

MEMORANDUM

TO: City Council
Mayor Chris Beutler

FROM: Marvin S. Krout, Director of Planning 

SUBJECT: Bill #07R-160: Special Permit No. 07026 (Appeal of Planning Commission Resolution No. 01066)

DATE: August 15, 2007

cc: Mark Hunzeker
Opus X, Inc.
Windstream Nebraska, Inc.

The above referenced Special Permit No. 07026 for authority to construct and operate a domiciliary care facility for persons with Alzheimer's disease on approximately 1.84 acres, zoned R-1 Residential, generally located at S. 25th Street and Old Cheney Road, which was approved by the Planning Commission on August 1, 2007, has been appealed to the City Council. This application is scheduled for introduction on August 20, 2007, with public hearing on August 27, 2007.

The Factsheet contains three letters of appeal. Attached hereto please find three additional letters of appeal from Andrew J. Benton II (5925 Norman Road), Paul and Kelly Winkler (5737 South 25th Street) and Donald H. Bowman, on behalf of John and Nancy Elliott (2511 Cindy Drive), which were filed with the City Clerk subsequent to the preparation of the Factsheet.

I would also note that the applicant's representative, Mark Hunzeker, has requested that the public hearing be delayed until Monday, September 10, 2007.

q:\pc\permits\sp\07000\SP.07026 memo to City Council

Andrew J. Benton II

5925 Norman Road
Lincoln, NE 68512

(402) 423-4096 (home)
(402) 560-0494 (cell)
abenton2@earthlink.net (email)

FILED

AUG 14 2007

Lincoln City Clerk
555 South 10th Street, Room 103
Lincoln, NE 68508

**CITY CLERK'S OFFICE
LINCOLN, NEBRASKA**

August 14, 2007

DELIVERED BY TELEFACSIMILE TO 402-441-8325

RE: Appeal of the Approved Special Permit Numbered 07026 for an Alzheimer's Care Facility to be located at the Alltel Property Between 25th and 27th Streets and Old Cheney Road

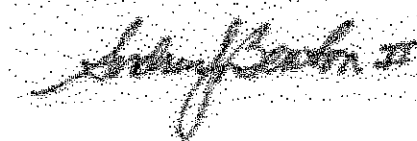
To the City Clerk:

The Planning Commission approved the above described special permit at their regular meeting convened August 1, 2007.

As an aggrieved person, I (and others in our neighborhood) wish to hereby appeal said action of the Planning Commission under Chapter 27.63.025 (Appeal of Planning Commission Action) to the City Council.

Please consider this letter notice of appeal. Should you have any questions, please contact me.

Best regards,



5737 South 25 Street
Lincoln, NE 68512

August 13, 2007

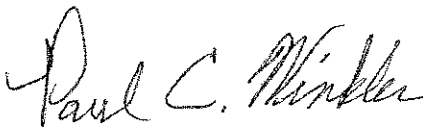
City of Lincoln
Attention: City Clerk
555 South 10th Street
Lincoln, NE 68508

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NEBRASKA

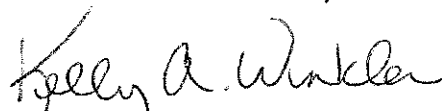
RE: Appeal to Special Permit No. 07026
South 25th & Old Cheney road

We wish to appeal the Planning Commission decision on August 1, 2007, regarding the above Special Permit. We understand our appeal will be heard before the City Council and your office will notify us by mail of a hearing date and time.

Thank you.



Paul C. Winkler



Kelly A. Winkler

cc: City of Lincoln - Planning Department

BOWMAN & KRIEGER
ATTORNEYS AT LAW
1045 LINCOLN MALL - SUITE 100
LINCOLN, NEBRASKA 68508

FILED

AUG 14 2007

(402) 476-8005

CITY CLERK'S OFFICE
LINCOLN, NEBRASKA

DONALD H. BOWMAN
MARK J. KRIEGER
CHAD L. BOWMAN
TERRI M. WEEKS

FAX (402)476-8235
www.bowmanandkrieger.com

August 14, 2007

Joan Ross
City Clerk
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

RE: Special Permit No. 07026
(Domiciliary Care Facility-South 25th & Old Cheney Road)
Resolution No. PC-01066

Dear Ms. Ross:

This office represents John and Nancy Elliott, 2511 Cindy Drive, Lincoln, Nebraska 68512. The purpose of this letter is to appeal the action of the Lincoln City-Lancaster County Planning Commission taken on Wednesday, August 1, 2007, granting approval of the above Special Permit No. 07026. My clients, as well as other persons similarly situated, hereby appeal that decision of approval. Thank you.

Very truly yours,



Donald H. Bowman

DHB:cas

cc: Mr. and Mrs. John Elliott