

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2038

1 WHEREAS, Britt Baer has submitted an application designated as Special
 2 Permit No. 2038 for authority to operate a salvage yard on approximately 27,000
 3 square feet on property generally located at South 3rd and Garfield Streets, and legally
 4 described to wit:

5 Lots 33 through 37, Block 6, and Lots 14 through 17, Block
 6 7, Hull's South Addition, located in the Northwest Quarter of
 7 Section 35, Township 10 North, Range 6 East of the 6th
 8 P.M., Lancaster County, Nebraska;

9 WHEREAS, the Lincoln City-Lancaster County Planning Commission held
 10 a public hearing on October 15, 2003 and conditionally approved Special Permit No.
 11 2038; and

12 WHEREAS, Danny Walker on behalf of the South Salt Creek Community
 13 Organization has appealed the action of the Lincoln City-Lancaster County Planning
 14 Commission approving Special Permit No. 2038; and

15 WHEREAS, the community as a whole, the surrounding neighborhood,
 16 and the real property adjacent to the area included within the site plan for this salvage
 17 operation will not be adversely affected by granting such a permit; and

18 WHEREAS, said site plan together with the terms and conditions
 19 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
 20 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the

1 public health, safety, and general welfare.

2 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
3 Lincoln, Nebraska:

4 That the application of Britt Baer, hereinafter referred to as "Permittee", to
5 operate a salvage yard be and the same is hereby granted under the provisions of
6 Section 27.63.500 the Lincoln Municipal Code upon condition that the operation of said
7 salvage yard be in strict compliance with said application, the site plan, and the follow-
8 ing additional express terms, conditions, and requirements:

- 9 1. This permit approves a salvage yard.
- 10 2. Before occupying the building and using the premises for a salvage

11 yard:

12 a. The Permittee must submit an acceptable, revised final site
13 plan along with eight copies to the Planning Department showing the following
14 revisions:

- 15 i. Revise the legal description to include Lot 37.
- 16 ii. Remove the word "existing" from the labels of the
17 various elements on the drawing.
- 18 iii. Show the height of each fence segment.
- 19 iv. Add a note stating outdoor storage of salvage
20 material will not exceed the height of the fence.
- 21 v. Add a note stating all perimeter fencing must be
22 opaque. Chain link fencing is not permitted for
23 perimeter fences, whether with or without slats.
- 24 vi. Add a note stating fences will be a neutral color.

1 6. All perimeter fencing must be of a neutral color, and cannot be
2 chain link, whether with or without slats.

3 7. Enclosed semi-trailers may be used for storage provided they are
4 properly licensed, operable, and not located in the required front yard. They may be
5 located in the side or rear yard, provided that if such yard abuts a residential district, the
6 semi-trailers must be located at least 20 feet from the respective property line and
7 openings to the trailer shall not face the residential district.

8 8. All privately-owned improvements, including landscaping and
9 screening, must be permanently maintained by the owner or other alternative approved
10 by the City.

11 9. Fences must be installed, inspected, and maintained as provided in
12 Lincoln Municipal Code and the Lincoln Design Standards.

13 10. The storage or processing of materials that are, in time of flooding,
14 buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is
15 prohibited.

16 11. The site plan approved by this permit shall be the basis for all
17 interpretations of setbacks, yards, locations of buildings, location of parking and
18 circulation elements, and similar matters.

19 12. The terms, conditions, and requirements of this resolution shall be
20 binding and obligatory upon the Permittee and the Permittee's successors and assigns.
21 The building official shall report violations to the City Council which may revoke the
22 special permit or take such other action as may be necessary to gain compliance.

23 13. The Permittee shall sign and return the City's letter of acceptance

1 to the City Clerk within 30 days following approval of the special permit, provided,
2 however, said 30-day period may be extended up to six months by administrative
3 amendment. 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 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor