



A89486

16R-9

Introduce: 1-11-16

RESOLUTION NO. A- 89466

1 WHEREAS, Starwood Retail Partners has submitted an application designated
2 as Pre-Existing Use Permit No. 3AF to authorize expansion of Gateway Mall by approximately
3 70,000 square feet, with waivers to the Zoning Ordinance to reduce the parking requirement
4 and to increase the building height, on property generally located at 6100 O Street, and legally
5 described as:

6 Lots 1-5, Gateway Shopping Center Subdivision; Lots 1-3 and
7 Outlot A, Q Place, except for the east part for the street; Lot 256 of
8 Irregular Tracts, except that part lying northwest of a line 40 feet
9 east of the centerline of North Corner Boulevard and except parts
10 in the northwest and south for the road; Lot 263 of Irregular
11 Tracts, except 544.35 square feet in the south for the street; Lot
12 264 of Irregular Tracts; Lot 265 of Irregular Tracts, except
13 2,835.50 square feet of the south part for the road; Lot 266 of
14 Irregular Tracts, except the south portion of O Street right-of-way,
15 all located in the Southwest Quarter of Section 21, Township 10
16 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County,
17 Nebraska;

18 WHEREAS, the real property adjacent to the area included within the site plan for
19 this amendment to the pre-existing use permit will not be adversely affected; and

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

23 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
24 Lincoln, Nebraska:

25 That the application of Starwood Retail Partners, hereinafter referred to as
26 "Permittee", to amend Pre-Existing Use Permit No. 3 to authorize expansion of Gateway Mall by
27 approximately 70,000 square feet, with waivers to the Zoning Ordinance to reduce the parking
28 requirement and to increase the building height, on the property legally described above be and
29 the same is hereby granted upon condition that operation of said development be in substantial

*761 BASHCE
761 Q PLACE*

City Range #4602

1 compliance with said application, the site plan, and the following additional express terms,
2 conditions, and requirements:

3 1. This permit approves 1,177,589 square feet of gross floor area for Area A and
4 216,000 square feet of gross floor area for Area B with adjustments to the Zoning Ordinance to
5 reduce parking to 1 stall per 300 square feet of floor area for all uses in Areas A-G and to
6 increase the height of buildings and structures from 40 feet to 65 feet in Area A.

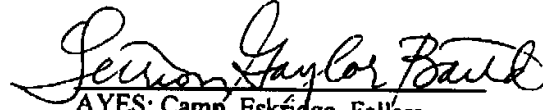
7 2. The Permittee shall cause to be prepared and submitted to the Planning
8 Department a revised and reproducible final plot plan including 3 copies with all required
9 revisions as listed below:

- 10 a. Add a note to the plan that states, "All terms and conditions of Pre-
11 Existing Use Permit No. 3 shall apply unless specifically amended by this
12 amendment."
- 13 b. Remove Note 9 and Note 3.
- 14 c. Delete the repeated text in Note 7.
- 15 d. Update the Sign Inventory table to accurately reflect the sign types.
- 16 e. Remove the text "Gateway Shopping Center Subdivision" and all zoning
17 labels.
- 18 f. Label the use permit boundary.
- 19 g. Remove the third waiver on the site plan.
- 20 h. Remove the permitted gross floor area from the parking table.
- 21 i. Revise Note 4 to state, "... 1 space per 300 square feet of gross floor area
22 for all uses."
- 23 j. Revise Note 7(C) to state, "The streetscape is not required in Area "A"
24 adjacent to the 50' buffer along O Street as long as the 50' landscape
25 buffer remains."
- 26 k. Add a note to the plan that states, "Signs A & B are located within the
27 public right-of-way. They will be removed from the right-of-way if
28 requested by the Nebraska Department of Roads or if a new center sign
29 is requested at that location. Removing the signs will be done at no cost
30 to the City."

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3
- l. Add text at the end of Note 7 that states, "The requirement to install the streetscape zone may be waived by the Planning Director at the time of building permit."
- 4
5
6
- m. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
- 7
- n. Revise Note 10 to the satisfaction of the Building & Safety Department.
- 8
9
- o. Add a note to the plan that states, "Improvements shown on this plan are conceptual and subject to minor changes."
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11
- p. Verify that the numbers provided in the Parking Table on the plan are accurate.
- 12
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- q. Add a note to the plan that states, "New signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by the Building & Safety Department prior to installation."
- 16
3. Before occupying the buildings all development and construction is to
- 17
- substantially comply with the approved plans.
- 18
4. All privately-owned improvements, including landscaping and recreational
- 19
- facilities, are to be permanently maintained by the Permittee or an appropriately established
- 20
- owners association approved by the City.
- 21
5. The physical location of all setbacks and yards, buildings, parking and circulation
- 22
- elements, and similar matters must be in substantial compliance with the location of said items
- 23
- as shown on the approved site plan.
- 24
6. This resolution's terms, conditions, and requirements bind and obligate the
- 25
- Permittee, its successors, and assigns.
- 26
7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
- 27
- This step should be completed within 60 days following the approval of the use permit. The City
- 28
- Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance
- 29
- with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building
- 30
- permits will not be issued unless the letter of acceptance has been filed.

1 8. The site plan as approved with this resolution voids and supersedes all
2 previously approved site plans, however all resolutions/ordinances approving previous permits
3 remain in force unless specifically amended by this resolution.

Introduced by:

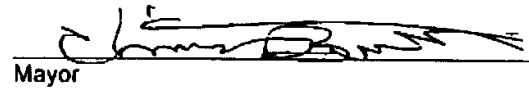


AYES: Camp, Eskridge, Fellers,
Gaylor Baird, Laram, Raybould;
NAYS: None; ABSENT: Christensen.

Approved as to Form & Legality:


City Attorney

Approved this 27th day of Jan., 2016:


Mayor

ADOPTED
JAN 25 2016
BY CITY COUNCIL

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Pre-Existing Use Permit 3AF**


To The City Clerk:

The undersigned, "Permittee" under **Pre-Existing Use Permit 3AF** granted by **Resolution No. A-89466**, adopted by the City Council of the City of Lincoln, Nebraska, on **January 25, 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 ordinance 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 4th day of APRIL, 2016.

Starwood Retail Partners
Permittee



Signature
VICE PRESIDENT / DEVELOPMENT

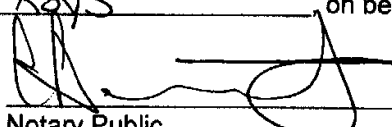
Title

STATE OF Illinois)

COUNTY OF Cook) ss.

The foregoing instrument was acknowledged before me this 4th day of April, 2016, by Robert Kays on behalf of Starwood Retail Partners.






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 **Pre-Existing Use Permit No. 3AF** approved by **Resolution No. A-89466**, adopted by the City Council on **January 25, 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 9th day of March, 2016.


Deputy City Clerk

