

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

1                   WHEREAS, Starwood Retail Partners has submitted an application designated  
 2 as Pre-Existing Use Permit No. 3AF to authorize expansion of Gateway Mall by approximately  
 3 70,000 square feet, with waivers to the Zoning Ordinance to reduce the parking requirement  
 4 and to increase the building height, on property generally located at 6100 O Street, and legally  
 5 described as:

6                   Lots 1-5, Gateway Shopping Center Subdivision; Lots 1-3 and  
 7 Outlot A, Q Place, except for the east part for the street; Lot 256 of  
 8 Irregular Tracts, except that part lying northwest of a line 40 feet  
 9 east of the centerline of North Cotner Boulevard and except parts  
 10 in the northwest and south for the road; Lot 263 of Irregular  
 11 Tracts, except 544.35 square feet in the south for the street; Lot  
 12 264 of Irregular Tracts; Lot 265 of Irregular Tracts, except  
 13 2,835.50 square feet of the south part for the road; Lot 266 of  
 14 Irregular Tracts, except the south portion of O Street right-of-way,  
 15 all located in the Southwest Quarter of Section 21, Township 10  
 16 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County,  
 17 Nebraska;

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

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

23                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
 24 Lincoln, Nebraska:

25                   That the application of Starwood Retail Partners, hereinafter referred to as  
 26 "Permittee", to amend Pre-Existing Use Permit No. 3 to authorize expansion of Gateway Mall by  
 27 approximately 70,000 square feet, with waivers to the Zoning Ordinance to reduce the parking  
 28 requirement and to increase the building height, on the property legally described above be and  
 29 the same is hereby granted upon condition that operation of said development be in substantial

1 compliance with said application, the site plan, and the following additional express terms,  
2 conditions, and requirements:

3 1. This permit approves 1,177,589 square feet of gross floor area for Area A and  
4 216,000 square feet of gross floor area for Area B with adjustments to the Zoning Ordinance to  
5 reduce parking to 1 stall per 300 square feet of floor area for all uses in Areas A-G and to  
6 increase the height of buildings and structures from 40 feet to 65 feet in Area A.

7 2. The Permittee shall cause to be prepared and submitted to the Planning  
8 Department a revised and reproducible final plot plan including 3 copies with all required  
9 revisions as listed below:

- 10 a. Add a note to the plan that states, "All terms and conditions of Pre-  
11 Existing Use Permit No. 3 shall apply unless specifically amended by this  
12 amendment."
- 13 b. Remove Note 9 and Note 3.
- 14 c. Delete the repeated text in Note 7.
- 15 d. Update the Sign Inventory table to accurately reflect the sign types.
- 16 e. Remove the text "Gateway Shopping Center Subdivision" and all zoning  
17 labels.
- 18 f. Label the use permit boundary.
- 19 g. Remove the third waiver on the site plan.
- 20 h. Remove the permitted gross floor area from the parking table.
- 21 i. Revise Note 4 to state, "... 1 space per 300 square feet of gross floor area  
22 for all uses."
- 23 j. Revise Note 7(C) to state, "The streetscape is not required in Area "A"  
24 adjacent to the 50' buffer along O Street as long as the 50' landscape  
25 buffer remains."
- 26 k. Add a note to the plan that states, "Signs A & B are located within the  
27 public right-of-way. They will be removed from the right-of-way if  
28 requested by the Nebraska Department of Roads or if a new center sign  
29 is requested at that location. Removing the signs will be done at no cost  
30 to the City."

- 1                   l.       Add text at the end of Note 7 that states, "The requirement to install the  
2 streetscape zone may be waived by the Planning Director at the time of  
3 building permit."
  
- 4                   m.       Provide documentation from the Register of Deeds that the letter of  
5 acceptance as required by the approval of the special permit has been  
6 recorded.
  
- 7                   n.       Revise Note 10 to the satisfaction of the Building & Safety Department.
  
- 8                   o.       Add a note to the plan that states, "Improvements shown on this plan are  
9 conceptual and subject to minor changes."
  
- 10                  p.       Verify that the numbers provided in the Parking Table on the plan are  
11 accurate.
  
- 12                  q.       Add a note to the plan that states, "New signs need not be shown on this  
13 site plan, but need to be in compliance with Chapter 27.69 of the Lincoln  
14 Zoning Ordinance and must be approved by the Building & Safety  
15 Department prior to installation."

16                  3.       Before occupying the buildings all development and construction is to  
17 substantially comply with the approved plans.

18                  4.       All privately-owned improvements, including landscaping and recreational  
19 facilities, are to be permanently maintained by the Permittee or an appropriately established  
20 owners association approved by the City.

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

24                  6.       This resolution's terms, conditions, and requirements bind and obligate the  
25 Permittee, its successors, and assigns.

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

1           8.     The site plan as approved with this resolution voids and supersedes all  
2 previously approved site plans, however all resolutions/ordinances approving previous permits  
3 remain in force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2016:

\_\_\_\_\_  
Mayor