

RESOLUTION NO. A-_____

USE PERMIT NO. 100B

1 WHEREAS, South Ridge Village, LLC, has submitted an application in
 2 accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit
 3 No. 100B to amend the existing use permit to expand the South Ridge Village Use Permit by
 4 approximately .98 acres for an early childhood care facility, together with a request to waive the
 5 required side and rear yard setbacks in the O-3 zoning district, on property generally located at
 6 South 29th Street and Porter Ridge Road and legally described as:

7 Lots 10 through 14, South Ridge Village Addition; Lots 1 through
 8 6, South Ridge Village 2nd Addition; Lots 1 through 6, South
 9 Ridge Village 3rd Addition; Lots 1 through 7, South Ridge Village
 10 5th Addition; Lots 2 through 4, South Ridge Village 10th Addition;
 11 a portion of Outlot "A", South Ridge Village 6th Addition, a portion
 12 of Outlot "A", South Ridge Village 11th Addition; a portion of South
 13 29th Street and Porter Ridge Road, all located in the Northwest
 14 Quarter of Section 19, Township 9 North, Range 7 East of the 6th
 15 P.M., Lincoln, Lancaster County, Nebraska, more particularly
 16 described as follows:

17 Commencing at the southwest corner of Lot 1, Block 1, Porter
 18 Ridge West 4th Addition; thence easterly north 89 degrees 57
 19 minutes 36 seconds east along the south line of Lot 1, Block 1,
 20 Porter Ridge West 4th Addition, a distance of 434.14 feet to the
 21 southeast corner of said Lot 1, Block 1, Porter Ridge West 4th
 22 Addition; thence northerly north 00 degrees 06 minutes 48
 23 seconds east along the east line of Lot 1, Block 1, Porter Ridge
 24 West 4th Addition, a distance of 593.72 feet to the true point of
 25 beginning; thence around a curve in a counterclockwise direction
 26 having a delta angel of 09 degrees 21 minutes 39 seconds, an arc
 27 distance of 24.51 feet, a radius of 150.00 feet, and a chord of
 28 north 85 degrees 12 minutes 49 seconds west, said line being the
 29 center line of Porter Ridge Road, a distance of 24.48 feet; thence
 30 westerly north 89 degrees 53 minutes 38 seconds west along the
 31 center line of Porter Ridge Road, a distance of 31.02 feet; thence
 32 northerly north 00 degrees 00 minutes 00 seconds west, a
 33 distance of 171.60 feet; thence easterly north 86 degrees 04
 34 minutes 01 seconds east, a distance of 8.57 feet to a point of
 35 curvature; thence around a curve in a counter clockwise direction
 36 having a delta angle of 08 degrees 20 minutes 24 seconds, an arc
 37 distance of 87.34 feet, a radius of 600.00 feet, and a chord of
 38 north 81 degrees 53 minutes 48 seconds east, a distance of 87.26

1 feet to a point of tangency; thence easterly north 77 degrees 36
2 minutes 59 seconds east, a distance of 145.40 feet; thence
3 easterly north 75 degrees 58 minutes 33 seconds east, a distance
4 of 184.34 feet to a point of curvature; thence around a curve in a
5 clockwise direction having a delta angle of 04 degrees 47 minutes
6 49 seconds, an arc distance of 50.23 feet, a radius of 600.00 feet,
7 and a chord of north 78 degrees 22 minutes 27 seconds east, a
8 distance of 50.22 feet to a point of tangency; thence easterly north
9 80 degrees 46 minutes 22 seconds east, a distance of 159.86 feet
10 to a point of curvature; thence around a curve in a counter
11 clockwise direction having a delta angle of 32 degrees 19 minutes
12 31 seconds, an arc distance of 70.52 feet, a radius of 125.00 feet,
13 and a chord of north 64 degrees 36 minutes 36 seconds east, a
14 distance of 69.59 feet to a point of tangency; thence northeasterly
15 north 48 degrees 26 minutes 51 seconds east, a distance of
16 124.88 feet to a point of curvature; thence around a curve in a
17 counter clockwise direction having a delta angle of 04 degrees 26
18 minutes 15 seconds, an arc distance of 38.73 feet, a radius of
19 500.00 feet, and a chord of south 43 degrees 46 minutes 17
20 seconds east, a distance of 38.72 feet; thence easterly south 45
21 degrees 59 minutes 24 seconds east, a distance of 94.58 feet;
22 thence northeasterly north 44 degrees 00 minutes 36 seconds
23 east, a distance of 218.74 feet to a point of curvature; thence
24 around a curve in a counter clockwise direction having a delta
25 angle of 68 degrees 47 minutes 18 seconds, an arc distance of
26 150.07 feet, a radius of 125.00 feet, and a chord of north 09
27 degrees 36 minutes 57 seconds east, a distance of 141.22 feet;
28 thence northwesterly north 24 degrees 46 minutes 42 seconds
29 west, a distance of 243.10 feet to a point of curvature; thence
30 around a curve in a counter clockwise direction having a delta
31 angle of 69 degrees 06 minutes 18 seconds, an arc distance of
32 150.76 feet, a radius of 125.00 feet, and a chord of north 30
33 degrees 40 minutes 09 seconds east, a distance of 141.79 feet to
34 a compound curvature; thence around a curve in a counter
35 clockwise direction having a delta angle of 09 degrees 17 minutes
36 35 seconds, an arc distance of 97.32 feet, a radius of 600.00 feet,
37 and a chord of north 08 degrees 31 minutes 48 seconds west, a
38 distance of 97.21 feet; thence northerly north 13 degrees 10
39 minutes 35 seconds west, a distance of 2.74 feet; thence around a
40 curve in a clockwise direction having a delta angle of 12 degrees
41 26 minutes 04 seconds, a arc distance of 204.00 feet, a radius of
42 940.00 feet, and a chord of north 83 degrees 02 minutes 25
43 seconds east, said line being 60.00 feet southeast of and parallel
44 to the center line of right-of-way for Pine Lake Road, a distance of
45 203.60 feet; thence southerly south 08 degrees 37 minutes 45
46 seconds west, along the east line of Outlot "A", South Ridge
47 Village 6th Addition, a distance of 229.95 feet to the southwest
48 corner of Lot 2, South Ridge Village 1st Addition; thence
49 southeasterly south 46 degrees 43 minutes 29 seconds east, a
50 distance of 76.46 feet to the southwest corner of Lot 3, South
51 Ridge Village 1st Addition; thence southerly south 00 degrees 06

1 minutes 19 seconds west along the east line of Outlot "A", South
2 Ridge Village 6th Addition, a distance of 416.34 feet to the
3 southwest corner of Lot 10, South Ridge Village 1st Addition;
4 thence easterly north 89 degrees 53 minutes 41 seconds east
5 along the south line of Lot 10, South Ridge Village 1st Addition, a
6 distance of 20.00 feet; thence southerly south 00 degrees 06
7 minutes 19 seconds west along the west line of Lot 14, South
8 Ridge Village Addition, a distance of 302.00 feet; thence
9 southwesterly south 69 degrees 18 minutes 11 seconds west
10 along the south line of Lot 14, South Ridge Village Addition, a
11 distance of 115.80 feet; thence around a curve in a counter
12 clockwise direction having a delta angle of 26 degrees 33 minutes
13 49 seconds, an arc distance of 257.77 feet, a radius of 561.00 feet
14 and a chord of north 34 degrees 11 minutes 21 seconds west,
15 said line being 36 feet northeast of and parallel to the center line
16 of right-of-way for South 29th Street, a distance of 260.09 feet;
17 thence southwesterly south 79 degrees 12 minutes 30 seconds
18 west, a distance of 47.78 feet to a point on the center line of South
19 29th Street; thence southeasterly south 50 degrees 14 minutes 26
20 seconds east along the center line of South 29th Street, a
21 distance of 7.66 feet to a point of curvature; thence around a
22 curve in a clockwise direction having a delta angle of 02 degrees
23 01 minutes 47 seconds, an arc distance of 18.60 feet, a radius of
24 525.00 feet, and a chord of south 49 degrees 13 minutes 33
25 seconds east, said line being the center line of South 29th Street,
26 a distance of 18.60 feet; thence southwesterly south 67 degrees
27 17 minutes 26 seconds west along the south line of Outlot "A",
28 Porter Ridge West 4th Addition, a distance of 255.17 feet; thence
29 westerly south 82 degrees 50 minutes 00 seconds west along the
30 south line of Outlot "A", Porter Ridge West 4th Addition, a distance
31 of 519.87 feet; thence southwesterly south 41 degrees 04 minutes
32 27 seconds west along the south line of Outlot "A", Porter Ridge
33 West 4th Addition, a distance of 131.69 feet to a point of curvature
34 on the center line of Porter Ridge Road; thence around a curve in
35 a counter clockwise direction having a delta angle of 31 degrees
36 26 minutes 04 seconds, an arc distance 82.51 feet, a radius of
37 150.00 feet, and a chord of north 64 degrees 48 minutes 57
38 seconds west, said line being the center line of Porter Ridge
39 Road, a distance of 81.27 feet to the point of beginning and
40 containing a calculated area of 385,794.47 square feet or 8.86
41 acres, more or less;

42 WHEREAS, the real property adjacent to the area included within the site plan for
43 the expansion of the Use Permit area will not be adversely affected; and

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

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of South Ridge Village, LLC, hereinafter referred to as
4 “Permittee”, to amend the existing use permit to expand the South Ridge Village Use Permit by
5 approximately .98 acres, in order to construct an early childhood care facility, together with a
6 request to reduce the required side and rear yard setbacks in the expanded area of the use
7 permit, on the property legally described above be and the same is hereby granted under the
8 provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction
9 and operation of said development be in substantial compliance with said application, the site
10 plan, and the following additional express terms, conditions, and requirements:

11 1. This approval permits an 11,000 square foot early childhood care facility for up to
12 130 children, if Special Permit No. 08052 is approved or any other permitted use in the O-3
13 zoning district, in the expanded area of the use permit along with a waiver reducing the required
14 side and rear yard setbacks to five feet and 20 feet respectively.

15 2. The City Council must approve the related change of zone #08073.

16 3. Before a final plat is approved the Permittee shall:

17 a. Cause to be prepared and submitted to the Planning Department a
18 revised and reproducible final plot plan including five copies showing a
19 note added to General Notes on the site plan stating that “Landscaping
20 and screening need not be shown on this plan but will be provided for at
21 the time of building permit.”

22 b. Provide documentation from the Register of Deeds that the letter of
23 acceptance as required by the approval of the special permit has been
24 recorded.

25 4. Before receiving building permits the construction plans must substantially
26 comply with the approved plans.

27 5. Before occupying this early childhood care facility, all development and
28 construction is to substantially comply with the approved plans.

1 6. All privately-owned improvements, including landscaping and recreational
2 facilities, must be permanently maintained by the Permittee or an appropriately established
3 owners association by the City.

4 7. The physical location of all setbacks and yards, buildings, parking and circulation
5 elements, and similar matters must be in substantial compliance with the location of said items
6 as shown on the approved site plan.

7 8. The terms, conditions, and requirements of this resolution shall run with the land
8 and be binding on the Permittee, its successors, and assigns.

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

14 10. The site plan as approved with this resolution voids and supersedes all
15 previously approved site plans, however, the terms and conditions of all prior resolutions
16 approving this use permit remain in full force and effect except as specifically amended by this
17 resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009:

Mayor