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7/11

RESOLUTION NO. A- 68051

SPECIAL PERMIT NO. 977

Amended  
3/22/82.

01 WHEREAS, Larry C. Price has submitted an application  
 02 designated as Special Permit No. 977 for authority to construct  
 03 housing for the elderly, <sup>a parking lot,</sup> /to amend the building line district, and  
 04 to adjust the required front yard on property bounded by Cotner  
 05 Boulevard, Holdrege Street, Fairfax Street and 68th Street, and  
 06 legally described as:

07 The south half of Block 55 and all of Block 56,  
 08 except Lots 4 through 6 and that portion of Lot  
 09 3, lying westerly of a line described as begin-  
 10 ning at a point on the south line of said Lot 3,  
 11 said point being 32.5 feet easterly of the south-  
 12 west corner of said Lot 3, thence northerly  
 13 parallel with and 32.5 feet east of the west line  
 14 of said Lot 3, a distance of 75 feet, thence  
 15 easterly, parallel with and 75 feet north of the  
 16 south line of said Lot 3, a distance of 7 feet;  
 17 thence northerly, parallel with and 39.5 feet  
 18 east of the west line of said Lot 3, a distance  
 19 of 65 feet to a point on the north line of said  
 20 Lot 3, said point being the point of termination;  
 21 and the north 150 feet of the vacated north-south  
 22 alley and the west 32.5 feet of the North Half of  
 23 the vacated east-west alley abutting Lot 3, Bethany  
 24 Heights, Lincoln, Lancaster County, Nebraska.

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25 WHEREAS, the real property adjacent to the area included  
 26 within the plot plan for this housing for the elderly <sup>and parking lot</sup> /will not be  
 27 adversely affected; and

28 WHEREAS, said plot plan together with the terms and  
 29 conditions hereinafter set forth are consistent with the intent  
 30 and purpose of Title 27 of the Lincoln Municipal Code to promote  
 31 the public health, safety, morals, and general welfare.

32 NOW, THEREFORE, BE IT RESOLVED by the City Council of  
 33 the City of Lincoln, Nebraska:

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3/22/82.

34 That the application of Larry C. Price, hereinafter  
 35 referred to as "Permittee," to construct housing for the elderly, <sup>a parking lot,</sup> /  
 36 amend the building line district, and to adjust the front yard to  
 37 10 feet be and the same is hereby partially and conditionally granted  
 38 under the provisions of Sections <sup>27.63.170,</sup> 27.63.210, /27.71.200(b) and  
 39 27.71.170(c) of the Lincoln Municipal Code upon condition that  
 40 construction and operation of said housing <sup>and the parking lot</sup> /be in

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01 strict compliance with said application, the plot plan, and the  
02 following additional express terms, conditions, and requirements:

03 1. That development and construction of this special  
04 permit shall be in strict compliance with the approved amended  
05 plot plan, with two phases of development, the first being primarily  
06 the development of the existing school building and second being  
07 primarily the development of the new building.

08 2. That prior to the issuance of any building permit  
09 by the City; the permittee, his successors and assigns shall  
10 prepare and submit to the Planning Director a landscape screen  
11 plan for his review and approval. The approved landscape plan  
12 shall be implemented within two planting seasons following the  
13 initial issuance of occupancy permit for each phase of development.  
14 The plant material and grounds shall be maintained by the owner  
15 so long as this special permit is in effect to the satisfaction  
16 of the Planning Director.

17 3. All development and construction shall be in  
18 strict accordance with adopted Design Standards of the City.

19 4. Entrance sidewalks to the building from Fairfax  
20 Street and the parking lot shall comply with all applicable  
21 standards for handicapped persons of the State of Nebraska and  
22 provide appropriate ramps to and from the parking lot aisle.

23 5. The permittee, his successors or assigns shall  
24 supply an annual inventory of the residents, by ages, to the  
25 Codes Administration Division on each anniversary date of the  
26 special permit as long as this special permit is in effect, with  
27 a copy furnished as well to the City Council. Any violation of  
28 the terms of the special permit shall be called to the attention  
29 of the City Council by the Codes Administration Division.

30 6. That the developer request an adjustment to the  
31 parking requirements and the City Zoning Board of Appeals grant  
32 the request, and as a condition, limit the use of the <sup>commercial</sup> property to the  
33 uses as outlined in permittee's application for this special permit.

34 7. That all units shall be accessible by wheelchair  
35 from the sidewalk level and within the residential structure.

36 8. Outdoor lighting shall be provided along the walks  
and in the parking lot. The lighting shall comply with the

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01 design standards of the Lincoln Electric System. The lighting of  
02 the temporary parking lot may be also temporary. The lighting  
03 shall be installed prior to the intial issuance of the occupancy  
04 permit.

05 9. That the temporary parking shall be permitted for  
06 a period of only two years from the approval of this special  
07 permit. Thereafter, the parking lot shall be constructed to meet  
08 all parking lot design standards.

09 10. No parking shall be located in the 25-foot front  
10 yard along Cotner Boulevard.

10½. That in accordance with §27.63.170 of the Lincoln...\*

11 11. Petitions to vacate 67th Street between Fairfax  
12 and Holdrege Streets shall be submitted by the permittee within  
13 six months of the approval of this special permit. An access  
14 easement shall be granted on all or a portion of vacated 67th  
15 Street to provide access to the east-west alley east of 67th  
16 Street.

17 12. The request for Change of Zone Nos. 1920 and 1921  
18 be approved by the City Council.

19 13. No development or construction whatsoever of the  
20 proposed special permit shall proceed until the same has been  
21 approved by the Building Official for the City of Lincoln; and no  
22 dwelling units shall be occupied or otherwise used until said  
23 Building Official has found that permittee has complied with all  
24 the terms, conditions, and requirements of the City in authorizing  
25 the special permit.

26 14. That the permittee, his successors and assigns  
27 agree that if the Building Official finds at any time that the  
28 terms, conditions and requirements of this special permit have  
29 not been complied with, or that any phase thereof has not been  
30 completed within the time required under said special permit or  
31 any administrative amendment thereto, the Building Official shall  
32 report this fact to the City Council which may, after a hearing  
33 of which the Permittee shall be notified, revoke such special  
34 permit for failure to comply with such terms, conditions and  
35 requirements, or take such other action as it may deem necessary  
36 to obtain compliance.

\*...Municipal Code, the permittee is hereby granted the authority to utilize such portion of the parking area located in the proposed R-2 zoning district as shown on the plot plan in conjunction with the uses to be established in that portion of permittee's property located in the B-1 zoning district for the purpose of providing the required parking

for such uses, subject to the conditions as established by the Board of Zoning Appeals.

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01 15. Within 30 days from the date of adoption of this  
02 resolution, permittee shall properly execute the Letter of Acceptance  
03 attached hereto as Appendix "A" and file the Letter with the City  
04 Clerk, evidencing the Permittee's unqualified acceptance of all  
05 the terms, conditions, and requirements of this resolution and  
06 permit. If the Permittee fails to so execute and file the Letter  
07 of Acceptance, then the City Clerk shall inform the City Council  
08 and the Permittee of such failure, and this special permit may be  
09 declared void and revoked by the City Council. The permittee may  
10 request an administrative amendment of the Planning Director for  
11 an extension of time in which to file the Letter of Acceptance,  
12 but not to exceed six (6) months from approval of this resolution.

13 16. That all the terms, conditions, and requirements  
14 of this special permit herein granted shall be binding and obligatory  
15 on permittee, its successors and assigns. That within 10 days  
16 from the date the Letter of Acceptance is filed, the City Clerk  
17 shall cause a certified copy hereof together with a certified  
18 copy of said executed Letter of Acceptance to be filed in the  
19 Office of the Register of Deeds for Lancaster County, Nebraska,  
20 filing fees shall be paid in advance by permittee.

21 BE IT FURTHER RESOLVED that:

22 1. That the building line district along the east  
23 side of Cotner Boulevard between Holdrege Street and Fairfax  
24 Street is hereby adjusted to provide a 25-foot front yard.

25 2. That the building line district along the north  
26 side of Holdrege Street between Cotner Boulevard and 67th Streets  
27 is hereby adjusted to provide a 25-foot front yard.

28 3. That the building line district is hereby adjusted  
29 to provide a 20-foot front yard along the north side of Holdrege  
30 Street between 67th and 68th Streets.

31 4. That the front yard along 68th Street and Fairfax  
32 Street shall not be reduced.

**ADOPTED**

**APPROVED**

MAR 22 1982

MAR 26 1982

By City Council

Approved as to Form and Legality:

Introduced by:

*John Brantley*  
MAYOR *Bill Danley*

Staff Review Completed:

*William F. Sturden*  
City Attorney

*E. C. Arustead*  
Administrative Director

Vote: AYES: Ahlschwede, Danley, Frohardt,  
Hampton, Shackelford, Youngberg; NAYS:  
None; ABSENT: Steinman.

APPENDIX "A"

City Council  
City of Lincoln  
Lincoln, Nebraska

Re: Letter of Acceptance  
Special Permit No. 977

TO THE CITY COUNCIL:

I, Le Sueur, President or authorized representative of Cotman Center, herein called Permittee under Special Permit No. 977, granted by Resolution No. A-68051, adopted by the City Council of the City of Lincoln, Nebraska, on MARCH 22, 1982, 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.

Le Sueur  
President or authorized representative

REC. 4/9/82 Rec. M. McKee

C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of RESOLUTION NO. A-68051 AND LETTER OF ACCEPTANCE (S.P. #977)

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held MARCH 22, 1982 as the original appears of record in my office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 21st day of APRIL, 1982.

*Paul A. Malzer*  
\_\_\_\_\_  
City Clerk

INDEXED  
MICRO-FILED  
GENERAL

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*Mia.*

LINCOLN COUNTY NEBR.  
*Kenneth C. Ferguson*  
REGISTER OF DEEDS

1982 APR 21 AM 11:56

FILED FOR RECORD AS:  
INST. NO. 82-5557

\$18.50

*City Clk.*