

(Appeal of Planning Commission Action)

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

SPECIAL PERMIT NO. 04020

1           WHEREAS, Thomas D. Friedman, on behalf of Orchid Enterprises,  
 2 L.L.C., has submitted an application designated as Special Permit No. 04020 for  
 3 authority to operate a limited landfill on property located west of S.W. 27th Street and  
 4 West O Street, and legally described to wit:

5           A part of Lot 105 I.T. and a part of Lot 106 I.T., located in  
 6 the Northeast Quarter of Section 29, Township 10 North,  
 7 Range 6 East of the 6th P.M., Lincoln, Lancaster County,  
 8 Nebraska, described as follows:

9           Beginning at the northeast corner of said Lot 106 I.T., said  
 10 point also being the northwest corner of Lot 81 I.T., said  
 11 point also being 60.00 feet south of the north line of said  
 12 Northeast Quarter and lying on the south right-of-way line of  
 13 West O Street, and extending thence south 00 degrees 00  
 14 minutes 21 seconds west (assumed) on the east line of said  
 15 Lot 106 I.T., a distance of 300.15 feet to a southeast corner  
 16 of said Lot 106 I.T., said point being also the southwest  
 17 corner of Lot 81 I.T. and a northeast corner of Lot 105 I.T.;  
 18 thence south 00 degrees 02 minutes 30 seconds east on the  
 19 east line of said Lot 105 I.T., a distance of 59.84 feet to the  
 20 southwest corner of Lot 93 I.T.; thence south 89 degrees 13  
 21 minutes 53 seconds west, a distance of 343.15 feet to a  
 22 point of intersection with the west line of said Lot 105 I.T.,  
 23 60.00 feet south of the northwest corner of said Lot 105 I.T.;  
 24 thence continuing south 89 degrees 13 minutes 53 seconds  
 25 west, a distance of 342.68 feet to a point of intersection with  
 26 the west line of said Lot 106 I.T.; thence north 00 degrees  
 27 03 minutes 53 seconds west on the west line of said Lot 106  
 28 I.T., a distance of 359.73 feet to a point of intersection with  
 29 the south right-of-way line of West O Street, said point also  
 30 being the northwest corner of said Lot 106 I.T.; thence north  
 31 89 degrees 16 minutes 06 seconds east on the north line of  
 32 said Lot 106 I.T., a distance of 686.83 feet to the point of  
 33 beginning, containing an area of 5.67 acres;

1           WHEREAS, the Lincoln City-Lancaster County Planning Commission has  
2 held a public hearing on said application; and

3           WHEREAS, the Lincoln City-Lancaster County Planning Commission held  
4 a public hearing on May 26, 2004 and conditionally approved Special Permit No. 04020;  
5 and

6           WHEREAS, J. Michael Rierden, on behalf of Orchid Enterprises, L.L.C.,  
7 has appealed the action of the Lincoln City-Lancaster County Planning Commission's  
8 conditional approval of Special Permit No. 04020; and

9           WHEREAS, the final action of the Lincoln City-Lancaster County Planning  
10 Commission conditionally approving Special Permit No. 04020 should be affirmed; and

11           WHEREAS, the community as a whole, the surrounding neighborhood,  
12 and the real property adjacent to the area included within the site plan for this limited  
13 landfill will not be adversely affected by granting such a permit; and

14           WHEREAS, said site plan together with the terms and conditions  
15 hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln  
16 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
17 public health, safety, and general welfare.

18           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
19 Lincoln, Nebraska:

20           That the application of Thomas D. Friedman, on behalf of Orchid  
21 Enterprises, L.L.C., hereinafter referred to as "Permittee", to operate a limited landfill be  
22 and the same is hereby granted under the provisions of Section 27.43.040(p) and  
23 27.63.560 the Lincoln Municipal Code upon condition that construction and operation of

1 said limited landfill be in strict compliance with said application, the site plan, and the  
2 following additional express terms, conditions, and requirements:

3 1. This permit approves a limited landfill operation for a period of 12  
4 months from the date of the issuance of the building permit. The operation shall be  
5 limited to the operating hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday.

6 2. Before receiving building permits:

7 a. The Permittee must receive a determination in writing from  
8 the FAA that this is a Class IV C&D debris landfill that is not  
9 a hazardous wildlife attractant or a hazard to aircraft, and  
10 submit said document to the Planning Department office for  
11 review and approval.

12 b. The limited landfill must meet all local, state and federal  
13 regulations.

14 3. Before operation of this limited landfill all development and  
15 construction must be in conformance with the approved plans.

16 4. Before beginning this limited landfill operation the City County  
17 Health Department must approve the water, wastewater systems and air quality and  
18 noise permits.

19 5. The site plan approved by this permit shall be the basis for all  
20 interpretations of setbacks, yards, locations of buildings, location of parking and  
21 circulation elements, and similar matters.

22 6. The terms, conditions, and requirements of this resolution shall be  
23 binding and obligatory upon the Permittee and the Permittee's successors and assigns.

1 The building official shall report violations to the City Council which may revoke the  
2 special permit or take such other action as may be necessary to gain compliance.

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

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2004:

\_\_\_\_\_  
Mayor