

W.9A
IT
C

08R-319

Introduce: 12-15-08

RESOLUTION NO. A- 85194

SPECIAL PERMIT NO. 384F

1 WHEREAS, Tabitha, Inc. has submitted an application designated as Special
2 Permit No. 384F for authority to add an assisted living facility and to expand the boundary of the
3 campus of its health care facility to provide additional parking, with a request to reduce the front
4 yard setback from 45 feet to 25 feet and adjust the allowed height from 35 feet to 40 feet, on
5 property generally located at South 48th Street and Randolph Street, legally described as:

6 Lot 22 I.T., the south 40' of Lot 99, Lots 100, 101, 115, 116, 117
7 and 118, Witherbee Gardens, Lincoln, Lancaster County,
8 Nebraska; (Northwest Quarter, Section 29-10-7) *JGM*

9
10 WHEREAS, the real property adjacent to the area included within the site plan
11 for the assisted living facility and parking lot 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 City Council of the City of
16 Lincoln, Nebraska:

17 That the application of Tabitha, Inc., hereinafter referred to as "Permittee", to
18 add an assisted living facility and to expand the boundary of the campus of its health care
19 facility to provide additional parking on property legally described above be and the same is
20 hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon
21 condition that construction of said assisted living facility and parking lot be in substantial
22 compliance with said application, the site plan, and the following additional express terms,
23 conditions, and requirements:

Return to:
Teresa @ City Clerk

1 1. This permit approves an expansion of the existing health care facility
2 including a 63-bed assisted living facility, a new front entrance and office area to the main
3 building, and a 65-stall parking lot north of J Street with adjustments reducing the front setback
4 from 45 feet to 25 feet and increasing the maximum height from 35 feet to 40 feet for the new
5 assisted living facility.

6 2. Before receiving building permits:

7 a. The Permittee must submit a revised and reproducible final site
8 plan including five copies with all required revisions to the
9 Planning Department showing the following revisions:

10 i. Revise the area calculations on the site plan to include the
11 areas north of J Street.

12 ii. Show the setbacks for the areas north of J Street.

13 iii. Delete the landscaping shown and add a note that states,
14 "All landscaping to be provided per LMC and Design
15 Standards at the time of buildings permit with two
16 exceptions. Required landscaping extending from the
17 South 46th Street driveway to the south lot line west of the
18 assisted living facility shall consist of 80% screen up to 10'
19 in height, with one-half the screen growing to a mature
20 height of at least 30' in height. Screening for existing 17
21 parking spaces in the front yard along South 48th Street to
22 consist of a 90%, 3' tall screen."

23 iv. Add a sidewalk along the south side of the proposed
24 entrance driveway off South 46th Street, along with a
25 connection across the parking lot median to the sidewalk
26 extending north to J Street.

27 v. Add a note that states, "Concept plans included a pitched-
28 roof design for the assisted living facility. Change to a flat
29 roof design must be approved by administrative
30 amendment."

31 b. The construction plans must substantially comply with the
32 approved plans.

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

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

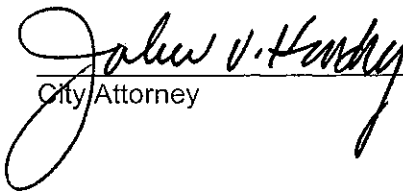
3 5. The physical location of all setbacks and yards, buildings, parking and
4 circulation elements, and similar matters must be in substantial compliance with the location of
5 said items as shown on the approved site plan.

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

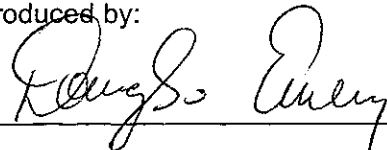
8 7. The site plan as approved by this resolution voids and supersedes all
9 previously approved site plans, however, the terms, conditions and requirements in all
10 resolutions approving previous permits shall remain in full force and effect except as specifically
11 amended by this resolution.

12 ^{8 GER}
7. The Permittee shall sign and return the City's letter of acceptance to the
13 City Clerk within 60 days following approval of the special permit, provided, however, said 60-
14 day period may be extended up to six months by administrative amendment. The City Clerk
15 shall file a copy of the resolution approving the special permit and the letter of acceptance with
16 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Approved as to Form & Legality:

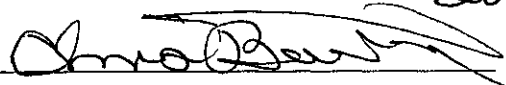

City Attorney

Introduced by:



AYES: Camp, Cook, Emery,
Marvin, Spatz, Svoboda; NAYS:
None; ABSENT: Eschliman.

ADOPTED
JAN 05 2009
BY CITY COUNCIL

Approved this ^{8th} day of Jan, ~~2008~~
²⁰⁰⁹

Mayor

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit 384F**

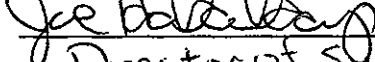
To The City Clerk:

The undersigned, "Permittee" under **Special Permit 384F** granted by **Resolution A-85194**, adopted by the City Council of the City of Lincoln, Nebraska, on **January 5, 2009**, 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 20 day of January, 2009.


_____, Permittee

By: 
Title: Director of Support Services

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

* The foregoing instrument was acknowledged before me this 20 day of January, 2009, by [Signature], an individual.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, general partner of _____, a Nebraska general partnership.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, Member, on behalf of _____, a Nebraska limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2009, by _____, President of _____, a Nebraska corporation.

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 **Special Permit 384F** approved by **Resolution A-85194**, adopted by the City Council on **January 5, 2009**, 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 January, 2009.

Teresa J. Meier
Deputy City Clerk

