

RESOLUTION NO. A-_____
SPECIAL PERMIT NO. 11007

1 WHEREAS, Larry Buller has submitted an application designated as Special
2 Permit No. 11007 to allow the preservation of an historic structure by adjusting the parking
3 and yard requirements for residential use of the Hac Grocery/The Chimes building on
4 property located at 2943 Garfield Street, and legally described as:

5 Lots 1 and 2, Block 12, Zehrunge & Ames Addition, Lincoln,
6 Lancaster County, Nebraska;

7 WHEREAS, the real property adjacent to the area included within the site plan
8 for this use of an historic landmark and adjustment of the parking and yard requirements
9 will not be adversely affected; and

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

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

15 That the application of Larry Buller, hereinafter referred to as "Permittee", to
16 allow the preservation of an historic structure for residential use by adjusting the required
17 parking from 4 stalls to 2 stalls and adjusting side yard requirements to allow a 2 foot side
18 yard adjacent to the east alley rather than the 5 feet required in the R-2 district, on the
19 property legally described above, be and the same is hereby granted under the provisions
20 of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and

1 operation of said use of an historic building be in substantial compliance with said
2 application, the site plan, and the following additional express terms, conditions, and
3 requirements:

4 1. This permit approves the development of the site as two dwelling units
5 based on the submitted site plan in terms of required yards, specifically the east side yard
6 being reduced from 5 feet to 2 feet.

7 2. Any modifications to the building exteriors or to the proposed site plan
8 must be submitted and approved for a Certificate of Appropriateness by the Preservation
9 Commission.

10 3. The City Council must approve the associated request for Change of
11 Zone 11014 designating the Hac Grocery/The Chimes building as a landmark.

12 4. Only uses permitted in the underlying zoning district are allowed by this
13 permit.

14 5. Before occupying the improvement all development and construction
15 shall substantially comply with the approved plans.

16 6. All privately-owned improvements shall be permanently maintained by
17 the Permittee.

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

21 8. The terms, conditions, and requirements of this resolution shall run
22 with the land and be binding and obligatory upon the Permittee and the Permittee's
23 successors and assigns.

1 9. The Permittee shall sign and return the letter of acceptance to the City
2 Clerk within 30 days following the approval of the special permit, provided, however, said
3 30-day period may be extended up to six months by administrative amendment. The Clerk
4 shall file a copy of the resolution approving the special permit and the letter of acceptance
5 with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2011: _____ Mayor
