

95R-340

Introduce: 11-20-95

RESOLUTION NO. A- 77118

USE PERMIT NO. 80

1 A RESOLUTION authorizing the development of a Technology Park in  
2 the Highlands by the University of Nebraska Foundation.

3 RECITALS

4 A. The University of Nebraska Foundation has submitted an application  
5 in accordance with Section 27.31.100 of the Lincoln Municipal Code designated  
6 as Use Permit No. 80 for authority to construct and develop a technology park  
7 consisting of 1,063,850 square feet on the south side of Highland Boulevard  
8 between N.W. 1st Street and N.W. 12th Street, and on the east side of N.W. 1st  
9 Street on both sides of Highland Circle, and legally described to wit:

10 A tract of land composed of Outlot "A", and Lot 1  
11 Highlands Coalition 2nd Addition, located in the  
12 Southeast Quarter of Section 3, Township 10 North,  
13 Range 6 East of the 6th P.M., Lancaster County,  
14 Nebraska, and more particularly described as follows:

15 Commencing at the south corner of said Lot 1, said  
16 point being the true point of beginning; thence around  
17 a curve in a clockwise direction having a delta angle  
18 of 44 degrees 17 minutes 35 seconds, an arc distance  
19 of 452.54 feet, a radius of 585.39 feet, and a chord  
20 of an assumed bearing of north 30 degrees 32 minutes  
21 10 seconds west along the west line of said Lot 1, a  
22 distance of 441.36 feet to a point of tangency; thence  
23 north 8 degrees 23 minutes 22 seconds west along the  
24 west line of said Lot 1, a distance of 463.41 feet to  
25 a point of deflection; thence north 81 degrees 36  
26 minutes 37 seconds east along the north line of said  
27 Lot 1, a distance of 53.03 feet to a point of  
28 curvature; thence around a curve in a clockwise  
29 direction having a delta angle of 34 degrees 14  
30 minutes 00 seconds, an arc distance of 26.29 feet, a  
31 radius of 44.00 feet, and a chord of south 81 degrees

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16 minutes 22 seconds east along the north line of said Lot 1, a distance of 25.90 feet to a point of tangency; thence south 64 degrees 09 minutes 22 seconds east along the north line of said Lot 1, a distance of 32.92 feet to a point of curvature; thence around a curve in a counterclockwise direction having a delta angle of 248 degrees 28 minutes 00 seconds, an arc distance of 346.92 feet, a radius of 80.00 feet, and a chord of north 8 degrees 23 minutes 22 seconds west along the southeast line of said Lot 1, and the northeast line of said Outlot "A", a distance of 132.28 feet to a point of tangency; thence south 47 degrees 22 minutes 38 seconds west along the south line of said Outlot "A", a distance of 32.92 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 34 degrees 14 minutes 00 seconds, an arc distance of 26.29 feet, a radius of 44.00 feet, and a chord of south 64 degrees 29 minutes 38 seconds west along the south line of said Outlot "A", a distance of 25.90 feet to a point of tangency; thence south 81 degrees 36 minutes 38 seconds west along the south line of said Outlot "A", a distance of 53.03 feet to a point of deflection; thence north 8 degrees 23 minutes 22 seconds west along the west line of said Outlot "A", a distance of 410.37 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 57 degrees 54 minutes 15 seconds, an arc distance of 472.48 feet, a radius of 467.52 feet, and a chord of north 20 degrees 33 minutes 45 seconds east along the northwest line of said Outlot "A", a distance of 452.63 feet to a point of tangency; thence north 49 degrees 30 minutes 53 seconds east along the northwest line of said Outlot "A", a distance of 88.24 feet to the north corner of said Outlot "A"; thence south 40 degrees 29 minutes 07 seconds east along the northeast line of said Outlot "A", a distance of 550.00 feet to a point of deflection; thence south 11 degrees 40 minutes 39 seconds east along the east line of said Outlot "A" and Lot 1, a distance of 877.73 feet to the east corner of said Lot 1; thence south 37 degrees 01 minutes 32 seconds west along the southeast line of said Lot 1, a distance of 660.00 feet to the point of beginning; said tract contains a calculated area of 19.32 acres more or less.

and

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A tract of land composed of Outlot "R" and Outlot "S", Highlands Coalition and a portion of Lot 63 I.T., all located in Sections 3 and 10, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly as described as follows:

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Commencing at the southeast corner of Section 3, Township 10 North, Range 6 East, of the 6th P.M.; thence south 89 degrees 36 minutes 17 seconds west along the south line of said Section 3, a distance of 466.93 feet to a point on the west right-of-way line of Interstate Highway No. 80, said point being the northeast corner of Outlot "S" Highlands Coalition and the true point of beginning; thence south 28 degrees 21 minutes 31 seconds west along the east line of said Outlot "S", a distance of 164.82 feet to a point; thence south 37 degrees 01 minutes 41 seconds west along the east line of said Outlot "S" and the remaining portion of Lot 63 I.T., located in Section 10, Township 10 North, Range 6 East, of the 6th P.M., a distance of 2181.87 feet to a point; thence north 52 degrees 58 minutes 19 seconds west, a distance of 758.32 feet to a point; thence north 12 degrees 43 minutes 03 seconds west, a distance of 67.35 feet to a point; thence north 0 degrees 05 minutes 17 seconds west, a distance of 810.79 feet to a point on the south line of Outlot "R" Highlands Coalition; thence south 89 degrees 54 minutes 41 seconds west along the south line of said Outlot "R", a distance of 2439.86 feet to a point on the west line of said Outlot "R", said line being the east right-of-way line of Northwest 12th Street; thence around a curve in a clockwise direction having a delta angle of 25 degrees 10 minutes 13 seconds, an arc distance of 294.33 feet, a radius of 670.00 feet, and a chord of north 12 degrees 28 minutes 17 seconds east along the west line of said Outlot "R", said line being the east right-of-way line of Northwest 12th Street, a distance of 291.97 feet to a point of tangency; thence north 25 degrees 03 minutes 24 seconds east along the west line of said Outlot "R", said line being the east right-of-way line of Northwest 12th Street, a distance of 211.51 feet to a point of curvature; thence around a curve in a counterclockwise direction having a delta angle of 05 degrees 14 minutes 48 seconds, an arc distance of 70.51 feet, a radius of 770.00 feet, and a

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chord of north 22 degrees 25 minutes 59 seconds east along the west line of said Outlot "R", said line being the east right-of-way line of Northwest 12th Street, a distance of 70.49 feet to the northwest corner of said Outlot "R"; thence around a curve in a counterclockwise direction having a delta angle of 06 degrees 11 minutes 49 seconds, an arc distance of 226.05 feet, a radius of 2090.00 feet, and a chord of south 86 degrees 39 minutes 06 seconds east along the north line of said Outlot "R", a distance of 225.94 feet to a point of tangency; thence south 89 degrees 45 minutes 00 seconds east along the south line of said Outlot "R", a distance of 1033.14 feet to a point of tangency; thence around a curve in a counterclockwise direction having a delta angle of 16 degrees 43 minutes 05 seconds, an arc distance of 748.11 feet, a radius of 2563.90 feet, and a chord of north 81 degrees 53 minutes 28 seconds east along the south line of said Outlot "R", a distance of 745.46 feet to the northeast corner of said Outlot "R", said point being on the west line of Outlot "S" Highlands Coalition; thence north 16 degrees 28 minutes 05 seconds west along the west line of said Outlot "S", a distance of 40.00 feet to the northwest corner of said Outlot "S", said point being on the south right-of-way line of Highland Blvd.; thence around a curve in a counterclockwise direction having a delta angle of 21 degrees 04 minutes 10 seconds, an arc distance of 928.12 feet, a radius of 2523.90 feet, and a chord of north 62 degrees 59 minutes 50 seconds east along the northwest line of said Outlot "S", said line being the southeast right-of-way line of Highland Blvd., a distance of 922.90 feet to a point of tangency; thence north 52 degrees 27 minutes 44 seconds east along the northwest line of said Outlot "S" said line being the southeast right-of-way line of Highland Blvd., a distance of 494.38 feet to a point; thence north 56 degrees 40 minutes 52 seconds east along the northwest line of said Outlot "S", said line being the southeast right-of-way line of Highland Blvd., a distance of 244.69 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 22 degrees 03 minutes 34 seconds, an arc distance of 531.01 feet, a radius of 1379.21 feet, and a chord of north 68 degrees 50 minutes 20 seconds east along the northwest line of said Outlot "S", said line being the southeast right-of-way line of Highland Blvd., a

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distance of 527.74 feet to a point of compound curvature; thence around a curve in a clockwise direction having a delta angle of 91 degrees 44 minutes 31 seconds, an arc distance of 60.85 feet, a radius of 38.00 feet, and a chord of south 54 degrees 15 minutes 38 seconds east along the northeast line of said Outlot "S", said line being the southeast right-of-way line of Highland Blvd. and the west right-of-way line of Northwest 1st Street, a distance of 54.55 feet to a point of tangency; thence south 8 degrees 23 minutes 22 seconds east along the east line of said Outlot "S", said line being the west right-of-way line of Northwest 1st Street, a distance of 392.98 feet to a point of curvature; thence around a curve in a counterclockwise direction having a delta angle of 44 degrees 20 minutes 14 seconds, an arc distance of 541.22 feet, a radius of 699.40 feet, and a chord of south 30 degrees 33 minutes 29 seconds east along the northeast line of Outlot "S", said line being the southwest right-of-way line of Northwest 1st Street, a distance of 527.81 feet to the southwest intersection of the right-of-way line of Northwest 1st Street and Interstate Highway No. 80; thence south 37 degrees 01 minutes 35 seconds west along the southeast line of said Outlot "S", said line being the northwest right-of-way line of Interstate Highway No. 80, a distance of 352.78 feet to a point on the south line of said Section 3, Township 10 North, Range 6 East, of the P.M.; thence north 89 degrees 36 minutes 17 seconds east along the north line of said Outlot "S", said line being the south line of said Section 3, a distance of 220.23 feet to the point of beginning; said tract contains a calculated area of 116.01239 acres more or less;

35 hereinafter referred to as the "Property".

36 B. The City recognizes that the issuance of this Use Permit  
37 approving the overall conceptual plan for development of the Property into a  
38 technology park is needed prior to negotiating with potential users. Because  
39 of the number of potential users in the technology park and the variety of  
40 development approaches for such users, it is not possible for the University

1 of Nebraska Foundation to submit final and specific development plans for the  
2 entire Property along with its Application for the Use Permit.

3 C. The City is willing to facilitate the development of the  
4 technology park by allowing the University of Nebraska Foundation to submit  
5 the Site Plan containing as much detail as is currently known for the entire  
6 Property along with its Application for this Use Permit. Thereafter, as  
7 tenants become identified and specific development plans are available, the  
8 development of a building envelope and related parking envelope may proceed  
9 upon administrative approval of a compliance certificate by the City through  
10 its Director of the Planning Department if such development complies with this  
11 Use Permit, the Site Plan, and the Preliminary Plat, as described hereinafter.  
12 In the event specific development plans deviate from this Use Permit or the  
13 Site Plan, Permittee shall be required to apply for an administrative or  
14 formal amendment to this Use Permit, in accordance with Section 1.3 of this  
15 Permit. Such application shall be accompanied by detailed plans for a  
16 building envelope and related parking envelope for approval.

17 D. City is willing to allow the University of Nebraska  
18 Foundation the flexibility to develop the technology park in accordance with  
19 the procedures outlined in this Use Permit due, in part, to the fact that the  
20 University of Nebraska Foundation has filed Covenants on the Property that  
21 govern the development and use of the Property consistent with the O-3 Office  
22 Park zoning district, which Covenants can not be amended without the written  
23 consent of the Planning Director.

1 E. The real property adjacent to the area included within the  
2 site plan for this technology park will not be adversely affected.

3 F. The site plan together with the terms and conditions  
4 hereinafter set forth are consistent with the intent and purpose of Title 27  
5 of the Lincoln Municipal Code to promote the public health, safety, and  
6 general welfare.

7 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
8 Lincoln, Nebraska:

9 That the application of the University of Nebraska Foundation,  
10 hereinafter referred to as "Permittee", to construct and develop a technology  
11 park consisting of 1,063,850 square feet of technology transfer industries or  
12 applications on the above-described property (the "Park") be and the same is  
13 hereby granted under the provisions of Section 27.31.100 of the Lincoln  
14 Municipal Code upon condition that construction and operation of the Park be  
15 in strict compliance with said application, the site plan, and the following  
16 additional express terms, conditions, and requirements:

17 ARTICLE I.

18 USE PERMIT

19 1.1 Use. The Property shall be used for "office buildings",  
20 "technology transfer industries or applications", and "accessory uses", as  
21 those terms are defined in the Zoning Ordinance of the City of Lincoln (Title  
22 27 of the Lincoln Municipal Code). Any "Accessory Use" shall be located  
23 within a building and shall not have a separate exterior entrance, but shall  
24 be accessible through an interior lobby, corridor, or passageway.

1           1.2 Procedure. Permittee's Application for this Use Permit includes  
2 conceptual information relating to schematic and location of buildings and the  
3 proposed landscape plan. Additional information shall be detailed in the  
4 "Project Plans" as defined and submitted pursuant to Section 1.3. This Use  
5 Permit incorporates the Site Plan, which sets forth the following information:  
6 proposed building envelopes within which building(s) may be constructed for  
7 tenants; proposed parking areas shown as envelopes illustrating the  
8 approximate area needed for parking stalls to support development on the  
9 adjacent building areas and the minimum stall requirement; and the grading,  
10 drainage, and storm-sewer plans. As the Project Plans are submitted in  
11 accordance with Section 1.3, detailed and the specific information described  
12 therein will be submitted to the City for review.

13           1.2.1 Landscaping. Without limiting the generality of  
14 Section 1.2, the City agrees that the City's  
15 requirements and design standards for landscaping are  
16 met by the landscaping standards and requirements set  
17 forth in Article IV of this Permit for the open areas  
18 within and surrounding the Building Envelopes and the  
19 Parking Envelopes.

20           1.2.2 Signage. Simultaneously with the approval of this Use  
21 Permit, the City has approved the creation of the  
22 University of Nebraska Technology Park Special Sign  
23 District designated as Change of Zone 2938 (the "Sign  
24 District"), which will control the design, location,



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and size of all signs located within the Park. The City specifically agrees that the standards for signs identifying the tenants of the Park, the directional signs within the Park, and such other signs as permitted in the Sign District (as approved or as amended in the future) shall control signage within the Park.

1.3 **Building Envelope Development**.

The approval of this Use Permit permits the development of up to 1,063,850 feet of Gross Floor Area within the Park contained in the Building Envelopes, as defined below. The phrase "Gross Floor Area" shall mean the total floor area expressed in square feet designed for occupancy, including any basements, mezzanines, or upper floors, measured from outside wall faces. As tenants for the Park are identified and specific development proposals are known, Permittee may develop each "Building Envelope" and "Parking Envelope" in accordance with this Permit. For the purposes of this Permit, the term "Building Envelope" shall mean those developable areas designated on the Site Plan in which the maximum Gross Floor Area of permitted development is designated. Permittee agrees that each Building Envelope shall have a floor-to-area ratio of 0.3 or less; however, the overall floor-to-area ratio for the Property shall be 0.2 or less. Further, development within a Building Envelope shall not exceed a height restriction of thirty-five (35) feet above the centerline of Highland Boulevard or N.W. 1st Street for any development located within one hundred fifty (150) feet of the centerline of Highland Boulevard or N.W. 1st Street.

1 Otherwise, the height limitation of forty five (45) feet described in the 0-3  
2 Office Park Zoning District ordinance shall be applicable to the Park. The  
3 exact location of each building is not shown on the Site Plan but each  
4 building shall be located within a Building Envelope. Additionally, the term  
5 "Parking Envelope" shall mean those parking areas located adjacent to each  
6 Building Envelope as shown on the Site Plan in which the required number of  
7 parking stalls is designated. Such designation of the required parking stalls  
8 for each Parking Envelope is the minimum number of stalls that must be  
9 constructed if the adjacent Building Envelope is developed to its maximum  
10 permitted Gross Floor Area. As part of any development described in this  
11 Section 1.3, Permittee shall be required to final plat the area in which the  
12 Building Envelope and Parking Envelope are located in accordance with Article  
13 II.

14 1.3.1 Development in Compliance with Use Permit. When

15 Permittee has a specific development proposal,  
16 Permittee shall submit the required number of sets of  
17 the specific development plans, which submittal shall  
18 include at a minimum the building site and elevation  
19 plans, the grading and drainage plan, landscape plan,  
20 and parking lot plans showing parking lot configura-  
21 tion, capacity, and circulation (collectively, such  
22 plans shall be referred to as "Project Plans"). Such  
23 Project Plans shall be submitted to the Director of  
24 the Planning Department concurrently with Permittee's

1 application for a building permit submitted to the  
2 Building and Safety Department. As long as the  
3 specific Project Plans for a Building Envelope comply  
4 with the terms of this Use Permit and the Site Plan,  
5 the Director of the Planning Department shall certify  
6 that the project complies with this Use Permit. The  
7 City shall use its best efforts to complete its review  
8 within forty-five (45) days from receipt of the  
9 Project Plans.

10 1.3.2 Administrative Amendment of Use Permit. In the event  
11 Permittee proposes a development project which  
12 contains a minor deviation from this Use Permit or the  
13 Site Plan, Permittee shall submit detailed Project  
14 Plans to the City for administrative review and  
15 amendment to this Use Permit. For purposes of this  
16 Section 1.3.2, the term "minor deviation" shall  
17 include, but not be limited to: (i) a ten percent  
18 (10%) increase in the maximum Gross Floor Area of  
19 development of a Building Envelope, provided that the  
20 total Gross Floor Area of the Park remains at or below  
21 the total square foot maximum; (ii) the transfer of  
22 density or permitted Gross Floor Area development from  
23 one Building Envelope to another subject to the  
24 applicable parking requirements; or (iii) a minor

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encroachment of an improvement outside of the Building Envelope provided that the development project otherwise materially complies with the terms and conditions of this Use Permit and the Site Plan. City agrees to use its best and reasonable efforts to process such administrative amendment to this Use Permit within forty five (45) days from submittal.

1.3.3 Formal Amendment of Use Permit. In the event Permittee proposes a development project which contains major deviations from this Use Permit or the Site Plan, Permittee shall be required to submit an application for amendment to this Use Permit for formal processing and approval by the City Council of the City. For the purposes of Section 1.3.3, the term "major deviation" shall include, but not be limited to, an increase in the maximum square footage of the development of a Building Envelope which exceeds ten percent (10%) of the permitted Gross Floor Area, an encroachment of an improvement outside of the Building Envelope which does not materially comply with the terms and conditions of this Use Permit and the Site Plan; or an increase in the maximum Gross Floor Area of total development within the Park.

1           1.4 Sidewalks. The Permittee shall construct the pedestrian trail and  
2 the sidewalks on the Property as shown on the Site Plan attached to this Use  
3 Permit. The City recognizes that the exact location of the Interior  
4 Pedestrian Trail cannot be finalized until development occurs within the Park  
5 and therefore the City releases Permittee from any prior agreement regarding  
6 the timing of Interior Pedestrian Trail construction. For the purposes of  
7 this Use Permit, the term "Interior Pedestrian Trail" shall be that portion of  
8 the trail which is not located immediately adjacent to Highland Blvd. and N.W.  
9 1st Street and is located south of Highland Blvd. in the interior of the Park  
10 as shown on the Site Plan. Permittee shall construct the Interior Trail  
11 concurrently with the development with the phases of the Park. In lieu of  
12 immediate construction of the Interior Pedestrian Trail, Permittee shall  
13 construct: (a) the eight (8) foot wide pedestrian trail on Outlot "Q",  
14 Block 6, Highlands Coalition, immediately south of Highland Blvd. from N.W.  
15 12th Street to approximately N.W. 7th Street; (b) a four (4) foot sidewalk  
16 immediately south of to Highland Blvd. from approximately N.W. 7th Street to  
17 N.W. 1st Street; and (c) the eight (8) foot wide pedestrian trail adjacent to  
18 and west of N.W. 1st Street in accordance with the timeline set forth in the  
19 Real Estate Sales Agreement between the City and the Highlands Coalition.

20   ARTICLE II.

21   DEDICATION OF RIGHT-OF-WAY

22           2.1 Right-of-Way Dedication. At the time Permittee final plats the  
23 Property as it develops, the Permittee will dedicate right-of-way for public  
24 improvements, including the pedestrian trail and the proposed public streets.

1 The parties recognize the exact location of the Interior Pedestrian Trail as  
2 shown on the Site Plan and Preliminary Plat may change prior to the final  
3 platting. Permittee may dedicate a public easement for the Interior  
4 Pedestrian Trail in lieu of dedicating right-of-way.

5 ARTICLE III.

6 PROTECTIVE COVENANTS

7 The Permittee shall submit for approval of the Planning Director, at the  
8 time the letter of acceptance is filed, a final set of the Declaration of  
9 Covenants, Condition, and Restriction (the "Covenants") which shall control  
10 various aspects of the design and development of the Park.

11 Upon approval and acceptance of this Use Permit, the Covenants, shall be  
12 recorded against the Property with the Register of Deeds of Lancaster County,  
13 Nebraska, to govern and control the use and development of the Park.

14 Permittee agrees, in consideration of approval of this Use Permit to enforce  
15 the Covenants in accordance with their terms and conditions. Any amendments  
16 to the Covenants shall require the written approval of the Planning Director;  
17 provided, however, that the City shall not have the authority or power to  
18 enforce the Covenants (except as provided below) which constitute private  
19 restrictions and conditions, and thus the City has no liability or obligation  
20 to enforce the terms of the Covenants. Notwithstanding any provision to the  
21 contrary, the City shall have the authority to enforce, using its authorized  
22 enforcement methods, the requirements of the Sign District and the landscaping  
23 provisions set forth in Article IV which reflects the requirements of the  
24 Covenants, against Permittee.

1 ARTICLE IV.

2 LANDSCAPING

3 4.1 Objective. The Standards set forth herein are intended to  
4 promote the establishment of compatible and continuous landscape development  
5 for the Park, to provide for an attractive and well maintained appearance in  
6 areas not covered by buildings or parking, to enhance and preserve the  
7 existing site character, and to minimize the adverse visual environmental  
8 impacts of large paved areas.

9 4.1 Conceptual Plan. Each Site within a Building Development will be  
10 divided into zones (as defined below) to give guidance on the appropriate  
11 landscaping schemes and materials for each part of a site. Each Site shall be  
12 divided into a maximum of four (4) zones for purposes of developing  
13 appropriate landscape plans and maintenance schedules. In general, the closer  
14 to the building, the more refined or structured the landscape. Although many  
15 of the same materials may be used in different zones, the management of those  
16 materials can differ. "Formal" plans and pruning techniques are appropriate  
17 only in the zone closest to the building. Inner zones may be treated as  
18 natural landscapes; outer zones may not be treated as formally managed  
19 landscapes.

20 4.2.1 Inner Zone. The Inner Zone is defined as that area  
21 surrounding the primary building(s) on the Site, and  
22 should be designated and developed as managed  
23 landscape with appropriate irrigation. Plant  
24 materials may include both native and introduced hardy

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overstory (shade) trees; understory (ornamental) trees; evergreen trees and shrubs; shrubs that can either be allowed to grow in their natural form or formally pruned, such as yew; perennials; ornamental and native grasses; and annuals. This is the only zone where extensive use of annual beds, hybrid tea or floribunda roses, and unusual non-native plants with precise growth requirements like rhododendrons is allowed. Maintenance methods may include regular pruning of flower beds. In general, plants that naturalize readily should be used with restraint in this zone. Turf options include managed buffalo grass, turf-type fescue, and bluegrass.

4.2.2 Perimeter Zone. The Perimeter Zone is defined as that area abutting the boundaries of the Site, and should be designed and developed as native and naturalized landscape, utilizing as much of the native vegetation as possible, and allowing this zone to retain its character with limited future maintenance. Emphasis should be placed on use of native plant materials, all of which should be left in as natural a state as possible. Formal pruning of plant materials is not allowed in this zone. Plants that naturalize readily, either by forming thickets or through seeding



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themselves, should be encouraged in appropriate locations to reduce the amount of turf or meadow area. Native perennials and grasses (including selections) should be chosen over introduced materials. Annual beds, hybrid tea or floribunda roses, and unusual non-native plants are not allowed in this zone. Turf options include naturalized buffalo grass, and short- and tall-grass prairie mixes.

4.2.3 Intermediate Zone. The Intermediate Zone is defined as that area between the Inner Zone and the Perimeter Zone. It should be designed and developed as a transition area between the Inner Zone and the Perimeter Zone. The Intermediate Zone should provide a smooth and aesthetically pleasing transition from the native and naturalized vegetation of the Perimeter Zone to the introduced and managed vegetation of the Inner Zone. Both native and hardy introduced plant materials are appropriate in the intermediate zone. Management of plant materials may be more intense; for example, plants with suckering growth habits may be restricted by removing unwanted suckers. Unusual non-native plants should be chosen with care, considering first the amount of special attention needed to maintain them. Annual beds and hybrid tea or

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floribunda roses are not allowed in this zone. Turf options include naturalized or maintained buffalo grass and turf-type tall fescue.

4.2.4 Outer Zone. The Outer Zone is defined as that area of the Perimeter Zone which is adjacent to the outer boundaries of the Park, and should be designed and developed to complement the overall image of the Park and surrounding neighborhoods. The Outer Zone should also be designed and enveloped to provide an appropriate transition with other Park property, where necessary. The plant materials and management techniques for the outer zone should take their character from the adjacent property. For example, along major entrance roads, there should be a design relationship between the boulevard and curb right-of-way. This can be accomplished by using similar turf and repeating some of the woody species in each location. Outer zones adjacent to naturalized or native areas should assume the same character. As with the intermediate zone, a great variety of plant materials is acceptable. Unusual non-native plants should be chosen with care, considering first the amount of special attention needed to maintain them.

1           4.2 Parking Lot Landscaping. The setback space between streets and  
2 parking lots shall be landscaped in accordance with the zone concept set forth  
3 in Section 4.2 above. Where possible, berming shall be provided in order to  
4 screen parked cars. Where berms are not possible due to space limitations,  
5 the parking shall be screened through the use of appropriate plantings. Any  
6 fence, wall, plant material, earthen berm, sign (except vehicular control  
7 signs), or other obstructions to vision above a height of thirty (30) inches  
8 on any corner lot within critical site triangles as defined by the City of  
9 Lincoln Driveway Design Standards is prohibited. All parking lots shall  
10 provide landscaped islands in parking lot interiors. Ten percent (10%) of  
11 parking lot area shall be landscaped islands. Such islands shall at a minimum  
12 be twenty (20) feet in length and nine (9) feet in width. Where off-street  
13 parking on the building site is located between the building and the street, a  
14 minimum of sixty percent (60%) of the parking area should be partially  
15 screened from view from the street by the construction and landscaping of non-  
16 continuous berms a minimum of thirty (30) inches in height in the required  
17 setback space.

18           4.3 Unimproved Areas. All areas not paved or built upon must be  
19 landscaped in accordance with the zoning concept in Section 4.2 above. Large  
20 uninterrupted areas of gravel, wood mulch, or bare soil are prohibited.

21           4.4 Irrigation Systems. All irrigation systems are to be below  
22 ground, fully automated systems in compliance with all applicable building  
23 code requirements. All backflow control devices are to be located within the  
24 confines of the building or a support structure. All parking areas, drives,

1 and walks are to be designed to minimize spray onto pavement.

2           **4.5 Variety of Plant Materials.** There should be an interesting  
3 variety of plant materials used in the landscape plan -- large and small  
4 deciduous trees; large, medium, and small shrubs; large and small evergreen  
5 trees; large, medium, and small evergreen shrubs; and groundcovers. The  
6 landscape plan shall consider size of plant material at two-third maturity.  
7 Thorny plants and plants or trees with excessive fruit, seed, or acorn drop  
8 shall not be placed next to pedestrian areas or parking lots. Landscape  
9 materials shall be of long-lived varieties, adaptable to Lincoln, Nebraska  
10 climatic conditions and shall be replaced as necessary, within one year of  
11 removal of a deceased or destroyed plant. Short-lived materials, such as  
12 annual flowers, may be used to accent or supplement the basic permanent  
13 landscape plan, only in the Inner Zone as established in Section 4.2 above.

14           **4.6 Areas of Future Development.** Undeveloped areas leased to a Tenant  
15 and held in reserve for future building or pavement development need not be  
16 irrigated or fully landscaped. These areas, however, shall as a minimum be  
17 seeded with a drought-resistant turf-grass mix to hold down weed growth and to  
18 minimize wind and water erosion. The use of temporary, on-grade irrigation  
19 systems is encouraged. All required setback areas must be landscaped within  
20 two (2) years of the commencement of construction of the improvements on a  
21 specific site, whether or not all phases of development are complete.

22           **4.7 Preservation of Existing Major Trees and Attractive Vegetation.** A  
23 premium will be placed on the preservation of the natural tree cover and other  
24 unique characteristics of the landscape in order to:

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- a. Maintain a sense of natural amenity, which will distinguish the property as a unique and attractive setting.
- b. Take advantage of the natural subdivision of the total property into precincts or "exterior rooms" created by the juxtaposition of windbreaks and wooded areas with open fields.
- c. Preserve the intrinsic environmental values and continuity of mature, native tree cover as a wildlife habitat and as protection against erosion and contamination by runoff to streams on the site.

Therefore, all free-standing trees on the site with a trunk diameter of six (6) inches or more than three (3) feet above grade and all forested areas and windbreaks, including understory plant material, should be preserved in the design, grading, and construction. No such plant material will be removed without prior approval of the Permittee.

ARTICLE V.  
MISCELLANEOUS

- 5.1 Before receiving buildings permits, the Permittee must:
  - 5.1.1 Submit certified information to the Planning Department from an abstractor or an attorney indicating the current record owner or owners of all land included within the limits of this application.

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5.1.2 Revise the site plan to show:

- (a) Show, by location and dimensions, the off-site improvements in N.W. 12th Street and N.W. 1st Street including both turn lanes and the deceleration lanes.
- (b) Revise the area around the Transcript Building to clarify the buildings and parking.
- (c) Include any changes required through approval of the preliminary plat.

5.1.3 Submit and receive approval of the following:

- (a) The landscape plan for the individual buildings to be approved by the Director of Planning.
- (b) A permanent reproducible final plan as approved by the City Council.
- (c) A change of zone on the area currently zoned I-2 to O-3.

5.2 The City Council must approve the following:

5.2.1 Change of Zone No. 2938 - Special Sign District for the University of Nebraska Technology Park.

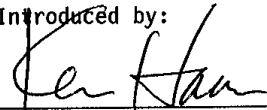
5.2.2 Preliminary Plat No. 95017 - University of Nebraska Technology Park.

5.3 All privately-owned improvements, including landscaping, shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.

1           5.4 The terms, conditions, and requirements of this resolution shall  
2 be binding and obligatory upon the Permittee, its successors and assigns. The  
3 building official shall report violations to the City Council which may revoke  
4 this use permit or take such other action as may be necessary to gain  
5 compliance.

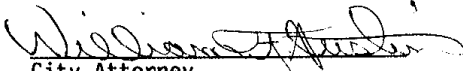
6           5.5 The Permittee shall sign and return the City's letter of  
7 acceptance to the City Clerk within 30 days following approval of this use  
8 permit, provided, however, said 30-day period may be extended up to six months  
9 by administrative amendment. The City Clerk shall file a copy of the  
10 resolution approving this use permit and the letter of acceptance with the  
11 Register of Deeds, filing fees therefor to be paid in advance by the  
12 Permittee.

Introduced by:



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

Approved as to Form & Legality:

  
City Attorney

**APPROVED**

Staff Review Completed:

  
Administrative Assistant  
11-27-95 Council Proceedings:

DEC 4 1995  
  
MAYOR

WILSON Moved to Delay Bill 95R-340 to 12-04-95.

Seconded by Seng and carried by the following  
vote: AYES: Donaldson, Haar, Seng, Shoecraft,  
Wilson, Young; NAYS: None; ABSENT: Johnson.

**ADOPTED**

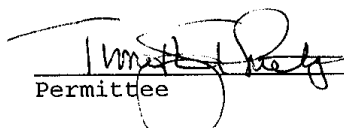
LETTER OF ACCEPTANCE

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, Timothy L. Thiteje Sr. Vice President or authorized representative of University of Nebraska Foundation referred to as Permittee in **Use Permit No. 80**, granted by **Resolution No. A-77118**, adopted by the City Council of the City of Lincoln, Nebraska, on **December 4, 1995**, 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 21<sup>st</sup> day of December, 1995.

  
\_\_\_\_\_  
Permittee

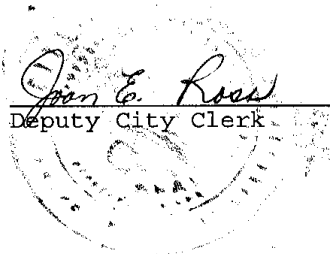


C E R T I F I C A T E

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 **Use Permit No. 80** approved by **Resolution No. A-77118** as passed and approved by the Lincoln City Council at its meeting held **December 4, 1995**, 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 26<sup>th</sup> day of December, 1995.

  
*Joan E. Ross*  
Deputy City Clerk

*Return to  
City Clerk*