

RECEIVED

JUL 19 2012

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

COUNTY SPECIAL PERMIT NO. 12015)
REQUESTED BY RADIX INC., TO PROVIDE)
AUTHORITY TO CONVERT COUNTY SPECIAL)
PERMIT NO. 07032 FOR A CLUB, TO A)
PERMIT FOR A RECREATIONAL FACILITY)
AND EXPAND THE NUMBER OF)
PARTICIPANTS ON PROPERTY GENERALLY)
LOCATED AT S.W. 29TH STREET AND W.)
WITTSTRUCK ROAD, LANCASTER COUNTY,)
NEBRASKA)

RESOLUTION NO.

R-12-0051

WHEREAS, Radix Inc. requests approval of County Special Permit No. 12015, to provide the authority to convert County Special Permit No. 07032 for a club, to a special permit for a recreational facility and expand the number of participants on property generally located at S.W. 29th Street and W. Wittstruck Road, Lancaster County, Nebraska, legally described as follows:

Lot 1 and a portion of Outlot A, Bentzinger Pleasant Acres First Addition, located in the South 1/2 of Section 9, Township 8 North, Range 6 East of the 6th principal meridian, Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit to the Planning Commission, concluding that the application meets the goals of the Comprehensive Plan for providing active recreation, allowing for emerging recreational activities, preserving open space and floodplain, and maintaining appropriate levels of traffic on County section line roads. The buffers to current and future neighbors minimize any impact on adjacent residential uses. The application for Special Permit 12015 is in conformance with the County Zoning Resolution and the Comprehensive Plan; and

WHEREAS, on June 13, 2012, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 12015 and voted 5-0 to approve County Special Permit No. 12015; and

WHEREAS, on June 22, 2013, an appeal of the decision of the Lincoln-Lancaster County Planning Commission was received by the Lancaster County Clerk; and

WHEREAS, on July 17, 2012 the Lancaster County Board of Commissioners and the Lincoln City Council conducted a joint public hearing regarding the appeal of County Special Permit No. 12015; and

WHEREAS, the Lancaster County Board of Commissioners voted to approve said Special Permit with the conditions outlined below; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners, that County Special Permit No. 12015, to provide the authority to convert County Special Permit No. 07032 for a club, to a special permit for a recreational facility for:

- a. a maximum occupancy of 50 participants that shall not exceed five consecutive days in a given calendar week; and
- b. a maximum occupancy of 150 participants that shall not exceed five events in a thirty day period and no more than two events in a calendar week,

on property generally located at S.W. 29th Street and W. Wittstruck Road, Lancaster County,

Nebraska, is hereby approved subject to the following conditions:

Site Specific Conditions:

1. 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:

1.1 Within the City jurisdiction, according to the comments of the Department of Public Works and Utilities, Watershed Management Division, make the following corrections:

a. Update Note 7 to show correct map reference

b. Show preliminary 2012 FEMA floodplain, preliminary 2012 FEMA floodplain is wider than the current floodplain

c. Either:

i. Add a note stating: Any construction (e.g. buildings, parking lots, etc...) within the floodplain area needs to comply with new growth area floodplain standards and have a floodplain permit. No buildings or structures are allowed in the minimum corridor (show minimum corridor on plan)

-Or-

ii. Add a note stating that no construction (e.g. buildings, parking lots, etc...) is allowed in the floodplain.

1.2 Correct the legal description of the property.

1.3 Add a Note that commits the applicant to promoting a route to the facility that uses Highway 33 to SW 29th Street to W. Wittstruck Road to minimize travel on un-paved roads.

1.4 Add a Note that indicates events as described in Note 3.c. shall conclude by 10:00 p.m.

1.5 Revise Note 4 to read "All exterior lighting shall comply with the design standards for parking lot lighting as adopted by the City of Lincoln. Parking lot lighting shall be shielded from adjacent properties and be turned off by 10:00 p.m. except for security lighting." The athletic course itself shall not be lighted.

1.6 Revise Note 6 to read, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

- 1.7 Revise all notes to remove the legal format and renumber.
- 1.8 Obtain an administrative amendment of Special Permit #174CO to redefine the purpose of Outlot A and identify areas which will remain in agricultural use or open space use.
2. Before receiving building permits provide the following documents to the Planning Department:
 - 2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. Prior to the issuance of a building permit:
 - 3.1 The construction plans must substantially comply with the approved plans.
4. The applicant must comply with Section 4.005(k) of the Lancaster County Zoning Resolution for events with an occupancy greater than 150 participants. 4.005(k) states:
 - 4.005 Permitted Conditional Uses. A building or premises may be used for the following purpose in the "AG" Agricultural District in conformance with the conditions prescribed herein:
 - (k) Any use that the Lancaster County Board of Commissioners has approved by granting an amusement license for such use. Said conditional use is permitted on a premises for no more than one event per calendar year.

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 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.
 - 5.3 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

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- 5.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.

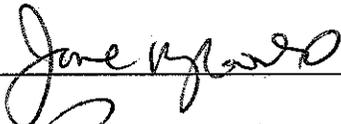
DATED this 24 day of July, 2012, by the Lancaster County Board of Commissioners.

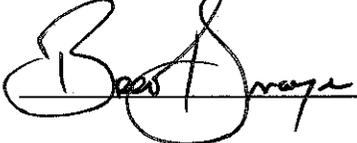
BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 24 day of
July, 2012.



for JOE KELLY
Lancaster County Attorney





Hudkins Absent

LETTER OF ACCEPTANCE

I, authorized representative for Radix Inc., owner(s) of record, hereby agree to all of the conditions of Special Permit No. 12015, to provide the authority to convert County Special Permit No. 07032 for a club, to a special permit for a recreational facility and expand the number of participants on property generally located at S.W. 29th Street and W. Wittstruck Road, Lancaster County, Nebraska, granted by the Lancaster County Board of Commissioners, and embodied in Resolution No. R-12-0057, all costs which I hereby represent have been paid and that this agreement shall be binding upon Radix Inc., its heirs, successors, and assigns and shall run with the land.

DATED this 17th day of October, 2012, in Lancaster County, Nebraska.

Owner of Record

BY:

Douglas J. Barry
for Radix Inc.

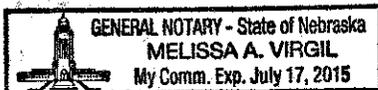
STATE OF NEBRASKA)

) ss.

County of Lancaster)

On this 17th day of October, 2012, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Douglas Barry, 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 17th day of October, 2012.



Melissa A. Virgil

Notary Public

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LANCASTER COUNTY
CLERK

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OF LANCASTER COUNTY, NEBRASKA

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NEBRASKA)

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REPLACE

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WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit to the Planning Commission, concluding that the application meets the goals of the Comprehensive Plan for providing active recreation, allowing for emerging recreational activities, preserving open space and floodplain, and maintaining appropriate levels of traffic on County section line roads. The buffers to current and future neighbors minimize any impact on adjacent residential uses. The application for Special Permit 12015 is in conformance with the County Zoning Resolution and the Comprehensive Plan; and

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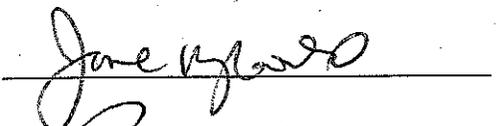
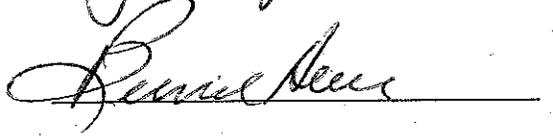
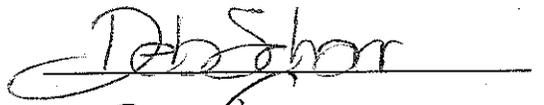
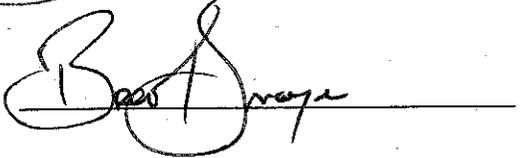
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DATED this 24 day of July, 2012, by the Lancaster County Board of Commissioners.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 24 day of
July, 2012.


for JOE KELLY
Lancaster County Attorney





Hudkins Absent

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BY:

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for Radix Inc.

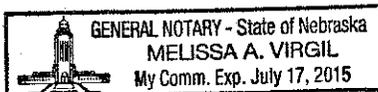
STATE OF NEBRASKA)

) ss.

County of Lancaster)

On this 17th day of October, 2012, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Douglas Berry, 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 17th day of October, 2012.



Melissa A. Virgil

Notary Public

I, Melissa Virgil on this date, 10-17-12, as an employee of the Lancaster County Clerk's office in Lincoln, Nebraska do hereby certify that this is a true and accurate copy of a record on file in this office.

Record #(if applicable) R-12-0057

By Melissa Virgil

