

\$39.50

D. J. ...
REGISTER OF DEEDS

INST. NO 98

1998 OCT 12 P 4: 03

053669

BLOCK
CODE
S. POPA
CHECKED
ENTERED
EDITED
X

19
\$39.50

98R-266

Introduce: 8-24-98

(SUBSTITUTE)
RESOLUTION NO. A- 79006

COMBINED USE PERMIT/SPECIAL PERMIT NO. 11B

1 WHEREAS, Zermatt Equity Corporation previously submitted an
2 application in accordance with Sections 27.27.080, 27.37.070, and 27.63.630 of
3 the Lincoln Municipal Code designated as Combined Use Permit/Special Permit
4 No. 11 for authority to develop 717,000 sq. ft. of commercial, retail,
5 theater, and office uses (Southridge Commercial Center) on property generally
6 located on the northeast corner of 27th and Pine Lake Road, and legally
7 described to wit:

8 All of SouthPointe Pavilions 1st Addition in the
9 Northwest Quarter of Section 19, Township 9 North,
10 Range 7 East, and in the Southwest Quarter of Section
11 18, Township 9 North, Range 7 East of the 6th P.M.,
12 Lincoln, Lancaster County, Nebraska;

Lot 1-14, Blk 1
Lot 1-2, Blk 2
Outlot A, B, C
SouthPointe Pavilions 1st

13 WHEREAS, R.E.D. Capital Development, successor in interest to
14 Zermatt Equity Corporation, has now submitted an application designated as
15 Combined Use Permit/Special Permit No. 11B for authority to amend said Permit
16 by waiving certain sidewalk requirements, by reducing the front yard setback
17 from 40 to 30 feet for signs along South 27th Street and Pine Lake Road, by
18 reducing the required parking, and by varying the height requirement from 40
19 to 46 feet for an entrance tower on the facade of the movie theater; and

20 WHEREAS, the real property adjacent to the area included within
21 the site plan for this amended Use Permit/Special Permit will not be adversely
22 affected; and

23 WHEREAS, said amendment together with the terms and conditions
24 hereinafter set forth are consistent with the intent and purpose of Title 27

X

1 of the Lincoln Municipal Code to promote the public health, safety, and
2 general welfare.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
4 Lincoln, Nebraska:

5 That the application of R.E.D. Capital Development, hereinafter
6 referred to as "Permittee", to amend the Combined Use Permit/Special Permit
7 for Southridge Commercial Center by waiving certain sidewalk requirements, by
8 reducing the front yard setback from 40 to 30 feet for signs along South 27th
9 Street and Pine Lake Road, by reducing the required parking, and by varying
10 the height requirement from 40 to 46 feet for an entrance tower on the facade
11 of the movie theater on the property legally described above, be and the same
12 is hereby granted under the provisions of Sections 27.27.080, 27.37.070 and
13 27.63.630 of the Lincoln Municipal Code upon the following express terms,
14 conditions, and requirements:

15 1. The City Council approves the following adjustments as
16 permitted by Section 27.37.070(i):

- 17 a. A reduction of the 40 foot front yard setback to 30
18 feet for 11 signs along South 27th Street and Pine
19 Lake Road as long as they do not obstruct site
20 triangles and are out of the public right-of-way.
- 21 b. A reduction of the required parking for Lots 9 and 10,
22 Block 1, by 234 stalls provided that Lot 10 is used
23 for an office building and Lot 9 adjacent to the south
24 is used for a movie theater or other use with non-
25 concurrent parking demands.

1 c. A delay of construction of 104 parking stalls out of
2 the total required parking for the commercial uses on
3 Lot 8, Block 1, until such time as a parking garage is
4 constructed on the site.

5 d. An increase in the 40 foot height limit of Section
6 27.37.060(e) to 46 feet solely for the tower on the
7 facade of the proposed theater building on Lot 9,
8 Block 1.

9 2. The requirement of Section 26.27.020 of the Lincoln
10 Municipal Code requiring the construction of sidewalks on both sides of all
11 streets is modified to waive the requirement that sidewalks be constructed on
12 the south side of Ridgeline Road, on the south side of Southridge Road, on the
13 west side of South 29th Street on the south side of Zermatt Drive between 28th
14 and 29th Streets, and on both sides of South 28th Street (private roadway).

15 3. Before receiving building permits the Permittee must submit
16 a revised and reproducible final plan of the entire use permit area together
17 with all approved amendments. The revised final plan shall be the basis for
18 all interpretations of setbacks, yards, locations of buildings, location of
19 parking and circulation elements, and similar matters.

20 4. Except as amended by this resolution, all terms and
21 conditions of Combined Use Permit/Special Permit No. 11 and 11A, including all
22 waivers granted thereby, shall remain in full force and effect.

23 5. The terms, conditions, and requirements of this resolution
24 shall be binding and obligatory upon the Permittee, its successors and
25 assigns. The building official shall report violations to the City Council

1 which may revoke this use permit or take such other action as may be necessary
2 to gain compliance.

3 6. The Permittee shall sign and return the City's letter of
4 acceptance to the City Clerk within 30 days following approval of this
5 combined use permit/special permit, provided, however, said 30-day period may
6 be extended up to six months by administrative amendment. The City Clerk
7 shall file a copy of the resolution approving this use permit and the letter
8 of acceptance with the Register of Deeds, filing fees therefor to be paid in
9 advance by the Permittee.

Introduced by:

Steven P. Young

Approved as to Form & Legality:

AYES: Donaldson, Fortenberry, Johnson,
Seng, Shoecraft, Wilson, Young;
NAYS: None.

Bob Ken
Asst. City Attorney

Staff Review Completed:

Lori McClurg
Administrative Assistant

APPROVED

SEP 3 1998

[Signature]
MAYOR

^{P.M.}
ADOPTED

AUG. 31, 1998

BY CITY COUNCIL

LETTER OF ACCEPTANCE

FILED
CITY OF LINCOLN
NEBRASKA
OCT 5 PM 11 01

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, DAN LOWE, authorized representative of R.E.D. Capital Development, L.L.C., referred to as Permittee in **Combined Use Permit/Special Permit No. 11B**, granted by **Resolution No. A-79006**, adopted by the City Council of the City of Lincoln, Nebraska, on August 31, 1998, do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

Dated this 2nd day of OCTOBER, 1998.



R.E.D. Capital Development, L.L.C.

C E R T I F I C A T E

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

I, Joan E. Ross, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Combined Use Permit/Special Permit No. 11B** approved by **Resolution No. A-79006** adopted by the City Council on August 31, 1998, 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 12th day of October, 1998.


Joan E. Ross
Deputy City Clerk

Ret to City Clerk