

14R-23

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 14R-23 by accepting the substitute resolution attached hereto as Bill No. 14R-23S.

Introduced by:

Approved as to Form and Legality:

City Attorney

Requested by: Planning Department

Reason for Request: To deny requested waivers but, in consideration of Mr. Arena's letter agreement attached as Attachment "A", to grant Mr. Arena until November 30, 2015 to bring the building facade into compliance with the understanding that the building expansion for the existing nonconforming Sexually Oriented Live Entertainment Establishment authorized by Special Permit No. 13053 shall automatically terminate in the event the facade improvements are not timely completed.

Denial of Requested Waivers

SUBSTITUTE

RESOLUTION NO. A-_____

URBAN DESIGN REVIEW NO. 13066

1 WHEREAS, Donald Arena’s application designated as Special Permit No.
2 13053 for an expansion of an existing nonconforming Sexually Oriented Live
3 Entertainment Establishment to add an additional 2,208 square feet of space on
4 property generally located at 1823 O Street and legally described as Lot 4, Block 22,
5 Lavenders Addition, Lincoln, Lancaster County, Nebraska, was approved upon
6 condition that Mr. Arena’s changes to the O Street building facade be reconstructed to
7 include windows on both sides of the existing doorway plus re-facing the stucco on the
8 remainder of the facade below the top of those windows in conformance with the
9 Downtown Design Standards; and

10 WHEREAS, Donald Arena has submitted an application to waive Lincoln
11 Downtown Design Standards for said facade improvements; and

12 WHEREAS, the Planning Director denied said application for waivers; and

13 WHEREAS, on December 18, 2013 Donald Arena filed a notice of appeal
14 appealing the action of the Planning Director denying the requested waivers; and

15 WHEREAS, after public hearing and consideration of the testimony and
16 record on appeal, the City Council finds that the community as a whole, the surrounding
17 neighborhood, and the real property adjacent to 1823 O Street will be adversely
18 affected by granting the requested waivers.

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

3 That the application of Donald Arena to waive Lincoln Downtown Design
4 Standards requiring windows on the O Street facade of the building located at 1823 O
5 Street and prohibiting stucco on the lower 20 feet of the facade, be and the same is
6 hereby denied.

7 BE IT FURTHER RESOLVED that, the O Street facade of the building at
8 1823 O Street shall be reconstructed to include windows on both sides of the existing
9 doorway plus re-facing of the stucco facade below the top of those windows to grade, in
10 accordance with the Downtown Design Standards.

11 BE IT FURTHER RESOLVED that, in consideration of the letter
12 agreement from the applicant attached hereto as Attachment "A", the reconstruction of
13 the facade improvements may be extended by the applicant to November 30, 2015
14 provided that, in the event the reconstruction of the O Street facade is not completed by
15 November 30, 2015, the use of the west half of the building for any use related to a
16 Sexually Oriented Live Entertainment Establishment under Special Permit No. 13053
17 shall be deemed to be revoked without further action of the City Council.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2014: _____ Mayor

ATTACHMENT "A"

January 16, 2014

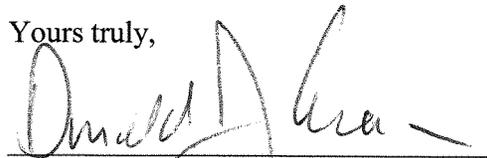
Marvin Krout, Director
Lincoln-Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Special Permit No. 13053 and Urban Design Review No. 13066

Dear Mr. Krout:

The undersigned, in consideration of the authority granted by the City Council in Resolution No. A-_____ to extend the reconstruction of the O Street facade improvements to the building at 1823 O Street to include windows on both sides of the existing doorway plus re-facing of the stucco facade below the top of those windows to grade from June 30, 2014 to November 30, 2015, does hereby agree that, in the event such reconstruction of the O Street facade is not completed by November 30, 2015, this letter shall constitute an irrevocable request that Special Permit No. 13053 be revoked and that the undersign's use of the west half of the building for any use related to a Sexually Oriented Live Entertainment Establishment under Special Permit No. 13053 shall be deemed to be revoked without further action of the City Council. The undersigned further covenants and agrees to not engage in such use on or after November 30, 2015.

Yours truly,



Donald J. Arena
Rena, Inc.
1823 O Street
Lincoln, NE 68508