

RESOLUTION NO. A-_____

PRE-EXISTING USE PERMIT NO. 3AD

1 WHEREAS, Starwood Retail Partners has submitted an application in
 2 accordance with Section 27.64.010 of the Lincoln Municipal Code designated as Pre-Existing
 3 Use Permit No. 3AD to amend Pre-Existing Use Permit No. 3 in order to waive provisions of the
 4 sign ordinance to allow banner signs in the parking lot on property generally located at Gateway
 5 Shopping Center at S. 66th Street and O Street, and legally described as:

6 Lot 4, Gateway Shopping Center Subdivision, located in the
 7 Southwest Quarter of Section 21, Township 10 North, Range 7
 8 East of the 6th P.M., Lancaster County, Lancaster County,
 9 Nebraska;

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

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

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

17 That the application of Starwood Retail Partners, hereinafter referred to as
 18 "Permittee", to amend Pre-Existing Use Permit No. 3 to waive provisions of the sign ordinance
 19 to allow banner signs in the parking lot, on the property legally described above be and the
 20 same is hereby granted under the provisions of Section 27.64.010 of the Lincoln Municipal
 21 Code upon condition that operation of said development be in substantial compliance with said
 22 application, the site plan, and the following additional express terms, conditions, and
 23 requirements:

- 24 1. This permit approves 11 banner signs in the south parking lot of Gateway Mall as
 25 shown on the site plan.

1 2. Before a sign permit is granted the Permittee shall cause to be prepared and
2 submitted to the Planning Department a revised site plan including five copies adding the
3 following notes to the site plan:

4 a. The approval is for the installation of banners and banner hardware on 11
5 existing light poles in the parking lots that are under Gateway's ownership and control as
6 indicated on this site plan.

7 b. Each light pole may have a pair of banners, with each banner being a
8 maximum 8 x 2 1/2 feet in area.

9 c. Banners must be affixed to the banner hardware along the top and
10 bottom perimeters and to the poles in a way that they remain rigid.

11 d. The height of the banner shall not exceed 18 feet.

12 e. Existing landscape materials along the O Street frontage shall remain in
13 place and be replaced as required to maintain the current level of screening.

14 f. The Permittee must submit information to the Building and Safety
15 Department with the sign permit that is sufficient for the Department to determine that the
16 banners and hardware will withstand wind loads.

17 g. Banners shall be maintained and replaced as needed so that they do not
18 present a torn or faded appearance; if any banners fall out of compliance with this condition and
19 the Permittee after appropriate notice to bring any banners into compliance fails to do so, the
20 Building and Safety Department may order the permanent removal of all banners.

21 h. No additional building or wall signs may be added except by amendment
22 or administrative amendment to the pre-existing use permit.

23 i. The banners may remain in place for a period of two years after Council
24 approval. The Permittee may submit a request to the Planning Director that can be approved
25 administratively to extend the use of these banners for a specific or indefinite period of time.

26 3. Before granting any sign permits, all development and construction must
27 substantially comply with the approved plans.

1 4. All privately-owned improvements, including landscaping, must be permanently
2 maintained by the Permittee or an appropriately established owners association approve by the
3 City.

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

7 6. The terms, conditions, and requirements of this Resolution shall run with the land
8 and shall be binding upon the Permittee, its successors and assigns.

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2014: _____ Mayor
