

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

USE PERMIT NO. 05003

1           WHEREAS, Pine Lake Development has submitted an application in accordance  
2 with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 05003 to  
3 develop 220,000 square feet of commercial floor area, including requested waivers of the  
4 Zoning Code and Land Subdivision Ordinance in order to waive the preliminary plat  
5 process, to reduce front yard setback from 50' to 25' along S. 84th Street and Old  
6 Cheney Road for parking and driving aisles only, and to waive the required front yard on  
7 each street side of a double frontage lot, on property generally located at S. 84th Street and  
8 Old Cheney Road, legally described to wit:

9                     Lot 1, Block 4, and Outlot A, Vintage Heights Addition, located in  
10                    the North Half of Section 14, Township 9 North, Range 6 East,  
11                    Lancaster County, Nebraska,

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

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

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

19           That the application of Pine Lake Development, hereinafter referred to as  
20 "Permittee", to develop 220,000 square feet of commercial floor area be and the same is hereby  
21 granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition  
22 that construction and operation of said office and commercial space be in strict compliance with  
23 said application, the site plan, and the following additional express terms, conditions, and  
24 requirements:

- 1                   1.       This permit approves 220,000 square feet of commercial floor area.
- 2                   2.       This permit approves the following waivers to the Zoning Code and Land
- 3       Subdivision Ordinance:
- 4                   a.       The requirement of Lincoln Municipal Code § 27.31.090 requiring
- 5                         a 50' front yard is modified to reduce the required front yard
- 6                         setbacks from 50' to 25' along S. 84th Street and Old Cheney
- 7                         Road for parking and driving aisles only, provided additional
- 8                         landscaping is provided. The landscape screen shall be 90% from
- 9                         2' to 4' height along the parking area.
- 10                  b.       The requirement of Lincoln Municipal Code § 27.31.090 requiring
- 11                         a 50' front yard is modified to reduce the required front yard
- 12                         setbacks on each street side of a double frontage lot.
- 13
- 14                  c.       The requirement of Lincoln Municipal Code § 26.11.020 that a
- 15                         preliminary plat is required for a subdivision is waived, provided
- 16                         that if any final plat on all or a portion of the approved use permit
- 17                         is submitted five (5) years or more after approval of the use
- 18                         permit, the City may require that a new use permit be submitted,
- 19                         pursuant to all the provisions of § 26.31.015. A new use permit
- 20                         may be required if the subdivision ordinance, the Design
- 21                         Standards, the required improvements have been amended by the
- 22                         City; and as a result, the use permit as originally approved, does
- 23                         not comply with the amended rules and regulations.
- 24                  3.       Before occupying the commercial buildings all development and
- 25       construction shall have been completed in compliance with the approved plans.
- 26                  4.       All privately-owned improvements shall be permanently maintained by the
- 27       owner or an appropriately established homeowners association approved by the City Attorney.
- 28                  5.       The site plan approved by this permit shall be the basis for all
- 29       interpretations of setbacks, yards, locations of buildings, location of parking and circulation
- 30       elements, and similar matters.
- 31                  6.       This resolution's terms, conditions, and requirements bind and obligate
- 32       the Permittee, its successors and assigns.
- 33                  7.       The applicant shall sign and return the letter of acceptance to the City
- 34       Clerk within 30 days following the approval of the special permit, provided, however, said 30-

1 day period may be extended up to six months by administrative amendment. The clerk shall file  
2 a copy of the resolution approving the special permit and the letter of acceptance with the  
3 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