

RECEIVED

JUN 12 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

LANC. COUNTY CLERK

COUNTY SPECIAL PERMIT NO. 09011)	
REQUESTED BY GIPSON PROPERTIES,)	
L.L.C. FOR AUTHORITY TO ALLOW A)	RESOLUTION NO. R-09-0029
GARDEN CENTER ON APPROXIMATELY)	
20 ACRES OF A 78.70 ACRE PARCEL)	
OF LAND GENERALLY LOCATED AT)	
SOUTH 148 TH STREET AND PINE LAKE)	
ROAD, LANCASTER COUNTY, NEBRASKA)	

WHEREAS, Gipson Properties, L.L.C., with permission of owners T.C.S. Family Farms, L.P., requests approval of County Special Permit No. 09011, to provide the authority to allow a garden center on approximately 20 acres of a 78.70 acre parcel, generally located at South 148th Street and Pine Lake Road, Lancaster County, Nebraska, legally described as follows:

Lot 5 I.T. in the Northwest Quarter of Section 22, Township 9 North, Range 8 East, of the 6th P.M., Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommends conditional approval of said Special Permit concluding that the proposal is in conformance with the County Zoning Resolution and the Comprehensive Plan; and

WHEREAS, on May 20, 2009, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 09011 and voted 8-0 to recommend conditional approval; and

WHEREAS, on June 9, 2009, the Board of County Commissioners of Lancaster County, Nebraska, conducted a public hearing regarding County Special Permit No. 09011;

WHEREAS, on June 16, 2009, the Board of County Commissioners of Lancaster County, Nebraska voted to approve said Special Permit with conditions; and

WHEREAS, all requirements of the Lancaster County Zoning Regulations have been

met.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska, that County Special Permit No. 09011, to provide the authority to allow a garden center on approximately 20 acres of a 78.70-acre parcel, generally located at South 148th Street and Pine Lake Road, Lancaster County, Nebraska, is hereby approved subject to the following conditions:

CONDITIONS:

1. This approval permits a garden center under the following conditions:
2. Upon approval of this special permit by the County Board, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five (5) copies with all required revisions and documents as listed below before receiving building permits:
 - 2.1 Revise the plans to show parking, handicapped parking and an employee count.
 - 2.2 Revise the plans to show the future potential access locations as described in paragraph 3 below.
3. The access location shall be constructed on South 148th Street 250 feet South of the intersection with Pine Lake Road. The permittee shall move the access location 650 feet East (on Pine Lake Road) or 650 feet South (on South 148th Street) of the intersection of South 148th Street and Pine Lake Road, at the permittee's cost, at such time as either of the following events occurs:
 - 3.1 Northbound turn lanes are constructed on South 148th at or near the intersection with Pine Lake Road; or
 - 3.2 Pine Lake Road is opened between South 148th Street and South 162nd Street.
4. Prior to Building Permits:
 - 4.1 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
 - 4.2 The construction plans comply with the approved plans. The construction plans and use shall comply with the approved plans.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
- 5.1 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 5.3 The applicant shall sign and return the letter of acceptance to the County Clerk within 60 days following the approval of the special permit, provided however, said 60-day period may be extended up to six months by administrative amendment. The applicant is to file a certified copy of the resolution approving the permit and the letter of acceptance, which is attached hereto and incorporated by reference as Attachment "A", with the Register of Deeds. The applicant shall pay the applicable certification and recording fees in advance.

DATED this 16 day of June, 2009, at the County-City Building, Lincoln,

Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM

this 16 day of
June, 2009.

Mona Fry
for GARY E. LACEY
County Attorney

Deb Schorr
Bernice Perry
By a. Hurd
Woodman absent
Hudkins absent

LETTER OF ACCEPTANCE

I, Blake Gipson, on behalf of Gipson Properties L.L.C., hereby agree to all of the conditions of Special Permit No. 09011, to allow a garden center on approximately 20 acres of a 78.70 acre parcel, generally located at South 148th Street and Pine Lake Road, Lancaster County, Nebraska, granted by the Board of County Commissioners of Lancaster County, Nebraska, and embodied in County Resolution No. R-09-0029, all costs which I hereby represent have been paid and that this agreement shall be binding upon Gipson Properties L.L.C.'s heirs, successors, and assigns and shall run with the land.

DATED this 18th day of August, 2009, in Lancaster County, Nebraska.

Blake Gipson
Blake Gipson
Gipson Properties L.L.C.
1020 Sycamore
Lincoln, NE 68510

STATE OF NEBRASKA)
) ss.
County of Lancaster)

On this 18th day of August, 2009, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Blake Gipson, on behalf of Gipson Properties, L.L.C., known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be her voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 18th day of August, 2009.



Angela Zocholl
Notary Public