

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

SPECIAL PERMIT NO. 12019

1 WHEREAS, the Kinder Porter Scott Family Foundation, as owner, is  
2 proposing to use the premises located at 700 North 16th Street, and legally described as:

3 The western 175 feet of Lots J and K of Tuttle Subdivision of  
4 Lot 1 of SW Little’s Subdivision, Lincoln, Lancaster County,  
5 Nebraska;

6 for a school for autistic children which is a permitted use of the premises under its existing  
7 R-7 Zoning; and

8 WHEREAS, however, the proposed use of the premises for a school for  
9 autistic children includes rehabilitation of the Lewis-Syford House, an historic landmark,  
10 including new foundation, mechanical systems, roof and sprinkler system, reconstruction  
11 of the existing carriage house, including new foundation and structural elements, and the  
12 construction of a new educational building at the rear of the property designed to meet  
13 contemporary code requirements and the education program intention of the private school;  
14 and

15 WHEREAS, such construction work cannot be undertaken without a  
16 certificate of appropriateness under Chapter 27.57 of the Zoning Code as well as waivers  
17 of the required rear yard setback in the R-7 Zoning District and the required parking for  
18 private schools; and

19 WHEREAS, the Kinder Porter Scott Family Foundation has submitted an  
20 application designated as Special Permit No. 12019 requesting the grant of a certificate of  
21 appropriateness to undertake the above described work together with requested waivers

1 of the required R-7 Zoning District rear yard setback and parking requirements for private  
2 schools; and

3 WHEREAS, the real property adjacent to the area included within the site plan  
4 for this use of the premises and historic landmark building will not be adversely affected;  
5 and

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

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

11 That the application of Kinder Porter Scott Family Foundation, hereinafter  
12 referred to as "Permittee", to rehabilitate the Lewis-Syford House, reconstruct the carriage  
13 house and construct a new building for use as a school for autistic children, on the property  
14 legally described above, be and the same is hereby granted under the provisions of Section  
15 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of  
16 said premises and historic landmark be in substantial compliance with said application, the  
17 site plan, and the following additional express terms, conditions, and requirements:

- 18 1. This permit approves for historic preservation the use of the Lewis-  
19 Syford House and other buildings on the premises for a private school for autistic children  
20 with a maximum of 15 students with the requested waivers to the rear yard and off-street  
21 parking requirements for a private school, subject to general conformance with the  
22 approved site plan and the following conditions:

1                   a.       The rear yard is reduced from 30 feet to 15 feet 5 inches and  
2 the on-site parking requirement is reduced from 12 stalls to one stall. The Permittee shall  
3 provide evidence at the time of Building Permit of the availability to provide 15 off-site  
4 parking stalls in a lot or garage within 1200 feet of the property.

5                   b.       Architectural details for all proposed repairs to and  
6 reconstruction of existing buildings, proposed new construction including signage, and  
7 proposed alterations to landscaping or to the proposed site plan must be submitted to and  
8 approved by the Historic Preservation Commission as being consistent with the Certificate  
9 of Appropriateness deemed to have been granted by approval of this special permit.

10                  c.       Provide a survey to verify the site plan and its dimensions.

11                  d.       Architectural recording of carriage house construction shall be  
12 performed prior to and during its deconstruction at the expense of the Permittee.

13                  e.       Contract to provide for archeological investigation/  
14 documentation of portion of site proposed for alteration at the expense of the Permittee.

15                  f.       Approval by the City Council of the associated request to amend  
16 paragraph 7 of the Deed of Historic Preservation Right (Conservation Easement) to allow  
17 the erection of new structures on the premises.

18                  2.       Before occupying buildings or starting the operation all development  
19 and construction shall substantially comply with the approved plans.

20                  3.       The physical location of all setbacks and yards, buildings, parking and  
21 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           4.     The terms, conditions, and requirements of this resolution shall be  
2 binding and obligatory upon the Permittee and the Permittee's successors and assigns.  
3 The building official shall report violations to the City Council, which may revoke the special  
4 permit or take such other action as may be necessary to gain compliance.

5           5.     The Permittee shall sign and return the letter of acceptance to the City  
6 Clerk. This step should be completed within 60 days following the approval of the special  
7 permit. The City Clerk shall file a copy of the resolution approving the special permit and  
8 the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in  
9 advance by the Permittee. Building permits will not be issued unless the letter of  
10 acceptance has been filed.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2012:  _____ Mayor
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