



UR-211

Introduce: 10-22-07

21
PILMS9
PILMS012
PILMS013
R

84616

RESOLUTION NO. A-

Special Permit No. 2022B

1 WHEREAS, Airpark Holdings V, LLC has submitted an application designated as
2 Special Permit No. 2022B for authority to expand the existing Planned Service Commercial
3 Development approved by Special Permit No. 2022A for an additional 44,875 sq. ft. of commercial
4 space and a waiver of the sign regulations on property generally located at the southeast corner
5 of S. 27th Street and Grainger Parkway and legally described as:

6 Lots 3 through 7 and Outlot A, Pine Lake Heights South 9th Addition;
7 Lots 1 and 2, Pine Lake Heights South 12th Addition; and Lots 1 and
8 2, Pine Lake Heights South 13th Addition, all located in the
9 Southwest Quarter of Section 19, Township 9 North, Range 7 East
10 of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more
11 particularly described as follows:

12 Commencing at the intersection of the south line of Grainger
13 Parkway right-of-way and the east line of South 27th Street right-of-
14 way, said point being the true point of beginning; thence on an
15 assumed bearing of north 89 degrees 57 minutes 52 seconds east
16 along the south line of Grainger Parkway right-of-way, a distance of
17 302.00 feet to a point of curvature; thence along a curve in a
18 clockwise direction, having a radius of 241.00 feet, arc length of
19 226.05 feet, delta angle of 53 degrees 44 minutes 27 seconds, a
20 chord bearing of south 63 degrees 09 minutes 55 seconds east
21 along the south line of Grainger Parkway right-of-way, and a chord
22 length of 217.85 feet to a point; thence along a curve in a counter
23 clockwise direction, having a radius of 859.00 feet, arc length of
24 43.53 feet, delta angle of 02 degrees 54 minutes 12 seconds, a
25 chord bearing of south 37 degrees 44 minutes 47 seconds east
26 along the south line of Grainger Parkway right-of-way, and a chord
27 length of 43.52 feet to a point; thence north 50 degrees 48 minutes
28 07 seconds east along the south line of Grainger Parkway right-of-
29 way, a distance of 11.00 feet to a point; thence along a curve in a
30 counter clockwise direction, having a radius of 840.20 feet, arc
31 length of 551.78 feet, delta angle of 37 degrees 37 minutes 40
32 seconds, a chord bearing of south 59 degrees 29 minutes 59
33 seconds east along the south line of Grainger Parkway right-of-way,
34 and a chord length of 541.92 feet to a point; thence along a curve in
35 a counter clockwise direction, having a radius of 833.00 feet, arc
36 length of 163.58 feet, delta angle of 11 degrees 15 minutes 06

Return to:
Teresa @ City Clerk

1 seconds, a chord bearing of south 82 degrees 25 minutes 27
2 seconds east along the south line of Grainger Parkway right-of-way,
3 and a chord length of 163.32 feet to a point of intersection with the
4 south line of Grainger Parkway right-of-way and the west line of
5 South 30th Street right-of-way; thence south 00 degrees 19 minutes
6 13 seconds east along the west line of South 30th Street right-of-
7 way, a distance of 383.62 feet to a point of curvature; thence along
8 a curve in a counter clockwise direction, having a radius of 5,033.00
9 feet, arc length of 49.45 feet, delta angle of 00 degrees 33 minutes
10 46 seconds, a chord bearing of south 00 degrees 36 minutes 07
11 seconds east along the west line of South 30th Street right-of-way,
12 and a chord length of 49.45 feet to a point; thence along a curve in
13 a counter clockwise direction, having a radius of 5,484.00 feet, arc
14 length of 31.51 feet, delta angle of 00 degrees 19 minutes 45
15 seconds, a chord bearing of south 01 degrees 12 minutes 49
16 seconds west along the west line of South 30th Street right-of-way,
17 and a chord length of 31.51 feet to a point; thence south 01 degrees
18 02 minutes 56 seconds west along the west line of South 30th Street
19 right-of-way, a distance of 118.82 feet to a point; thence south 01
20 degrees 14 minutes 30 seconds east along the west line of South
21 30th Street right-of-way, a distance of 279.70 feet to a point of
22 intersection with the west line of South 30th Street right-of-way and
23 the north line of Yankee Hill Road right-of-way; thence south 88
24 degrees 45 minutes 30 seconds west along the north line of Yankee
25 Hill Road right-of-way, said line being 60.00 feet north of and parallel
26 with the said Southwest Quarter, a distance of 1,140.72 feet to a
27 point of deflection at the north line of Yankee Hill Road right-of-way;
28 thence north 45 degrees 38 minutes 19 seconds west, a distance of
29 34.98 feet to a point of deflection at the east line of South 27th Street
30 right-of-way; thence north 00 degrees 02 minutes 08 seconds west
31 along the east line of South 27th Street right-of-way, said line being
32 60.00 feet east of and parallel with the west line of said Southwest
33 Quarter, a distance of 1,285.44 feet to the point of beginning, said
34 tract contains a calculated area of 1,290,626.03 square feet or 29.63
35 acres, more or less;

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

38 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
39 property adjacent to the area included within the site plan for this expansion of the Planned Service
40 Commercial Development area will not be adversely affected by granting such a permit; and

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

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

6 That the application of Airpark Holdings V, LLC, hereinafter referred to as
7 "Permittee", to expand the existing Planned Service Commercial Development approved by Special
8 Permit No. 2022A for an additional 44,875 sq. ft. of commercial space and a waiver of the sign
9 regulations, be and the same is hereby granted under the provisions of Sections 27.63.470 and
10 27.69.047(a) of the Lincoln Municipal Code upon condition that development of commercial uses
11 be in strict compliance with said application, the site plan, and the following additional express
12 terms, conditions, and requirements:

13 1. This approval permits the expansion of the existing Planned Service
14 Commercial Development approved by Special Permit No. 2022A for an additional 44,875 square
15 feet of commercial uses and a sign plan that waives the sign regulations in Section 27.69.047 of
16 the Zoning Ordinance.

17 2. The City Council must approve the associated request for Change of Zone
18 # 07053.

19 3. Upon approval of Special Permit 2022B by the City Council, the Permittee
20 shall cause to be prepared and submitted to the Planning Department a revised and reproducible
21 final site plan including five copies with all required revisions and documents as listed below before
22 receiving building permits:

23 a. Add to the General Notes, "Signs north of Jamie Lane shall comply
24 with the sign plan submitted with SP2022B."

- 1 b. Show the correct legal description of the special permit on the site
2 plan.
- 3 c. Make revisions per LES memo dated September 20 2007.
- 4 d. Make revisions per Public Works memo dated September 27, 2007.
- 5 e. Add the following to the sign plan:
- 6 i. Lot lines.
- 7 ii. All existing signs.
- 8 iii. Sight triangles.
- 9 iv. Distance from the lot line to ground sign 1.
- 10 v. Definition of "vertical sign".
- 11 vi. Add a note stating minor shifts in location or size of signs
12 may be approved administratively.
- 13
- 14 f. Add a note stating all uses are permitted on Lots 2 through 5, Block
15 2, as shown on the site plan (former O-3 area) per the Planned
16 *Service Commercial special permit, except car washes, drive-thru*
17 *facilities; bars; retail establishments open twenty-four hours per day;*
18 *automobile, motorcycle, and four-wheel truck sales; warehouses,*
19 *mini-warehouses; wholesale and distribution centers; ambulance*
20 *services; hospitals and clinics for animals; contractors' office and*
21 *storage; service stations; food storage lockers; automobile repairs,*
22 *including vehicle body repair shops; broadcast towers; indoor*
23 *kennels; outdoor exercise area associated with an indoor animal*
24 *hospital or indoor kennel; automobile/truck wash facility; and motels*
25 *and hotels. Add a note stating all uses are permitted on Lots 1 and*
26 *6 through 8, Block 2, (north of Jamie Lane) per the Planned Service*
27 *Commercial special permit except commercial storage or sale of*
28 *farm implements and products used for agriculture, but not including*
29 *fertilizer, or toxic or flammable agricultural chemicals, warehouses,*
30 *mini-warehouses, and food storage lockers.*
- 31 g. Add a note stating that the building and sign elevations will generally
32 conform with the overall scale, massing, architectural style and four-
33 side building treatment as represented on the attached elevations,
34 *unless the Planning Director agrees otherwise in writing.*
- 35
- 36 h. The construction plans comply with the approved site plans.
- 37

- 1 i. The required easements as shown on the site plan are recorded with
2 the Register of Deeds.
- 3
- 4 j. Combine Lots 7 and 8 into one lot.
- 5
- 6 4. Before occupying buildings all development and construction is to comply
7 with the approved plans.
- 8 5. All privately-owned improvements, including landscaping are to be
9 permanently maintained by the Permittee.
- 10 6. The site plan accompanying this permit shall be the basis for all
11 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
12 elements, and similar matters.
- 13 7. This resolution's terms, conditions, and requirements bind and obligate the
14 Permittee, its successors and assigns.
- 15 8. The applicant shall sign and return the letter of acceptance to the City Clerk
16 within 60 days following the approval of the special permit, provided, however, said 60-day period
17 may be extended up to six months by *administrative amendment*. The City Clerk shall file a copy
18 of the resolution approving the special permit and the letter of acceptance with the Register of
19 Deeds, filling fees therefor to be paid in advance by the Permittee.
- 20 9. The site plan as approved with this resolution voids and supersedes all
21 previously approved site plans, however all resolutions approving previous permits remain in force
22 unless specifically amended by this resolution.
- 23 10. Use permits 134 and 134A are void and superceded by the adoption of this
24 special permit and change of zone.

07R-217

Introduced by:

Robin Eschel

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

Approved as to Form & Legality:

David W. Popper
City Attorney

ADOPTED
NOV - 5 2007
BY CITY COUNCIL

Approved this 7th day of NOV., 2007:
[Signature]
Mayor

C4265L

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit 2022B**

To The City Clerk:

The undersigned, "Permittee" under **Special Permit 2022B** granted by **Resolution A-84616**, adopted by the City Council of the City of Lincoln, Nebraska, on **Nov. 5, 2007**, 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 December, 2007.

"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

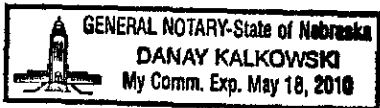
Permittee Inc.

SOUTHVIEW, INC., a Nebraska corporation

By: [Signature]
John F. Schleich, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

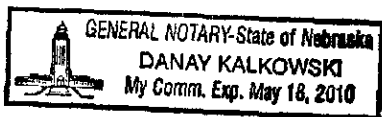
The foregoing instrument was acknowledged before me this 20 day of December, 2007 by Thomas E. White, as President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

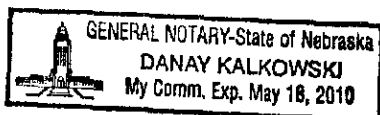
The foregoing instrument was acknowledged before me this 20 day of December, 2007 by John C. Brager, as President of Construction of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 20 day of December, 2007 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 **Special Permit 2022B** approved by **Resolution A-84616** adopted by the City Council on **Nov. 5, 2007** 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 November, 2007.

Teresa J. Meier
Deputy City Clerk

