

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

USE PERMIT NO. 04003

1           WHEREAS, Muff-Stettinger, LLC has submitted an application in accordance  
 2 with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 04003 to  
 3 develop 93,500 square feet of commercial floor area, including requested waivers to modify  
 4 required side and front yard setbacks, to allow free standing signs for pad sites to be more than  
 5 30 feet from the building, to allow lots that do not front upon a public street or private roadway,  
 6 and to waive the preliminary plat process, on property generally located north of W. Huntington  
 7 Ave. and east of N.W. 48th Street, legally described to wit:

8                   Lot 1, Block 11, Ashley Heights Addition, Lincoln, Lancaster  
 9                   County, Nebraska; and

10           WHEREAS, the real property adjacent to the area included within the site plan  
 11 for this construction of commercial buildings will not be adversely affected; and

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

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

17           That the application of Muff-Stettinger, LLC, hereinafter referred to as  
 18 "Permittee", to develop 93,500 square feet of commercial floor area be and the same is hereby  
 19 granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition  
 20 that construction and operation of said commercial space be in strict compliance with said  
 21 application, the site plan, and the following additional express terms, conditions, and require-  
 22 ments:

- 23           1.       This permit approves 93,500 square feet of commercial floor area.

1                   2.       This permit approves the following waivers to the Zoning Code and Land  
2       Subdivision Ordinance:

- 3                   a.       Internal side yard setbacks are waived.
- 4                   b.       Front yard setbacks are waived along W. Huntington Avenue  
5                   provided that those uses which encroach into the front yard  
6                   setback provide a 90% landscape screen from 2' to 4' height  
7                   along the entire perimeter of the encroachment.
- 8                   c.       The requirement that signs be located within 30 feet of the pad  
9                   site building is waived provided a specific sign envelope  
10                  acceptable to the Planning Director is indicated on the site plan.
- 11                  d.       The requirement that lots shall front upon public streets or private  
12                  roadways is waived.
- 13                  e.       The requirement of Lincoln Municipal Code § 26.11.020 that a  
14                  preliminary plat is required for a subdivision is waived, provided  
15                  that if any final plat on all or a portion of the approved use permit  
16                  is submitted five (5) years or more after approval of the use  
17                  permit, the City may require that a new use permit be submitted,  
18                  pursuant to all the provisions of § 26.31.015. A new use permit  
19                  may be required if the subdivision ordinance, the Design  
20                  Standards, the required improvements have been amended by  
21                  the City; and as a result, the use permit as originally approved,  
22                  does not comply with the amended rules and regulations.

23                  3.       Before receiving building permits:

- 24                  a.       The Permittee shall have submitted a revised and reproducible  
25                  final plan including 7 copies showing the following revisions and  
26                  the plans are acceptable:
  - 27                   i.       Grant an avigation and noise easement to the Lincoln  
28                   Airport Authority on all or that part of the land location  
29                   within the Airport Environs Noise District.
  - 30                   ii.       Show pedestrian walks to the satisfaction of the Planning  
31                   Department.
  - 32                   iii.       Remove the drive on the south side of the building on Lot  
33                   6 and reduce the encroachment of the drive way in the  
34                   front yard setback of Lot 4.
  - 35                   iv.       Make revisions to the satisfaction of the Public Works and  
36                   Utilities Department requested in the department memo  
37                   dated February 15, 2005.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

v. Show utility easements as requested by the Lincoln Electric System memo dated October 19, 2004.

vi. Make revisions to the satisfaction of the Parks Department requested in the department memo dated October 19, 2004.

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

c. Final Plats shall be approved by the City.

4. Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.

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

7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, and Permittee's successors and assigns.

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

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2005:

\_\_\_\_\_  
Mayor