

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

1           WHEREAS, Lincoln Sports Facility, LLC has submitted an application designated as  
2 Special Permit No. 18003 for a Planned Service Commercial Development for an indoor sports  
3 facility of approximately 78,500 square feet, more or less; a 5,000 square foot training center; a  
4 surface parking lot; and associated improvements with associated waivers to parking  
5 requirements, reduced internal setbacks, and private roadway requirements on property  
6 generally located at 150 SW 14<sup>th</sup> Place, and legally described as:

7                       Lots 1-7, Block 1, Earl Carter Addition, located in Section 28,  
8                       Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., Lincoln,  
9                       Lancaster County, Nebraska;

10           WHEREAS, the real property adjacent to the area included within the site plan for this  
11 indoor sports facility, training center, and parking lot will not be adversely affected; and

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

15           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
16 Nebraska:

17           That the application of Lincoln Sports Facility, LLC, hereinafter referred to as  
18 "Permittee", to construct a Planned Service Commercial Development for an indoor sports  
19 facility, training center, and parking lot with associated waivers to parking requirements, reduced  
20 internal setbacks, and dead-end street requirements on the property legally described above, be  
21 and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln  
22 Municipal Code upon condition that construction and operation of said additional parking lot be  
23 in strict compliance with said application, the site plan, and the following additional express  
24 terms, conditions, and requirements:

25           1.       This permit approves a Planned Service Commercial Development for an indoor  
26 sports facility, training center, and parking lot with waivers to allow for required parking to be

1 calculated at the rate of one stall per 300 square feet of building space, waiver of internal  
2 building setbacks throughout the Special Permit Area, and waiver of the requirement that all  
3 dead-end streets have a sixty-foot radius turnaround.

4 2. The approval of this Special Permit is conditioned on the approval of the  
5 following associated applications:

- 6 a. Change of Zone 18001; and
- 7 b. Comprehensive Plan Conformance 18005.

8 3. Before receiving building permits or before a final plat is approved:

9 a. The Permittee shall cause to be prepared and submitted to the Planning  
10 Department a revised and reproducible final plot plan including 3 copies with all required  
11 revisions as listed below.

12 i. Resubmit the Lincoln Sports Complex Drainage and Grading  
13 Concept Plan with revised Site Improvement Notes to include the  
14 following:

- 15 a. Detention is being requested to be waived, due to being  
16 adjacent to a major creek.
- 17 b. Final design including grading, drainage, wetland impacts,  
18 floodplain requirements, stormwater quality requirements  
19 shall be submitted to minimize impacts to wetlands and the  
20 floodplain prior to the Final Approved Plans prior to  
21 building permit.

22 ii. Submit building elevations and a landscape plan for approval by  
23 the Director of Planning after review by the Urban Design  
24 Committee prior to building permit. Street trees must be provided  
25 along West O Street per city spacing standards.

26 iii. Required revisions to the site plan:

- 27 a. Designate the area of the existing Utility easement to be  
28 released where proposed buildings overlap easement.
- 29 b. Add a note with total parking stall count.
- 30 c. Label private roadway.
- 31 d. Remove parking stall layout for Lot 1 or show compliance  
32 with parking lot standards.
- 33 e. Label 15' Utility easement along north property line of Lot  
34 6.
- 35 f. Provide parking access easement along north property line  
36 of Lot 6 and 2.
- 37 g. Add a note that any beer garden on Lot 1 will fall entirely  
38 within Lot 1.
- 39 h. Show H-4 setback on site plan along exterior property  
40 lines.
- 41 i. Label all existing Utility easements.

- j. Add a note that cul-de-sac for private streets is waived.
- k. Add to the General Notes, "Signs need not be shown on this site plan, but all signs within the Special Permit area shall comply with Chapter 27.69 of the Lincoln Zoning Ordinance and must be approved by Building & Safety Department prior to installation."

b. Permittee shall provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.

c. Permittee shall submit an application for release of easement if any of the existing easements fall under the proposed buildings.

d. Permittee shall provide verification of Lincoln Electric System (L.E.S) easements.

e. Permittee shall provide verification that an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

f. Due to the proximity of the rail line, prior to the issuance of a building permit, the Permittee shall develop an emergency response plan to the satisfaction of the Lincoln-Lancaster County Health Department (LLCHD), both written and drawn, including a house-in-place scenario and an off-site evacuation plan.

g. The electrical breaker switch of the sports facility's heating, ventilation and air conditioning (HVAC) system shall be clearly marked and readily accessible at all times to the sports facility's staff, or the Permittee shall equip the building with not more than two emergency shut-off switches so the HVAC system can be immediately shut down in the case of a hazardous chemical spill on the rail line to the satisfaction of the LLCHD. The shut-off switch shall be located so that it is easily accessible at all times to the sports facility's staff. The sports facility's staff shall be trained on how to locate and operate the electrical breaker switch or the emergency shut-off switch.

h. Permittee shall provide proof that the site plan and all related documents have been sent to Nebraska Game and Parks for review.

1 i. The construction plans must substantially comply with the approved  
2 plans.

3 4. All privately-owned improvements, including landscaping, shall be permanently  
4 maintained by the Permittee or an appropriately established association approved by the City.

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

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

10 7. The Permittee shall sign and return the City's letter of acceptance to the City  
11 Clerk. This step should be completed within 60 days following the approval of the special  
12 permit. The City Clerk shall file a copy of the resolution approving the special permit and the  
13 letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
14 Permittee. Building permits will be issued unless the letter of acceptance has been filed.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018:

\_\_\_\_\_  
Mayor