

09R-29

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 09R-29 by accepting Bill No. 09R-29S which is attached hereto as the Substitute resolution.

Introduced by:

Approved as to Form:

City Attorney

Requested by: Richard Krueger

Reason for Request: To modify the conditions of approval to reflect Mr. Krueger's revised application reducing the number of children from 130 to 100; reducing the size of the building from 11,000 sq. ft. to 10,500 sq. ft.; reducing the playground from 8,848 sq. ft. to 5,919 sq. ft.; relocating the building to 40 ft. from the property line thus eliminating the need for any variance in required setbacks; relocating the required 6 ft. fence to 10 ft. west of the east property line; and providing a row of 8 ft. coniferous trees along the east property line.

SUBSTITUTE
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 in the O-3 zoning district, on property
 5 generally located at South 29th Street and Porter Ridge Road and legally described as:

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

16 Commencing at the southwest corner of Lot 1, Block 1, Porter
 17 Ridge West 4th Addition; thence easterly north 89 degrees 57
 18 minutes 36 seconds east along the south line of Lot 1, Block 1,
 19 Porter Ridge West 4th Addition, a distance of 434.14 feet to the
 20 southeast corner of said Lot 1, Block 1, Porter Ridge West 4th
 21 Addition; thence northerly north 00 degrees 06 minutes 48
 22 seconds east along the east line of Lot 1, Block 1, Porter Ridge
 23 West 4th Addition, a distance of 593.72 feet to the true point of
 24 beginning; thence around a curve in a counterclockwise direction
 25 having a delta angel of 09 degrees 21 minutes 39 seconds, an arc
 26 distance of 24.51 feet, a radius of 150.00 feet, and a chord of
 27 north 85 degrees 12 minutes 49 seconds west, said line being the
 28 center line of Porter Ridge Road, a distance of 24.48 feet; thence
 29 westerly north 89 degrees 53 minutes 38 seconds west along the
 30 center line of Porter Ridge Road, a distance of 31.02 feet; thence
 31 northerly north 00 degrees 00 minutes 00 seconds west, a
 32 distance of 171.60 feet; thence easterly north 86 degrees 04
 33 minutes 01 seconds east, a distance of 8.57 feet to a point of
 34 curvature; thence around a curve in a counter clockwise direction
 35 having a delta angle of 08 degrees 20 minutes 24 seconds, an arc
 36 distance of 87.34 feet, a radius of 600.00 feet, and a chord of
 37 north 81 degrees 53 minutes 48 seconds east, a distance of 87.26
 38 feet to a point of tangency; thence easterly north 77 degrees 36

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

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

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

43 WHEREAS, said site plan together with the terms and conditions hereinafter set
44 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
45 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 in the expanded
6 area of the use permit, on the property legally described above be and the same is hereby
7 granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition
8 that construction and operation of said development be in substantial compliance with said
9 application, the site plan, and the following additional express terms, conditions, and require-
10 ments:

11 1. This approval permits an 10,500 square foot early childhood care facility for up to
12 100 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.

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

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

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

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

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

26 5. Before occupying this early childhood care facility, all development and
27 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 approved 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
