

05R-118  
Approving the Appeal filed by  
the Applicant by reversing the  
Planning Commission's Denial  
of Special Permit No. 05022

Introduce: 6-13-05

**(Appeal of Planning Commission Denial)**

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

SPECIAL PERMIT NO. 05022

1                   WHEREAS, Sanford and Son LLC has submitted an application designated as  
2 Special Permit No. 05022 for authority to operate a rock crusher to recycle concrete and asphalt  
3 on property located at 3900 Industrial Drive, and legally described to wit:

4                   Lot 2, Northwestern Metal Addition, located in the Northwest  
5                   Quarter of Section 7, Township 10 North, Range 7 East, Lancaster  
6                   County, Nebraska;

7                   WHEREAS, the Lincoln City-Lancaster County Planning Commission held a  
8 public hearing on May 25, 2005 and denied Special Permit No. 05022; and

9                   WHEREAS, Sanford and Son LLC has appealed the action of the Lincoln City -  
10 Lancaster County Planning Commission and are requesting that Special Permit No. 05022 be  
11 approved; and

12                   WHEREAS, the community as a whole, the surrounding neighborhood, and the  
13 real property adjacent to the area included within the site plan for this rock crusher to recycle  
14 concrete and asphalt will not be adversely affected by granting such a permit; and

15                   WHEREAS, the final action of the Lincoln City - Lancaster County Planning  
16 Commission should be reversed; and

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

1           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
2 Nebraska:

3           1.       That the final action of the Lincoln City-Lancaster County Planning Commission  
4 denying Special Permit No. 05022 be and the same is hereby reversed.

5           2.       That the application of Sanford and Son LLC, hereinafter referred to as  
6 "Permittee", to operate a rock crusher to recycle concrete and asphalt be and the same is  
7 hereby granted under the provisions of Section 27.63.290 of the Lincoln Municipal Code upon  
8 condition that construction of said rock crusher be in strict compliance with said application, the  
9 site plan, and the following additional express terms, conditions, and requirements:

10           a.       This approval permits a rock crusher to recycle concrete and asphalt.

11           b.       The applicant must identify the location of the rock crusher on the site  
12 plan. The rock crusher must be a minimum of 100' from the boundary of  
13 the site.

14           c.       Before operating the rock crusher:

15               i.       The construction plans must comply with the approved plans.

16               ii.       The applicant must provide an approved Flood Plain Development  
17 Permit for the storage of material in the flood plain.

18               iii.       The applicant must obtain an approved section 404 permit from  
19 the U.S. Army Corps of Engineers or a letter stating that a 404  
20 permit is not required.

21               iv.       Special Permit #212 must be rescinded or the boundary reduced  
22 in size to accommodate the rock crusher.

23           c.       The rock crusher must, at all times, be in compliance with the Lincoln-  
24 Lancaster County Air Pollution Regulations and Standards Article 2  
25 Section 32-Dust-Duty to Prevent Escape of Dust.

26           d.       The rock crusher must, at all times, be located a minimum of 100' from

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the boundary of the site.

- e. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- f. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
- g. 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.

ATTEST:

\_\_\_\_\_  
Chair

Approved as to Form & Legality:

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

<p>Approved this ___ day of _____, 2005:</p> <p>_____</p> <p>Mayor</p>
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