

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

PRE-EXISTING USE PERMIT NO. 3AH

1           WHEREAS, Campbell, LLC has submitted an application designated as Pre-  
2 Existing Use Permit No. 3AH to amend the boundary of the Gateway Mall Use Permit by adding  
3 the property at 6400 Q Street and authority to construct a total of 300 dwelling units and 70,000  
4 square feet of commercial space or some combination of both, including waivers to increase the  
5 maximum building height from 40 feet to 55 feet and to reduce residential parking requirements  
6 from 2 to 1.4 stalls per dwelling unit, on property generally located at 6400 Q Street, and legally  
7 described as:

8           Lots 1, 2, 3, 4, & 5, Gateway Shopping Center Subdivision; Lots 1,  
9 2, 3, and Outlot A, Q Place, except east part for street; Lot 256 of  
10 Irregular Tracts, except that part lying northwest of a line 40 feet  
11 east of the centerline of Cotner Boulevard and except parts in  
12 northwest and south for road; Lot 262 of Irregular Tracts except  
13 south part for road; Lot 263 of Irregular Tracts except south part  
14 for road; Lot 263 of Irregular Tracts except 544.35 square feet in  
15 south for street; Lot 265 of Irregular Tracts except 2,835.50  
16 square feet in south part for road; Lot 266 of Irregular Tracts  
17 except the south portion of right-of-way of O Street; (Area H) Lot  
18 163 of Irregular Tracts except 182.63 square feet in the southeast  
19 corner for street; (Area I) Lot 212 except 3,741 square feet for  
20 road in the southeast, all located in the South Half of Section 21,  
21 Township 10 North, Range 7 East of the 6th P.M., Lancaster  
22 County, Nebraska;

23           WHEREAS, the real property adjacent to the area included within the site plan for  
24 this amendment to the pre-existing use permit will not be adversely affected; and

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

28           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
29 Lincoln, Nebraska:

1                   That the application of Campbell, LLC, hereinafter referred to as "Permittee", to  
2 amend Pre-Existing Use Permit No. 3 to amend the boundary of the Gateway Mall Use Permit  
3 by adding the property at 6400 Q Street, for authority to construct a total of 300 dwelling units  
4 and 70,000 square feet of commercial space or some combination of both, including waivers to  
5 increase the maximum building height from 40 feet to 55 feet and to reduce residential parking  
6 requirements from 2 to 1.4 stalls per dwelling unit, on the property legally described above be  
7 and the same is hereby granted upon condition that operation of said development be in  
8 substantial compliance with said application, the site plan, and the following additional express  
9 terms, conditions, and requirements:

10                   1.       This permit approves up to 300 dwelling units and 70,000 square feet of  
11 commercial space, or some combination thereof, with waivers to reduce required residential  
12 parking from 2 to 1.4 stalls per unit as long as no more than 40% of the units have more than  
13 one bedroom and to increase allowable height from 40 feet to 55 feet provided that at least a 20  
14 foot setback is provided on 66<sup>th</sup> Street and Q Street.

15                   2.       Before receiving building permits:

16                   a.       The Permittee shall cause to be prepared and submitted to the Planning  
17 Department a revised and reproducible final plot plan including **3** copies with all required  
18 revisions as listed below:

19                                   i.       Show NRD easement and floodplain with cross sections and flood  
20 elevations to the satisfaction of Public Works Watershed  
21 Management.

22                   b.       Provide documentation that the letter of acceptance, as required by the  
23 approval of the special permit, has been recorded with the Register of Deeds.

24                   3.       Prior to obtaining a building permit for new construction, the Permittee shall  
25 submit an administrative amendment with a grading plan for the area of construction.

1           4.     Before occupying the buildings, all development and construction is to  
2 substantially comply with the approved plans.

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

6           6.     This resolution's terms, conditions, and requirements run with the land and shall  
7 be binding upon the Permittee, its successors, and assigns.

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

13          8.     The site plan as approved with this resolution voids and supersedes all  
14 previously approved site plans, however the terms and conditions of all resolutions/ordinances  
15 approving previous permits shall remain in force and effect except as specifically amended by  
16 this resolution.

Introduced by:

Approved as to Form & Legality:

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

\_\_\_\_\_  
Approved this \_\_\_\_ day of \_\_\_\_\_, 2017:

\_\_\_\_\_  
Mayor