

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 5, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Vice Chairperson Werner; Council Members: Cook, Friendt, McRoy, Newman, Svoboda; Joan Ross, City Clerk; Absent: Council Chairperson Camp.

Council Vice Chairperson asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of March 29, 2004, reported having done so, found same correct.

Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda Werner; NAYS: None; ABSENT: Camp.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Coleen J. Seng came forward to present the Mayor's Award of Excellence for the month of April to Dave Kluthe of the Fire Department in the category of Productivity.

**PUBLIC HEARING**

MANAGER APPLICATION OF GINGER RICHARDSON FOR 1515 MARKET STREET INC. DBA AIRPORT INN AT 3200 N.W. 12TH STREET - Ginger Richardson, 3200 NW 12<sup>th</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF SHERYL L. SPAULDING FOR CHIPOTLE MEXICAN GRILL OF COLORADO, L.L.C. DBA CHIPOTLE MEXICAN GRILL AT 232 N. 13TH STREET - John Boehm, 811 S. 13<sup>th</sup> Street, took oath and came forward representing the applicants for approval.

Sheryl L. Spaulding, 623 S. 33<sup>rd</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF BURNSY'S INC. DBA CATERING ON THE BLVD. FOR A CLASS I LIQUOR LICENSE AT 2602 PARK BLVD;

MANAGER APPLICATION OF MICHAEL F. BURNS FOR BURNSY'S INC. DBA CATERING ON THE BLVD AT 2602 PARK BLVD - Michael Burns, 1301 Lincoln Mall, Apt. 1201, took oath and came forward for approval. Further discussion followed.

David Martin, 6165 South Street, took oath and came forward for approval. Further discussion followed.

Rick Peo, Chief Assistant City Attorney, came forward to answer questions of the Council. Further discussion followed.

Mr. Burns came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

APPLICATION OF D.B. ASSOCIATES, INC. DBA THE STEAKHOUSE FOR A CLASS C LIQUOR LICENSE AT 3441 ADAMS STREET;

MANAGER APPLICATION OF JAMES Q. WULF FOR D.B. ASSOCIATES, INC. DBA THE STEAKHOUSE AT 3441 ADAMS STREET - James Wulf, 2319 N. 76<sup>th</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Director of Urban Development, came forward for approval.

This matter was taken under advisement.

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STREET NAME CHANGE 04002 - RENAMING FISCHER DRIVE TO COTSWOLD LANE IN HERITAGE LAKES 1ST ADDITION, GENERALLY LOCATED AT S. 95TH STREET AND PINE LAKE ROAD - Tim Gergen, 1111 Lincoln Mall, with Olsson Associates came forward on behalf of the land developer and home builder.  
This matter was taken under advisement.

DECLARING APPROXIMATELY 14,000 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 17TH AND PROSPECT STREET AS SURPLUS PROPERTY - Steve Werthmann, Urban Development Department, came forward for approval.  
This matter was taken under advisement.

CHANGE OF ZONE 04008 - AMENDING SECTION 27.28.080 OF THE LINCOLN MUNICIPAL CODE TO REVISE THE PARKING REQUIREMENTS IN THE R-T RESIDENTIAL TRANSITION DISTRICT TO ALLOW PARKING LOTS CLOSER THAN 20 FEET TO A RESIDENTIAL DISTRICT WHEN ABUTTING A NON-RESIDENTIAL USE - Brian Carstens, 601 Old Cheney Road, Suite C, came forward on behalf of West Points LLC for approval. Further discussion followed.

Tom Cajka, Planning Department, came forward to answer questions of the Council. Further discussion followed.

Rick Peo, Chief Assistant City Attorney, came forward to answer questions of the Council. Further discussion followed.

Mr. Carstens came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04012 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST SOUTH STREET - Brian Carstens, 601 Old Cheney Road, Suite C, came forward on behalf of Hartland Homes for approval. Further discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 04010 - APPLICATION OF POTENTIAL II, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 7301 S. 27TH STREET - Bill Austin, 301 South 13<sup>th</sup> Street, Suite 400, came forward for approval on behalf of the applicant.  
This matter was taken under advisement.

**MISCELLANEOUS BUSINESS - NONE**

**\*\* END OF PUBLIC HEARING \*\***

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF GINGER RICHARDSON FOR 1515 MARKET STREET INC. DBA AIRPORT INN AT 3200 N.W. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:  
A-82675 WHEREAS, 1515 Market Street Inc. dba Airport Inn located at 3200 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ginger Richardson be named manager;

WHEREAS, Ginger Richardson 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 Ginger Richardson 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 Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF SHERYL L. SPAULDING FOR CHIPOTLE MEXICAN GRILL OF COLORADO, L.L.C. DBA CHIPOTLE MEXICAN GRILL AT 232 N. 13TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82676 WHEREAS, Chipotle Mexican Grill of Colorado, L.L.C. dba Chipotle Mexican Grill located at 232 N. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Sheryl L. Spaulding be named manager;

WHEREAS, Sheryl L. Spaulding 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 Sheryl L. Spaulding 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 Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF BURNSY'S INC. DBA CATERING ON THE BLVD. FOR A CLASS I LIQUOR LICENSE AT 2602 PARK BLVD - PRIOR to reading:

COOK Moved to delay Public Hearing and Action for one week to 4/12/04.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF MICHAEL F. BURNS FOR BURNSY'S INC. DBA CATERING ON THE BLVD AT 2602 PARK BLVD - PRIOR to reading:

COOK Moved to delay Public Hearing and Action for one week to 4/12/04.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF D.B. ASSOCIATES, INC. DBA THE STEAKHOUSE FOR A CLASS C LIQUOR LICENSE AT 3441 ADAMS STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82677 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 D.B. Associates, Inc. dba The Steakhouse for a Class "C" liquor license at 3441 Adams Street, Lincoln, Nebraska, for the license period ending October 31, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF JAMES Q. WULF FOR D.B. ASSOCIATES, INC. DBA THE STEAKHOUSE AT 3441 ADAMS STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82678 WHEREAS, D.B. Associates, Inc. dba The Steakhouse located at 3441 Adams Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that James Q. Wulf be named manager;

WHEREAS, James Q. Wulf 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 James Q. Wulf 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 Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF DLH, INC. DBA COACHES SPORTS BAR & GRILL FOR A CLASS I  
(SPIRITS, WINE, BEER, ON SALE) LIQUOR LICENSE AT 640 W. PROSPECTOR COURT  
- PRIOR to reading:

FRIENDT Moved to reconsider for Public Hearing and Action in one week on  
4/12/04.

Seconded by Svoboda & carried by the following vote: AYES:  
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Cook; ABSENT: Camp.

MANAGER APPLICATION OF DUANE L. HARTMAN FOR DLH, INC. DBA COACHES SPORTS BAR &  
GRILL AT 640 W. PROSPECTOR COURT - PRIOR to reading:

FRIENDT Moved to reconsider for Public Hearing and Action in one week on  
4/12/04.

Seconded by Svoboda & carried by the following vote: AYES:  
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Cook; ABSENT: Camp.

#### ORDINANCES - 2ND READING

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR  
PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE  
INVESTMENT ACT - CLERK read an ordinance, introduced by Jonathan Cook,  
accepting and approving a Sublease Agreement between the City of Lincoln  
and Experience Works for a lease of space at 1010 N Street, Lincoln,  
Lancaster County, Nebraska for a term of October 1, 2003 through June  
30, 2004 whereby the City of Lincoln is subleasing space to Experience  
Works at the One Stop Career Center for providing job training and  
employment services under the Workforce Investment Act, the second time.

STREET NAME CHANGE 04002 - RENAMING FISCHER DRIVE TO COTSWOLD LANE IN HERITAGE  
LAKES 1ST ADDITION, GENERALLY LOCATED AT S. 95TH STREET AND PINE LAKE  
ROAD - CLERK read an ordinance, introduced by Jonathan Cook, changing  
the name of Fischer Drive to Cotswold Lane located in Heritage Lakes 1<sup>st</sup>  
Addition, generally located at S. 95<sup>th</sup> Street and Pine Lake Road, as  
recommended by the Street Name Committee, the second time.

DECLARING APPROXIMATELY 14,000 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT  
17TH AND PROSPECT STREET AS SURPLUS PROPERTY - CLERK read an ordinance,  
introduced by Jonathan Cook, declaring approximately 14,000 square feet  
of City-owned property generally located at 17<sup>th</sup> and Prospect Streets as  
surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 04008 - AMENDING SECTION 27.28.080 OF THE LINCOLN MUNICIPAL  
CODE TO REVISE THE PARKING REQUIREMENTS IN THE R-T RESIDENTIAL  
TRANSITION DISTRICT TO ALLOW PARKING LOTS CLOSER THAN 20 FEET TO A  
RESIDENTIAL DISTRICT WHEN ABUTTING A NON-RESIDENTIAL USE - CLERK read an  
ordinance, introduced by Jonathan Cook, amending Section 27.28.080 of  
the Lincoln Municipal Code to revise the parking requirements in the R-T  
Residential Transition District to allow parking lots closer than 20  
feet to a residential district when abutting a non-residential use; and  
repealing Section 27.28.080 of the Lincoln Municipal Code as hitherto  
existing, the second time.

CHANGE OF ZONE 04012 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF  
ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL  
DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST  
SOUTH STREET - 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 second time.

RESOLUTIONS

REAPPOINTING KATE KULESHER AND DR. LISA PETERSON TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2007 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82679 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Kate Kulesher and Dr. Lisa Peterson to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2007 is hereby approved.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

REAPPOINTING ROBERTA STICK, HOLLY BURNS, KATHLEEN UHRMACHER, AND BRIDGET CHRISTENSEN TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING MARCH 1, 2006 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82680 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Roberta Stick, Holly Burns, Kathleen Uhrmacher, and Bridget Christensen to the Lincoln-Lancaster Women's Commission for a two-year terms expiring March 1, 2006 is hereby approved.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPOINTING ELIZABETH RODACKER, DANJA M. SIDERS, AND JERI L. BRADT TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR TERMS EXPIRING MARCH 1, 2006, MARCH 1, 2006, AND MARCH 1, 2005, RESPECTIVELY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82681 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Elizabeth Rodacker, Danja M. Siders, and Jeri L. Brandt to the Lincoln-Lancaster Women's Commission for terms expiring March 1, 2006, March 1, 2006, and March 1, 2005, respectively, is hereby approved.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 04001 - APPLICATION OF US CELLULAR WIRELESS COMMUNICATIONS FOR AUTHORITY TO CONSTRUCT A 155' MONOPOLE FOR WIRELESS FACILITIES, WITH WAIVER TO THE REQUIRED FALL ZONE AND LANDSCAPING, ON PROPERTY GENERALLY LOCATED ONE-HALF MILE NORTH OF THE INTERSECTION OF N. 70<sup>TH</sup> AND FLETCHER AVENUE- CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82682 WHEREAS, U.S. Cellular Wireless Communications has submitted an application designated as Special Permit No. 04001 for authority to construct a 155 foot monopole for wireless facilities, with waivers to the required fall zone and landscaping, on property generally located one-half mile north of the intersection of North 70th Street and Fletcher Avenue, and legally described to wit:

Lot 10 I.T. in the Southwest Quarter of Section 34,  
Township 11 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 155 foot tall monopole 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 U.S. Cellular Wireless Communications, hereinafter referred to as "Permittee", to construct a 155 foot monopole for wireless facilities, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.720 of the Lincoln Municipal Code upon condition that installation of said wireless communication tower be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
  - a. A 155 foot monopole tower for wireless facilities capable of accommodating at least five wireless carriers consistent with the revised site plan.
  - b. A waiver of the landscaping required by Section 27.68.110(a) of the Design Standards for Zoning, provided that if the existing trees on the adjacent property are removed they must be replaced on site.
2. Before receiving building permits:
  - a. The construction plans must conform to the approved plans.
  - b. The Permittee must submit a surety approved by the City Attorney in an amount adequate to guarantee the removal of the facility.
3. Before use of the facility, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, locations 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.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 04010 - APPLICATION OF POTENTIAL II, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 7301 S. 27<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82683 WHEREAS, Potential II, L.L.C. has submitted an application designated as Special Permit No. 04010 for authority to sell alcoholic beverages for consumption on the premises generally located at 7301 South 27th Street, legally described as:

Lot 1, Block 1, Tamarin Ridge Addition, located in the South Half of the Northeast Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises 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 Potential II, L.L.C., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only at 7301 South 27th Street.
2. Before the sale of alcohol for consumption on the premises, all development and construction must conform to the approved plans.
3. 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.
4. 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.
5. 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 Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, APRIL 19, 2004 AT 1:30 PM FOR AN APPLICATION OF GRANITE CITY FOOD & BREWERY LTD DBA GRANITE FOOD & BREWERY FOR A CLASS C LIQUOR LICENSE AND A CLASS L LIQUOR LICENSE AT 6150 "O" STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82684 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 19, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of Granite City Food & Brewery LTD dba Granite Food & Brewery for a Class C Liquor License and a Class L Liquor License at 6150 "O" Street.

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

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT NO. 1928A - APPLICATION OF THE DINERSTEIN COMPANIES TO DEVELOP STERLING UNIVERSITY PHASE 2 COMMUNITY UNIT PLAN TO ADD 171 DWELLING UNITS FOR 561 OCCUPANTS AND ADDITIONAL AMENITIES TO THE EXISTING STUDENT HOUSING PROJECT, WITH A WAIVER OF THE LANDSCAPE SCREEN, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET - PRIOR to reading:

MCROY Moved to Amend No. 1.

Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

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

A-82685 WHEREAS, The Dinerstein Companies have submitted an application designated as Special Permit No. 1928A for authority to amend Sterling University Phase 2 Community Unit Plan by adding 171 dwelling units for 561 occupants and additional amenities to the existing student housing project on property generally located west of North 1st Street and south of Charleston Street, and legally described to wit:

Northeast Tract:

Lot 91 I.T. and a portion of Lot 81 I.T. and Lot 90 I.T., located in the Southeast Quarter of Section 15 and Lots 302, and a portion of Lot 263 I.T. and Lot 303 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM aluminum cap, being the North Quarter corner of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence north 89 degrees 13 minutes 59 seconds east (an assumed bearing) and on the north line of Northeast Quarter of said Section 22, a distance of 464.04 feet to a point (0.10 feet south and 0.11 feet east of a found 3/4" square pipe) being the southwest corner of Lot 86 I.T., located in the Southeast Quarter of Section 15, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and also said point is on the easterly right-of-way line of the Union Pacific Railroad and the point of beginning; thence north 47 degrees 11 minutes 19 seconds west, and on the westerly line of Lot 91 I.T. of said Section 15 or the easterly right-of-way line of said Union Pacific Railroad, a distance of 532.33 feet to a found 3/4" square pipe, being the northwest corner of Lot 91 I.T. of said Section 15 and also a point on a curve to the left; thence on a curve to the left and on the northerly line of Lot 91 I.T. of said Section 15, having a radius of 2989.79 feet, and a central angle of 04 degrees 35 minutes 11 seconds with a chord bearing of north 75 degrees 56 minutes 05 seconds east, a chord distance of 239.26 feet to a found 3/4" square pipe, being the point of non-tangency, thence north 73 degrees 38 minutes 10 seconds east, and on the northerly line of Lot 91 I.T. of said Section 15, a distance of 1416.97 feet to a set 5/8" rebar, being the north-northeast corner of Lot 91 I.T. of said Section 15 and also said point is on the southerly right-of-way line of Charleston Street; thence south 61 degrees 32 minutes 29 seconds east, and on the northerly line of Lot 91 I.T. of said Section 15 or the southerly right-of-way line of said Charleston Street, a distance of 8.76 feet to a found 5/8" rebar, being a point on a curve to the left; thence on a curve to the left and on the northerly line of Lot 91 I.T. of said Section 15 or southerly right-of-way line of said Charleston Street, having a radius of 66.00 feet, an arc length of 200.08 feet and a central angle of 173 degrees 41 minutes 28 seconds, with a chord bearing of south 54 degrees 19 minutes 47 seconds east, a chord distance of 131.80 feet to a found 5/8" rebar, being the point of non-tangent reverse curvature; thence on a curve to the right and on the northerly line of Lot 91 I.T. of said Section 15 or the southerly right-of-way line of said Charleston Street, having a radius of 20.00 feet, an arc length of 10.86 feet and a central angle of 31 degrees 06 minutes 24 seconds, with a chord bearing of north 54 degrees 19 minutes 04 seconds east, a chord distance of 10.73 feet to a found 5/8" rebar, being the east-northeast corner of Lot 91 I.T. or the northwest corner of Lot 90 I.T. of said Section 15; thence south 28 degrees 29 minutes 31 seconds west, and on the east line of Lot 91 I.T. or the west line of Lot 90 I.T. of said Section 15, a distance of 433.54 feet to a found 5/8" rebar; thence south 00 degrees 16 minutes 21 seconds west, and on the east line of Lot 91 I.T. or the west line of Lot 90 I.T. of said Section 15, a distance of 209.81 feet to a point; thence north 90 degrees 00 minutes 00 seconds east, a distance of 306.90 feet to a point; thence south 43 degrees 01 minutes 01 seconds east, a distance of 18.18 feet to a point; thence north 90 degrees 00 minutes 00 seconds east, a distance of 356.21 feet to a point; thence north 00 degrees 00 minutes 00 seconds east, a distance of 60.39 feet to a point; thence north 90 degrees 00 minutes 00 seconds east, a distance of 77.86 feet to a point; thence north 00 degrees 00 minutes 33 seconds west, a distance of 37.91 feet to a point, being the point of curvature;



thence on a curve to the right having a radius of 280.00 feet, an arc length of 89.48 feet and a central angle of 18 degrees 18 minutes 39 seconds, with a chord bearing of north 09 degrees 08 minutes 46 seconds east, a chord distance of 89.10 feet to a point; thence south 61 degrees 30 minutes 40 seconds east, a distance of 150.36 feet to a point; thence south 00 degrees 00 minutes 00 seconds east, a distance of 114.49 feet to a point; thence north 90 degrees 00 minutes 00 seconds east, a distance of 113.20 feet to a point; thence south 00 degrees 00 minutes 00 seconds east, a distance of 351.24 feet to a point; thence north 90 degrees 00 minutes 00 seconds west, a distance of 709.15 feet to a point; thence south 44 degrees 08 minutes 35 seconds west, a distance of 27.87 feet to a point; thence north 90 degrees 00 minutes 00 seconds west, a distance of 94.18 feet to a point; thence north 47 degrees 56 minutes 44 seconds west, a distance of 39.71 feet to a point; thence north 90 degrees 00 minutes 00 seconds west, a distance of 28.23 feet to a point; thence south 33 degrees 05 minutes 04 seconds west, a distance of 26.97 feet to a point; thence north 90 degrees 00 minutes 00 seconds west, a distance of 132.84 feet to a point; thence south 01 degrees 23 minutes 12 seconds west, a distance of 78.42 feet to a point; thence south 06 degrees 29 minutes 48 seconds west, a distance of 109.62 feet to a point; thence south 11 degrees 03 minutes 59 seconds west, a distance of 87.73 feet to a point; thence south 64 degrees 47 minutes 55 seconds east, a distance of 101.73 feet to a point on the east line of Lot 303 or the west line of Lot 263 I.T., located in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence south 00 degrees 19 minutes 52 seconds west, and on the east line of Lot 303 or the west line of Lot 263 I.T., of said Section 22, a distance of 473.42 feet to a set 5/8" rebar being the southeast corner of Lot 303 I.T. or the southwest corner of Lot 263 I.T. of said Section 22 and also said point is on the easterly right-of-way line of said Union Pacific Railroad; thence north 46 degrees 57 minutes 37 seconds west, and on the westerly line of Lot 302 I.T. and Lot 303 I.T. of said Section 22 or the easterly right-of-way line of said Union Pacific Railroad, a distance of 1491.64 feet to a point (0.31 feet south and 0.32 feet east of a found 3/4" square pipe) being the northwest corner of Lot 302 I.T. and on the north line of the Northeast Quarter of said Section 22 and also said point is on the south line of Lot 91 I.T. of said Section 15; thence south 89 degrees 13 minutes 59 seconds west, on the north line of the Northeast Quarter of said Section 22 and the north right-of-way line of said Union Pacific Railroad or the south line of Lot 91 I.T. of said Section 15, a distance of 69.64 feet to the point of beginning and containing a calculated area of 1,751,506.05 square feet or 40.209 acres, more or less; and

Southwest Tract:

Lot 85 I.T., located in the South Half of Section 15 and Lot 132 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM aluminum cap, being the North Quarter corner of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence north 89 degrees 14 minutes 00 seconds east (an assumed bearing) and on the north line of the Northeast Quarter of said Section 22, a distance of 97.21 feet to a found 5/8" rebar, being

the southwesterly corner of Lot 85 I.T., located in the South Half of Section 15 or the northwesterly corner of Lot 132 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and also said point is on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway and the point of beginning; thence north 34 degrees 56 minutes 54 seconds west, and on the westerly line of Lot 85 I.T. of said Section 15 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 488.65 feet to a point, being the northwesterly corner of Lot 85 I.T. of said Section 15 and said point is on the southerly right-of-way of Oak Creek and a point on a curve to the left; thence on a curve to the left and on the northerly line of Lot 85 I.T. of said Section 15 or the southerly right-of-way line of said Oak Creek, having a radius of 2914.79 feet, an arc length of 63.97 feet and a central angle of 01 degrees 15 minutes 27 seconds, with a chord bearing of north 82 degrees 25 minutes 13 seconds east, a chord distance of 63.96 feet to a point, being the northeasterly corner of Lot 85 I.T. of said Section 15 and also said point is on the westerly right-of-way line of Union Pacific Railway; thence south 47 degrees 10 minutes 43 seconds east and on the easterly line of Lot 85 I.T. of said Section 15 or the westerly right-of-way line of said Union Pacific Railway, a distance of 597.31 feet to a found 5/8" rebar, being a point on the north line of the Northeast Quarter and the southeasterly corner of Lot 85 I.T. of said Section 15; thence south 89 degrees 14 minutes 00 seconds west, and on the north line of the Northeast Quarter of said Section 22 and the north right-of-way line of said Union Pacific Railway or the south line of Lot 85 I.T. of said Section 15, a distance of 74.35 feet to a found 5/8" rebar, being the northeasterly corner of Lot 132 I.T. of said Section 22 and the westerly right-of-way line of said Union Pacific Railway; thence south 46 degrees 57 minutes 39 seconds east, and on the easterly line of Lot 132 I.T. of said Section 22 or the westerly right-of-way line of said Union Pacific Railway, a distance of 2251.73 feet to a found 5/8" rebar, being the southeasterly corner of Lot 132 I.T. of said Section 22; thence north 89 degrees 24 minutes 42 seconds west, and on the southerly line of Lot 132 I.T. of said Section 22, a distance of 659.59 feet to a found 5/8" rebar, being the southwesterly corner of Lot 132 I.T. of said Section 22 or a point on the easterly right-of-way line of said Burlington Northern and Santa Fe Railway and also on a curve to the right; thence on the curve to the right and on the southwesterly line of Lot 132 I.T. of said Section 22 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, having a radius of 1046.28 feet, an arc length of 88.61 feet and a central angle of 04 degrees 51 minutes 08 seconds with a chord bearing of north 37 degrees 22 minutes 02 seconds west, a chord distance of 88.58 feet to a found 5/8" rebar; thence south 55 degrees 03 minutes 32 seconds west, and on the southeasterly line of Lot 132 I.T. of said Section 22 or the northwesterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 50.00 feet to a found 5/8" rebar, being the west-southwesterly corner of Lot 132 I.T. of said Section 22; thence north 34 degrees 56 minutes 54 seconds west, and on the westerly line of Lot 132 I.T. of said Section 22 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 1813.29 feet to the point of beginning and containing a calculated area of 720,925.78 square feet or 16.550 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the 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 Dinerstein Companies, hereinafter referred to as "Permittee", to amend Sterling University Phase 2 Community Unit Plan by adding 171 dwelling units for 561 occupants and additional amenities to the existing student housing project, 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 addition to the 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 the addition of 171 dwelling units, 110 of which are dwellings for non-related persons with 440 occupants. The total approved density for Phases 1 and 2 is 328 dwelling units, 276 of which are dwellings for non-related persons with 1028 occupants.

2. The requirement of the Design Standards for Screening and Landscaping that landscape screening be provided in community unit plans is waived.

3. Before receiving building permits:

- a. The Permittee must submit an acceptable revised plan with eight copies.
- b. The construction plans must conform to the approved plans.
- c. Final plats within the area of this community unit plan must be approved by the City.

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

5. All privately-owned improvements must be permanently maintained by the Permittee.

6. 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.

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 the special 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 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 Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

PRELIMINARY PLAT NO. 03011 - ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF OUTFIELD PARK, CREATING FIVE LOTS AND SIX OUTLOTS WITH WAIVERS TO ALLOW SIDEWALKS ON ONLY ONE SIDE OF PRIVATE STREET, PUBLIC WATER MAIN ADJACENT TO DRIVEWAY, AND BLOCK LENGTH IN EXCESS OF 1,000 FEET, ON PROPERTY GENERALLY LOCATED WEST OF NORTH1ST STREET AND SOUTH OF CHARLESTON STREET - PRIOR to reading:

MCROY Moved to Amend No. 1.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

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

A-82686 WHEREAS, The Dinerstein Companies have submitted the preliminary plat of **Outfield Park** 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 February 24, 2004, 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 **Outfield Park**, located generally west of North 1st Street and south of Charleston Street as submitted by The Dinerstein Companies 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, except that site specific condition 1.1.17 is amended to insert 281,537 as the total cubic yard of fill which may be placed in the floodplain.

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 requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be constructed along both sides of all streets within this subdivision is waived to allow a sidewalk along only the south side of Line Drive, the west side of North 2nd Street, and only one side of the new private roadway leading to the City Tow Lot.

2. The requirement of § 3.2 of the Water Main Design Standards that public water mains be installed along the public street or private roadway is waived to allow construction of a public water main adjacent to a driveway.

3. The requirement of § 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1000 feet between cross streets is waived for North 2nd Street.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPROVING THE EDENTON WOODS ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND CASEYCO, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read an ordinance, introduced by Jonathan Cook, who moved for its adoption:

A-82687 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Edenton Woods Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Caseyco, Inc., outlining certain conditions and understandings between the City and said Owner relating to the annexation of approximately 13.296 acres of property generally located northeast of the intersection of Ashbrook Drive and Highway 2 is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT NO. 1992 - APPLICATION OF CASEYCO TO DEVELOP EDENTON WOODS COMMUNITY UNIT PLAN CONSISTING OF 46 SINGLE-FAMILY AND ATTACHED SINGLE-FAMILY UNITS, WITH A WAIVER OF THE LOT AREA, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its adoption:

A-82688 WHEREAS, has submitted an application designated as Special Permit No. 1992 for authority to develop Edenton Woods Community Unit Plan consisting of 46 single-family and attached single-family dwelling units

with a request to waive the minimum lot area on property located northeast of the intersection of Ashbrook Drive and Highway 2, and legally described to wit:

Lot 76, located in the Southwest Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska; and more fully described as follows:

Referring to the northwest corner of the Southwest Quarter of said Section 15; thence south 89 degrees 57 minutes 52 seconds east, on the north line of the Southwest Quarter of said Section 15, a distance of 2,064.27 feet to the point of beginning; thence south 89 degrees 57 minutes 52 seconds east, a distance of 591.63 feet; thence south 00 degrees 06 minutes 58 seconds west, on the east line of the Southwest Quarter of Section 15, a distance of 1080.00 feet; thence north 52 degrees 06 minutes 58 seconds west, a distance of 162.00 feet; thence north 79 degrees 42 minutes 41 seconds west, a distance of 218.50 feet; thence north 89 degrees 53 minutes 02 seconds west, a distance of 151.00 feet; thence south 36 degrees 01 minutes 38 seconds west, a distance of 166.24 feet; thence north 00 degrees 06 minutes 58 seconds east, a distance of 1076.00 feet to the north line of the Southwest Quarter of Section 15 and the point of beginning, containing 47 lots, 5 outlots, and a calculated area of 13.296 acres, more or less;

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 Caseyco, hereinafter referred to as "Permittee", to develop Edenton Woods Community Unit Plan consisting of 46 single-family and attached family 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 46 single-family and attached single-family dwelling units with a waiver of the minimum lot area to allow for some of the lots to be smaller than the 5,000 square foot minimum required in the R-3 District when associated with a community unit plan.

2. Before receiving building permits:

a. The Permittee must submit an acceptable revised and reproducible final plan including five copies.

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

c. Final plats within the area of this community unit plan must be approved by the City.

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

4. All privately-owned improvements 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.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

PRELIMINARY PLAT NO. 02023 - ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF EDENTON WOODS, CREATING 46 LOTS FOR RESIDENTIAL DEVELOPMENT AND FIVE OUTLOTS, WITH WAIVERS FOR MODIFICATION OF TURN-AROUNDS FOR PRIVATE ROADWAYS, TO ALLOW LOT LINES NOT RADIAL TO ROADWAYS, DOUBLE-FRONTAGE LOTS, INTERSECTION APPROACH GRADES, SIDEWALKS, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its adoption:

A-82689 WHEREAS, Caseyco has submitted the preliminary plat of **Edenton Woods** 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 July 14, 2003, 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 **Edenton Woods**, located northeast of the intersection of Ashbrook Drive and Highway 2 as submitted by Caseyco 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 requirement of Section 26.23.140(c) of the Lincoln Municipal Code that lot lines be radial to roadways is waived for Lots 15 and 16, Block 1.

2. The requirement of Section 26.23.140(e) of the Lincoln Municipal Code that no lot shall have double frontage is waived to allow a private street adjacent to Lots 11-16, Block 2.

3. The intersection approach grade required under the City of Lincoln Design Standards is waived to connect Northshore Drive to Ashbrook Drive using the existing grade.

4. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision is hereby waived along the east side of the private roadway adjacent to Pine Lake S.I.D.

5. The requirement of § 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1320 feet between cross streets is waived for Block 1.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 04013 - Requested by United Presbyterian Welfare

Foundation, for a domiciliary care facility, on property located at South 33<sup>rd</sup> Street and Yankee Hill Road.

Special Permit No. 04014, Whispering Creek Community Unit Plan - Requested by Patricia Slaughter and Connie Heier, for 51 single family lots, with requests to waive sidewalks, street trees, landscaping screening, street lighting, block length, and preliminary plat, on property located at South 112<sup>th</sup> Street and Old Cheney Road.

Special Permit No. 04015 - Requested by Yankee Hill Landscape Company, Inc., for a 15,000 square foot garden center, on property located at the SW corner of South 120<sup>th</sup> Street and Yankee Hill Road.

Special Permit No. 04016 - Requested by Olsson Associates, for planned service/commercial, with requests to waive setbacks and to allow the Planning Director to approve site plans at the time of the Building Permit, on property located at North 84<sup>th</sup> Street and Leighton Avenue.

Special Permit No. 04017 - Requested by U.S. Cellular Wireless Communications, for a wireless facility, on property located at 4221 J Street.

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY CITY COUNCIL ON MARCH 29, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JANUARY/FEBRUARY, 2004: NETWORK BILLING SYSTEMS LLC; FEBRUARY, 2004; NEXTEL WEST CORP, TELECO DEVELOPMENT GROUP DE INC, CELLULAR ONE, BUYERS UNITED INC, CINCINNATI BELL ANY DISTANCE INC, QUEST COMMUNICATIONS CORP, VERIZON SELECT SERVICES INC, PRIMUS TELECOMMUNICATIONS INC, C III COM OPERATIONS, WORKING ASSETS FUNDING SERVICE, GLOBAL CROSSING TELECOM INC, ACN COMMUNICATION SERVICES INC, CRICKET COMMUNICATIONS INC, VERIZON LONG DISTANCE, TOUCH AMERICAN INC, ONSTAR CORPORATION, QUANTUM SHIFT COM, IBM GLOBAL SERVICES, ONE CALL COMMUNICATIONS, SPRINT COMMUNICATION COMPANY, UNITED SYSTEMS ACCESS TELECOM, LIBERTY WIRELESS, AT&T COMMUNICATIONS OF MIDWEST, VIRGIN MOBILE USA, T-NETIX TELECOM SERVICES INC, INTELICAL OPERATOR SERVICES, XO LONG DISTANCE SERVICES INC, TRACFONE WIRELESS INC, VOICECOM TELECOMMUNICATIONS, USA INC, NORSTAN NETWORK SERVICES INC, TELECOMMUNICATION COMPANY, MCI TELECOMMUNICATIONS CORPORATION, TRANS NATIONAL COMMUNICATIONS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**ORDINANCES - 1<sup>ST</sup> READING**

APPROVING A CONTRACT BETWEEN THE CITY AND THE DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IN THE AREA LOCATED AT 12<sup>TH</sup> STREET FROM Q TO R STREET FROM 12<sup>TH</sup> TO 13<sup>TH</sup> STREETS FROM JUNE 1, 2004 THROUGH JUNE 29, 2004 - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Tuesday public market in the Marketplace area, 12<sup>th</sup> Street from Q to R Streets and R Street from 12<sup>th</sup> to 13<sup>th</sup> Streets, from June 1, 2004 through June 29, 2004, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7<sup>TH</sup> STREET FROM P TO Q STREETS AND P - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7<sup>th</sup> to 8<sup>th</sup> Streets, from May 1, 2004 through October 30, 2004, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

ACCEPTING AND APPROVING CITY'S CERTIFICATIONS AS LANDLORD IN THE ESTOPPEL CERTIFICATE AND CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF THE FIRST AMENDED AND RESTATED LEASE AND OPERATING AGREEMENT - BURNHAM YATES CONFERENCE CENTER FROM CORNHUSKER SQUARE LIMITED PARTNERSHIP TO SHUBH HOTELS LINCOLN, LLC OR ITS AFFILIATES - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the City's certifications as landlord in the Estoppel Certificate and consenting to the Assignment and Assumption of the First Amended and Restated Lease and Operating Agreement - Burnham Yates Conference Center from Cornhusker Square Limited Partnership to SHUBH Hotels Lincoln, LLC or its affiliates, the first time.

APPROVING THE SECOND AMENDMENT TO THE FIRST AMENDED AND RESTATED LEASE AND OPERATING AGREEMENT - BURNHAM YATES CONFERENCE CENTER - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Second Amendment to First Amended and Restated Lease and Operating Agreement - Burnham Yates Conference Center granting the Lessee, Cornhusker Square Limited Partnership, the right to encumber its interest in the Lease and its Leasehold estate in the Conference Center under one or more mortgages and to assign the Lease or Leasehold estate in the premises as collateral security for such mortgager and to provide rights to said mortgagees under the Lease, the first time.

ORDINANCES - 3<sup>RD</sup> READING

AMENDING TITLE 12 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS BY ADDING A NEW CHAPTER 12.22, ENHANCED MEDIAN, ROUNDABOUT, AND CUL-DE-SAC CENTER ISLAND LANDSCAPING, TO PROVIDE CONDITIONS FOR THE PLACEMENT OF ENHANCED LANDSCAPING IN MEDIAL ROUNDABOUT AND CUL-DE-SAC CENTER ISLAND AREA BY AN ABUTTING PROPERTY OWNER - PRIOR to reading:

COOK Moved to continue Public Hearing and Action for one week to 4/12/04.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

VACATION 03014 - VACATING A PORTION OF THE EAST- WEST ALLEY FROM VACATED SOUTH 26TH STREET TO SOUTH 27TH STREET, BETWEEN N AND "O" STREETS - PRIOR to reading:

COOK Moved to Amend No. 1.  
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

FRIENDT Moved to pass the ordinance as amended.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda; NAYS: Werner; ABSENT: Camp.

CLERK Read an ordinance, introduced by Glenn Friendt, vacating a portion of the east- west alley from vacated South 26<sup>th</sup> Street to South 27<sup>th</sup> Street, between N and "O" Streets, the third time.

The ordinance, being numbered #18331, is recorded in Ordinance Book #25.

CHANGE OF ZONE 3421 - APPLICATION OF THE DINERSTEIN COMPANIES FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET - PRIOR to reading:

COOK Moved to accept the Substitute Ordinance.  
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

COOK Moved to pass the Ordinance as read.  
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Jonathan Cook, for a change of zone from H-3 Highway Commercial to R-3 Residential on property generally located west of North 1<sup>st</sup> Street and south of Charleston Street, the third time.

The ordinance, being numbered #18332, is recorded in Ordinance Book #25.

ANNEXATION NO. 03004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Corporate Limits Map by annexing approximately 13.3 acres of property generally located northeast of the intersection of Ashbrook Drive and Highway 2, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered #18333, is recorded in Ordinance Book #25.

CHANGE OF ZONE NO. 3387 - APPLICATION OF CASEYCO FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read an ordinance, introduced by Terry Werner, for a change of zone from AGR Agricultural to R-3 Residential on property generally located northeast of the intersection of Ashbrook Drive and Highway 2, the third time.

FRIENDT Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

The ordinance, being numbered #18334, is recorded in Ordinance Book #25.



AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO DEFINE A MOBILE INFRARED TRANSMITTER AND MAKING IT ILLEGAL TO POSSESS, USE, SELL, OR PURCHASE MOBILE INFRARED TRANSMITTERS - CLERK read an ordinance, introduced by Terry Werner, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic to define a mobile infrared transmitted and making it illegal to possess, use, sell, or purchase mobile infrared transmitters, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #18335, is recorded in Ordinance Book #25.

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to April 12, 2004.  
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

**UPCOMING RESOLUTIONS -**

SVOBODA Moved to approve the resolutions to have Public Hearing on April 12, 2004.  
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 3:45 P.M.**

SVOBODA Moved to adjourn the City Council meeting of April 5, 2004.  
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.  
So ordered.

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Joan E. Ross, CMC, City Clerk

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Jamie Neddenriep, Senior Office Assistant

