees 50  
9 minutes 12 seconds west, 313.35 feet to a point on a circular  
10 curve to the right, having a radius of 2022.22 feet and a central  
11 angle of 04 degrees 33 minutes 36 seconds; thence northwesterly  
12 on the chord of said curve, north 29 degrees 35 minutes 31  
13 seconds west, 160.90 feet to the northwest corner of said Outlot  
14 "A"; thence easterly on the north line of said Outlot "A", north 90  
15 degrees 00 minutes 00 seconds east, 431.10 feet to the point of  
16 beginning, said tract contains an area of 4.79 acres, more or less;

17 WHEREAS, the real property adjacent to the area included within the site  
18 plan for the development of medical, financial, and office space will not be adversely  
19 affected; and

20 WHEREAS, Lincoln Municipal Code § 26.31.015 provides that the  
21 requirements of Title 26 of the Lincoln Municipal Code may be modified under the  
22 conditions of approval of a use permit; and

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

26 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
27 Lincoln, Nebraska:

28 That the application of John, Janice, and Gary VerMaas, hereinafter  
29 referred to as "Permittee", to construct 49,900 square feet of medical, financial, and  
30 office space be and the same is hereby granted under the provisions of Section

1 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation  
2 of said medical, financial, and office buildings be in strict compliance with said  
3 application, the site plan, and the following additional express terms, conditions, and  
4 requirements:

5 1. This permit approves 49,900 square feet of financial, medical, and  
6 office floor area.

7 2. The City Council finds that the tract to be subdivided is surrounded  
8 by such development or unusual conditions that strict application of the Zoning  
9 Ordinance and Land Subdivision requirements would result in actual difficulties or  
10 substantial hardship and the following modifications to the Zoning Ordinance and Land  
11 Subdivision requirements are therefore approved:

12 a. The requirement of Lincoln Municipal Code § 27.27.070  
13 requiring a front yard setback along South 13th Street is  
14 waived.

15 b. The requirement of Lincoln Municipal Code § 26.27.020  
16 requiring sidewalks along Highway 2 south of Pioneers Blvd.  
17 and along South 13th Street, is waived.

18 c. The requirement of Section 3.7 of the Parking Lot Design  
19 Standard is waived to eliminate screening along South 13th  
20 Street.

21 d. The requirement of Section 3.6 of the Sanitary Sewer  
22 Design Standard is waived to allow sanitary sewer flow

1 opposite street grades.

2 3. Before receiving building permits:

3 a. The Permittee must submit a revised and reproducible final  
4 plan including five copies to the Planning Director.

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

6 c. Final plats within this use permit area must be approved by  
7 the City.

8 4. Before occupying any building all development and construction  
9 must conform to the approved plans, including the traffic signal and controller  
10 improvements at the intersection of Pioneers Boulevard and Nebraska Highway 2.

11 5. All privately-owned improvements must be permanently maintained  
12 by the Permittee or an appropriately established association approved by the City.

13 6. The site plan approved by this permit shall be the basis for all  
14 interpretations of setbacks, yards, locations of buildings, location of parking and  
15 circulation elements, and similar matters.

16 7. The terms, conditions, and requirements of this resolution shall be  
17 binding and obligatory upon the Permittee, and its successors and assigns. The  
18 building official shall report violations to the City Council which may revoke this use  
19 permit or take such other action as may be necessary to gain compliance.

20 8. The Permittee shall sign and return the City's letter of acceptance  
21 to the City Clerk within 30 days following approval of this use permit, provided, however,  
22 said 30-day period may be extended up to six months by administrative amendment.

1 The City Clerk shall file a copy of the resolution approving this use permit and the letter  
2 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by  
3 the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2003

\_\_\_\_\_  
Mayor