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RESOLUTION NO. PC- 01359

SPECIAL PERMIT NO. 04013A

1           WHEREAS, Clark Jeary Home Corporation has submitted an application  
2 designated as Special Permit No. 04013A to amend an existing special permit for a residential  
3 health care facility to increase the number of residents from 158 to 220, to increase the building  
4 envelope size to be consistent with setbacks and to remove the cap on the number of  
5 employees and care units on property generally located at S. 33rd Street and Yankee Hill Road,  
6 and legally described to wit:

7           Lot 1, Block 1, Pine Lake Heights South 11th Addition, Lincoln,  
8 Lancaster County, Nebraska;

9           WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
10 public hearing on said application; and

11           WHEREAS, the community as a whole, the surrounding neighborhood, and the  
12 real property adjacent to the area included within the site plan for this expanded residential  
13 health care facility will not be adversely affected by granting such a permit; and

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

*PIL AHESON*

1                   NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
2 Planning Commission of Lincoln, Nebraska:

3                   ..... That the application of Clark Jeary Home Corporation, hereinafter referred to as  
4 "Permittee", to amend an existing special permit for a residential health care facility to increase  
5 the number of residents from 158 to 220, to increase the building envelope size to be consistent  
6 with setbacks and to remove the cap on the number of employees and care units, be and the  
7 same is hereby granted under the provisions of Section 27.63.530 the Lincoln Municipal Code  
8 upon condition that construction of said expanded health care facility be in substantial  
9 compliance with said application, the site plan, and the following additional express terms,  
10 conditions, and requirements:

11                   1.       Before receiving building permits the Permittee shall cause to be  
12 prepared and submitted to the Planning Department a revised and reproducible final site plan  
13 including five copies showing the following revisions:

- 14                   a.       Add a note that landscaping will be provided at the time of building  
15                   permit. Landscaping must, at a minimum, meet the amount of  
16                   landscaping provided with the original landscape plan approved  
17                   with SP 04013.
- 18                   b.       Add to the General Notes, "Signs need not be shown on this site  
19                   plan but need to be in compliance with Chapter 27.69 of the  
20                   Lincoln Zoning Ordinance and must be approved by the Building  
21                   & Safety Department prior to installation."

22                   2.       Before the issuance of a building permit:

- 23                   a.       All development and construction must substantially comply with  
24                   the approved plans.
- 25                   b.       The Permittee shall provide verification from the Register of  
26                   Deeds that the letter of acceptance as required by the approval of  
27                   the special permit has been recorded.

28                   3.       Before occupying buildings or starting the operation all development and  
29 construction shall substantially comply with the approved plans.

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

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

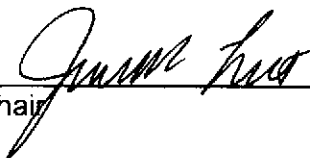
7                   6.       The terms, conditions, and requirements of this resolution shall be  
8 binding and obligatory upon the Permittee and the Permittee's successors and assigns. The  
9 building official shall report violations to the City Council which may revoke the special permit or  
10 take such other action as may be necessary to gain compliance.

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

16                  8.       The site plan as approved with this resolution voids and supersedes all  
17 previously approved site plans, however the terms and conditions of all prior resolutions  
18 approving this permit shall remain in full force and effect except as specifically amended by this  
19 resolution.

20                   The foregoing Resolution was approved by the Lincoln City-Lancaster County  
21 Planning Commission on this 4th day of September, 2013.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

**LETTER OF ACCEPTANCE**

City of Lincoln  
Lincoln, Nebraska

**RE: Special Permit No. 04013A**  
(Expansion of Clark Jeary Health Care Facility)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 04013A**, granted by **Resolution No. PC-01359**, adopted by the Lincoln City-Lancaster County Planning Commission on September 4, 2013, 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 corrected 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 Special Permit.

DATED the 17 day of October, 2013.

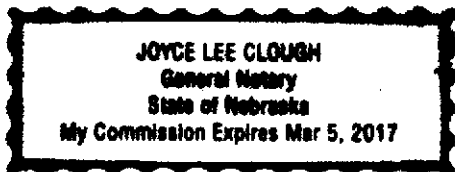
CLARK JEARY HOME CORPORATION,  
Permittee

By: Kathy Rowoldt  
Title: Administrator

STATE OF Nebraska )  
COUNTY OF Lancaster ) ss.

The foregoing Instrument was acknowledged before me this 17 day of October, 2013, by Kathy Rowoldt, the Administrator of Clark Jeary Home Corporation, a not for profit corporation, as permittee.

Joyce Lee Clough  
Notary Public



# CERTIFICATE

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

I, Sandy L. Dubas, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit No. 04013A** as adopted and approved by **Resolution No. PC-01359** of the Lincoln City-Lancaster County Planning Commission at its meeting held **September 4, 2013** 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 6th day of September, 2013.

*Sandy L. Dubas*  
Deputy City Clerk

