

RESOLUTION NO. A-_____

USE PERMIT NO. 15D

1 WHEREAS, Assurity Life Insurance Company has submitted an application in
 2 accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit
 3 No. 15D to amend the use permit for Southwood Center to change approximately 33,020
 4 square feet of approved office use to retail uses, including a request to waive the front yard
 5 setback on South 27th Street and on Old Cheney Road, on property generally located at the
 6 northwest corner of South 27th Street and Old Cheney Road, legally described as follows:

7 Lot 6, Block 14, Southwood 1st Addition, and Lots 1-5, Southwood
 8 Center, Lincoln, Lancaster County, Nebraska;

9 WHEREAS, the real property adjacent to the area included within the site plan for
 10 this retail space will not be adversely affected; and

11 WHEREAS, said site plan together with the terms and conditions hereinafter set
 12 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
 13 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 Assurity Life Insurance Company, hereinafter referred to
 17 as "Permittee", to change and develop approximately 33,020 square feet of approved office use
 18 to retail uses, including a restaurant and pharmacy, together with a request to waive the front
 19 yard setbacks on South 27th Street and Old Cheney Road from 20 feet to 10 feet, be and the
 20 same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal
 21 Code upon condition that construction and operation of said retail space be in strict compliance

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

3 1. This permit approves the conversion of 33,020 square feet of approved
4 office uses to retail uses including a restaurant and pharmacy, as well as a waiver to the front
5 yard setback on South 27th Street and Old Cheney Road from 20 feet to 10 feet.

6 2. The City Council must approve the associated request, Change of Zone
7 10019.

8 3. Before receiving building permits the Permittee shall:

9 a. Cause to be prepared and submitted to the Planning Department
10 a revised and reproducible final plot plan including 5 copies with
11 all required revisions listed below:

12 i. Show the delivery vehicle movement path to verify the
13 drive width openings.

14 ii. Show how the proposed lots will be served with sewer and
15 water.

16 iii. Add a note to the site plan that says a connection from
17 Lots 5 and 6 to Lot 1 will be made at the time of building
18 permit for Lots 5 and 6.

19 iv. Revise the drive off of Old Cheney Road to be no more
20 than two lanes and 25' wide, unless it can be shown that
21 additional width is necessary. If the drive remains wider
22 than 25' it shall be striped as a two-lane drive.

23 v. Remove one access to Canterbury Lane.

24 vi. Remove the note "Limits of Existing Building to be
25 Removed from Use Permit 15C" on Lot 4 and Lot 1 that
26 refer to building envelopes not constructed buildings.

27 vii. Add a note that says alcohol sales is permitted in the B-2
28 zoning district (except in the western 1/3 of the building on
29 Lot 7) as long as all conditions under 27.31.040 are met.

30 viii. Correct the land use table to show a 45 foot maximum
31 height in the O-3 zoning district

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- ix. Add a note stating Design Standards for Pedestrian Circulation in Commercial and Industrial Area will be met at the time of building permit.
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- x. Show existing trees in on the site plan and indicate which ones are to be removed.
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- b. Reconstruct the driveway and protect the median opening for the Fire Station from being utilized for north bound movements.
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- c. Submit storm water detention calculations to the satisfaction of Public Works.
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- d. Dedicate appropriate right-of-way so that Old Cheney and S. 27th Street are to the subdivision standard 60' from centerline on both 27th and Old Cheney Road.
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- e. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.
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- f. Submit documentation from the Register of Deeds that the requested right-of-way dedication has been recorded.
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- g. Provide a site traffic study to show entering and exiting trips at the site driveways.
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4. At such time as the building and associated parking on Lot 7 are
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- constructed:
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- a. Place a combination of landscaping and fence, to be evenly distributed horizontally; however, it may vary in height so as to screen at least sixty percent (60%) of the surface area of a vertical plane extending along the entire length of the property line and from the ground elevation to a height of ten feet (10') above the adjacent ground elevation.
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- b. Prepare and implement a landscape plan for the area along the west property line on the Assurity side of the fence which exceeds minimum City standards.
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- c. In the area between the SW corner of the Assurity property and the parking lot, plant a grouping of shrubs which will deter pedestrians from traversing the site from south to north between the parking lot and Canterbury (i.e. barberry bushes).
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- d. In the area immediately abutting the west side of the parking lot, provide a 100% screen from ground level to 3 feet to prevent car

- 1 headlights from shining in windows of the fourplex. This could be
2 accomplished by a low fence, or evergreen bushes such as yews,
3 or junipers.
- 4 e. Cause parking lot lighting to have cutoff fixtures, directed away
5 from the west property line (as required by City Design
6 Standards).
- 7 f. Cause any licensed alcohol sales in the building on Lot 7 to be
8 located in the east two-thirds of the building.
- 9 5. No gasoline sales are permitted.
- 10 6. Conditions 3(a)(vii), 4 and 5 were negotiated with the neighbors and shall
11 not be administratively amended but may be amended by Planning Commission.
- 12 7. The construction plans shall substantially comply with the approved
13 plans.
- 14 8. Before occupying buildings all development and construction is to
15 substantially comply with the approved plans.
- 16 9. All privately-owned improvements, including landscaping are to be
17 permanently maintained by the Permittee or an appropriately established association approved
18 by the City.
- 19 10. The physical location of all setbacks and yards, buildings, parking and
20 circulation elements, and similar matters must be in substantial compliance with the location of
21 said items as shown on the approved site plan.
- 22 11. This resolution's terms, conditions, and requirements bind and obligate
23 the Permittee, its successors and assigns.
- 24 12. The Permittee shall sign and return the letter of acceptance to the City
25 Clerk within 60 days following the approval of the special permit, provided, however, said 60-
26 day period may be extended up to six months by administrative amendment. The City Clerk

1 shall file a copy of the resolution approving the special permit and the letter of acceptance with
2 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2010:

Mayor