

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 16021, EXPANDED)
HOME OCCUPATION FOR HILLSIDE EVENTS)
ON PROPERTY GENERALLY LOCATED AT)
12400 WEST DENTON ROAD, LANCASTER)
COUNTY, NEBRASKA)

RESOLUTION NO. B-16-0039

WHEREAS, Tyler and Melissa Smith, on behalf of Hillside Events LLC, requested approval of County Special Permit No. 16021, to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, Lancaster County, Nebraska, legally described as follows:

Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North,
Range 5 East; Lancaster County, NE;

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the special permit for Expanded Home Occupation to allow large gatherings, such as wedding receptions, should have limited impact on adjacent properties given the site plan and proposed conditions;

WHEREAS, on May 25, 2016, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 16021 and voted 5-2 to recommend denial of the special permit;

WHEREAS, on June 28, 2016, the Board of Commissioners of Lancaster County, Nebraska, conducted a public hearing on County Special Permit No. 16021; and

WHEREAS, on June 30, 2016, July 7, 2016, and July 12, 2016, the Board of Commissioners of Lancaster County, Nebraska, continued discussion regarding County Special

Permit No. 16021;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners, that County Special Permit No. 16021 to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, Lancaster County, Nebraska, legally described as follows:

Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North,
Range 5 East; Lancaster County, NE;

be and hereby is approved with the following waivers and conditions:

WAIVERS

1. Waive the requirement for gravel surface of parking lots for the overflow parking.
2. Waive the requirement that outside areas used for the business not exceed 15,000 square feet.
3. Waive the requirement that all outside business related activity be 200 feet from all property lines.
4. To allow more than two employed persons who are not members of the family residing on the premises to carry out the occupation or activity on the premises.

SITE SPECIFIC CONDITIONS

1. Events up to 250 persons are allowed two days in any one calendar month from March 1st through November 30th, provided that a wedding event may also include gatherings such as wedding rehearsals and pre-nuptial dinners not involving more than 50 people. No events are allowed between November 30th and March 1st.

(The limitation of two events per month effectively limits the number of people working on site. Thus, it eliminates the need to limit the number of persons working on site because events of this size are roughly equivalent to 80 hours of work on site)

2. Any outside music is not allowed to use speakers or other forms of amplification.
3. Any portion of an event held outdoors must conclude by 10:00 p.m. All events shall conclude by 12:00 a.m.

4. Fireworks are not allowed except on July 3rd and 4th.
5. Owners shall provide a landscape plan that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to the any outdoor area or parking lot.
6. Any individual or entity dispensing alcohol on site must be licensed under the Nebraska Liquor Control Act.
7. Prior to occupancy, as required by Article 13.001 aa(11) of the Lancaster County Zoning Resolution, the Lincoln-Lancaster Building and Safety Department must approve the final certificate of occupancy for all new construction and/or remodeling of existing buildings under this special permit.
8. Outdoor lighting shall be cutoff, as defined in Section 3 of the City of Lincoln Design Standards, and shall meet the light trespass requirements defined in Section 9 of the City of Lincoln Design Standards.

STANDARD CONDITIONS

1. The following conditions are applicable to all requests:
 - 1.1. Before starting the operation all development and construction shall substantially comply with the approved plans.
 - 1.2 All privately-owned improvements, including landscaping shall be permanently maintained by the Permittee.
 - 1.3 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.
 - 1.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 1.5 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 12 day of July, 2016, at the County-City Building, Lincoln, Lancaster County,

Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 12 day of
July, 2016.


for JOE KELLY
County Attorney

Bill Avery

Dee Schorr
Todd Wittig

Amundson voted nay

Hudkins voted nay

LETTER OF ACCEPTANCE

Tyler and Melissa Smith, on behalf of Hillside Events, LLC, owner of record, hereby agree to all of the conditions of Special Permit No. 16021, to allow an Expanded Home Occupation on property generally located at 12400 West Denton Road, legally described as Lot 19 I.T. located in the SW1/4 of Section 17, Township 9 North, Range 5 East; Lancaster County, NE, granted by the Lancaster County Board of Commissioners, and embodied in Resolution No. _____, all costs which we hereby represent have been paid and that this agreement shall be binding upon Hillside Events, LLC, and its heirs, successors, and assigns, and shall run with the land.

DATED this ____ day of _____, 2016, in Lancaster County, Nebraska.

Owner of Record

BY:

Melissa Smith
for Hillside Events, LLC

STATE OF NEBRASKA)
) ss.
County of Lancaster)

On this ____ day of _____, 2016, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came _____, 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 ____ day of _____, 2016.

Notary Public

Owner of Record

BY:

Tyler Smith
for Hillside Events, LLC

STATE OF NEBRASKA)
)
County of Lancaster) ss.

On this _____ day of _____, 2016, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Eugene R Benes, 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 _____ day of _____, 2016.

Notary Public