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RESOLUTION NO. PC- 01090

SPECIAL PERMIT NO. 07053

1 WHEREAS, Ron DeBoer and Carol Domina have submitted an
2 application designated as Special Permit No. 07053 to operate a garden center on
3 property generally located at S. 110th and Saltillo Road, and legally described as:

4 A portion of Lots 23 and 24 I.T. (Lot 1 of the proposed
5 DeBoer Addition final plat) located in the Southeast Quarter
6 of Section 36, Township 9 North, Range 7 East of the 6th
7 P.M., Lancaster County, Nebraska, more particularly
8 described as follows:

9 Commencing at the southwest corner of Lot 23 I.T., said
10 point being the southwest corner of the Southeast Quarter of
11 said Section 36; thence northerly on the west line of said
12 Southeast Quarter, on an assigned bearing of north 0
13 degrees 14 minutes 52 seconds west, a distance of 60.00
14 feet to the point of beginning; thence continuing northerly on
15 said west line, north 0 degrees 14 minutes 52 seconds west,
16 937.75 feet; thence easterly south 89 degrees 56 minutes
17 34 seconds east, 1091.82 feet; thence southerly south 0
18 degrees 14 minutes 52 seconds east, 405.05 feet; thence
19 southerly south 5 degrees 04 minutes 24 seconds west,
20 359.64 feet; thence westerly north 89 degrees 56 minutes
21 34 seconds west, 702.15 feet; thence southwesterly south
22 47 degrees 17 minutes 23 seconds west, 155.81 feet;
23 thence southerly south 0 degrees 03 minutes 26 seconds
24 west, 68.62 feet, to a point located 60.00 feet north of the
25 south line of said Southeast Quarter; thence westerly and
26 parallel to said south line, north 89 degrees 56 minutes 34
27 seconds west, 241.00 feet, to the point of beginning, said
28 tract containing an area of 21.10 acres, more or less;

Return to:
Teresa @ City Clerk

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

3 WHEREAS, the community as a whole, the surrounding neighborhood,
4 and the real property adjacent to the area included within the site plan for this garden
5 center will not be adversely affected by granting such a permit; and

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

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

12 That the application of Ron DeBoer and Carol Domina, hereinafter
13 referred to as "Permittee", to allow a garden center on the property described above be
14 and the same is hereby granted under the provisions of Section 27.63.110 the Lincoln
15 Municipal Code upon condition that construction and occupancy of said garden center
16 be in strict compliance with said application, the site plan, the requirements of Section
17 27.63.110 and the following additional express terms, conditions, and requirements:

18 1. This approval permits a garden center.

19 2. *The Permittee shall cause to be prepared and submitted to the Planning*
20 *Department a revised and reproducible final site plan, including five copies, with all*
21 *required revisions and documents as listed below before receiving building permit:*

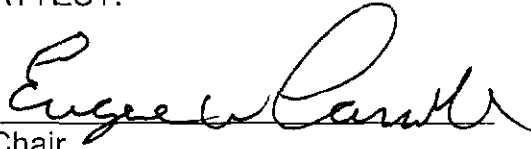
22 a. *Revise the plan to show buildings and parking setback 100 feet*
23 *from lot lines.*

- 1 b. Revise the plan to remove the drive to the garden center through
2 the residential lot.
- 3 c. Receive approval of a final plat (as revised) to create the two lots.
- 4 d. Revise the legal and plan to reflect the County Engineers memo of
5 November 30, 2007.
- 6 e. Add to the General Notes, "Signs need not be shown on this site
7 plan, but need to be in compliance with Chapter 27.69 of the
8 Lincoln Zoning Ordinance, and must be approved by Building &
9 Safety Department prior to installation."
- 10 f. Provide documentation from the Register of Deeds that the letter of
11 acceptance as required by the approval of the special permit has
12 been recorded.
- 13 g. The construction plans comply with the approved plans.
- 14 3. Before occupying buildings or starting the operation, all development and
15 construction must comply with the approved plans.
- 16 4. Before occupying this garden center, the City/County Health Department
17 must approve the water and wastewater systems.
- 18 5. The site plan approved by this permit shall be the basis for all
19 interpretations of setbacks, yards, locations of buildings, location of parking and
20 circulation elements, and similar matters.
- 21 6. This resolution's terms, conditions, and requirements bind and obligate
22 the Permittee, its successors and assigns.
- 23 7. The applicant shall sign and return the letter of acceptance to the City
24 Clerk within 60 days following the approval of the special permit, provided, however,
25 said 60-day period may be extended up to six months by administrative amendment.
- 26 The clerk shall file a copy of the resolution approving the special permit and the letter of

1 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
2 applicant.

3 The foregoing Resolution was approved by the Lincoln City-Lancaster
4 County Planning Commission on this 19 day of December, 2007.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 07053** - Garden Center
(S. 110th & Saffillo Road)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 07053**, granted by **Resolution No. PC-01090**, adopted by the Lincoln City-Lancaster County Planning Commission on December 19, 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 the 24 day of January, 2008

By: RICHARD CLARK, Permittee
Title: President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 24th day of January, 2008, by Richard Clark, an individual.



Dorene Casey
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, 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 _____, 2008, 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 _____, 2008, 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 07053** as adopted and approved by **Resolution No. PC-01090** of the Lincoln City-Lancaster County Planning Commission at its meeting held **Dec. 19, 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 3rd day of January, 2008.

Teresa J. Meier
Deputy City Clerk

