

Change of Zone 05068B

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Zoning District Maps attached to and made a
2 part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln
3 Municipal Code, by changing the boundaries of the districts established and shown thereon.

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

5 Section 1. That the "Lincoln Zoning District Maps" attached to and made a part of Title
6 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries
7 of the districts established and shown on said Maps as follows:

8 Lots 61 I.T. and 62 I.T., in the Northeast Quarter of Section 27,
9 Township 9 North, Range 7 East of the 6th P.M., Lancaster
10 County, Nebraska and more particularly described as follows:

11 Referring to the southeast corner of the Northeast Quarter of said
12 Section 27; thence in a westerly direction on the south line of the
13 Northeast Quarter of said Section 27, north 89 degrees 40
14 minutes 22 seconds west for a distance of 50.01 feet; thence
15 north 00 degrees 07 minutes 51 seconds east for a distance of
16 371.00 feet to the point of beginning; thence north 89 degrees 52
17 minutes 09 seconds west for a distance of 1156.67 feet; thence
18 north 00 degrees 19 minutes 35 seconds east for a distance of
19 372.70 feet to a circular curve to the left having a radius of 270.00
20 feet, a central angle of 27 degrees 07 minutes 57 seconds and
21 whose chord (126.67 feet) bears north 13 degrees 14 minutes 24
22 seconds west; thence on the arc of said circular curve 127.86 feet
23 to the point of tangency; thence north 26 degrees 48 minutes 22
24 seconds west for a distance of 173.32 feet; thence north 65
25 degrees 32 minutes 10 seconds east for a distance of 518.11 feet;
26 thence south 89 degrees 52 minutes 08 seconds east for a
27 distance of 792.10 feet; thence south 00 degrees 07 minutes 51
28 seconds west for a distance of 866.06 feet to the point of
29 beginning and containing a calculated area of 985,119.35 square
30 feet or 22.62 acres;

31 and

32 A portion of Lot 49 I.T., located in the Southwest Quarter of
33 Section 27, Township 9 North, Range 7 East of the 6th P.M.,
34 Lancaster County, Nebraska and more particularly described as
35 follows:

1 Referring to the southeast corner of the Northeast Quarter of said
2 Section 27; thence in a westerly direction on the south line of the
3 Northeast Quarter of said Section 27, north 89 degrees 40
4 minutes 22 seconds west for a distance of 2697.79 feet to the
5 northeast corner of the Southwest Quarter of said Section 27 and
6 the point of beginning; thence south 00 degrees 34 minutes 51
7 seconds west on the east line of said Southwest Quarter, a
8 distance of 646.84 feet; thence north 89 degrees 25 minutes 09
9 seconds west for a distance of 798.30 feet; thence north 45
10 degrees 04 minutes 34 seconds west for a distance of 315.82
11 feet; thence north 44 degrees 55 minutes 26 seconds east for a
12 distance of 320.93 feet; thence north 28 degrees 41 minutes 03
13 seconds east for a distance of 215.40 feet; thence north 39
14 degrees 14 minutes 59 seconds east for a distance of 4.48 feet;
15 thence south 89 degrees 40 minutes 22 seconds east for a
16 distance of 695.59 feet to the point of beginning and containing a
17 calculated area of 556,316.63 square feet or 12.77 acres;

18 be and they hereby are (1) transferred from the AG Agricultural District to the R-3 Residential
19 District and are hereby made a part of the R-3 Residential District; (2) designated as a Planned
20 Unit Development District pursuant to and in accordance with Chapter 27.60 of the Lincoln
21 Municipal Code entitled "Planned Unit Development District"; and (3) governed by all the
22 provisions and regulations pertaining to the R-3 Residential District except as modified in
23 Section 2 below.

24 Section 2. The Development Plan submitted by R.C. Krueger Development
25 ("Permittee") for the Woodlands at Yankee Hill Planned Unit Development, as set forth in
26 Permittee's application and the site plan, be and the same is hereby approved upon condition
27 that construction and operation of said Planned Unit Development by Permittee and its
28 successors and assigns be in substantial compliance with said application, the site plan, and
29 the following express terms and conditions and requirements:

30 1. This permit expands the boundary of the Woodlands at Yankee Hill Planned Unit
31 Development to include the above described 35.39 acres and approves an additional 265,000
32 square feet of commercial floor area and 46 dwelling units within said Planned Unit
33 Development.

- 1 2. Before receiving building permits the Permittee shall:
- 2 a. Cause to be prepared and submitted to the Planning Department a
3 revised and reproducible final plot plan including five copies showing the
4 following revisions:
- 5 i. Add a new General Note that states "Provided the east
6 commercial center is platted into lots and blocks as shown, no cap
7 on retail, restaurant, and convenience store floor area is required.
8 Otherwise, a cap on the total amount of floor area dedicated to
9 retail, restaurant, and convenience store uses may be required.
- 10 ii. Identify the bike trail easement on Sheet 2A.
- 11 iii. Label the unnamed street one block south of Irene Court.
- 12 iv. Replace old annexation boundary/PUD limit/Phase I boundary to
13 include the areas of this request.
- 14 v. Label the facility indicated by the heavy lines between Lots 12, 13,
15 27, and 28, Block 39 or delete if not necessary.
- 16 vi. Revise the last sentence of General Note #4 to state "Details of
17 signs shall be shown at the time of sign permits."
- 18 b. Submit revised grading, drainage, and utility plans to the satisfaction of
19 Public Works and Utilities.
- 20 3. The City Council must approved the associated request, Annexation No. 11005.
- 21 4. Before receiving building permits:
- 22 a. The permittee shall have submitted administrative amendments and a
23 revised final plan and the plans are acceptable.
- 24 b. The construction plans shall comply with the approved plans.
- 25 c. Final plats shall be approved by the City.
- 26 d. Permittee agrees to comply with the terms of the annexation agreement.
- 27 5. Before occupying the dwelling units and commercial buildings all development
28 and construction shall have been substantially completed in compliance with the approved
29 plans.
- 30 6. All privately-owned improvements shall be permanently maintained by the
31 Permittee or an appropriately established owners association approved by the City Attorney.
- 32

1 7. The physical location of all setbacks and yards, buildings, parking and circulation
2 elements, and similar matters must be in substantial compliance with the location of said items
3 as shown on the approved site plan.

4 9. The terms, conditions, and requirements of this ordinance shall run with the land
5 and be binding upon the Permittee, its successors and assigns.

6 10. The Permittee shall sign and return the letter of acceptance to the City Clerk
7 within 60 days following the approval of the change of zone, provided, however, said 60-day
8 period may be extended up to six months by administrative amendment. The clerk shall file a
9 copy of the ordinance approving the change of zone and the letter of acceptance with the
10 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

11 11. The site plan as approved with this ordinance voids and supersedes all
12 previously approved site plans, however, the terms, conditions and requirements of all
13 ordinances approving previous development plans remain in full force and effect except as
14 specifically amended by this ordinance.

15 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
16 be posted on the official bulletin board of the City, located on the wall adjoining the City Clerk's
17 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of
18 passage and such posting to be given by publication one time in the official newspaper by the
19 City Clerk. This ordinance shall take effect and be in force from and after its passage and
20 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor