

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

PRE-EXISTING USE PERMIT NO. 8F

1           WHEREAS, Restaurants Space 1997A, Inc. and DeeJays Corporation have  
 2 submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code  
 3 designated as Pre-Existing Use Permit No. 8F for authority to expand the pre-existing use  
 4 permit to construct a new drive-thru restaurant and site redevelopment, including requests to  
 5 adjust the parking from one space per 100 square feet of floor area to one space per 150  
 6 square feet of floor area and to adjust the front yard setback from 20 feet to 6 feet for parking,  
 7 on property generally located northeast of the intersection of Van Dorn Street and South 48th  
 8 Street, and legally described as:

9           Lot 430 I.T. in the Southeast Quarter of Section 32, Township 10  
 10           North, Range 7 East of the 6th P.M., Lincoln, Lancaster County,  
 11           Nebraska;

12           WHEREAS, the real property adjacent to the area included within the site plan for  
 13 this expanded use permit will not be adversely affected; and

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

17           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
 18 Lincoln, Nebraska:

19           That the application of Restaurants Space 1997A, Inc. and DeeJays Corporation,  
 20 hereinafter referred to as "Permittee", to expand the pre-existing use permit for a new restaurant  
 21 on the property legally described above be and the same is hereby granted under the provisions  
 22 of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction of said  
 23 drive-thru restaurant be in strict compliance with the application, the site plan, and the following  
 24 additional express terms, conditions, and requirements:

1                   1.       This permit approves an expansion of Pre-existing Use Permit #8F to  
2 include Lot 430 I.T. with adjustments to parking from one space per 100 square feet of floor  
3 area to one space per 150 square feet of floor area and to the front yard setback from 20 feet to  
4 6 feet for parking.

5                   2.       Before receiving building permits, the construction plans must conform to  
6 the approved plans.

7                   3.       Before occupying this building all development and construction must be  
8 completed in conformance to the approved plans.

9                   4.       All privately-owned improvements, including landscaping, must be  
10 permanently maintained by the Permittee.

11                  5.       The site plan approved by this permit shall be the basis for all  
12 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
13 elements, and similar matters.

14                  6.       The terms, conditions, and requirements of this resolution shall be binding  
15 and obligatory upon the Permittee, its successors and assigns. The building official shall report  
16 violations to the City Council which may revoke this use permit or take such other action as may  
17 be necessary to gain compliance.

18                  7.       The Permittee shall sign and return the City's letter of acceptance to the  
19 City Clerk within 30 days following approval of this use permit, provided, however, said 30-day  
20 period may be extended up to six months by administrative amendment. The City Clerk shall  
21 file a copy of the resolution approving this use permit and the letter of acceptance with the  
22 Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

23                  8.       The site plan as approved with this resolution voids and supersedes all  
24 previously approved site plans, however all resolutions approving previous permits remain in  
25 force unless specifically amended by this resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2006:

\_\_\_\_\_  
Mayor