

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 20, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

Council Chair Svoboda asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

NEWMAN Having been appointed to read the minutes of the City Council proceedings of March 13, 2006, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**PUBLIC HEARING**

CHANGE OF ZONE 04005 - APPLICATION OF THE SOUTHEAST RURAL FIRE DEPARTMENT FOR A CHANGE OF ZONE FROM AGRICULTURAL RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT 7700 PINE LAKE ROAD - Brian Will, Planning Dept., stated this was submitted in February, 2004 but did not go before the Planning Commission. Planning Staff has not received a response from the applicant, but have gone ahead with the process. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06010 - APPLICATION OF HOLDREGE INVESTORS AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH AND HOLDREGE STREETS - Mike Rierden, 645 "M" Street, Suite 200, came forward representing Holdrege Investors and University Park Congregation of Jehovah's Witnesses stating an agreement has been reached with the Planning Staff.

This matter was taken under advisement.

ANNEXATION 05019 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41.7 ACRES OF PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD. (RELATED ITEMS: 06-30, 06-31);

CHANGE OF ZONE 05085 - APPLICATION OF NEBCO, INC. FOR A CHANGE OF ZONE FROM AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, FROM R-3 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, FROM O-3 OFFICE PARK DISTRICT TO O-3 OFFICE PARK DISTRICT PUD, FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, AND FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND CITY OF LINCOLN DESIGN STANDARDS TO ALLOW APPROXIMATELY 1,767 DWELLING UNITS AND APPROXIMATELY 680,000 SQUARE FEET OF COMMERCIAL USES. (RELATED ITEMS: 06-30, 06-31) - Tim Mettenbrink, Vice President of Real Estate for NEBCO, Inc. came forward to make a presentation of the proposed development. Discussion followed.

This matter was taken under advisement.

AMENDING THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 24.42 TO ADOPT REQUIREMENTS FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY - Scott Holmes, Health Department, stated the new LMC chapter is for the purpose of detecting existing problems to the on-site water supply system and wastewater treatment prior to the sale, transfer, or conveyance of property.

John Chess, Water Quality Supervisor of Health Department, came forward to explain the process followed in drafting this ordinance. Discussion followed.

This matter was taken under advisement.

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APPROVING PLAYMAKERS AT 640 WEST PROSPECTOR AS A KENO SATELLITE SITE;  
APPROVING LANCASTER'S AT 3800 OLD CHENEY ROAD AS A KENO SATELLITE SITE;  
APPROVING SPIKES BEACH BAR & GRILLE AT 2300 JUDSON AS A KENO SATELLITE  
SITE - Bill Harvey, 11248 John Galt Blvd., Omaha, Nebraska, came forward  
representing Big Red Keno to request approval of three new Keno  
Satellite sites. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE FILING OF APPLICATIONS WITH THE UNITED STATES DEPT. OF  
TRANSPORTATION FOR FINANCIAL ASSISTANCE DURING FISCAL YEAR 2006-2007  
(SEPTEMBER 1, 2006 - AUGUST 31, 2007)- Dan Marvin, Council Member,  
requested a clarification of where the money is going if this financial  
assistance is received.

Nicole Fleck-Tooze, Public Works Dept., stated it would be used to  
replace 15 buses and program planning costs. This is an 80-20 match.  
80% from the Federal government. Discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 05010 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY  
COMPREHENSIVE PLAN TO AMEND THE "EXISTING AND PROPOSED COMMERCE CENTERS"  
MAP TO DESIGNATE A NEW SITE SPECIFIC NEIGHBORHOOD CENTER ON THE  
SOUTHWEST CORNER OF 40TH STREET AND ROKEBY ROAD, TO DESIGNATE A SITE  
SPECIFIC COMMUNITY SIZE CENTER ON THE EAST SIDE OF 40TH STREET  
APPROXIMATELY .189 MILE SOUTH OF ROKEBY ROAD, AND TO AMEND THE LAND  
USE PLAN TO CHANGE THE DESIGNATION FROM URBAN RESIDENTIAL TO COMMERCIAL  
ON THE SAME PROPERTIES GENERALLY LOCATED AT 40TH STREET AND ROKEBY ROAD  
- Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward  
representing Butch Cassidy, LLC, Sundance, LLC and Buckshot Farms,  
various entities whose principals are Sampson Construction, John Sampson  
and family, for approval of this project. Discussion followed.

This matter was taken under advisement.

WAIVER 06001 - APPROVING A WAIVER OF THE REQUIREMENTS FOR STREET PAVING,  
SIDEWALKS, STREET LIGHTS, STREET TREES, AND THE DEDICATION OF ADDITIONAL  
RIGHT-OF-WAY ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND  
SHAMROCK ROAD - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came  
forward representing Howard Richoux requesting waivers of property  
generally located at South 70<sup>th</sup> Street and Shamrock Road. Discussion  
followed.

Nancy Burgess-Smith, 3145 S. 41<sup>st</sup> St., came forward in favor of  
waivers. Discussion followed.

Bill Austin, 1045 Lincoln Mall, Ste 200, came forward representing  
the neighbors who reside along Shamrock Road and 70<sup>th</sup> Street who are not  
opposed to the waivers, but are opposed to the process to accomplish the  
waivers. Discussion followed.

Ray Hill, Planning Dept., came forward to answer questions.  
Discussion followed.

Dana Roper, City Attorney, came forward to answer questions.  
Discussion followed.

Mr. Hunzeker, came forward for rebuttal.

This matter was taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS - NONE**

**ORDINANCES - 2<sup>ND</sup> READING**

CHANGE OF ZONE 04005 - APPLICATION OF THE SOUTHEAST RURAL FIRE DEPARTMENT FOR  
A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO P PUBLIC  
USE DISTRICT ON PROPERTY GENERALLY LOCATED AT 7700 PINE LAKE ROAD -  
CLERK read an ordinance, introduced by Patte Newman, amending the  
Lincoln Zoning District Maps attached to and made a part of Title 27 of  
the Lincoln Municipal Code, as provided by Section 27.05.020 of the  
Lincoln Municipal code, by changing the boundaries of the districts  
established and shown thereon, the second time.

CHANGE OF ZONE 06007 - APPLICATION OF WILLIAM A. PETERSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 84TH STREET AND WAVERLY ROAD RALLY LOCATED AT THE NORTHEAST CORNER OF 84TH STREET AND WAVERLY ROAD - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 06010 - APPLICATION OF HOLDREGE INVESTORS AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ANNEXATION 05019 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41.7 ACRES OF PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD. (RELATED ITEMS: 06-30, 06-31) - CLERK read an ordinance, introduced by Patte Newman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 05085 - APPLICATION OF NEBCO, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, FROM R-3 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, FROM O-3 OFFICE PARK DISTRICT TO O-3 OFFICE PARK DISTRICT PUD, FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, AND FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND CITY OF LINCOLN DESIGN STANDARDS TO ALLOW APPROXIMATELY 1,767 DWELLING UNITS AND APPROXIMATELY 680,000 SQUARE FEET OF COMMERCIAL USES. (RELATED ITEMS: 06-30, 06-31) - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 24.42 TO ADOPT REQUIREMENTS FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY - CLERK read an ordinance, introduced by Patte Newman, amending Title 24 of the Lincoln Municipal Code, Plumbing and Sewers, to regulate on-site systems to include on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property within the City of Lincoln and the three mile area by adding a new section numbered 24.42.010 to establish the purpose of this ordinance; adding a new section numbered 24.42.020 to define terms used in the ordinance; adding a new section numbered 24.42.030 to require inspections of on-site systems prior to the sale, transfer, or conveyance of property and exceptions to the inspection requirements; adding a new section numbered 24.42.040 to define the inspection requirements of on-site wastewater treatment systems; adding a new section numbered 24.42.050 to define inspection of on-site water supply systems; adding a new section numbered 24.42.060 to define the requirements of inspection reports; adding a new section numbered 24.42.070 to identify the review of the inspection reports and issuance of determination letters; adding a new section numbered 24.42.080 to allow entry for purposes of inspection and enforcement; adding a new section numbered 24.42.090 to create Property Transfer Inspector permits; adding new section numbered 24.42.100 to require Property Transfer Inspectors to maintain insurance; adding a new section numbered 24.42.110 to create permit fees and inspection report review fees; adding a new section numbered 24.42.120 to require a person to have a

permit in order to do inspections; adding new section numbered 24.42.130 to establish the procedures for suspension or revocation of a permit; adding a new section numbered 24.42.140 to establish the procedures for the reinstatement of a suspended or revoked permit; adding a new section numbered 24.42.150 to establish enforcement hearings; adding a new section numbered 24.42.160 to establish notice and service provisions; adding a new section numbered 24.42.170 to provide penalties for violations of this chapter; adding a new section numbered 24.42.180 to protect other sections should one section become invalid; and adding a new section numbered 24.42.190 to state the effective date of the ordinance and to provide an effective date for penalties against an owner of an on-site system, the second time.

#### RESOLUTIONS

APPROVING PLAYMAKERS AT 640 WEST PROSPECTOR AS A KENO SATELLITE SITE.

3/13/06 - Con't P.H. & Action to 3/20/06)- CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83776 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Playmakers, 640 West Prospector, Lincoln, NE 68522.

The City Clerk is directed to return an executed copy of this Resolution to Playmakers, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

Seconded by Newman & carried by the following vote: AYES: Camp, Marvin, McRoy, Newman, Svoboda; NAYS: Cook, Eschliman.

APPROVING LANCASTER'S AT 3800 OLD CHENEY ROAD AS A KENO SATELLITE SITE.

(3/13/06 - Con't P.H. & Action to 3/20/06) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83777 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Lancaster's, 3800 Old Cheney Road, Lincoln, NE 68516.

The City Clerk is directed to return an executed copy of this Resolution to Lancaster's and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

Seconded by Newman & carried by the following vote: AYES: Camp, Marvin, McRoy, Newman, Svoboda; NAYS: Cook, Eschliman.

APPROVING SPIKES BEACH BAR & GRILLE AT 2300 JUDSON AS A KENO SATELLITE SITE. (3/13/06 - Con't P.H. & Action to 3/20/06) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83778 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited

partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, Section 5(g) of the Interlocal Agreement provides that no location shall have an owner who has been convicted of theft; and

WHEREAS, a partial owner of this location had a theft conviction in 1991; and

WHEREAS, Section 5 of the Interlocal Agreement provides that this restriction may be waived for good cause; and

WHEREAS, such good cause has been demonstrated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Spikes Beach Bar & Grille, 2300 Judson, Lincoln, NE 68521.

The City Clerk is directed to return an executed copy of this Resolution to Spikes Beach Bar & Grille and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

Seconded by Newman & carried by the following vote: AYES: Camp, Marvin, McRoy, Newman, Svoboda; NAYS: Cook, Eschliman.

AUTHORIZING THE FILING OF APPLICATIONS WITH THE UNITED STATES DEPT. OF TRANSPORTATION FOR FINANCIAL ASSISTANCE DURING FISCAL YEAR 2006-2007 (September 1, 2006 - August 31, 2007) - PRIOR to reading:

COOK Moved to delay Bill No. 06R-43 for one week to 3/27/06.

Seconded by Newman & **LOST** by the following vote: AYES: Cook, McRoy; NAYS: Camp, Eschliman, Marvin, Newman, Svoboda.

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption with the Council's understanding this will be used for mass transit projects and only that, no safety projects or other transportation purposes.

A-83779 A resolution authorizing the filing of applications with the United States Department of Transportation for financial assistance during Fiscal Year 2006-2007 (September 1, 2006 - August 31, 2007) under the Urban Mass Transportation Act of 1964, as amended.

RECITALS

I

The Secretary of Transportation is authorized to make grants for mass transportation projects.

II

A contract between the City of Lincoln and the United States Department of Transportation for financial assistance will impose certain obligations upon the City of Lincoln as an applicant for funding, including the provision by it of the local share of project costs.

III

It is required by the United States Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder.

IV

It is the goal of the City of Lincoln, Nebraska, as an applicant, that minority business enterprises be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

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

1. That the Mayor is authorized to execute and file applications on behalf of the City of Lincoln with the United States Department of Transportation for financial assistance to aid in the financing of planning and technical studies, research, or capital assistance projects, or both, pursuant to Sections 3, 3(a) (1) (c), 4(1), 6, 8 and 9 of the Urban Mass Transportation Act of 1964, as amended.

2. That the Mayor is authorized to execute and file with such applications an assurance or any other document required by the United States Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Mayor is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

4. That the City's Director of Public Works & Utilities is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the financial assistance.

5. That the Mayor is authorized to execute grant agreements, and amendments and addendums thereto, on behalf of the City of Lincoln with the United States Department of Transportation, and such other documents as may be necessary, for aid in the financing of the planning and capital assistance program of projects.

Introduced by Patte Newman

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COMP. PLAN AMENDMENT 05010 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO AMEND THE "EXISTING AND PROPOSED COMMERCE CENTERS" MAP TO DESIGNATE A NEW SITE SPECIFIC NEIGHBORHOOD CENTER ON THE SOUTHWEST CORNER OF 40TH STREET AND ROKEBY ROAD, TO DESIGNATE A SITE SPECIFIC COMMUNITY SIZE CENTER ON THE EAST SIDE OF 40TH STREET APPROXIMATELY 1/2 MILE SOUTH OF ROKEBY ROAD, AND TO AMEND THE LAND USE PLAN TO CHANGE THE DESIGNATION FROM URBAN RESIDENTIAL TO COMMERCIAL ON THE SAME PROPERTIES GENERALLY LOCATED AT 40TH STREET AND ROKEBY ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83780 WHEREAS, the Planning Director on behalf of Butch Cassidy, LLC, and Buckshot Farms, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan (1) to amend the "Existing and Proposed Commerce Centers" map to designate a new Site Specific Neighborhood Center on the southwest corner of 40th Street and Rokeby Road and to designate a Site Specific Community size center on the east side of 40th Street, approximately 1/2 mile south of Rokeby Road; and (2) to amend the "Land Use Plan" to change the designation from Urban Residential to Commercial on the same properties; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln/Lancaster County Land Use Plan and the Lincoln Area Detail figures on pages F23 and F25, respectively, to change the land use designation from Urban Residential to Commercial for property located on the southwest corner of 40th and Rokeby Road and on the east side of 40th Street, approximately 1/2 mile south of Rokeby Road as shown on the applicant's plan attached hereto marked as Attachment A.

2. Amend the Existing and Proposed Commerce Centers on Page F 41 to:

- a. Add a Neighborhood Center designated as "Unbuilt Approved Center (Site Specific)" on the southwest corner of S. 40<sup>th</sup> Street and Rokeby Road.
- b. Change the Community Center designation at approximately the east side of S. 40<sup>th</sup> Street between Rokeby Road and Saltillo Road from "New Proposed Center, Not Site Specific" to "Unbuilt Approved Center (Site Specific)"

3. Amend the list of proposed locations of future Community Centers on page F 46 as follows:

1/2; S. 40<sup>th</sup> ~~in the general vicinity 1/2 mile south of Rokeby Road to Saltillo Road~~

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

Introduced by Patte Newman

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

WAIVER 06001 - APPROVING A WAIVER OF THE REQUIREMENTS FOR STREET PAVING, SIDEWALKS, STREET LIGHTS, STREET TREES, AND THE DEDICATION OF ADDITIONAL RIGHT-OF-WAY ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND SHAMROCK ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

Seconded by Marvin & LOST by the following vote: AYES: None; NAYS: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda.

The ordinance, having **LOST**, was assigned the File #38-4516 & was placed on file in the Office of the City Clerk.

#### PETITIONS AND COMMUNICATIONS

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF FEBRUARY, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

SETTING THE HEARING DATE OF MONDAY, APRIL 3, 2006 AT 1:30 P.M. FOR THE APP. OF GW MIDWEST, LLC DBA GREAT WRAPS FOR A CLASS I LIQUOR LICENSE AT 1422 O STREET - - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82781 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 3, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for application of GW Midwest, LLC dba Great Wraps for a Class I liquor license at 1422 O Street.

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

Introduced by Jon Camp

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Special Permit 06011 - App. of Thuy Thi Nguyen and Hung The Nguyen, to allow for a parking lot on property at N. 26<sup>th</sup> Street and W Street.  
Special Permit 06015 - App. of Calvary Evangelical Lutheran Church for expansion of a non-conforming use on property at S. 28<sup>th</sup> Street and Franklin Street.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 6, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### ORDINANCES - 1<sup>ST</sup> READING

APPROVING CONTRACT FOR SPEC. 04-260 FOR TRANSPORTING OF BIO SOLIDS BY MERRELL BROS, INC. TO EXTEND THROUGH NOVEMBER 19, 2010 - CLERK read an ordinance, introduced by Jon Camp, approving a contract between the City of Lincoln and Merrell Bros. Inc. To transport biosolids from the City's Theresa Street Treatment facility, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND TOWERCO LLC FOR THE PLACEMENT OF CITY'S EMERGENCY COMMUNICATIONS FACILITIES ON A TOWER ON PROPERTY OWNED BY TOWERCO GENERALLY LOCATED SOUTH OF HICKMAN, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and TowerCo LLC hereinafter TowerCo, for the placement of City's emergency communications facilities upon a tower and tower property owned by TowerCo and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL WIP LEASE CORPORATION FOR THE PLACEMENT OF CITY'S EMERGENCY COMMUNICATIONS FACILITIES ON A TOWER ON PROPERTY OWNED BY NEXTEL GENERALLY LOCATED AT S. 68TH AND OLIVE CREEK IN FIRTH, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreement

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between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corporation, hereinafter Nextel, for the placement of City's emergency communications facilities upon a tower and tower property owned by Nextel and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT MAX ROPER PARK GENERALLY LOCATED AT N. 10TH AND BELMONT STREET - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC dba Verizon Wireless for the placement of telecommunications facilities upon City property located in Max Roper Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

CHANGE OF ZONE 05077 - APPLICATION OF THUNDERSTONE LLC FOR A PLANNED UNIT DEVELOPMENT DESIGNATION OF PROPERTY GENERALLY LOCATED AT N.W. 32ND STREET AND WEST O STREET, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 33,000 SQUARE FEET FOR PRODUCT DISPLAY, MARKETING, ADMINISTRATIVE OFFICES AND PRODUCTION AREA, ON THE UNDERLYING H-3 HIGHWAY COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND CORY FLETCHER FOR A FIVE-YEAR PERIOD AT MAHONEY GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS the City owns and holds Mahoney Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the Cory Fletcher, as manager is a Class "A" PGA Golf Professional and/or Director of Golf or Mahoney Golf Course; and WHEREAS, the City desires the services of Cory Fletcher to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Mahoney Golf Course and he is qualified to perform these services, the first time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND TIMOTHY ROWLAND FOR A FIVE-YEAR PERIOD AT PIONEERS GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the City owns and holds Pioneers Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the Timothy Rowland, as manager, is a Class "A" PGA Golf Professional and/or Director of Golf for Pioneers Golf Course; and WHEREAS, the City desires the services of Timothy Rowland to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Pioneers Golf Course and he is qualified to perform these services, the first time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND DENIS M. VONTZ FOR A FIVE-YEAR PERIOD AT HIGHLANDS GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the City owns and holds Highlands Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the Denis M. Vontz, as manager, is a Class "A" PGA Golf Professional and/or Director of Golf for Highlands Golf Course; and WHEREAS, the City desires the services of Denis M. Vontz to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Highlands Golf Course and he is qualified to perform these services, the first time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND JOHN CRAW FOR A FIVE-YEAR PERIOD AT HOLMES GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the City owns and holds Holmes Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the John Craw, as manager, is a Class "A" PGA Golf Professional and/or Director of Golf for Holmes Golf Course; and WHEREAS, the City desires the services of John Craw to operate the restaurant concessions



and serve as golf professional and/or Director of Golf for Holmes Golf Course and he is qualified to perform these services, the first time.

AMENDING CHAPTER 9.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC PEACE BY AMENDING SECTION 9.20.030, DISORDERLY HOUSE; MAINTAINING, TO FURTHER DEFINE THE PERSONS FOUND TO BE RESPONSIBLE FOR PROPERTY; AND ADDING A NEW SECTION NUMBERED 9.20.045 TO ESTABLISH MINIMUM PENALTIES FOR MAINTAINING OR BEING AN INMATE OR VISITOR OF A DISORDERLY HOUSE AND TO ENHANCE PENALTIES FOR SUBSEQUENT VIOLATIONS OF SECTIONS 9.20.030 OR 9.20.040 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the population of the City of Lincoln has grown and the problems associated with disorderly houses are exacerbated, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RESOLUTIONS FOR ACTION**

CHANGE OF ZONE 04066 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, AND 27.51.090 TO REDUCE THE REQUIRED FRONT YARD IN THE B-2, B-5, H-1, H-2, H-3, H-4, I-2, AND I-3 ZONING DISTRICTS TO 20 FEET, AND TO PROVIDE IN THE O-2, B-2, B-5, H-4, I-1, I-2, AND I-3 DISTRICTS THAT ANY DRIVEWAYS WHICH INTERSECT THE FRONT YARD SHALL BE PERPENDICULAR TO THE STREET; BY AMENDING SECTION 27.67.030 TO ELIMINATE PARKING IN THE FRONT YARD IN THE I-2 ZONING DISTRICT; AND BY AMENDING SECTIONS 27.29.080, 27.33.080, 27.39.070, 27.41.080, AND 27.43.080 TO REQUIRE A SIX-FOOT LANDSCAPE STRIP ON EACH SIDE OF A LOT ABUTTING A PUBLIC STREET OR PRIVATE ROADWAY IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 27.71.030 TO ELIMINATE DRIVEWAYS IN THE FRONT AND SIDE YARDS WHEN USED TO PROVIDE ACCESS TO GASOLINE PUMP ISLANDS, TO ELIMINATE DRIVEWAYS IN FRONT AND SIDE YARDS IN THE B-1, H-1, H-2, OR H-3 ZONING DISTRICTS, AND TO ELIMINATE VEHICLE STACKING FOR DRIVE-IN FACILITIES WITHIN THE REQUIRED SIDE YARD; BY REPEALING SECTION 27.71.035 TO ELIMINATE GASOLINE PUMPS IN THE FRONT YARD; BY ADDING NEW SECTIONS NUMBERED 27.26.065, 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065, 27.43.065, 27.45.055, 27.47.055, 27.49.065, AND 27.51.075 TO ADD PEDESTRIAN CIRCULATION REGULATIONS IN THE O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.63.080 AND 27.63.200 TO REQUIRE HEALTH CARE FACILITIES AND CLUBS TO CONSTRUCT ON-SITE PEDESTRIAN CIRCULATION SIDEWALK SYSTEMS; AMENDING SECTION 27.81.010 TO CLARIFY THAT NO BUILDING SHALL BE ERECTED, ENLARGED OR RECONSTRUCTED NOR SHALL ANY STRUCTURE OR LAND BE USED EXCEPT IN CONFORMANCE WITH THE DESIGN STANDARDS FOR ZONING REGULATIONS AND TO GOVERN PEDESTRIAN CIRCULATION (RELATED ITEMS: 06-5, 06R-9, 06-6) (1/23/06 - CON'T. 2ND READING W/P.H. FOR 5 WKS. TO 2/27/06) (2/27/06 - ACTION DELAYED 2 WKS. TO 3/13/06) - PRIOR to reading:

COOK Moved to accept a Substitute Ordinance for Bill No. 06-5.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to amend Bill No. 06-5S on page 26, line 22, after the word "Standards" insert the following: (but not including Appendix A)".  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, and 27.51.090 to reduce the required front yard in the B-2, B-5, H-1, H-2, H-3, H-4, I-2, and I-3 zoning districts to 20 feet, and to provide in the O-2, B-2, B-5, H-4, I-1, I-2, and I-3 districts that any driveways which intersect the front yard shall be perpendicular to the street; by amending Section 27.67.030 to eliminate parking in the front yard in the I-2 zoning district; and by amending Sections 27.29.080, 27.33.080, 27.39.070, 27.41.080, and 27.43.080 to require a six-foot landscape strip on each side of a lot abutting a public street or private roadway in the B-1, B-3, H-1, H-2, and H-3 zoning districts; by amending Section 27.71.030 to eliminate driveways in the front and side yards when used to provide access to

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gasoline pump islands, to eliminate driveways in front and side yards in the B-1, H-1, H-2, or H-3 zoning districts, and to eliminate vehicle stacking for drive-in facilities within the required side yard; by repealing Section 27.71.035 to eliminate gasoline pumps in the front yard; by adding new Sections numbered 27.26.065, 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065, 27.43.065, 27.45.055, 27.47.055, 27.49.065, and 27.51.075 to add pedestrian circulation regulations in the O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts, respectively; by amending Sections 27.63.080 and 27.63.200 to require health care facilities and clubs to construct on-site pedestrian circulation sidewalk systems; amending Section 27.81.010 to clarify that no building shall be erected, enlarged or reconstructed nor shall any structure or land be used except in conformance with the Design Standards for Zoning Regulations and to govern pedestrian circulation; and repealing Sections 27.26.080, 27.29.080, 27.31.090, 27.33.080, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, 27.51.090, 27.63.080, 27.63.200, 27.67.030, 27.71.030 and 27.81.010 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass Bill No. 06-5S as amended.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18687**, is recorded in Ordinance Book #25, Page

MISC. 04015 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS CHAPTER 1.00 - REQUEST FOR WAIVER PROCEDURE, TO REVISE SECTION 1 TO ONLY REQUIRE THAT IMPROVEMENTS SUBSTANTIALLY CONFORM TO DESIGN STANDARDS, TO REVISE SECTION 2 TO ALLOW THE PLANNING DIRECTOR TO APPROVE REQUESTS FOR WAIVERS FROM THE DESIGN STANDARDS, BY ADDING A NEW SECTION 2.1.1 TO PROVIDE FOR AN APPEAL TO THE PLANNING COMMISSION FROM ACTION OF THE PLANNING ;DIRECTOR APPROVING OR DENYING A REQUEST FOR WAIVER FROM DESIGN STANDARDS, TO REVISE SECTION 2.1.2 TO PROVIDE FOR AN APPEAL TO THE CITY COUNCIL FROM ACTION OF THE PLANNING COMMISSION APPROVING OR DENYING A REQUEST FOR WAIVER OF THE DESIGN STANDARDS, BY REPEALING SECTION 2.2 IN ITS ENTIRETY; AMENDING CHAPTER 3.45 - DESIGN STANDARDS FOR PARKING LOTS, TO REVISE SECTION 3.6 TO PROVIDE THAT PARKING LOTS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 7.1 OF CHAPTER 3.50 OF THE CITY OF LINCOLN DESIGN STANDARDS; AMENDING CHAPTER 3.50 - DESIGN STANDARDS FOR SCREENING AND LANDSCAPING TO REVISE SECTION 3 TO REQUIRE THE LANDSCAPE PLAN TO INCLUDE THE MATURE HEIGHT AND SPREAD OF PLANT MATERIAL AND ITS SIZE AT PLANTING, TO DELETE THE PROVISION REGARDING THE OPACITY OF THE SCREEN, AND TO DELETE THE PROVISION THAT NO SCREENING IS REQUIRED IF THE DISTANCE BETWEEN THE LOT LINE AND THE BUILDING IS LESS THAN FIVE FEET; TO REVISE SECTION 4 TO MODIFY THE SCREENING OF SALVAGE YARDS AND SCRAP PROCESSING OPERATIONS AND TO REQUIRE THE INSTALLATION OF PLANT MATERIALS TO BE BY A CERTIFIED LANDSCAPE CONTRACTOR; TO REVISE SECTION 7.1 TO AMEND THE TITLE TO INCLUDE DRIVING AISLES, TO DELETE THE PROVISION ALLOWING REDUCTION OF SCREENING REQUIREMENTS FOR PARKING LOTS WHICH ARE SET BACK FROM THE LOT LINE TO EXCLUDE DRIVEWAY THROATS AND DRIVEWAY CURB CUTS FROM THE REQUIRED SCREEN, TO ELIMINATE THE PROVISION ALLOWING THE DESIGN SPREAD OF DECIDUOUS TREES TO BE USED FOR A PORTION OF THE REQUIRED SCREEN, TO REQUIRE THE PARKING LOT ADJACENT TO A PUBLIC STREET TO BE SCREENED AT LEAST 90% RATHER THAN 60%, AND TO ELIMINATE PROVISIONS REQUIRING THE PLANTING OF A DECIDUOUS TREE WHEN THERE IS LESS THAN FIVE FEET BETWEEN THE PARKING LOT AND THE STREET; TO ADD LANDSCAPE REQUIREMENTS FOR PARKING LOTS WHICH EXCEED 6,000 SQUARE FEET OF PAVED AREA; TO REVISE SECTION 7.3 TO AMEND THE TITLE TO MAKE IT NOT APPLICABLE TO COMMUNITY UNIT PLANS AND TO MAKE IT APPLICABLE TO USE PERMITS; TO REVISE SECTION 7.4 TO MAKE IT APPLICABLE ONLY TO MAJOR STREETS RATHER THAN ALL PUBLIC STREETS, TO INCREASE THE SCREEN FROM 50% TO 60% AND TO REQUIRE THE SCREEN TO GO TO 10 FEET ABOVE THE SURFACE ELEVATION RATHER THAN 6 FEET, AND TO PROVIDE THAT FENCES USED FOR A SCREEN, THEY MUST BE USED IN CONJUNCTION WITH PLANTS; TO REVISE SECTION 7.5 TO ALSO MAKE ITS PROVISIONS APPLY TO THE H-1 AND I-3 ZONING DISTRICTS; TO REVISE SECTION 7.6 TO REDUCE THE NUMBER OF REQUIRED TREES; TO ADD A NEW SECTION 7.11 TO REQUIRE SCREENING FOR REFUSE AREAS, RECYCLING BINS, OPEN STORAGE, LOADING AREAS, AND GROUND-LEVEL MECHANICAL EQUIPMENT AND TO PROVIDE A SCREENING STANDARD; TO REVISE SECTION 8 TO REQUIRE A GUARANTEE FOR THE INSTALLATION OF LANDSCAPING IF NOT INSTALLED BY THE TIME OF THE FINAL BUILDING INSPECTION; AND TO DELETE THE PROVISION ALLOWING THE PLANNING DIRECTOR TO MAKE ADMINISTRATIVE ADJUSTMENTS; AMENDING TITLE 4, MISCELLANEOUS DESIGN STANDARDS, TO ADD A NEW CHAPTER 4.20 ENTITLED

"DESIGN STANDARDS FOR LANDSCAPING, STREETSAPES, MEDIANS, BOULEVARDS, ROUNDABOUT, AND MAJOR STREETS" TO PROVIDE STANDARDS RELATING TO SUCH LANDSCAPING INCLUDING GENERAL PROVISIONS, LANDSCAPING PLAN REQUIREMENTS, SITE PREPARATION, PLANT SELECTION AND PLACEMENT, PLANTING, APPROVED TREE LIST FOR NON-PAVED PLANTING STRIPS, MEDIANS, CUL-DE-SAC CIRCLES, ROUNDABOUTS, BOULEVARDS, AND MAJOR STREETS, TREE CHARACTERISTICS, AND SHRUB CHARACTERISTICS (RELATED ITEMS: 06-5, 06R-9, 06-6) (ACTION DATE: 1/30/06) (1/23/06 - CON'T. 2ND READING W/P.H. FOR 5 WKS. TO 2/27/06) (2/27/06 - ACTION DELAYED 2 WKS. TO 3/13/06) - PRIOR to reading:

- COOK Moved to accept Substitute Ordinance for Bill No. 06R-9.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
- COOK Moved to amend Bill No. 06R-9S by amending Attachment "E" thereto,  
Design Standards Chapter 4.20, in the following manner:
1. In Section 1.2, second paragraph, amend the first line to read as follows:  
"These standards ~~are not intended to~~ shall not apply to a landscape planting installed and ..."
  2. In Section 1.2, second paragraph, amend the last sentence to include Chapter 14.44 "Obstructions on Corner Lots", as follows""These landscape plantings are regulated under provisions within Chapter 12.20, Chapter 14.44, and Chapter 14.80 of the Lincoln Municipal Code".
- Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None
- CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption as amended:

A-83782 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and  
WHEREAS, a text change to the Design Standards is necessary under Chapter 1.00 - Request for Waiver Procedure, to revise Section 1 to only require that improvements substantially conform to Design Standards, to revise Section 2 to allow the Planning Director to approve requests for waivers from the Design Standards, by adding a new Section 2.1.1 to provide for an appeal to the Planning Commission from action of the Planning Director approving or denying a request for waiver from Design Standards, to revise Section 2.1.2 to provide for an appeal to the City Council from action of the Planning Commission approving or denying a request for waiver of the Design Standards, by repealing Section 2.2 in its entirety, and by re-numbering the remaining Section; and  
WHEREAS, a text change to the Design Standards is necessary under Chapter 3.45 - Design Standards for Parking Lots, to revise Section 3.6 to provide that parking lots shall be screened in accordance with Section 7.1 of Chapter 3.50 of the City of Lincoln Design Standards; and  
WHEREAS, a text change to the Design Standards is necessary under Chapter 3.50 - Design Standards for Screening and Landscaping to revise Section 3 to describe the improvements to which the requirements of this chapter are applicable, to require the landscape plan to include the mature height and spread of plant material and its size at planting, to delete the provision regarding the opacity of the screen, and to delete the provision that no screening is required if the distance between the lot line and the building is less than five feet and to provide that trees may count toward the required screening; to revise Section 4 to modify the screening of salvage yards and scrap processing operations and to require the installation of plant materials to be by a certified landscape contractor; to revise Section 7.1 to amend the title to include driving aisles, to delete the provision allowing reduction of screening requirements for parking lots which are set back from the lot line; to exclude driveway throats and driveway curb cuts from the required screen, to eliminate the provision allowing the design spread of deciduous trees to be used for a portion of the required screen, to require the sides of parking lots, parking areas, and driving aisles to be screened at least 90%, 60%, or 30% depending upon the distance the parking lot, parking area or driving aisle is set back from the lot line, and to eliminate provisions requiring the planting of a deciduous tree when there is less than five feet between the parking lot and the street; to add landscape requirements for parking lots which exceed 6,000 square feet of paved area; to revise Section 7.3 to amend the title to make it not applicable to community unit plans and to make it applicable to use permits; to revise Section 7.4 to make it applicable only to major streets rather than all public streets, to increase the screen from 50% to 60% and to require the screen to go to 10 feet above the surface elevation rather than 6 feet, and to provide that fences

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used for a screen, they must be used in conjunction with plants; to revise Section 7.5 to also make its provisions apply to the H-1 and I-3 Zoning Districts; to revise Section 7.6 to revise provisions governing the number of required trees; to add a new Section 7.11 to require screening for refuse areas, recycling bins, open storage, loading areas, and ground-level mechanical equipment and to provide a screening standard; to revise Section 8 to provide when a certificate of occupancy may be issued; and to delete the provision allowing the planning director to make administrative adjustments; and

WHEREAS, a text change to the Design Standards is necessary under Title 3, Design Standards for Zoning Regulations, to add a new Chapter 3.105 entitled "Design Standards for Pedestrian Circulation in Commercial and Industrial Areas" to provide standards for such circulation.

WHEREAS, a text change to the Design Standards is necessary under Title 4, Miscellaneous Design Standards, to add a new Chapter 4.20 entitled "Design Standards for Landscaping, Streetscapes, Medians, Boulevards, Roundabout, and Major Streets" to provide standards relating to such landscaping including general provisions, landscaping plan requirements, site preparation, plant selection and placement, planting, approved tree list for non-paved planting strips, medians, cul-de-sac circles, roundabouts, boulevards, and major streets, tree characteristics, and shrub characteristics.

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

1. That Chapter 1.00 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by amending Sections 1, 2.1, and 2.2 to read as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

2. That Chapter 3.45 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by amending Section 3.6 to read as shown on Attachment "B" which is attached hereto and incorporated herein by reference.

3. That Chapter 3.50 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by amending Sections 3, 4, 7.1, 7.3., 7.4, 7.5, 7.6, by adding a new section 7.11 and by amending Section 8 to read as shown on Attachment "C" which is attached hereto and incorporated herein by reference.

4. That Title 3 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by adding a new Chapter 3.105 to read as shown on Attachment "D" which is attached hereto and incorporated herein by reference.

5. That Title 4 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by adding a new Chapter 4.20 to read as shown on Attachment "E" which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that these amendments to the City of Lincoln Design Standards shall only apply to applications that are filed on or after the date of this Resolution.

Introduced by Annette McRoy

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MISC. 05007 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.23.040 TO MODIFY THE MINIMUM RIGHT-OF-WAY WIDTH FOR MAJOR STREETS AND TO PROVIDE TYPICAL CROSS-SECTION FIGURES FOR STREETS HAVING A WIDTH 120 FEET AND 130 FEET AND BY AMENDING SECTION 26.27.090 TO PROVIDE THAT TREES SHALL BE PLANTED IN THE PUBLIC RIGHT-OF-WAY ALONG MAJOR STREETS WHICH HAVE A MINIMUM OF 120 FEET OF RIGHT-OF-WAY (RELATED ITEMS: 06-5, 06R-9, 06-6) (1/23/06 - CON'T. 2ND READING W/P.H. FOR 5 WKS. TO 2/27/06) (2/27/06 - ACTION DELAYED 2 WKS. TO 3/13/06)(3/13/06 - ACTION CON'T. FOR 1 WK. TO 3/20/06) PRIOR to reading:

COOK Moved to accept Substitute Ordinance for Bill No. 06-6.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to amend Bill No. 06-6S on page 2, delete the nonurban major street width provisions by striking lines 1 through 4:  
~~Nonurban major streets.....100 feet  
(Streets and road shown on future County street and road network map in the comprehensive plan):~~  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Section 26.23.040 to modify the minimum right-of-way width for major streets and to provide typical cross-section figures for streets having a width 120 feet and 130 feet; by amending Section 26.27.090 to provide that trees shall be planted in the public right-of-way along major streets which have a minimum of 120 feet of right-of-way; and repealing Sections 26.23.040 and 26.27.090 as hitherto existing, the third time.

MCROY Moved to pass Bill No. 06-6S as amended.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered #18688, is recorded in Ordinance Book #25, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to March 27, 2006.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on March 27, 2006.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**ADJOURNMENT 4:09 P.M.**

CAMP Moved to adjourn the City Council meeting of March 20, 2006.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

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