

RESOLUTION NO. A-_____

USE PERMIT NO. 129A

1 WHEREAS, Krueger Development Inc. has submitted an application in
 2 accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use
 3 Permit No. 129A for authority to develop 134,865 square feet of commercial uses, with
 4 waivers to sidewalks, specific site plan requirements, and front and rear yard setbacks
 5 on property generally located northeast of South 14th Street and Yankee Hill Road and
 6 legally described to wit:

7 Lots 2-7, Block 2, Lots 1-7, Block 3, Vavrina Meadows 6th
 8 Addition, and a portion of Lot 24 Irregular Tract, all located in
 9 the West Half of Section 24, Township 9 North, Range 6
 10 East, of the 6th P.M., Lancaster County, Nebraska, more
 11 particularly described as follows:

12 Commencing at the west corner of Section 24, Township 9
 13 North, Range 6 East of the 6th P.M., Lancaster County,
 14 Nebraska and extending north 01 degrees 56 minutes 43
 15 seconds west, 39.53 feet; thence north 88 degrees 03
 16 minutes 17 seconds east, 60.00 feet to the point of
 17 beginning; thence north 06 degrees 00 minutes 59 seconds
 18 west, 140.82 feet; thence north 01 degrees 56 minutes 44
 19 seconds west, 178.04 feet; thence north 88 degrees 03
 20 minutes 18 seconds east, 566.47 feet; thence south 01
 21 degrees 56 minutes 42 seconds east, 322.85 feet; thence
 22 south 88 degrees 30 minutes 08 seconds west, 50.00 feet;
 23 thence south 01 degrees 56 minutes 43 seconds east,
 24 795.03 feet; thence south 88 degrees 30 minutes 08
 25 seconds west, 227.00 feet; thence south 01 degrees 56
 26 minutes 43 seconds east, 51.68 feet; thence south 88
 27 degrees 29 minutes 50 seconds west, 278.33 feet; thence
 28 north 02 degrees 01 minutes 36 seconds west, 145.01 feet;
 29 thence south 88 degrees 29 minutes 50 seconds west,
 30 10.00 feet; thence north 02 degrees 01 minutes 36 degrees
 31 west, 482.20 feet; thence north 02 degrees 04 minutes 26
 32 seconds east, 139.80 feet; thence north 01 degrees 59

1 minutes 11 seconds west, 80.00 feet to the point of
2 beginning, containing 13.85 acres;

3 WHEREAS, the real property adjacent to the area included within the site
4 plan for this commercial space will not be adversely affected; and

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

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
9 Lincoln, Nebraska:

10 That the application of Krueger Development Inc., hereinafter referred to
11 as "Permittee", to develop 134,865 square feet of commercial uses on the property
12 legally described above be and the same is hereby granted under the provisions of
13 Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and
14 operation of said commercial space be in strict compliance with said application, the
15 site plan, and the following additional express terms, conditions, and requirements:

- 16 1. This permit approves 134,865 square feet of commercial space.
- 17 2. This permit hereby approves the following adjustments:
 - 18 a. An adjustment to Section 27.31.090(a) of the Lincoln
19 Municipal Code to reduce the front yard setback along
20 Infinity Road and the north side of Vavrina Boulevard from
21 50 feet to 25 feet for the buildings only, and from 50 feet to
22 40 feet along South 14th Street.
 - 23 b. An adjustment to Section 27.31.090(a) of the Lincoln
24 Municipal Code to reduce the rear yard setback adjacent to

1 the residential area from 50 feet to 0, 5, or 10 feet as shown
2 on the site plan.

3 c. A waiver to the standard required specific use permit site
4 plan information except for drive thru facilities, convenience
5 store/gas pumps and car washes which will be submitted as
6 a request for an administrative amendment.

7 3. Before receiving building permits:

8 a. The Permittee must submit a revised and reproducible final
9 plan as approved along with five copies to the Planning
10 Department.

11 b. The construction plans must conform to the approved plans.

12 c. Final plats within Vavrina Meadows 1st Addition must be
13 approved by the City.

14 d. Revise the traffic study to the satisfaction of Public Works
15 and Utilities Department.

16 4. Before operating and occupying each commercial use all
17 development and construction must be completed in conformance with the approved
18 plans.

19 5. All privately-owned improvements including landscaping and
20 private roadways shall be permanently maintained by the Permittee or an appropriately
21 established property owners association approved by the City Attorney.

22 6. The site plan approved by this permit shall be the basis for all
23 interpretations of setbacks, yards, locations of buildings, location of parking and

1 circulation elements, and similar matters.

2 7. The terms, conditions, and requirements of this resolution shall be
3 binding and obligatory upon the Permittee, its successors and assigns. The building
4 official shall report violations to the City Council which may revoke this use permit or
5 take such other action as may be necessary to gain compliance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ___ day of _____, 2001:

Mayor