

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 07026

1 WHEREAS, the Opus X, Inc. has submitted an application designated as Special
 2 Permit No. 07026 for authority to construct a 31 unit domiciliary care facility for a maximum of
 3 33 residents on property generally located at S. 25th Street and Old Cheney Road, and legally
 4 described to wit:

5 Lot 2, Chez Ami Knolls 9th Addition, Lincoln, Lancaster County,
 6 Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission approved
 8 said application after holding a public hearing thereon; and

9 WHEREAS, several aggrieved parties have each filed a Notice of Appeal
 10 appealing the action of the Planning Commission approving Special Permit No. 07026; and

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

13 WHEREAS, the community as a whole, the surrounding neighborhood, and the
 14 real property adjacent to the area included within the site plan for this domiciliary care facility will
 15 not be adversely affected by granting such a permit; and

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

20 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
 21 Planning Commission of Lincoln, Nebraska:

1 That the application of Opus X, Inc., hereinafter referred to as "Permittee", to
2 develop a 31 unit domiciliary care facility for a maximum of 33 residents, be and the same is
3 hereby granted under the provisions of Section 27.63.530 the Lincoln Municipal Code upon
4 condition that construction of said domiciliary care facility be in strict compliance with said
5 application, the site plan, and the following additional express terms, conditions, and require-
6 ments:

7 1. This permit approves a domiciliary care facility for a maximum 31 rooms
8 for 33 residents, including density bonus as provided by the City Design Standards.

9 2. The Permittee must:

- 10 a. License the domiciliary care facility to comply with all state
11 requirements for domiciliaries and/or residential care facilities.
- 12 b. Remove the circle drive from the front yard setback along S. 25th
13 Street.
- 14 c. Show the fire hydrants required by the Fire Department.
- 15 d. Show the minimum amount of parking required as well as any
16 additional parking stalls.
- 17 e. All outdoor lighting shall be full cut-off fixtures and directed
18 downward to minimize glare.
- 19 f. Height of the building shall be limited to one story, not to exceed
20 25 feet.
- 21 g. The building footprint of the main building shall not exceed 19,000
22 feet.
- 23 h. The building exterior shall utilize gable or pitched roofs, residential
24 style shingles, face brick or stone on a portion of all exterior walls,
25 multiple roof forms to reduce the scale of the building, and

1 residential style details. Design shall conform substantially to the
2 elevations submitted by applicant.

3 i. Remove fence from the triangle formed by the southeast lot corner
4 and points 30 feet north and 30 feet west from that corner. Fence
5 shall not have openings more than 4 inches in width.

6 3. Before receiving building permits the Permittee must provide a revised
7 and reproducible final plot plan and five copies to the Planning Department showing the
8 following revisions:

9 a. Add to the General Notes, "Signs need not be shown on this site
10 plan but need to be in compliance with Chapter 27.69 of the
11 Lincoln Zoning Ordinance, and must be approved by Building &
12 Safety Department prior to installation."

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

16 c. Provide a landscape screen plan approved by the Director of
17 Planning.

18 d. The construction plans must conform to the approved plans.

19 4. Before occupying this domiciliary care facility all development and
20 construction is to comply with the approved plans.

21 5. All privately-owned improvements, including landscaping, must be
22 permanently maintained by the Permittee.

23 6. The site plan approved by this permit shall be the basis for all
24 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
25 elements, and similar matters.

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

5 8. The Permittee shall sign and return the City's letter of acceptance to the
6 City Clerk within 60 days following approval of the special permit, provided, however, said 60-
7 day period may be extended up to six months by administrative amendment. The City Clerk
8 shall file a copy of the resolution approving the special permit and the letter of acceptance with
9 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor