

(Appeal of Planning Commission Action)
RESOLUTION NO. A-_____

USE PERMIT NO.148

1 WHEREAS, Elliott Rustad and Randy Haas have submitted an application
2 in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use
3 Permit No. 148 to develop 24,317 square feet of commercial floor area, including
4 requested waivers to the required storm water detention, front yard setbacks, minimum
5 use permit area, and the preliminary plat process on property generally located at N.
6 27th Street and north of Folkways Blvd., legally described to wit:
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8 Lot 48 I.T., and Lot 1, Block 1, King Ridge 1st Addition,
9 Lincoln, Lancaster County, Nebraska; and

10 WHEREAS, the Lincoln City-Lancaster County Planning Commission held
11 a public hearing on March 2, 2005 and adopted Resolution No. PC-00906 which
12 conditionally approved Use Permit No. 148; and

13 WHEREAS, the conditions of approval eliminated the staff
14 recommendation that the site plan be revised to relinquish the right of direct vehicular
15 access from Outlot A to N. 27th Street; and

16 WHEREAS, the Planning Department and the Public Works & Utilities
17 Department have appealed the action of the Lincoln City-Lancaster County Planning
18 Commission and are requesting that condition 2.C. be amended to read as follows:
19 "Revisions to the satisfaction of the Public Works and Utilities Department memo dated
20 December 30, 2004, ~~except paragraph 4, "Access."~~ in order to require the site plan to
21 be revised to relinquish the right of direct vehicular access from Outlot A to N. 27th
22 Street; and

1 WHEREAS, the public street system adjacent to the area included within
2 the site plan for this construction of commercial buildings will be adversely affected if
3 direct vehicular access is allowed from Outlot A to N. 27th Street; and

4 WHEREAS, the final action of the Lincoln City - Lancaster County
5 Planning Commission approving Use Permit No. 148 should be affirmed except that
6 condition 2.C. should be modified to relinquish the right of direct vehicular access from
7 Outlot A to N. 27th Street; and

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

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
12 Lincoln, Nebraska:

13 Use Permit 148, approved by Planning Commission Resolution No. PC-
14 00906 is hereby amended to relinquish the right of direct vehicular access from Outlot A
15 to N. 27th Street by amending condition 2.C. to read as follows:

16 “Revisions to the satisfaction of the Public Works and
17 Utilities memo dated December 30, 2004, ~~except paragraph~~
18 ~~4, “Access.”~~

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005: _____ Mayor
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