

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 12, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Teresa Meier-Brock, Deputy City Clerk.  
The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of Feb. 5, 2001, reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**PUBLIC HEARING**

MANAGER APPLICATION OF JEFFERY D. GOTTBREHT FOR LINCOLN FIREFIGHTERS LOCAL 644 RECEPTION HALL AT 241 VICTORY LANE - Jeffery D. Gottbreht, 5901 Earl Dr., took oath & came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF RENEE K. HILLGREN FOR WHITEHEAD OLD COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 1421 CENTERPARK ROAD - Renee K. Hillgren, 919 G St., took oath & came forward to answer questions.

This matter was taken under advisement.

AMENDING SECTION 12.08.270 OF THE LMC TO ALLOW NO MORE THAN SIX SPECIAL DESIGNATED PERMITS PER CALENDAR YEAR TO THE LICENSE HOLDERS AT CITY GOLF COURSES FOR PRIVATE TOURNAMENTS & GOLF EVENTS - Lynn Johnson, Parks & Recreation Dept. Director: I think as the City Council knows the intent of this is to allow for Golf Professionals to request Special Designated Licenses through the City Council for no more than six tournaments on each one of the major, four major golf courses in a given year. And, then the intent of that is essentially to allow the Golf Professionals to recruit tournaments that would enhance, hopefully, the use of those courses. None of the revenue that comes from the sale of alcohol on the courses comes directly back to the City. The City benefit would be from additional rounds of golf being played at the golf courses and we anticipate that this amendment could increase the revenue to the City golf program by as much as a \$100,000 a year. And, I wanted to let the Council know that Steve Hiller and Dale Hardy are here to answer questions as well.

Annette McRoy, Council Member: Lynn, one misconception I just want to clear up more for the public is the, when we host these different special designated permits the public, the golf course would be closed to the public anyway because generally the corporation or business who's renting the course would be having it at capacity so the public would not be able to play when the course is being rented. Now, some people had a misconception of that they'd be playing along side people who are drinking beer on the course when that's not true that it would be a private party or a private event and the public, you know, would not be able to be there anyway.

Mr. Johnson: That would be the intent is that we would want to make sure that we're recruiting and hosting large enough tournaments that, that they're essentially occupying the majority of the course. Now, at the end of the play one of the things we've got to work out is as the tournament is beginning to end and we're beginning to allow public play back onto the course we've got to work out the details of how that transition still occurs.

Ms. McRoy: That's some of the comments I heard people were concerned with and I said, generally in golf tournaments that I do associate with the course is closed to the public. So, that would be the same case with the City?

Mr. Johnson: It would be.

Jon Camp, Council Member: Lynn on that \$100,000 estimate of golf fees that the City would claim, how does that relate, though, to what fees would be generated if those events weren't scheduled in the park where the golf courses were closed?

Mr. Johnson: I think it means that we're hopefully attracting some additional rounds of golf to the course. If we didn't do this, you know,

we're going to continue to see. We do about 200 rounds of golf on the courses a year and so we're hoping that by allowing this and by recruiting some larger tournament events we're going to be increasing the number of rounds of play and that's where that additional revenue would come from.

Mr. Camp: You said you do 200 rounds of play a year?

Mr. Johnson: Just about 200,000 rounds of play on four courses a year.

Mr. Camp: So on a night, if you have it closed down for what 3 or 4 hours how many at capacity? How many rounds can you do on some of the golf courses?

Mr. Johnson: Now, we're starting to get into .... Steve or Dale could you guys answer that question more specifically?

Steve Hiller, Parks & Recreation Dept.: Funding an event that we're talking about, Mr. Camp, we'd be looking probably at about 150 to 160 players in an event of this size. And, generally speaking that would take in the neighborhood of probably 5 to 6 hours to conduct a large golf tournament or event of that size.

Mr. Camp: Then what would the fee be per player?

Mr. Hiller: Standard fee, if it was a weekend event, it would be \$19.50 would be the greens fee and then what's included in this, in this guestimate of new revenue is also cart rental. So, you're combining the cart rental and the greens fee in that particular event. That would change if it were a week day event. The greens fee for a week day, I believe, is \$15.50 as well as the cart rental fee. So, ...

Mr. Camp: So, if you had 150 players, I just rounded it to \$20.00 a player, that's \$3,200.00?

Mr. Hiller: Plus the cart which is \$12.40.

Mr. Camp: So, say around 5 .... I'm just trying to understand the 100, the dynamics of how you calculate the 100,000 on six events. Is that not correct?

Mr. Johnson: It would be a total of 24 altogether because there could be, there's six events allowed on each one of the courses. (inaudible)

Mr. Camp: Oh, six on each course. Ok that answers it.

John Crow, Liquor License holder at Holmes Park Golf Course: And, I just wanted to say that I am in favor of the Council approving this. Right now there's other golf courses in our community that are just outside, maybe, of our city limits and they are attracting quite a bit of the corporate outings because they're able to have a beer on the outside portion of their golf course as well as internally. And so, right now I have people that drink beer literally inside my club house, but once they would step outside the club house they're looked on with a whole different light. And, I think you can see over the years that there hasn't been many difficulties, if any, with people over consuming alcohol at our public golf courses. I think we are professionals that moderate it. We watch it. We pay attention to it and I don't see us doing anything differently because it would maybe be on the external part of our golf course as well as internally. And, it gives us, then, maybe a leg up as Mr. Johnson spoke of to recruit some of the larger corporations in our town and show them what fine facilities we do have here in Lincoln. Thank you.

This matter was taken under advisement.

CHANGE OF ZONE 3300 - APP. OF GEORGE & SHAROL SLAMA FOR A CHANGE FROM AG AGRICULTURAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N.W. 84TH & W. "O" STS. - Mark Folsom, Rembolt, Ludtke, & Berger, 1201 Lincoln Mall, Suite 102, Lincoln, NE: Appearing on behalf of applicants Larry and Linda Lewis along with Co-applicants Mr. and Mrs. Slama asked for the approval of this. It was, approval was recommended by Planning Commission Staff and a unanimous vote by the Planning Commission. If you have any questions I'd be more than happy to answer those for you.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF STEVENS CREEK POINTE FOR 7 SINGLE FAMILY LOTS, WITH WAIVERS OF THE REQUIRED SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 134TH AND ADAMS STREETS. (IN CONNECTION W/01R-25);

SPECIAL PERMIT 1883 - APPLICATION OF GERRY AND DIANNE KRIESER TO DEVELOP STEVENS CREEK POINTE COMMUNITY UNIT PLAN FOR SEVEN SINGLE FAMILY LOTS, ON PROPERTY GENERALLY LOCATED AT N. 134TH AND ADAMS STREET (IN CONNECTION W/01R-24) - Brian Carstens, 2935 Pine Lake Rd., Suite H: Appearing on behalf of

Gerry and Dianne Krieser. Today we have an AG C.U.P. with seven 3 to 6 acre lots. This is located out at 134th & Adams Street. We're requesting the standard waivers that Teresa read into the record. The water supply will be given to us through rural water through Cass County and we'll have individual septic systems on each lot. We did receive a unanimous approval at Planning Commission and also the County Board two weeks ago. So, I'm here to answer any questions that you may have.

This matter was taken under advisement.

USE PERMIT 43A - APPLICATION OF STOCKWELL PROPERTIES, L.L.C. TO DEVELOP 48,675 SQ. FT. OF OFFICE AND FINANCIAL SPACE WITH A WAIVER OF THE REQUIRED SIDEWALK ALONG S. 13TH STREET AND TO PLACE SIGNS IN THE FRONT YARD ALONG S. 13TH STREET ON PROPERTY GENERALLY LOCATED SOUTH OF STOCKWELL STREET BETWEEN S. 13TH AND S. 14TH STREETS - Don Linscott, 5101 Central Park Dr.: Today appearing on behalf of Stockwell Office Park. This is a very unique little site as it has grade differentials as you go down there and also it's a site that's one of our entry corridors to our City so we have worked very hard in trying to satisfy both some of the grade differentials and also some of the things that we're going to have to do to make this look very nice for our entryway to the City. On the site itself, on the southern part of the property we have a one story building which would be a financial institution. We tried to work on the site at other locations that it might work for a drive-thru facility. In looking at the site and working with the engineers this seemed to be the best locations for that particular entity. One of the things that we did do in agreement with the Planning Commission at the last meeting was to put a pond with a fountain at the very south side of this financial institution so it will be an entryway with a fountain at that site.

Coleen Seng, Council Member: You've got me.

Mr. Linscott: And, what we've tried to do is to make this a little bit different look as you come into our City. Like I said we'll have the fountain, the one story office building and the financial institution will look very similar. This will be the financial institution. It will have an office character in looking at it with the drive-thru's on the east side of the building. And then, again, the two story and one story office buildings are on the site in will be that same character, the top figure, or the top building is the one story and the bottom is the two story. And, there's just one two story which is in the northeast part of the property. I think from what we're doing to the buildings themselves and the way we're going to try to do the landscaping, the pond, I think we really are going to make this an attractive entry point to our City. And, I think it will be a very attractive development. I have with me, also today, Danay Kalkowski and J.D. Burt that will follow up on some of the other items for the development.

Danay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: On behalf of Stockwell Properties LLC. I have one quick handout that will help to explain a point later on. The Use Permit application before you today has been well thought out by the owner. They've taken a lot of time and effort to lay out the uses on this site and have taken extra efforts to make it an attractive development. I think both of these factors contribute to making this a very quality development at one of the City's entryways. The initial site plan for this site showed a drive-thru restaurant, I think, which Don mentioned down on the south end of the site. That use was changed by the owner prior to hearing at Planning Commission to a drive-thru bank. The drive-thru bank is a less intense use. It generates less traffic and has shorter hours of operation. All these things, you know, which make it more compatible with this residential neighbors over to the east. We invited the owners of the residences on South 14th Street across from this site to a neighborhood meeting. We asked for those people to come because we felt they were most affected by this development. We sent copies of the site plan with the announcement. We held the meeting. Nobody came and we did not receive any calls from any of those neighbors. There was some discussion at Planning Commission about notification of the Neighborhood Association out there. They were notified by the Planning Department in the mailing and it's to my understanding Planning Department, neither we nor Planning Department have gotten any calls from neighbors with concerns. I talked on Friday with them, so unless something has come in over the weekend. On a zone initiative the owner has agreed to add a landscape screen along south 14th Street which will provide a 100% vertical screen from 2 to 5 feet along the bank site to lessen it's impact to those neighbors to the east. The owner has also agreed, as Don mentioned, to keep that south detention cell wet and to add a fountain as another amenity for this site and the entry way corridor. The owner has spent a lot of time designing

the site and believes, I think, the overall best location for the bank that works the best for the site is at the south end as it's shown currently on the site plan. There was a lot of discussion at Planning Commission about the location of the bank, but I believe the Planning Commissioners were satisfied with the location in light of the additional things that are being done, were done by the owner to lay out the site in the first place and then the screening and amenities that have been added. Planning Commission voted 7-0 to incorporate the conditions as amended, as the amendments requested by the owner, and that passed 7-0. The owner's asking for one waiver and that is to allow sign envelopes in the front yard setback and that would only affect South 13th Street. All other signs would be located outside the setbacks and this is the map that I handed out so, to help follow along a little bit. The two northern most sign envelopes for the two little squares are only located partially within the front yard setback. The south sign envelope, we have a little less flexibility about moving it south because we've got that wet detention area down there. Because of the extra width of the right-of-way for South 13th Street we feel that this waiver will not detrimentally affect the visual impact of the site as you come up 13th Street. In their current location the distance of the signage from the roadway is still going to be greater than you would typically see along an O-3 District. And this map shows a little example that, you have the typical 100 foot right-of-way that we normally have today for arterials that's dimensioned here. Then if you had the typical 20 foot front yard setback which the O-3 District has that's shown in dark and you can see that the sign envelopes sitting back here are even further back away from where the typical setback would be. I think because of this extra right-of-way that exists we feel that more flexibility can be given to the owner for the location of the signage without hurting or detrimentally affecting the visual impact. Planning Commission also agreed with this and also incorporated our proposed amendment with the 7-0 vote. I've just a couple ...

Jerry Shoecraft, Council Member: But they didn't support the waiver, right?

Ms. Kalkowski: No, but the condition that we added into there, er excuse me, Planning Dept. had taken out the request for the waiver. Our revised conditions put that back in and Planning Commission voted to incorporate our amendments which put the waiver back in, the request for the waiver back in for the sign envelopes along 13th Street.

Jeff Fortenberry, Council Member: The signs are intended to be monument signs as I understand?

Ms. Kalkowski: Yes. Yes, Don indicated that at Planning Commission.

Mr. Shoecraft: From the visuals, does it have a little horse stable or something right next to this property?

Ms. Kalkowski: Right to the north you have the ...

Mr. Shoecraft: You know what I'm talking about ...

Ms. Kalkowski: The State Testing Lab is directly to the north on Stockwell.

Mr. Shoecraft: Yeah, but there, you know what I'm talking about? There's a little fence in white horse stable.

Ms. Kalkowski: I think that's further to the north, Jerry. Yeah you're further to the north.

Mr. Linscott: The State Testing Lab is directly to the north of this property on Stockwell and then the horse arena is right north of that yet on the corner.

Mr. Shoecraft: The church, er something.

Ms. Kalkowski: Church and then the horse stable. So you've got the State Testing Lab right north of us. One additional thing, I have a couple requested amendments to the conditions and I think these will help also soften the impact along 13th Street and I apologize for not having them written up, but if you'd go to page 2 of the Resolution and paragraph two before receiving building permits there's a couple things we would like to add. Currently the Parks Dept. does not require any street trees along 13th Street, so the landscape plan, as it exists today, does not show street trees on 13th Street. We're willing to add those street trees and if there's some area where because of the site triangles we would not be allowed to put street trees we'll go ahead and place those street trees somewhere where they could be. So, in affect, in the area where you could have landscaping you may end up with like a double row of trees. So, the condition that we'd like to add would be paragraph 2c, revise the landscape plan to show street trees or landscaping equivalent to the number of street trees along South 13th Street to the satisfaction of the Parks Dept. and the Nebraska Dept. of Roads. Obviously, that's the Department of Roads right-of-way all the way between 13th Street and clear

to the south part of the ditch to our property line. So, any landscaping or anything we do within that area we have to have the approval of the Department of Roads.

Mr. Shoecraft: But the most intensive use of this project is going to be pretty much impacting the neighborhood. I think that's what I read in the analysis.

Ms. Kalkowski: Yeah. The bank site will be looking ...

Mr. Shoecraft: So, what are you doing again on that site to soften that impact?

Ms. Kalkowski: That's where we've added the 100% landscape screen on the east side. That would be on 14th Street right along the bank so that in affect to screen it, basically, the drive-thru lanes and the bank building from the neighbors to the east.

Mr. Shoecraft: Neighbors to the east.

Ms. Kalkowski: The second condition it just affects basically the sidewalk and it's to try and give us a little bit of flexibility. Right now the sidewalk is, there was a condition at Planning Commission that we revised to show the sidewalk between the back of curb and the street light poles. That's due to the grade that we have between 13th Street and the property. What we'd like to do is just revise the language a little bit to allow the maximum amount of flexibility as possible to push that sidewalk back from 13th Street without yet having to go in to do a bunch of grading and filling. So, the amendment that we would like to request there would be 2,d, revise the alignment of the sidewalk along South 13th Street to the satisfaction of Public Works Dept. and the Department of Roads provided that the alignment avoids additional fill and/or excessive grading. That's just to allow a little bit more flexibility, but yet keeping it up to the top area there where there's a plateau so that we would need to go back in and do massive grading.

Jonathan Cook, Council Member: I have a question back about the signs. When we talked previously you mentioned something about bringing in some kind of picture of what it might look like in place rather than just a diagram. Do you have any kind of rendering?

Ms. Kalkowski: We didn't bring any rendering of the signs. I would assume ...

Mr. Linscott: Jonathan, I did not realize that we needed a picture of those. It would be a ground sign similar to what we have done in many of our other developments. It will not be an obtrusive sign. It will have brick on the bottom that would match in character with the brick of the building. So, the bottom base would be the base in character with the building and then just a monument sign.

Mr. Cook: Now we are approving the Use Permit with these renderings attached.

Ms. Kalkowski: These renderings are already attached as a part of the Use Permit.

Mr. Linscott: And, that's why we felt this was a part of this entryway corridor. We're coming in and saying these are the type of structures that we're saying what we built here we think this is the type of thing that you'll want to see along that 13th Street corridor with some of the other added advantages, the fountain, the landscaping, now that we're agreeing to.

Mr. Cook: Now, the monument signs would have just the name of the center on them or would they have the names of individual businesses within the center?

Mr. Linscott: The three along 13th Street would have the names of the businesses. There are two signs that would identify the center and they're located not in the setback. We were able to accomplish that. One right off of Stockwell and one right off of 14th Street and they would not be in the setbacks. One of the things that we tried to do early on is work with the Highway Dept. to see if we could acquire that extra ground between our site and 13th Street and they came back and said that they were not interested in selling that excess ground. I mean there's a lot of area between 13th Street and our development, so we thought well maybe we could work with them, but they made the decision that they did not want to sell any of that, so, which created some of our problems with, you know, as you go along there where the sidewalk is going to go, etc. or where the signs going to go you still have a tremendous area between our development and where 13th Street is.

Mr. Camp: Danay, on your signs again you said those were off of Stockwell right when you entered there, is it on that median? I didn't catch that when you were ....

Ms. Kalkowski: It's right, ok there we go, actually it's going to be, there's a little, yeah, median area. The identification sign would be right here. This would be another, you know, building sign (inaudible)

and then it would be again down here right at the entrances.

Mr. Linscott: And those are not in the setback areas.

Mr. Camp: The monuments on the two entries and then a building sign would be the third?

Mr. Linscott: Are not in the setbacks.

Mr. Camp: Right.

Ms. Kalkowski: Right.

Mr. Linscott: Right.

Mr. Cook: I'm still concerned about these signs. I remember the discussion at Planning Commission regarding your development at 70th & Pioneers about how sign height is measured. It's measured from the height of the road not from wherever the bottom of the sign is. Now, here you've got a big hill and so the drop is, I don't know, how many feet to the bottom of the hill where your sign might be located. I'm trying to look at the map with the grades on it. I assume that site, that sign then could then be made quite tall in order to get up high enough to be at the height of the road and then however many feet above that that the sign is allowed, is that correct?

Mr. Linscott: Jonathan, before the 70th and Pioneer discussion here a couple of weeks ago I did not realize that you could raise the height of the sign to, did not realize it.

Mr. Fortenberry: Thanks a lot Jonathan. (laughter)

Mr. Linscott: But, I guess our intent both at that time and where we're coming now it's not our intent to try to raise the sign way up. I mean we'll keep the sign at a fairly low profile at about the same level as that parking lot that you have connecting to the building. So, that was never our intent to try and make a pole sign out of a monument sign.

Mr. Cook: This is where the renderings become important because I'm having a hard time imagining what people will see as they come down 13th Street. These signs are down low and they won't even necessarily see the tops of signs will they? I mean they'll have to kind of look down into the ditch, I don't know.

Mr. Linscott: You'll have some of that because of that grade differential. I mean, you'll have some identification, but you will not be as clear as if it was at a level with 13th Street.

Mr. Cook: It almost seems like the sign on the building itself would be more appropriate for seeing from the road. Why did you chose to go with monument signs given that?

Mr. Linscott: The reason that we normally try to do that is, unfortunately, when you lease to tenants today they somehow say they like to see their name on a monument sign and, in fact, I'm working on one right now, an out-of-town client that says, you know, we said we can certainly put it on the building, but they said we are accustomed to having a monument sign and I can just tell you that from working with as many tenants as we work with that becomes a very important issue to a lot of people. So, what we're trying to do is to make sure that we can accommodate that, but still stay within the guidelines of what you would like to see within the City.

Mr. Cook: The signs are kind of an issue when I talked to the President of the Neighborhood Assn. They were not fully aware of the sign waiver request. And so, I think it's kind of something that's been a lesser part of this whole project. I mean it's not been a critical issue that anyone has looked at and I don't know if there's any concern about that. I mean I'm, since I'm having trouble seeing exactly how you'd see those signs from the road I'm not sure how moving them a few feet into the setback will affect that, but the sign further down will be more visible, I assume, the one closer to the bank.

Mr. Linscott: Closer to the bank.

Mr. Cook: That'll really be the sign that's visible of these three. That would be the one I'd be most concerned about if it had a visual impact. As far as the height would you be willing to add a condition in regarding the height that since it wasn't ever your intent to make it up to the height of the road, but you could potentially raise it 10 feet and then the height of the sign. Would you be willing to put a restriction on that to say it will be measured from the height of your parking lots not the height of the street?

Mr. Linscott: And I'm not opposed to that. I mean, I don't know, without having some rendering in front of me I cannot tell you that exact amount either, but that was our intent to be measured from the parking lot and not the rule being measured up to height of the streets. Yes, I mean we'd be willing to go along with that provision.

Mr. Cook: Ok, thank you.

Ms. Seng: Were you going to put those, Danay, those amendments in writing?

Ms. Kalkowski: I certainly can follow up with them in writing, yes, I'd be happy to do that.

Ms. Seng: We'd probably better before we vote.

Mr. Shoecraft: Because this is in a form of a Resolution so we will be taking action today. So, work with Dana...

Ms. Kalkowski: Yup, we can get that done.

Mr. Shoecraft: before the end of our meeting.

Ms. Seng: It was just right here under 2?

Ms. Kalkowski: Yes, 2c and d.

Mr. Fortenberry: The rendering that you've submitted for the design of the office buildings, I don't see a rendering for the design of the financial institution. Is that purposeful or did I miss something? Is it the same design and the drive-thru is to the east right?

Mr. Linscott: Drive-thru's are to the east, right. And it will look similar. If you look at that building it's mainly, A. office building, I mean it's similar design so anybody along 13th Street will think of that as an office building.

Mr. Fortenberry: First of all, let me say I'm very encouraged by your willingness to speak in the language that you've spoken in terms of presentation of this project and certain adjustments recognizing the visibility of this site, the public nature of this site as it spills over into our public way corridors or entry way corridors and stuff. I appreciate that and your response to that. Of course, that's also going to help you and your project. It's going to be a more valuable site and so I think it's a winner all the way around. One suggestion if I could offer this, you had talked about including language with additional street trees if the Department of Roads allows you to do that. We do have this stretch of parking between the financial institution and the first lot for one of the buildings there running along 13th Street. That expansive parking is not broken up with any type of median break or any other planting. Are you right at critical mass on your parking? Are you a little bit over? Could you take that out and break that up?

Ms. Kalkowski: Are you talking about this right here Jeff?

Mr. Fortenberry: I am.

Ms. Kalkowski: Where there's landscaping to the outside?

Mr. Fortenberry: Right. Or if,

Ms. Kalkowski: Interior?

Mr. Fortenberry: Again, there might be a heavier concentration of trees if you're allowed again permission in the right-of-way.

Mr. Linscott: Jeff, I would proudly say we would put a concentration of trees in there. We are fairly tight on parking because of the configuration of this lot. I mean, it's a very difficult piece of ground to work with and we've, you are probably seeing the 10th or 11th plan of this diagram and it's just because (inaudible) landscape screen because of configuration it's difficult.

Mr. Fortenberry: Maybe a part of amendment you can say with particular concentration in that stretch. Obviously, you've got to have visibility for your buildings, but this is again a strategic part of the site and if we can screen the parking right there that would, again be in your best interest as well.

Mr. Cook: I think we'll naturally end up with a certain concentration there because of your sight distance issues and so on. I think, though, the issue of the parking stretch there, Jeff was talking about the department of roads, but is it, there's actually a section that it's just your land that doesn't have anything in particular than just green space between buildings along 13th there where the parking lot is closest to the street? Is that ...?

Ms. Kalkowski: Yeah, you'd have 20 feet, the 20 foot front yard setback between where the parking stops and the Department of Roads right-of-way starts. So that would be where you'd look at putting any additional trees.

Mr. Cook: That's just grass?

Mr. Linscott: Yes.

Mr. Cook: Because you could just do that independent of anything else, so, I guess ...

Ms. Kalkowski: Yes, that could be done independent of Department of Roads that one.

Mr. Cook: OK, I guess if we could keep the decision or the position of the Department of Roads issue separate from this then and just say could you add a row of trees there on your property independent of the approval of the Department of Roads?

Mr. Linscott: Yes, I mean, we've got 20 feet in there that we can work with. Yes we can.

Mr. Cook: OK, I think that would be, that would satisfy ...

Ms. Kalkowski: We'd know for certain we could get that. We can control that.

Mr. Cook: That would satisfy, yes, yes, and that would satisfy Councilman Fortenberry's concerns about extra screening for the parking area. I would like that.

Ms. Seng: I want to compliment you on this site. I used to go to that property just next there, the State Labs property. I was on a State meeting and before the Labs were fully moved in there we had a lot of meetings there on the State Council and that's a very difficult piece of property isn't it?

Mr. Linscott: Yes it is.

Ms. Seng: So, well, I want to compliment you on it.

Mr. Cook: I understand some of the difficulties you had in working with this property. I guess I'd like the Planning Dept. to come forward just for a minute here and state their issue with the bank, but then I'd also like you to explain the difficulties you had in making that work.

Jason Reynolds, Planning Dept.: The proposal, the original proposal showed a fast food restaurant with a drive-thru opposite the residentially zoned, and residentially used properties here. And, with the bank, while it is a permitted use in the O-3 Zoning District it also is the use which has the most significant traffic impact. Roughly seven times the amount of weekday traffic and more than 15 times the Saturday traffic. This is over a medical clinic which is even heavier use than say a general office building. And, our primary objection is that you're going to have the traffic coming in from Burnham Street and up in front of the houses and into the drive-thru bank facility. While you can screen the facility, what you cannot screen is traffic generated by the bank. One other point regarding the screening, Danay earlier said 2 to 5 feet 100% screen, the Planning Commission conditions are actually 2 feet to 15 feet 100%. I think she was just mis-speaking. On the proposed conditions that Danay mentioned, 2c and 2d, haven't had a chance to look over the language, it's not written down yet? One concern that we have is that there's this talk about in 2d that there is not excessive grading or fill. If it's satisfactory to Public Works and the Department of Roads it doesn't seem that that language needs to be included. It's a bit vague on who determines what is an excessive amount of grading or fill. Public Works might have comments about that as well.

Mr. Cook: I'm interested in having a follow up on what that language should be then regarding excessive fill or grading.

Nicole Fleck-Tooze, Public Works Dept.: I think that the language that's proposed is probably satisfactory. I think that from Public Works perspective there's a lot of flexibility in moving the sidewalk closer to the right-of-way and so if it's to the satisfaction of Public Works and Department of Roads given the concerns about grading I think that we could probably work with that even though it is a little bit vague.

Mr. Cook: And, you don't have any problems with any of the other conditions that...?

Ms. Fleck-Tooze: No.

Mr. Camp: I had another question for Danay and Don. As I recall property immediately to the west that was more on Highway 2, there was an environmental problem at one time, does that have any implications on this particular site that you're dealing with?

Mr. Linscott: On this particular site this was bought from the State of Nebraska and there is an identification agreement from the State of Nebraska that any problems with this as far as environmental will be part of State of Nebraska.

Mr. Cook: I guess I would like a follow up on the issue of the banks. That is a concern of mine, too, since it obviously is an impact on the residential side there and I'd like you just to explain the issue about the height of buildings.

Mr. Linscott: Well, again, the character of the financial institution would be the same as the office, I mean, as you look at the two designs the office, a one story office, and the financial will look very similar you will not be able to tell the difference. I guess the only difference is, you know, where we have located it on the site, and unfortunately, we have tried probably seven to nine different ways of taking it to the north and unfortunately the way you have to put driveways through, etc. it just doesn't work very well. In fact in doesn't hardly



work at all in trying to do that. And, when we first started on this site we had a fast food operation that had signed a letter of intent if we could bring it forward and we brought it in and we agreed with the Planning Dept. to switch it to, you know, a financial institution. We do have someone today that's interested in the site, the Nebraska Teachers Assn. has expressed an interest in this site for their locations for the teachers. And, so they felt it would be a site that would be serving the needs of their teachers in the area, the Lincoln area. So, I think that we've tried to satisfy all of the needs of the site. We've tried to work with the Planning Dept. You know, we switched from the fast food over to a financial institution. I think we've tried to work with the neighbors. We've screened that a 100% and, you know, I think that if you look back years and years ago 14th Street used to be a main thoroughfare. I mean that used to be a main arterial roadway and it only was switched when we did the new intersection to the south of there. So, 14th was designed in that area for arterial roadway. And, even though we're bringing it in through Burnham over onto 14th, I think that that roadway can accommodate that from the woods standpoint, etc. And, you know we'll have some people coming in off of that Stockwell, I mean that's just a short, little one way street, but, you know, I would say a lot of the people will be coming on that 14th Street entry point or maybe some of the office users will be coming from the north. If you'll notice how we work on designing this, we were able to have two entryways off of Stockwell and I will give Public Works a lot of credit in helping us do that because they said normally they won't allow that to happen and what we were able to do is to have a turnaround right in front of that little median. Again, there have been a lot of people that have really helped us on this Public Works being one, Planning has helped us on some of this, because of the toughness of the site, you know, trying to have two roadways onto Stockwell they worked with on by letting us cutback through, you know, have a turnaround. It's been a lot of work even though it's a small site. It's been a lot of work with a lot of people in trying to make it worthwhile.

Mr. Cook: And, regarding traffic on Burnham, was there any discussion of traffic lights or changing striping or anything like that? You don't expect traffic volumes to ever be a problem that's large enough there to require any change?

Mr. Linscott: I don't believe that we will, Jonathan.

Mr. Cook: OK, I certainly wouldn't want to see that kind of thing that'd be necessary. So, could you, I know Lynn Johnson is here, I want to make sure he's OK with your amendments and maybe you could just talk to him before you draft the final form of those to make sure that the Park & Rec Dept. is satisfied with the language that you've come up with.

Mr. Shoecraft: And then Madam Clerk could we see, also, if there's anybody here in the public that wants to speak before we, then, because a lot of this stuff that the applicant can submit to us in the form of your rebuttal if there is anybody in the public that has any comments, you know, otherwise we're going to be repeating this whole situation.

Deputy Clerk: Does anyone else wish to come forward on Item 14?

Mr. Shoecraft: OK, Lynn then. Did you have a question for Lynn?

Mr. Cook: I guess, I just want to make sure that the language is OK and I think maybe Lynn can just work with them. If you want to make any comments now regarding what you've heard on the language for trees and so on.

Mr. Johnson: I think we agree that it would be desirable to see street trees along South 13th Street and we'd be more than happy to work with the applicant to make sure that that happens.

Mr. Cook: Thank you and Jerry, one last comment just for the applicant in this case. I know that the Planning Department did notify the Neighborhood Assn. president, but you did not directly and I guess I would suggest that in the future you be a little more aggressive in going out to make sure that the Neighborhood Assn. has been contacted and that you actually maybe make a phone call to the Neighborhood Assn. president. The Planning Dept. is pretty good about this, but sometimes the list may be old or something from Urban Development. We can't always be sure the right person's been contacted and we don't want to make a mistake. So, thanks.

Mr. Shoecraft: So you'll work with Dana real quickly on the language of those amendments and then we can go from there.

This matter was taken under advisement.

KNIGHTS COURT COMMUNITY UNIT PLAN CONSISTING OF 25 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT 5900 SOUTH STREET - Tom Cajka, Ross Engineering, 650 "J" St. Ste. 210: Just to briefly go over this development for you. We are proposing 25 units of elderly housing. It would be 11 two family structures and three single family structures. And, then there would be a separate lot, Block 2, Lot 1 for a club for the Knights of Columbus. We've met with the adjoining residences, the neighborhood on both sides. Met with them several times. I'm not even sure four or five times probably to address their concerns. Their main concerns had to do with storm water run off and drainage grading. We reworked our plan several times and met their concerns, alleviated their concerns. Their spokesperson was at Planning Commission and testified in support of the development. We've also met the conditions from Planning Commission to the satisfactory of Planning Dept. We're OK with everything and the conditions put on by Planning Dept. so with that I'll try to answer any questions you might have.

Mr. Fortenberry: The existing facility is torn down?

Mr. Cajka: It's not tore down yet, but it will be.

Mr. Fortenberry: I mean it will be?

Mr. Cajka: Yes, yes.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Kelly Joe Porter, 5100 N. 27th Street, A2190, (21)(334 W. Main, Norman, OK, 73072): He presented a Resolution proposed by the Fraternal Order of Police & also Senators across the nation to put prayer back into the schools by having a moment of silence following the Pledge of Allegiance. He also presented a proclamation for Citywide Prayer Day on April 30th.

This matter was taken under advisement.

#### ORDINANCES - 3RD READING

CHANGE OF ZONE 3296 - APP. OF THE DIRECTOR OF URBAN DEVELOPMENT FOR A CHANGE FROM R-6 RESIDENTIAL TO B-3 COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N. 27TH & S STS. - Clerk read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

SENG Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17793, is recorded in Ordinance Book 24, Page

#### PRELIMINARY PLATS, SPECIAL PERMITS, USE PERMITS

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF STEVENS CREEK POINTE FOR 7 SINGLE FAMILY LOTS, WITH WAIVERS OF THE REQUIRED SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 134TH AND ADAMS STREETS. (IN CONNECTION W/01R-25) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80686 WHEREAS, Gerry and Dianne Krieser have submitted the preliminary plat of Stevens Creek Pointe for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated December 14, 2000, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of Stevens Creek Pointe, located at North 134th and Adams Street as submitted by Gerry and Dianne Krieser is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirements of Section 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code, relating to the installation of sidewalks, ornamental street lights, landscape screens, and street trees, respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits.

2. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block lengths shall not exceed 1,320 feet between cross streets is waived along the north, south, east, and west sides of the subdivision.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1883 - APPLICATION OF GERRY AND DIANNE KRIESER TO DEVELOP STEVENS CREEK POINTE COMMUNITY UNIT PLAN FOR SEVEN SINGLE FAMILY LOTS, ON PROPERTY GENERALLY LOCATED AT N. 134TH AND ADAMS STREET (IN CONNECTION W/01R-24) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80687 WHEREAS, Gerry and Dianne Krieser have submitted an application designated as Special Permit No. 1883 for authority to develop Stevens Creek Pointe Community Unit Plan consisting of seven single family lots on property located at North 134th and Adams Streets, and legally described to wit:

The North Half of the Southeast Quarter and Lot 33 I.T., all located in the Southeast Quarter of Section 6, Township 10 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Gerry and Dianne Krieser, hereinafter referred to as "Permittee", to develop Stevens Creek Pointe Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves seven single family lots.
2. Before receiving building permits:
  - a. The Permittee must submit a permanent reproducible final site plan as approved with three copies.
  - b. The final plat of Stevens Creek Pointe must be approved by the City Council.
3. Before occupying this development all development and construction must conform to the approved plans.

4. All privately-owned improvements, including private roadways, must be permanently maintained by the Permittee, their successors and assigns.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. 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 therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REGULAR MEETING

FEB. 12, 2001

PAGE 56

USE PERMIT 43A - APPLICATION OF STOCKWELL PROPERTIES, L.L.C. TO DEVELOP 48,675 SQ. FT. OF OFFICE AND FINANCIAL SPACE WITH A WAIVER OF THE REQUIRED SIDEWALK ALONG S. 13TH STREET AND TO PLACE SIGNS IN THE FRONT YARD ALONG S. 13TH STREET ON PROPERTY GENERALLY LOCATED SOUTH OF STOCKWELL STREET BETWEEN S. 13TH AND S. 14TH STREETS - PRIOR to reading:

COOK Moved to amend Bill No. 01R-27 by adding on page 2 at #2 after line 17; c. Revise the landscape plan to show street trees or landscaping equivalent to the number of street trees along South 13th Street to the Parks Department & the Nebraska Department of Roads, and add a concentration of trees on the west side of the property within the front yard setback along the parking lot and d. Revise the alignment of the sidewalk along South 13th Street to the satisfaction of the Public Works Department and the Nebraska Department of Roads; provided that, the alignment avoids additional fill and/or excessive grading. And on page 3, #6 on line 3 the height of signs shall be measured from the finished elevation of the parking lots.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80688 WHEREAS, Stockwell Properties, L.L.C. has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 43A for authority to construct 48,675 square feet of office and financial space on property generally located south of Stockwell Street between S. 13th and S. 14th Streets, and legally described to wit:

A tract of land located in the Southeast Quarter of Section 2, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Referring to the southeast corner of said Section 2; thence in a northerly direction along the east line of the Southeast Quarter of said Section 2 on an assumed bearing of north 0 degrees 0 minutes 0 seconds east, a distance of 1,376.70 feet; thence north 90 degrees 0 minutes 0 seconds west, perpendicular to the last described course, a distance of 33.0 feet to a point on the westerly 33.0 foot right-of-way line of 14th Street as platted in the City of Lincoln and the point of beginning; thence south 59 degrees 55 minutes 35 seconds west, a distance of 79.74 feet to a point on the northeasterly 85.0 foot right-of-way line of relocated 13th Street; thence north 33 degrees 13 minutes 9 seconds west, a distance of 376.01 feet; thence north 23 degrees 4 minutes 57 seconds west, a distance of 180.68 feet; thence north 12 degrees 15 minutes 21 seconds west, a distance of 155.02 feet to a point on the southerly 30.0 foot right-of-way line of Stockwell Street; thence south 89 degrees 1 minute 40 seconds east along the southerly 30.0 foot right-of-way line of Stockwell Street, a distance of 378.80 feet to a point on the westerly 33.0 foot right-of-way line of said 14th Street; thence south 0 degrees 0 minutes 0 seconds east along the westerly 33.0 foot right-of-way line of said 14th Street, a distance of 585.88 feet to the point of beginning;

WHEREAS, the real property adjacent to the area included within the site plan for this office and financial space will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Stockwell Properties, L.L.C., hereinafter referred to as "Permittee", to construct 48,675 square feet of office and financial space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 48,675 square feet of office and financial space and rescinds Use Permit No. 43.

2. Before receiving building permits:

a. The construction plans must conform to the approved plans.

b. Administrative final plats within the area of this Use

Permit must be approved by the City.

- c. Revise the landscape plan to show street trees or landscaping equivalent to the number of street trees along South 13th Street to the satisfaction of the Parks Department and the Nebraska Department of Roads, and add a concentration of trees on the west side of the property within the front yard setback along the parking lot.
- d. Revise the alignment of the sidewalk along South 13th Street to the satisfaction of the Public Works Department and the Nebraska Department of Roads; provided that, the alignment avoids additional fill and/or excessive grading.

3. A waiver of design standards to allow placement of signage in the front yard setback along S. 13th Street is hereby approved.

4. Before occupying the buildings, all development and construction must be in conformance with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

6. 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. The height of signs shall be measured from the finished elevation of the parking lots.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF KNIGHTS COURT TO DEVELOP 26 LOTS WITH A WAIVER OF THE REQUIREMENTS FOR ROADWAY WIDTH AND CENTERLINE CURVE RADIUS, ON PROPERTY GENERALLY LOCATED AT 5900 SOUTH STREET. (IN CONNECTION W/01R-29) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80689 WHEREAS, the Council Building Association has submitted the preliminary plat of **KNIGHTS COURT** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated January 16, 2001, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **KNIGHTS COURT**, located at 5900 South Street as submitted by the Council Building Association is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

- 1. A waiver to curve radius design standards for Curve B.
- 2. A waiver of the private roadway width design standards to allow 21' width on south 60th Street and Knights Lane.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1869 - APPLICATION OF COUNCIL BUILDING ASSOCIATION TO DEVELOP KNIGHTS COURT COMMUNITY UNIT PLAN CONSISTING OF 25 DWELLING UNITS ON

PROPERTY GENERALLY LOCATED AT 5900 SOUTH STREET. (IN CONNECTION W/01R-28)  
- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80690 WHEREAS, the Council Building Association has submitted an application designated as Special Permit No. 1869 for authority to develop Knights Court Community Unit Plan consisting of 25 dwelling units on property located at 5900 South Street, and legally described to wit:

Outlot A, Park Manor South, located in the Northwest Quarter of Section 33, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of the Council Building Association, hereinafter referred to as "Permittee", to develop Knights Court Community Unit Plan consisting of 25 dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 25 dwelling units of elderly housing on 26 lots and grants a 36% density bonus for elderly or retirement housing.

2. Before receiving building permits:

- a. Ornamental street lights for private roadways and pedestrian way easements must be approved by LES.
- b. The construction plans must conform with the approved plans.
- c. A reproducible final site plan with five copies must be supplied to the Planning Department.
- d. Final plats within Knights Court must be approved by the City.
- e. The required easements as shown on the site plan must be recorded with the Register of Deeds.
- f. Construction plans must conform with the Design Standards for Density Bonuses Section 2 - General Standards.

3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvement must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. 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 therefor to be paid in advance by the Permittee.

8. The Permittee must annually certify that all occupied dwelling units are occupied by individuals meeting the requirements for elderly or retirement housing.

9. Approval of this permit voids and rescinds Special Permits #528, 713, 713A, 751, 751A, and 751B.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**THE FOLLOWING APPS. WERE REFERRED TO PLANNING DEPT.:**

Change of Zone 3255 - App. of Holdrege Investors LLC from AG to BZ at N. 84<sup>th</sup> & Holdrege.  
Change of Zone 3304 - App. Director of Public Works & Utilities to add new sections 27.55.025 & 27.55.055 (No Net Rise) the Lincoln Municipal Code.  
Special Permit No. 1839 - App. of Holdrege Investors, LLC to develop 14 duplex lots, 216 multi-family units at N. 84<sup>th</sup> & Holdrege Streets.  
Special Permit No. 1898 - App. of Barry R. King for expansion of nonconforming use (garage) at N. 12<sup>th</sup> St. & Furnas Ave.  
Special Permit No. 1899 - App. of C.D.H. Investors dba Randy's Grill & Chill for the sale of alcohol on the premises at 4947 Holdrege St.  
Special Permit No. 1900 - App. of Qwest Wireless LLC to build a wireless communications facility at 8550 Pioneers Blvd.  
Use Permit No. 128 - App. of Olsson Associates for Office/Convenience/Commercial/Retail/Restaurant Use at N. 84<sup>th</sup> & Holdrege Streets.  
Use Permit No. 137 - App. of Enterprises, Inc. to develop/construct B-2 Planned Neighborhood Business District at S. 16<sup>th</sup> & Old Cheney Rd.

**REPORTS TO CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON FEB. 12, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80695 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 02/2/01)

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

2000 ANNUAL REPORT OF THE LINCOLN COMMISSION ON HUMAN RIGHTS - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **OCT. - DEC., 2000:** AFFINITY, ONESTAR; **DEC. - JAN., 2000:** TALK COM, HERTZ TECH.; **DEC., 2000:** BUSINESS TELECOM., TALK COM, GE CAPITAL, AMERICAN FARM BUREAU,

GLOBAL CROSSING, GLOBAL CROSSING, GLOBAL CROSSING, MCI, NETWORK BILLING SYSTEMS, US WATS, CITIZENS TELECOMM. CLERK presented said report which was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 16-31, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80692 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 31, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED</u>
Thomas & Shelley Thorpe	\$ 77.00	Robert J. Molzer	\$981.32
Tom & Sue Thelen	1,294.55	Dennis Haakenson	729.02
Josephine Music	NAS*		
Stuehrenberg Agency, Inc. (Shad Roth, Insured)	1,843.97		
Daniel W. Rhoads	NAS*		
Jared N. Sutton	164.50		
Michelle E. Williams	321.10		

\*No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final

disposition of their claim.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### OTHER RESOLUTIONS

MANAGER APPLICATION OF JEFFERY D. GOTTBREHT FOR LINCOLN FIREFIGHTERS LOCAL 644 RECEPTION HALL AT 241 VICTORY LANE - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80682 WHEREAS, Lincoln Firefighters Local 644 Reception Hall located at 241 Victory Lane, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeffery D. Gottbreht be named manager;

WHEREAS, Jeffery D. Gottbreht appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeffery D. Gottbreht be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF RENEE K. HILLGREN FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 1421 CENTERPARK ROAD - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for denial:

A-80683 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Renee K. Hillgren as manager of Whitehead Oil Company dba "Whitehead Oil Company dba "U-Stop Convenience Shop" located at 1421 Centerpark Road, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE COUNTY TO PROVIDE MEDICAL SERVICES AT THE LANCASTER COUNTY JUVENILE DETENTION CENTER - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80684 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and the County of Lancaster through the Lincoln-Lancaster County Health Department for the purpose of providing medical services at the Lancaster County Juvenile Detention Center, upon the terms and condition set out in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Earleen Ladd, Lancaster County Clerk's Office for filing with the County, one copy to Lincoln-Lancaster County Health Department.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO COOPERATE ON A PROJECT TO STABILIZE A PORTION OF THE SALT CREEK BANK NEAR ASHLAND - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80685 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and the Lower Platte South Natural Resources District for the purpose of cooperating on a project to stabilize a portion of the Salt Creek bank



near Ashland, upon the terms and conditions set out in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to the Lower Platte South NRD, Attn: Paul D. Zillig, Box 83581, Lincoln, NE 68501-3581.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING MARCIA MALONE TO THE LINCOLN-LANCASTER COMMISSION ON AGING ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80691 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Marcia Malone to the Lincoln-Lancaster Commission on Aging Advisory Board to fill an unexpired term expiring July 1, 2001 is hereby approved.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING TOM LAGING TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM TO EXPIRE JANUARY 9, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80693 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Tom Laging to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2004 is hereby approved.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MONDAY, FEB. 26, 2001 AT 5:30 P.M. FOR MAN. APP. OF EVELYN M. MCFARLAND FOR BUGEATER INVESTMENTS INC. DBA "THE WATERING HOLE" AT 1321 O ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80694 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Feb. 26, 2001, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following MAN. APP. of EVELYN M. MCFARLAND FOR BUGEATER INVESTMENTS INC DBA "THE WATERING HOLE" AT 1321 O STREET.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ORDINANCES - 1ST & 2ND READING

CREATING WATER DISTRICT NO. 1182 IN SAYLOR STREET FROM 57TH STREET TO 58TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, creating Water District No. 1182, designating th real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING ALLEY PAVING DISTRICT NO. 360 IN THE NORTH/SOUTH ALLEY BETWEEN WORTHINGTON AVE. AND 20TH STREET, FROM SOUTH STREET NORTH APPROXIMATELY 300 FEET - CLERK read an ordinance, introduced by Jonathan Cook, creating Alley Paving District No. 360, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND QWEST WIRELESS L.L.C. TO COLOCATE TELECOMMUNICATION ANTENNAS ON THE TOWER BEING CONSTRUCTED AT STAR CITY SHORES AT 27TH AND HIGHWAY 2 - CLERK read an ordinance, introduced by

Jonathan Cook, WHEREAS the City of Lincoln, desires to lease space on a City tower at Star City Shores, generally located at South 27th and Highway 2, to Qwest Wireless, LLC, (hereinafter "Qwest") for telecommunication uses and associated ground space, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND QWEST WIRELESS L.L.C. TO LOCATE TELECOMMUNICATION ANTENNAS ON THE CARRIAGE PARK GARAGE AT 1128 L STREET - CLERK read an ordinance, introduced by Jonathan Cook, WHEREAS, The City of Lincoln, desires to lease space on Carriage Park Garage, generally located west of South 12 and L Streets, to Qwest Wireless, LLC, (hereinafter "Qwest") for telecommunication uses and associated ground space, the first time.

CHANGE OF ZONE 3272 - APPLICATION OF HARTLAND HOMES, INC. AND HAMPTON ENTERPRISES FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED NORTH OF OLD CHENEY ROAD AND WEST OF 84TH STREET. (IN CONNECTION W/01-26, 01R-41, 01R-42, 01R-43) - CLERK read an ordinance, introduced by, Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3288 - AMENDING SECTION 27.63.590, TEMPORARY STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS, TO ALLOW THE PERMIT TO BE GRANTED ON LOTS LESS THAN 10 ACRES AND TO REMOVE THE TIME LIMIT. (IN CONNECTION W/01-25, 01R-41, 01R-42, 01R-43) - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.63.590 of the Lincoln Municipal Code to allow a special permit for the temporary storage of construction equipment and materials to be granted on lots less than ten acres and to remove the time limit; and repealing Section of the Lincoln Municipal Code as hitherto existing, the first time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 1999; DECEMBER, 1999; JUNE, 2000; AND DECEMBER 2000, AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jonathan Cook, adopting the supplements to the Lincoln Municipal Code dated June, 1999; December, 1999; June, 2000; and December 2000 as part of the official Lincoln Municipal Code, the first time.

VACATING A PORTION OF PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. (IN CONNECTION W/00R-308, 00R-309, 99-93) - CLERK read an ordinance, introduced by Jon Camp, vacating Pine Lake Road from the west line of Lazy Acres Subdivision west to the railroad right-of-way, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATING PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION EAST TO THE WEST LINE OF LOT 6 I.T., GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. - CLERK read an ordinance, introduced by Jon Camp, vacating Pine Lake Rd. from the west line of Lazy Acres Subdivision east to the west line of Lot 6 I.T., generally located west of S. 14th St. & Pine Lake Rd., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER N BY CREATING THE JOB TITLE ANIMAL CONTROL OFFICER II & BY CHANGING THE TITLE OF ANIMAL CONTROL OFFICER TO ANIMAL CONTROL OFFICER I - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 1 of Ord. 17707 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classification of "Animal Control Officer II" & changing the job classification title "Animal Control Officer" to "Animal Control Officer I", the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER M BY CREATING THE JOB TITLE SYSTEM SUPERVISOR, PARKING MANAGER, & PRINCIPAL PLANNER - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 5 of Ord. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "System

Supervisor," "Parking Manager," & "Principal Planner", the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER "C" BY CREATING THE JOB TITLES OF SYSTEM SPECIALIST I, SYSTEM SPECIALIST II, SYSTEM SPECIALIST III, AUDIO VIDEO TECHNICIAN, & CRIME ANALYSIS TECHNICIAN, & BY AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER "A" BY CREATING THE JOB TITLE OF GIS ANALYST - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 1 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classification of "GIS Analyst"; & amending Sec. 3 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classifications of "Systems Specialist I," "Systems Specialist II," "Systems Specialist III," "Audio Video Technician," & "Crime Analysis Technician", the second time.

AMENDING SEC. 12.08.270 OF THE LMC TO ALLOW NO MORE THAN SIX SPECIAL DESIGNATED PERMITS PER CALENDAR YEAR TO THE LICENSE HOLDERS AT CITY GOLF COURSES FOR PRIVATE TOURNAMENTS & GOLF EVENTS - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 12.08.270 of the LMC to allow no more than six special designated permits per calendar year to the license holder at City golf courses for private tournaments & golf events; & repealing Sec. 12.08.270 of the LMC as hitherto existing, the second time.

CHANGE OF ZONE 3300 - APP. OF GEORGE & SHAROL SLAMA FOR A CHANGE FROM AG AGRICULTURAL TO H-3 HWY. COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N.W. 84TH & W. "O" STS. - CLERK read an ordinance, introduced by Jon Camp, amending qathe Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

**MISCELLANEOUS BUSINESS**

**PENDING LIST -**

CAMP Moved to extend the Pending List for 1 week.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on Feb. 26, 2001.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**ADJOURNMENT**

**3:01 P.M.**

CAMP Moved to adjourn the City Council Meeting of Feb. 12, 2001.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

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Teresa Meier-Brock, Deputy City Clerk

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Judy Roscoe, Office Assistant III

