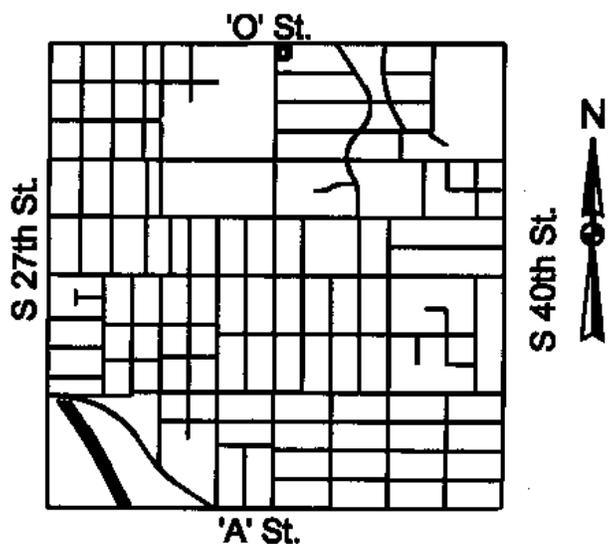
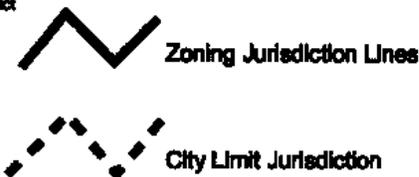


**Special Permit #1953
33rd & 'O' St.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 30 T10N R7E

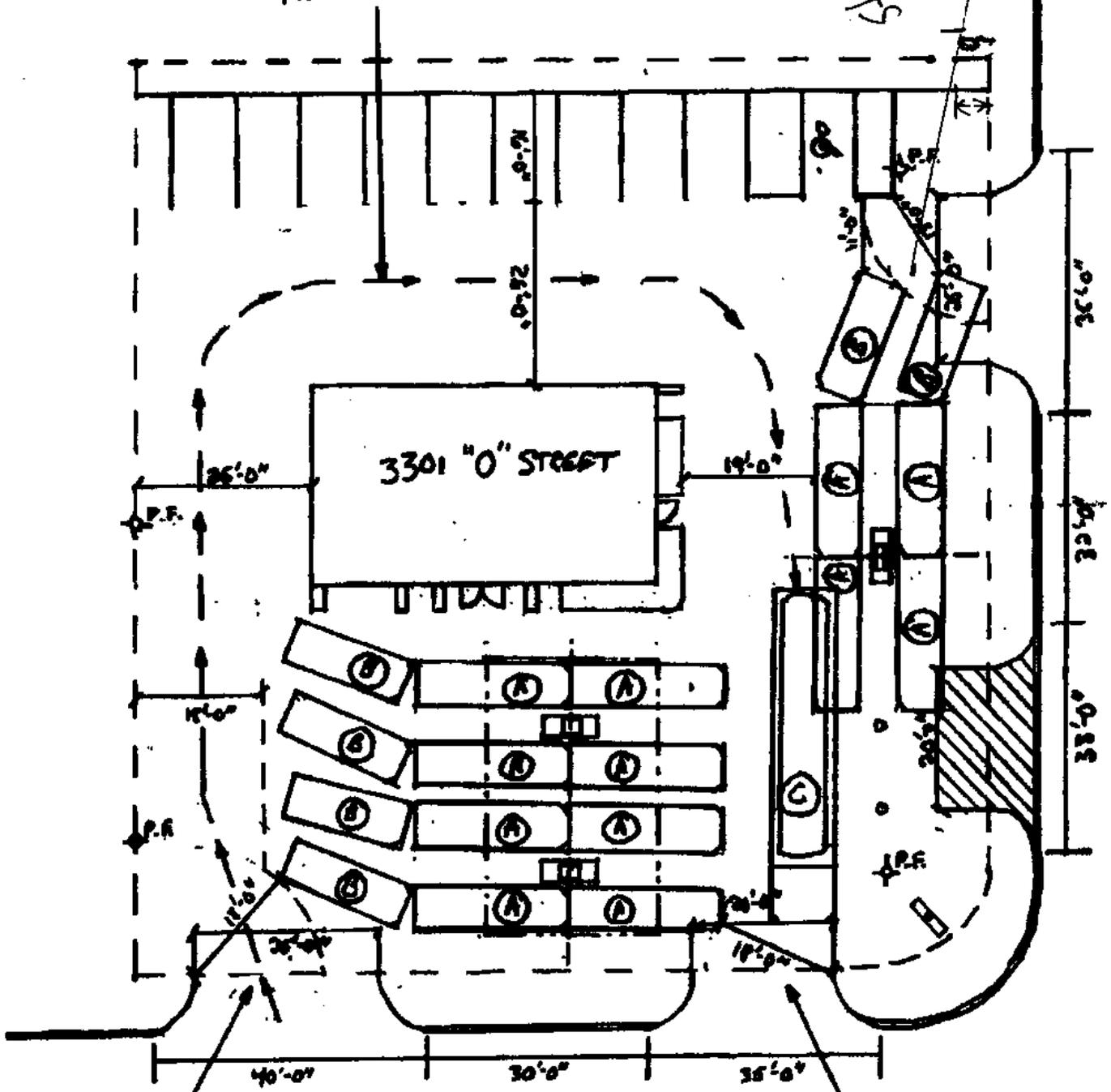


VEHICLE STACKING & TRANSPORT DELIVERY PATH

SCALE 1" = 20'-0"

200-8-1
RMS

TRANSPORT DELIVERY PATH

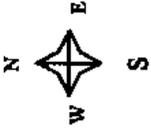


TRANSPORT ENTRANCE

- A. 22'0" L X 66' W VEHICLE
- B. 17'6" L X 66' W VEHICLE
- C. 48'0" L X 90' W TRANSPORT

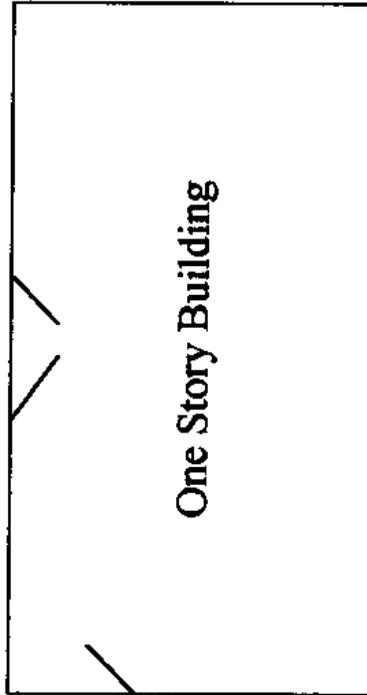
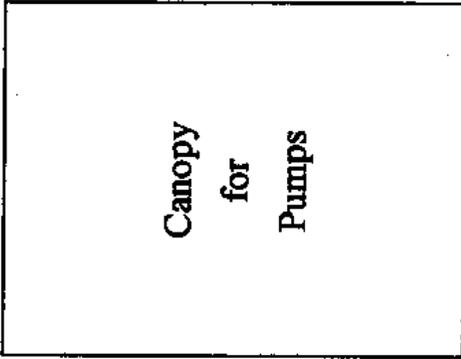
TRANSPORT EXIT

014

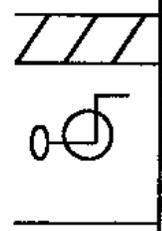


Heritage Express
3301 "O" Street
Lincoln, NE

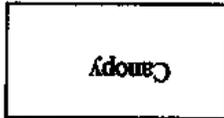
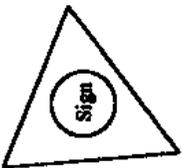
40' 0"
Drive



16' 0"
26' 0"



35' 0"
Drive



35' 0"
Drive

33rd Street

940

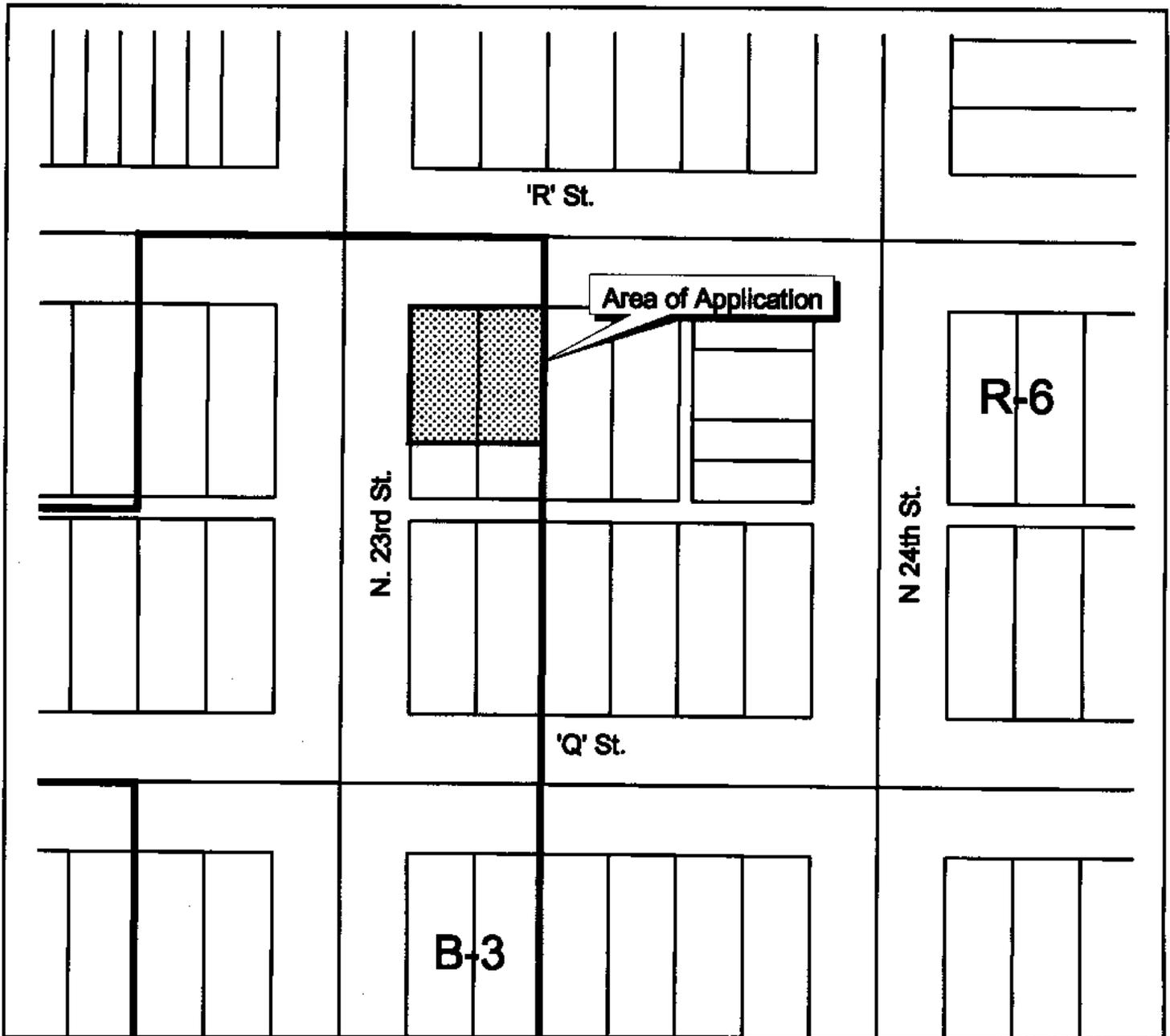
(52 foot Privacy Fence to be installed)





**Special Permit #1924
N. 23rd & 'R' St.**



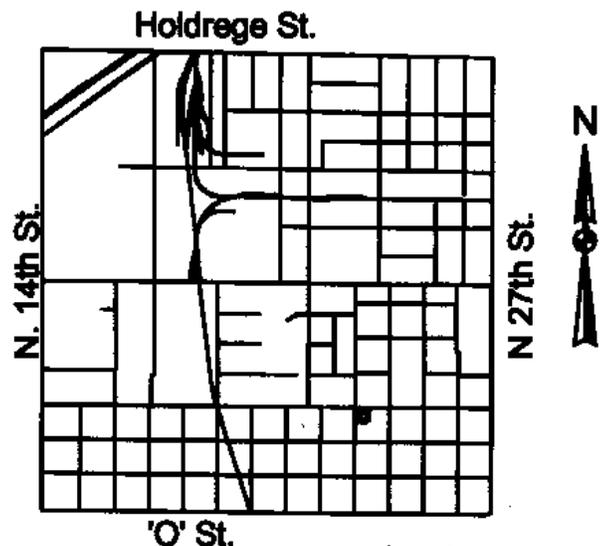
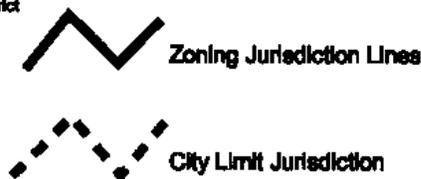


**Special Permit #1924
N. 23rd & 'R' St.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 24 T10N R6E



MEYER ENGINEERING & ARCHITECTURE
 1401 S. 10TH STREET, SUITE 100
 LINCOLN, NEBRASKA 68502
 PHONE: (402) 441-1111
 FAX: (402) 441-1112

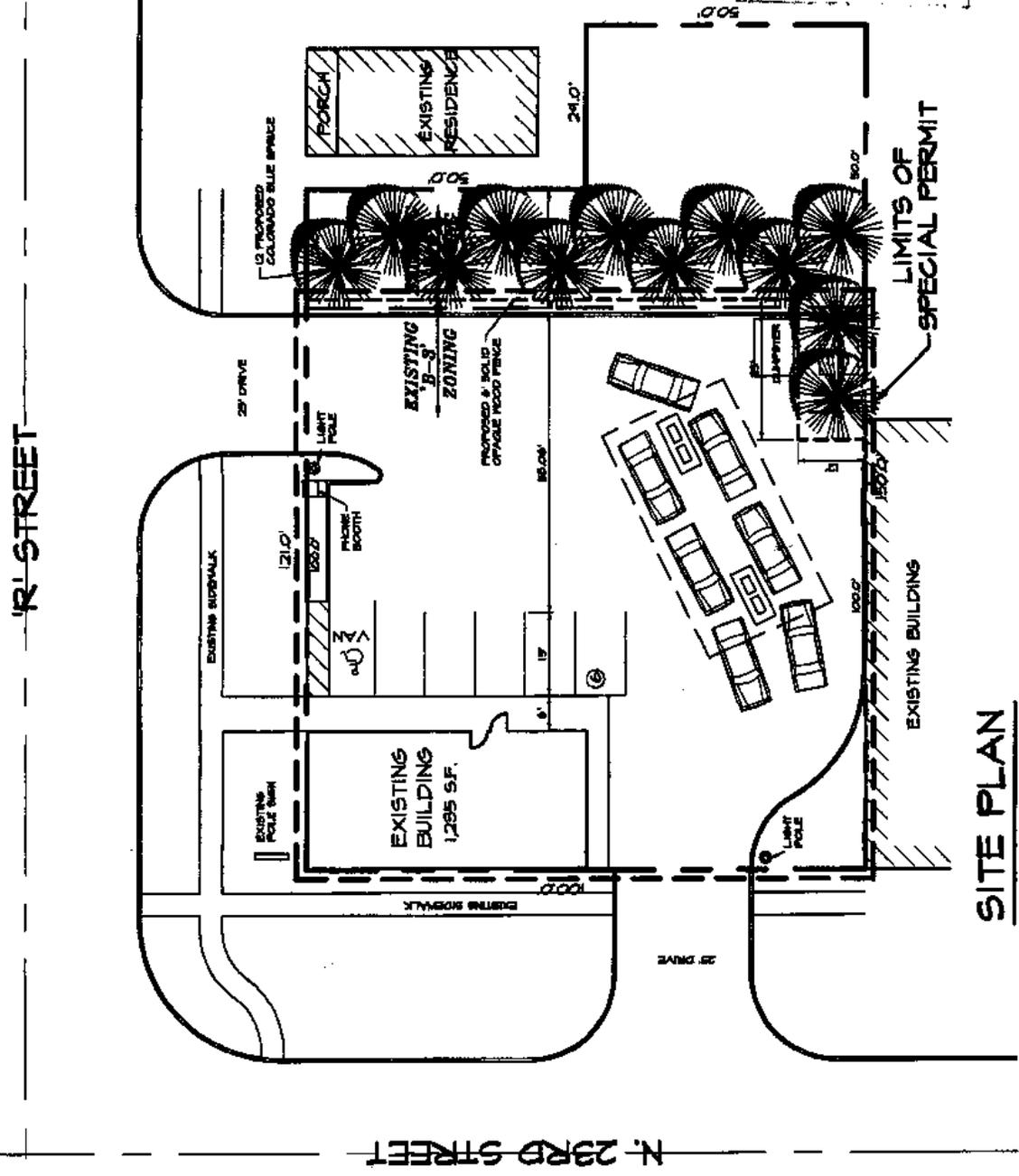
KARRIDLO'S
 200 N. F STREET
 LINCOLN, NE

SITE PLAN
 JULY 12, 2001
 LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT

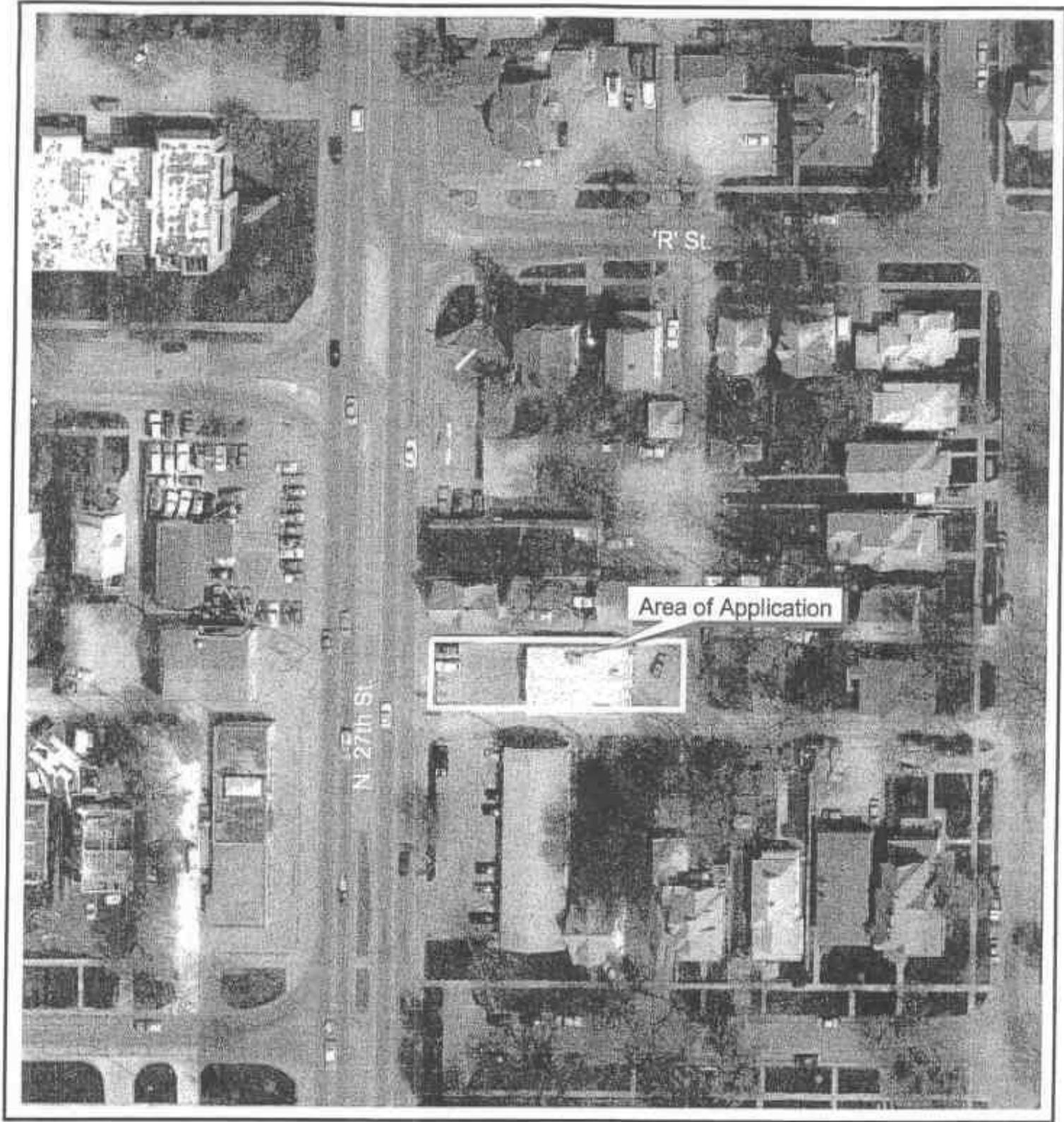
LEGAL DESCRIPTION:
 NORTH 100 FEET OF LOTS 4, 5 & 6, BLOCK 4, MAP 123 BY STREET ADDITION, EXCEPT THE EAST 25 FEET OF THE NORTH 100 FEET OF LOT 4, BLOCK 4, ALL LOCATED IN THE 1/4 OF SECTION 24, T. 10N, R. 04E, OF THE 8TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

LEGAL DESCRIPTION FOR SPECIAL PERMIT:
 NORTH 100 FEET OF LOTS 4 & 6, BLOCK 4, MAP 123 BY STREET ADDITION, LOCATED IN THE 1/4 OF SECTION 24, T. 10N, R. 04E, OF THE 8TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA.

RECEIVED
 JUL 12 2001
 LINCOLN CITY/LANCASTER COUNTY PLANNING DEPARTMENT

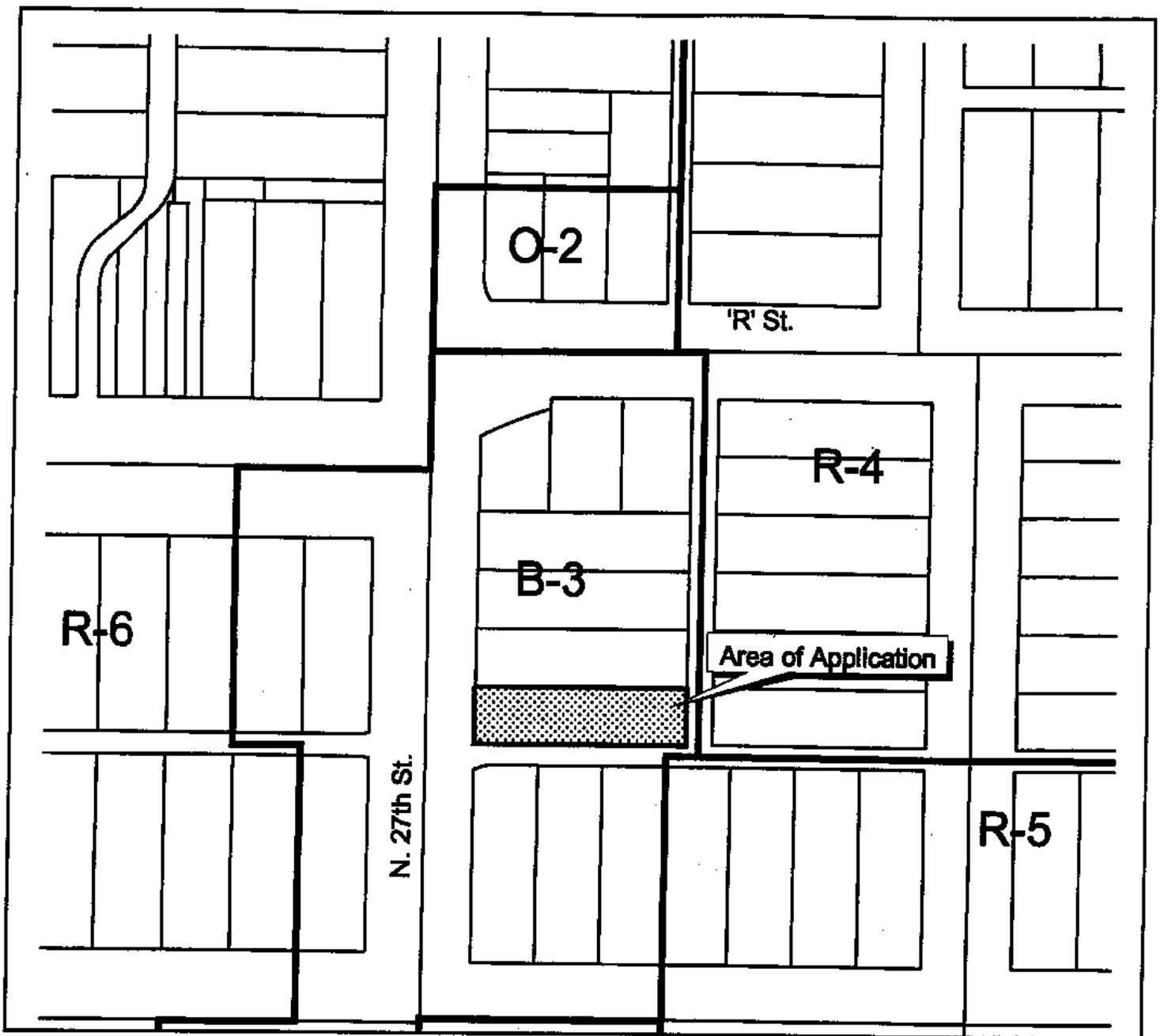


SITE PLAN
 SCALE: 1" = 20'-0"



Special Permit #1918
338 N. 27th St.



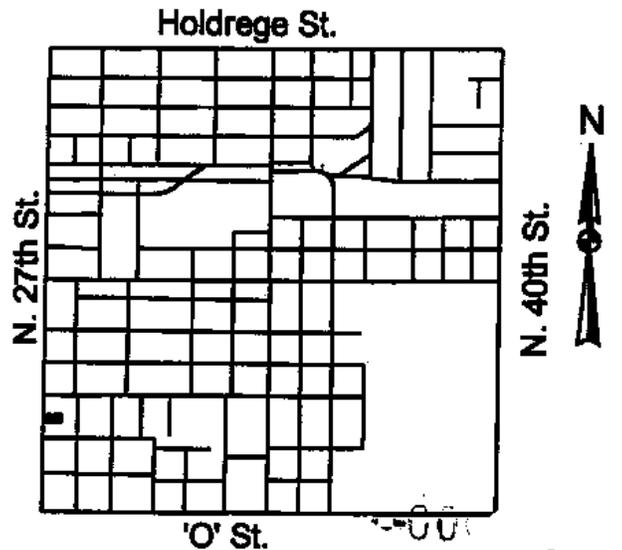
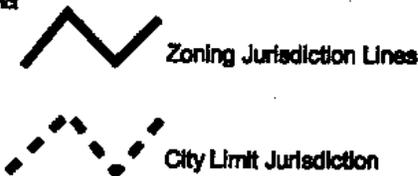


Special Permit #1918
338 N. 27th St.

Zoning:

- | | |
|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
 Sec. 19 T10N R7E



051



erickson.zink@att.net
02/03/2004 08:24 PM

To: jwalker@ci.lincoln.ne.us
cc: Mayor@ci.lincoln.ne.us
Subject: Alcohol Sales Zoning

I am writing as President of the University Place Community Organization (UPCO) to urge your support, as a member of the Planing Commission, of Change of Zone # 04003 (40 K), the removal of zoning language that allows mitigation efforts to waive the 100 foot from residential districts and parks requirement for alcohol sales.

The UPCO Board voted unanimously to support this change at its January 13, 2004 meeting.

There is no shortage of alcohol sales outlets in Lincoln. The 100 foot set back from residential areas is a minimum that should be maintained to protect the quality of life and property values in our residential neighborhoods. Allowing for possible mitigation to waive this 100 foot requirement creates an ambiguity in Lincoln's zoning ordinances that frequently results in unhelpful neighborhood and neighborhood business conflicts.

I urge your support for Change of Zone # 04003 (40 K).

--

Larry K. Zink
President
University Place Community Organization



Richard L Schenaman
<schenaman@juno.co
m>

To: Mayor@ci.lincoln.ne.us
cc: plan@ci.lincoln.ne.us, schenaman@juno.com
Subject: Support

02/04/2004 12:05 PM

Please support the planning commissions ordinance on mitigation for older neighborhoods, I live in the North Bottoms and we need all the protection an ordinance like this provides us.

We have a filling station right now on the corner of 10th and Charleston which sits directly beside a very bad rental. There is no way a person would buy that property to live in because of a service station with all it attracts beside it.

We do not want this to happen again in our Neighborhood.

Thank You
Sincerely
Becky Schenaman
Life long resident



Ed Caudill
<edcaudill@juno.com>
02/04/2004 11:28 AM

To: jwalker@ci.lincoln.ne.us
cc: Mayor@ci.lincoln.ne.us
Subject: alcohol ordinance

Members of the Lincoln/Lancaster County Planning Commission:

Please vote to drop to the mitigation clauses and clarify the alcohol ordinance so everyone knows up front where liquor can and cannot be sold. This will benefit everyone including the liquor retailers.

The North Bottoms Neighborhood would like to avoid additional problems with alcohol and our large population of young residents. We don't want or need alcohol sold in the middle of our neighborhood next to our homes.

Thank You!

Ed

Ed Caudill - President
North Bottoms Neighborhood Association
1223 North 9th Street, Suite 100
Lincoln NE 68508

Phone: 402-475-4950 eFax: 240-331-7544

CHANGE OF ZONE:

3.1 Change of Zone No. 04003(40 K) to amend Sections 27.63.680 and 27.63.685 of the Lincoln

Municipal Code relating to the sale of alcoholic beverages for consumption on the premises and

off the premises as a permitted special use, respectively, to delete City Council waivers of the special

conditions for said uses, to delete the provision allowing for mitigation of adverse effects approved by

the Planning Director when a licensed premises is located 100 feet

or closer to certain listed uses, to

also require a licensed premises to be located no closer than 100

feet from a park, church, or state

mental health institution, to delete the requirement that a licensed premise be located no closer than

100 feet from residential uses in nonresidential districts, and to

delete provisions prohibiting approval

of the special permits by the Planning Commission; and repealing

Sections 27.63.680 and 27.63.685 of

the Lincoln Municipal Code as hitherto existing.

Planning staff recommendation: Approval

Staff Planner: Brian Will, 441-6362

IN SUPPORT

ITEM NO. 3.1: CHANGE OF ZONE NO. 04003
(p.87 - Public Hearing - 2/04/04)



Peggy Struwe
<pstruwe@uninotes01.
unl.edu>

02/04/2004 10:17 AM

To: mayor@ci.lincoln.ne.us, jwalker@ci.lincoln.ne.us
cc: cklelty@neb.rr.com, CKlelty@ci.lincoln.ne.us, timdfrancis@aol.com,
astone59@earthlink.net, astone@lps.org
Subject: 3.1 Change of Zone No. 04003(40 K) to amend Sections 27.63.680 and
27.63.685 of the Lincoln

Mayor and Planning Commission members,

We support the changes to the ordinance.

It will help neighborhoods because we know that what is already there will be there.

It will help business, because they will know for sure where they can obtain a liquor license. No question about where the business can be opened.

Peggy Struwe
President, Hawley Area Neighborhood Association



"Nash, Kelly"
<KNash@cmc-scrap.com>

02/04/2004 10:14 AM

To: "plan@ci.lincoln.ne.us" <plan@ci.lincoln.ne.us>,
"Mayor@ci.lincoln.ne.us" <Mayor@ci.lincoln.ne.us>,
"jwalker@ci.lincoln.ne.us" <jwalker@ci.lincoln.ne.us>

cc:

Subject: We Support Change of Zone No. 04003(40 K)

To: Planning Commission
Mayor ColeenSeng
RE: Support for Change of Zone No. 04003(40 K)

We are the owners of four residential properties on the 700 Block of Y Street, in the North Bottoms Neighborhood. This neighborhood has been plagued by alcohol-related problems for many years. It's very important to us that this revision - which will close a loophole allowing some sellers of alcoholic beverages to operate within 100 feet of residences, parks or churches - be passed.

This is a critical quality-of-life issue for the North Bottoms Neighborhood.

Thank you for your consideration,

Kelly Nash
Karen Blessen
705 Y St.
Lincoln, NE 68508

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This footnote also confirms that this email message has been swept by MIMESweeper for the presence of computer viruses.

www.mimesweeper.com



Jean L Walker
02/04/2004 08:13 AM

To: "Karin Kotschwar" <kkotschwar@neb.rr.com>
cc: "Jeannette Fangmeyer" <jako@inebraska.com>, "Jeff Schwebke" <jeff_schwebke@duncanaviation.com>, "Jeff & Lavon Schwebke" <jlschwebke@navix.net>, "Karen Griffin" <kgriffin1@unl.edu>, Mayor@ci.lincoln.ne.us, "Terry Schwimmer" <schwimbo@earthlink.com>, (bcc: Jean L Walker/Notes)
Subject: Re: Alcohol Sales Ordinance

Thank you for submitting your comments on Change of Zone No. 04003, which have now become part of the record and which will be submitted to the Planning Commission members at the public hearing today, February 4th, which begins at 1:00 p.m.

--Jean Walker, Administrative Officer
City-County Planning Department
441-6365
"Karin Kotschwar" <kkotschwar@neb.rr.com>



"Karin Kotschwar"
<kkotschwar@neb.rr.com>
02/03/2004 10:24 PM

To: <Mayor@ci.lincoln.ne.us>, <jwalker@ci.lincoln.ne.us>
cc: "Terry Schwimmer" <schwimbo@earthlink.com>, "Karen Griffin" <kgriffin1@unl.edu>, "Jeff Schwebke" <jeff_schwebke@duncanaviation.com>, "Jeff & Lavon Schwebke" <jlschwebke@navix.net>, "Jeannette Fangmeyer" <jako@inebraska.com>
Subject: Alcohol Sales Ordinance

The Arnold Heights Neighborhood Association today, February 3, 2004, at our regular February meeting, voted to support the proposed Alcohol sales ordinance change which eliminates mitigation.

Thank you for your consideration and support of this ordinance change.

Karen Griffin-Sieber, President
Jeannette Fangmeyer, Vice President
Jeff Schwebke, Editor
Terry Schwimmer, Treasurer
Karin Kotschwar, Secretary



"George Sweeney"
<gsweeney@neb.rr.co
m>

To: <jwalker@ci.lincoln.ne.us>
cc:
Subject: Alcohol sales in the North Bottoms....

02/04/2004 12:40 PM

Members of the Lincoln/Lancaster County Planning Commission:

Please vote to drop to the mitigation clauses and clarify the alcohol ordinance so everyone knows up front where liquor can and cannot be sold. This will benefit everyone including the liquor retailers.

The North Bottoms Neighborhood would like to avoid additional problems with alcohol and our large population of young residents. We don't want or need alcohol sold in the middle of our neighborhood next to our homes.

George J. Sweeney, D.D.S., Lincoln



"Dennis Mathias"
<dennis@mathiaslink.com>

To: <Mayor@ci.lincoln.ne.us>, <JWalker@ci.lincoln.ne.us>
cc:
Subject: Liquor Ordinance

02/05/2004 09:23 AM
Please respond to
"Dennis Mathias"

I am a permanent resident of the Hawley Neighborhood and live at 545 North 26th Street. Often our area comes under reconsideration of zoning and just as often I respond despite the fact we seem to cover the same territory.

I am writing in **support of the liquor ordinance** now before the planning commission. I **strongly urge adoption** of the ordinance and think it is good for our neighborhood. Obviously even one exception would be detrimental to the growing residential nature of our area.

Dennis Mathias 545 North 26th St.
Lincoln, NE 68503

IN SUPPORT

ITEM NO. 4.2: CHANGE OF ZONE NO. 04003
(p.75 - Cont'd Public Hearing - 2/18/04)



Richard L Schenaman
<schenaman@juno.com>
>

02/06/2004 03:38 PM

To: Mayor@ci.lincoln.us, plan@ci.lincoln.ne.us
cc: schenaman@juno.com, edcaudill@juno.com, KBlessen@aol.com,
aburbach@les.com, amcroy@alltel.net
Subject: Support

As a life long North Bottoms resident I would like to ask that you support an ordinance that would not allow liquor to be sold in service stations within 100 feet of a residence.

I think their are already to many off sale places. Neighborhoods do not need this added stress .

We right now have a filling station which sits on 10th and Charleston, It sits just a few feet from a very run down rental home. This home will never be upgraded as who wants to live right on top of a filling station with all its traffic. How this got built I do not know. But I do not want to see another one just like it in our area.

Please consider older neighborhoods and our on going problems of blight and decay. We need your support and consideration in making our neighborhood a desirable place to want to live. Liquor brings the wrong message and it is not beneficial to anyone except the licensee owner.

Thank you
Sincerely
Becky Schenaman North Bottoms

IN SUPPORT

ITEM NO. 4.2: CHANGE OF ZONE NO. 04003
(p.75 - Cont'd Public Hearing - 2/18/04)



cdumas@lps.org

02/06/2004 04:01 PM

To: Mayor@ci.lincoln.ne.us, JWalker@ci.lincoln.ne.us
cc:

Subject: Liquor ordinance: 100 feet please!!

I just wanted to quickly let you know that I fully support the stance on liquor sales and the 100 feet requirement!! My family lives at 2528 "R" St, and we have seen a dramatic improvement in the neighbourhood just in the last year after Kabredlo's on 27th street closed down. Though alcohol can still be purchased in other venues, the number of intoxicated people walking around our neighbourhood (and surely driving around!) has dramatically decreased!

Please hold to the stance of 100 feet! My family, including two young children, truly appreciate it!

Warmest regards,

Chad Dumas
Vocal Music Director
Mickle Middle School

"Let each morn.be better than its eve and each morrow richer than its yesterday."



"Gudrun"
<gw60904@alltel.net>
02/18/2004 07:52 PM

To: <plan@ci.lincoln.ne.us>
cc:
Subject: no liquor licenses, please!!

Just received from our North Bottoms Neighborhood Association coordinator:

"The Planning Commission vote on the liquor ordinance revision to take away the mitigation clause was tied 4 to 4. This keeps the issue open and moves it on to the next Planning meeting Feb 18th.

Liquor retailers, mainly convenience stores and grocery stores along with their lawyers showed up to fight the removal of the mitigation change. They even went further and tried to make the 100 foot measurement from the entrance of the liquor establishment. The current law is 100 foot from the perimeter of the walls of the liquor establishment to a residential property. Review of previous applications show that almost 100% would have been approved with this NEW standard being proposed by the retailers."

Good Heavens! That's all we need in this neighborhood, easier-to-get liquor within walking distance. I believe we've already had some shootings on Charleston street in the not too distant past, where the perpetrators were heavily under liquor, and about two years ago another guy living in the area bashed my neighbor's front storm door in under the influence, ranting and raving something unintelligible. Not to mention the Claremont park apartments right down the street from me that appear to be a haven for liquored-up parties. We don't have to make it any easier!! Please, keep the liquor-strip-malls out of the North Bottoms! Thank you.

Gudrun Walker
914 Claremont Street
Lincoln
402-474-1328



"Greg McCown"
<gmccown@neb.rr.com>
m>

To: <plan@ci.lincoln.ne.us>
cc: <mayor@ci.lincoln.ne.us>
Subject: 100' liquor law

02/16/2004 12:15 PM

Dear Planning Commissioners,

My name is Greg McCown, a concerned citizen, and president of the Near South Neighborhood Association. I'm writing to voice my opinion regarding Change of Zone No. 04003 and the 100' liquor buffer zone for residential areas.

With this ordinance as it currently reads, it has been difficult for residential neighborhoods to keep a clear separation between what is residential and commercial/business use. The problem is only compounded when the issue of liquor sales is introduced.

Allowing the effects of liquor sales to be "mitigated" or somehow lessened is seen by many as an attempt at placating the neighborhood and is an affront to those property owners who live and raise families adjacent to these areas. Not only should the 100' rule stand (measured from the perimeter of the building), but any mention to "mitigate" the effect on area residents should be stricken.

One of Lincoln's strengths is its great historic neighborhoods. But keeping those core neighborhoods from slipping into a high rent, low pride of ownership areas is a difficult task, especially when they are compromised by inappropriate commercial use. The Planning Commission has the ability to make a positive influence on our neighborhoods. I feel the more liquor allowed to be sold in neighborhoods, the less you will see families taking a chance in these historic areas. The opposite is also true, with tighter restrictions on liquor sales, the more you will see these older neighborhoods revitalized with families as well as higher quality investments.

I encourage you to eliminate the mitigation verbiage from the current law as it reads. It's important to the residents who continually strive to make the core neighborhoods of Lincoln a safe and beautiful place to live and raise a family.

Thank you for your time and consideration in this matter,

Greg McCown
President Near South Neighborhood Association



VKWFeline@aol.com

02/16/2004 06:34 PM

To: plan@ci.lincoln.ne.us
cc: lna-l@lincolnneighborhoods.org
Subject: Liquor licenses

Dear Planning Commissioners: I am writing IN SUPPORT of the proposed *removal of the mitigation clause*. It is a false premise to allow "mitigation", as shown by the still absent fence section at 48th & Randolph. The proliferation of liquor selling establishments is not in the best interests of the nearby residents, or the quality of life we all deserve.

The 100' measurement should not be tinkered with. Although I would prefer that it be 500', I doubt that would fly - so the maximum distance from residential by 100' is what I will support.

Businesses should not be given free rein to make money at the expense of residential areas. Liquor sales brings undesirable behavior. It is interesting to note that the owners & their lawyers who are so eager to be "competitive" no matter what, do not have convenience stores, much less ones selling liquor, in their neighborhoods.

Please do not allow the mechanism for manipulative, disengenuous mitigation to remain. Cancel the mitigation because it is a false promise of neighborhood benefit. Keep the 100' measured from the exterior of the building nearest the residential use. Neighborhoods are asking for effective ways to support the functions of residences, while sharing space with businesses. If it cannot be done effectively this way, I would support a government store system as the only places to buy liquor which would also help with the needed revenue for serving the public interests.

Virginia K. Wright
814 Lyncrest Drive
Lincoln, NE 68510-4022

402-489-6239
402-730-1951 (cell)



"Jennifer and Matt
Brinkman"

<brinkman_mj@attel.n
et>

To: <plan@ci.lincoln.ne.us>

cc: <mayor@ci.lincoln.ne.us>

Subject: Support for Change of Zone # 04003

02/16/2004 10:26 PM

Dear Members of the Planning Commission:

On behalf of the East Campus Community Organization Board of Directors, I am writing to express our support for Change of Zone # 04003, which would eliminate mitigation as a possibility for property owners wishing to sell alcohol within 100 feet of residential zones. The Board voted unanimously to support this concept at our February 12, 2004 meeting.

The lack of clear standards for mitigation create an unnecessary problem for the city as they attempt to protect neighborhoods from the problems associated with the sale of alcohol in residential areas. Frankly, there is no shortage of alcohol sales outlets in Lincoln. In addition, the Board would be greatly concerned by any change in the way the 100 feet buffer is measured.

I urge your support for Change of Zone 04003. Thank you for your consideration.

Sincerely,

Jennifer J. Brinkman
President

p.s. Please forward a copy of this letter to all members of the Planning Commission. Thank you.



Duane E Thoene
<dethoene@juno.com>

02/18/2004 08:26 PM

To: plan@ci.lincoln.ne.us
cc:
Subject:

Planning commission members,

We do not want to see a change in the way distance from a liquor establishment to a residence is measured. In fact I think 100 feet from the perimeter of the building is to close.

Duane & Deb Thoene

The best thing to hit the Internet in years - Juno SpeedBand!
Surf the Web up to FIVE TIMES FASTER!
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Clark E deVries
<cdevries@unlnotes.u
nl.edu>

To: pian@cl.lncoln.ne.us
cc:
Subject: liquor easements

02/16/2004 11:21 AM

Please do not vote for the liquor stores in certain parts of our residential areas!
We need to keep the 100 feet to the building perimeter and not weaken this requirement,
a 100 foot buffer is reasonable for convenience stores selling liquor right next to residential areas

Clark deVries
1844 Washington



"Christy Aggens"
<christyaggens@hotmail.com>

To: plan@ci.lincoln.ne.us
cc:
Subject: Liquor Sales

02/16/2004 11:35 AM

Dear Planning Commission Members,

The quality of life in my neighborhood is directly and negatively impacted by the sale of liquor at inappropriate locations. It is clear that so called mitigation of these liquor sales has had little if any effect on the increased loitering, litter, traffic, and crime that followed in the footsteps of these liquor vendors. I urge you to eliminate the mitigation clause in the law that permits the sale of liquor within 100 feet of a residential building. Please support the Mayor's proposed amendments to the liquor sales ordinance. Stop a bad situation from getting worse.

Respectfully,

Christy Aggens
1501 A Street

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"Mercier, John"
<John.Mercier@LMBerry.com>

To: "plan@ci.lincoln.ne.us" <plan@ci.lincoln.ne.us>
cc: "mayor@ci.lincoln.ne.us" <mayor@ci.lincoln.ne.us>
Subject: Convenience Store Alcohol Sales

02/16/2004 11:56 AM

I understand changes are being considered so that convenience stores that are currently unable to sell alcohol would now have the opportunity. I live in the Near South Neighborhood. We have relatively few business establishments. Though this is true, alcohol is readily available at grocery stores and nearby liquor stores. The problems associated with alcohol sales, i.e., drinking and driving, loitering, public drunkenness, and littering, would only be increased through such changes.

Let me venture a guess that few if any residents are requesting this change. Please weigh this fact when determining your vote. Obviously, the people of Lincoln didn't bring this forward because alcohol is available already.

Convenience store owners want to make more money. These same owners knew the laws limited alcohol sales. Don't cave in to arguments of fair competition in Lincoln.

Please put the residents and neighborhoods of Lincoln first, and keep the ordinance as it stands.

Thank you for your consideration.

John Mercier
1930 B St

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"Dennis Mathias"
<dennis@mathiaslink.com>

To: <plan@ci.lincoln.ne.us>
cc:
Subject: Liquor ordinance

02/17/2004 12:57 PM
Please respond to
"Dennis Mathias"

Why do we have to revisit the liquor ordinance and the relationship of liquor stores in close proximity to residences regularly? The current law is 100 feet from the perimeter of the walls of the liquor establishment to a residential property. Please don't tamper with the wording or interpretation of this ordinance.

As a citizen of Lincoln and resident that would be impacted by this ordinance, I respectfully urge you to maintain the ordinance as written.

Neighborhoods need as much protection as they can get from the proliferation of convenience stores selling liquor in residential areas.

Also, please be aware that many citizens who DO NOT write you are very likely against nearby liquor sales. Survey if you must but please do NOT assume they are in favor because they do not respond.

I hereby give my permission to read this mail into the public record should you feel it necessary to do so.

Dennis & Carol Mathias
545 North 26th St
Lincoln, NE



JerryLakepoint@aol.co
m
02/17/2004 04:42 AM

To: plan@ci.lincoln.ne.us
cc: mayor@ci.lincoln.ne.us
Subject: Comments on Change of Zone No. 04003 Text amendment - Title 27

February 16, 2004

Dear Planning Commissioners:

It is my understanding that at the last Planning Commission meeting, the body was unable to modify an ordinance relating to special permits for liquor licenses (Change of Zone No. 04003 Text amendment - Title 27 - Liquor special permit ordinance).

Failure to remove eliminate all mitigation allowances from the ordinance is indeed unfortunate. One of the guiding principles of prudent planning is certainty. Allowing exceptions -- and then seemingly using changing guidelines when allowing exceptions, is the worst of all worlds. There is no certainty in that situation, either for residents or commercial interests. The unevenness in applying the "exception" rule was readily illustrated in the approval of special permits at 48th and Randolph and near 48th and Highway 2 and the denial of a permit at 40th and Van Dorn.

As a long-time Lincoln native, I can remember when the predominant wishes of neighborhoods such as Union College and University Place were respected by the governing bodies, and liquor licenses were not permitted. Maybe it's time again to defer to those most affected, and put certain areas or neighborhoods permanently offlimits for certain types of commercial activity. From this Linconite's perspective, the Mayor was right on target in this area: remove all mitigating allowances. Either the property meets the standards, or it doesn't. Simple and straightforward.

While I sincerely hope the Planning Commission removes any mitigating allowances for liquor licenses, if that is not doable, then at least consider giving additional weight to the neighborhoods where off sale liquor is not wanted.

Sincerely,

Jerry Loos



"Denise Kjar"
<dkjar@inetnebr.com>
02/17/2004 04:29 PM
Please respond to dkjar

To: Plan@ci.lincoln.ne.us
cc:
Subject: liquor license

February 17, 2004

Dear Planning Commission

Please keep the 100' buffer zone for establishments wishing to sell beer/liquor. Eliminating the mitigation plan will help to protect older, established neighborhoods such as the Heart of Lincoln areas. No one wants beer/liquor sales next door. Heart of Lincoln areas are primarily walkable neighborhoods and the beer/liquor cans and bottles become quite a problem for our areas.

Denise Kjar
2121 F Street
Lincoln, NE 68510
477-7051



PKPRATER@aol.com

02/17/2004 11:29 PM

To: plan@ci.lincoln.ne.us
cc: mayor@ci.lincoln.ne.us
Subject: Liquor Ordinance Revision

Members of the City Planning Commission:

I understand that an agenda item for the Commission at the February 18, 2004, meeting will be a vote on a liquor ordinance revision relative to the manner in which the 100 foot measurement from a liquor establishment is presently applied. Specifically, you are poised to consider a mitigation clause which would potentially measure the 100 feet from the entrance of the establishment! Good Grief. Please don't.

Consider the vulnerability of the neighborhoods, particularly Lincoln's older residential areas, where buffer space is at a premium. Consider the families and particularly the children who reside next door/close to these establishments - and the mixed message that the city of Lincoln is sending them. Liquor is available 24/7 all over this city - from dedicated liquor retailers to grocery stores to some drug stores (now there's an interesting juxtaposition of retail merchandising - alcohol being sold in a "drug" store). Our time is spent expanding the availability of liquor while our dollars are spent combating its effects. But I digress.

Please eliminate the mitigation clause and retain the 100 foot measurement as stated in the current ordinance - measure from the perimeter of the walls of the establishment to a residential property. Thank you for your thoughtful consideration in the best interest of the neighborhoods and the city.

Sincerely,
Pamela K. Prater
1716 SW 16th Street
Lincoln, NE 68522



Ed Caudill
<edcaudill@juno.com>
02/18/2004 10:53 AM

To: plan@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us
cc:
Subject: Liquor Sales Near Residences

Planning Commission Members:

Please give consideration to the ordinary citizens and home owners of this community. Protect their neighborhoods and property from the encroachment of gas/convenience stores and other businesses who want to sell liquor next to their homes. Do the business community a favor by making the application process less complicated.

Get rid of the mitigation clause as the mayor has requested.

Keep the 100 foot measurement as it is. Don't change the measurement to from the entrance.

Grandfather established liquor outlets as a last resort if it will allow the above for all future applicants.

Thanks for your consideration!

Ed Caudill

Ed Caudill - President
North Bottoms Neighborhood Association
1223 North 9th Street, Suite 100
Lincoln NE 68508

Phone: 402-475-4950 eFax: 240-331-7544 email: edcaudill@juno.com



Peggy Struwe
<patruwe@unlnotes01.
unl.edu>

To: plan@ci.lincoln.ne.us, mayor@ci.lincoln.ne.us
cc:
Subject: Liquor Sales Near Residences

02/18/2004 03:05 PM

Planning Commission Members:

Please listen to us, ordinary citizens and home owners in the Malone neighborhood and Hawley Historic District.

Please protect our neighborhoods and property from the encroachment of gas/convenience stores and other businesses who want to sell liquor next to our homes.

Do the business community a favor by making the application process less complicated and fair for everyone.

Also, please get rid of the mitigation clause as the mayor has requested.

Keep the 100 foot measurement as it is. Don't change the measurement from the building wall to from the entrance.

Also, please grandfather the established liquor outlets as those business decisions have already been made.

Thank You

John and Peggy Struwe
530 North 25th Street
Lincoln, NE 68503
Phone: 402-475-612



"Tadd Delozier"
<jodi007@msn.com>
01/25/2004 03:19 PM

To: <plan@ci.lincoln.ne.us>
cc:
Subject: Change of Zone #04003

<?xml:namespace prefix="v" /><?xml:namespace prefix="o" />

I would like to express my opposition to the proposal relating to the sale of alcoholic beverages for consumption on the premises of a golf course-specifically, if such course is publicly owned. I do not think it necessary that drinking be allowed when alcoholic beverages are prohibited in public parks. There appears to be an inconsistency here. Second, golf can be a dangerous game at times and allowing individuals the opportunity to become intoxicated, could increase the danger to others. Third, many adolescents are fans of golf and visit the courses often. Exposing them to the profanity of other golfers who may have had too much to drink, is unnecessary. If one wants to drink, one can do so after the golf game. I urge the Planning Commission to not support the sale alcoholic beverages on public golf courses. If this zoning change is being used to increase the income at courses, I suggest we close a course or two instead.

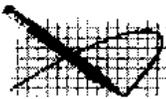
Jodi Delozier
Lincoln

Marvin S Krout
02/02/2004 08:17 AM

To: jwalker@ci.lincoln.ne.us, bwill@ci.lincoln.ne.us, rhill@ci.lincoln.ne.us
cc:
Subject: Allowing Alcoholic Beverages on City Golf Courses

Marvin S. Krout, Director
Lincoln-Lancaster County Planning Department
tel 402.441.6366/fax 402.441.6377

----- Forwarded by Marvin S Krout/Notes on 02/02/2004 08:19 AM -----



Lynn Johnson
01/31/2004 04:41 PM

To: jodi007@msn.com
cc: Marvin S Krout/Notes
Subject: Allowing Alcoholic Beverages on City Golf Courses

Dear Ms. Delozier:

Marvin Krout, Planning Director, provided me with a copy of your e-mail message regarding allowing alcoholic beverages to be sold on City golf courses. The purpose of this correspondence is to respond to your message.

The City Council approved an amendment to the Lincoln Municipal Code allowing alcoholic beverages to be sold on the four 18-hole City operated golf courses in November, 2003. Previously, sale of alcoholic beverages had been limited to the clubhouses and during six special events at each of the four courses each year. The Ager Junior Golf Course remains exempt from these allowances.

The Parks and Recreation Advisory Board discussed the amendment allowing alcoholic beverages to be sold on the four 18-hole public golf courses during open public meetings, and ultimately voted to recommend approval of the code amendment to the City Council. We also worked closely with the Lincoln City Police Department. Police Chief Tom Casady wrote a letter to the City Council endorsing the code amendment.

Public golf courses are distinguished from public parks. Public access to public golf courses is limited to those paying a fee for use of the facilities. Park areas are open to the public during regular operating hours, generally 5:00 a.m. to 11:00 p.m. daily.

The impetus to seek a code amendment allowing alcoholic beverages to be sold on the four 18-hole City golf courses was financial. The City Golf program is a self-supporting entity. Fees collected at the golf courses support the golf program. It is important that the golf program remain financially viable to prohibit the program from becoming a drain on the general revenue tax supported City operating budget. The City golf courses have been experiencing a decline in use. We believe that this is due to a number of factors including an oversupply of golf holes in and around Lincoln, and the availability of alcoholic beverages on privately operated courses. We hope that allowing golfers to purchase alcoholic beverages on the City courses will increase the number of tournaments and leagues. In fact, this seems to be the case as several new leagues have signed up to play on the City golf courses in 2004. (It is important to note that the City does not receive revenue from sale of alcoholic beverages. The golf professionals working under contract with the City hold liquor licenses and derive the revenue from sale of alcoholic beverages in conjunction with operating the clubhouses.)

Closing one or more of the City operated golf courses would not relieve the City from the expense of maintaining the property. Three of the four golf courses are subject to legal provisions that restrict sale of the property. We believe that the best strategy is to aggressively manage and market the City golf program to retain and expand revenue thereby providing ongoing financial support for operation of the courses.

We share your concern regarding responsible consumption of alcoholic beverages. Our experience with operation of the City golf course clubhouses, and the Police Department's experience with privately

operated courses indicates little over-consumption and intoxication at golf courses. It will continue to be the golf professionals' responsibility to monitor and limit consumption of alcoholic beverages, as needed. In addition, alcoholic beverages will not be sold on the courses during youth events such as high school tournaments. Also, as noted earlier, alcoholic beverages are not available for sale at the Ager Junior Golf Course.

I hope that I have answered some questions and responded to some of your concerns regarding sale of alcoholic beverages on the four 18-hole City operated golf courses. I would be happy to discuss the City golf program with you. Please phone me at 441-8265 if I can be of further assistance.

Sincerely,
Lynn Johnson, Director
Parks and Recreation Department
2740 'A' Street
Lincoln, NE 68502
402/441-8265



"robert frerichs"
<ca01151@alltel.net>
02/03/2004 02:31 PM

To: <plan@cl.lincoln.ne.us>
cc:
Subject: change of zone No. 04003

Planning Dept. regarding change of wording

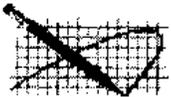
clear guidelines are a good thing...simple and direct however a golf course is a park to the greater public... why make exceptions for public courses? seems self-serving for the city
ROBERT FRERICHS



Jean L Walker
02/04/2004 08:10 AM

To: jclc@navix.net, euwc@aol.com, Lynn@DuTeau.com,
mpearson@pearsonarchitects.biz, glims@radiks.net, Jean L
Walker/Notes@Notes, gdkrieser@yahoo.com,
mbills@woodsbro.com, roger.larson@wellsfargo.com,
dmarvin@neb.rr.com
cc: Brian J Will/Notes@Notes, Ray F Hill/Notes@Notes
Subject: Message regarding Change of Zone No. 04003

RE: Change of Zone No. 04003 - Public Hearing 2/04/04



Lynn Johnson
02/03/2004 05:14 PM

To: ca01141@alltel.net
cc: Marvin S Krout/Notes
Subject: Message regarding Change of Zone No. 04003

Dear Mr. Frerichs:

Planning Department staff shared your message regarding public golf courses with me. The purpose of this message is to provide information regarding the City golf program.

The City golf program is a self-supporting entity. Operating costs are supported by fees paid by those using the golf courses. I believe there is value in a municipal golf program in that it is intended to provide access to golf as a recreation activity at a reasonable cost. I also believe that it is important to pro-actively market and manage the City golf program so that there does not become a need to subsidize the program with general revenue tax funds.

The City Council recently approved an amendment to the Lincoln Municipal Code allowing alcoholic beverages to be sold on the four 18-hole public golf courses. Previously, sale of alcoholic beverages was restricted to the clubhouses and during six special events at each of the 18-hole golf courses. The Ager Junior Golf Course remains exempt from these provisions.

The impetus to seek the amendment to the municipal code was financial. Revenue to the City golf program has been declining. We feel that this can be attributed to a number of factors including an over-supply of golf holes in and around Lincoln, and the availability of alcoholic beverages at privately operated courses. We hope to encourage additional tournaments and leagues to utilize the City golf courses to increase revenue to the City golf program. (It should be noted that the City does not receive revenue from sale of alcoholic beverages at the City golf courses. The golf professionals under contract to the City receive the revenue as liquor license holders. The City receives revenue from greens fees and golf cart rentals.)

There is a distinction between public parks and public golf courses. Public parks are open to the general public during regular operating hours, generally 5 am to 11 pm daily. Access to golf courses is restricted to those paying a fee for use of the facility.

I hope that I have answered some of your questions regarding the City golf program. I would be happy to discuss the program if you have additional questions or suggestions.

Sincerely,
Lynn Johnson, Director
Parks and Recreation Department
2740 'A' Street
Lincoln, NE 68502
402/441-8265

Our City, Our Neighborhoods — A Plan for Action

Agenda of the Lincoln Neighborhood Alliance

items are not in any particular order SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION

- Neighborhood Services.** Whereas neighborhood services are vital to maintaining our high quality of life. 2/04/04
Resolved: Lincoln's neighborhoods should have access to the full range of community facilities, health services, open space, and playgrounds. Neighborhood parks, pools, libraries, senior centers, public transit, and trails must be a high budget priority.
- Sidewalks.** Whereas Lincoln is forty years behind in its sidewalk maintenance, and whereas the community has twice voted that the city and not private owners should pay for the repair and maintenance of sidewalks.
Resolved: Lincoln should establish, fund, and implement a plan to rehabilitate sidewalks on a more aggressive schedule. This plan should bring Lincoln's sidewalks up to code in ten years or less.
- Infrastructure Finance.** Whereas impact fees reduce the burden of supporting the costs of new development on existing neighborhoods and create a more equitable and predictable means to pay for infrastructure growth.
Resolved: Impact fees should continue to be an important piece of the city's overall infrastructure financing package.
- Stormwater.** Whereas development in watershed areas upstream from neighborhoods frequently causes increased runoff during heavy rains and increased insurance costs for businesses and neighborhoods.
Resolved: The City should work aggressively with neighborhoods, businesses, developers, natural resources districts, and state and federal agencies to mitigate the adverse impact of development on floodplains and flooding problems.
- Neighborhood Preservation.** Whereas zoning designations that conflict with current or historical use patterns create increased density that is detrimental to character of existing neighborhoods, undermines home ownership, and is beyond the neighborhood infrastructure capacity (parking, water, sewer, etc).
Resolved: The city should support downzoning in neighborhoods where strong support exists.
- Crime and Public Safety.** Whereas crime is a growing issue of concern in our community.
Resolved: The city should support and expand community-policing practices including neighborhood police substations and neighborhood watch areas as a deterrent to neighborhood business and residential crime.
- Quality of Life.** Whereas Lincoln has codes to promote and protect the health, safety, and welfare of its citizens.
Resolved: Lincoln should strengthen and enforce the penalties regarding dilapidated buildings and exteriors, junk cars, trash, disorderly households, and criminal activity. Lincoln should also maintain the "no more than three unrelated persons per household" ordinance and maintain or strengthen spacing requirements for alcohol sales.
- Trees.** Whereas Lincoln has been nationally recognized as a Tree City USA community.
Resolved: Lincoln should replace a tree for every tree that is lost or removed and enforce tree-planting standards in new developments. Lincoln should also be diligent about replacing the trees lost over the last twenty years and in planting trees in the area between sidewalks and curbs on arterial and residential streets.
- Schools.** Whereas quality neighborhood schools are essential to creating and maintaining a high quality city.
Resolved: Existing neighborhood schools should be maintained and improved to a high standard. New schools should be sited and built to facilitate safe and easy walking and biking for students, safe traffic flow, and joint use of facilities.
- Neighborhood Business Districts.** Whereas our neighbors and neighborhoods are an integral part of and dependent upon our local economy, and whereas businesses must be sensitive to the character and needs of the surrounding neighborhood.
Resolved: The city should actively support Lincoln neighborhood businesses in neighborhood business districts.
- Street Widening.** Whereas widening arterial streets in older neighborhoods with narrow rights-of-way result in lower property values, loss of neighborhood character, and blight.
Resolved: Widening beyond two lanes plus a center turn lane (2+1) in older neighborhoods should not be done. 2+1 arterial streets in older neighborhoods provide smooth and safe traffic flow with less impact
- Overhead Power Lines.** Whereas overhead power lines are a visual blight, a safety hazard, and are more susceptible to power outages due to wind, snow, or ice storms.
Resolved: LES and city officials should develop and implement a fiscally-sound, phased program to bury Lincoln's neighborhood power lines.



February 4, 2004

Mary Bills-Strand, Chair
Lincoln/Lancaster County Planning Commission
555 South 10th
Lincoln, NE 68508

Madam Chair and Commissioners:

The Lincoln Chamber of Commerce respectfully requests you oppose Change of Zone No. 04003 as it is currently written.

The staff report on this proposal notes that deletion of mitigation makes the special permit less subjective. This is certainly the case, but I would urge you to consider whether this is a fair and effective means for handling the special use permit process for alcohol sales.

The one thing made clear from recent special permit applications under this ordinance is that, given the opportunity, local business owners and neighbors will work together under the mitigation process. Mitigation encourages flexibility in cases where the 100' standard is not realized.

Finally, the Comprehensive Plan stresses the need for revitalization. As you all know, this can be a challenging and imprecise balance of various interests. We urge you to consider how the proposed changes under No. 04003 impact this balance.

Sincerely,

Bruce J. Bohrer
Vice President/Government Affairs Counsel

Alternative 1: Not All Zoning Districts are Created Equal

| Zoning Districts | Present Standard | Administration's Proposal | Alternative 1 Proposal |
|--|---|---|---|
| Special Permit Zones
B-1, B-3, H-1, H-2, H-3, O-3
Use Permit Zones
B-2, B-5 | 1. Zoning Setbacks
2. 100' minimum between building and residential districts, child care facilities, child care facilities, residential uses, with the right to mitigate less than 100'.
3. 150' minimum between access door(s) facing residential districts, child care facilities, residential uses. | 1. Same
2. 100' minimum between building and residential districts, child care facilities, parks, churches and state mental health institutions, with <u>no</u> right to mitigate less than 100'.
3. Same | Same as the Administration Proposal
1. Same
2. 100' minimum walking distance (measured along the shortest, legal, practical walking route) between <u>public</u> door(s) not facing protected uses & the protected uses.
3. 150' minimum between <u>public</u> door(s) facing protected uses & the protected uses. |

| Alternative 2: Not All Liquor Related Land Uses are Created Equal | | | |
|---|--|---|--|
| Liquor Uses | Present Standard | Administration's Proposal | Alternative 2 Proposal |
| Bars | 1. Zoning Setbacks
2. 100' minimum between building and residential districts, child care facilities, residential uses, with the right to mitigate less than 100'.
3. 150' minimum between access door(s) facing residential districts, child care facilities, residential uses. | 1. Same
2. 100' minimum between building and residential districts, child care facilities, parks, churches and state mental health institutions, with <u>no</u> right to mitigate less than 100'.
3. Same | Same as the Administration Proposal

1. Same
2. 100' minimum walking distance (measured along the shortest, legal, practical walking route) between public door(s) not facing protected uses & the protected uses.
3. 150' minimum between <u>public</u> door(s) facing protected uses & the protected uses. |
| Convenient Stores | | | |
| Grocery Stores | 1. Zoning Setbacks
2. 100' minimum between building and residential districts, child care facilities, residential uses, with the right to mitigate less than 100'.
3. 150' minimum between access door(s) facing residential districts, child care facilities, residential uses. | 1. Same
2. 100' minimum between building and residential districts, child care facilities, parks, churches and state mental health institutions, with <u>no</u> right to mitigate less than 100'.
3. Same | Same as the Administration Proposal

1. Same
2. 100' minimum walking distance (measured along the shortest, legal, practical walking route) between public door(s) not facing protected uses & the protected uses.
3. 150' minimum between <u>public</u> door(s) facing protected uses & the protected uses. |
| Restaurants | | | |
| Liquor Stores | | | |

Measured from the door—around the building method

PROPOSED REVISIONS TO B-2 ZONING TEXT

L.M.C. Section 27.31.030 Permitted Uses

(2) Sale of alcoholic beverages for consumption on the premises, provided any exterior door opening which provides public or membership access to the licensed premises shall meet the following spacing requirements:

(i) Any exterior door opening must be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, dedicated city or county park land, or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, dedicated city or county park land, or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park, or residential district. ~~the locational requirements of Section 27.63.680 have been met or waived by the City Council;~~

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.

These requirements shall not apply to emergency exit doors required by building or safety codes. The exterior door opening shall be that portion of the exterior wall face of the building that contains a break to accommodate the exterior building door, door frame, door vestibule or door entryway area.

(aa) Sale of alcoholic beverages for consumption off the premises, provided any exterior building door which provides public or membership access to the licensed premises shall meet the following spacing requirements:

(i) Any exterior door opening must be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, dedicated city or county park land, or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, dedicated city or county park land, or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that

point the shortest, most direct distance to the day care facility, church, state mental health institution, park, or residential district. The locational requirements of Section 27.63.685 have been met or waived by the City Council;

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation.

These requirements shall not apply to emergency exit doors required by building or safety codes. The exterior door opening shall be that portion of the exterior wall face of the building that contains a break to accommodate the exterior building door, door frame, door vestibule or door entryway area.