

09R-28

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 09R-28 by accepting Bill No. 09R-28S 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-_____

SPECIAL PERMIT NO. 08052

1 WHEREAS, South Ridge Village LLC has submitted an application designated
 2 as Special Permit No. 08052 for authority to operate a 10,500 square foot early childhood
 3 care facility with a 5,919 square foot playground for up to 100 children, together with a
 4 requested waiver of the requirement that an early childhood care facility with 31 or more
 5 children be located on an arterial street, on property located at S. 29th Street and Porter
 6 Ridge Road, and legally described to wit:

7 A portion of Outlot "A", South Ridge Village 6th Addition
 8 and Lot 14, South Ridge Village Addition, Lincoln,
 9 Lancaster County, Nebraska, more particularly described
 10 as follows:

11 Commencing at the northwest corner of Lot 2, Block 1,
 12 Porter Ridge 3rd Addition; thence on the west line of said
 13 Lot 2, south 00 degrees 06 minutes 19 seconds west, a
 14 distance of 47.52 feet to the point of beginning; thence
 15 continuing on said bearing south 00 degrees 06 minutes
 16 19 seconds west, a distance of 254.48 feet to the
 17 southeast corner of Lot 14, South Ridge Village Addition;
 18 thence on the south line of said Lot 14, South Ridge
 19 Village Addition, south 69 degrees 18 minutes 11
 20 seconds west, a distance of 115.80 feet; thence on a
 21 circular curve to the left, having a radius of 561.00 feet, a
 22 central angle of 29 degrees 19 minutes 57 seconds and
 23 whose chord (284.08 feet) bears north 35 degrees 34
 24 minutes 25 seconds west; thence on the arc of said
 25 circular curve 287.20 feet to the point of tangency; thence
 26 north 50 degrees 14 minutes 26 seconds west, a distance
 27 of 15.40 feet; thence north 79 degrees 12 minutes 30
 28 seconds east, a distance of 291.05 feet to the point of
 29 beginning and containing a calculated area of 49,010.62
 30 square feet or 1.13 acres;

1 WHEREAS, the community as a whole, the surrounding neighborhood, and the
2 real property adjacent to the area included within the site plan for this early childhood care
3 facility will not be adversely affected by granting such a permit; and

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

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
9 Lincoln, Nebraska:

10 That the application of South Ridge Village, LLC, hereinafter referred to as
11 "Permittee", to operate an early childhood care facility for 100 children be and the same is
12 hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code
13 upon condition that construction of said early childhood care facility be in strict compliance
14 with said application, the site plan, and the following additional express terms, conditions,
15 and requirements:

16 1. This approval permits an early childhood care facility for up to 100 children
17 along with a waiver of the requirement that access be taken from an arterial street.

18 2. The City Council must approve the related change of zone #08073 and Use
19 Permit #100B.

20 3. Before approval of a final plat the Permittee shall cause to be prepared and
21 submitted to the Planning Department:

22 a. A revised and reproducible final plot plan including five copies with all
23 required revisions as listed below:

24 i. Delete General Note #s 3, 5, and 7 and Waiver No. 2.

- 1 ii. Add to General Note No. 2 on the site plan “Any changes to
2 number of employees and children will not increase parking
3 requirements over 39 stalls.”
- 4 iii. Add a note to General Notes on the site plan that “Additional
5 required landscaping and screening beyond the 8 coniferous
6 trees shown along the east lot line need not be shown on this
7 plan but will be provided for at the time of building permit.”
- 8 iv. Show a 6 foot tall fence, 10 feet west of the east property line.
- 9 b. Provide documentation from the Register of Deeds that the letter of
10 acceptance as required by the approval of the special permit has been
11 recorded.
- 12 4. Before receiving building permits the construction plans must substantially
13 comply with the approved plans.
- 14 5. Before occupying this early childhood care facility, all development and
15 construction must substantially comply with the approved plans.
- 16 6. All privately-owned improvements, including landscaping and recreational
17 facilities, must be permanently maintained by the Permittee or an appropriately established
18 owners association approved by the City.
- 19 7. The physical location of all setbacks and yards, buildings, parking and
20 circulation elements, and similar matters must be in substantial compliance with the
21 location of said items as shown on the approved site plan.
- 22 8. The terms, conditions, and requirements of this resolution shall run with the
23 land and be binding on the Permittee, its successors, and assigns.
- 24 9. The Permittee shall sign and return the letter of acceptance to the City
25 Clerk within 60 days following the approval of the special permit, provided, however, said
26 60-day period may be extended up to six months by administrative amendment. The City
27 Clerk shall file a copy of the resolution approving the special permit and the letter of

1 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
2 Permittee.

3 10. The site plan as approved with this resolution voids and supersedes all
4 previously approved site plans, however, the terms and conditions of all resolutions
5 approving previous permits shall remain in full force and effect except as specifically
6 amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009: _____ Mayor
