



RESOLUTION NO. PC-01527

SPECIAL PERMIT NO. 384H

1 WHEREAS, Tabitha, Inc. has submitted an application designated as Special  
2 Permit No. 384H for expansion of a residential health care campus to add two 19-bed small  
3 house facilities, on property generally located at South 48<sup>th</sup> Street and Randolph Street, and  
4 legally described as:

5 Lots 8-10, Peterson Place; Lots 1 and 2, Tabitha Addition; Lots  
6 83-84, 98-102, and 114-119, Witherbee Gardens, except the  
7 south half of Lot 119, all located in the Northwest Quarter of  
8 Section 29, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M. and  
9 Lot 175 I.T. and Lot 158 I.T. in the Southwest Quarter of Section  
10 29, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln,  
11 Lancaster County, Nebraska;

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

14 WHEREAS, the community as a whole, the surrounding neighborhood, and the  
15 real property adjacent to the area included within the site plan for this expansion of a residential  
16 health care campus will not be adversely affected by granting such a permit; and

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

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

PET  
Tabitha  
W.G.A

Aug 11, 2017

1                   That the application of Tabitha, Inc., hereinafter referred to as "Permittee", for a  
2 special permit for expansion of a residential health care campus to add two 19-bed small house  
3 facilities, on the property described above, be and the same is hereby granted under the  
4 provisions of Section 27.63.530 of the Lincoln Municipal Code upon condition that the  
5 development be in substantial compliance with said application, the site plan, and the following  
6 additional express terms, conditions, and requirements:

7                   1.       This permit approves a Residential Health Care Facility in the R-2 and R-  
8 4 Residential zoning districts with an increase in the maximum number of residents allowed to  
9 348 residents and with a waiver for storm water detention.

10                  2.       Before receiving building permits the Permittee shall:

11                   a.       Cause to be prepared and submitted to the Planning Department  
12 a revised and reproducible final plot plan including 3 copies with all required revisions as listed  
13 below:

- 14                   i.       Clarify the use of the half circle feature shown as projecting  
15 into the 25' setback for the two new small house facilities.  
16 If these are part of the structure they would need to meet  
17 building setbacks.
- 18                   ii.       Provide project building envelopes.
- 19                   iii.       Delete Note 8 as it relates to a front yard setback that  
20 cannot be granted under current Code.
- 21                   iv.       Note 7: Add sentence stating that the landscape plan will  
22 include installation of missing street trees in areas of new  
23 construction and identify existing street trees to be  
24 preserved.
- 25                   v.       Label rear and side yard setbacks in addition to labeling  
26 the front yard setbacks.
- 27                   vi.       Add a note stating that the 12 residents in the Future Small  
28 House in Area 4 and at least 4 more elsewhere in the  
29 Special Permit area will comply with the barrier-free  
30 standards in the design standards subject to final density  
31 table verification.
- 32                   vii.      Update plan to show easements to the satisfaction of LES.

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viii. Clarify by updating the Plan that setbacks versus S. 48<sup>th</sup> Street and Randolph Street are measured from the building line district line for buildings and parking. Remove J Street building line district note as it is S. 48<sup>th</sup> and Randolph Streets only that are in said district. Also add note to general notes that parking spaces, other than required minimum parking, may be located within a building line district but that the property owner shall agree to remove the parking spaces at no cost to the City for removing the parking which exceed the costs the City would normally incur in the widening of such street without the existence of such parking spaces.

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ix. Add note that the number of residents includes the additional residents allowed where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council which is subject to verification at time of building permit.

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b. Provide agreement acceptable to the Public Works – Engineering Services for maintenance of the parking stalls in the S. 47<sup>th</sup> Street right of way.

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c. Provide landscaping plan acceptable to the Planning Director.

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d. The Permittee shall provide verification that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.

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e. The construction plans must substantially comply with the approved plans.

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3. Before occupying the buildings all development and construction shall substantially comply with the approved plans.

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4. All privately owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the Permittee.

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

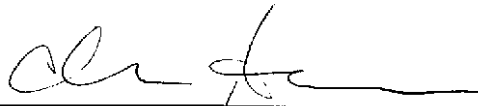
1                   6.       The terms, conditions, and requirements of this resolution shall run with  
2 the land and be binding upon the Permittee, its successors, and assigns.

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

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

12                   The foregoing Resolution was approved by the Lincoln City-Lancaster County  
13 Planning Commission on this 9 day of November, 2016.

ATTEST:

  
\_\_\_\_\_  
Chair

Approved as to Form & Legality:

  
\_\_\_\_\_  
Chief Assistant City Attorney

**LETTER OF ACCEPTANCE**

City of Lincoln  
Lincoln, Nebraska

RE: **Special Permit No. 384H** - To expand an existing health care facility for additional facilities dedicated to skilled nursing and associated parking with an increase in the number of residents allowed and with waiver for storm water detention, on property legally described as Lot 158 SW, Lot 175, I.T., located in the SW 1/4 of Sec. 29-10-07; Lots 1-2 Tabitha Addition; portions of Lots 83-84, Lots 98-101, and Lots 115-118, Witherbee Gardens; Lots 8-10 Peterson Place; and portions of Lots 102, 114, and 119, Witherbee Gardens, located in the NW 1/4 of Sec. 29-10-7, Lincoln, Lancaster County, Nebraska (4720 Randolph St.)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 384H**, granted by **Resolution No. PC-01527**, adopted by the Lincoln City-Lancaster County Planning Commission on November 9, 2016, 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 the 9 day of January, 2016.

TABITHA, INC Permittee

By: Joe Hakenkamp  
Title: Corporate Facility Director

STATE OF Nebraska )  
COUNTY OF Lancaster ) ss.

The foregoing Instrument was acknowledged before me this 9<sup>th</sup> day of January, 2017, by Joe Hakenkamp, the Facility Director of TABITHA, INC., as permittee.

Kathy Potratz  
Notary Public

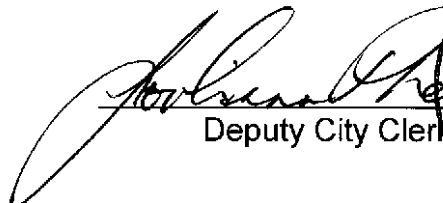


# CERTIFICATE

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 **Special Permit No. 384H** as adopted and approved by **Resolution No. PC-01527** of the Lincoln City-Lancaster County Planning Commission at its meeting held **November 9, 2016** 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 2<sup>nd</sup> day of December, 2016.

  
Deputy City Clerk

