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16R-279 Introduce: 12-12-16

RESOLUTION NO. A- 90181

USE PERMIT NO. 16009

1 WHEREAS, The Lincoln Memorial Park Cemetery Association has submitted an
2 application designated as Use Permit No. 16009 to allow up to 177,000 square feet of new
3 commercial floor area including a retail warehouse and motorized vehicle fuel facility, on
4 property generally located at the northeast corner of South 14th Street and Pine Lake Road, and
5 legally described as:

6 A PORTION OF LOT 92 I.T., AND A PORTION OF OUTLOT D, THE
7 RIDGE 13TH ADDITION, LOCATED IN THE NORTHWEST
8 QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6
9 EAST, OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER
10 COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED
11 AS FOLLOWS:

I T

12 BEGINNING AT THE SOUTHEAST CORNER OF SAID OUTLOT D,
13 THE RIDGE 13TH ADDITION, SAID POINT BEING ON THE NORTH
14 RIGHT-OF-WAY LINE OF PINE LAKE ROAD AND ON THE WEST
15 RIGHT-OF-WAY LINE OF HAZEL SCOTT DRIVE; THENCE, WEST,
16 ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE BEING
17 THE SOUTH LINE OF SAID OUTLOT D, AND THE SOUTH LINE OF
18 SAID LOT 92 I.T., ON AN ASSUMED BEARING OF NORTH 89
19 DEGREES 35 MINUTES 25 SECONDS WEST, A DISTANCE OF
20 1269.84 FEET TO A POINT; THENCE NORTH 00 DEGREES 24
21 MINUTES 35 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-
22 WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92
23 I.T., A DISTANCE OF 7.00 FEET TO A POINT; THENCE NORTH 89
24 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID
25 NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH
26 LINE OF SAID LOT 92 I.T., A DISTANCE OF 175.50 FEET TO A
27 POINT; THENCE NORTH 00 DEGREES 24 MINUTES 35 SECONDS
28 EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE
29 BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF

NO
THREE

AMENDED 01/09/17

1 50.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 35
2 MINUTES 25 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-
3 WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92
4 I.T., A DISTANCE OF 66.00 FEET TO A POINT; THENCE SOUTH 00
5 DEGREES 24 MINUTES 35 SECONDS WEST, ALONG SAID
6 NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH
7 LINE OF SAID LOT 92 I.T., A DISTANCE OF 57.00 FEET TO A
8 POINT; THENCE NORTH 89 DEGREES 35 MINUTES 25 SECONDS
9 WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID LINE
10 BEING THE SOUTH LINE OF SAID LOT 92 I.T., A DISTANCE OF
11 144.59 FEET TO A PONT; THENCE NORTH 00 DEGREES 24
12 MINUTES 35 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-
13 WAY LINE, SAID LINE BEING THE SOUTH LINE OF SAID LOT 92
14 I.T., A DISTANCE OF 17.00 FEET TO A POINT; THENCE NORTH
15 89 DEGREES 35 MINUTES 25 SECONDS WEST, ALONG SAID
16 NORTH RIGHT-OF-WAY LINE, SAID LINE BEING THE SOUTH
17 LINE OF SAID LOT 92 I.T., A DISTANCE OF 480.00 FEET TO A
18 POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 14TH
19 STREET; THENCE NORTH 44 DEGREES 50 MINUTES 33
20 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID
21 LINE BEING A SOUTHWEST LINE OF SAID LOT 92 I.T., A
22 DISTANCE OF 46.88 FEET TO A POINT; THENCE NORTH 00
23 DEGREES 05 MINUTES 40 SECONDS WEST, ALONG SAID EAST
24 RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE OF SAID
25 LOT 92 I.T., A DISTANCE OF 105.72 FEET TO A POINT; THENCE
26 SOUTH 89 DEGREES 54 MINUTES 20 SECONDS WEST, ALONG
27 SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST
28 LINE OF SAID LOT 92 I.T., A DISTANCE OF 7.00 FEET TO A
29 POINT; THENCE NORTH 00 DEGREES 05 MINUTES 40 SECONDS
30 WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE
31 BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF
32 149.84 FEET TO A POINT; THENCE NORTH 89 DEGREES 54
33 MINUTES 20 SECONDS EAST, ALONG SAID EAST RIGHT-OF-
34 WAY LINE, SAID LINE BEING THE WEST LINE OF SAID LOT 92
35 I.T., A DISTANCE OF 17.00 FEET TO A POINT; THENCE NORTH
36 00 DEGREES 05 MINUTES 40 SECONDS WEST, ALONG SAID
37 EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE WEST LINE
38 OF SAID LOT 92 I.T., A DISTANCE OF 50.00 FEET TO A POINT;
39 THENCE SOUTH 89 DEGREES 54 MINUTES 20 SECONDS WEST,
40 ALONG SAID EAST RIGHT-OF-WAY LINE, SAID LINE BEING THE
41 WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 17.00 FEET TO
42 A POINT; THENCE NORTH 00 DEGREES 05 MINUTES 40
43 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, SAID
44 LINE BEING THE WEST LINE OF SAID LOT 92 I.T., A DISTANCE
45 OF 439.30 FEET TO THE NORTHWEST CORNER OF LOT SAID 92
46 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF LOT 77
47 I.T.; THENCE SOUTH 89 DEGREES 32 MINUTES 37 SECONDS
48 EAST, ALONG THE NORTH LINE OF SIAD LOT 92 I.T., SAID LINE
49 BEING THE SOUTH LINE OF SAID LOT 77 I.T., A DISTANCE OF
50 703.30 FEET TO A POINT; THENCE SOUTH 01 DEGREES 40
51 MINUTES 50 SECONDS WEST, A DISTANCE OF 137.47 FEET TO
52 A POINT; THENCE SOUTH 88 DEGREES 19 MINUTES 10

1 SECONDS EAST A DISTANCE OF 1635.85 FEET TO A POINT ON
2 THE EAST LINE OF SAID OUTLOT D, SAID POINT BEING ON THE
3 NORTHWEST RIGHT-OF-WAY LINE OF HAZEL SCOTT DRIVE;
4 THENCE SOUTH 63 DEGREES 26 MINUTES 42 SECONDS WEST,
5 ALONG THE EAST LINE OF SAID OUTLOT D, SAID LINE BEING A
6 NORTHWEST RIGHT-OF-WAY LINE OF HAZEL SCOTT DRIVE, A
7 DISTANCE OF 4.77 FEET TO A POINT OF CURVATURE; THENCE
8 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 272.37
9 FEET, A DELTA ANGLE OF 63 DEGREES 03 MINUTES 51
10 SECONDS, AN ARC LENGTH OF 299.79 FEET, ALONG AN
11 EASTERLY LINE OF SAID OUTLOT D, SAID LINE BEING A
12 NORTHWEST RIGHT-OF WAY LINE OF SAID HAZEL SCOTT
13 DRIVE, A CHORD BEARING OF SOUTH 31 DEGREES 54
14 MINUTES 46 SECONDS WEST, AND A CHORD DISTANCE OF
15 284.89 FEET TO A POINT; THENCE SOUTH 00 DEGREES 22
16 MINUTES 50 SECONDS WEST, ALONG AN EAST LINE OF SAID
17 OUTLOT D, SAID LINE BEING A WEST RIGHT-OF WAY LINE OF
18 SAID HAZEL SCOTT DRIVE, A DISTANCE OF 375.41 FEET TO
19 THE POINT OF BEGINNING.

20 SAID TRACT CONTAINS A CALCULATED AREA OF 1,497,660.94
21 SQUARE FEET OR 34.38 ACRES, MORE OR LESS.

22 WHEREAS, the real property adjacent to the area included within the site plan for this
23 use permit will not be adversely affected; and

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

27 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
28 Nebraska:

29 That the application of The Lincoln Memorial Park Cemetery Association, hereinafter
30 referred to as "Permittee", to allow up to 177,000 square feet of new commercial floor area
31 including a retail warehouse and motorized vehicle fuel facility, on the property legally described
32 above, be and the same is hereby granted upon condition that construction and operation be in
33 substantial compliance with said application, the site plan, and the following additional express
34 terms, conditions, and requirements:

- 35 1. This approval permits 199,000 square feet of commercial space.
- 36 2. City Council approves associated requests:

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- a. Change of Zone #16030
- b. Amendment of Comprehensive Plan #16004

3. Before approval of a final plat, the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:

- a. Make the following revisions on all applicable sheets:
 - i. At the intersection of Hazel Scott Drive/South 20th Street and Pine Lake Road.
 - A. Add a note stating: The property owner agrees to dedicate right-of-way for a roundabout at Hazel Scott Drive and Pine Lake Road, as indicated on the site plan, and revise their site as necessary, if requested by the City within ten (10) years of approval of this use permit.
 - ii. On Hazel Scott Drive:
 - A. Revise the note for the Hazel Scott Drive access to read, "Right-out and left-in only. No right-in or left-out."
 - B. Extend the boundary of Outlot "A" east and south to the edge of the property adjoining Hazel Scott Drive and Pine Lake Road.
 - ~~iii. At the intersection of South 16th Street and Pine Lake Road:
 - A. Retain ¾ access as proposed and recommended by the Traffic Impact Study. Remove the three Intersection Design Options at the top of Sheet 2.
 - B. Remove the traffic signalization symbol and the note for "Future signalized intersection".
 - C. Show the vacation of part of the right-of-way stub on Private Drive A to the satisfaction of Public Works and Utilities.~~
 - iv. Show standard taper lengths on all turn lanes. The only exception is for the northbound right turn lane into Private Drive West as identified in Condition 3.v.A. above.
 - v. Show a common access easement over the funeral home driveways and parking lot to the proposed east-west private drive. Add a note to Sheet 1 stating that this access easement may be blocked during funeral services, memorials, and other public meetings at the funeral home.

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- vi. Revise the proposed right-of-way/easement dedication shown for the trail along Pine Lake Road to more clearly differentiate between the proposed right-of-way and easement legend patterns. This information may be shown on an additional sheet if necessary.
 - vii. Revise the driveway entrance design on Hazel Scott Drive to clearly prohibit right-in turn movements, to the satisfaction of the Public Works and Utilities Department.
 - viii. The sidewalk to be installed along Hazel Scott appears to be shown against the right-of-way line. Revise placement of the sidewalk to be 1-2 feet off the right-of-way line in the event that the City needs to repair or replace the sidewalk in the future.
- b. Make the following revisions to Sheet 1:
- i. Revise Note 15 to read, "If the existing funeral home on Lot 1 redevelops into different commercial uses, the following is required: the northern driveway will be reconfigured to better serve the multiple commercial properties; a right hand turn lane will be required to the northern driveway on South 14th Street and the sidewalk relocated to provide adequate safety for pedestrians; all improvements, and right of way dedication, will be at the expense of the developer redeveloping the funeral home property; the south right-in/right-out access on South 14th Street shall be eliminated at that time; a 300-foot plus taper northbound right turn lane shall be required to be installed at that time for the north access point on South 14th Street; and a common access easement shall be provided over Lot 1 from South 14th Street along the new east-west driveway.
 - ii. Revise the last sentence of Note 16 to read: "10 feet of additional right-of-way or easement will be dedicated/provided." Add the following text at the end of the note: "The bike trail shall be located a minimum of 10 feet behind back of curb to provide adequate separation and room for street trees. Street trees shall be installed six feet from the back of curb."
 - iii. Add the following note: "The future right-of-way shown for a roundabout at South 20th Street/Hazel Scott Drive and Pine Lake Road shall be dedicated at no cost to the City if construction of a roundabout at that intersection is to begin within one year of the request to dedicate the right-of-way."
 - iv. ~~Add the following note: "If a traffic signal is approved at the intersection of South 16th Street and Pine Lake Road, the following shall occur: the developer is required to submit a revised Traffic Impact Study that provides justification for the signal to the satisfaction of the Public Works and Utilities Department; in addition, the right of way stub on Private Drive "A" shall be retained by the City; the traffic signal at South 20th Street/Hazel~~

Full access shall be retained in all directions at the intersection of South 16th Street and Pine Lake Road. At such time as warrants are met for South 16th Street and Pine Lake Road, a traffic signal be installed at Road, a traffic signal be installed at developer's expense.

~~Scott Drive and Pine Lake Road shall be removed from the plans.~~

~~The cost to install the traffic signal will be at the developer's expense."~~

v. Revise Note 18 to read, "The buildings on Lot 5 shall substantially conform to the building elevations included in this use permit (sheets 6 thru 10) to the satisfaction of the Planning Director."

vi. Revise the second sentence of Note 21 to read, "The Maintenance Agreement shall be submitted at time of building permit."

vii. Revise General Note 19 on Sheet 1 to read: "All buildings in the Center, including the Costco building, shall meet the following design standards:

A. Buildings of 50,000 square feet or greater will include at least 20% of the gross area of vertical surfaces as decorative CMU, brick, or stone; half of those required masonry materials shall be brick or stone, the remainder and any masonry areas in excess of 20% may be decorative CMU. Buildings of less than 50,000 square feet will include at least 50% of the gross area of vertical surfaces as decorative CMU, brick, or stone; half of those required masonry materials shall be brick or stone, the remainder and any masonry areas in excess of 50% may be decorative CMU. The required masonry materials shall be used to the extent feasible on facades oriented towards public streets, with any remaining required masonry used on other facades.

B. All buildings in the center will utilize building materials and colors compatible with the Costco building.

C. Calculations of the gross area of vertical surfaces, the required area of masonry materials, and the proposed area of masonry on each facade shall be provided at the time of application for building permits."

viii. Add the following note: "The required landscaping may not be reduced by administrative amendment."

ix. Correct the Required Parking Stalls for Lot 1 to 74 and revise the Total Required Parking Stalls to 667.

c. Make the following revisions to Sheet 3:

i. Specify that the "Trail Crossing Detail" applies to both the South 16th Street and South 18th Street trail crossings.

ii. Modify the Trail Crossing Detail to show only the following safety improvement measures:

- 1 A. Stop signs for vehicles turning right out of the driveways.
- 2 B. Marked stop bars for vehicles turning right out of the
3 driveways.
- 4 C. Advanced trail crossing signs along the driveways
5 approaching Pine Lake Road.
- 6 D. The trail crossings shall be on raised traffic tables to the
7 satisfaction of the Public Works and Utilities Department.
- 8 E. The trail crossings shall be marked/striped.
- 9 iii. The sidewalk connection from Pine Lake Road to the store should
10 be shown as clearly connecting to the trail along Pine Lake Road
11 per the Design Standards for Pedestrian Circulation in
12 Commercial and Industrial Areas, Section 2, item #1.
- 13 iv. Note that truck deliveries may not exit/enter from Hazel Scott
14 Drive.
- 15 d. Revise the title of Sheet 8, "Loading Dock Perspective" as the loading
16 dock does not appear on the elevation.
- 17 e. Submit a revised Grading & Drainage Plan, stormwater report, and any
18 other necessary drainage-related plans and calculations to the satisfaction of the Public Works
19 and Utilities Department. No grading anywhere on the site is permitted to begin until this
20 condition of approval is complete.
- 21 f. Revise the submitted elevations as necessary to meet the design criteria
22 as modified with Condition of Approval 3.b.viii.
- 23 g. Revise the site plan for the Costco warehouse building to provide curbs or
24 curb stops between pedestrian areas and parking or driving aisles as required in the Design
25 Standards for Pedestrian Circulation in Commercial and Industrial Areas.
- 26 h. Provide two cross-sections of the 30-foot landscape buffer per Condition
27 3.b.viii. to the satisfaction of the Planning Director, to be included as an official sheet in the use
28 permit plan set.
- 29 i. Apply for an administrative amendment to Pre-Existing Special Permit
30 #14 for Lincoln Memorial Park to remove the funeral home from the boundary.

1 4. Before the approval of a final plat, the public streets, private roadway
2 improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities,
3 land preparation and grading, sediment and erosions control measures, storm water
4 detention/retention facilities, drainageway improvements, street lights, landscaping screens,
5 street trees, temporary turnaround and barricades, and street name signs, must be completed
6 or provisions (bond, escrow, or security agreement) to guarantee completion must be approved
7 by the City Law Department. The improvements must be completed in conformance with
8 adopted design standards and within the time period specified in the Land Subdivision
9 Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may
10 be furnished for street trees on a final plat with 10 or fewer lots.

11 5. Before approval of a final plat, Permittee shall enter into a Subdivision
12 Agreement with the City wherein:

- 13 i. Permittee agrees to complete the installation of sidewalks along the west
14 side of Hazel Scott Drive as shown on the final plat within four (4) years
15 following the approval of the final plat.
- 16 ii. Permittee agrees to complete the installation or relocation of sidewalks
17 along the east side of South 14th Street and the north side of Pine Lake
18 Road as shown on the final plat within two (2) years following the
19 approval of this final plat.
- 20 iii. Permittee agrees to construct the sidewalk in the pedestrian way
21 easements in Lot 5.
- 22 iv. Permittee agrees to complete the public water distribution system to
23 serve this plat within two (2) years following the approval of the final plat.
- 24 v. Permittee agrees to complete the public wastewater collection system to
25 serve this plat within two (2) years following the approval of the final plat.
- 26 vi. Permittee agrees to complete the enclosed public drainage facilities
27 shown on the approved drainage study to serve this plat within two (2)
28 years following the approval of the final plat.
- 29 vii. Permittee agrees to complete the enclosed private drainage facilities
30 shown on the approved drainage study to serve this plat within two (2)
31 years following the approval of the final plat.
- 32 viii. Permittee agrees to complete land preparation including storm water
33 detention/retention facilities and open drainageway improvements to

- 1 serve this plat prior to the installation of utilities and improvements but not
2 more than two (2) years following the approval of the final plat
- 3 ix. Permittee agrees to complete the planting of the street trees along the
4 west side of Hazel Scott Drive within this plat within two (2) years
5 following the approval of the final plat.
- 6 x. Permittee agrees to complete the installation of street trees along the east
7 side of South 14th Street and the north side of Lake Road as shown on
8 the final plat within two (2) years following the approval of this final plat.
- 9 xi. Permittee agrees to complete the installation of the street name signs
10 within two (2) years following the approval of the final plat.
- 11 xii. Permittee agrees to complete the installation of the permanent markers
12 prior to construction on or conveyance of any lot in the plat.
- 13 xiii. Permittee agrees to complete any other public or private improvement or
14 facility required by the Land Subdivision Ordinance in a timely manner
15 which inadvertently may have been omitted from the above list of required
16 improvements.
- 17 xiv. Permittee agrees to submit to the Director of Public Works a plan showing
18 proposed measures to control sedimentation and erosion and the
19 proposed method to temporarily stabilize all graded land for approval.
- 20 xv. Permittee agrees to comply with the provisions of the Land Preparation
21 and Grading requirements of the Land Subdivision Ordinance.
- 22 xvi. Permittee agrees to complete the public and private improvements shown
23 on the Use Permit.
- 24 xvii. Permittee agrees to keep taxes and special assessments on the outlots
25 from becoming delinquent.
- 26 xviii. Permittee agrees to maintain the outlots and private improvements in a
27 condition as near as practical to the original construction on a permanent
28 and continuous basis.
- 29 xix. Permittee agrees to maintain the street trees located on private property
30 and landscape screens on a permanent and continuous basis.
- 31 xx. Permittee agrees to maintain the sidewalks in the pedestrian way
32 easements on Lot 5 and all of its elements in a condition as near as
33 practical to the original or as constructed condition in order to provide the
34 user with a safe and convenient facility on a permanent and continuous
35 basis.
- 36 xxi. Permittee agrees to maintain and supervise the private facilities which
37 have common use or benefit in a condition as near as practical to the
38 original construction on a permanent and continuous basis, and to
39 recognize that there may be additional maintenance issues or costs

1 associated with providing for the proper functioning of storm water
2 detention/retention facilities as they were designed and constructed within
3 the development and that these are the responsibility of the land owner.

4 xxii. Permittee agrees to retain ownership of and the right of entry to the
5 outlots in order to perform the above-described maintenance of the
6 outlots and private improvements on a permanent and continuous basis.
7 However, Permittee(s) may be relieved and discharged of such
8 maintenance obligations upon creating in writing a permanent and
9 continuous association of property owners who would be responsible for
10 said permanent and continuous maintenance subject to the following
11 conditions:

12 (1) Permittee shall not be relieved of Permittee's maintenance
13 obligation for each specific private improvement until a registered
14 professional engineer or nurseryman who supervised the
15 installation of said private improvement has certified to the City
16 that the improvement has been installed in accordance with
17 approved plans.

18 (2) The maintenance agreements are incorporated into covenants
19 and restrictions in deeds to the subdivided property and the
20 documents creating the association and the restrictive covenants
21 have been reviewed and approved by the City Attorney and filed
22 of record with the Register of Deeds.

23 xxiii. Permittee agrees to pay all design, engineering, labor, material,
24 inspection, and other improvement costs.

25 xxiv. Permittee agrees to relinquish the right of direct vehicular access from lot
26 1-3 to S. 14th Street and Pine Lake Road and from Lot 6 to Hazel Scott
27 Drive.

28 6. Submit an application to vacate the right-of-way stub on Private Drive "A" with the
29 final plat application.

30 7. Before occupying buildings, all development and construction must substantially
31 comply with the approved plans.

32 8. All privately-owned improvements, including landscaping, shall be permanently
33 maintained by the Permittee or an appropriately established owners association approved by
34 the City.

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

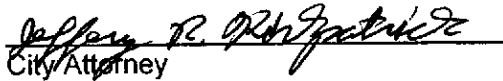
1 10. The terms, conditions, and requirements of this resolution shall run with the land
2 and be binding upon the Permittee, its successors, and assigns.

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

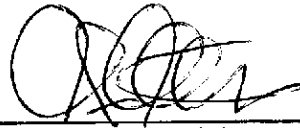
* see page 12 for new paragraph 12.

See further Council Proceedings
on next page.


Approved as to Form & Legality:


City Attorney

Introduced by:



AYES: Camp, Eskridge, Fellers, Lamm;
NAYS: Gaylor Baird; ABSTAINED:
Christensen, Raybould.

Approved this 12th day of Jan., 2017

Mayor

ADOPTED
JAN 09 2017
BY CITY COUNCIL

AMENDED 01/09/17

12. The Permittee at its own cost and expense subject to reimbursement, as provided below, shall construct the following Arterial Street Impact Fee Facility Improvements through the City's Executive Order Construction process.

(a) South 14th Street Impact Fee Facility Improvements:

- (i) Implementation of dual southbound to eastbound left turn lanes in South 14th Street at Pine Lake Road, including new signal heads and associated traffic signal wiring.
- (ii) Implementation of a northbound to westbound protected left turn phase in South 14th Street at Pine Lake Road including any necessary signalization adjustments.

(b) Pine Lake Road Impact Fee Facility Improvements:

- (i) Extension of the stacking length for the westbound to southbound left turn lane in Pine Lake Road at South 14th Street.
- (ii) Extension of stacking length for the eastbound to northbound right turn lane in Pine Lake Road at Hazel Scott.

Pursuant to Lincoln Municipal Code § 27.82.090 the Permittee's reimbursement for construction of the above Arterial Street Impact Fee Facility Improvements shall be paid solely from Arterial Street Impact Fees paid to and collected by the City from development of the properties included within the boundaries of Use Permit No. 16009. The value of the Arterial Street Impact Fee Facility Improvements shall be based upon Permittee's actual cost of construction as verified by receipts submitted by Permittee.

The Permittee shall be entitled to interest on the Permittee's cost of the Arterial Street Impact Fee Facility Improvements not to exceed the rate earned by the City on its impact fee fund account.

Any reimbursement to be paid from Arterial Street Impact Fees shall not constitute a general liability of the City. In the absence of an express transfer or assignment of the right or entitlement to the reimbursement, the right or entitlement shall be deemed "not to run with the land."

16R-279

01/09/17 Council Proceedings:

FELLERS Moved to amend Bill No. 16R-279 as follows:

On page 11, after line 7, add a new paragraph 12 to read as follows:

12. The Permittee at its own cost and expense subject to reimbursement, as provided below, shall construct the following Arterial Street Impact Fee Facility Improvements through the City's Executive Order Construction process.

(a) South 14th Street Impact Fee Facility Improvements:

(i) Implementation of dual southbound to eastbound left turn lanes in South 14th Street at Pine Lake Road, including new signal heads and associated traffic signal wiring.

(ii) Implementation of a northbound to westbound protected left turn phase in South 14th Street at Pine Lake Road including any necessary signalization adjustments.

(b) Pine Lake Road Impact Fee Facility Improvements:

(i) Extension of the stacking length for the westbound to southbound left turn lane in Pine Lake Road at South 14th Street.

(ii) Extension of stacking length for the eastbound to northbound right turn lane in Pine Lake Road at Hazel Scott.

Pursuant to Lincoln Municipal Code § 27.82.090 the Permittee's reimbursement for construction of the above Arterial Street Impact Fee Facility Improvements shall be paid solely from Arterial Street Impact Fees paid to and collected by the City from development of the properties included within the boundaries of Use Permit No. 16009. The value of the Arterial Street Impact Fee Facility Improvements shall be based upon Permittee's actual cost of construction as verified by receipts submitted by Permittee.

The Permittee shall be entitled to interest on the Permittee's cost of the Arterial Street Impact Fee Facility Improvements not to exceed the rate earned by the City on its impact fee fund account.

Any reimbursement to be paid from Arterial Street Impact Fees shall not constitute a general liability of the City. In the absence of an express transfer or assignment of the right or entitlement to the reimbursement, the right or entitlement shall be deemed "not to run with the land."

Seconded by Eskridge & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

01/09/17 Council Proceedings:

LAMM Moved to amend Bill No. 16R-279 as follows:

1. On page 4, lines 20 through 28, delete all of paragraph 3.a.iii.

2. On page 5, lines 39 through 45, and page 6, lines 1 through 3, strike all of the language in subparagraph 3.b.iv and insert the following in lieu thereof:

Add the following note: "Full access shall be retained in all directions at the intersection of South 16th Street and Pine Lake Road. At such time as warrants are met for a traffic signal at the intersection of South 16th Street and Pine Lake Road, a traffic signal shall be installed at developer's expense."

Seconded by Fellers & carried by the following vote: AYES: Camp, Eskridge, Fellers, Lamm; NAYS: Gaylor Baird; ABSTAINED: Christensen, Raybould.

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 16R-279 as follows:

On page 11, after line 7, add a new paragraph 12 to read as follows:

12. The Permittee at its own cost and expense subject to reimbursement, as provided below, shall construct the following Arterial Street Impact Fee Facility Improvements through the City's Executive Order Construction process.

(a) South 14th Street Impact Fee Facility Improvements:

- (i) Implementation of dual southbound to eastbound left turn lanes in South 14th Street at Pine Lake Road, including new signal heads and associated traffic signal wiring.
- (ii) Implementation of a northbound to westbound protected left turn phase in South 14th Street at Pine Lake Road including any necessary signalization adjustments.

(b) Pine Lake Road Impact Fee Facility Improvements:

- (i) Extension of the stacking length for the westbound to southbound left turn lane in Pine Lake Road at South 14th Street.
- (ii) Extension of stacking length for the eastbound to northbound right turn lane in Pine Lake Road at Hazel Scott.

Pursuant to Lincoln Municipal Code § 27.82.090 the Permittee's reimbursement for construction of the above Arterial Street Impact Fee Facility Improvements shall be paid solely from Arterial Street Impact Fees paid to and collected by the City from development of the properties included within the boundaries of Use Permit No. 16009. The value of the Arterial Street Impact Fee Facility Improvements shall be based upon Permittee's actual cost of construction as verified by receipts submitted by Permittee.

The Permittee shall be entitled to interest on the Permittee's cost of the Arterial Street Impact Fee Facility Improvements not to exceed the rate earned by the City on its impact fee fund account.

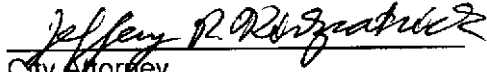
Any reimbursement to be paid from Arterial Street Impact Fees shall not constitute a general liability of the City. In the absence of an express transfer or assignment of the right or entitlement to the reimbursement, the right or entitlement shall be deemed "not to run with the land."

Introduced by:



AYES: Camp, Eskridge, Fellers, Lamm;
NAYS: Gaylor Baird; ABSTAINED:
Christensen, Raybould.

Approved as to Form and Legality:


City Attorney

Requested by:

Public Works and Costco Wholesale

Reason for Request:

To acknowledge that the Permittee is entitled to reimbursement, pursuant to LMC § 27.82.090, for its construction of Arterial Street Impact Fee Facility Improvements needed to address traffic impacts created by the proposed development under Use Permit No. 16009.

ADOPTED

JAN 09 2017

BY CITY COUNCIL

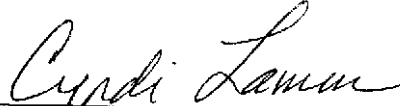
MOTION TO AMEND NO. 3

I hereby move to amend Bill No. 16R-279 as follows:

1. On page 4, lines 20 thru 28, delete all of paragraph 3.a.iii.
2. On page 5, lines 39 thru 45, and page 6, lines 1 thru 3, strike all of the language in subparagraph 3.b.iv and insert the following in lieu thereof:

Add the following note: "Full access shall be retained in all directions at the intersection of South 16th Street and Pine Lake Road. At such time as warrants are met for a traffic signal at the intersection of South 16th Street and Pine Lake Road, a traffic signal shall be installed at developer's expense."

Introduced by:



AYES: Camp, Eskridge, Fellers, Lamm;
NAYS: Gaylor Baird; ABSTAINED:
Christensen, Raybould.

Approved as to form and legality:


City Attorney

ADOPTED

JAN 09 2017

BY CITY COUNCIL

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Use Permit 16009**

To The City Clerk:

The undersigned, "Permittee" under **Use Permit 16009** granted by **Resolution No. A-90181**, adopted by the City Council of the City of Lincoln, Nebraska, on **January 9, 2017**, 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 ordinance 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 this 14 day of FEBRUARY, 2017.

Lincoln Memorial Park Cemetery Association
Permittee



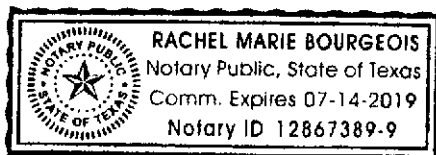
Signature

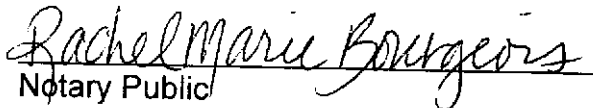
VICE PRESIDENT

Title

STATE OF Texas)
COUNTY OF Harris) ss.

The foregoing instrument was acknowledged before me this 14th day of February, 2017, by Michael Decell, on behalf of The Lincoln Memorial Park Cemetery Association.





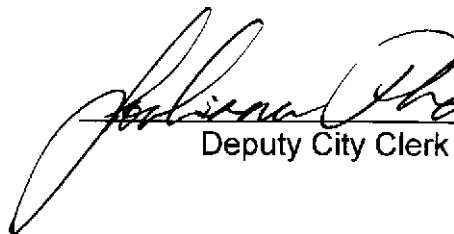
Notary Public

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 16009** approved by **Resolution No. A-90181**, adopted by the City Council on **January 9, 2017**, 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 23rd day of January, 2017.


Deputy City Clerk

