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RESOLUTION NO. PC- 01481

USE PERMIT NO. 64B

1 WHEREAS, Kensington Corporation has submitted an application designated as
2 Use Permit No. 64B to allow a 40,500 square foot non-residential healthcare facility as a special
3 permitted use, on property generally located at South 16th Street and Old Cheney Road, and
4 legally described as:

5 Lot 1, Kensington Office Park; Lot 1 and Outlot A, Kensington
6 Office Park 1st Addition; Lot 1, Kensington Office Park 2nd
7 Addition; Lots 1, 2, and 3 and Outlot A, Kensington Office Park 3rd
8 Addition; and Lot 5, Block 1, Lincoln Industrial Park South
9 Addition, Lincoln, Lancaster County, Nebraska;*

10 WHEREAS, the real property adjacent to the area included within the site plan for
11 this modification of the 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 Lincoln City - Lancaster County
16 Planning Commission of Lincoln, Nebraska:

17 That the application of Kensington Corporation, hereinafter referred to as
18 "Permittee", to allow a 40,500 square foot non-residential healthcare facility as a special
19 permitted use, be and the same is hereby granted upon condition that the development of said
20 Use Permit be in substantial compliance with said application, the site plan, and the following
21 additional express terms, conditions, and requirements:

*where Lot 1, Kensington Office Park 2nd Add. is now known as Kensington Retail Center
Condominium, Units 1 through 6 and where Lot 3, Kensington Office Park 3rd Add. is now
known as Keller Condominium, Units 1 and 2

*Return to:
Deputy City Clerk*

1 1. This approval permits 137,018 total square feet of space for the Use Permit
2 overall, and per Section 27.63.080 of the Lincoln Municipal Code permits a non-residential
3 healthcare facility for 40,500 square feet.

4 2. Before a final plat is approved the Permittee shall cause to be prepared and
5 submitted to the Planning Department for review and approval a revised and reproducible final
6 plot plan including 3 copies with all required revisions as listed below:

7 a. Add a note that: The facility shall develop an emergency response plan to
8 the satisfaction of the Health Department, both written and drawn,
9 including a house-in-place scenario and an off-site evacuation. The
10 Health Department may provide technical assistance in this matter.

11 b. Add a note that: The facility shall, within 48 hours of becoming aware that
12 quantities of hazardous materials requiring a permit under Section
13 19.03.100 of the Lincoln Municipal Code are being stored, transported,
14 dispensed, used, or handled on property within 300 feet of the building
15 area being used for the facility, notify the Health Department of such
16 condition. Following such notification, the facility shall, in cooperation and
17 consultation with the Health Department, attempt to work with the owner
18 of property upon which such hazardous materials are being stored,
19 transported, dispensed, used or handled to arrive at a means to assure
20 the health, safety, and welfare of persons using the facility's property. The
21 facility shall further cooperate with the Health Department in determining
22 measures which may be taken on the facility's property to protect the
23 health safety, and welfare of persons using the facility's property,
24 including, but not limited to, establishment of training programs for
25 employees to assure detection of hazardous materials and evacuation of
26 the premises, installation of filtration systems in the HVAC system of the
27 building, or other precautionary measures.

28 c. Add a note that: The electrical breaker switch of the facility's heating,
29 ventilation and air conditioning (HVAC) system shall be clearly marked
30 and readily accessible at all times to the facility's staff or the facility shall
31 equip the building with not more than two emergency shut-off switches so
32 the HVAC system can be immediately shut down in the case of a
33 hazardous chemical spill in the area to the satisfaction of the Health
34 Department. The shut-off switch shall be located so that it is easily
35 accessible at all times to the facility's staff. The facility's staff shall be
36 trained on how to locate and operate the electrical breaker switch or the
37 emergency shut-off switch.

38 d. In the site plan title at the top and along the right side, change #64A to
39 #64B.

40 e. Delete Notes 1-3 and 6-15 on the site plan.

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f. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation."

g. Make the following revisions to the Land Use Table:

- i. Add a new line after Lot 11 and add "Unassigned" 9,522 sq. ft. and change the total for the Use Permit back to 137,018 sq. ft. as approved by Use Permit 64'A'.
- ii. Revise the minimum parking for Lot 6 to 49 and revise the total for minimum parking.
- iii. Add a note below the Land Use Table stating that "Minimum parking on Lot 6 was calculated based on the Hospital parking calculation of one space/2.5 beds plus one space/employee on the largest shift."
- iv. Revise the floor area for Lot 6 to 40,500 sq. ft.

h. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

i. A landscape plan approved by the Director of Planning.

j. Show patient care rooms a minimum of 275 feet from the I-2 zoning district to the east.

3. Before occupying buildings all development and construction must substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee.

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

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

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


The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 3 day of February, 2016.

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Use Permit No. 64B**
(Kensington Corporation, South 16th and Old Cheney Road)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Use Permit No. 64B**, granted by **Resolution No. PC-01481**, adopted by the Lincoln City-Lancaster County Planning Commission on February 3, 2016, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Use Permit.

DATED the 24th day of February, 2016.

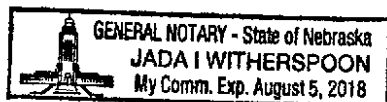
Kensington Corporation, Permittee

By: *David Olson*
Title: President

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

The foregoing Instrument was acknowledged before me this 24th day of February, 2016 by David Olson, the president of Kensington Corporation, as permittee.

Jada I Witherspoon
Notary Public

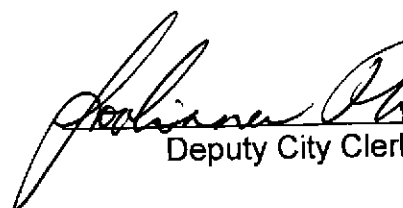


CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss:
CITY OF LINCOLN)

I, Soulinnee Phan, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Use Permit No. 64B** as adopted and approved by **Resolution No. PC-01481** of the Lincoln City-Lancaster County Planning Commission at its meeting held **February 3, 2016** as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 4th day of February, 2016.


Deputy City Clerk

