

Special Permit 15030

RESOLUTION NO. A-_____

1 WHEREAS, Oak Lake Evangelical Free Church has submitted an application
2 designated as Special Permit No. 15030 to construct an 85-foot personal wireless
3 facility, on property generally located at 3300 North 1st Street, legally described as:

4 Lot 16 I.T., located in the Southwest Quarter of Section 11,
5 Township 10 North, Range 6 East of the 6th P.M., Lincoln,
6 Lancaster County, Nebraska;

7 WHEREAS, on July 22, 2015, the Planning Commission held a public hearing on
8 said request and approved Special Permit No. 15030 with conditions, by adopting
9 Resolution No. PC-01466; and

10 WHEREAS, on August 4, 2015, Timothy J. Reisdorff filed a notice of appeal,
11 dated August 4, 2015, with the City Clerk appealing the action of the Planning
12 Commission approving Special Permit No. 15030; and

13 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed
14 from is deemed advisory and the City Council is authorized to take final action on the
15 Special Permit; and

16 WHEREAS, the real property adjacent to the area included within the site plan for
17 this personal wireless facility will not be adversely affected; and

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

21 NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

1 That the application of Oak Lake Evangelical Free Church, hereinafter referred to
2 as "Permittee", to allow a 85-foot personal wireless facility on property legally described
3 above be and the same is hereby granted under the provisions of Section 27.63.720 of
4 the Lincoln Municipal Code upon condition that construction of said personal wireless
5 facility be in substantial compliance with said application, the site plan, and the following
6 additional express terms, conditions, and requirements:

7 1. This permit approves an 85-foot personal wireless facility capable of
8 accommodating antennas for a total of at least two wireless service providers.

9 2. Before a final plat is approved the Permittee shall cause to be prepared
10 and submitted to the Planning Department a revised and reproducible final plot plan
11 including four copies with all required revisions as listed below:

12 a. Add a note stating that the tower will not be lighted.

13 b. Revise the plan to show antenna arrays with stand-off arms
14 consistent with the photo simulations.

15 c. Add a note to the site plan which states, "All required
16 screening/landscaping as required by the Design Standards to be
17 shown at the time of building permit".

18 3. The Permittee must post a surety in the minimum amount necessary to
19 guarantee the removal of the facilities. The surety must remain in effect for the life of
20 the permit.

21 4. Before use of the facility, all development and construction shall
22 substantially comply with the approved plans.

23 5. All privately-owned improvements shall be permanently maintained by the
24 Permittee.

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

4 7. The terms, conditions, and requirements of this resolution shall run with
5 the land and be binding on the Permittee, its successors, and assigns.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2015:

Mayor