

RECEIVED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

MAR 21 2012

LANCASTER COUNTY
CLERK

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 12003, GRANTING)
AUTHORITY FOR A MARKET GARDEN WITH)
A 2600 SQUARE FOOT, 100 SEAT)
RESTAURANT AS AN ACCESSORY USE ON)
PROPERTY GENERALLY LOCATED AT)
NORTH 112TH STREET AND BRANCHED OAK)
ROAD, LANCASTER COUNTY, NEBRASKA)

RESOLUTION NO. R-12-0024

WHEREAS, Lakehouse Farms, LLC requested approval of County Special Permit No. 12003, to provide the authority for a Market Garden with a restaurant as an accessory use on property generally located at North 112th Street and Branched Oak Road, Lancaster County, Nebraska, legally described as follows:

Lot 24, Irregular Tract, located in the Northeast Quarter of Section 36, Township 12 North, Range 7 East, Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the application for special permit meets the requirements of the Market Garden special permit and supports the Comprehensive Plan goals of preserving agricultural land and promoting locally grown food; and

WHEREAS, on February 22, 2012, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 12003 and voted 7-0 to approve the special permit; and

WHEREAS, on February 25, 2012, Sharon Duis, 15401 N. 98th Street, Lincoln, Nebraska, filed an appeal of the Planning Commission's approval of County Special Permit No. 12003; and

WHEREAS, on March 20, 2012, the Board of Commissioners of Lancaster County,

Nebraska, conducted a public hearing regarding the appeal of County Special Permit No. 12003 and moved to approve said Special Permit in accordance with Planning Commission Resolution 01268, as seen in Attachment "A", attached hereto and hereby incorporated by this reference; 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. 12003, to provide the authority for a Market Garden with a 2600 square foot, 100 seat restaurant as an accessory use on property generally located at North 112th Street and Branched Oak Road, Lancaster County, Nebraska, is hereby approved subject to the conditions as outlined in Planning Commission Resolution 01268, as seen in Attachment "A", attached hereto and hereby incorporated by this reference.

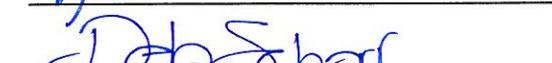
DATED this 27 day of March, 2012, at the County-City Building, Lincoln, Lancaster County, Nebraska.

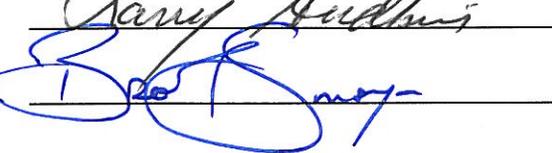
BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM this 27 day of March, 2012.


for JOE KELLY
County Attorney







RESOLUTION NO. PC- 01268

SPECIAL PERMIT NO. 12003

WHEREAS, Lakehouse Farm, LLC requests approval of County Special Permit No. 12003, to provide the authority for a Market Garden with a restaurant as an accessory use on property generally located at North 112th Street and Branched Oak Road, Lancaster County, Nebraska, legally described as follows:

Lot 24, Irregular Tract, located in the Northeast Quarter of Section 36, Township 12 North, Range 7 East, Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommends conditional approval of said Special Permit, concluding that the special permits meet the requirements of the proposed Market Garden special permit and supports the Comprehensive Plan goals of preserving agricultural land and promoting locally grown food; and

WHEREAS, on February 22, 2012, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 12003 and voted 7-0 to recommend conditional approval; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Lincoln-Lancaster County Planning Commission, that County Special Permit No. 12003, to provide the authority for a Market Garden with a 2600 square foot, 100 seat restaurant as an accessory use on property generally located at North 112th Street and Branched Oak Road, Lancaster County, Nebraska, is hereby

approved subject to the following conditions:

Site Specific Conditions:

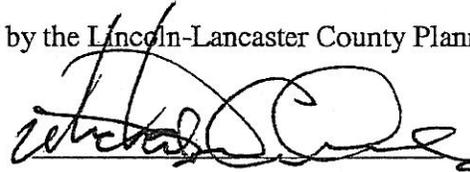
1. The County Board approves associated request:
 - 1.1 Change of Zone #12001 to add Market Gardens to the Zoning Resolution of Lancaster County.
2. Before receiving building permits the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below:
 - 2.1 Revise plan to show access to overflow parking coming from driveway.
 - 2.2 Add a note to the site plan showing the evergreen trees to the north and east of the parking lot that are to remain.
 - 2.3 Revise Note #3 in accordance with the revised parking requirements of the proposed Market Garden special permit (13.001(f)) There are 13 parking spaces required, one of which must be a van accessible ADA stall.
 - 2.4 Add a note stating that additional agricultural buildings that are not a part of the market garden accessory use need not be noted on the site plan.
 - 2.5 Add a note listing the hours of normal operation of the restaurant as being 5:00 to 10:00 pm on Wednesday through Saturday, and 12:00 to 6:00 pm on Sundays. Special events may occur outside of those normal operating hours.
 - 2.5 Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Article 16 of the Zoning Resolution of Lancaster County, and must be approved by Building & Safety Department prior to installation".
3. Before receiving building permits provide the following documents to the Planning Department:
 - 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Prior to the issuance of a building permit:
 - 4.1 The construction plans must substantially comply with the approved plans.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 5.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner.
 - 5.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5.4 Before occupying this restaurant City/County Health Department is to approve the water and waste water systems.
 - 5.5 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.6 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this 22 day of February, 2012, by the Lincoln-Lancaster County Planning Commission.

By:



Title:

Chairman

