

(Appeal of Thompson Creek LLC)  
RESOLUTION NO. A-\_\_\_\_\_

USE PERMIT NO. 141A

1           WHEREAS, Thompson Creek, LLC has submitted an application in accordance  
2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 141A to  
3 remove two lots (Lot 1, Block 2, and Lot 7, Block 1, Thompson Creek Addition) from the  
4 Thompson Creek Community Unit Plan and add them to the Thompson Creek Use Permit on  
5 property generally located at South 56th Street and Thompson Creek Blvd., and legally  
6 described as:

7           Lot 7, Block 1, Lot 1, Block 2, Lots 13-30, Block 3, and Outlot A,  
8 Thompson Creek Addition; Lots 1 through 4, Block 1, and Outlots  
9 A and B, Thompson Creek Commercial Addition, Lincoln,  
10 Lancaster County, Nebraska;

11           WHEREAS, the Lincoln City - Lancaster County Planning Commission  
12 conditionally approved Use Permit No. 141A including conditions requiring paving in S. 57th  
13 Street to be 33' wide, requiring angle parking along S. 57th Street, and requiring a traffic study  
14 and showing revisions based on the traffic study; and

15           WHEREAS, Thompson Creek, LLC has appealed from the above-mentioned  
16 conditions and is requesting their elimination; and

17           WHEREAS, the real property adjacent to the area included within the site plan  
18 for this amendment to the community unit plan and use permit for commercial space will not be  
19 adversely affected; and

20           WHEREAS, said site plan together with the terms and conditions hereinafter set  
21 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to  
22 promote the public health, safety, and general welfare; and

1                   WHEREAS, the action of the Lincoln City - Lancaster County Planning  
2 Commission conditionally approving Use Permit No. 141A should be modified by eliminating the  
3 requirement that paving in S. 57th Street be 33' wide, by eliminating the required angled  
4 parking along S. 57th Street, and by eliminating the required traffic study.

5                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
6 Lincoln, Nebraska:

7                   That the application of Thompson Creek, LLC, hereinafter referred to as  
8 "Permittee", to remove two lots from the Thompson Creek Community Unit Plan and add them  
9 to the Thompson Creek Use Permit be and the same is hereby granted under the provisions of  
10 Section 27.27.080 of the Lincoln Municipal Code upon condition that the development of said  
11 Community Unit Plan and Use Permit be in strict compliance with said application, the site plan,  
12 and the following additional express terms, conditions, and requirements:

13                   1.       This permit approves 114,500 sq. ft. of office space which includes  
14 37,000 sq. ft. of live-work office space and 16 dwelling units, along with all previously  
15 approved waivers of the required setbacks, a reduction of the required parking, and a  
16 reduction of the required open space for dwellings.

17                   2.       Before receiving building permits:

18                   a.       Revise the site plan to:

19                   i.       Show Lot 1, Block 2 served with sanitary sewer.

20                   ii.      Show 8" water mains serving the commercial area  
21 with connections to Thompson Creek Blvd. and Union  
22 Hill Rd.

23                   iii.     Revise note 5 to reflect the current R-3 zoning  
24 designation.

25                   iv.     Revise note 8 to show 8" water lines serving the  
26 commercial area.

27                   v.       Revise note 14 to replace the name "Trego Drive"  
28 with "Crosslake Lane."

- 1 vi. Label the 60' easement along South 57th Street  
2 "Public access, water main, and utility easement."
- 3 vii. Show sidewalks along both sides of South 57th Street  
4 with connections to the commercial lots.
- 5 viii. Show additional right-of-way for the right turn lanes in  
6 56th Street at Union Hill Road and Thompson Creek  
7 Boulevard.
- 8 ix. Add a note stating part of this development is located  
9 within the Country Acres Wellhead Protection Area.  
10 Best management practices will be utilized to  
11 decrease the risk of groundwater contamination, for  
12 example, being conscientious regarding the use of  
13 lawn chemicals/fertilizers and ensuring the proper  
14 storage of chemicals and/or fuels.
- 15 b. Provide horizontal curve data and a street grade profile for  
16 South 57th Street.
- 17 c. The permittee must submit a revised and approved final plan  
18 with 5 copies.
- 19 d. The construction plans shall comply with the approved  
20 plans.
- 21 e. Final plats within the area of this Use Permit shall be  
22 approved by the City.
- 23 f. Change of Zone #05010 must be approved.
- 24 g. An amendment to the Thompson Creek CUP must be  
25 approved removing these lots.
- 26 3. Before occupying the buildings all development and construction  
27 shall have been completed in compliance with the approved plans.
- 28 4. All privately-owned improvements shall be permanently maintained  
29 by the owner or an appropriately established association approved by the City Attorney.

1           5.     The site plan accompanying this permit shall be the basis for all  
2 interpretations of setbacks, yards, locations of buildings, location of parking and  
3 circulation elements, and similar matters.

4           6.     This resolution's terms, conditions, and requirements bind and  
5 obligate the Permittee, its successors and assigns. The building officer shall report  
6 violations to the City Council which may revoke this use permit or take other such action  
7 as may be necessary to gain compliance.

8           7.     The applicant shall sign and return the letter of acceptance to the  
9 City Clerk within 30 days following the approval of the special permit, provided,  
10 however, said 30-day period may be extended up to six months by administrative  
11 amendment. The clerk shall file a copy of the resolution approving the special permit  
12 and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in  
13 advance by the applicant.

14           8.     The site plan as approved with this resolution voids and  
15 supersedes all previously approved site plans, however all resolutions approving  
16 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

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| Approved this ___ day of _____, 2005:<br><br>_____<br>Mayor |
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