

RESOLUTION NO. A-_____

USE PERMIT NO. 95

1 WHEREAS, Resolution No. A-77862 adopted by the City Council on
2 January 13, 1997 accepted and approved St. Elizabeth Community Health Center's
3 application designated as Use Permit No. 95 for authority to develop a 12,500 sq. ft.
4 medical/office complex in three structures on property generally located west of North
5 26th Street and south of Kensington Drive; and

6 WHEREAS, the conditions of approval of Use Permit No. 95 reduced the
7 required front yard setback along North 26th Street from 50 feet to 30 feet and reduced
8 the required front yard setback along Kensington Drive from 50 feet to 20 feet; and

9 WHEREAS, the stated reduction of the required front yards along North
10 26th Street and Kensington Drive were erroneously reversed in said conditions of
11 approval and the reduction of the required front yard along North 26th Street should
12 have been from 50 feet to 20 feet and the reduction in the required front yard along
13 Kensington Drive should have been from 50 feet to 30 feet; and

14 WHEREAS, the correct reductions in said required front yards was
15 requested by the applicant and shown on the approved site plan for Use Permit No. 95.

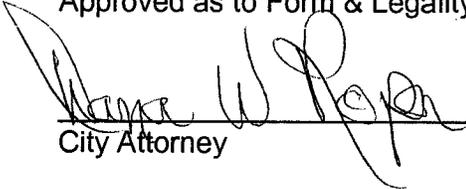
16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
17 Lincoln, Nebraska:

1 That Resolution No. A-77862 be amended by revising Condition No. 4 to
2 read as follows:

3 4. The required front yard setback along North
4 26th Street is reduced to 20 feet and the required front yard
5 setback along Kensington Drive is hereby reduced to 30
6 feet.

Introduced by:

Approved as to Form & Legality:



City Attorney

Approved this ___ day of _____, 2004:

Mayor

**GENERAL
FACT SHEET**

04R-120

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Use Permit No. 95		

DETAILS

Reason for Legislation

To amend Resolution No. A-77862, being Use Permit No. 95, which as adopted by City Council on January 13, 1997, approving a medical office complex on property generally located west of North 26th Street and south of Kensington Drive, to correct a discrepancy in the reduced setbacks. The pertinent pages from the original application of said Use Permit are attached.

Discussion (Including Relationship to other Council Actions)

POSITIONS/RECOMMENDATIONS

Sponsor	Law Department
Programs, Departments, or Groups Affected	Planning
Applicants/ Proponents	Applicant City of Lincoln City Department Law Development Other
Opponents	Groups or Individuals None Known Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	<input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions or conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (FOR COUNCIL USE ONLY)	<input type="checkbox"/> PASS
	<input type="checkbox"/> PASS (AS AMENDED)
	<input type="checkbox"/> COUNCIL SUB.
	<input type="checkbox"/> WITHOUT RECOMMENDATION
	<input type="checkbox"/> HOLD
	<input type="checkbox"/> DO NOT PASS

DETAILS

(Use This Space For Further Discussion, If Necessary)

POLICY OR PROGRAM CHANGE	NO	X	YES
OPERATIONAL IMPACT ASSESSMENT			

FINANCES

COST AND REVENUE PROJECTIONS	COST of total project	\$	_____
	COST of this ordinance/resolution	\$	_____
	RELATED annual operating cost	\$	_____
INCREASED REVENUE EXPECTED / YEAR			

SOURCE OF FUNDS	CITY		
	_____	\$	_____ % _____
	_____	\$	_____ % _____
	From Center Park Garage	\$	_____ % _____
	Improvement Fund	\$	_____ % _____
	NON CITY		
	_____	\$	_____ % _____

BENEFIT COST /		Average Assessment	
<input type="checkbox"/> Front Foot		\$	_____
<input type="checkbox"/> Square Foot		\$	_____
<input type="checkbox"/> Per \$100 valuation			

APPLICABLE DATES:

FACT SHEET PREPARED BY:

REVIEWED BY:

REFERENCE NUMBERS:

POLICY / PROGRAM IMPACT

1 1. This permit authorizes the construction and use of 12,500
2 sq. ft. of medical/office uses in three structures as shown on the site plan.

3 2. Before receiving building permits the Permittee must submit
4 and receive approval from the Planning Director of the following:

- 5 a. A landscape and screening plan.
- 6 b. A signage plan for all signage, both on the structure
7 and free standing, specifying the size, color, and
8 location of all signs.
- 9 c. A permanent reproducible final plan as approved by the
10 City Council.

11 3. The City must approve the Elizabeth Park North Final Plat
12 96042.

13 4. The required front yard setback along North 26th Street is
14 reduced to ²⁰30 feet and the required front yard setback along Kensington Drive
15 is hereby reduced to ³⁰20 feet. }

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

17 6. The required easements as shown on the site plan must be
18 recorded with the Register of Deeds.

19 7. Before occupying this medical/office complex, all
20 development and construction must be completed in conformance with the
21 approved plans.

22 8. All privately-owned improvements, including landscaping,
23 shall be permanently maintained by the owner.

24 9. The site plan accompanying this permit shall be the basis
25 for all interpretations of setbacks, yards, locations of buildings, location

reconstruction of the northbound to eastbound right-turn lanes at North 27th and Superior, and construction of a southbound to westbound right turn lane in North 27th and Superior. The estimated cost of these improvements is \$100,850. The 'Rice' tract portion is \$44,135 based on its portion of the total square footage permitted.

12. The site plan shows a side yard setback of 5 feet to the south. The required side yard setback for the O-3 Office Park District is 15 feet. There is sufficient area to provide the side yard setback, therefore the Planning Staff can see no justification to waive the side yard setback.

13. The actual proposed square footage of the individual buildings need to be indicated. The areas shown on the site plan are for the building envelope, not the building area.

14. The number of parking spaces per parking bay need to be identified.

15. A review of the site plan reveals a general lack of dimensions. These need to be provided.

16. The application requested a reduction in the front yard setbacks along Kensington Drive from 50 feet to 30 feet and along North 26th Street from 50 feet to 20 feet. Since these setbacks are the same as reviewed with previous use permit, and found acceptable, they are acceptable at this time.

17. The landscape plan does not provide sufficient coniferous plantings along North 26th and Kensington to meet design standards. These areas need to the revised to meet or exceed design standards.

18. The parking requirements for medical offices in 1 space per 225 square feet of office area. With this proposal for 12,500 square feet of medical/office uses requiring 56 spaces based on medical office uses. The site plan has provided 63 spaces.

STAFF RECOMMENDATIONS:

Conditional Approval.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

4.1.2 A sign package of all signage both on the building and free standing signs including size, color, and location.

4.1.3 A permanent reproducible final plan as approved by the City Council.

5. The City has approved the following requests:

5.1 The Elizabeth Park North final plat North 96042

5.2 Waivers of the front yard setbacks along North 26th street to a minimum of 30 feet and along Kensington Drive to a minimum of 20 feet.

6. The construction plans shall comply with the approved plans.

7. The required easements as shown on the plan shall have been recorded with the Register of Deeds.

STANDARD CONDITIONS:

8. The following conditions are applicable to all requests:

8.1 Before occupying this medical office/office complex, all development and construction shall have been completed in compliance with the approved plans.

8.2 All privately-owned improvements, including landscaping, shall be permanently maintained by the owner.

8.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

8.4 The site plan accompanying this permit, approved by the City Council represents the official approved permit, and shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.

8.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

**USE PERMIT NO. 95
ST. ELIZABETH (O-3 AREA)**

Scale: N.T.S.

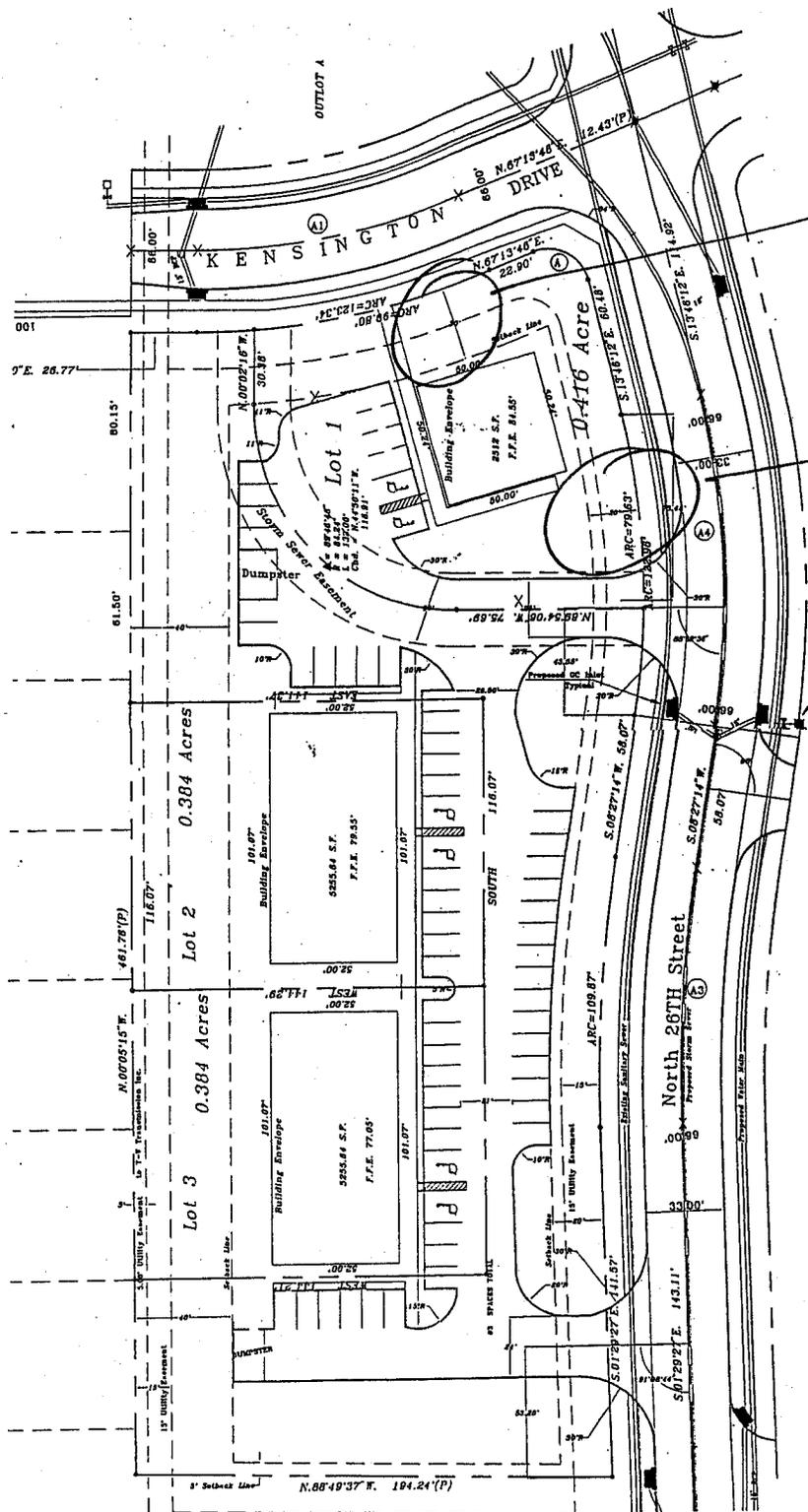
Sheet: 2 of 2

Date: 10.16.96



North

012



**Porter &
Associates Inc.**

Surveyors • Engineers • Planners

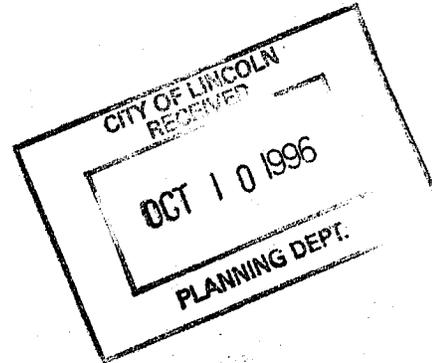
*Registered Land Surveyors
Nebraska, Kansas, Arkansas, Texas, Oklahoma*

7501 "O" Street, Suite 104
Lincoln, Nebraska 68510-2485

Phone: (402) 488-8339
Fax: (402) 488-8401

October 10, 1996

Mr. Rick Houck, Planner
Lincoln - Lancaster County Planning Dept.
City County Building
555 South 10th
Lincoln NE 68508



RE: Capital Village North

Dear Rick:

On behalf of Mega Corporation and St. Elizabeth Community Health Center. We are herewith submitting a Use Permit Application, and Final Plat for the property now known as Outlot B, and the portion of Lot 1, of Capital Village North containing the Detention Area.

As you are aware Use Permit # 69, was applied for and received conditional approval by Planning Commission but did not go on to Council. This was the area East of proposed 26th Street.

We are reflecting no changes in the total square footage for commercial space shown on the previous concept plan, Preliminary Plat and Use Permit # 69.

We are asking for the same waiver as before on the setback lines along Kensington Drive and North 26th Street, they are as follows:

1. Kensington Drive - 30' Setback
2. N. 26th Street - 20' Setback

Enclosed herein also are the approved Drainage Calculations and Plan which includes the downstream storm sewer and channelization to the existing South site Detention area. The approved Paving and Utility Plans that apply to Capital Village North Application which includes paving and utilities remaining along N.26th Street, from Ticonderoga to Kensington Drive. In accordance with Phasing Plan and Subdivision