

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 27, 2000 AT 6:30 P.M.

The Meeting was called to order at 6:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

SHOECRAFT Having been appointed to read the minutes of the City Council proceedings of March 20, 2000, reported having done so, found same correct.

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

PUBLIC HEARING

APP. OF LEE'S, INC. DBA LEE'S RESTAURANT FOR A RETAIL CLASS C LIQUOR LICENSE AT 1940 W. VAN DORN;

MAN. APP. OF JANICE L. WILCOXEN FOR LEE'S, INC. DBA LEE'S RESTAURANT AT 1940 W. VAN DORN - Janice L. Wilcoxen, 1300 Manchester Dr., applicant, took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF HOMER RILEY FOR POINT AFTER, INC. DBA POINT AFTER AT 1011 W. DAWES AVE. - Homer Riley, 401 Capitol Beach Blvd., applicant, took oath & came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3240 - APP. OF VIRGIL EIHUSEN FOR A CHANGE FROM R-3 RESIDENTIAL TO H-3 HWY. COMMERCIAL ON PROPERTY GENERALLY LOCATED AT INTERSTATE 80 WEST OF WHITEHEAD DR.

ACCEPTING & APPROVING THE PRE. PLAT OF HIGH POINTE NORTH COMMERCIAL CENTER 1ST ADD. ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & WILDCAT DR. FOR 14 COMMERCIAL LOTS & 1 OUTLOT - Rob Otte, attorney, 201 N. 8th, Suite 300, representing applicant: This is the High Pointe development which is up on N. 27th & the Interstate. I've been before you a lot primarily because there were just some issues that needed to be dealt with as we finished up this project. One of which being a conservation easement that was just filed today on a piece of this property. I don't think there are any issues. There hasn't been any public testimony before on the issues that I've brought forward so I'm happy to answer any questions. I'd also note that I had a request for third reading today. We're under a little bit of a time pressure & so we'd ask that this be considered for vote today also.

Coleen Seng, Council Member: Paul, did you have a copy of this letter from Olssons?

Clerk: Yes, I did.

Ms. Seng: You wanted third with emergency clause?

Mr. Otte: I don't think the emergency clause is necessary because our next step is to get to Planning Commission & that one week difference doesn't help us in any regard.

Ms. Seng: So, just third.

Jonathan Cook, Council Member: Yeah, just a question about the timing of this versus the conservation easement. You waited on this because of the conservation easement, something has to be filed before we can approve this?

Mr. Otte: It does have to happen that way. It did happen that way today.

Mr. Cook: It's all taken care of so third reading's okay?

Mr. Otte: Exactly, exactly. And I would just say, there is often tension between developers & your Planning Staff. In this particular case, Planning Staff did a great job of helping us get through a lot of

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the things that we needed to get through at the end of this project & so they have received our appreciation but we appreciated their help.

Jerry Shoecraft, Council Member: So moved.

Jon Camp, Council Member: Second.

Ms. Seng: Just a moment, Jeff has a question.

Jeff Fortenberry, Council Member: Communication have you had with the staff regarding potential overlay district for the entryway corridors that are now under design?

Mr. Otte: You know right now there aren't any design standards in place for those districts. But the developers have met & revised their landscaping plans with Kim Todd, who apparently is either been engaged by the City or is at least helping the City with some of those standards. Our landscape standards go above what is generally required & met Kim's approval. We met with her & had her help us redesign our landscaping plans & so, again, my understanding is those have all been accepted & approved.

Mr. Fortenberry: That might be a little strong.

Mr. Otte: Okay.

Mr. Fortenberry: Maybe I oughta have Planning come forward & just talk about this. Just a little awkward timing because Rob's exactly right, we don't have the standards set in place but they're actively reviewed.

Jennifer Dam, Planning Staff: Right. We don't have any standards set in place at this point & the H-3 Zoning Dist. doesn't require them. However, they have met with Kim Todd to develop landscaping for the I-80 portion, the frontage of this property. The landscape plan that they submitted was accepted by our staff. It was a condition of approval prior to being scheduled on the Council's Agenda that they submit a revised landscape plan. The landscaping that they submitted includes varieties of shrubs that are hardy & typical of Nebraska, includes a lot of junipers, coral berries, & roses. If you look at the landscape plan itself, it doesn't appear to be incredibly lush. However, Kim selected a variety that would send out runners so that they would spread over time &, again, they're a hardy type of landscaping that doesn't require a large amount of maintenance & should do well in this area. There's also about 16 trees that they've included along the area as well.

Mr. Fortenberry: One other thing that's been discussed is some setbacks for overlay districts. How does that concept...

Ms. Dam: The setbacks from I-80 haven't been discussed with this Pre. Plat. We really don't have the authority with the underlying zoning district to impose any additional setback requirements.

Mr. Fortenberry: A little bit of awkward timing because some of that is in the process of being planned.

Ms. Seng: Yes, but it's not here yet. Anything else? Okay. Thank you, Jennifer. Paul, we had a motion for third reading.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: Fortenberry.

This matter was taken under advisement.

ORDERING PAVING DIST. 2616 CONSTRUCTED IN 72ND ST. FROM HAVELOCK AVE. TO MORRILL AVE. - Kip Griffin, 7201 Havelock Ave.: I want to take just a moment & address this photo that was taken about a year ago. It was in pretty good shape back then. It's even worse now. This is 72nd looking south to Ballard, roughly from Havelock. And then to Morrill back here where the white pickup is parked. If you note, the mud being dragged from my street into 72nd St. between Ballard & Morrill. Many times more of this mud is being dragged into the intersection of 72nd & Havelock & that also contains a Norwood Park School crossing. This is a mess we deal with on a daily basis. I don't believe anybody should be forced to live like this. Back in Feb. of 1999, the Council voted seven to zero to create Paving Dist. 2616 that required us to obtain petitions from 51% of the abutting property owners to bring this badly needed improvement to reality. This we have achieved. In fact, I believe we have 75%. Our biggest obstacle in this endeavor was the misinformation used by our opponents that have clean & safe access to their properties. Their

complaint to cost. Let's take a moment & look at the cost. Take the total estimated assessment that the information I've received from the City, \$90,900 for these two streets & divide that by 19 property owners. That gives an average assessment at \$4,784, for simplicity, take \$5,000 at 8% interest over 20 yrs. That payment would represent \$630 a year. Take that \$630, divide that by 12 months, that equals \$52.50 a year. For the price of an average Cable TV subscription or for dinner for two at the Steak House, we can bring our neighborhood out of the 19th Century & into the 21st. Now, I know there are four assessments that are more than this average. Three of these four have petitioned for this improvement, including the two highest assessments. Three of these four are forced to deal with this mess on a daily basis, the fourth does not. I can assure you, I'd rather not pay for this improvement but I feel I can find \$50 a month to improve our neighborhood. We know some day the City will force this improvement on us as they did when they forced me to install a sidewalk paralleling this dirt road back in '86. Although a financial burden at the time, I did it willingly knowing it was best for the neighborhood. Now, that same 4' wide sidewalk today would cost approx. \$1200. For roughly four times the cost of that same 4' wide sidewalk, I can pay for a 27' wide street. To me, this is a no-brainer. If the City tonight can guarantee me that they will never force this improvement on me in the future, I will never bring this issue up again. I believe one thing everybody can agree on tonight, construction costs will not go down. When you live & pay property taxes within the City limits of the Capital City of Nebraska, you expect basic City services. Clean & safe streets are one of them. Our properties have paid for our neighbors clean & safe access to their property's, now we ask for the same courtesy. The Council, in the last two years, have approved paving for 51st St., Leighton to Garland; 69th St., Leighton to Garland; 69th St., Garland to Colby; & an alleyway between Fremont & Benton just east of Touzalin. All we ask for is equality. If the Council votes tonight not to pave this mud road, we would ask the City to simply close 72nd St. at Havelock to stop the deterioration of our road & our quality of life.

Ms. Seng: Kip, we'd like to see the picture, can we look at that? Could you bring it up? Thank you.

Mike Boston, 4242 N. 72nd St.: I don't have it quite as bad as Kip does 'cuz the guy that lived there before me 20 yrs. ago bought some gravel or rock & put on it. And 8 or 10 yrs. ago, we had about three neighbors we was talking about it & we got together & I called on it & kind of checked on it a little bit & my part was like \$3500. And today it's \$6700. So, if this...if you don't vote on it tonight to go ahead & do it, just go ahead & bill me my \$6700 & then when you want to do it, I'm already paid. So, I guess that's all I got to say.

David Martinez, 7139 Havelock Ave.: While it's true that this picture that he's shown you there's mud in the street & stuff like that, you will note that it's not a through street. At the end of the two blocks, it "T's". So, it's not like there's a lot of heavy traffic coming through there. Another thing, there's plenty of other streets that are paved that need some serious work done on them. Touzalin Avenue at Fremont, the dip is so high there that you can't even drive the speed limit there right in front of Northeast High School. You know, those are some of the streets that are paved that need serious attention. Sixty-sixth Street is a very, very busy street. Why aren't they doing something with that kind of stuff. The people that were here before there was like 80-some percent that couldn't afford it or didn't want it to go through just a couple months ago. I don't think anything has changed. The only thing that has changed on it is that some of those people found out that because they can't afford it, they don't have to pay for it. Therefore, we have to pay for it. The burden falls on us through our taxes. So, I'm against it. I have kids that are going to be ready to go to college in a couple of years & where am I going to tell them that their money's laying at? Out in the street? You know, they deserve a good education just like everybody else & they're looking at the University of Nebraska. So, the one's that aren't sick & paying for their own medical expenses are falling the other way. They have kids that they're trying to bring up & families

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that they're trying to raise so that's what I would like to bring up.

Cindy Johnson, Council Member: Roger, could I ask you some questions? By the way, Paul, did you get a Cheryl & Brian Mason, Harms...

Ms. Seng: I gave both letters to him to read.

Roger Figard, Public Works & Utilities: Yeah, I don't have them in front of me. I have read them.

Ms. Johnson: What I need is I'd like to know how much the assessment will be on Cheryl & Brian Mason, on Larry & Phillis Harms & then, of course, on Mr. Martinez who just came up & what that would come out to be on an annual basis. You don't have to do that right now, just before we vote.

Mr. Figard: Okay, I can do that.

Ms. Seng: I want to make sure that we have the CDBG plugged into this if we are passing it.

Mr. Figard: Yes.

Ms. Seng: Okay.

Mr. Fortenberry: The majority of abutting owners are now in favor.

Ms. Seng: Roger, would you talk about how this...because we voted on this once before & then what happened?

Mr. Figard: Well, originally, as Kip said, the Paving Dist. was created nearly a year...a little over a year ago. And, at that point in time, the responsibility then is the...of the abutting property owners to produce a petition of at least 50+% of the frontage in order for the Council to consider the ordering the paving of the district. They were unable to do that at that point in time. The petitioners came back & requested a paving unit in which the Council, under certain conditions of the Gap & Extend Law, can order paving in on residential streets without a majority petition. That occurred this last fall & was...the Council did not approve that paving unit. At the time that the paving unit was not approved, there was no additional legislation done to rescind the creation of the original paving district as such. It still sat there on the table so to speak. In the interim, the property owners have gone forward & they brought to us a petition which has been verified by Law. If you look at the drawing, in pink now we show that all four of the abutting property owners between Morrill & Ballard, have signed a petition for paving. Again, remember I'm saying abutting, not necessarily everyone that lives within the limits of the assessment. And two of the abutting property owners between Ballard & Havelock. So, at this point in time, 6 of the 8 abutting property owners that are required to be part of majority petition have signed a request for paving to be included. And, as such, they brought that petition forward & under that scenario, we brought it back to the Council for your consideration for approving the paving on that Paving District.

Mr. Fortenberry: What is the total...the count on all those who are assessed, abutting & non-abutting?

Mr. Figard: Well, in this lower corner, this one property owners all three of those lots, so, we've got one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen total property owners that would be affected by the assessment. And that would be over a total of 24 lots. Those 24 lots then are owned by that group.

Mr. Fortenberry: But there's no additional information about other abutting owners who also support this or don't. If I recall last time, I'm going off memory but it seemed like there were some abutting property owners who were in support; some were not.

Mr. Figard: At this point, & on the petition, only those that about the property would've been able to sign the formal petition. If several of or any of the other property owners that are within the limits of the assessment, I don't have information as to their position.

Ms. Seng: Roger, someone has changed since we saw this the last time, right?

Mr. Figard: Yes, that's correct. I believe this is the...at the time the paving unit was in front of you, I "X'd" out we had one property owner here, here, here & here. We had, basically, half. In that interim, the property owner in the lower corner here that owns the three lots,

signed the petition. Also, the property owner here. That would be the two changes. So, in the lower quadrant, these two abutting property owners did sign the paving petition.

Ms. Seng: So, two more then?

Mr. Figard: Yes, than the previous.

Mr. Camp: Roger, I don't...do you happen to have a matrix, & this builds on to what Cindy was asking a moment ago, that might show all the affected property owners & what each would be assessed & maybe you're gonna tell us that & then also, I believe, with the CDBG, who all that would impact that we know to date. And I know we may not have all that information.

Mr. Figard: Well, if we had that information, I may need to resurrect it. Certainly the property owner at the lower corner is eligible. I'm not at liberty to necessarily release that information on those income guidelines & who is available. This particular drawing that I have up here shows the proposed paving assessment per property owner as we had it proposed from the previous time. Since that time, we've gone back & reevaluated & we're estimating it to be, I guess on the safe side, costs have gone up, we've estimated that the frontage costs have gone up approx. \$10 a front foot. Now, spread that over what that means is a person that owns the first 50' lot, his assessment will probably go up about \$570. The person that would own the second lot back, their assessment would go up about \$500. And the person owning the third lot back, my quick calculations would show that estimate would go about \$350.

I do have copies of some of these maps with those numbers on them that I can give you now or later. I did not go through & add those other numbers onto them. So, that addition would need to be added on, Cindy, for those other people as well.

Ms. Seng: Jon, that was old mater...that was that old sheet.

Mr. Camp: Thank you, that helped follow what Roger was saying.

Ms. Seng: Roger, could you pass that sheet around for us to look at? The one that you were showing.

Mr. Figard: Yes, I could make copies.

Clerk: Do you wish to move that amendment to include the CDBG Funds at this time or do you want to wait till the voting session?

Ms. Seng: Let's wait until we know what we're doing.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 94-40 - AMENDING THE LAND USE, PHASING, UTILITY, & ROAD NETWORK PORTIONS OF THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT CHANGES IN LAND USE & IMPROVEMENTS ON PROPERTY IN THE GENERAL VICINITY OF N. 1ST ST. TO N. 56TH ST., NORTH OF INTERSTATE 80 & HWY. 34 TO ARBOR RD. - Mark Hunzeker, 530 S. 13th St., Suite B: I'm appearing on behalf of Hampton Development Services & Bob Hampton who is with me this evening. This is a project that we've, as you all know, been working on now for several months. This is a project which will change the Comp. Plan to permit the development of an industrial & residential & commercial area generally north of Interstate 80, west of 27th St., & east of 14th Street. We have been working with the administration & the Planning Staff now since late summer & we've had a very long & productive series of meetings resulting in what we feel is a very fair & good agreement on land use proposals for this area. The land use map which is attached to your resolution reflects the action of the Planning Commission in approving this proposal unanimously. We're still quite a ways from being finished. We will be, in the next few weeks, propos...or preparing a Pre. Plat which we will be submitting for review hopefully within the next 30 days. That will initiate some more detailed discussions with respect to transportation issues & phasing of this project but we're very hopeful that we can move this process in a way that will enable Centurion, which is the impetus for this entire project, to get under construction with a new plant on the north side of I-80 by late summer or by fall at the latest. So, with that, I would try to answer some questions or I'd turn it to Bob Hampton who has a video. So, if Bill, you can roll the tape now, that'd be good.

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Bob Hampton, Hampton Development Services, 6101 Village Dr., Suite 101: We have a hi-tech view of Centurion, kind of an aerial view coming up here. We've been working with the City & met with the entryway design corridor consultants. This gives you an idea of what the north side, the main entrance of Centurion will look like. It's a two-story office front, & the plant. It's either going to be one- or two-story. This scheme shows two stories.

Mr. Camp: What is the exterior material?

Mr. Hampton: The exterior is tilt up concrete poured on the site, on the slab. This shows two-story plant with architectural exterior detailing. That square area is the covered loading dock for semi's. This is the south elevation. They did this pretty quickly so there aren't as many trees as there would be. This is a drive-by simulation eastbound on I-80. There's somewhat of a berm along the interstate & then as you get closer to N. 27th, you can see the backside of the building. Again, a very nice looking, high quality building fitting of the hi-tech image of Centurion International. That shows Centurion in the middle with two potential other buildings for a campus environment. Lincoln's very lucky to have a company like Centurion & we're even more fortunate that they're choosing to expand here for their global headquarters. I'd like to thank City staff for working with us, Planning, Public Works. We've met once or twice a week & everybody's had a real "can do" attitude & we've got to you at this point in fairly quick time frame. I thank you for that. Be happy to answer any questions you may have.

Mr. Hunzeker: Might just add one additional point, I know that there was some discussion on one of the previous items with respect to the entryway corridor design standards. We're aware that those are coming forward. We have every expectation of exceeding those standards. We have not seen what was approved for the previous plan but Bob has met with the consultants. The I-80 corridor was the area that was the first focus that they were asked to work on so we expect to have something fairly soon that would indicate at least what the minimum standards are going to be & we would fully expect to meet or exceed those. So as far as the entryway design standards are concerned, we really don't have any heartburn over that issue. One thing else that we probably should raise with you that came up almost immediately before the Planning Commission meeting was a communication from the Dept. of Roads which indicated a strong aversion on their part to residential development abutting I-80 because of noise concerns. We don't know, I don't think Staff knows, we're all trying to figure out exactly what that communication really meant. We do know that it's a concern they have. There are some standards that the Federal government or at least the Dept. of Roads referred to as Federal standards & we just haven't had a chance to really get into those to the extent that's necessary to fully understand them. We don't think that it's going to have an adverse impact on our plan but we need to just make you aware that that's an issue that could have some impact down the line.

Mr. Cook: So your reason for requesting Industrial instead of Urban Residential next to the Interstate there was due to the NDOR letter or was there some other reason you...

Mr. Hunzeker: Well, actually, our original application, if you have the map in front of you, our original application was for an industrial classification all the way along our Interstate 80 frontage. And the Staff said to us, we don't really want you to have your Industrial land use go all the way west to 14th Street. They wanted us to have a transition on this property on the east side of 14th St. so that we didn't have to make that transition on the west side of 14th Street. We agreed to do that. We had, ultimately, a minor disagreement with the Staff about exactly how far east of 14th St. we needed to make that transition. The Planning Commission resolved that in the manner we requested. I don't think that the Staff, at this point, has any objection to that. At least they have not indicated so to us. It was one of those where after...as long as we ...as many meetings as we'd had & as many issues as we had resolved, we really came down to just that one & it was a matter that we both felt was resolved reasonably. At least...it was after we had had our disagreement with the Staff on that issue that the Dept. of Roads sent the

letter & I think it may have had some impact on the Planning Commission's ultimate decision & we don't know what impact, if any, it will have otherwise but we think there needs to be a transition on the site. If it can't be residential then we'll think of something else.

Mr. Cook: I'd like to ask Staff to come up for just a second regarding this. I know there's some concern about noise but could you talk just a bit about the topography of this land. Is it possible to berm residential properties so that noise is not as big a problem in this location if residential were to develop.

Steve Henrichsen, Planning Dept.: Of the entire site, really the only area that there was any disagreement on was this 30 acres that was in the southern portion of the site...

Mr. Cook: And that's what I'm talking about.

Mr. Henrichsen: South of the tree mass, correct. Of that 30 acres, approx. about the southern half of it is at a topography at or above the Interstate so I think in that area, it would be the easiest in terms of having residential & being able to establish through setbacks & buffers & landscaping still to have residential use in that area. The northern half of that portion of it is either at or below the grade of the Interstate. A portion of that may be because it's adjacent to the drainage way, an appropriate spot for some of the detention on the entire site. But I also think that while it would be more difficult, it's certainly not something that's impossible in terms of having residential that is at or below the grade of the Interstate, particularly when we have the opportunity to plan for it in advance. And this is something that's not just unique to this site but is an issue that we'll have to address through the Comp. Plan throughout all of Lincoln. We have many other areas other than just this one location where there's residential shown in the Comp. Plan next to the Interstate. And Mark was correct in terms of this was an issue that came up with the Dept. of Roads late & it's still something that we need to work with them to get more information on.

Mr. Cook: But in looking at the response to the letter, it sounded like the Planning Dept. was still interested in having this go through as Urban Residential in that area....

Mr. Henrichsen: That was still our recommendation that that portion of it remain Urban Residential.

Mr. Cook: Okay, & that's still your preference despite the Planning Commission's action?

Mr. Henrichsen: Yes, that was still our recommendation.

Ms. Seng: Steve, while you're there, would you speak to this motion to amend. I think it deals with the theater policy. We just found that.

Mr. Henrichsen: Yes. One of the things that we had not previously noted in the study area plan was that to apply for a special permit for theaters, the applicant expressed interest in a 6-screen theater in the Urban Village. One thing that you need to have is B-5 Zoning & that was discussed. But the second thing that we had neglected to point out was that you need to have a Use Permit of 400,000 sq. ft. & this Urban Village is only envisioned for having 300,000 sq. ft. And so in discussing this late in the week with both Mark & Bob, we had worked out this language that in essence says this is really an issue that'll have to be addressed down the road. It's possible that they will not be able to apply for a theater but that is something I think that's longer term in their plans & this basically language remains that if they did apply for it, it would still have to be in conformance with the City's theater policy.

Mr. Camp: Steve, I have a question & it's somewhat going to be addressed on another item we have on our agenda later but as you look at this tract of land, what is the practicality of even Urban Residential on that N. 14th? You know at this point, N. 14th's undeveloped but where's that going to be at some point & what's realistic there so that we can do good planning down the road & allow this development to proceed on a reasonable basis.

Mr. Henrichsen: Well, particularly the portion on the southern end of the site at I-80 & N. 14th St. which is still shown for Urban Residential in the proposal from the Planning Commission & the applicant has agreed to, that portion of the site is, by far & away, the highest above

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the Interstate. I would guess there's probably a good 20' elevation. And so in terms of looking at that for multi-family, there would be probably office-transitional uses to the east in the Industrial area. I think it's a very sound area for apartments. You'd have the ability to put the actual apartment units themselves the furthest away from the Interstate, have room for a fairly good setback plus have your garages & parking closest to the Interstate as well. Because all of this takes place at a much, much higher elevation than the Interstate, I think it's something that's going to allow for that to be appropriately used for residential.

Mr. Camp: Could I have Bob come up too at this point? I had a question for you, Bob. You know, obviously from the video you showed us on the Centurion facility, that's going to be very nicely done, how do you see some of the landscaping along here? And I'm thinking in terms of how we can portray Lincoln in a good visual perspective for motorists whether they're going by on Interstate 80 or coming to Lincoln.

Mr. Hampton: Well, I've met with Scott Sullivan & Kim Todd, the City's consultants, & at least my feelings & I think their feeling somewhat is to work with the State & all the property owners along there & do some nice berming & quality landscaping so that it has a real unified look on both sides of the Interstate. And I'm on the south side & then with the High Pointe that was before you earlier so, I see a lot of berming & landscaping & all my projects I've always done in town always emphasized berming & high quality landscaping. So, I would look to meet or exceed any guidelines that the City came up with.

Mr. Camp: I just...as the best we can in working together here is really protect that vista because I think you've got an excellent opportunity to make your development a very high quality & lead in other areas.

Mr. Hampton: Well, and the way Stonebridge Creek lays in there, there's a hundred foot hill & so I envision this urban village & different types of uses going up the side of the hill which is going to be really, I think, visually pleasing for the interstate & the whole town & the development.

Mr. Fortenberry: Bob, just to echo a little bit of what Councilman Camp was saying, unfortunately, we don't have a set of design standards yet to say meet these but, you know, we live in a community where we like partnerships better than the stick approach & we're really relying heavily on everyone's cooperation because you have a tremendous opportunity here given the importance of the vista for the entire community. And I appreciate your willingness to meet with the people who the City has hired to design those plans accordingly. I expect, though, that we'll have some aggressive attempts here to ensure that those hills, in effect, remain & are planted accordingly with a design scheme & also how would the...if the western portion, as the Planning Staff has recommended, was Urban Residential, how does that fit into the overall plan that you showed us tonight?

Mr. Hampton: What's before you tonight we basically have Urban Residential multi-family in the corner of I-80 & 14th St. & that is quite a bit higher on the hill & the State may, they're sound study may dictate no residential there. We don't know at this point. The State has said that if there's residential lower along the Interstate, the sound tends to drop & they'd require sound walls. And, personally, I don't think sound walls look very attractive. I think having a couple more Centurion quality buildings looks better. What I'm willing to do is some multi-family up where it is higher at 14th & I-80 but the State may impact that some. But I can assure you, based on my past projects, that the landscaping & berming is going to be very high quality because I, like the City of Lincoln, want to present the highest quality project & development & I think the two goals really work hand in hand.

Mr. Fortenberry: You have no immediate plans though for a continuation of an industrial development in the portion on the western part that you have had a disagreement with over Planning Staff?

Mr. Hampton: No, unless the State sound study would dictate that maybe we'd have to go to a use like office.

Mr. Fortenberry: Well, I...we've got a portion of it in dispute

here. Am I right, Steve?

Mr. Henrichsen: You're talking about the...

Mr. Fortenberry: Portion to...what do you want to call it, the northeast to the southwest of the parks & open space?

Ms. Seng: The lower portion.

Mr. Hampton: Okay, the 30 acres that we...was really the only disagreement. We've always felt all along that that should be industrial or office because it is so much lower than the Interstate & even if you were to berms & sound walls, it's not going to help sound wise & the State sound engineers have pretty much said that that if you do residential, there's going to be sound walls & they don't want to pay for it &, you know, I can't sell lots down in that low area. So, all along, we felt that industrial was a better use in that low area.

Mr. Fortenberry: Is that consistent with the area between where Superior crosses the Interstate & goes west & the Interstate...going down the Interstate going west, on the south side, where you do have multi-family right there then you have a series of single-family developments that backup to the Interstate. Those are a little bit higher as you near the airport exit.

Mr. Hampton: Most of them are higher.

Mr. Fortenberry: I'm going off memory again but the apartment complex...

Mr. Henrichsen: On the south side of Superior, next to I-180, the east side of I-180, just south of Superior, would be west of 7th St., was the Deer Park Apartments that were recently constructed. And they're not 20' above the Interstate but they're a few feet...as you go from the parking toward the apartments you get even further above the grade. And, in general, along most of I-180, you have the Roper Park & the open space but there are a few spots where you do have some single-family.

Mr. Fortenberry: I'm actually talking about around...on Interstate 80. Let's say you're going eastbound from the airport, on the south side of the Interstate you have housing, you have a multi-family...

Mr. Henrichsen: Yeah, there're several recent subdivisions, Homestead Park, Sherwood Hills are more toward the airport exit, NW 12th. My memory of those is that they're...some are at & some are a little bit above the grade of the adjacent Interstate. But some of those homes were approved within the last 10 yrs. & you probably have 120' deep lots just backing right up to the Interstate so those particular lots don't have a lot of sound mitigation measures between them & the Interstate.

Mr. Hampton: A lot of that housing that you see there is leftover land from Commonwealth, 10-15 yrs. ago. And so those lots sold relatively inexpensively compared to what today's lots would cost & I really don't think I could sell lots down in that low area. You know I ask people would you want to buy a lot down along the Interstate & everybody says no.

Mr. Fortenberry: I did hear Planning Staff, though, mention the possibility for detention in that area, that being utilize in effect as an expansion of the park.

Mr. Hampton: The detention is designed really in the open space green area already. There may be some down there but, you know, that's 30 acres. We'll probably have a combination of 10 acres of detention spread out throughout the whole development. And it does need to be spread out because it's in different drainage areas.

Mr. Fortenberry: Unless you would like to comment on that?

Mr. Hampton: Any other questions?

Ms. Seng: Anything else? Okay.

Mr. Hampton: Thank you.

Ms. Seng: Are you finished with your presentation?

Mr. Hunzeker: Did this map come with your packets?

Mr. Cook: Yes.

Mr. Hunzeker: As you go along the Interstate, toward 14th St., you can see where this line bulges out here that the 66 decibel line bulges out as the grade drops along that tributary. It's fairly obvious that based on their indication, that the lower that ground is, the more likely you are to have a noise problem. Not only that, I would be very surprise if when I-80 is widened to six lanes that those areas that you were

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referring to over near Superior & the Interstate don't end up with some pretty big sound walls. And those things are real tricky to engineer. I was in Minneapolis a week ago & just happened to mention...they have a lot of sound walls along their interstates & I was riding back to the airport with the lawyer that I'd been meeting with & asked him about them & he said there'd been quite a bit of controversy not only about putting them up but also because when some of them had been put up, there were areas remote from the interstate that all of a sudden had noise problems that didn't have them before the sound walls went up. You end up with some echo effects off those walls that sometimes you don't anticipate. So, they're not simple things to engineer to get them right.

Mr. Hampton: They're very expensive too. It'd be about \$10,000 per lot & so, that's a lot.

Ms. Seng: Any other discussion?

Mr. Fortenberry: You've got the building oriented toward the north. Again, preliminary discussion that I've had, is there opportunities to reshape that? I'm curious as to why you've oriented it to the north versus the east?

Mr. Hampton: The reason it's orientated towards the north is because that's the entrance & all the traffic will come from the north. And so, people will...a company such as this they want to have all that traffic at their front door. You know I think we've designed a building that is going to look real nice on all four sides. You can do some really nice quality things with tilt up concrete. And these are very preliminary plans & this video is really pretty preliminary but it gives you the...you know, Centurion's really committed to building a high quality building. This is their world headquarters. I know it's been mentioned their other two facilities, you know, they own the one on Cornhusker & lease the one on Hwy. 2 so they want to build a real nice building fitting of their global image.

Ed Patterson, 2108 Q St.: I would suggest that the area in Omaha between...along I-80 between I-680 & 42nd St. might model several of the points that were brought up tonight. Councilman Fortenberry asked about what would the back side of the industrial building present to motorists on I-80 & there are a number of industrial buildings on the south side of I-80 in that strip that were built that way with the back side presenting basically a much less interesting facade than you would hope to see as you drove through the major entry way to a major City. So, I think that's important too. Examples of what the sound barriers end up doing to the landscaping that was initially put in place for the single-family homes are presented on the north side of I-80 in that strip & they are terribly unattractive. So, any way to avoid sound barriers protecting single-family homes would certainly be desirable.

Mike Morrow, 201 N. 8th, Suite 300: I represent the Campbell family. The Campbell family owns the ground that's located in the middle of the proposed development, roughly bounded by this here as you can see on the screen. We're here in support of the plan. We've worked out a few problems or differences that we might have had & we're willing to move forward with the project. We understand there's a lot of things that need to be worked out in connection with the Planning & Design process. And I'm sure we'll see you here in the future. We just wanted to know that we were in support of the project though & favor it...your affirmative vote for it.

Clerk: Anyone else wish to come forward in regard to Item 10? Either for or against?

Ms. Seng: Okay, Paul, we have this amendment.

Clerk: Yes.

Ms. Seng: Should we move that?

Clerk: Yeah, if you wish to do so.

Ms. Seng: Is there a motion? This is in regard to the theater.

Mr. Camp: So moved.

Jerry Shoecraft, Council Member: Second.

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

This matter was taken under advisement.

**** 7:35 p.m. - Council took break.**

7:50 p.m. - Council reconvened. **

COMP. PLAN AMENDMENT 94-48 - AMENDING THE LINCOLN LAND USE PLAN OF THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF 70TH ST., BETWEEN HWY. 2 & PINE LAKE RD. - Michael Eppel, 6811 S. 66th St.: I am here representing the Southeast Coalition of Homeowners who, together with Country Meadows Homeowners Assoc., are the applicants. We are making the application this evening for several reasons. As you are well aware, the original designation for this property in the Comp. Plan was low-density residential. Livingston Properties asked for & received a Comp. Plan Amendment to allow for commercial use at this location after having been turned down on numerous occasions. We accept the fact that they complied with all the rules when they asked for this change, nevertheless, we do want to point out once again that this was done at a time when the Mayor was occupied with his campaign for Governor & when the City Council was about to change. Since this was a Comp. Plan Amendment request, the neighborhoods were not notified prior to the Planning Commission meeting although, as you know, we did speak at the City Council meeting. In any event, that's all water under the bridge at this point. We, too, are making this application according to the rules. We do not believe that this is in any way inappropriate. Our opinion is that the change in designation from low-density residential to commercial was a mistake that needs to be rectified. Since this change was done, a huge area for commercial development has been made available at 84th & Hwy. 2. There is no need for another commercial site at 70th & Hwy. 2. As those of you who were kind enough to visit the area are aware, we are not talking here about a neighborhood shopping area where one can have their dry cleaning done or grab a quick cappuccino on the way to work. The area in question is almost the size of Edgewood, not exactly a corner store type situation. To echo the words of Mr. Steward at the Planning Commission, "There is enough commercial to serve this neighborhood either in place or planned at 56th & at 84th in the future. It does not need to be in the middle." Again, I wish to point out too that the previous Mayor & Administration told us that there would be no commercial development between the Trade Center & the 84th St. site which was one reason why the neighborhood associations agreed to negotiate with the developers about that site. We have nothing against Ms. Livingston personally. She was honest enough to admit at the Planning Commission meeting that she bought this property approx. 8 yrs. ago as an investment. Of course, she would wish to maximize the return on her investment. However, we do not feel that this should be done at the expense of the people who live in the neighborhood. To those of you who believe that the owner of a property should be allowed to do anything they want with it, I would say, well, in that case, why don't we just get rid of the Comp. Plan & stop pretending that it means something. My understanding is that it is suppose to be a tool for developers & homeowners alike. The developers can build where the commercial sites are identified while the homeowners can be protected from unrestrained growth. Obviously, we were naive to think that where the plan indicated "low-density residential" that actually meant "low-density residential" & not this designation is up for grabs. As our representatives, we are asking that you display the courage & do the right thing & correct this mistake. As Mr. Steward pointed out, again, at the recent Planning Commission Meeting, you now have the chance to better respect a high quality neighborhood, to better respect the entry potential for the City. We have a commitment to the people who live here. I'll be happy to respond to questions either now or during my rebuttal time. There are other members of Country Meadows here to talk & also other representatives from other neighborhood associations who will address some of the other issues pertaining to this application.

Christine Kiewra, 6400 S. 66th St.: I'm President of the Country Meadows Homeowners Assoc. which is comprised of about 55 homes. I'd like to talk about three main points tonight. First, what does good planning dictate in regards to the land at 70th & Hwy. 2. Second, is there adequate commercial property already built or planned for in southeast

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Lincoln. And, third, should designation that the land at 70th & Hwy. 2 is commercial have anything to do with the timeline or the cost of extending City sewer services to the east. First of all, in regards to good planning. When Johanns was Mayor, he made it clear that there should not be any more strip malling or spot zoning in City entryways especially. That's good planning. Second, good planning is building pockets of high-impact retail moving towards low-impact commercial such as office space & then finally residential homes. That also is good planning. That way homes are protected from significant obtrusive impact from lighting, traffic, noise & trash. Good planning practices also call for creating & maintaining beautiful entryways to our City both for residents & the many visitors. Good planning also says we should pay attention to the Capitol View Corridor. The commercial plans for this property would negatively impact that as well. Good planning has said for years that this land specifically should be residential & that nothing has significantly changed since that was designated. I have a letter here that I would like to pass out from Nancy Burchess-Smith, a prominent Woods Brothers Agent who says that, in a nutshell, residential would be appropriate & beautiful on this site, could sell well. [A copy of this letter is on file with the legislation in the Office of the City Clerk.] I also discussed with Pace Woods the possibility of residential development on this land & he said he doesn't understand the argument that residential doesn't fit along Hwy. 2, Hwy. 2 is lined with residents at this point. The second point I'd like to address, & Mike already covered this pretty well, is is there enough commercial development in Southeast Lincoln. We already have neighborhood shopping at 56th & Hwy. 2, 56th & Pine Lake, & 70th & Old Cheney. Those are the neighborhood shopping centers. Now, there is a significant plan for commercial at 84th & Hwy. 2. If you look at the numbers, over 300 acres are designated as commercial at 84th & Hwy. 2. To compare that, SouthPointe Mall has 125 acres. This is significantly larger than SouthPointe Mall. To talk about square feet of retail, 1.5 to 2 million sq. ft. of retail are allotted at 84th & Hwy. 2. When SouthPointe Pavilion is finished, there will be 1.3 million sq. ft. there. And the third point, I'd like to address briefly is the extension of sewer services. This has been brought up as an incentive for the City to designate this land as commercial. First of all, I think it will be clear to you after tonight's speakers that there's no emergency situation in extending the City sewer services east. The Berean Church was represented at the Planning Commission, made it clear that at the point they need sewer services, they will request it. There were people here from the Pine Lake Assoc. who will address their sewer needs. Also, I think it should be discussed do the possible benefits of getting a developer to pay a larger share of a sewer line than she would have to pay if she developed it residentially, does that really outweigh destroying these neighborhoods & destroying a City entryway? I don't think that it does. There's a spokesperson here also from Public Works who said that he could address the extension of City sewer services, the timing of it & the cost of it & I hope that you'll request that he speak with you. So, in summary, I think for these reasons, because you have a vision for our City, because you take the time to be City Council people & represent us, I hope that you will return this land back to residential/agricultural use.

Bevin Alby, no address given: I'm a resident of Pine Lake Assoc. I'm also a member of the Annexation Committee & work very closely with the Pine Lake S.I.D. My understanding from some previous testimony before you is that there has been some misinformation, possible misinformation, with regard to the Pine Lake sanitary & sewage system. And I'd like to read to you a letter that was prepared by Gary Caster, who's the Chairman of SID #2 of Lancaster County, which is the Pine Lake SID. And I'm delivering this to you this evening. [A copy of this letter is on file with the legislation in the Office of the City Clerk.] I'd like to also parenthetically mention that the SID is in extremely strong financial condition. In fact, they're so strong that they haven't raised any dues from the Pine Lake residents for about a year & a half because they have more money than they need to carry out the responsibilities so, they've not only made the necessary upgrades, they have actually built up some goodwill with the

residents & the ability to raise additional funds if, for some reason, there was need. The President of our Association is here to speak for just a moment on the attitudes of the people within Pine Lake with regard to this recommended change. I would like to mention just parenthetically though that the area in question is within a mile & a half of the 84th & Hwy. 2 subarea plan of the Comp. Plan. And, as such, should have been part of the subarea plan when the original changes were made. And I would note that as part of that plan, there's a requirement for an environmental study to be made in terms of changes to the Comp. Plan & certainly with respect to any zoning of that area. And, to my knowledge, no study was ever made when it...before the change in the Comp. Plan. And I say that just to point out the fact that running right directly through that property is a stream that is the riverflow from some wonderful wetlands in that area that obviously would be impacted by a significant commercial development. And, certainly, we should study it before any zoning or...it should've been studied in my view before it was changed in the first place.

Harold Mosher, 6363 S. 70th St.: My wife & I reside on the northwest corner of 70th St. & Hwy. 2, diagonally across from the Livingston property. I rise in opposition to any commercial development of this property & let me tell you why. First, I, too, have no personal animosity towards Mr. & Mrs. Livingston. I've only met them twice, both times in this chamber. As far as I know, they are very honorable people. I don't even have any animosity against your attorney although he'll probably tell you that the Mosher's hooked onto the City sewer line. I don't know what it has to do with this subject you're hearing here tonight but at the Planning Commission, that came out. If it comes out tonight, let me know, I'll explain to you why. But let's get to the Livingston property in this immediate area. This is currently low-density residential. Every home out there is built on at least two or three or more acres of land. These are beautiful homes. These are some of the finest homes that've been built in Lincoln in the last 10 yrs., three, four, five hundred thousand dollar homes. And now, all of a sudden, the value of those homes are going to be shrunk if we permit the Walgreens & the used car lots & goodness knows what else to go into this commercial property. That's hardly cricket. There is no shortage of property designated commercial in the area. We have it at 56th & Pine Lake. We have it at 84th & Old Cheney. We have it 84th & Hwy. 2. In fact, some of the people who deal in property, if you had a study, will tell you that Lincoln's finest commercial shopping center is yet to be built. And when it is built, it will be built at 91st & Hwy. 2. There is a beautiful place to develop that Center. There are no homes nearby. If I go out there tomorrow & build a home, I don't have any standing to come back to you tomorrow or five years from today & say oh, my goodness, they're building a shopping center 'cause I know you've given all the world notice that this is going commercially. By the same line of thought, the area of the Livingston property has been understood & that area has been understood that it will be residential. It should remain residential. Anything else is not fair to the current people who reside in this area & who put down their roots. Lastly, don't let someone tell you that this Livingston property is somehow undesirable, if it's low & all this. That couldn't be further from the truth. That is beautiful land. In the hands of a competent landscape architect, that could be developed into some of Lincoln's finest residential area. And if you think I'm puffing you any, let me remind you, if you're familiar with the area, there's a couple of swails in that Livingston property. No one should think a swail would be ideal for commercially but ideally it is for residential. That's what gives a neighborhood its character & if you want to go back & think of how Lincoln has developed some of these, think for a moment of S. 17th, between 17th & 20th & south of High St., all the way to Hwy. 2 if you want to but go to (inaudible). In that area, there are two gullies. Deep one's. Around the edges & through the center, we have streets called W. Pershing, E. Pershing, Grimsby Ln., & those are beautiful homes & they have remained that way for years. Those homes were built when I was a kid going to Irving Jr. High School & that was 60 yrs. ago. They have been

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well maintained. And why? Because there are no commercial activity in that area. It's a place where people can be & call home. Let's keep the area at 70th & Hwy. 2 & allow it to develop in a similar fashion.

Bob Olson, 8001 Duggan Dr., President of the Pine Lake Homeowners Assoc.: Frankly, I'm buttress by trees between this property & where I live but I also know the Livingstons & kind of for that regard feel bad for being up here but I have to express the concerns of my people that live in the neighborhood. We've always been concerned about any commercial development around the area &, obviously, just like the former speakers have said, & I can throw away half my notes 'cause they've already said everything I was going to say. The concern is that we'll get inundated by commercial. That quarter mile that makes up the Pine Lake Assoc. was developed back in, I believe, the early 70's, late 60's so that was several miles out of town at that time, not three or four. And the whole idea was to have a nice quiet neighborhood of quality homes around the lake & this sort of thing. Our property actually is within, I don't know, I didn't measure it, but I'd say 700'-800' across the highway from the corner of this property. So, we're relatively close. I was out on the property today & stood on the east hill of it looking across the valley trying to just get a perspective on this, what we were talking about (inaudible) commercial, what it would look like & to imagine...I'm not sure what would go in there. I've heard of car lots & various other things but there is no commercial within sight anywhere there. It's all...closest thing is over the hill west down by 56th St., the Trade Center & that sort of thing. Just what Mr. Mosher said, it is a beautiful valley &, if done right, it could be very nice homes. I understand the Livingston's concern, I suppose, maybe commercial's more beneficial money-wise to make more value out of the land but you have to take into consideration what the neighborhood is & a thing called "Fit" & just what Mr. Mosher & the others were saying is that these people that came out there & put together their acreages & built their homes & wanted a nice quiet, dark country-type living in this area were there first & they just...they aren't looking forward to having anybody drop a bunch of whatever kind of commercial business you want to dream up in there. So, I think something could be done with the valley that would be better & fit in better with the neighborhood. And I don't think commercial would be the thing to be. The whole scale out there is much bigger, you know, it isn't like in the City. I just moved out there 2.5 yrs. ago & so it's taken me...I'm paying close attention to get into the culture of the area & understand how people feel about it & I know back in my neighborhood which is just four miles north of there, about 84th & "A" St. area, that, you know, houses even there were 50' apart which is a pretty good spread. But your still...we're dealing with a guy across the street that never mowed his lawn &, you know, fixed the place up or the junk cars sitting on the other guys lot or something like this & this area is very nice. We're concerned that that doesn't happen in our area out here & we want to stay on top of it before it does. The scale out there or at Pine Lake-Hwy. 2 area is more like a quarter mile & a half mile apart between houses. It isn't 50'. You're not going to hit your neighbor with a rock. And so it's a vast, wide open area. But yet you can see quite a ways & I know some of our homes, the Pine Lake Assoc. there on W. Shore Dr., their back doors when I was standing over on the triangle property over there & looking right across the valley & I'm sure it's a beautiful view & they would be looking right at anything that's put over there. So, from their regard, I'm sure they would appreciate the most pleasing vista that they could come up with. But, anyway, appreciate your attention to that & concerns & think about how you would want it if it was your neighborhood. I'm not sure where all of you live but you'd want the most pleasing neighbors that you could get & something that wouldn't conflict with that.

Steve Nickel, 7941 Portsche Ln., President of the Family Acres Assoc.: I have a few quick points to make. One is that this area was an area that was not only permitted but encouraged by previous comprehensive plans to be acreages. And commercial development in the middle of it is really a breach of faith with the existing landowners. Another thing that I would like to say is that committing shopping center is not a victimless

crime. It causes a shift of wealth. Money is to be made by developers &, to some extent, that money comes from decreases in the neighbors property values. Another thing is the size of this center that's rumored at least is if you can imagine Nebraska Crossing, it's about twice that size. No buffering can be adequate to protect the acreages right across the road from something of that size. The final thing that I'd like to say has to do with the housing market in the area & whether it is desirable to have houses that close to Hwy. 2. Obviously, I think it is because my house is only about 150' from Hwy. 2 & I don't have trouble with the noise. There is a rumor at least that a house has been described as an example of a house that can't sell because it's too close to the highway in our area. And I would suggest to you that this house is, perhaps, overpriced. It's a two bedroom house, brand new, built for speculation, with a fully finished walk-out basement & the asking price is right at twice the value of the houses on either side of it. I suggest that maybe the cause of the house not selling is the fact that the owners want too much money for it.

Beverly Mosher, 6363 S. 70th St.: I live on the northwest corner of 70th & Hwy. 2. This is land we have owned for 41 yrs. & have lived there for nearly all of that time. And we moved there because we wanted to live in a rural environment & the people who've come to live around us in the neighborhood have also had this same goal. We are on the corner, high up. We do not have any noise problem. We're next to Hwy. 2 if that's a consideration. We are on the City sewer because we are annexed which we did not wish to do. But that's alright. That was \$9,000 to hook onto the sewer. We complied with everything that everyone thought we should do. But we do strongly object to any kind of commercial activity directly across from us. From the noise, the lighting & the disruption to our way of life. We relied on the Comp. Plan when we purchased this land. It was then zoned for AGR & we expected it to remain that way. We thought that's why a Comp. Plan existed & it could not be just deleted at any time at someone's request. So, I would ask you to carefully consider our concerns & those that've been expressed by our neighbors to preserve our rural way of life & the beauty of the entrance into Lincoln.

Kenneth Kiewra, 6400 S. 66th St.: You've heard arguments tonight for restoring the residential designation of this property. Arguments from concerned citizens representing lots of people & I should make clear that these are arguments that were put forth by professional City planners originally. What's not been heard tonight are the reactions of City leaders to these arguments. Now, how would I know about that? My wife & I have been busy speaking with City leaders, with the Mayor, with Planning Commissioners, & with you, the City Council about this issue. And I'm sorry to say that I find some of the remarks inaccurate, disturbing & others simply frightening. Let me give you a sample. Number one, this land can't be developed residentially. That's wrong. It already is. There are five neighborhoods in this vicinity. City planners, residential developers, real estate agents say that it can & should be developed residentially. If you drive down Hwy. 2 & take a look at Southfork or Country Meadows, you see a breathtaking view & that's the kind of view that we could have in this corridor of the City. Point number two, commercial mixed with residential is a reality in other parts of the City so why not here? Well, that's simply bad planning because mistakes in one part of the City should not justify future mistakes in other parts of the City. It doesn't make sense to tear a page out of the Comp. Plan & then throw in a Home Depot or a car lot. Point number three, individuals should be able to do what they want with their land. I don't think so. One developers' rights should never supercede the rights of many homeowners & the citizens of Lincoln. Why should we allow a gluttonous profit while adjacent housing values tumble? Point number four, stop fighting commercial development & start compromising with developers. Compromise by homeowners is a poor solution to a problem caused by City leaders. That Comp. Plan that we keep talking about is, in many ways, a contract. When somebody moves into a new area, they investigate & they find out that they're safe from commercial development. We believe it's an agreement, it's a contract with the homeowners that shouldn't be violated. By the way, a few trees & berms are really pathetic compromises

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for a City's poor planning. You want to compromise? Sure, put in a park, put in a church, put in some lovely homes, we'll compromise. Fifth, we are changing the designation of just this one little piece of land, we won't let it become a pattern in this area. Developers are banking on it. The vultures are already circling & the dominoes are falling. We have developers knocking on doors in our area asking to purchase homes & land that they want to use for commercial development. We have a developer just outside Country Meadows who recently knocked down trees on 7 acres of land & filled in natural wetlands with hundreds of truckloads of dirt. I think he thinks he's going to build there. I think he sees a pattern. And, finally, point six, agreeing to support commercial development at 70th & Hwy. 2 was a mistake but I gave my word to Ms. Livingston & cannot go back on it now. That's where we get frightening. That a City leader would compound an individual error by making a mistake for an entire City is nothing short of frightening. Fortunately, it's not too late to fix this mistake. This issue is building steam. In the last few days, we've seen it in the newspaper, we've seen it on the television & we've heard it on the radio. People are watching you. They're watching to see how you vote. And you can bet that Lincoln citizens will remember how you vote the next time they vote.

Ed Patterson, 2108 "Q" St.: And I have never talked to any of these people & I haven't been invited, in any way, to participate, they probably would just as soon that I wasn't up here speaking but I noticed some very strong similarities between the issues that they find themselves involved in on what they thought was the far suburban fringe of this City. And what I tell all the people that I talk to is folks, if you think you're on the fringe, just wait a year or two & you will get dumped on just like the rest of us have been dumped on & hang together or we'll all hang separately & when you resolve this one issue, don't go to sleep then because there's just nothing but a chain of issues down the road that your going to find yourself involved in. So, I'm very much in favor of the resolution that they're supporting here tonight. I would suggest, though, that one of the principles that we try to stick with is provide enough arterial road right-of-way, particularly at intersections, so that you don't, in the future, after you build this additional residential that you're talking about, end up coming back & having to push a road expansion into somebody's back or front yard.

Mary Jo Livingston, 7420 Yankee Hill Rd.: We appeared before you two years ago & asked for a commercial designation on the property that's bounded by 70th St., which is now being four-laned, Hwy. 2, which is four-laned, & Pine Lake Rd., which is in the 2004-05 CIP to be four-laned. Our commercial designation was approved then with only one dissenting vote. Many of the arguments that we are hearing tonight are the same that we heard two years ago. And it seems to me like one of the main one's is concerning the entrance to Lincoln. And also, they're worried that you might affect the rural character of Country Meadows which is now part of the City. Our pledge to you tonight is the same as it was two years ago. We promised to do a quality development, do honor & respect to our City & make for an attractive entranceway. This is...I'm a Lincoln native & it is definitely a concern of mine. There've been a few changes in the two years since I was last before you. There's been a water main installed in 70th Street. Seventieth Street is now being four-laned & we negotiated a median break with Public Works in that median along 70th Street. Now, Planning Staff criticized us for not doing or not making any visible improvements to the property. We could've gone in with bulldozers & cleared trees & moved dirt & otherwise disrupted things. But we chose to leave the trees along rather than to try to make this property look more commercial in nature. We were also criticized for not making any applications for a change of zone in this time period. We were told two years ago, both by the Planning Commission & the City Council, we see this site as commercial but not necessarily automall which is what we were talking about at that time. Well, we took that advice to heart & we've been waiting & wanting to get the right tenant for this property. We gave up a sure thing to try to find something that would be more sensitive to the needs of the neighbors. We have pursued the path that we felt obligated

to follow. We have not removed any trees or otherwise disrupted the land & now we're on the brink of having a more compatible user. In fact, we plan to apply for a change of zone on this ground within 60 to 90 days. Staff also recommended urban residential for the eastern portion of this property. Now, keep in mind it's going to be surrounded by four-lane or soon to be four-lane roads & you just need to ask yourself would you really want to live there. There is a need for sewer in this area. We are talking & working with several property owners in the area that have expressed an interest in bringing sewer here. And, you know, it's something that we definitely think is needed. Tonight, we are asking you to retain our commercial designation on our entire property. It is surrounded by four-lane or soon to be four-lane roads. It'll help fund the sewer that a lot of people desire at this point in time. We will also promise to provide you with an attractive entranceway to Lincoln. We are asking you tonight for the opportunity to continue to pursue those goals.

Dave Livingston, 7420 Yankee Hill Rd.: I'm the co-developer with Mary Jo. Tonight, I only want to address one issue. The principle leg upon which the applicants arguments stands is that this is a natural residential area perverted only by the misguided direction of a developer that sees a use other than residential & is trying to force that different use onto the area. I would like to address this from strictly a factual basis tonight & I brought with me an aerial photo of Lincoln that goes back to the mid-1990's representing the area here that consists of the triangle under discussion this evening with 70th, Pine Lake Rd., & Hwy. 2. We obtained this in our application two years ago & this is from either 1994 or 1995. We're not quite sure which. I only mention this as reference because what I want to show you now is a comparison to make a point. According to the Home Builders Assoc. of Lincoln, since 1994, there've been 5,280 single-family residence permits applied for in Lincoln alone. That's not Lancaster County but Lincoln alone. If, in fact, this area is a natural residential area ready to burst at the seams, you would think that outside the proposal that we have tied up over the last two years, homes would be bursting everywhere ready to be purchased, ready to be built & purchased. Let's look at the facts. Outside of this area, there's only one site that I can find that shows a new residence. And that is this residence on Portsche Ln., the one that Mr. Nickels just mentioned a brief time ago. So, 5,280 homes in 6 yrs., one new home in this low-density residential area in the period since the photo was taken in the mid-1990's. That is the residence, as Mr. Nickels mentioned, that's been listed for the past 413 days. It's a wonderful home, it's a beautiful home. It is not two bedrooms, however, it is listed as a five bedroom home. And during it's two listings, it has experienced two different price levels. Dropped for the last 200 days to attempt to move the property. It's listed by Woods Brothers & is still for sale as we speak. So, how about farther out? If the area along Hwy. 2 is a natural residential area, you would assume that there's something suppressing it here. How about driving a little farther out? Well, I drive this morning to 120th St. on Hwy. 2, found zero additional homes within 1/4 mile of the highway. The natural residential nature of this area somehow seems rather suspect. Let's look at one other property that addresses the issue of property values. If, in fact, our proposed development in this area will impact upon property values in the surrounding neighborhoods, it is interesting that in this area of Country Meadows, a new home is just under construction. It's near completion, will be occupied soon, & it probably has the only or at least the best unobstructed view of our property which is in this triangle that is not screened by trees or other buildings. So, somebody knew that that property had a commercial designation, built upon the property, a beautiful home & feels that the values of that home are not in jeopardy. I feel that these facts are representation & I'm more than willing to, by the way, leave the listing agreement with you for that home in question along Portsche Ln. & I stand for any questions at this time. [A copy of this listing agreement is on file with the legislation in the Office of the City Clerk.]

Mr. Camp: Dave, I guess I'd have questions of you & Mary Jo. I think all of us on the Council have had opportunity to meet with you as

well as the neighbors. Just for the record, would you define for us what you're proposing at this stage as far as...I know you reluctantly...you don't want to disclose who you're negotiating with...

Ms. Livingston: We can't exactly disclose.

Mr. Camp: I respect that. I think the entryway issue, & that was brought up by the residents, is a major one. I know there's several of us on the Council who are very concerned about that. We've also got the Beal Slough situation as other (inaudible) issues. I don't think that was raised tonight. Describe for us what you would visualize, assuming you could proceed with the commercial designation on a commercial zoning.

Ms. Livingston: You mean for the zone change or the type of use or how would it be landscaped?

Mr. Camp: Well, obviously, we'd have to approve the ultimate use & the zone change but I guess I'm concerned for the whole area of the entryway beautification & so forth. Can you kind of paint me a picture or maybe for all of us of what you're thinking about?

Ms. Livingston: Well, we're envisioning a retail use there. And landscaping, obviously, that'll have to meet the new landscaping requirements that you're proposing & will be acting upon. But probably exceeding those would be my guess. You know trees, shrubs, grass. There is a 50' right-of-way along Hwy. 2 & then we'd also have an additional 50' setback from that. So, you'd, in essence, have a hundred foot wide strip of green with trees & shrubs along Hwy. 2. We envision leaving the drainway that goes through the property, try to leave as much of that...the trees on that in tact as possible. Some of them will probably have to be removed. We would like to see a pond possibly up here by the highway, not just for retaining water but as a nice amenity to help with making the entryway attractive.

Mr. Camp: How large would that pond be? This is what 31 acres total, is that right?

Ms. Livingston: On that big piece, it's about 36.5.

Mr. Camp: That would include what you own & then that other property?

Ms. Livingston: No.

Mr. Camp: You don't own everything, do you?

Ms. Livingston: No.

Mr. Camp: If you look at the triangle, Mary Jo, do you know what the entire size of that is?

Ms. Livingston: Well, if you include the little piece over here too is 38.43 acres.

Mr. Camp: And, in fact, my question on the pond...

Ms. Livingston: We haven't gotten to that issue at all yet. I mean we've put it on some concept plans & I really like it.

Mr. Livingston: We see it as both functional as retention/detention but also as a reflective amenity that would accent the architectural or the natural features of the land. So, we see that as a major enhancement for the vista, the entry.

Mr. Camp: Mary Jo mentioned the total of a hundred foot setback with a right-of-way...

Ms. Livingston: Well, it would be the 50' right-of-way plus the 50' setback along the highway. So, it would be a hundred foot wide strip along Hwy. 2.

Mr. Camp: How would that be viewed to the passerby? Are you going to have trees? You mentioned shrubs, grass, or whatever.

Ms. Livingston: Well, I assume there'll be trees, shrubs, grass.

Mr. Livingston: Anything is possible. Anything that grows.

Mr. Camp: Well, I guess perhaps what I'm looking for too is a sense of direction here that, you know, the neighbors are here & they're obviously very concerned about this parcel & I think there're good arguments on both sides here of what can be done with this & I guess I'm trying to look at how we can ensure a nice entryway on whatever happens there. I think you've raised a sound argument with you've got a triangular area with four-lane roads around it that that's, in all deference to Mr. Mosher, that's a little different than E. Pershing Rd. that's not right on Hwy. 2. And so, it's a smaller tract so that does

diminish the residential character but I'm very interested in seeing that we maintain not only the value of Country Meadows/Pine Lake but the value of Lincoln. So, I guess that's what I'm looking for.

Ms. Livingston: That's important to us.

Mr. Livingston: We're not only committed to meeting the minimums of planning, we really do commit to meet with the neighbors, with Planning, to listen to their concerns & the entry vista is a major emphasis for us. We intend to make this a very great feature on this property & we want to get the input from every party including the Council.

Danny Walker, 427 E St.: I've got a question. A hundred foot right-of-way was mentioned.

Ms. Seng: Are in support or opposition?

Mr. Walker: I'm just asking a question. I want a clarification is what I want. The hundred foot right-of-way, supposing when this super center goes in at, what is it, 80th or 84th & Hwy. 2 or wherever it's suppose to be, supposing we have to go to 6 lanes on portions of Hwy. 2. What happens to this hundred foot right-of-way then? I assume 50' is reserved for additional laneage, roads, etc. & I would like to know because I am curious & if this shopping center on out on 80th is as big as they say it's going to be, I would think with the heavy traffic that that portion of Hwy. 2 handles now, I think it'd be a fairly good bet that there's going to be an increase in the width of the roads.

Ms. Seng: Would Public Works or Planning like to address that?

Mr. Figard: I'm not sure where the 50' comes from. I'm going to guess there is more than a hundred foot of right-of-way in the Hwy. 2 corridor. I'm going to suggest there's perhaps 50' of space from the edge of the highway out to the existing right-of-way line & then there was refer to an additional 50' setback. If, in fact, the traffic volumes increase in the future, there would appear to me, right now, to be sufficient room to add a lane on Hwy. 2 without significant encroachment outside of the existing right-of-way but it would use some of that green space that's there today.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Dave & Mary Jo Livingston: What Roger said is exactly right. The 50' of R-O-W that Mary Jo was referring to is a number that we've used after scaling roughly off of aerial photos the distance between the edge of the pavement & the outside edges of right-of-way on Hwy. 2. There is an additional lane on the north side of Hwy. 2 that's constructed as an acceleration lane from the exit point of the Berean Church parking lot. So, there's at least room for an additional lane, if not more on Hwy. 2. This issue, obviously, is a Comp. Plan issue. One that requires you & the Planning Commission both to think a little beyond the scope of the immediate property, the immediate moment to determine what is a realistic & likely future use for this property. Not tomorrow, not next year, not 5 or even 10 yrs. from now but maybe 20 yrs. down the road. It's very difficult to envision a scenario 20 yrs. down the road. This property is not completely engulfed by the City of Lincoln, not served by sewer, not redeveloped in many ways around it with large streets & lots of traffic. Now, the existing Comp. Plan provides for Hwy. 2, a 5-lane 70th St., you're under construction there now, 5-lane Pine Lake Rd. in the Capital Improvements Program in 5 yrs. or less. You've already got water service on two sides of this property. It's clearly urban in character. This is not rural acreage property. The property on the south side of Pine Lake Rd. that was developed 30 yrs. ago, at that time, was. But the remainder of that property in that area is not. It is urban in character. This is an urban use we're proposing. Consider this property in the context of the way we develop...the way the rest of the City has developed. We have tried, with mixed success, to have a one-mile grid system of arterial streets, major 4-lane, 5-lane roads. Those are on, as I say, one mile grids. Six hundred & forty acres in that square mile. Here we're talking about 38 acres. A very small corner of one of those areas surrounded by 3 roads the size that you would ordinarily surround a full section with. The proximity of this property, at the very middle, through those major streets, particularly when you consider that it is below the grade of those major streets is much closer, much closer. This property was

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compared in size to Edgewood. Edgewood, as I recall, is at least 60 & probably 70+ acres, has major streets on two sides. Woodshire example, there isn't a 4-lane street within half a mile of Woodshire. Sure, there are streets that run in there & it's a very beautiful area. But it's not like this. The sewer issue was raised & I have told each of you, sewer is important for this area. There is money in your Capital Improvements Program this year to pay for the oversizing of sewer from its existing terminus in the Beal Slough area up to Pine Lake Rd. There're discussions under way with property owners, including the Livingstons. In fact, they have the largest share of the cost being discussed of bringing that sewer on up Pine Lake Rd. to serve the Berean Church, which is not here tonight, but I can tell you they have asked for an...they asked you for annexation. You did annex them so that you could serve them with water & hopefully with sewer. The gentleman from Pine Lake I'm sure is sincere when he says to you that they're in compliance with all the state regulations. They were saying the same thing to you two years ago when we were before you asking for this commercial designation & showing you the photographs of the materials that were coming out of that sewage disposal system. And you've seen those photographs. The people who live in Country Meadows opposed the annexation of South Fork when they're sewer system failed saying we've got our own sewer system, we don't need City sewer, we don't want to come close to being annexed within a year. Country Meadows was coming in, asking for annexation & hooking up to City sewer. Those systems are not foolproof. I would suggest to you that the Pine Lake system, over the past 20 yrs., has had numerous problems &, indeed, the Pine Lake SID has previously informally asked to be annexed. The City turned them down. This was years ago. But there is a very real possibility that you'll have a public health emergency with respect to that system one day & if you don't have a sewer system up there, you're going to have a hard time dealing with it. All of that flows directly downstream into Beal Slough. As Livingstons said, & I apologize, I'll stop in one minute.

Ms. Seng: Running out of time.

Mr. Hunzeker: If we're given the opportunity to bring back a change of zone application & a use permit, we will converse with all the neighbors prior to the application being made. We will do the best we possibly can to come up with a plan that will be not only attractive from Hwy. 2, attractive from all vantage points & compatible with this neighborhood. Try to answer any questions.

Mr. Camp: I'd like to have Roger come up if he would. I'm confused now on this san. sewer issue. Could you help unconfuse me?

Mr. Figard: I might need some help with what the question is.

Mr. Camp: Well, I...there've been some different statements here on the need for san. sewer or not & I just want to, I guess, defer to your expertise here on what the scenarios are.

Mr. Figard: I can't speak to the need of Pine Lake & their subdivision. To my knowledge, at current time, they've not asked for something additional. The current City Public Works & Utilities Capital Improvement Program does have money available in this current year that we're in to generally build sewer from about 60th & London Rd. down through Pine Lake Rd. & then east on Pine Lake up through the property that we're discussing. This would be approx. 60th & London Rd. The trunk sewer, this is Hwy. 2 heading southeast, Pine Lake Rd. going east, 70th St., this would be the Livingston property. Trunk sewer's been completed adjacent to Shadow Pines as we speak. This portion down in here still remains outside of the City limits. The City has provided proposed funding to construct the trunk sewer down through Pine Lake Rd. & a smaller sewer up into the Livingston property with a proposal that if annexations were brought forward & if there were agreements agreed upon as part of the annexation agreement, we've got an estimated \$290,000 of utility revenue, that would be City money, coupled with an estimate of approx. \$120,000 of developer contribution to pay their equivalent of an 8" sewer up into serve that area. Again, that money is there. It's available if an annexation would come forward & the exact negotiations & dollar amounts would have to be agreed upon in that negotiation & in that

annexation as we typically do in other areas.

Mr. Camp: Carrying that on the other side of Hwy. 2, how would this ever impact Pine Lake?

Mr. Figard: I think the long range plan then & it goes off this map is that the sewer would come on up through & come on down along Hwy. 2 eventually coming along the edge & exact alignments have not been laid out to serve Pine Lake Rd. & would come on around & parallel Hwy. 2 clear over to 84th & Hwy. 2 towards the shopping center over there. Those are all preliminary. They're simply studies done so that we would know how you might serve the area if those come forward. There hasn't been any agreements made on that at this point in time. The sewer has always kind of been an incremental approach as a piece comes in & if somebody further upstream comes in then we'd have to figure out how to get across & work with the property owners that you cross. But at this point in time, as far as I would understand, we've made no commitments other than having the money available & that commitment would have to come through an annexation agreement & off-site improvement agreements as part of that annexation if it came forward.

Ms. Seng: Any other questions? Okay. Does that applicant wish to respond?

Dr. Eppel: Thank you. I do have a number of points here. I hope I'll be able to cover them all. I'm sure, at this point, you're kind of wondering well, you know, why don't the homeowners association wait to see this plan & meet with the developers & compromise & so forth & just kind of make life...that would make life a lot easier for everyone. Well, unfortunately, compromise gave us Edgewood &, no doubt, some compromises led to the development of Cornhusker Hwy. & the myriad of sites where commercial is now abutting onto residential & neighborhoods where there's no decent transitions whatsoever. So, compromise isn't necessarily always a good thing in our opinion. We don't want to compromise. We moved in there with the understanding that this was residential & the owner of the property in question bought it speculatively knowing that it was designated as residential. Some speculation pays off & some doesn't. As far as this question about residential, I think actually Mr. Livingston really made the point for us. Because the fact is that you can't build a house or get a site to build a house in the area because they're being held for speculative purposes. The site in question that the house in question that Mr. Nickel was talking about, there are other houses already built there. There are no other lots available there to build houses. There are no more lots available in Country Meadows. In fact, I think he mentioned a lot in Country Meadows where a house was just built overlooking this property & that person is not here this evening but they were here at the Planning Commission but had to leave beforehand. They are very concerned. I know that person & they are very concerned about the value of their new property. I don't believe that they realized that this property was zoned or was designated now in the plan as commercial. We gave you a letter from the real estate person saying that this site could be developed as single-family homes. I don't know what more we can do. They've said it's an attractive site for homes. The applicant says it isn't but the applicant would rather have it commercial for obvious reasons. The other question is the highways surrounding this site. If you look at South Fork, it's almost the same shape as this piece of property. South Fork has Hwy. 2 surrounding it. It will now have a 4-lane highway, that is 70th, within a matter of weeks. There are houses literally right adjacent to S. 70th. In fact, where the road is is at the level on one of the houses of the upper story. So, you're talking about 4-lane highways on each side of South Fork. It doesn't seem to have stopped people from building houses there. There's no reason why this particular property should be any different. Mister Hunzeker is concerned about use of this site 20 yrs. down the road which is very admirable. However, twenty years ago, we were under the impression that this site was going to be, as has already been pointed out numerous times, residential. So, perhaps you could show a little bit of concern for the people who thought that 20 yrs. ago rather than worrying about the people 20 yrs. from now. He's talking about urban use or he mentioned urban use but

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that's not really what he's talking about. He's talking about commercial use & what zone are you going to allow now that if this stays, they come back & say well, you said we could make it commercial & now we're applying for a zone change & the special use permit for whatever it is that they're going to have. What kind of zoning designation are you going to give them? B-4 or the same as 80th? 'Cause that's what they're going to come for, looking for. He talked about the fact that Livingstons waited on developing this till they got just the right kind of situation & the right quality tenant & so forth. I would suggest that perhaps they did not go with Wal-Mart & those kinds of tenants because they saw the level of opposition that was raised in the past. And it may not all be altruistic on their part that they are "waiting for the right tenant" come along. It's interesting, I just heard on the radio someone from the Main Street Program from the Preservation Society talking two days ago & pointed out how this type of development is so totally against what's going on around the country...

Ms. Seng: You have one minute left.

Dr. Eppel: Where they're really trying to push for downtown development & so forth as opposed to this kind of spot zoning. And yet here we are in Lincoln going backwards to the old ways of spot zoning & strip malling & all the rest of it. Finally, I'd like to just say I think Mr. Hunzeker feels that if he says something enough times somehow it makes it true. You have the letter from the Pine Lake Assoc. about the sewer. You heard from the Pine Lake Assoc. in person about the sewer. You know, if you want to think about the future of Lincoln, I think we need to put this sewer thing aside for a while. That's not the issue right now. The issue is what is the future of this site in particular, this entrance to Lincoln & what is the future of the neighborhoods in the area of this site. Any more questions?

Mr. Camp: Is it Doctor or Mister Eppel?

Dr. Eppel: Doctor.

Mr. Camp: Good to meet you. I'm looking at the overall view of everything as I was saying earlier & the entryway is of one of the major concerns that I have. How would you see this developable to maintain that entryway & what the setback & I appreciate your comments on South Fork a moment ago & that's a lovely area. There are some differences there & I guess the thing I look at is with this triangle & having three major arterials around it, I'm trying to view down the road the types of residences that would go there, putting myself in those individuals shoes, & what the topography &, again, I've been out there several times. Is there any compatible commercial development in your mind or you just want this all residential?

Dr. Eppel: Well, I don't believe that the residents in that area would agree to any type of commercial development. Now, whether you give them some kind of office zoning or something like that, which is a little different to what they want, I believe, you know, perhaps something like...& I don't know, I'm only speaking...I'm only speculating, but something like Security Federal type office building as an entryway to Lincoln would be something that would probably could be done very nicely. Again, I'm only speculating but, I mean, are they going to come asking for an office O-1 or whatever it is or is it going to be B-1. I suspect it's going to be the latter rather than office-type development. I could be wrong but, you know, perhaps we...perhaps people would be willing to look at that. I don't know for sure.

Mr. Camp: How do you or what's your response to the Livingston's offer to sit down with the neighbors & discuss, I don't know if they're ready to do it tomorrow but as they come up with the use that they've talked about, how do you feel about that knowing that we on the Council are ultimately...have another or will have an opportunity to say yea or nay & I know you'd like to stop it now. I understand that. But what's your response to their willingness to visit with you & do some joint planning?

Dr. Eppel: Well, again, that presupposes then that we're compromising. And, again, you know, we don't feel that compromise is the right answer in this kind of situation. In that case, the Comp. Plan,

again, getting back to that, doesn't mean anything because the developer's know that they can come in & will "compromise", you know, the neighborhoods will compromise & they will get either part or all of what they had intended to get originally. So, you know, we need to take a stand. And I think the Council needs to take a stand. What kind of a message are you going to send to developers? You know we all want development. We all agree it's a good thing. But like most cities, we've designated certain areas for commercial development & the areas that are not designated like that should stay the way they are.

This matter was taken under advisement.

AMENDING ARTICLE I, SECTION 3(A) OF THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS & STANDARDS RELATED TO HEARINGS ON AIR POLLUTION VIOLATIONS - Marcia Wilhite, Health Dept.: I'm Assistant Chief of Environmental Health Div. & I manage the Air Quality Program there. We're bringing to you a very small change to our regulations & standards. Part of our program is to administer Federal & local air pollution rules. Part of the job also is to bring enforcement actions against regulated air pollution sources that we believe may be in violation of those regulations. And, as part of that process, we have a provision for having a hearing before the Health Director on the facts of an alleged violation. The change to our regulations that we would like to ask your approval of this evening is to clarify that a hearing can be informal or formal at the request of the alleged violator. This recommended change was given to us by City Law. I'd be happy to answer any questions if I can.

Danny Walker, 427 E St.: I'm kind of glad to see this issue on the agenda & I'll tell you why. About 3 yrs. ago, my neighborhood was faced with a second track along 3rd Street. The neighborhood requested an Environmental Impact Study & was refused. Was refused by the City, the Health Dept. & the State. Now, isn't that strange? Especially within the last three or four weeks, we have a big article in the paper how a representative of the Health Dept. decided that no, we can't have temporary schools at the old Speedway Motors location because of the air pollution & contamination, etc., etc. You know if those rules are there, they should be utilized & not shown in favoritism like they were in our case.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Gail Linderholm, 4315 Calvert Place, Resource Development Officer for Nebraska AIDS Proj., came forward regarding denial of Keno Grants for prevention education for Nebraska AIDS Proj.; requested reconsideration of this denial; Ms. Seng informed Ms. Linderholm that it was too late for a reconsideration & that it would have to be a new resolution; Mr. Fortenberry stated that he found most of their information to be quite good but found them lacking in information on condom usage.

Katherine Renk, 102 G St., came forward regarding the new san. sewer construction going on from "G" St. to the Salt Creek & the damage the contractors, Pavers, did to her property with heavy equipment, dump trucks, etc.; damage was done to her land & her fencing; presented list of phone calls made in trying to get resolution & notes from neighbors in support of her claims; a copy of this is on file in the Office of the City Clerk; Mr. Figard informed the Council he did review the site & a letter will be sent out addressing these issues; contractor was notified to repair the fence; did find a portion of the fence was out in the public right-of-way, that will be returned but cannot be placed back in the public right-of-way; anything damaged will be fixed; may be some issues of trespass of trucks as it relates to the filling of the property adjacent to 102 G St.; Building & Safety have been informed of the problem & are communicating with the individual that is doing the filling to the east of the property; believes the storm sewer contractor was generally operating within the public right-of-way but when directed that perhaps he was off, he corrected his actions & will do the clean up that's necessary; property

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being filled is being sloped away from the property at 102 "G" St.; some of those matters do rest as a civil matter between the two property owners.

Danny Walker, 427 "E" St., came forward regarding the damage done to the Renk's property; presented some photographs of the property which were placed on file in the Office of the City Clerk; stated fill should've never been allowed in there; garbage is being stored under the underpass; no landscaping has been done, as was promised, to beautify this underpass. Ms. Johnson asked Mr. Figard to look into the situation with the overpass & the promise of landscaping; Mr. Figard stated he would look into that as well as the storage of materials under it & whether that's appropriate.

Ed Patterson, 2108 Q St., came forward representing the Malone Neighborhood Assoc. to clarify their position on the amalgamation of "Residential Overlay" & Downsizing in the neighborhood; stated he is for the open mic session at Council Meetings. A copy of his statement is on file in the Office of the City Clerk; Ms. Seng stated they have not made any final decisions on the open mic subject.

Glen Cekal, 1420 "C" St., came forward to suggest that the pre-Council Meeting Sessions be re-televised throughout the week; Mr. Cook informed him they were & referred him to Bill Luxford, 5 City TV, for the rebroadcast schedule.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to state that in the City of Lincoln there's a growing appetite for serious answers & the open mic is one forum to obtain those answers; stated it's a form of freedom of speech.

This matter was taken under advisement.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3240 - APP. OF VIRGIL EIHUSEN FOR A CHANGE FROM R-3 RESIDENTIAL TO H-3 HWY. COMMERCIAL ON PROPERTY GENERALLY LOCATED AT INTERSTATE 80 WEST OF WHITEHEAD DR. - CLERK read an ordinance, introduced by Cindy Johnson, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

JOHNSON Moved to pass the ordinance as read.

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

The ordinance, being numbered **17641**, is recorded in Ordinance Book 24, Page

ACCEPTING & APPROVING A LEASE AGRMT. BETWEEN THE CITY & B & J PARTNERSHIP, LTD. FOR SPACE AT 2606 PARK BLVD. FOR A 5 YR. TERM EXPIRING JAN. 31, 2005 FOR USE BY THE LINCOLN FIRE DEPT. FOR THE FEMA URBAN SEARCH & RESCUE TASK FORCE PROGRAM - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving a Lease Agrmt. between B & J Partnership, Ltd. & the City of Lincoln for a lease of space at 2606 Park Blvd., Lincoln, Lancaster County, Nebraska for a term commencing Feb. 1, 2000 & continuing until Jan. 31, 2005 for use by the Lincoln Fire Dept. for the FEMA Urban Search & Rescue Task Force Program, the third time.

FORTENBERRY Moved to pass the ordinance as read.

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

The ordinance, being numbered **17642**, is recorded in Ordinance Book 24, Page

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY, VILLAGE DEVELOPMENT, & DOT, INC. FOR THE DEVELOPMENT OF THE 27TH & VINE ST. AREA - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving the 27th & Vine Sts. Redevelopment Agrmt. ("Redevelopment Agrmt.") between the City of Lincoln & Village Development - Vine St., LLC, & DOT, Inc. (Redeveloper), the third time.

FORTENBERRY Moved to pass the ordinance as read.

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

The ordinance, being numbered **17643**, is recorded in Ordinance Book 24, Page

VACATING THE SOUTHERN 5' 6" OF "Q" ST. BETWEEN 11TH & 12TH ST. ADJACENT TO THE PREVIOUSLY VACATED AREA IN LOT 1, QUE PLACE ADD. - CLERK read an ordinance, introduced by Jeff Fortenberry, vacating portions of the southern 5'6" of "Q" St. generally between 11th St. & 12th St., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FORTENBERRY Moved to pass the ordinance as read.

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

The ordinance, being numbered **17644**, is recorded in Ordinance Book 24, Page

ADMIN. FINAL PLAT & PRELIMINARY PLAT

WAIVING THE DESIGN STANDARDS REQUIREMENT FOR THE IMPROVEMENT OF CORNHUSKER HWY. TO URBAN STANDARDS & THE SIDEWALKS ALONG THE SOUTHEASTERN SIDE OF CORNHUSKER HWY. ABUTTING THE PROPOSED ADMIN. FINAL PLAT OF SAPP BROTHERS 2ND ADD., ON PROPERTY GENERALLY LOCATED ON THE SOUTHEASTERN SIDE OF CORNHUSKER HWY. AT RUSSELL DR., APPROX. THE 6000 BLOCK OF CORNHUSKER HWY. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80090 WHEREAS, William D. Sapp (Owner) has submitted the Admin. Final Plat of Sapp Brothers 2nd Add. to the Planning Director for approval; &

WHEREAS, the Owner has requested a modification of the Land Subdivision Ordinance to waive street improvements & the installation of the sidewalk requirements pursuant to §26.31.010 of the LMC; &

WHEREAS, the Planning Commission has reviewed said request & has made recommendations thereon; &

WHEREAS, the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of all the subdivision requirements would result in actual difficulties or substantial hardship or injustice.

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

That the following modifications to the subdivision requirements be & the same are hereby approved:

a. The requirement of Sec. 26.27.010 of the Land Subdivision Ordinance requiring that all streets abutting & within a new subdivision shall be paved with curbs & gutters if the street is within the city limits is hereby waived for Cornhusker Highway abutting the Admin. Final Plat of Sapp Brothers 2nd Add.

b. The requirement of Sec. 26.27.020 of the Land Subdivision Ordinance requiring that sidewalks be installed on both sides of all streets within the subdivision & on the side of the streets abutting the subdivision is hereby waived along the southeastern side of Cornhusker Highway abutting Sapp Brothers 2nd Add. provided the Owner agrees not to object to the installation of sidewalks when ordered by the City Council.

BE IT FURTHER RESOLVED that the Admin. Final Plat of Sapp Brothers 2nd Add. shall not be filed for record or recorded in the office of the Register of Deeds of Lancaster County & no lot shall be sold from this Admin. Final Plat unless or until said Owner shall enter into a written agreement with the City which shall provide for the above agreement by Owner with respect to the conditional waiver of the sidewalks herein granted.

All other conditions for approval of the Admin. Final Plat shall remain in full force & effect.

Introduced by Annette McRoy

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

ACCEPTING & APPROVING THE PRE. PLAT OF HIGH POINTE NORTH COMMERCIAL CENTER 1ST ADD. ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & WILDCAT DR. FOR 14 COMMERCIAL LOTS & 1 OUTLOT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

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A-80091 WHEREAS, Roger Anderson & Virgil Eihusen have submitted the Pre. Plat of High Pointe North Commercial Center 1st Add. for acceptance & approval; &

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said Pre. Plat & made recommendations as contained in the letter dated November 18, 1999, which is attached hereto as Exhibit "A".

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

That the Pre. Plat of High Pointe North Commercial Center 1st Add., located at N. 27th St. & Wildcat Dr. as submitted by Roger Anderson & Virgil Eihusen is hereby accepted & approved, subject to the terms & conditions set forth in Exhibit "A", which is attached hereto & made a part of this resolution as though fully set forth verbatim.

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING APPLICATIONS WERE REFERRED TO THE PLANNING DEPT.:

Special Permit 1573A - App. of Emerald Care Co. to operate a domiciliary care facility for elderly residents at 1740 Superior St.

Special Permit 1781A - App. of Lincoln Federal Savings Bank to reduce the rear yard setback on property at 24th & Dodge St.

Special Permit 1834 - App. of Glen & Margaret Manske to operate a garden center in the AG Zoning Dist. on property at 12700 Holdrege St.

Special Permit 1835 - App. of Glen & Margaret Manske to develop a C.U.P. in the AG Zoning Dist. on property at N. 125th & Holdrege Sts.

INFORMAL REQUEST FROM DONALD BROMAN, 3025 N. 63RD, FOR THE CREATION OF A PAVING DISTRICT IN 63RD ST. FROM FREMONT ST. TO PERSHING SCHOOL ON THE SOUTH - CLERK presented said petition which was referred to the Public Works Dept.

PETITION TO VACATE PUBLIC WAY THE WEST 20' OF 18 ST. BETWEEN "Q" & "R" STS. SUBMITTED BY THE UNL BOARD OF REGENTS - CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON MAR. 13, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

A-80097 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 03/17/00)

Introduced by Annette McRoy

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEB. 29, 2000 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80098 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended Feb. 29, 2000, \$311,613.28 was earned from short-term investments of "IDLE FUNDS". The same is hereby

distributed to the various funds on a pro-rata basis using the balance of each fund & allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Annette McRoy

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

REPORTS FROM CITY TREASURER OF TELECOMMS. OCC. TAX DUE FOR THE MONTH OF FEB., 2000 FROM: RSL Com USA, Glyphics Comms., Worldtel Services, Stormtel, GTC Telecom, LDM Systems, NOS Comms., NOSVA Ltd. Partnership, Nextlink Long Distance, UniDial Comms., Comdata Telecomms., Tri-M Comms., Telligent Services, D & D Comms., Incomnet Comms., Inacom Comms., Global Telephone Corp., Sprint Spectrum, Long Distance of Michigan, Equality Inc., Affinity Network, Network Billing Systems, I-Link Comms. fka Family Telecomms., Topp Telecomm., Nextel West Corp., ATS Mobile Telephone, Telco Development Group, Business Telecom, Sprint Comm. Co. Ltd., Network Internat'l, Globalcom Inc., & GST Net, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF TELECOMMS. OCC. TAX DUE FOR THE PERIOD OF FEB. 1997 THRU JAN., 2000 FROM TOPP TELECOMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDERING PAVING DIST. 2616 CONSTRUCTED IN 72ND ST. FROM HAVELOCK AVE. TO MORRILL AVE. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80088 WHEREAS a majority petition has been submitted by the owners of record title of property located within Paving Dist. 2616, being 72nd St., Havelock to Morrill Ave., & said petitions have been approved & accepted by previous action of this City Council;

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

That streets in said district are hereby ordered paved, & the paving material in said paving district is hereby designated as asphaltic concrete or Portland cement concrete; &

BE IT FURTHER RESOLVED that the Dept. of Public Works is hereby authorized & directed to proceed with the preparation of detailed plans & specifications & to obtain bids for the said paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Annette McRoy

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Johnson.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 1 THRU 15, 2000 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80093 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 March 16, 2000, of various new & pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Joyce E. George	\$ 82.65	Sunnee Davison on behalf of	
Dale P. Dunkle	75.00	Heather Davison	\$1,200.00
Rachael Brown	77.00	Randy & Brigit Wemhoff	9,025.00
Monique Renee Falcon	130.00	Sandra Lab	69.00

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Dennis L. Siems	NAS*	Marilyn R. Hill	101.28
		Richard W. Harder	1,775.00

* 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 Annette McRoy

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

OTHER RESOLUTIONS

APP. OF LEE'S, INC. DBA LEE'S RESTAURANT FOR A RETAIL CLASS C LIQUOR LICENSE AT 1940 W. VAN DORN - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80085 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, & the pertinent City ordinances, the City Council recommends that the application of Lee's, Inc. dba Lee's Restaurant for a Class C liquor license at 1940 W. Van Dorn St., Lincoln, Nebraska, for the license period ending Oct. 31, 2000, be approved with the condition that the premise complies in every respect with all city & state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APP. OF JANICE L. WILCOXEN FOR LEE'S, INC. DBA LEE'S RESTAURANT AT 1940 W. VAN DORN - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80086 WHEREAS, Lee's, Inc. dba Lee's Restaurant located at 1940 W. Van Dorn St., Lincoln, Nebraska has been approved for a Retail Class C liquor license, & now requests that Janice L. Wilcoxen be named manager;

WHEREAS, Janice L. Wilcoxen appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that Janice L. Wilcoxen be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APP. OF HOMER RILEY FOR POINT AFTER, INC. DBA POINT AFTER AT 1011 W. DAWES AVE. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80087 WHEREAS, Point After, Inc. dba Point After located at 1011 W. Dawes Ave., Lincoln, Nebraska has been approved for a Retail Class I liquor license, & now requests that Homer Riley be named manager;

WHEREAS, Homer Riley appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that Homer Riley be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor

Control Commission.

Introduced by Cindy Johnson

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

APPOINTING CHARLES VAN ROSSUM TO THE CABLE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2000 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80089 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Charles Van Rossum to the Cable Advisory Board to fill an unexpired term expiring July 1, 2000 is hereby approved.

Introduced by Annette McRoy

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

COMP. PLAN AMENDMENT 94-40 - AMENDING THE LAND USE, PHASING, UTILITY, & ROAD NETWORK PORTIONS OF THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT CHANGES IN LAND USE & IMPROVEMENTS ON PROPERTY IN THE GENERAL VICINITY OF N. 1ST ST. TO N. 56TH ST., NORTH OF INTERSTATE 80 & HWY. 34 TO ARBOR RD. - PRIOR to reading:

CAMP Moved to amend Bill 00R-90 by amending Attachment E to Bill No. 00R-90 in the following manner: Amend that portion at the bottom of page 5 & top of page 6 relating to urban villages & the City's theater policy to read as follows:

"The "Town Center" concept as proposed by HDS also includes the potential for a six screen theater within the Urban Village. At this time, except for the Joyo movie theater in Havelock, there are not any movie theaters north of Downtown Lincoln. Suburban six screen movie theaters are permitted in East Park Plaza, Edgewood & SouthPointe Pavilions. The Comprehensive Plan states on page 62:

"Lincoln's highly successful theater policy must be maintained & reinforced, recognizing Downtown as the entertainment center of the City."

~~The City's theater policy, in general, is to concentrate movie & entertainment uses in Downtown Lincoln. The policy has permitted some theaters to be developed in suburban locations, as long as these new theaters are not detrimental to Downtown Lincoln theaters. A single six screen movie theater complex may be possible in north Lincoln at some time in the future. Movie theaters could enhance the "Town Center" & Urban Village concept of providing for a mix of land uses & add to a pedestrian oriented commercial district. It would also be more consistent with the Comprehensive Plan for a six screen theater in north Lincoln to be within a "Town Center" setting than in a strip commercial development.~~

At this time, the Zoning Ordinance requires at least 400,000 square feet (SF) of commercial space in a center. This proposed Town Center has only 300,000 SF. Thus, applying for a special permit for theaters is not an option at this time. If in the future, a theater is proposed for the Town Center this will require further review. As part of the further review, the applicant will have to address the following:

~~Future development proposals within the Urban Village will have to address the following:~~

- Completion of a Theater Study as required by the design standards for the B-5 district.
- Conformance with the Lincoln Theater's policy & the goals of the Comprehensive Plan.

~~• If the community desires to approve six screen or less movie theaters in the Urban Village, then B-5 zoning is appropriate only if the remainder of the Town Center is oriented to neighborhood services & developed consistent with the Urban Village concept. A six screen theater is not appropriate for a strip commercial development."~~

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

COOK Moved to amend Bill 00R-90 in the following manner: to reinstate the original proposed land use before the Planning Commission changed it

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to designate Urban Residential in the southwest portion, instead of the Industrial, along Interstate 80 (see map on page 15 of the Fact Sheet).

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: Johnson, Shoecraft.

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

A-80092 WHEREAS, the Planning Director has made application to amend the 1994 Lincoln City-Lancaster County Comprehensive Plan to amend the land use, phasing, utility, & road network portions of the Plan to reflect changes in land use & improvements on property generally located at N. 1st St. to N. 56th St., north of Interstate 80 & Hwy. 34 to Arbor Rd.; &

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed changes & has recommended approval of said proposed changes.

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

That the Lincoln City-Lancaster County Comprehensive Plan (1994) be & the same is hereby amended as follows:

1. By amending Figure 16, "Lincoln's Future Land Use Plan," (page 39) & Figure 17, "Lancaster County's Land Use Plan," (page 41) to revise the land uses & future service limit in the area north of Interstate 80 & south of Arbor Rd., between N. 14th & N. 27th Sts. as shown on Attachment "A".
2. By amending the text on page 68 to revise the list of "Employment Centers" as follows:
"The community has identified the following employment center locations:
 - ~~1. North of 27th & Superior, on both sides of 27th St.~~
 1. N. 33rd St. & Folkways Blvd.;
 2. N. 84th St. & Adams;
 3. West side of S. 14th & Pine Lake Rd.;
 4. West side of N. 27th St. between Interstate 80 & Arbor Rd..
3. By amending Figure 27 "Functional St. & Rd. Classifications: Future," (page 93) as follows:
 - a. Change N. 14th St. from Fletcher Ave. to Alvo Rd. from "Rural Major Collector" to Urban/Rural Minor Arterial."
 - b. Add Alvo Rd./Arbor Rd. from 1st to 56th as "Principal Arterial."
 - c. Delete Arbor Rd. from 14th to 27th St. as "Rural Minor Collector."
 - d. Change N. 27th St. from Interstate 80 to Arbor Rd. from "Rural Minor Collector" to "Principal Arterial."
4. By amending Figure 28, Proposed Changes in Functional Classifications," (page 95) as follows:
 - a. Change N. 14th St. from Superior to Alvo/Arbor from "Unclassified to Minor Arterial."
 - b. Change Alvo Road/Arbor Rd. from 1st to 56th from "Unclassified to Principal Arterial."
 - c. Change N. 27th St. from Interstate 80 to Arbor Rd. from "Unclassified to Principal Arterial."

5. By amending Figure 31 "Improvements for future Rd. Network: 1-20 Year Program," (page 99) to add the following street improvements listed below & as shown on Attachment "B", "Rd. Network":
 - a. N. 14th St. from Superior to Alvo/Arbor as Type "(D+) Four Through Lanes, Two Left/One Right Turn Lane, Raised Medians, 120 Ft. ROW."
 - b. Alvo/Arbor from 1st to 56th as Type "(D+) Four Through Lanes, Two Left/One Right Turn Lane, Raised Medians, 120 Ft. ROW."
 - c. N. 27th from Interstate 80 to Arbor Rd. as Type "(D+) Four Through Lanes, Two Left/One Right Turn Lane, Raised Medians, 120 Ft. ROW."
 - d. Interstate 80 in entire Lancaster County as 6 lanes with appropriate symbol.
6. By amending Table 10, "Transportation Projects - Year 2015," (pages 104 & 104(a)) to add the following improvements under Phase II projects, without project numbers or lengths:
 - a. N. 14th St. from Superior to Alvo Rd. as Type "D+."
 - b. Alvo/Arbor from 1st to 56th as Type "D+."
 - c. N. 27th from Interstate 80 to Arbor Rd. as Type "D+."
7. By amending Figure 38, Lincoln Area Current & Future Trails Network, (page 120) to add trails between 14th & N. 27th Sts., north of Interstate 80 as shown on Attachment "C".
8. By amending Figure 44, "Major Future Water System Improvements for the Lincoln Water System," (page 131) to add the following:
 - a. A 24" water main in N. 14th from Fletcher Ave. to Alvo/Arbor Rd.
 - b. A 24" water main in Alvo/Arbor from 14th to 27th Sts.
 - c. A 16" water main in Humphrey at 14th to the east across I-80 to N. 27th.
9. By amending Figure 65, "Lincoln Service Limit & Phasing Plan" (page 197) to change the designation of the property generally west of N. 27th & south of Arbor Rd. to Interstate 80 from Phase IV to Phase III & as inside the future service limit as shown on Attachment "D".
10. By amending the Appendix A, Part 1, "Approved Subarea Plans" to add the following to the list of approved subarea plans.

13. The Comprehensive Plan Amendment 94-40 Study Area Plan -- approved by the City Council Resolution No. A-_____ on _____, 2000."

BE IT FURTHER RESOLVED that the Comprehensive Plan Amendment 94-40 Study Area Plan is attached hereto as Attachment "E" & incorporated herein by reference.

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

Introduced by Annette McRoy

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

COMP. PLAN AMENDMENT 94-48 - AMENDING THE LINCOLN LAND USE PLAN OF THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF 70TH ST., BETWEEN HWY. 2 & PINE LAKE RD. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption.

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

The resolution, having **LOST**, was assigned File #38-4330 & was placed on file in the Office of the City Clerk.

AMENDING ARTICLE I, SECTION 3(A) OF THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM REGULATIONS & STANDARDS RELATED TO HEARINGS ON AIR POLLUTION VIOLATIONS - CLERK read the following resolution, introduced by

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Annette McRoy, who moved its adoption:

A-80094 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Amendment to Article I, Section 3(A) of the Lincoln-Lancaster County Air Pollution Control Program Regulations & Standards implemented by the Lincoln-Lancaster County Health Dept., a copy of which is attached hereto, marked as Attachment "A" & made a part hereof by reference, which Amendment is to clarify that alleged violators may request either an informal or a formal hearing before the Health Director to determine whether a violation of air pollution regulations occurred, is hereby approved.

The City Clerk is directed to return two (2) fully executed copies of said Amendment to Susan Starcher, Lancaster County Clerk's Office, for filing with the County.

Introduced by Annette McRoy

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

REAPPOINTING DENNIS BIGGERSTAFF TO THE HEATING, VENTILATING & COOLING EXAMINERS BOARD FOR A 3-YR. TERM TO EXPIRE APRIL 4, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80095 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Dennis Biggerstaff to the Heating, Ventilating & Cooling Examiners Board for a 3-yr. term expiring April 4, 2003 is hereby approved.

Introduced by Annette McRoy

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

SETTING HEARING DATE OF MON., APRIL 10, 2000 AT 1:30 P.M. ON THE APP. OF 210 N. 7TH ST. LLC DBA DINAPOLI RISTORANTE & VINERA FOR A RETAIL CLASS I LIQUOR LICENSE AT 201 N. 7TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80096 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., April 10, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of 210 N. 7th St. L.L.C. dba DiNapoli Ristorante & Vinera for a Retail Class I Liquor License at 201 N. 7th St.

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

Introduced by Annette McRoy

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

ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3240 - APP. OF VIRGIL EIHUSEN FOR A CHANGE FROM R-3 RESIDENTIAL TO H-3 HWY. COMMERCIAL ON PROPERTY GENERALLY LOCATED AT INTERSTATE 80 WEST OF WHITEHEAD DR. - PRIOR to reading:

SHOECRAFT Moved for Bill 00-62 to have 3rd Reading on this date.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: Fortenberry.

CLERK Read an ordinance, introduced by Cindy Johnson, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

REPEALING SEC. 9.20.090 OF THE LMC RELATING TO DISTURBING THE PEACE BY FOCUSED PICKETING AT RELIGIOUS PREMISES - CLERK read an ordinance, introduced by Cindy Johnson, repealing Sec. 9.20.090 of the LMC relating to disturbing the peace by focused picketing at religious premises, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CHANGE OF ZONE 3167 - APP. OF COLLEGE VIEW 7TH DAY ADVENTIST CHURCH FOR A CHANGE FROM R-4 & R-6 RESIDENTIAL TO B-3 COMMERCIAL ON PROPERTY GENERALLY LOCATED AT S. 49TH ST. & LOWELL AVE.:

SHOECRAFT Moved to remove Bill 99-58 from Pending & to Withdraw It.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4331 & was placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List for 1 week.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on April 3, 2000.

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

ADJOURNMENT

10:18 P.M.

CAMP Moved to adjourn the City Council Meeting of March 27, 2000.

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

So ordered.

Paul A. Malzer, Jr., City Clerk

Teresa J. Meier-Brock, Office Assistant III

