

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 23, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of July 16, 2007, reported having done so, found same correct.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

PUBLIC HEARING

APPLICATION OF LINCOLN PUB GROUP, INC. DBA THE N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING 65' BY 50' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 1/2 Q STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 13, 20; NOVEMBER 10, 2007, FROM 8:00 A.M. TO 1:00 A.M. - Mike Figueroa, 728 Q St., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF POINT AFTER INC. DBA POINT AFTER TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 16 FT. X 16 FT. TO THE EAST AT 1011 W. DAWES AVE. - James Riley, 1011 W. Dawes Ave., came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF DON H. EHLI FOR HINKY DINKY LINCOLN #9 LLC DBA SUN MART #738 AT 2145 S. 17TH STREET - Don H. Ehly, 8200 Elizabeth Dr., came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SLAPSHOTZ BAR & GRILL INC. DBA SLAPSHOTZ BAR & GRILL TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING 17 FT. X 44 FT. TO THE SOUTH AT 1245 LIBRA DRIVE, SUITE 110 - Joe Ruiz, 1245 Libra Dr., came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1989A - APPLICATION OF SID DILLON AUTOMOBILE DEALERSHIP TO MODIFY THE DESIGN STANDARDS FOR PARKING LOTS TO ALLOW 20 FT. CANDLE LIGHTING LEVELS IN THE DISPLAY AREAS ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & KENDRA LN. - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward on behalf of the applicant and to discuss lighting levels. He pointed out a correction on line 2, page 3 of the Resolution. The number should be "20". Discussion followed.

Mike Rierden, 645 "M" Street, Suite 200, came forward representing the Grainger O'Shea Neighborhood Association, to discuss the number of lights, operating times and how it affects the neighbors, and to request continued public hearing for one week in order to meet with Dillon's people and Planning Staff.

Marvin Krout, Director of Planning, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07010 - APPLICATION OF STEVE M. CHAMPOUX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 134TH AND A STREETS - Bob Batcher, 720 S. 134th St., came forward in opposition to the change of zone. Discussion followed.

William R. Peery, 1450 S. 134th St., came forward to express his water concerns.

This matter was taken under advisement.

**** END OF PUBLIC HEARING **
COUNCIL ACTION**

LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN PUB GROUP, INC. DBA THE N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING 65' BY 50' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 1/2 Q STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 13, 20; NOVEMBER 10, 2007, FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84455 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 Lincoln Pub Group, Inc. dba N Zone for a Special Designated License to cover an area measuring 65 feet by 50 feet at 728 1/2 Q Street, Lincoln, Nebraska, on September 1, 15, 22 and 29, October 13, and 20 and November 10, 2007, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification shall be checked on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. An additional second exit from the fenced in area shall be provided.
6. One portable toilet facility shall be provided.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF POINT AFTER INC. DBA POINT AFTER TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 16 FT. X 16 FT. TO THE EAST AT 1011 W. DAWES AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84456 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 Point After Inc. dba Point After to expand its licensed premises by the addition of an outside area measuring 16 feet by 16 feet to the east of the presently licensed premises located at 1011 West Dawes Ave., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF DON H. EHLI FOR HINKY DINKY LINCOLN #9 LLC DBA SUN MART #738 AT 2145 S. 17TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84457 WHEREAS, Hinky Dinky Lincoln #9 d/b/a Sun Mart #738 located at 2145 S. 17th Street, Lincoln, Nebraska has been approved for a Retail Class "DK" liquor license, and now requests that Don H. Ehly be named manager;

WHEREAS, Don H. Ehly 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 Don H. Ehly 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF SLAPSHOTZ BAR & GRILL INC. DBA SLAPSHOTZ BAR & GRILL TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING 17 FT. X 44 FT. TO THE SOUTH AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84458 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 Slapshotz Bar & Grill Inc. dba Slapshotz Bar & Grill to expand its licensed premises by the addition of an outside area measuring 17 feet by 44 feet to the south of the presently licensed premises located at 1245 Libra Drive, Suite 110, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

APPROVING A LEASE AGREEMENT BETWEEN LINCOLN MEDICAL EDUCATION PARTNERSHIP AND THE CITY OF LINCOLN FOR A THREE-YEAR LEASE OF SPACE FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WIC PROGRAM AT 4500 VALLEY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Lincoln Medical Education Partnership for a lease of 200 sq. ft. of space at 4600 Valley Road, Lincoln, Lancaster County, Nebraska, on behalf of the Lincoln-Lancaster County Health Department for its WIC Program for a term of three years, the second time.

PUBLIC HEARING RESOLUTIONS

SPECIAL PERMIT 1989A - APPLICATION OF SID DILLON AUTOMOBILE DEALERSHIP TO MODIFY THE DESIGN STANDARDS FOR PARKING LOTS TO ALLOW 20 FT. CANDLE LIGHTING LEVELS IN THE DISPLAY AREAS ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & KENDRA LN. (2/12/07 - PLACED ON PENDING FOR P.H. & ACTION 5/7/07) (5/7/07 - P.H. CON'T. TO 7/23/07) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07R-36 to 7/30/07.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION - PRIOR to reading:

CAMP Moved to continue Public Hearing with Action on Bill No. 07R-132 to 7/30/07.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

PUBLIC HEARING ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 07010 - APPLICATION OF STEVE M. CHAMPOUX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 134TH AND A STREETS. (REQUEST OF APPLICANT TO CONTINUE P.H. TO 5/7/07) (4/16/07 - 2ND READING & P.H. CON'T. TO 5/7/07 W/ ACTION 5/14/07) (REQUEST TO DELAY ACTION W/CON'T. P.H. TO 7/23/07) (5/14/07 - ACTION DELAYED W/CON'T. P.H. TO 7/23/07) (REQUEST TO PLACE ON PENDING - NO DATE CERTAIN) - PRIOR to reading:

CAMP Moved to Place Bill No. 07-58 on Pending, No Date Certain.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

PETITIONS & COMMUNICATIONS

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2008-2013 SURFACE TRANSPORTATION PROGRAM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (12)

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

SETTING THE INTEREST RATE AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT DISTRICTS HEARD BY THE BOARD OF EQUALIZATION AT ITS MEETING HELD MONDAY, JULY 16, 2007; AND ACCEPTING THE REPORT ON BOARD OF EQUALIZATION TO CITY COUNCIL ON SPECIAL ASSESSMENT GROUP I.

A-84459 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed July 9, 2007, to pay the costs of the improvements in Sewer District 1181 and Water District 1196 are hereby levied and shall bear interest at 6.02% per annum and that the period of time in which the assessments are to be paid shall be as follows:

20 years - Sewer District 1181
20 years - Water District 1196.

Introduced by Doug Emery

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 9, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

COMP. PLAN CONFORMANCE 07013 - DECLARING APPROXIMATELY 1.3 ACRES OF PROPERTY GENERALLY LOCATED AT S. 67TH STREET AND PIONEERS BLVD. AS SURPLUS. (RELATED ITEMS: 07-111, 07-112, 07R-133) - CLERK read an ordinance, introduced by Doug Emery, declaring the City-owned property generally located at South 67th Street and Pioneers Boulevard as surplus and authorizing the sale thereof, the first time.

CHANGE OF ZONE 07034 - APPLICATION OF ONE VISTA, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 1.3 ACRES GENERALLY LOCATED AT S. 67TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07-111, 07-112, 07R-133) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 106B - APPLICATION OF ONE VISTA, LLC, TO AMEND USE PERMIT 106B TO ADD APPROXIMATELY 60,000 SQ. FT. OF ADDITIONAL FLOOR AREA WITH AN ADJUSTMENT TO THE REQUIRED PARKING AND THE FRONT YARD SETBACK ALONG PIONEERS BLVD., ON PROPERTY GENERALLY LOCATED AT 65TH AND PIONEERS BLVD. (RELATED ITEMS: 07-111, 07-112, 07R-133)

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A", and "C"; and repealing Ordinance No. 18780, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges profeced by the letter "B"; and repealing Ordinance No. 18781, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18782, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "F" and repealing Ordinance No. 18783, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18784, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (PAGE) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "N"; and repealing Ordinance No. 18785, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P"; and repealing Ordinance No. 18786, passed by the City Council on August 14, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18787, passed by the City Council on August 14, 2006, the first time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE, SICK LEAVE WITH PAY, TO CHANGE THE AMOUNT OF ACCUMULATED SICK LEAVE TO BE PAID UPON RETIREMENT, DEATH OR REDUCTION IN FORCE FOR AN EMPLOYEE WHOSE PAY RANGE IS PREFIXED BY THE LETTER N OR X FROM ONE-FOURTH TO ONE-THIRD - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to revise the amount of accumulated sick leave to be paid upon retirement, death or reduction in force for an employee with a pay range prefixed by "N" or "X" from one-fourth to one-third; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Lincoln Area

Agency on Aging for its Lincoln Information For the Elderly (LIFE) at 137 N. 8th Street, Geneva, NE 68361, for a 13-month term from July 1, 2007 through July 30, 2008, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered **#18958**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE POLK SENIOR CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 330 N. STATE STREET, OSCEOLA, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, 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 for its Lincoln information For the Elderly (LIFE) at 330 N. State Street, Osceola, NE 68651, for a 13-month term from May 1, 2007 through May 31, 2008, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered **#18959**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07031 - AMENDING SECTION 27.63.470 OF THE LINCOLN MUNICIPAL CODE TO ADD MOTELS AND HOTELS AND THE SALE OF ALCOHOL FOR USES THAT MEET

THE CONDITIONS OF SECTIONS 27.63.680 AND 27.63.685 AS USES APPROVED BY SPECIAL PERMIT WITHIN A PLANNED SERVICE COMMERCIAL DEVELOPMENT. (RELATED ITEMS: 07-106, 07-107, 07R-129) - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.63.470 of the Lincoln Municipal Code to add motels and hotels and the sale of alcohol for uses that meet the conditions of Sections 27.63.680 and 27.63.685 as uses approved by special permit within a planned service commercial development; and repealing Section 27.63.470 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18960**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07030 - APPLICATION OF THOMAS FOLSOM AND DONALD AND SUSAN BROUSE FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET AND TAMARIN RIDGE ROAD. (RELATED ITEMS: 07-106, 07-107, 07R-129) - CLERK read an 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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18961**, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 07015 - APPLICATION OF THOMAS FOLSOM AND DONALD AND SUSAN BROUSE FOR A PLANNED SERVICE COMMERCIAL USE INCLUDING A HOTEL WITH MEETING ROOM SPACE AND A RESTAURANT, ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET AND TAMARIN RIDGE ROAD WITH VARIANCES OF HEIGHT AND YARD REQUIREMENTS. (RELATED ITEMS: 07-106, 07-107, 07R-129) (ACTION DATE: 7/23/07) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84460 WHEREAS, Thomas Folsom and Susan and Donald Brouse have submitted an application designated as Special Permit No. 07015 for Planned Service Commercial development consisting of a 90 room hotel with a 5,000 square foot restaurant and 3,000 square feet of meeting room space, with requested variances to increase the height requirements in Section 27.45.070 from 45 feet to 55 feet, to reduce the side yard setback requirement in Section 27.45.070 from 50 feet to 20 feet on the west side of the property, and to reduce the side yard setback requirement in Section 27.45.070 from 20 feet to 12 feet on the east side of the property, on property located at South 27th Street and Tamarin Ridge Road, and legally described to wit:

A portion of Lot 6, Block 1, and Lot 5, Block 1, Tamarin Ridge Addition as platted 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 more particularly described as follows:

Beginning at the northeast corner of said Lot 5; thence in a southerly direction along the west right-of-way line of South 27th Street, on an assumed bearing of south 01 degrees 55 minutes 16 seconds east, for a distance of 174.03 feet; thence south 00 degrees 01 minutes 38 seconds east, continuing along the west side of South 27th Street, a distance of 101.10 feet; thence along the northerly right-of-way of said Tamarin Ridge Road, north 89 degrees 40 minutes 59 seconds west, for a distance of 389.79 feet; thence continuing along the northerly right-of-way of said Tamarin Ridge Road, on a curve to the right having a radius of 264.00 feet and an arc length of 195.07 feet, being subtended by a chord of north 68 degrees 30 minutes 53 seconds west, for a distance of 190.66 feet; thence continuing along the northerly right-of-way of said Tamarin Ridge Road on a curve to the left having a radius of 336.00 feet and an arc length of 236.49 feet, being subtended by a chord of north 67 degrees 30 minutes 37 seconds west, for a distance of 231.64 feet; thence north 02 degrees 19 minutes 33 seconds east, for a distance of 197.74

feet; thence south 72 degrees 29 minutes 32 seconds east, for a distance of 265.60 feet to a corner of said Lot 6; thence south 89 degrees 40 minutes 59 seconds east, for a distance of 514.05 feet to a corner of said Lot 6 to the point of beginning; together with and subject to covenants, easements, and restrictions of record; said property contains 4.43 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this planned service commercial area 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 Thomas Folsom and Susan and Donald Brouse, hereinafter referred to as "Permittee", for a Planned Service Commercial Development consisting of a 90 room hotel with a 5,000 square foot restaurant and 3,000 square feet of meeting room space, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a Planned Service Commercial Development for a hotel and accessory uses consisting of a restaurant and meeting room space and reduces the side yard setback on the west side of the property, between the R-4 and the H-4 districts from 50' to 20', reduces the side yard setback on the east side of Lot 6 from 20' to 12' and increases the height restriction from 45' to 55'.
2. The City Council must approve associated request Change of Zone # 07031.
3. The Permittee must revise the site plan to:
 - a. Show the limits of the special permit around both Lots 5 and 6.
 - b. Show the added entrance at the north end of the easement and the right in only access point off of Tamarin Ride Road per the May 24, 2007 e-mail from Jill D. Schuerman, Civil Design Group, to Christy Eichorn, City of Lincoln Planning Department.
 - c. Show metes and bounds under Special Permit -Legal Description.
 - d. Revise the landscape plan to show a 95% landscape screen from 0 to 10' between the R-4 Residential boundary and the H-4 General Commercial District. Additional landscaping is required with any fence used for screening.
 - e. Add a note stating off-premise signs and pole signs are prohibited.
 - f. Add a note that there will be no off premise alcohol sales, and all alcohol sales will be accessory to the restaurant, meetings, weddings or similar events and consumption in the hotel building.
 - g. Remove General Notes # 4,6,10,13.
4. Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
5. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established association approved by the City Attorney.
6. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, their successors and assigns.
8. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-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 applicant.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions

approving previous permits remain in force unless specifically amended by this resolution.

10. UP147 shall be void and superceded.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CHANGE OF ZONE 07033 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW JOINT PARKING LOTS AND PARKING GARAGES AS A PERMITTED CONDITIONAL USE IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS SUBJECT TO CONDITIONS. (RELATED ITEMS: 07-108, 07R-130) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.27.025, 27.28.030, 27.31.040, 27.37.025, and 27.51.040 to allow joint parking lots and parking garages as a permitted conditional use in the O-3, R-T, B-2, B-5 and I-3 zoning districts subject to the following conditions (1) the joint parking use shall be authorized by cross access easements or by written agreement between the parties to such use and (2) the aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use; and repealing Sections 27.27.025, 27.28.030, 27.31.040, 27.37.025, and 27.51.040 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#18962**, is recorded in Ordinance Book #26, Page

USE PERMIT/SPECIAL PERMIT 19A - APPLICATION OF 70TH STREET PROPERTIES TO ADJUST THE SIDE YARD SETBACK TO ZERO FEET FOR PARKING AT THE LINCOLN SURGICAL CENTER GENERALLY LOCATED AT 1710 S. 70TH STREET. (RELATED ITEMS: 07-108, 07R-130) (ACTION DATE: 7/2307) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84461 WHEREAS, 70th Street Properties has submitted an application in accordance with Sections 27.31.100 and 27.51.100 of the Lincoln Municipal Code for authority to amend Use/Special Permit No. 19A Lincoln Surgical Center to waive the side yard setback requirement where Lots 93 and 94 abut one another to allow a 0' setback on property generally located at 1710 South 70th Street and legally described to wit:

Parcel 1: Lot 94 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, except a portion thereof more particularly described as follows:

Beginning at the southeasterly corner of Lot 94 Irregular Tract (or the southwesterly corner of Lot 1, Block 2, Lincolnshire Estates Addition to the City of Lincoln), said point is also on the northerly right-of-way line of Lincolnshire Road; thence on a curve to the left and on the southerly line of Lot 94 Irregular tract of said Section 34 or the northerly right-of-way line of said Lincolnshire Road, having a radius of 242.68 feet, an arc length of 7.77 feet and a central angle of 01 degrees 50 minutes 05 seconds, with a chord bearing of south 89 degrees 05 minutes 38 seconds west, a chord distance of 7.77 feet; thence north 03 degrees 52 minutes 02 seconds east, a distance of 115.21 feet to a point on the easterly line of Lot 94 Irregular Tract of said Section 34 or the westerly line of Lot 1, Block 2 of said Lincolnshire Estates; thence south 00 degrees 00 minutes 00 seconds east and on the easterly line of Lot 94 Irregular Tract of said Section 34 or the westerly line of Lot 1, Block 2, of said Lincolnshire Estates, a distance of 114.82 feet to the point of beginning;

Parcel 2: Lot 8, except the north 27 feet of the east 52 feet thereof, Lincolnshire Square, Lincoln, Lancaster County, Nebraska;

and

Lot 93 of Irregular Tracts in the Northwest Quarter of Section 34, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment of the side yard setbacks 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 70th Street Properties, hereinafter referred to as "Permittee", to amend Use/Special Permit No. 19A Lincoln Surgical Center to waive the side yard setback requirement where Lots 93 and 94 abut one another to allow a 0' setback, on the property legally described above be and the same is hereby granted under the above-described provisions of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval adjusts the side yard setback to 0' where Lots 93 and 94 abut one another.

2. The City must approve the associated request for Change of Zone 07033.

3. Upon approval of the use permit by the City Council, the developer shall cause to be prepared and submitted to the Planning Department five copies of the site plan before receiving building permits.

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

5. Before use of the parking spaces all development and construction must be completed in conformance with the approved plans.

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

7. 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.

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

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following approval of this use permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Cook.

CHANGE OF ZONE 07035 - AMENDING SECTION 27.35.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEIGHT AND AREA REGULATIONS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT TO REDUCE THE FRONT, SIDE AND REAR YARDS TO 0 AND TO AMEND THE RELATED TABLES TO REFLECT SAID CHANGES - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.35.070 of the Lincoln Municipal Code relating to Height and Area Regulations in the B-4 Lincoln Center Business District to reduce the front, side and rear yards to 0 and to amend Table 27.35.070(a) and Table 27.35.070(b) to reflect said changes; and repealing Section 27.35.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered #18963, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

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CAMP Moved to extend the Pending List to July 30, 2007.
 Seconded by Emery & carried by the following vote: AYES: Camp,
 Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July
 30, 2007.
 Seconded by Emery & carried by the following vote: AYES: Camp,
 Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:14 P.M.

CAMP Moved to adjourn the City Council meeting of July 23, 2007.
 Seconded by Emery & carried by the following vote: AYES: Camp,
 Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant