

92R-29

Introduce: 1-27-92

RESOLUTION NO. A- 74634

SPECIAL PERMIT NO. 1174C

1 WHEREAS, the Chateau Club has submitted an application designated as  
2 Special Permit No. 1174C for authority to operate a club on property located at  
3 63rd and "Y" Streets, and legally described to wit:

4 Lot 238, I.R. in the Northwest Quarter of Section 21,  
5 Township 10 North, Range 7 East of the 6th P.M., Lincoln,  
6 Lancaster County, Nebraska; and

7 WHEREAS, the real property adjacent to the area included within the  
8 plot plan for this club will not be adversely affected; and

9 WHEREAS, said plot plan together with the terms and conditions  
10 hereinafter set forth are consistent with the intent and purpose of Title 27  
11 of the Lincoln Municipal Code to promote the public health, safety, morals,  
12 and general welfare.

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

15 That the application of the Chateau Club, hereinafter referred to as  
16 "Permittee", to operate a club be and the same is hereby granted under the  
17 provisions of Section 27.63.200 of the Lincoln Municipal Code upon condition  
18 that operation of said club be in strict compliance with said application, the  
19 plot plan, and the following additional express terms, conditions, and require  
20 ments :

21 1. This permit approves the operation of a nonprofit club in the  
22 existing clubhouse of the Chateau LaFleur/Charleston Court Community Unit Plan  
23 at 63rd and "Y" Streets, as an amendment to the existing Community Unit Plan.

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1           2. Before offering membership to persons not residing within the  
2 Chateau LaFleur/Charleston Court Community Unit Plan, the permittee shall:

3           A. Submit to the Planning Department a complete list of  
4 recreational facilities currently located within the  
5 Chateau LaFleur/Charleston Court Community Unit Plan,  
6 designating which are to be club facilities and which are  
7 to be available to all residents without additional fees.  
8 Recreational facilities not designated as club facilities  
9 shall be made available to all residents of the community  
10 unit plan at no additional charge over monthly resident  
11 rent.

12           B. Submit a site plan which shows additional parking to be  
13 used by non-resident members of the club. The number of  
14 non-resident memberships shall be limited to five (5) per  
15 parking stall available for non-resident use.

16           C. Submit the club By-laws and Articles of Incorporation to  
17 the City Attorney for review and approval. Such By-laws  
18 and Articles of Incorporation shall provide at least the  
19 following:

20           (1) The Board of Directors of the club shall be composed  
21 entirely of residents of Chateau LaFleur/Charleston  
22 Court Community Unit Plan and shall be elected by the  
23 resident members of the club.

24           (2) The owner of the land included within the Chateau  
25 LaFleur/Charleston Court Community Unit Plan shall  
26 have no voting rights in the club, and all club

Amended 02-03-92

1 operations shall be subject to control of such Board  
2 of Directors and the membership.

3 (3) Three classes of membership shall be offered: 1)  
4 non-member resident; 2) resident member; and 3)  
5 non-resident member. Residents shall have greater  
6 voting power than non-residents.

7 3. Should the club apply for a license to dispense alcoholic  
8 liquor, any license granted shall not allow for off-sale privileges but shall  
9 be limited to on-sale privileges only. This condition shall not be construed  
10 as City approval or encouragement of any such application for a liquor license.

11 4. No membership restrictions shall apply to residents of the  
12 Chateau LaFleur/Charleston Court Community Unit Plan.

13 5. Club membership for residents of the Community Unit Plan may be  
14 on either a dwelling unit or individual basis, but in either case shall be  
15 offered to residents at a rate significantly lower than that for non-residents.

16 6. The permittee shall make available to the City, upon request,  
17 <sup>Council,</sup> or other evidencing the continued  
18 ~~all financial information, business records or tax returns relating to the~~  
19 ~~operation of the club and the clubhouse for review of the club's non-profit~~  
20 status of permittee.

21 7. The permittee shall not rent any of its facilities, including  
22 but not limited to, tennis courts, swimming pool, and volleyball court to  
23 non-members.

24 8. The terms, conditions, and requirements of this resolution  
25 shall be binding and obligatory upon the Permittee, successors, and assigns.  
The building official shall report violations to the City Council which may

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1 revoke the special permit or take such other action as may be necessary to  
2 gain compliance.

3 9. The Permittee shall sign and return the City's letter of  
4 acceptance to the City Clerk within 30 days following approval of the special  
5 permit, provided, however, said 30-day period may be extended up to six months  
6 by administrative amendment. The City Clerk shall file a copy of the resolu-  
7 tion approving the special permit and the letter of acceptance with the  
8 Register of Deeds, filing fees therefor to be paid in advance by the Permit-  
9 tee.

Introduced by:

O. Theodore Hempel

AYES: Haar, Hempel, Johnson,  
Minnick, Seng, Wilson, Young;  
NAYS: None.

Approved as to Form & Legality:

Thomas W. Pope  
City Attorney

Staff Review Completed:

Marv Johnson  
Administrative Assistant

APPROVED

FEB 7 1992

W. H. Seng  
MAYOR

02-03-92 Council Proceedings:

HAAR Moved to amend Bill 92R-29 at Paragraph 6, Page 3 to  
read as follows: "The permittee shall make available to  
the City Council, upon request, information or other rec-  
ords evidencing the continued non-profit status of permittee."

Seconded by Seng and carried by the following vote: AYES:  
Haar, Hempel, Johnson, Minnick, Seng, Wilson, Young; NAYS: None.

HEMPEL Moved to pass the bill, as amended.

Seconded by Minnick and carried by the following vote:  
AYES: Haar, Hempel, Johnson, Minnick, Seng, Wilson, Young;  
NAYS: None.

ADOPTED

FEB 3 1992

By City Council

APPENDIX "A"

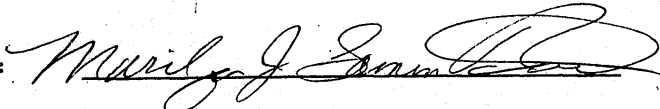
CITY COUNCIL  
CITY OF LINCOLN  
LINCOLN, NEBRASKA

RE: LETTER OF ACCEPTANCE

TO THE CITY COUNCIL:

I, Chateau Club, Inc. <sup>d/b/a Chateau Club</sup> herein called Applicant in Resolution No. A 74634, adopted by the City Council of the City of Lincoln, Nebraska, on FEBRUARY 3, 1992 and approved by Mayor on FEBRUARY 7, 1992, do hereby certify that I have thoroughly read said Resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

Applicant:



Marilyn J. Samm Redman, President  
Title and/or Authorized Representative of

C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of RESOLUTION NO. A-74634, SPECIAL PERMIT NO. 1174C AND LETTER OF ACCEPTANCE

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held FEBRUARY 3, 1992 as the original appears of record in my office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 4th day of MARCH, 1992.

*Paul A. Malzer*  
City Clerk  
Seal of the City of Lincoln, Nebraska

#30<sup>50</sup>/<sub>100</sub>

RECORDED  
INDEXED  
MAR 4 1992  
EDITOR

LANCASTER COUNTY, NEB  
*Dan Nette*  
REGISTER OF DEEDS  
MAR 4 4 12 PM '92  
INST. NO. 92 8897

*Rm 4130*  
*City Clerk*