

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1989A

1 WHEREAS, Sid Dillon Inc. has submitted an application designated as Special
 2 Permit No. 1989A for authority to amend Special Permit 1989 for a change in the lighting plan
 3 for Sid Dillon Automobile Dealership to modify the requirement that all outside lighting shall
 4 meet the City Design Standards for parking lots on property generally located at S. 27th Street
 5 and Kendra Lane, and legally described as:

6 Lot 4, Block 1, Tamarin Ridge Addition located in the Northeast
 7 Quarter of Section 24, township 9 North, Range 6 East, Lancaster
 8 County, Nebraska;

9 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
 10 public hearing on said application and approved the same with conditions; and

11 WHEREAS, Sid Dillon Inc. has filed a Notice of Appeal appealing the action of
 12 the Planning Commission approving Special Permit No. 1989A; and

13 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed
 14 from is deemed advisory and the City Council is authorized to take final action on the matter;
 15 and

16 WHEREAS, the City Council finds that the community as a whole, the
 17 surrounding neighborhood, and the real property adjacent to the area included within the site
 18 plan for this amended special permit will not be adversely affected by granting such a permit;
 19 and

20 WHEREAS, said site plan together with the terms and conditions hereinafter set
 21 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and

1 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
2 general welfare; and

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
4 Lincoln, Nebraska:

5 That the application of Sid Dillon Inc. hereinafter referred to as "Permittee", to
6 amend Special Permit 1989 for a change in the lighting plan for Sid Dillon Automobile
7 Dealership to modify the requirement that all outside lighting shall meet the City Design
8 Standards for parking lots on property described above be and the same is hereby granted
9 under the provisions of Section 27.63.470 and Chapter 27.65 of the Lincoln Municipal Code
10 upon condition that construction of said lighting fixtures be in strict compliance with said
11 application, the site plan, and the following additional express terms, conditions, and
12 requirements:

13 1. This amendment approves an amended lighting plan for the auto dealership on
14 Lot 4, Block 1 as shown on the site plan.

15 2. This special permit is approved contingent on the following conditions:

16 a. The Permittee shall submit a revised site plan including five copies
17 showing the following revisions to the Planning Department office for
18 review and approval.

19 i. Revise Note #3 under Special Permit-Planned Service
20 Commercial to read, "Parking lot lighting shall meet City of
21 Lincoln Design Standards for parking lots. All outside lighting shall
22 meet City of Lincoln Design Standards relative to light
23 measurements at the zoned property line."

24 ii. Add a new note under Special Permit-Planned Service
25 Commercial for display lot lighting levels in Lot 4, Block 1, to read,
26 "After sunset and during business hours, display lot lighting levels

1 shall not exceed an average foot candle measurement greater
2 than 12, and after business hours display lot lighting levels shall
3 not exceed an average foot candle measurement greater than 4.
4 The light fixtures for display lot lighting shall be modified to add full
5 cut-off shielding. Any future replacement of the existing fixtures
6 shall be a full cut-off design.

7 iii. Identify on the site plan the existing display lot area for Lot 4,
8 Block 1.

9 iv. Outside lighting levels beyond the display lot area for Lot 4, Block
10 1, shall not exceed an average foot candle measurement greater
11 than 4.

12 b. Provide documentation from the Register of Deeds that the letter of
13 acceptance as required by the approval of the special permit has been
14 recorded.

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

18 4. This resolution's terms, conditions, and requirements bind and obligate the
19 Permittee, its successors and assigns.

20 5. The applicant shall sign and return the letter of acceptance to the City Clerk
21 within 60 days following the approval of the special permit, provided, however, said 60-day
22 period may be extended up to six months by administrative amendment. The City Clerk shall file
23 a copy of the resolution approving the special permit and the letter of acceptance with the
24 Register of Deeds, filling fees therefor to be paid in advance by the applicant

1 6. The site plan as approved with this resolution voids and supersedes all
2 previously approved site plans, however all resolutions approving previous permits remain in
3 force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor