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11-77

Introduce: 6-6-11

Change of Zone 08057A

ORDINANCE NO. 19560

**\*\*File against legal description shown on the 3<sup>rd</sup> page.**

1 AN ORDINANCE amending the University Place Planned Unit Development Plan  
2 to allow the sale of alcohol for consumption on the premises as a conditional use in the  
3 University Place Planned Unit Development District provided such use meets all the  
4 requirements for a special permit pursuant to Lincoln Municipal Code § 27.63.680,  
5 except the parking requirement.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That the University Place Planned Unit Development Plan, approved  
8 by Ordinance No. 19193 on January 12, 2009, be and it hereby is amended by adding  
9 the following paragraph (b) to Section 1 – Land uses:

10 (b) Alcohol for sale on the premises is permitted as a conditional use  
11 provided:

12 i. It meets all the requirements of Lincoln Municipal Code  
13 27.63.680, except for parking. With regard to parking for such use, the parking  
14 requirements of the University Place Planned Unit Development District shall apply,  
15 except that the addition of the sale of alcohol for consumption on the premises in  
16 conjunction with an existing use shall not be considered a change in use so as to trigger  
17 any requirement to provide additional off street parking for such sale of alcohol for  
18 consumption on the premises.

19 ii. The hours for the sale of alcohol shall not commence prior to  
20 8:00 a.m. and shall end no later than 11:00 p.m.

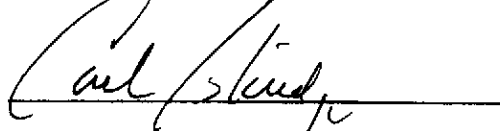
Return to:  
Teresa @ City Clerk

1                   iii.     The hours of outdoor operation (beer garden, etc) shall not  
2     commence prior to 8.00 a.m. and shall end no later than 10:00 p m

3             Section 2.    The University Place Planned Unit Development Plan as approved  
4     by Ordinance No. 19193 remains in full force and effect except as specifically amended  
5     by this ordinance.

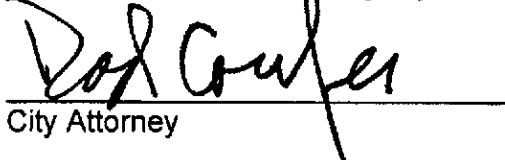
6             Section 3.   That this ordinance shall take effect and be in force from and after  
7     its passage and publication in one issue of a daily or weekly newspaper of general  
8     circulation in the City, according to law.

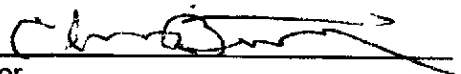
Introduced by:



AYES: Camp, Carroll, Cook,  
Emery, Eskridge, Hornung,  
NAYS: None; ABSENT: Snyder.

Approved as to Form & Legality:

  
City Attorney

Approved this <sup>4th</sup> 28 day of June, 2011:  
  
Mayor

**PASSED**  
JUN 20 2011  
**BY CITY COUNCIL**

## LEGAL DESCRIPTION

The remaining portions of Lots 11 and 12, Block 41, Imhoff's Addition to University Place, located in the SW 1/4 of Section 8-10-7; remaining portions of Lots 7-9, Block 22, University Place, located in the SE 1/4 of Section 8-10-7; remaining portions of Lots 1 and 2, Block 41, University Place, and Lot 6, Block 48, University Place and Lots 1 and 2 Everett's Subdivision 1<sup>st</sup> and remaining portions of Lots 1-6 and 11-14, W.G. Miller's Subdivision and vacated north-south alley adjacent thereto and Lots 1 and 2, Halls Addition to University Place, and Lots 3-8 and vacated north-south alley adjacent thereto, Block 68, University Place and Lots 1-6, Beecher's Subdivision and Lots A-I, Lang's Subdivision, and Lots 1-10, Block 75, University Place and Lots 1-6, Winter's Subdivision, and Lot 12, Block 74, University Place, and Lots 1-12, Block 87, University Place, and Lots 1-6, Block 94, University Place, located in the NW 1/4 of Section 17-10-7; Lots 3 and 4 and remaining portions of Lots 1 and 2 and Lots 9-16, Block 40, University Place, and remaining portions of Lots 1-4 and Lots 5 and 6, Burch's Subdivision, and Lots 7-9, Block 49, University Place, and Lots 1-6, Baldwin's Subdivision and Lots 1-6, Smith's Subdivision and Lots 1-4 and 9-12, Block 67, University Place, and Lots 1-6, Ellinwood & Shanks Subdivision and Lots 1-6, Warren's Subdivision and vacated north-south alley adjacent thereto and Lots 1-4 and 9-12, Block 76, University Place, and Lots 1-12 and vacated east-west alley adjacent thereto, Block 86, University Place, and Lots 1-6 and 8-12 and remaining portion of Lot 7, Block 95, University Place, and Lots 1-5 and 8-10 and remaining portions of Lots 6 and 7 and the west 1/2 of Lot 11, Block 112, University Place, located in the NE 1/4 of Section 17-10-7; Lots 1-5 and 8-12 and remaining portions of Lots 6 and 7, Block 117, University Place, and Lots 1-5 and 8-12 and remaining portions of Lots 6 and 7 and vacated east-west alley adjacent thereto, Block 130, University Place and west 1/2 of vacated N. 49<sup>th</sup> Street, north 1/2 of vacated Colby Street, and northwest 1/4 of vacated intersection of Colby Street and N. 49<sup>th</sup> Street adjacent to Block 130, University Place, located in Section 17-10-7, Lancaster County, Nebraska, generally located at N. 48<sup>th</sup> Street and St. Paul Avenue, and for approval of a modification of the development plan which modifies the standards of the underlying zoning district, subdivision ordinance and design standards.

CITY CLERK'S OFFICE

2011 AUG 23 PM 12 54

**LETTER OF ACCEPTANCE**

CITY OF LINCOLN  
NEBRASKA

City of Lincoln  
Lincoln, Nebraska

**RE: Change of Zone 08057A**

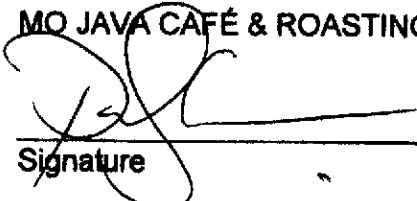
To The City Clerk:

The undersigned, "Permittee" under **Change of Zone 08057A** granted by **Ordinance 19560**, passed by the City Council of the City of Lincoln, Nebraska, on **June 20, 2011**, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Change of Zone.

Dated this 18 day of AUGUST, 2011.

MO JAVA CAFÉ & ROASTING CO, Permittee



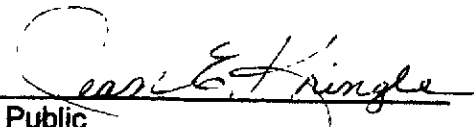
Signature

PRESIDENT

Title

STATE OF NEBRASKA            )  
COUNTY OF LANCASTER    ) ss.

The foregoing instrument was acknowledged before me this 18th day of August, 2011, by Paul Marshall, on behalf of Mo Java Café & Roasting Co.



Notary Public




# CERTIFICATE

I, Teresa J. Meier, Deputy City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of Ordinance #19560 - Change of Zone 08057A - Amending the University Place Planned Unit Development to allow the sale of alcohol for consumption on the premises as a conditional use provided it meets all the requirements for a Special Permit pursuant to §27.63.680 of the Lincoln Municipal Code, except for parking, as passed and approved by the Lincoln City Council on June 20, 2011, as the original appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand officially & affixed the seal of the City of Lincoln, Nebraska, this 6<sup>th</sup> day of July, 2011.

*Teresa J. Meier*  
Deputy City Clerk

The seal of the City of Lincoln, Nebraska, is circular. It features a central profile of a man's head facing right. The text "CITY OF LINCOLN" is written in a circle around the top, and "LINCOLN COUNTY, NEBRASKA" around the bottom. In the center, below the profile, it says "FOUNDED JULY 21 1857" and "INCORPORATED APRIL 1 1869". The word "SEAL" is written below the profile.