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17R-306

Introduce: 12-18-17

RESOLUTION NO. A- 90838

PRE-EXISTING USE PERMIT NO. 3AH

1 WHEREAS, Campbell, LLC has submitted an application designated as Pre-
2 Existing Use Permit No. 3AH to amend the boundary of the Gateway Mall Use Permit by adding
3 the property at 6400 Q Street and authority to construct a total of 300 dwelling units and 70,000
4 square feet of commercial space or some combination of both, including waivers to increase the
5 maximum building height from 40 feet to 55 feet and to reduce residential parking requirements
6 from 2 to 1.4 stalls per dwelling unit, on property generally located at 6400 Q Street, and legally
7 described as:

8 Lots 1, 2, 3, 4, & 5, Gateway Shopping Center Subdivision; Lots 1,
9 2, 3, and Outlot A, Q Place, except east part for street; Lot 256 of
10 Irregular Tracts, except that part lying northwest of a line 40 feet
11 east of the centerline of Cotner Boulevard and except parts in
12 northwest and south for road; Lot 262 of Irregular Tracts except
13 south part for road; Lot 263 of Irregular Tracts except south part
14 for road; Lot 263 of Irregular Tracts except 544.35 square feet in
15 south for street; Lot 265 of Irregular Tracts except 2,835.50
16 square feet in south part for road; Lot 266 of Irregular Tracts
17 except the south portion of right-of-way of O Street; (Area H) Lot
18 163 of Irregular Tracts except 182.63 square feet in the southeast
19 corner for street; (Area I) Lot 212 except 3,741 square feet for
20 road in the southeast, all located in the South Half of Section 21,
21 Township 10 North, Range 7 East of the 6th P.M., Lancaster
22 County, Nebraska;

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

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

28 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
29 Lincoln, Nebraska:

1 That the application of Campbell, LLC, hereinafter referred to as "Permittee", to
2 amend Pre-Existing Use Permit No. 3 to amend the boundary of the Gateway Mall Use Permit
3 by adding the property at 6400 Q Street, for authority to construct a total of 300 dwelling units
4 and 70,000 square feet of commercial space or some combination of both, including waivers to
5 increase the maximum building height from 40 feet to 55 feet and to reduce residential parking
6 requirements from 2 to 1.4 stalls per dwelling unit, on the property legally described above be
7 and the same is hereby granted upon condition that operation of said development be in
8 substantial compliance with said application, the site plan, and the following additional express
9 terms, conditions, and requirements:

10 1. This permit approves up to 300 dwelling units and 70,000 square feet of
11 commercial space, or some combination thereof, with waivers to reduce required residential
12 parking from 2 to 1.4 stalls per unit as long as no more than 40% of the units have more than
13 one bedroom and to increase allowable height from 40 feet to 55 feet provided that at least a 20
14 foot setback is provided on 66th Street and Q Street.

15 2. Before receiving building permits:

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

19 i. Show NRD easement and floodplain with cross sections and flood
20 elevations to the satisfaction of Public Works Watershed
21 Management.

22 b. Provide documentation that the letter of acceptance, as required by the
23 approval of the special permit, has been recorded with the Register of Deeds.

24 3. Prior to obtaining a building permit for new construction, the Permittee shall
25 submit an administrative amendment with a grading plan for the area of construction.

1 4. Before occupying the buildings, all development and construction is to
2 substantially comply with the approved plans.

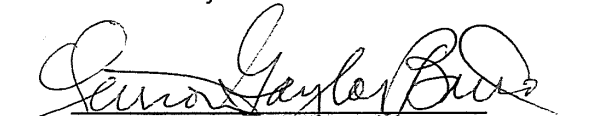
3 5. The physical location of all setbacks and yards, buildings, parking and circulation
4 : elements, and similar matters must be in substantial compliance with the location of said items
5 as shown on the approved site plan.

6 6. This resolution's terms, conditions, and requirements run with the land and shall
7 be binding upon the Permittee, its successors, and assigns.

8 7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
9 This step should be completed within 60 days following the approval of the use permit. The City
10 Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance
11 with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building
12 permits will not be issued unless the letter of acceptance has been filed.

13 8. The site plan as approved with this resolution voids and supersedes all
14 previously approved site plans, however the terms and conditions of all resolutions/ordinances
15 approving previous permits shall remain in force and effect except as specifically amended by
16 this resolution.

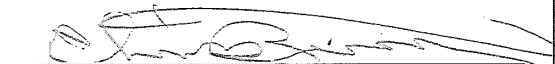
Introduced by:



AYES: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould, Shobe; NAYS: None.

Approved as to Form & Legality:


City Attorney

Approved this 11th day of Jan., 2017.

Mayor

ADOPTED

JAN 08 2018

BY CITY COUNCIL



All-purpose Acknowledgment California only

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

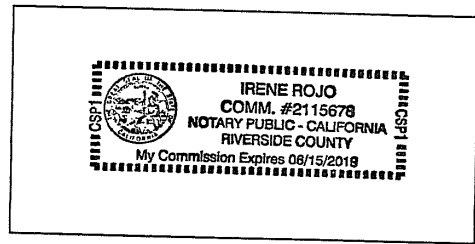
State of California

County of Riverside

On 1/31/18 before me, Irene Rojo Notary Public (Here insert name and title of the officer),

personally appeared R. James Campbell

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Notary Seal

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Letter of Acceptance

Document Date 1/31/18 Number of Pages 1

Signer(s) Other Than Named Above _____



FO01-000DSG5350CA-01

CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss:
CITY OF LINCOLN)

I, Teresa J. Meier, 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 3AH** approved by **Resolution A-90838**, adopted by the City Council on **January 8, 2018**, 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 January, 2018.

Teresa J. Meier
City Clerk

The seal of the City of Lincoln, Nebraska, is circular. It features a central profile of a man's head facing right. The text around the inner border of the seal reads "CITY OF LINCOLN" at the top, "FOUNDED JULY 23, 1857" on the right, "SEAL" below the profile, and "INCORPORATED APRIL 1860" on the left. The outer border of the seal contains the text "LANCASTER COUNTY, NEBRASKA".