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LANCASTER COUNTY, NE

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A82449

03R-299

Introduce: 10-20-03

RESOLUTION NO. A- 82449

SPECIAL PERMIT NO. 2022

1 WHEREAS, Ridge Development Company and Southview, Inc. has submitted
 2 an application designated as Special Permit No. 2022 for authority to develop a Planned
 3 Service Commercial development in the H-4 General Commercial District for approximately
 4 172,650 square feet of commercial floor area, with waivers to allow zero setbacks on certain
 5 lots, to reduce the front yard setback along South 27th Street, and to reduce the minimum lot
 6 area, on property generally located northeast of the intersection of South 27th Street and
 7 Yankee Hill Road, and legally described to wit:

8 A portion of Outlot "E" Pine Lake Heights South 4th Addition,
 9 located in the Southwest Quarter of Section 19, Township 9
 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster
 11 County, Nebraska, and more particularly described as follows:

12
 13 Commencing at the southwest corner of said Southwest Quarter,
 14 said point being the true point of beginning; thence on an
 15 assumed bearing of north 00 degrees 02 minutes 09 seconds
 16 west along the west line of said Southwest Quarter, distance of
 17 1,162.79 feet to a point; thence north 89 degrees 57 minutes 52
 18 seconds east, a distance of 238.59 feet to a point; thence north
 19 00 degrees 29 minutes 28 seconds east, a distance of 60.80
 20 feet to a point; thence north 89 degrees 57 minutes 52 seconds
 21 east, a distance of 55.43 feet to a point; thence south 75
 22 degrees 54 minutes 57 seconds east, a distance of 173.43 feet
 23 to a point of curvature; thence along a curve in a clockwise
 24 direction, having a radius of 50.00 feet, arc length of 52.65 feet,
 25 delta angle of 60 degrees 19 minutes 54 seconds, a chord
 26 bearing of south 45 degrees 45 minutes 00 seconds east, and
 27 a chord length of 50.25 feet to a point; thence south 15 degrees
 28 35 minutes 02 seconds east, a distance of 45.78 feet to a point;

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thence south 52 degrees 39 minutes 47 seconds east, a distance of 316.32 feet to a point; thence south 46 degrees 55 minutes 10 seconds east, a distance of 67.29 feet to a point of a non tangent curve; thence along a curve in a counter clockwise direction, having a radius of 200.00 feet, arc length of 68.31 feet, delta angle of 19 degrees 34 minutes 10 seconds, a chord bearing of north 33 degrees 17 minutes 45 seconds east, and a chord length of 67.98 feet to a point of tangency; thence north 23 degrees 30 minutes 40 seconds east, a distance of 148.95 feet to a point of a non tangent curve, said point being the intersection with the center line of Grainger Parkway right-of-way; thence along a curve in a counter clockwise direction, having a radius of 800.00 feet, arc length of 355.83 feet, delta angle of 25 degrees 29 minutes 04 seconds, a chord bearing of south 77 degrees 34 minutes 42 seconds east, and a chord length of 352.90 feet to a point of intersection with the center line of future South 30th Street right-of-way; thence south 00 degrees 19 minutes 13 seconds east along said center line, a distance of 415.97 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 5,000.00 feet, arc length of 80.39 feet, delta angle of 00 degrees 55 minutes 16 seconds, a chord bearing of south 00 degrees 46 minutes 51 seconds east along said center line, and a chord length of 80.39 feet to a point of tangency; thence south 01 degrees 14 minutes 30 seconds east along said center line, a distance of 458.42 feet to a point of intersection with the south line of said Southwest Quarter; thence south 88 degrees 45 minutes 30 seconds west along the south line of said Southwest Quarter, a distance of 1,266.00 feet to the point of beginning, said tract contains a calculated area of 1,326,955.48 square feet or 30.4627 acres, more or less;

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WHEREAS, the real property adjacent to the area included within the site plan for this Planned Service Commercial development will not be adversely affected; and
WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

AMENDED 11/3/03

1 That the application of Ridge Development Company and Southview, Inc.,
2 hereinafter referred to as "Permittee", to develop a Planned Service Commercial
3 development in the H-4 General Commercial District for approximately 172,650 square feet
4 of commercial floor area, on the property legally described above, be and the same is hereby
5 granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon
6 condition that construction and operation of said be in strict compliance with said application,
7 the site plan, and the following additional express terms, conditions, and requirements:

- 8 1. This permit approves 172,650 square feet of commercial floor area.
- 9 2. A waiver of all required yards to allow 0' setback for Lots 1 and 2, Block
10 1, and Lots 1-12, Block 2, is approved.
- 11 3. A waiver to reduce the front yard setback from 50' to 40' along South
12 27th Street is approved.
- 13 4. A waiver to reduce the minimum lot area in the H-4 district from 15,000
14 square feet to 4,000 square feet is approved.
- 15 5. Before receiving building permits:
 - 16 a. The Permittee must submit an acceptable, revised and
17 reproducible final plan including five copies.
 - 18 b. The construction plans must conform to the approved plans.
 - 19 c. Final Plats within the area of this planned commercial area must
20 be approved by the City.
 - 21 d. See following page.
- 22 6. Before occupying any buildings all development and construction must
 be completed in conformance with the approved plans.

- d. The Permittee must revise note 5 on the plan to read as follows:
“Signs need not be shown on the site plan, but will be shown at the time of building permit and will be per Chapter 27.69 of the Lincoln Municipal Code. No pole signs shall be allowed on Lots 1 and 3, Block 1.”
- e. The Permittee must revise Note 12 on the plan to read as follows:
“All outside lighting shall meet City of Lincoln Design Standards for parking lots. At least two-thirds of all outside lights in Lot 1 and 2, Block 1, shall be turned off 30 minutes after business hours.”

AMENDED 11/3/03

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7. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

8. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

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

11. See following page.

Introduced by:

Jonathan Cook

AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

ADOPTED
NOV 03 2003
BY CITY COUNCIL

Approved as to Form & Legality:

Dana W. Pope
City Attorney

Approved this 5 day of Nov, 2003:

Colleen J. Seng
Mayor

11. Permittee shall adopt and enforce a policy prohibiting its service technicians from test driving vehicles in or through residential areas. Permittee shall adopt a policy that its salespeople shall instruct customers to avoid driving in or through residential areas during test drives.

BE IT FURTHER RESOLVED that the amendment to the Pine Lake South Agreement for Installation of Off-Site Transportation Improvements, attached hereto marked as Attachment "A" and incorporated herein by reference, is hereby accepted and approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, Nebraska.

03R-299

10/27/03 Council Proceedings:

COOK Moved to delay action on 03R-299 for one week to 11/3/03.
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt,
McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

11/03/03 Council Proceedings:

COOK Moved to amend Bill No. 03R-299 in the following manner:

1. On page 3, after line 20, insert the following paragraphs d and e:
 - d. The Permittee must revise note 5 on the plan to read as follows:
"Signs need not be shown on the site plan, but will be shown at the time of building permit and will be per Chapter 27.69 of the Lincoln Municipal Code. No pole signs shall be allowed on Lots 1 and 2, Block 1."
 - e. The Permittee must revise Note 12 on the plan to read as follows:
"All outside lighting shall meet City of Lincoln Design Standards for parking lots. At least two-thirds of all outside lights in Lot 1 and 2, Block 1, shall be turned off 30 minutes after business hours."
2. On page 4, after line 15, insert the following paragraph:
 11. Permittee shall adopt and enforce a policy prohibiting its service technicians from test driving vehicles in or through residential areas. Permittee shall adopt a policy that its salespeople shall instruct customers to avoid driving in or through residential areas during test drives.

Seconded by Newman & carried by the following vote: AYES: Cook, Friendt,
McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

COOK Moved to amend Bill No. 03R-299 in the following manner:

1. On page 4, after line 15, insert the following:

BE IT FURTHER RESOLVED that the amendment to the Pine Lake South Agreement for Installation of Off-Site Transportation Improvements, attached hereto marked as Attachment "A" and incorporated herein by reference, is hereby accepted and approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, Nebraska.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt,
McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

03R-299

MOTION TO AMEND NO. 2

I hereby move to amend Bill No. 03R-299 in the following manner:

1. On page 4, after line 15, insert the following:

BE IT FURTHER RESOLVED that the amendment to the Pine Lake South Agreement for Installation of Off-Site Transportation Improvements, attached hereto marked as Attachment "A" and incorporated herein by reference, is hereby accepted and approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln, Nebraska.

Introduced by:

Jonathan Cook

AYES: Camp Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

Approved as to Form & Legality:

Asst. Phil Peo
City Attorney

Requested by: Applicant

Reason for Request: The conditions of approval for Special Permit No. 2022 requires the Applicant to submit a signed agreement regarding financial responsibilities for off-site improvements.

ADOPTED
NOV 03 2003
BY CITY COUNCIL

03R-299

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 03R-299 in the following manner:

1. On page 3, after line 20, insert the following paragraphs d and e:

d. The Permittee must revise Note 5 on the plan to read as follows: "Signs need not be shown on the site plan, but will be shown at the time of building permit and will be per Chapter 27.69 of the Lincoln Municipal Code. No pole signs shall be allowed on Lots 1 and 2, Block 1."

e. The Permittee must revise Note 12 on the plan to read as follows: "All outside lighting shall meet City of Lincoln Design Standards for parking lots. At least two-thirds of all outside lights in Lot 1 and 2, Block 1, shall be turned off 30 minutes after business hours."

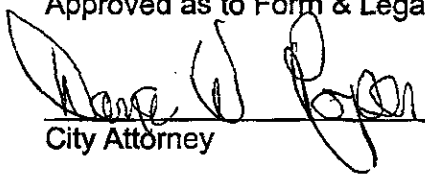
2. On page 4, after line 15, insert the following paragraph:

11. Permittee shall adopt and enforce a policy prohibiting its service technicians from test driving vehicles in or through residential areas. Permittee shall adopt a policy that its salespeople shall instruct customers to avoid driving in or through residential areas during test drives.

Introduced by:

JONATHAN COOK

Approved as to Form & Legality:



City Attorney

AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

Requested by: Seacrest & Kalkowski, P.C. on behalf of Ridge Development Company and Southview, Inc.

Reason for Request: To respond to neighborhood concerns.

ADOPTED
NOV 03 2003
BY CITY COUNCIL

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

We, Thomas E. White, John C. Brager and Gerald L. Schleich the undersigned representatives of **Ridge Development Company** and **Southview, Inc.**, Permittees in **Special Permit 2022** granted by **Resolution A-82449** adopted by the City Council of the City of Lincoln, Nebraska, on **November 3, 2003** do hereby certify that we 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 17th day of November, 2003.

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: Gerald L. Schleich
Gerald L. Schleich, President

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 2022** approved by **Resolution No. A-82449** adopted by the City Council on **Nov. 3, 2003** 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 19th day of Nov., 2003.

