

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

SPECIAL PERMIT NO. 04016A

1           WHEREAS, Northern Lights, LLC and Yeutter Family, LLC have submitted  
 2 an application designated as Special Permit No. 04016A to amend the Northern Lights  
 3 Commercial Center planned service commercial special permit to increase the total floor  
 4 area to 197,200 square feet and modification of Special Permit Note 10 to state  
 5 “Building height shall not exceed 35 feet except on Lots 6 and 10 where building height  
 6 shall not exceed 40 feet” on property generally located at Northwoods Drive and Colby  
 7 Street and legally described as:

8                   Lots 1-4, Block 1, and Lots 1-7, Block 2, Northern Lights 14<sup>th</sup>  
 9                   Addition, Lincoln, Lancaster County, Nebraska;

10           WHEREAS, the Lincoln City-Lancaster County Planning Commission held  
 11 a public hearing on January 20, 2016 on said application and adopted Resolution No.  
 12 PC-01480 conditionally approving the same; and

13           WHEREAS, Derek Schroeder and Derek Zimmerman have filed a Notice  
 14 of Appeal appealing the action of the Planning Commission conditionally approving  
 15 Special Permit No. 04016A; and

1           WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action  
2           appealed from is deemed advisory and the City Council is authorized to take final action  
3           on the application for Special Permit No. 04016A; and

4           WHEREAS, the community as a whole, the surrounding neighborhood,  
5           and the real property adjacent to the area included within the site plan for this special  
6           permit will not be adversely affected by granting such a permit; and

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

11          NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
12          Lincoln, Nebraska:

13          That the application of Northern Lights, LLC and Yeutter Family, LLC,  
14          hereinafter referred to as "Permittee" to amend the Northern Lights Commercial Center  
15          planned service commercial special permit to increase the total floor area to 197,200  
16          square feet and modification of Special Permit Note 10 to state "Building height shall not  
17          exceed 35 feet except on Lots 6 and 10 where building height shall not exceed 40 feet"  
18          on the property described above, be and the same is hereby granted under the  
19          provisions of Section 27.63.470 and Chapter 27.65 of the Lincoln Municipal Code upon  
20          condition that construction be in substantial compliance with said application, the site  
21          plan, and the following additional express terms, conditions, and requirements:

1           1.       This permit approves an increase in total floor area to 197,200 square feet  
2 and modification of Special Permit Note 10 to state “Building heights shall not exceed 35  
3 feet except on Lots 6 and 10 where building height shall not exceed 40 feet.”

4           2.       Before receiving building permits the Permittee shall cause to be prepared  
5 and submitted to the Planning Department a revised and reproducible final plot plan  
6 including **3** copies with all required revisions as listed below:

7           a.       Change land use table for Lots 6 and 10 from “retail/commercial” to  
8 “mini-warehouse”, reduce the floor area for Lots 6 and 10 to  
9 101,000 square feet, and reduce the total floor area to 197,200  
10 square feet.

11          b.       Add a note that “a minimum of 1 parking stall per 56 units will be  
12 provided for the mini-warehouse use.”

13          c.       Update legal description to read:  
14 “Lots 1-4, Block 1, and Lots 1-7, Block 2, Northern Lights 14<sup>th</sup>  
15 Addition, located in the Southeast Quarter of Section 15, Township  
16 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln. Lancaster County,  
17 Nebraska, generally located at Northwoods Drive and Colby  
18 Street.”

19          d.       Revise Note 10 to state “Building height shall not exceed 35 feet  
20 except on Lots 6 and 10 where building height shall not exceed 40  
21 feet.”

22          e.       Add a note that states, “The building constructed upon Lots 6 and  
23 10 shall be in substantial conformance with the site plan and  
24 elevations submitted by Permittee.”

25          3.       Before occupying the building all development and construction shall have  
26 been completed in substantial compliance with the approved plans.

27          4.       All privately-owned improvements, including landscaping and recreational  
28 facilities, shall be permanently maintained by the Permittee or an appropriately  
29 established owners association approved by the City.

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

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

6           7.     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 Permittee. Building permits will not be issued until the letter of  
11 acceptance has been filed.

12          8.     The site plan as approved with this resolution voids and supersedes all  
13 previously approved site plans, however the terms and conditions of all prior resolutions  
14 approving this permit shall remain in full force and effect as specifically amended by this  
15 resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this ____ day of _____, 2016:  _____ Mayor
--