

RESOLUTION NO. A-_____

USE PERMIT NO. 140C

1 WHEREAS, Menard, Inc. has submitted an application in accordance with
2 Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 140C
3 for authority to modify the off-street parking requirements to waive the required parking
4 spaces from 729 stalls to 650 stalls, on property generally located northeast of the
5 intersection of South 89th Street and Andermatt Drive, and legally described to wit:

6 Lot 2, Block 1, Appian Way Addition, Lincoln, Lancaster
7 County, Nebraska; and

8 WHEREAS, the real property adjacent to the area included within the site
9 plan for this modification to the commercial development will not be adversely affected;
10 and

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

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

16 That the application of Menard, Inc., hereinafter referred to as "Permittee",
17 to modify the off-street parking requirement within the previously approved commercial
18 space on the property legally described above be and the same is hereby granted under
19 the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that
20 construction and operation of said commercial space be in strict compliance with said

1 application, the site plan, and the following additional express terms, conditions, and
2 requirements:

3 1. This permit approves an adjustment reducing the required number
4 of parking spaces for home improvement store use from 729 to 650 spaces.

5 2. Before receiving building permits:

6 a. The Permittee must submit a revised and reproducible final
7 plan including five copies to include a revision of Waiver
8 Note #5 to state, "Parking requirement for Lot 6, Block 3, as
9 shown on the preliminary plat and use permit site plan is
10 adjusted to 650 stalls for the use shown. Any subsequent
11 change in use shall comply with the applicable parking
12 requirements of LMC Title 27.

13 b. The construction plans must substantially conform to the
14 approved plans.

15 3. Before occupying the buildings all development and construction
16 must be completed in substantial conformance with the approved plans.

17 4. All privately-owned improvements must be permanently maintained
18 by the Permittee or an appropriately established property owners association approved
19 by the City Attorney.

20 5. The physical location of all setbacks and yards, buildings, parking
21 and circulation elements, and similar matters must be in substantial compliance with the
22 location of said items as shown on the approved site plan.

1 6. The terms, conditions, and requirements of this resolution shall run
2 with the land and be binding on the Permittee, its successors, and assigns.

3 7. The Permittee shall sign and return the letter of acceptance to the
4 City Clerk within 60 days following the approval of the special permit, provided,
5 however, said 60-day period may be extended up to six months by administrative
6 amendment. The City Clerk shall file a copy of the resolution approving the special
7 permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be
8 paid in advance by the Permittee.

9 8. The site plan as approved with this resolution voids and supersedes
10 all previously approved site plans, however, the terms and conditions of all resolutions
11 approving previous permits shall remain in full force and effect except as specifically
12 amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009: _____ Mayor
