

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 16021A, AN)
AMENDMENT TO COUNTY SPECIAL PERMIT)
NO. 16021 FOR HILLSIDE EVENTS, TO)
AMEND SITE-SPECIFIC CONDITION NUMBER) RESOLUTION NO. R-17-0066
5 TO REVISE THE LANDSCAPE SCREENING)
ON PROPERTY GENERALLY LOCATED AT)
12400 WEST DENTON ROAD, LANCASTER)
COUNTY, NEBRASKA)

WHEREAS, on July 12, 2016, the Lancaster County Board of County Commissioners (“County Board”) adopted Resolution No. R-16-0039 (approving County Special Permit No. 16021), allowing 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 (“the Property”);

WHEREAS, Tyler and Melissa Smith, on behalf of Hillside Events LLC (“Owner”), requested approval of County Special Permit No. 16021A (“Special Permit”), to amend Site Specific Condition No. 5 of County Special Permit No. 16021;

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the amendment to the condition requiring landscaping is consistent with past practices and with the City of Lincoln Design Standards. The percentage of screening required is not changing. All other conditions previously approved remain in effect;

WHEREAS, on August 30, 2017, the Lincoln-Lancaster County Planning Commission conducted a public hearing on the Special Permit and voted 7-0 to recommend approval of the Special Permit; and

WHEREAS, on September 5, 2017, the County Board conducted a public hearing on the Special Permit;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of County Commissioners, that County Special Permit No. 16021A to amend Site Specific Condition No. 5 of County Special Permit No. 16021 to revise the landscape screening 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 _____ subject to the following conditions:

SUPERCESSION

1. The Site Specific Conditions set forth in this Resolution (approving Special Permit No. 16021A) supersede Site Specific Condition No. 5 set forth in Resolution R-16-0039 (approving Special Permit No. 16021). Except for Site Specific Condition No. 5 of Resolution R-16-0039 (approving Special Permit 16021), all other waivers and conditions of Resolution R-16-0039 (approving Special Permit 16021) are hereby incorporated into this Resolution approving Special Permit 16021A, and approval of Special Permit 16021A shall be subject to those waivers and conditions as if those waivers and conditions were set forth in their entirety herein.

SITE SPECIFIC CONDITIONS

1. Owner shall provide a landscape plan (screen) that shows a 60% screen from the ground to 10 feet above the ground along the south and east property lines adjacent to any outdoor area used for the business or parking lot. Landscape screen shall be as defined in the City of Lincoln Design Standards Chapter 3.50, Section 2. The percentage of screening attributed to the plants shown on the landscape plan approved by the Planning Department shall be calculated by attributing to each plant its mature height and spread.
2. Any landscaping shall follow the planting size as specified in Lincoln’s Plant Material List. The “mature height and spread” of a plant shall mean the “Design Size” of the plant specified in Lincoln’s Plant Material List (November 2007), as amended. Plants not listed on Lincoln’s Plant Material List may be permitted by submitting a request to the Director of Planning.
3. The Owner agrees to promote vigorous growth of the required plants by performing continuous and properly timed maintenance. The maintenance responsibility consists of

watering, weeding, fertilizing, controlling diseases and insects, pruning, removing the stakes and wires used to secure the plant when planting and removing and replacing unhealthy, damaged and/or dead plants. The replacement plant must be the same species, size and in the same location as shown on the approved landscape plan and planted during the next appropriate planting season. Substitute plants may be permitted by submitting a request to the Director of Planning.

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 and recreational facilities, 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 shall 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, and its heirs, successors, and assigns.

1.5 The owner 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 5th day of September, 2017, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 5th day of September, 2017.

Deputy County Attorney
For JOE KELLY
Lancaster County Attorney

ATTACHMENT A

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. 16021A, amending Site Specific Condition No. 5 of County Special Permit No. 16021, allowing 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 County 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 _____, 2017, in Lancaster County, Nebraska.

Owner of Record

BY: _____

NAME: _____

for Hillside Events, LLC

STATE OF NEBRASKA)
) ss.
County of Lancaster)

On this ____ day of _____, 2017 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 _____, 2017.

Notary Public

BY: _____

NAME: _____

for Hillside Events, LLC

STATE OF NEBRASKA)

County of Lancaster) ss.
)

On this _____ day of _____, 2017 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 _____, 2017.

Notary Public