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Lancaster County, NE Assessor/Register of Deeds Office RESOL  
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06R-91

Introduce: 5-8-06

RESOLUTION NO. A- 83851

USE PERMIT NO. 06004

1 WHEREAS, Southview and Ridge Development Company have submitted an  
2 application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as  
3 Use Permit No. 06004 to develop 224,000 square feet of commercial floor area, including a  
4 request to allow signs for individual pad sites to be located more than 30 feet from the building,  
5 on property generally located northwest of the intersection of South 40th Street and Yankee Hill  
6 Road, legally described to wit:

7 The remaining portion of Outlot "F", Pine Lake Heights South 7th  
8 Addition, located in the Southeast Quarter of Section 19,  
9 Township 9 North, Range 7 East of the 6th P.M., City of Lincoln,  
10 Lancaster County, Nebraska, and more particularly described as  
11 follows:

12 Commencing at the southeast corner of said remaining portion of  
13 Outlot "F", said point being 60.00 feet north of the south line of  
14 said Southeast Quarter, and 88.00 feet west of the east line of  
15 said Southeast Quarter, said point being the true point of  
16 beginning; thence west along the south line of said remaining  
17 portion of Outlot "F", on an assumed bearing of north 88 degrees  
18 05 minutes 40 seconds west, said line being the north line of  
19 Yankee Hill Road right-of-way, said line being 60.00 feet north of  
20 and parallel with the south line of said Southeast Quarter, a  
21 distance of 846.59 feet to the southwest corner of said remaining  
22 portion of Outlot "F"; thence north 43 degrees 05 minutes 40  
23 seconds west along a southwest line of said remaining portion of  
24 Outlot "F", said line being a northeast line of South 37th Street  
25 right-of-way, a distance of 22.63 feet to a point; thence north 01  
26 degrees 54 minutes 20 seconds east along a west line of said  
27 remaining portion of Outlot "F", said line being an east line of said  
28 right-of-way, a distance of 64.00 feet to a point of curvature;  
29 thence along a curve in a counter clockwise direction having a  
30 delta angle of 29 degrees 55 minutes 35 seconds, a radius of  
31 240.00 feet, an arc length of 125.36 feet, a chord bearing of north  
32 13 degrees 03 minutes 28 seconds west along a west line of said  
33 remaining portion of Outlot "F", said line being an east line of said  
34 right-of-way, and a chord distance of 123.94 feet to a point of  
35 reverse curvature; thence along a curve in a clockwise direction  
36 having a delta angle of 29 degrees 55 minutes 35 seconds, a  
37 radius of 360.00 feet, an arc length of 188.03 feet, a chord bearing  
38 of north 13 degrees 03 minutes 28 seconds west along a west line

Teresa city clerk

1 of said remaining portion of Outlot "F", said line being the east line  
2 of said right-of-way, and a chord distance of 185.90 feet to a point  
3 of tangency; thence north 01 degrees 54 minutes 20 seconds east  
4 along the west line of said remaining portion of Outlot "F", said line  
5 being the east line of Grainger Parkway right-of-way, a distance of  
6 243.41 feet to a point of curvature; thence along a curve in a  
7 clockwise direction, having a delta angle of 63 degrees 28 minutes  
8 13 seconds, a radius of 250.00 feet, an arc length of 276.94 feet,  
9 a chord bearing of north 33 degrees 38 minutes 26 seconds east  
10 along the northwest line of said remaining portion of Outlot "F",  
11 said line being a southeast line of said right-of-way, and a chord  
12 distance of 263.00 feet to a point of tangency; thence north 65  
13 degrees 22 minutes 33 seconds east along a northwest line of  
14 said remaining portion of Outlot "F", said line being a southeast  
15 line of said right-of-way, a distance of 146.02 feet to a point of  
16 curvature; thence along a curve in a clockwise direction, having a  
17 delta angle of 24 degrees 41 minutes 04 seconds, a radius of  
18 1,360.00 feet, an arc length of 585.92 feet, a chord bearing of  
19 north 77 degrees 43 minutes 05 seconds east along the north line  
20 of said remaining portion of Outlot "F", said line being the south  
21 line of said right-of-way, and a chord distance of 581.40 feet to a  
22 point of tangency; thence south 89 degrees 56 minutes 23  
23 seconds east along the north line of said remaining portion of  
24 Outlot "F", said line being a south line of said right-of-way, a  
25 distance of 76.54 feet to the northeast corner of said remaining  
26 portion of Outlot "F"; thence south 44 degrees 55 minutes 23  
27 seconds east along a northeast line of said remaining portion of  
28 Outlot "F", said line being a southwest line of said right-of-way, a  
29 distance of 39.59 feet to an east corner of said remaining portion  
30 of Outlot "F"; thence south 00 degrees 05 minutes 36 seconds  
31 west along the east line of said remaining portion of Outlot "F",  
32 said line being the west line of South 40th Street right-of-way, said  
33 line being 60.00 feet west of and parallel with the east line of said  
34 Southeast Quarter, a distance of 733.15 feet to an east corner of  
35 said remaining portion of Outlot "F"; thence north 89 degrees 54  
36 minutes 24 seconds west along a south line of said remaining  
37 portion of Outlot "F", said line being a north line of said right-of-  
38 way, a distance of 10.00 feet to an east corner of said remaining  
39 portion of Outlot "F"; thence south 00 degrees 05 minutes 36  
40 seconds west along the east line of said remaining portion of  
41 Outlot "F", said line being the west line of said right-of-way, said  
42 line being 70.00 feet west of and parallel with the east line of said  
43 Southeast Quarter, a distance of 278.56 feet to an east corner of  
44 said remaining portion of Outlot "F"; thence south 45 degrees 59  
45 minutes 58 seconds west along the southeast line of said  
46 remaining portion of Outlot "F"; said line being a northwest line of  
47 Yankee Hill Road right-of-way, a distance of 26.06 feet to the point  
48 of beginning, said tract contains a calculated area of 896,583.42  
49 square feet or 20.58 acres, more or less;

1           WHEREAS, the real property adjacent to the area included within the site plan for  
2 this construction of commercial space will not be adversely affected; and

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

6           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
7 Lincoln, Nebraska:

8           That the application of Southview and Ridge Development Company, hereinafter  
9 referred to as "Permittee", to develop 224,000 square feet of commercial floor area be and the  
10 same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal  
11 Code upon condition that construction and operation of said commercial space be in strict  
12 compliance with said application, the site plan, and the following additional express terms,  
13 conditions, and requirements:

14           1.     This approval permits 224,000 square feet of commercial floor area with an  
15 adjustment to the sign requirements to allow individual pad signs to be located more than 30'  
16 from the building.

17           2.     Before receiving building permits:

18           a.     The Permittee shall submit to the Planning Department for review and  
19 approval a revised site plan including 5 copies showing the following:

20           i.     Any revisions required by Public Works and Utilities per the  
21 revised traffic study.

22           ii.    A revised landscape plan showing: 1 - street trees deleted; 2 - a  
23 tree species other than Ponderosa Pine planted in mass per Parks  
24 and Recreation's review; 3 - a note that states "THE  
25 LANDSCAPING SHOWN ALONG SOUTH 37<sup>TH</sup> STREET AND  
26 GRAINGER PARKWAY REPRESENTS THE MINIMUM AMOUNT  
27 REQUIRED. ADDITIONAL LANDSCAPING MAY BE PLANTED,  
28 BUT THE REQUIRED AMOUNT SHALL NOT BE REDUCED  
29 BELOW WHAT IS SHOWN. ALL OTHER LANDSCAPING TO  
30 COMPLY WITH LINCOLN MUNICIPAL CODE TITLES 26 AND 27  
31 AND THE CITY OF LINCOLN DESIGN STANDARDS AT THE  
32 TIME OF BUILDING PERMITS. STREET TREES TO BE

1 SHOWN AT TIME OF FINAL PLAT."

2 iii. Add a General Note that states "INTERNAL PEDESTRIAN  
3 SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE  
4 CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF  
5 BUILDING PERMITS."

6 iv. Delete General Notes 15 and 23.

7 v. Delete the text and symbols indicating "Anchor Store Sign."

8 vi. Show the South 40<sup>th</sup> Street driveway aligned with parking aisles,  
9 and the South 37<sup>th</sup> Street driveway aligned to the satisfaction of  
10 Public Works and Utilities.

11 vii. Revise General Note #22 to state "A COMMON ACCESS  
12 EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND  
13 PARKING STALLS."

14 viii. Revise General Note #24 to state "NO BUILDING OR PARKING  
15 SHALL BE ALLOWED IN THE 50'-WIDE LANDSCAPE BUFFER  
16 ADJACENT TO SOUTH 37<sup>TH</sup> STREET OR GRAINGER  
17 PARKWAY."

18 ix. Delete waiver #1.

19 x. Show a vehicle turn-around in the loading area on the west side of  
20 the anchor building.

21 xi. Show the location of the high-pressure gas line.

22 xii. Revise the last line of General Note #13 to state: "THE PARKING  
23 LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE  
24 ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF  
25 BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF  
26 LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS.  
27 LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS  
28 SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING  
29 PERMIT. SIGNS TO CONFORM TO THE ZONING  
30 ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT  
31 AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED  
32 ON THE NORTH AND WEST WALLS OF THE ANCHOR  
33 STORE."

34 xiii. Add a General Note that states "ANY LIGHTING ON THE NORTH  
35 AND WEST SIDES OF THE ANCHOR STORE TO COMPLY  
36 WITH DESIGN STANDARDS Chapter 3.00, SECTION 8.

37 xiv. Add a north arrow and scale.

38 xv. Correct the total acreage in the legal description.

- 1 xvi. Revise General Note #9 to state "ALL MEDIANS, LANDSCAPING  
2 AND PEDESTRIAN CIRCULATION WITHIN THIS USE PERMIT  
3 TO MAINTAINED BY AN ASSOCIATION OF PROPERTY  
4 OWNERS."
- 5 xvii. Revise General Note #20 to state "ATM'S. FENCES,  
6 DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS  
7 ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE  
8 CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND  
9 ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT  
10 TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM  
11 PARKING, AND ARE BUILT ACCORDING TO ZONING  
12 ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE  
13 WITH ALL OTHER APPLICABLE CODES."
- 14 b. Grading and drainage and utility plans revised to the satisfaction of Public  
15 Works and Utilities.
- 16 c. A traffic study accepted by Public Works and Utilities.
- 17 d. A final plat for the site is approved.
- 18 e. The construction plans comply with the approved plans.
- 19 3. Before occupying the buildings all development and construction is to comply  
20 with the approved plans.
- 21 4. All privately-owned improvements, including landscaping and pedestrian  
22 circulation facilities, are to be permanently maintained by the owner or an appropriately  
23 established homeowners association approved by the City.
- 24 5. The site plan accompanying this permit shall be the basis for all interpretations of  
25 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
26 matters.
- 27 6. This resolution's terms, conditions, and requirements bind and obligate the  
28 Permittee, its successors and assigns.
- 29 7. The applicant shall sign and return the letter of acceptance to the City Clerk  
30 within 30 days following the approval of the special permit, provided, however, said 30-day  
31 period may be extended up to six months by administrative amendment. The clerk shall file a

- 1 copy of the resolution approving the special permit and the letter of acceptance with the
- 2 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by:

Jonathan Cook

AYES: Camp, Cook, Eschliman,  
Marvin, McRoy, Newman,  
Svoboda; NAYS: None.

Approved as to Form & Legality:

Diana W. Rappi  
City Attorney

**ADOPTED**  
MAY 15 2006  
BY CITY COUNCIL

Approved this <sup>4th</sup> 18 day of May, 2006:  
Colleen J. Seung  
Mayor

## LETTER OF ACCEPTANCE

City of Lincoln  
Lincoln, Nebraska

RE: Use Permit No. 06004

To The City Clerk:

The undersigned, "Permittee" under Use Permit 06004 granted by Resolution A-83851, adopted by the City Council of the City of Lincoln, Nebraska, on May 15, 2006, 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 Special Permit.

Dated this 5<sup>th</sup> day of June, 2006.

"Permittee"

**RIDGE DEVELOPMENT COMPANY**, a  
Nebraska corporation

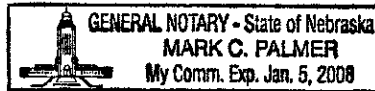
By: Thomas E. White  
Thomas E. White  
President of Development

By: John C. Brager  
John C. Brager  
President of Construction

SOUTHVIEW, INC., a Nebraska corporation

By: [Signature]  
John F. Schleich, President

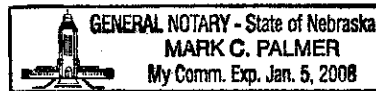
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of May, 2006 by Thomas E. White, as President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.

[Signature]  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of May, 2006 by John C. Brager, as President of Construction of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.

[Signature]  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of June, 2006 by John F. Schleich, as President of **Southview, Inc.**, a Nebraska corporation, on behalf of the corporation.



[Signature]  
Notary Public



# CERTIFICATE

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

I, Teresa J. Meier, 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 06004** approved by **Resolution A-83851** adopted by the City Council on **May 15, 2006** 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 7<sup>th</sup> day of June, 2006.

Teresa J. Meier  
Deputy City Clerk

