

RESOLUTION NO. A-\_\_\_\_\_

USE PERMIT NO. 125

1           WHEREAS, Nebraska Nurseries, Inc. has submitted an application in  
2 accordance with Section 27.27.080 and Section 27.31.100 of the Lincoln Municipal  
3 Code designated as Use Permit No. 125 for authority to construct 15,000 sq. ft of floor  
4 area in the O-3 Office Park District and 66,900 sq. ft. of floor area plus 35 dwelling units  
5 on the second floor in the B-2 Planned Neighborhood Business District, on property  
6 generally located at the southwest corner of 80th Street and Pioneers Blvd. and legally  
7 described to wit:

8           A tract of land located in the Northeast Quarter of Section  
9 10, Township 9 North, Range 7 East of the 6th P.M.,  
10 Lancaster County, Nebraska, being more particularly  
11 described as follows:

12           Commencing at the southwest corner of Lot 54 of said  
13 Quarter Section; thence north 00 degrees 10 minutes 44  
14 seconds west on the west line of said Lot 54, a distance of  
15 259.81 feet to the south right-of-way line of Pioneers Blvd.;  
16 thence south 89 degrees 19 minutes 30 seconds west on  
17 said line, a distance of 179.65 feet to the point of beginning;  
18 thence south 00 degrees 49 minutes 59 seconds east, a  
19 distance of 291.51 feet; thence south 89 degrees 48  
20 minutes 08 seconds west, a distance of 183.77 feet; thence  
21 south 37 degrees 33 minutes 31 seconds west, a distance of  
22 76.97 feet; thence south 66 degrees 33 minutes 19 seconds  
23 west, a distance of 289.31 feet; thence north 89 degrees 46  
24 minutes 35 seconds west, a distance of 166.69 feet to the  
25 west line of Lot 57 of the aforesaid Northeast Quarter of  
26 Section 10, said line also being the east line of Outlot "A",  
27 Pioneer Subdivision, a subdivision as platted and recorded  
28 in Lancaster County, Nebraska; thence north 00 degrees 16  
29 minutes 08 seconds east on said line, a distance of 460.18  
30 feet to the south right-of-way line of Pioneers Blvd.; thence  
31 north 89 degrees 21 minutes 18 seconds east on said line, a  
32 distance of 635.93 feet; thence north 89 degrees 19 minutes  
33 30 seconds east on said line, a distance of 20.51 feet to the

1 point of beginning; containing 252,195 square feet or 5.789  
2 acres, more or less;

3 and

4 A tract of land located in the Northeast Quarter of Section  
5 10, Township 9 North, Range 7 East of the 6th P.M.,  
6 Lancaster County, Nebraska, being more particularly  
7 described as follows:

8 Commencing at the southwest corner of Lot 54 of said  
9 Quarter Section; thence north 00 degrees 10 minutes 44  
10 seconds west on the west line of said Lot 54, a distance of  
11 259.81 feet to the south right-of-way line of Pioneers Blvd.;  
12 thence south 89 degrees 19 minutes 30 seconds west on  
13 said line, a distance of 200.16 feet; thence south 89 degrees  
14 21 minutes 18 seconds west on said line, a distance of  
15 635.93 feet to the west line of lot 57 of the aforesaid  
16 Northeast Quarter of Section 10, said line also being the  
17 east line of Outlot "A", Pioneer Subdivision, a subdivision as  
18 platted and recorded in Lancaster County, Nebraska; thence  
19 south 00 degrees 16 minutes 08 seconds west on said line,  
20 a distance of 519.31 feet to the point of beginning; thence  
21 south 43 degrees 36 minutes 30 seconds east, a distance of  
22 37.54 feet to a point of curvature; thence southeasterly  
23 along a curve to the left having a radius of 95.82 feet and a  
24 central angle of 46 degrees 31 minutes 36 seconds, an arc  
25 distance of 77.81 feet (chord = 75.69', chord bearing = south  
26 66 degrees 52 minutes 18 seconds east) to a point of  
27 tangency; thence north 89 degrees 51 minutes 54 seconds  
28 east, a distance of 16.99 feet to a point of curvature; thence  
29 southeasterly along a curve to the right having a radius of  
30 144.27 feet and a central angle of 52 degrees 16 minutes 35  
31 seconds, an arc distance of 131.63 feet (chord = 127.11',  
32 chord bearing = south 63 degrees 59 minutes 49 seconds  
33 east) to a point of tangency; thence south 37 degrees 51  
34 minutes 31 seconds east, a distance of 48.41 feet to a point  
35 of curvature; thence southeasterly along a curve to the left  
36 having a radius of 420.40 feet and a central angle of 19  
37 degrees 46 minutes 13 seconds, an arc distance of 145.06  
38 feet (chord = 144.34', chord bearing = south 47 degrees 44  
39 minutes 38 seconds east) to a point of reverse curvature;  
40 thence southeasterly along a curve to the right having a  
41 radius of 292.55 feet and a central angle of 15 degrees 30  
42 minutes 27 seconds, an arc distance of 79.18 feet (chord =  
43 78.94', chord bearing = south 49 degrees 52 minutes 30

1 seconds east); thence south 55 degrees 16 minutes 54  
2 seconds west, a distance of 154.09 feet; thence north 66  
3 degrees 20 minutes 00 seconds west, a distance of 78.47  
4 feet; thence north 86 degrees 37 minutes 54 seconds west,  
5 a distance of 84.78 feet; thence south 79 degrees 07  
6 minutes 47 seconds west, a distance of 70.38 feet; thence  
7 north 89 degrees 43 minutes 52 seconds west, a distance of  
8 73.06 feet to the west line of the aforesaid Lot 57; thence  
9 north 00 degrees 16 minutes 08 seconds east on said line, a  
10 distance of 362.97 feet to the point of beginning; containing  
11 95,529 square feet or 2.193 acres, more or less;

12 WHEREAS, the real property adjacent to the area included within the site  
13 plan for this development of commercial and office space will not be adversely affected;  
14 and

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

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
19 Lincoln, Nebraska:

20 That the application of Nebraska Nurseries, Inc., hereinafter referred to as  
21 "Permittee", to construct 15,000 sq. ft of floor area in the O-3 Office Park District and  
22 66,900 sq. ft. of floor area plus 35 dwelling units on the second floor in the B-2 Planned  
23 Neighborhood Business District on the property legally described above be and the  
24 same is hereby granted under the provisions of Section 27.27.080 and Section  
25 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation  
26 of said commercial and office space be in strict compliance with said application, the  
27 site plan, and the following additional express terms, conditions, and requirements:

- 28 1. This permit approves 15,000 square feet of floor are in the O-3  
29 zoning district and 66,900 square feet of floor area plus 35 dwelling units on the second

1 floor in the B-2 zoning district.

2 2. This permit further approves an adjustment of the minimum yard  
3 requirements in the B-2 district to reduce the front yard setback from 50 feet to 30 feet  
4 for the B-2 area fronting upon Pioneers Boulevard and Lucile Drive is hereby approved.

5 3. Before receiving building permits:

6 a. The Permittee must submit a revised and reproducible final  
7 plan with five copies to the Planning Department.

8 b. The construction plans must conform to the approved plans  
9 and shall be in accordance with the “Conceptual Master  
10 Plan, The Preserve on Antelope Creek” color renderings  
11 submitted to the Planning Commission on November 29,  
12 2000.

13 c. Final plats within the area of this use permit must be  
14 approved by the City.

15 4. During the construction process, the Permittee will be responsible  
16 for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air  
17 Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall  
18 include, but not be limited to application of water to roads, driveways, parking lots on  
19 site, site frontage and any adjacent business or residential frontage. Planting and  
20 maintenance of vegetable ground cover will also be incorporated as necessary.

21 5. Before occupying the buildings all development and construction  
22 must be completed in conformance with the approved plans.

23 6. All privately-owned improvements must be permanently maintained  
24 by the Permittee or an appropriately established property owners association approved  
25 by the City Attorney.

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

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

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

Introduced by:  
  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Staff Review Completed:  
  
\_\_\_\_\_  
Administrative Assistant

Approved this ___ day of _____, 2001:  _____ Mayor
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