

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

SPECIAL PERMIT NO. 07015

1           WHEREAS, Thomas Folsom and Susan and Donald Brouse have submitted an  
 2 application designated as Special Permit No. 07015 for Planned Service Commercial development  
 3 consisting of a 90 room hotel with a 5,000 square foot restaurant and 3,000 square feet of meeting  
 4 room space, with requested variances to increase the height requirements in Section 27.45.070  
 5 from 45 feet to 55 feet, to reduce the side yard setback requirement in Section 27.45.070 from 50  
 6 feet to 20 feet on the west side of the property, and to reduce the side yard setback requirement  
 7 in Section 27.45.070 from 20 feet to 12 feet on the east side of the property, on property located  
 8 at South 27th Street and Tamarin Ridge Road, and legally described to wit:

9           A portion of Lot 6, Block 1, and Lot 5, Block 1, Tamarin Ridge  
 10 Addition as platted in the South Half of the Northeast Quarter of  
 11 Section 24, Township 9 North, Range 6 East of the 6th P.M., Lincoln,  
 12 Lancaster County, Nebraska, and more particularly described as  
 13 follows:

14           Beginning at the northeast corner of said Lot 5; thence in a southerly  
 15 direction along the west right-of-way line of South 27th Street, on an  
 16 assumed bearing of south 01 degrees 55 minutes 16 seconds east,  
 17 for a distance of 174.03 feet; thence south 00 degrees 01 minutes 38  
 18 seconds east, continuing along the west side of South 27th Street,  
 19 a distance of 101.10 feet; thence along the northerly right-of-way of  
 20 said Tamarin Ridge Road, north 89 degrees 40 minutes 59 seconds  
 21 west, for a distance of 389.79 feet; thence continuing along the  
 22 northerly right-of-way of said Tamarin Ridge Road, on a curve to the  
 23 right having a radius of 264.00 feet and an arc length of 195.07 feet,  
 24 being subtended by a chord of north 68 degrees 30 minutes 53  
 25 seconds west, for a distance of 190.66 feet; thence continuing along  
 26 the northerly right-of-way of said Tamarin Ridge Road on a curve to  
 27 the left having a radius of 336.00 feet and an arc length of 236.49  
 28 feet, being subtended by a chord of north 67 degrees 30 minutes 37  
 29 seconds west, for a distance of 231.64 feet; thence north 02 degrees  
 30 19 minutes 33 seconds east, for a distance of 197.74 feet; thence  
 31 south 72 degrees 29 minutes 32 seconds east, for a distance of  
 32 265.60 feet to a corner of said Lot 6; thence south 89 degrees 40  
 33 minutes 59 seconds east, for a distance of 514.05 feet to a corner of  
 34 said Lot 6 to the point of beginning; together with and subject to

1 covenants, easements, and restrictions of record; said property  
2 contains 4.43 acres, more or less;

3 WHEREAS, the real property adjacent to the area included within the site plan for  
4 this planned service commercial area will not be adversely affected; and

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

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
9 Nebraska:

10 That the application of Thomas Folsom and Susan and Donald Brouse, hereinafter  
11 referred to as "Permittee", for a Planned Service Commercial Development consisting of a 90 room  
12 hotel with a 5,000 square foot restaurant and 3,000 square feet of meeting room space, on the  
13 property legally described above, be and the same is hereby granted under the provisions of  
14 Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation  
15 of said development be in strict compliance with said application, the site plan, and the following  
16 additional express terms, conditions, and requirements:

17 1. This approval permits a Planned Service Commercial Development for a hotel and  
18 accessory uses consisting of a restaurant and meeting room space and reduces the side yard  
19 setback on the west side of the property, between the R-4 and the H-4 districts from 50' to 20',  
20 reduces the side yard setback on the east side of Lot 6 from 20' to 12' and increases the height  
21 restriction from 45' to 55'.

22 2. The City Council must approve associated request Change of Zone # 07031.

23 3. The Permittee must revise the site plan to:

24 a. Show the limits of the special permit around both Lots 5 and 6.

25 b. Show the added entrance at the north end of the easement and the right in

1                   only access point off of Tamarin Ride Road per the May 24, 2007 e-mail  
2                   from Jill D. Schuerman, Civil Design Group, to Christy Eichorn, City of  
3                   Lincoln Planning Department.

4                   c.       Show metes and bounds under Special Permit -Legal Description.

5                   d.       Revise the landscape plan to show a 95% landscape screen from 0 to 10'  
6                   between the R-4 Residential boundary and the H-4 General Commercial  
7                   District.    Additional landscaping is required with any fence used for  
8                   screening .

9                   e.       Add a note stating off-premise signs and pole signs are prohibited.

10                  f.       Add a note that there will be no off premise alcohol sales, and all alcohol  
11                  sales will be accessory to the restaurant, meetings, weddings or similar  
12                  events and consumption in the hotel building.

13                  g.       Remove General Notes # 4,6,10,13.

14                  4.       Before occupying the building all development and construction shall have been  
15                  completed in compliance with the approved plans.

16                  5.       All privately-owned improvements shall be permanently maintained by the owner or  
17                  an appropriately established association approved by the City Attorney.

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

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

23                  8.       The applicant shall sign and return the letter of acceptance to the City Clerk within  
24                  60 days following the approval of the special permit, provided, however, said 60-day period may  
25                  be extended up to six months by administrative amendment. The City Clerk shall file a copy of the

1 resolution approving the special permit and the letter of acceptance with the Register of Deeds,  
2 filling fees therefor to be paid in advance by the applicant.

3 9. The site plan as approved with this resolution voids and supersedes all previously  
4 approved site plans, however all resolutions approving previous permits remain in force unless  
5 specifically amended by this resolution.

6 10. UP147 shall be void and superceded.

Introduced by:

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Approved as to Form & Legality:

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

Approved this ___ day of _____, 2007:  _____ Mayor
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