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2005 APR 26 P 12:05

LANCASTER COUNTY, NE

INST. NO 2005

022117

#59.00

BLOCK

THCPC

CODE

CHECKED

ENTERED

EDITED

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Approval
05R-67

Introduce: 3-28-05

(SUBSTITUTE)
(Appeal of Thompson Creek LLC)
RESOLUTION NO. A- 83274

USE PERMIT NO. 141A

1 WHEREAS, Thompson Creek, LLC has submitted an application in accordance
2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 141A to
3 remove two lots (Lot 1, Block 2, and Lot 7, Block 1, Thompson Creek Addition) from the
4 Thompson Creek Community Unit Plan and add them to the Thompson Creek Use Permit on
5 property generally located at South 56th Street and Thompson Creek Blvd., and legally
6 described as:

7 ~~Lot 7, Block 1, Lot 1, Block 2, Lots 13-30, Block 3, and Outlot A,~~
8 ~~Thompson Creek Addition, Lots 1 through 4, Block 1, and Outlots~~
9 ~~A and B, Thompson Creek Commercial Addition, Lincoln,~~
10 ~~Lancaster County, Nebraska;~~
11 *See following page.

12 WHEREAS, the Lincoln City - Lancaster County Planning Commission
13 conditionally approved Use Permit No. 141A including conditions requiring paving in S. 57th
14 Street to be 33' wide, requiring angle parking along S. 57th Street, and requiring a traffic study
15 and showing revisions based on the traffic study; and

16 WHEREAS, Thompson Creek, LLC has appealed from the above-mentioned
17 conditions and is requesting their elimination; and

18 WHEREAS, the Department of Public Works & Utilities and Thompson Creek,
19 LLC have reached a compromise regarding the above-mentioned conditions; and

20 WHEREAS, the real property adjacent to the area included within the site plan
21 for this amendment to the community unit plan and use permit for commercial space will not be
22 adversely affected; and

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

AMENDED 4/11/05

Chg EDC

Cit Creek-Teresa

05R-67

Lot 7, Block 1, Lot 1, Block 2, Lots 13 and 15-30,
Block 3, and Outlot A, Thompson Creek Addition;
Lots 1-4, Block 1, and Outlots A and B, Thompson
Creek Commercial Addition, and Units 1 and 2,
Thompson Creek Boulevard Condominium Regime,
Lincoln, Lancaster County, Nebraska;

1 WHEREAS, the action of the Lincoln City - Lancaster County Planning
2 Commission conditionally approving Use Permit No. 141A should be modified by eliminating the
3 requirement that paving in S. 57th Street be 33' wide, by modifying the required angled parking
4 along S. 57th Street, and by modifying the required traffic study.

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

7 That the application of Thompson Creek, LLC, hereinafter referred to as
8 "Permittee", to remove two lots from the Thompson Creek Community Unit Plan and add them
9 to the Thompson Creek Use Permit be and the same is hereby granted under the provisions of
10 Section 27.27.080 of the Lincoln Municipal Code upon condition that the development of said
11 Community Unit Plan and Use Permit be in strict compliance with said application, the site plan,
12 and the following additional express terms, conditions, and requirements:

13 1. This permit approves 114,500 sq. ft. of office space which includes
14 37,000 sq. ft. of live-work office space and 16 dwelling units, along with all previously approved
15 waivers of the required setbacks, a reduction of the required parking, and a reduction of the
16 required open space for dwellings.

17 2. Before receiving building permits:

18 a. Revise the site plan to:

- 19 i. Show Lot 1, Block 2 served with sanitary sewer.
20 ii. Show 8" water mains serving the commercial area with
21 connections to Thompson Creek Blvd. and Union Hill Rd.
22 iii. Revise note 5 to reflect the current R-3 zoning
23 designation.
24 iv. Revise note 8 to show 8" water lines serving the
25 commercial area.
26 v. Revise note 14 to replace the name "Trego Drive" with
27 "Crosslake Lane."
28 vi. Label the 60' easement along South 57th Street "Public
29 access, water main, and utility easement."

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- vii. Show sidewalks along both sides of South 57th Street with connections to the commercial lots.
 - viii. Revise the parking along South 57th Street to be angled such that vehicles can enter and leave parking stalls without crossing the centerline of South 57th Street.
 - ix. Show additional right-of-way for the right turn lanes in 56th Street at Union Hill Road and Thompson Creek Boulevard.
 - x. Add a note stating part of this development is located within the Country Acres Wellhead Protection Area. Best management practices will be utilized to decrease the risk of groundwater contamination, for example, being conscientious regarding the use of lawn chemicals/fertilizers and ensuring the proper storage of chemicals and/or fuels.
- b. Provide horizontal curve data and a street grade profile for South 57th Street.
 - c. Submit a traffic study projecting anticipated peak hour traffic volumes and required lane configurations in Union Hill Road between 56th Street and Greycliff Drive and revise plans, if necessary, to meet recommendations of the approved study.
 - d. The permittee must submit a revised and approved final plan with 5 copies.
 - e. The construction plans shall comply with the approved plans.
 - f. Final plats within the area of this Use Permit shall be approved by the City.
 - g. Change of Zone #05010 must be approved.
 - h. An amendment to the Thompson Creek CUP must be approved removing these lots.
3. Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.

1 5. The site plan accompanying this permit shall be the basis for all
2 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
3 elements, and similar matters.

4 6. This resolution's terms, conditions, and requirements bind and obligate
5 the Permittee, its successors and assigns. The building officer shall report violations to the City
6 Council which may revoke this use permit or take other such action as may be necessary to
7 gain compliance.

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

13 8. The site plan as approved with this resolution voids and supersedes all
14 previously approved site plans, however all resolutions approving previous permits remain in
15 force unless specifically amended by this resolution.

See further Council Proceedings
on next page.

Introduced by:

Ann H. M. McRoy

Approved as to Form & Legality:

Ann H. M. McRoy
City Attorney

AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

ADOPTED

APR 11 2005

BY CITY COUNCIL

Approved this <u>15th</u> day of <u>April</u> , 2005: <u>Deleen J. Leung</u> Mayor

04/11/05 Council Proceedings:

NEWMAN Moved to amend Bill No. 05R-67 in the following manner:

1. On page 1, delete lines 7 through 10 and insert in lieu thereof the following: Lot 7, Block 1, Lot 1, Block 2, Lots 13 and 15-30, Block 3, and Outlot A, Thompson Creek Addition; Lots 1-4, Block 1, and Outlots A and B, Thompson Creek Commercial Addition, and Units 1 and 2, Thompson Creek Boulevard Condominium Regime, Lincoln, Lancaster County, Nebraska.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

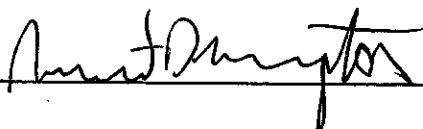
RE: Use Permit No. 141A

To The City Clerk:

The undersigned, "Permittee" under **Use Permit 141A** granted by **Resolution A-83274**, adopted by the City Council of the City of Lincoln, Nebraska, on **April 4, 2005**, 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 April, 2005.

, Permittee

By: _____
Title: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 20th day of APRIL, 2005, by ROBERT D. HAMPTON, an individual.



Christine K. Middleton
Notary Public

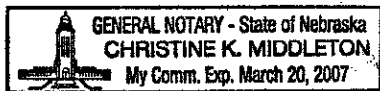
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, 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 20th day of APRIL, 2005, by ROBERT D. HAMPTON, Member, on behalf of THOMPSON CREEK LLC, a Nebraska limited liability company.



Christine K. Middleton
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, 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 **Use Permit 141A** approved by **Resolution A-83274** adopted by the City Council on **April 11, 2005** 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 26th day of April, 2005.

Teresa J. Meier
Deputy City Clerk

