

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 13, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Eschliman, Marvin, McRoy, Newman; Deputy City Clerk, Teresa Meier; Absent: Cook.

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

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of June 6, 2005, reported having done so, found same correct.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman; NAYS: None; ABSENT: Cook.

**PUBLIC HEARING**

MANAGER APPLICATION OF RYAN K. HAUNSCHILD FOR CEC ENTERTAINMENT, INC. DBA CHUCK E. CHEESE'S AT 221 N. 66TH STREET - Ryan Haunschuld took oath and came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF GEOFFREY W. LEMON FOR B & R STORES, INC. AT 1709 WASHINGTON STREET - Geoffrey Lemon took oath and came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF 1339 "O" STREET, INC. DBA BROTHERS EST 1967 FOR AN ADDITION OF AN L-SHAPED OUTDOOR SIDEWALK CAFÉ AREA MEASURING 11' BY 85' AT THE NORTHEAST CORNER OF THE BUILDING, PLUS BASEMENT FOR STORAGE, TO ITS PRESENTLY LICENSED PREMISE AT 1339 O STREET - Charlie Humble, Erickson, Sederstrom 301 S. 13<sup>th</sup> Street, took oath and came forward representing Brothers.

Kevin Blazek, 950 Rutland Dr., took oath and came forward as General Manager of Brothers to answer questions.

Mr. Humble requested approval of a sidewalk café with the majority of tables on 14<sup>th</sup> Street and a few on O Street. Discussion followed.

Tom Casady, Chief of Police, came forward to answer questions as to the number of liquor violations of Brothers since opening. Discussion followed.

Dana Roper, City Attorney, answered the question whether Brothers permit could be revoked if they had problems with the sidewalk café by referring to Chapter 14 of the Lincoln Municipal Code and then the outdoor provision could be revoked by the Liquor Commission.

Mr. Humble came forward for rebuttal.

This matter was taken under advisement.

MANAGER APPLICATION OF ROGER WILLIAM HOTHAN FOR BENCHMARK REDEVELOPMENT, INC. DBA BUZZARD BILLY'S ARMADILLO BAR/GRILL AT 247 N. 8TH STREET - Roger Hothan Manager for Buzzard Billy's Armadillo Bar/Grill took oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING A THREE-YEAR LEASE AGREEMENT WITH AN OPTION TO PURCHASE BETWEEN THE CITY AND KANSAS STATE BANK OF MANHATTAN FOR A 2005 ELGIN "F" DUAL SWEEPER FOR USE BY THE DEPARTMENT OF PUBLIC WORKS & UTILITIES - Dan Marvin, Council Member, asked what the interest rate of the lease was?

Jim Chiles, Public Works Dept., Fleet Services, stated the interest was 4.35%.

This matter was taken under advisement.

ANNEXATION 05006- AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF FLETCHER AVENUE AND WEST OF NORTH 14TH STREET:

APPROVING THE HARTLAND'S GARDEN VALLEY ADDITION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 90.05 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF N. 14TH STREET FROM FLETCHER AVE. TO HUMPHREY AVE.:

**REGULAR MEETING  
JUNE 13, 2005  
PAGE 1604**

CHANGE OF ZONE 05024 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTH OF FLETCHER AVENUE AND WEST OF NORTH 14TH STREET:

VACATION 05002 - VACATING NORTH 11TH STREET FROM THE NORTH LINE OF FLETCHER AVENUE TO THE SOUTH LINE OF HUMPHREY AVENUE - Brian Carstens, 601 Old Cheney Road., Suite C, came forward appearing on behalf of Hartland Homes, to inform the Council of the zoning changes and the compromises made. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Hartland Homes and to refer to the Comp Plan in reference to this project. Discussion followed.

Duane Hartman of Hartland Homes to explain the reason for the smaller lots and the price of the homes. Discussion followed.

Carol Brown, 2201 Alvo Cr., came forward in opposition to decreasing the size of the lots.

Glen Cekal, 1420 "C" Street, came forward in opposition.

Annabelle Neemann, 7001 N. 7<sup>th</sup> Street, came forward in opposition. Discussion followed.

Drennen Watts, 6301 N. 7<sup>th</sup> Street, came forward in opposition. Discussion followed.

Melinda Kramer, 6300 N. 7<sup>th</sup> Street, came forward in opposition. Discussion followed.

Roger Figard, Public Works Dept., came forward to answer questions. Discussion followed.

Devin Biesecker, Public Works Dept., came forward to answer questions. Discussion followed.

Ray Hill, Planning Dept., answered the question of emergency vehicles being able to reach this area and if more Fire Stations are needed. Discussion followed.

Mr. Katt came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPEAL OF KEITH SPILKER, DONALD W. SPILKER, LARRY OGDEN, BRUCE A. SPILKER, ANNABELLE NEEMANN, MELINDA KRAMER, BETTY KING, KAHLEEN ZIMMER AND CHARLEY VOGEL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 05015 TO DEVELOP HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN FOR 326 DWELLING UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW BLOCKS TO EXCEED MAXIMUM BLOCK LENGTHS, TO REDUCE AVERAGE LOT WIDTH, TO REDUCE LOT AREA, TO ALLOW DOUBLE FRONTAGE LOTS, TO ELIMINATE PEDESTRIAN EASEMENTS, TO ALLOW STREETS TO BE PAVED WITHOUT CURB AND GUTTER AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED WEST OF N. 14TH STREET AND NORTH OF FLETCHER AVE. - Keith Spilker, 900 Fletcher Avenue, came forward in opposition to the size of the lots of the Hartland Homes development and was concerned with the road connections and the trees in this area. Discussion followed.

Bruce Spilker, 280 Pennsylvania Avenue, came forward with concerns of the number of driveways on Pennsylvania Avenue and the size of the lots. Discussion followed.

Annabelle Neeman, 7001 N. 7<sup>th</sup> Street, stated the new development would have to figure out how emergency vehicles can respond.

Peter Katt came forward to respond to some of their concerns. Discussion followed.

Keith Spilker, came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 2382B - APPLICATION OF BJ MCLAND, INC. TO AMEND STONY RIDGE PLANNED UNIT DEVELOPMENT TO ALLOW AN EXPANSION OF THE AREA FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, ON PROPERTY GENERALLY LOCATED AT SPORTSCASTERS BAR AND GRILL, 3048 N. 70TH STREET - Dave Moreland and Doug McLand owners of Sportscasters Bar and Grill came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05019 - AMENDING SECTION 27.83.010 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH THAT THE REQUIREMENTS OF THE BUILD-THROUGH ACREAGE (BTA) OVERLAY DISTRICT ONLY APPLY TO APPLICATION FOR DEVELOPMENT SUBMITTED AFTER OCTOBER 25, 2004:

MISC. 05006 - AMENDING THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION 26.15.070 TO ESTABLISH THAT BUILD-THROUGH STANDARDS APPLY TO ALL DEVELOPMENTS REQUIRING A SUBDIVISION WITHIN THE BUILD-THROUGH ACREAGE (BTA) OVERLAY DISTRICT - Tom Cajka, Planning Dept., came forward with some clarifications and to answer questions. Discussion followed.  
This matter was taken under advisement.

ANNEXATION 05007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 26.1 ACRES OF PROPERTY GENERALLY LOCATED AT S. 93RD STREET AND OLD CHENEY ROAD;

APPROVING THE RAVENWOOD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND IRONWOOD ESTATES, LLC, ALAN FLUCKEY, AND SUSAN CHADWICK RELATING TO THE ANNEXATION OF APPROXIMATELY 26.1 ACRES, GENERALLY LOCATED AT 93RD STREET AND OLD CHENEY ROAD;

CHANGE OF ZONE 05025 - APPLICATION OF IRONWOOD ESTATES, LLC FOR A CHANGE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 93RD STREET AND OLD CHENEY ROAD - Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Ironwood Estates to answer questions.  
This matter was taken under advisement.

CHANGE OF ZONE 05037 - AMENDING SECTION 27.35.070(E) OF THE LINCOLN MUNICIPAL CODE TO ADJUST THE YARD REQUIREMENTS FOR BUILDINGS ADJACENT TO WALLS WITH WINDOWS FOR RESIDENTIAL USES IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT - Ed Zimmer, Planning Dept., stated this is to provide a tool to encourage a new project to line up with the others. Discussion followed.  
This matter was taken under advisement.

SPECIAL PERMIT 05024 - APPLICATION OF MONTE AND LISA FROEHLICH FOR AUTHORITY TO OPERATE AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 80 CHILDREN, WITH A REQUESTED WAIVER OF THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET, ON PROPERTY LOCATED AT 1520 KNOX STREET - Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Monte and Lisa Froehlich to operate an early childcare facility.  
This matter was taken under advisement.

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

**TOOK BREAK 3:57 P.M.**

**RECONVENED 4:11 P.M.**

#### **MISCELLANEOUS BUSINESS**

Glen Cekal, 1420 "C" Street, came forward to express that he is against eliminating the open mike two times a week, he thinks the alleys downtown should be improved, all living duplex units should be licensed, and the need for young leaders.  
This matter was taken under advisement.

Richard Esquivel, 733 W. Cumings, expressed his displeasure of how the City and State are spending their money. He feels the expense of the downtown rehabilitation should be the responsibility of the downtown businesses.  
This matter was taken under advisement.

Jan Karst, 1403 E Street, came forward with issues of the smoking ban.  
This matter was taken under advisement.

#### **COUNCIL ACTION**

##### **LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF RYAN K. HAUNSCHILD FOR CEC ENTERTAINMENT, INC. DBA CHUCK E. CHEESE'S AT 221 N. 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-83354 WHEREAS, CEC Entertainment, Inc. d/b/a Chuck E. Cheese's located at license, and now requests that Ryan Keith Haunschild be named

manager;

WHEREAS, Ryan Keith Haunschild 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 Ryan Keith Haunschild 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 Jon Camp

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

MANAGER APPLICATION OF GEOFFREY W. LEMON FOR B & R STORES, INC. AT 1709 WASHINGTON STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83355 WHEREAS, B & R Stores, Inc. dba RB's Liquor Store, located at 1709 Washington Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Geoffrey W. Lemon be named manager;

WHEREAS, Geoffrey W. Lemon 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 Geoffrey W. Lemon 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 Jon Camp

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

APPLICATION OF 1339 "O" STREET, INC. DBA BROTHERS EST 1967 FOR AN ADDITION OF AN L-SHAPED OUTDOOR SIDEWALK CAFÉ AREA MEASURING 11' BY 85' AT THE NORTHEAST CORNER OF THE BUILDING, PLUS BASEMENT FOR STORAGE, TO ITS PRESENTLY LICENSED PREMISE AT 1339 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

Seconded by Newman & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Eschliman, Marvin, McRoy, Newman; ABSENT: Cook.

The resolution, having **LOST**, was assigned the File #38-4502 & was placed on file in the Office of the City Clerk.

MANAGER APPLICATION OF ROGER WILLIAM HOTHAN FOR BENCHMARK REDEVELOPMENT, INC. DBA BUZZARD BILLY'S ARMADILLO BAR/GRILL AT 247 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83356 WHEREAS, Benchmark Redevelopment, Inc. dba Buzzard Billy's Armadillo Bar/Grill located at 247 N. 8<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Roger William Hothan be named manager.

WHEREAS, Roger William Hothan 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 Roger William Hothan 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 Jon Camp

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

ORDINANCES - 2<sup>ND</sup> READING

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND THE CLYDE MALONE COMMUNITY CENTER FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2032 U STREET - CLERK read the following ordinance , introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln an Clyde Malone Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2032 U Street for a one-year term beginning September 1, 2004, the second time.

AMENDING 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 "ECONOMIC DEVELOPMENT SPECIALIST" - CLERK read the following ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18412 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 Economic Development Specialist, the second time.

APPROVING A THREE-YEAR LEASE AGREEMENT WITH AN OPTION TO PURCHASE BETWEEN THE CITY AND KANSAS STATE BANK OF MANHATTAN FOR A 2005 ELGIN "F" DUAL SWEEPER FOR USE BY THE DEPARTMENT OF PUBLIC WORKS & UTILITIES - CLERK read the following ordinance, introduced by Jon Camp, accepting and approving a three-year lease agreement with option to purchase between the City of Lincoln, Nebraska and Kansas State Bank of Manhattan for a 2005 Elgin Eagle "F" Dual Sweeper for use by the Department of Public Works & Utilities, the second time.

ANNEXATION 05006- AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF FLETCHER AVENUE AND WEST OF NORTH 14TH STREET (IN CONNECTION W/05R-113, 05-65, 05R-109, 05-66) - CLERK read the following ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

APPROVING THE HARTLAND'S GARDEN VALLEY ADDITION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 90.05 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF N. 14TH STREET FROM FLETCHER AVE. TO HUMPHREY AVE. (IN CONNECTION W/05-64, 05-65, 05R-109, 05-66) (ACTION DATE: 6/20/05)

CHANGE OF ZONE 05024 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTH OF FLETCHER AVENUE AND WEST OF NORTH 14TH STREET (IN CONNECTION W/05-64, 05R-113, 05R-109, 05-66) - CLERK read the following ordinance, introduced by Jon Camp, 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.

APPEAL OF KEITH SPILKER, DONALD W. SPILKER, LARRY OGDEN, BRUCE A. SPILKER, ANNABELLE NEEMANN, MELINDA KRAMER, BETTY KING, KAHLEEN ZIMMER AND CHARLEY VOGEL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 05015 TO DEVELOP HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN FOR 326 DWELLING UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW BLOCKS TO EXCEED MAXIMUM BLOCK LENGTHS, TO REDUCE AVERAGE LOT WIDTH, TO REDUCE LOT AREA, TO ALLOW DOUBLE FRONTAGE LOTS, TO ELIMINATE PEDESTRIAN EASEMENTS, TO ALLOW STREETS TO BE PAVED WITHOUT CURB AND GUTTER AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED WEST OF N. 14TH STREET AND NORTH OF FLETCHER AVE. (IN CONNECTION W/05-64, 05R-113, 05-65, 05-66) (ACTION DATE: 6/20/05)

VACATION 05002 - VACATING NORTH 11TH STREET FROM THE NORTH LINE OF FLETCHER AVENUE TO THE SOUTH LINE OF HUMPHREY AVENUE - CLERK read the following ordinance, introduced by Jon Camp, vacating North 11<sup>th</sup> Street from the north line of Fletcher Avenue to the south line of Humphrey Avenue, the second time.

CHANGE OF ZONE 2382B - APPLICATION OF BJ MCLAND, INC. TO AMEND STONY RIDGE PLANNED UNIT DEVELOPMENT TO ALLOW AN EXPANSION OF THE AREA FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, ON PROPERTY GENERALLY LOCATED AT SPORTSCASTERS BAR AND GRILL, 3048 N. 70TH STREET - CLERK read the following ordinance, introduced by Jon Camp, amending the previously approved Stony Ridge Planned Unit Development to expand the area for the sale of alcoholic beverages for consumption on the premises, the second time.

CHANGE OF ZONE 05019 - AMENDING SECTION 27.83.010 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH THAT THE REQUIREMENTS OF THE BUILD-THROUGH ACREAGE (BTA) OVERLAY DISTRICT ONLY APPLY TO APPLICATION FOR DEVELOPMENT SUBMITTED AFTER OCTOBER 25, 2004 (IN CONNECTION W/05-71) - CLERK read the following ordinance, introduced by Jon Camp, amending Chapter 27.83 of the Lincoln Municipal Code relating to the Build Through Acreage Overlay District by amending Section 27.83.010 to provide that the regulations shall only apply to applications for development within the BTA District submitted after October 25, 2004; and repealing Section 27.83.010 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. 05006 - AMENDING THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION 26.15.070 TO ESTABLISH THAT BUILD-THROUGH STANDARDS APPLY TO ALL DEVELOPMENTS REQUIRING A SUBDIVISION WITHIN THE BUILD-THROUGH ACREAGE (BTA) OVERLAY DISTRICT (IN CONNECTION W/05-68) - CLERK read the following ordinance, introduced by Jon Camp, amending Chapter 26.15 of the Lincoln Municipal Code relating to Preliminary Plats by adding a new section numbered 26.15.070 to require submittal of a transitional preliminary plat for specified developments requiring a subdivision within the BTA Build Through Acreage Overlay District and to specify the information to be shown on the transitional preliminary plat buildable lots, the second time.

ANNEXATION 05007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 26.1 ACRES OF PROPERTY GENERALLY LOCATED AT S. 93RD STREET AND OLD CHENEY ROAD (IN CONNECTION W/05R-112, 05-70) - CLERK read the following ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

APPROVING THE RAVENWOOD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND IRONWOOD ESTATES, LLC, ALAN FLUCKEY, AND SUSAN CHADWICK RELATING TO THE ANNEXATION OF APPROXIMATELY 26.1 ACRES, GENERALLY LOCATED AT 93RD STREET AND OLD CHENEY ROAD. (IN CONNECTION W/05-69, 05-70) (ACTION DATE: 6/20/05)

CHANGE OF ZONE 05025 - APPLICATION OF IRONWOOD ESTATES, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 93RD STREET AND OLD CHENEY ROAD (IN CONNECTION W/05R-112, 05-69) - CLERK read the following ordinance, introduced by Jon Camp, 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.

CHANGE OF ZONE 05037 - AMENDING SECTION 27.35.070(E) OF THE LINCOLN MUNICIPAL CODE TO ADJUST THE YARD REQUIREMENTS FOR BUILDINGS ADJACENT TO WALLS WITH WINDOWS FOR RESIDENTIAL USES IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT - CLERK read the following ordinance, introduced by Jon Camp, amending Section 27.35.070 of the Lincoln Municipal Code relating to the Height and Area Regulations within the B-4 Lincoln Center Business District to adjust the yard requirements for buildings adjacent to walls with windows for residential uses; and repealing Section 27.35.070 of the Lincoln Municipal Code as hitherto existing, the second time.

STREET NAME CHANGE 05003 - RENAMING THE STREET RUNNING NORTHWEST OFF OF FRANKLIN STREET TO KAJAN DRIVE AS "ANAHEIM DRIVE" - CLERK read the following ordinance, introduced by Jon Camp, naming the unnamed street running northwest off of Franklin Street to Kajan Drive as "Anaheim Drive," as recommended by the Street Name Committee, the second time.

STREET NAME CHANGE 05004 - NAMING THE ROAD PLANNED TO CONNECT ASHBROOK DRIVE TO HIGHWAY 2, EAST OF 70TH STREET & HIGHWAY 2, AS "ASHBROOK DRIVE" - CLERK read the following ordinance, introduced by Jon Camp, naming the road planned to connect Ashbrook Drive to Highway 2, generally located east of 70<sup>th</sup> and Highway 2, as "Ashbrook Drive", as recommended by the Street Name Committee, the second time.

#### RESOLUTIONS

SPECIAL PERMIT 05024 - APPLICATION OF MONTE AND LISA FROEHLICH FOR AUTHORITY TO OPERATE AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 80 CHILDREN, WITH A REQUESTED WAIVER OF THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET, ON PROPERTY LOCATED AT 1520 KNOX STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83357 WHEREAS, Monte and Lisa Froehlich have submitted an application designated as Special Permit No. 05024 for authority to operate an early childhood care facility for up to 80 children, together with a requested waiver of the requirement that the early childhood care facility be located on an arterial street, on property located at 1520 Knox Street, and legally described to wit:

Outlot A, Northside Village 4th Addition, located in the SW 1/4 of Section 12, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this early childhood care facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Monte and Lisa Froehlich, hereinafter referred to as "Permittee", to operate an early childhood care facility for 80 children be and the same is hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction of said early childhood care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the operation of an early childhood care facility for up to 80 children and 10 staff members on the largest shift.

2. This permit approves a waiver to the requirement that the facility be located on an arterial street.

3. Before receiving building permits:

a. The Permittee must submit to the Planning Department for review and approval a revised site plan including 8 copies showing the following revisions:

(1) Add a parking space matrix listing the number of children to be served and the number of employees on the largest shift, and clearly indicate the stalls to be dedicated for loading/unloading.

(2) Show a sidewalk connection to the public sidewalk along Knox Street.

(3) Revise note 2 to say R-2 rather than R-5.

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

c. The operation and the premises must meet appropriate local and state licensing requirements, including compliance with health codes.

4. Before occupying this early childhood care facility, all development and construction must conform to the approved plans.

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 and the Permittee's 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 Jon Camp

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2005 - PRIOR to reading:

NEWMAN Moved to delay public hearing & action on claim of Judith Troutman for one week to June 20, 2005.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83358 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 June 1, 2005, 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 OR SETTLED</u>
<del>Judith Troutman</del>	<del>NAS*</del>	Carl J. Metz	\$ 200.00
Michael D. Hansen	\$6,000.00	Nebraska Petroleum Marketers &	
Nancy Schuler	100.00	Convenience Association, Inc.	12,038.12

\* 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 Jon Camp

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

#### PETITIONS AND COMMUNICATIONS

##### THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

- Change of Zone 05043 - App. of Gregg and Cindy Trautman from R-4 Residential District to R-T Residential Transition District on property located at S. 37<sup>th</sup> Street and O Street.
- Use Permit 05005 - App. of Gregg and Cindy Trautman for a 5,000 sq. ft. office/medical building on property at S. 37<sup>th</sup> Street and O Street.
- Special Permit 05027 - App. of Ryan and Jennifer Omel to allow an accessory building for housing a domestic employee located at S. 56<sup>th</sup> Street and Rokeby Road.
- Special Permit 05028 - App. of Kendra Brock/The Bristo Ballroom for the authority to sell alcoholic beverages for consumption on the premises located at N. 23<sup>rd</sup> Street and Cornhusker Highway.
- Special Permit 05029 - App. of Timothy Clare, Trustee to allow for domestic employees in an accessory building on property located at S. 112<sup>th</sup> Street and Pioneers Boulevard.
- Special Permit 05030 - App. of David Benes Farms, LLC for the storage and sale of agricultural chemicals on property located at Highway 77 and Fletcher Boulevard.
- Pre-Existing Special Permit 31A - App. of Earl's Tavern/Allen Enterprises, Inc. an amendment to expand the area for the authority to sell alcoholic beverages for consumption on the premises located at N. 56<sup>th</sup> Street and Superior Street.
- Pre-Existing Special Permit 32A - App. of Overland Station for an amendment to expand the area for the authority to sell alcoholic beverages for consumption on the premises located at NW 48<sup>th</sup> Street and W. Adams Street.
- Use Permit 05006 - App. of Seacrest & Kalkowski for 130 town home units with requests to waive internal yard setbacks, to reduce the private roadway street width, decrease the minimum lot area &



allow sanitary sewer main to flow opposite street grades located at S. 40<sup>th</sup> Street and Grainger Parkway.

**REPORTS OF CITY OFFICERS**

INVESTMENT OF FUNDS FOR THE WEEK OF June 6 THROUGH 10, 2005 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83359 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska.

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Robin Eschliman

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

AFFIDAVIT OF MAILING & ASSESSMENT RESOLUTION FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II, TO BE HELD ON MONDAY, JUNE 20, 2005, AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

STREET NAME CHANGE 05002 - NAMING STREETS IN THE ANTELOPE VALLEY PROJECT VICINITY OF NORTH 17TH AND Y STREETS TO NAME REALIGNED NORTH 17TH STREET AS "NORTH 17TH STREET" AND THE NEW STREET BETWEEN NORTH 16TH AND NORTH 17TH STREET AS "X STREET" - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance to name realigned North 17<sup>th</sup> Street as "North 17<sup>th</sup> Street" and the new street between North 16<sup>th</sup> and North 17<sup>th</sup> Street as "X Street", as recommended by the Street Name Committee, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND LINCOLN ACTION PROGRAM FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT IN THE ONE-STOP CENTER LOCATED IN GOLD'S GALLERIA, 1010 N STREET, LINCOLN, NE - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance accepting and approving a one-year Sublease Agreement between the City of Lincoln and Lincoln Action Program whereby the City of Lincoln is subleasing space to Lincoln Action Program at the One Stop Career Center located in Gold's Galleria, 1010 N Street, Lincoln, Nebraska, for providing job training and employment services under the Workforce Investment Act, the first time.

REPEALING ORDINANCE NO. 18374 CREATING PAVING DISTRICT NO. 2628 IN NORTH 36<sup>TH</sup> STREET, W TO VINE STREETS, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance repealing Ordinance No. 18374 which created Paving District No. 2628, which included all that portion of North 36<sup>th</sup> Street lying between the south curb line of "W" street and the north curb line of Vine Street, describing the benefitted property and providing for the payment of the cost thereof, the first time.

APPROVING AN AGREEMENT BETWEEN WYNNE TRANSPORT SERVICES, INC. AND THE LINCOLN AREA AGENCY ON AGING/LIFE FOR THE LEASE OF OFFICE SPACE FOR A ONE-YEAR TERM IN GENEVA, NEBRASKA, FOR THE OUTPOSTED COUNSELOR IN FILLMORE COUNTY FOR THE MEDICAID WAIVER PROGRAM - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance accepting and approving a Lease Agreement between the City of Lincoln and Wynne Transport Services, Inc. for the lease of office space by the Lincoln Area Agency on Aging/LIFE at 209 S. 10<sup>th</sup> Street, Geneva, NE 68361 for the period of May 1, 2005 through May 31, 2006, the first time.

APPROVING AN AGREEMENT BETWEEN THE POLK COUNTY HEALTH DEPARTMENT AND THE LINCOLN AREA AGENCY ON AGING/LIFE FOR THE LEASE OF OFFICE SPACE FOR A ONE-YEAR TERM IN OSCEOLA, NEBRASKA, FOR THE OUTPOSTED COUNSELOR IN THE POLK COUNTY CARE MANAGEMENT PROGRAM - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance accepting and approving a Lease Agreement between the City of Lincoln and the Polk County Health Department for the lease of office space by the Lincoln Area Agency on Aging/LIFE at 330 N. State Street, Osceola, NE 68651 for the period of May 1, 2005 through May 31, 2006, the first time.

APPROVING AN AGREEMENT BETWEEN THE POLK SENIOR CENTER AND THE LINCOLN AREA AGENCY ON AGING/LIFE FOR THE LEASE OF OFFICE SPACE FOR A ONE-YEAR TERM IN POLK, NEBRASKA, FOR THE OUTPOSTED COUNSELOR IN POLK COUNTY FOR THE MEDICAID WAIVER PROGRAM - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance accepting and approving a Lease Agreement between the City of Lincoln and the Polk Senior Center for the lease of office space by the Lincoln Area Agency on Aging/LIFE at 230 North Main Street, Polk, NE 68654 for the period of May 1, 2005 through May 31, 2006, the first time.

APPROVING A 10-YEAR AGREEMENT BETWEEN THE WOODS PARK TENNIS CORP. AND THE CITY FOR OPERATION OF THE WOODS TENNIS CENTER - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance accepting and approving an Operating Agreement between the City of Lincoln and Woods Park Tennis Corporation for the purpose of operating the tennis facilities at the Woods Tennis Complex in Lincoln, Nebraska for a ten-year term from April 1, 2005 through March 31, 2015, the first time.

APPROVING THE RENEWAL OF A LEASE AGREEMENT BETWEEN THE CITY AND AMERICAN LEGION POST #3 FOR THE OPERATION AND USE OF SHERMAN FIELD - CLERK read an ordinance, introduced by Robin Eschliman, an ordinance approving a Lease between the American Legion Post No. 3 and the City of Lincoln, Nebraska, for lease of Sherman Field for a period of five years, the first time.

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

ANNEXATION NO. 01008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 5.0 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05R-99, 05-55, 05R-100, 05-26) - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18544**, is recorded in Ordinance Book #25, Page

APPROVING THE WEST VAN DORN PLAZA ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND STOCKWELL PROPERTIES OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 5.0 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE (IN CONNECTION W/05-54, 05-55, 05R-100, 05-56) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83360 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled West Van Dorn Plaza 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 Stockwell Properties, LLC, outlining certain conditions and understandings relating to the annexation of approximately 5.00 acres of property generally located at West Van Dorn Street and South Coddington Avenue, 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 Annette McRoy

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

CHANGE OF ZONE 3419 - APPLICATION STOCKWELL PROPERTIES LLC AND R.C. KRUEGER DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT, AGR AGRICULTURAL RESIDENTIAL DISTRICT, R-3 RESIDENTIAL DISTRICT AND B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED NORTHEAST, SOUTHEAST AND SOUTHWEST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05-54, 05R-99, 05R-100, 05-56) - CLERK read an ordinance, introduced by Annette McRoy, 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 third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18545, is recorded in Ordinance Book #25, Page

USE PERMIT 133 - APPLICATION OF STOCKWELL PROPERTIES AND R.C. KRUEGER DEVELOPMENT COMPANY TO DEVELOP APPROXIMATELY 40,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA, WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, PAVING WITH CURB AND GUTTER, SIDEWALKS, THE REQUIREMENT THAT ALL LOTS HAVE FRONTAGE AND ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, MINIMUM LOT FRONTAGE FOR A GROUND SIGN, SIGNS IN THE FRONT YARD, SIGNS MORE THAN 30 FEET FROM A BUILDING, STREET TREES, LANDSCAPING, AND PARKING IN THE FRONT YARDS, ON PROPERTY GENERALLY LOCATED NORTHEAST, SOUTHEAST, AND SOUTHWEST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVE. (IN CONNECTION W/05-54, 05R-99, 05-55, 05-56) (ACTION DATE: 6/6/05) - PRIOR to reading:

MCROY Moved to amend Bill No. 05R-100 in the following manner:

On page 4, line 9, strike the period after the word "review" and insert the following language:

, and a landscape easement granting the City the right to plant and maintain landscape plantings abutting S. Coddington Avenue and W. Van Dorn Street generally as shown on the attached exhibit,.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83361 WHEREAS, Stockwell Properties, LLC has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 133 to develop 40,000 square feet of office and commercial floor area, including requested waivers of the Zoning Code and Land Subdivision Ordinance in order to waive the preliminary plat process, to reduce front and rear yard setbacks from 50' to 25', to waive paving with curb and gutter and sidewalks along South Coddington Avenue and West Van Dorn Street, to waive the requirement that all lots have frontage and access to a public street or private roadway, to waive the minimum lot frontage required for a ground sign, to allow signs in the front yard, to allow signs more than 30 feet from a building, to waive street trees along South Coddington Avenue and West Van Dorn Street, to waive landscaping in required yards, malls and open spaces, and to allow parking in the front yard, on property generally located northeast, southeast and southwest of the intersection of West Van Dorn Street and South Coddington Avenue, legally described to wit:

Outlot A, Lee's Place 3<sup>rd</sup> Addition, in the Southeast Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M.; and Lot 36 and a portion of Lot 40, both located in the Northeast Quarter of Section 4, Township 9 North, Range 9 East of the 6th P.M., Lancaster County, Nebraska, generally located at South Coddington Avenue and West Van Dorn Street; and

A portion of Lot 40, located in the Northeast Quarter of Section 4, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence on the west line of said Northeast Quarter, on an assumed bearing of south 00 degrees 00

minutes 05 seconds west, a distance of 50.00 feet; thence north 89 degrees 33 minutes 51 seconds east, a distance of 300.00 feet; thence north 84 degrees 42 minutes 54 seconds east, a distance of 187.30 feet to the point of beginning; thence continuing north 84 degrees 42 minutes 54 seconds east, a distance of 13.81 feet; thence north 89 degrees 33 minutes 51 seconds east, a distance of 104.66 feet; thence south 00 degrees 26 minutes 09 seconds east, a distance of 478.49 feet; thence south 89 degrees 33 minutes 51 seconds west, a distance of 575.56 feet; thence north 00 degrees 00 minutes 05 seconds east, a distance of 25.00 feet; thence north 89 degrees 33 minutes 51 seconds east, a distance of 453.51 feet; thence north 00 degrees 00 minutes 05 seconds east, a distance of 452.34 feet to the point of beginning; said tract contains an area of 1.581 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this construction of office and commercial buildings 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, LLC, hereinafter referred to as "Permittee", to develop 40,000 square feet of office and commercial floor area be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said office and commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 40,000 square feet of commercial floor area.
2. This permit approves the following waivers to the Zoning Code and Land Subdivision Ordinance:
  - a. The requirement of Lincoln Municipal Code § 27.31.090 requiring a 50' front yard and rear yard is modified to reduce the required front and rear setbacks from 50' to 25' for that portion of the development north of West Van Dorn Street
  - b. The requirement of Lincoln Municipal Code § 26.23.140 requiring every lot to front upon and take access to a public street or private roadway is waived.
  - c. The requirement of Lincoln Municipal Code § 27.69.046(c) requiring 300 feet of street frontage for a ground sign is waived.
  - d. The requirement of Lincoln Municipal Code § 27.69.046(d) requiring pad site ground signs to be located within 30' from a building is waived.
  - e. The requirement of Lincoln Municipal Code § 27.67.030(a) prohibiting parking in the front yard is waived.
  - f. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for a subdivision is waived, provided that if any final plat on all or a portion of the approved use permit is submitted five (5) years or more after approval of the use permit, the City may require that a new use permit be submitted, pursuant to all the provisions of § 26.31.015. A new use permit may be required if the subdivision ordinance, the Design Standards, the required improvements have been amended by the City; and as a result, the use permit as originally approved, does not comply with the amended rules and regulations.
  - g. The requirement of Lincoln Municipal Code § 26.23.095 requiring sidewalks to be installed on the side of the street abutting the subdivision is waived along South Coddington Avenue.
3. The Permittee must revise the site plan to show:
  - a. All required street trees including along Southwest 19<sup>th</sup> Street.
  - b. Add a general note that states "All required landscaping for individual lots will be reviewed at time of building permits. All landscaping will be provided in compliance with City of Lincoln Design Standards."
  - c. Show the bike trail along South Coddington Avenue.

- d. Add a general note stating "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval for this use permit as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels high enough to annoy uses of the property and interfere with its unrestricted use."
  - e. Show sidewalks along West Van Dorn Street and Southwest 19<sup>th</sup> Street.
  - f. Show the future sidewalk connection to the Bison Trail extended to the south boundary of the use permit.
  - g. Remove sign envelopes and revise Note 26 to state, "All signs shall be in compliance with Chapter 27.69 of the L.M.C., except signage may be located more than 30 feet from pad site buildings."
  - h. All required landscaping per the Design Standards.
4. A revised water plan must be submitted and approved by Public Works.
5. Provide utility easements per the LES 8/2/04 review, and a landscape easement granting the City the right to plant and maintain landscape plantings abutting S. Coddington Avenue and W. Van Dorn Street generally as shown on the attached exhibit.
6. Make corrections per the Public Works and Utilities review.
7. Final plats may be approved after the Permittee has completed or posted a surety to guarantee the completion of the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
8. The Planning Director may approve final plats after the Permittee has signed an agreement that binds the Permittee and the Permittee's successors and assigns:
- a. To complete the street paving of Southwest 19<sup>th</sup> Street within two years following the approval of this final plat.
  - b. To complete the installation of sidewalks within four years following the approval of this final plat, except sidewalks along South Coddington Avenue and West Van Dorn Street, provided the Permittee has contributed an amount equivalent to the cost of installing said sidewalks along South Coddington Avenue and West Van Dorn Street to the City.
  - c. To complete the public water distribution system within two years following the approval of this final plat.
  - d. To complete the public wastewater collection system within two years following the approval of this final plat.
  - e. To complete the enclosed public drainage facilities within two years following the approval of this final plat.
  - f. To complete the enclosed private drainage facilities within two years following the approval of this final plat.
  - g. To complete land preparation including storm water detention/retention facilities and open drainageway improvements prior to the installation of utilities and improvements but not more than two years following the approval of this final plat.
  - h. To complete the installation of public street lights within two years following the approval of this final plat.
  - i. To complete the planting of the street trees within four years following the approval of this final plat, except street trees along South Coddington Avenue and West Van Dorn Street, provided the owner has contributed an amount equivalent to the cost of installing said street trees along South Coddington Avenue and West Van Dorn Street to the City.
  - j. To complete the planting of the landscape screen two

- years following the approval of this final plat.
- k. To complete the installation of the street name signs within two years following the approval of this final plat.
  - l. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
  - m. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
  - n. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - o. To complete the public and private improvements shown on Use Permit #133.
  - p. To maintain the outlots and private improvements on a permanent and continuous basis; to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the development and these are the responsibility of the Permittee, and to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the Permittee may be relieved and discharged of such maintenance obligations only upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
    - (i) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans; and
    - (ii) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
  - q. To continuously and regularly maintain the landscape screens.
  - r. To submit to the lot buyers a copy of the soil analysis.
  - s. To pay all design, engineering, labor, material, inspection, and other improvement costs except paving, curb and gutter in South Coddington Avenue and West Van Dorn Street.
  - u. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
  - v. To protect the trees that are indicated to remain during construction and development.
  - w. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Permittee.
  - x. To relinquish the right of direct vehicular access from West Van Dorn Street, South Coddington Avenue, and Southwest 19<sup>th</sup> Street except as shown on Use Permit #133.
  - y. To inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and

that the land is potentially subject to aircraft noise levels high enough which may affect users of the property and interfere with its unrestricted use.

9. Before occupying the buildings units all development and construction shall have been completed in compliance with the approved plans.

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

11. 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.

12. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

13. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The 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 applicant.

Introduced by Annette McRoy

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

DECLARING A TRACT OF LAND CONSISTING OF .24 ACRES, MORE OR LESS, AS SURPLUS PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVE. (IN CONNECTION W/05-54, 05R-99, 05-55, 05R-100, 05-56) - CLERK read an ordinance, introduced by Annette McRoy, declaring approximately .24 acres of City-owned property generally located southeast of the intersection of West Van Dorn Street and South Coddington Avenue as surplus and authorizing the sale thereof, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18546**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05012 - APPLICATION OF THE CHRISTIAN CHURCH IN NEBRASKA FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-4 RESIDENTIAL PUD, WOOD BRIDGE PLANNED UNIT DEVELOPMENT, TO DEVELOP A CHURCH, APPROXIMATELY 12,000 SQ. FT. OF OFFICE/MEDICAL OFFICE FLOOR AREA, AND APPROXIMATELY 58,200 SQ. FT. OF MINI-STORAGE FLOOR AREA, WITH A WAIVER OF THE REQUIRED PRELIMINARY PLAT PROCESS AND TO ALLOW LOTS WITHOUT FRONTAGE ONTO A PUBLIC STREET OR PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT PINE LAKE ROAD AND HELEN WITT DRIVE - CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the third time.

NEWMAN Moved to pass the ordinance as read,

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

The ordinance, being numbered **#18547**, is recorded in Ordinance Book #25, Page

COMP. PLAN AMENDMENT NO. 04010 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM URBAN RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 39.13 ACRES GENERALLY LOCATED AT S. 60TH STREET AND HIGHWAY 2. (IN CONNECTION W/05-60) (ACTION DATE: 6/13/05) - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83362 WHEREAS, the Planning Director on behalf of Apple's Way LLC has made application to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change the land use designation from Urban Residential to Commercial on approximately 39.13 acres generally located at S. 60th Street and Highway 2; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval thereof.

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

That the 2025 Lincoln/Lancaster County Comprehensive Plan be amended

as follows:

1. Amend the "Lincoln/Lancaster County Land Use Plan" and the "Lincoln Area Detail" figures on pages F23 and F25, respectively, to change the land use designation on approximately 39.13 acres of property generally located at S. 60th Street and Highway 2 from Urban Residential to Commercial as shown on Attachment "A".

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Patte Newman

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

CHANGE OF ZONE 05026 - APPLICATION OF APPLE'S WAY AND UNO PROPERTIES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, WITH A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, FOR DEVELOPMENT OF APPROXIMATELY 32 DWELLING UNITS AND 235,000 SQ. FT. OF COMMERCIAL FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT S. 66TH STREET AND HIGHWAY 2. (IN CONNECTION W/05R-110) - PRIOR to reading:

NEWMAN Moved to amend Bill No. 05-60, Section 3/b as follows:

1.1.1 Delete "no more than 50,000 square feet of office" and add commercial after the word office and delete "between South 63<sup>rd</sup> Street and the R-1 Zone, and no more than 185,000 square feet of commercial floor area west of South 63<sup>rd</sup> Street, delete Adjustment to allow office commercial floor area to be reallocated and used as commercial floor area west of South 63<sup>rd</sup> Street may be approved administratively" and add The uses to be designated within the total square footage approved shall not exceed the generation of a maximum of 1200 trips during the p.m. peak periods.

(iv) Delete the phrase "Show all required screening", and delete "office and" after for all. Add Individual lot landscaping for all office commercial buildings will be reviewed at the time of building permits. Street trees to be reviewed at the time of final plat and assigned by Parks and Recreation.

(v) Delete in its entirety.

(viii) Delete in its entirety.

(ix) Delete in its entirety.

(xii) Delete in its entirety.

(xiii) Delete in its entirety.

(xiv) Delete in its entirety.

(xv) Delete in its entirety.

(xvi) Delete in its entirety.

(xix) Delete in its entirety.

(xx) Add: no fast food restaurants with drive-through access (excluding a coffee shop retailer) or 24-hour operation uses (except occasional seasonal sales) shall be permitted in the B-2 zoning district of this planned unit development.

(xxi) Add: The Developer shall:

(a) At its cost and expense, install the improvements at its entrance on 63<sup>rd</sup> Street, including:

- Traffic signal.
- 400' right turn lane for eastbound traffic
- 200' left turn lane for westbound traffic
- Removal of median break for existing house
- Reconstruct existing median break

2. At its cost and expense, install the improvements at 66<sup>th</sup> Street and Highway 2, including:

- 150' right turn deceleration lane for eastbound traffic

c. Contribute the sum of \$425,000 to the City of Lincoln to pay for the off-site improvements recommended in the Traffic Impact Study prepared by Olsson Associates dated March 2005.

B. Preliminary Plat. The applicant is not requesting a waiver of the Preliminary Plat process. The approved planned Unit Development shall be subject to the applicant submitting the required specific detailed plans, including the following information or a requested waiver therefor:

B.1 All required screening (moved from 3.b.iv)

B.2 Provide sidewalks along both sides of all interior streets and private roadways and provide sidewalks from there to each



- commercial building (moved from 3.b.v)
- B.3 Show the intersection of the private roadway and South 66<sup>th</sup> Street moved south to a point where it uses the access easement granted as part of Country Meadows 4<sup>th</sup> Addition (moved from 3.b.viii).
  - B.4 The south cul-de-sac deleted and street connected to Outlot F in Country Meadows Addition (moved from 3.b.ix and will request waiver in the Preliminary Plat).
  - B.5 Show the north cul-de-sac redesigned to create suitable building sites (moved from 3.b.xii).
  - B.6 Show the retention of existing trees, except those indicated for removal (moved from 3.b.xiii).
  - B.7 Show five hydrants to the satisfaction of the Fire Department (moved from 3.b.xiv).
  - B.8 Show required LES easements (moved from 3.b.xv).
  - B.9 Show open spaces/detention areas as outlots (moved from 3.b.xvi).
  - B.10 Show revisions to the satisfaction of Public Works and Utilities (moved from 3.b.xix)
  - B.11 Delete paragraphs 3e, 3f, and 3h regarding final plat and building permit requirements to be addressed at the subdivision process.

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

AMENDMENT #1a

CAMP Moved to amend Bill No. 05-60 on page 2, line 20, delete the words "AG Agricultural" and insert in lieu thereof the words AGR Agricultural Residential, and on pag3, line 34, delete the words "AG Agricultural" and insert in lieu thereof the words AGR Agricultural Residential.

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

AMENDMENT # 2

CAMP Moved to amend Bill No. 05-60 the Site Specific Conditions by deleting 3.b.xi and adding The restricted access gate across the private roadway and separating the residential district from the commercial district shall be replaced with a one-way street, a round-about or other traffic calming device to be approved administratively prior to the issuance of building permits,

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

AMENDMENT # 3

CAMP Moved to amend Bill No. 05-60 the Site Specific conditions by deleting "Show South 63<sup>rd</sup> Street stub to the southwest corner of the plat at the west edge of the detention cell", and adding: 1. Site Specific . The landowner shall dedicate an easement for street purposes at the southwest corner of the site showing the potential location of a connecting street from Apple's Way west to South 56<sup>th</sup> Street. Such easement shall be reflected on the preliminary plat and final plat.

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

CLERK Read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the third time.

NEWMAN Moved to pass the ordinance as amended.

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

The ordinance, being numbered #18548, is recorded in Ordinance Book #25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 20, 2005.

**REGULAR MEETING**  
**JUNE 13, 2005**  
**PAGE 1620**

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

**UPCOMING RESOLUTIONS -**

CAMP            Moved to approve the resolutions to have Public Hearing on  
June 20, 2005.  
                  Seconded by Newman & carried by the following vote: AYES: Camp,  
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

**ADJOURNMENT 5:00 P.M.**

CAMP            Moved to adjourn the City Council meeting of June 13, 2005.  
                  Seconded by Newman & carried by the following vote: AYES: Camp,  
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.  
                  So ordered.

---

Teresa J. Meier, Deputy City Clerk

---

Judy Roscoe, Senior Office Assistant