

Change of Zone 04075D

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 Section 1. That the land legally described as follows:

9 Parcel 1: A portion of Outlot "F", Village Meadows 3rd Addition,  
10 located in the Southeast Quarter of Section 21, Township 9 North,  
11 Range 7 East of the 6th P.M., City of Lincoln, Lancaster County,  
12 Nebraska, and more particularly described as follows:

13 Commencing at the northeast corner of said Outlot "F", said point  
14 being the northwest corner of Lot 89 I.T., said point being the true  
15 point of beginning; thence southerly along an east line of said  
16 Outlot "F" on an assumed bearing of south 26 degrees 54 minutes  
17 20 seconds west, a distance of 25.02 feet to a point; thence north  
18 00 degrees 01 minutes 56 seconds east, a distance of 22.32 feet  
19 to a point of intersection with the north line of said Outlot "F";  
20 thence south 89 degrees 58 minutes 04 seconds east along the  
21 north line of said Outlot "F", a distance of 11.31 feet to the point of  
22 beginning, said tract contains a calculated area of 126.24 square  
23 feet or 0.003 acres, more or less;

24 together with:

1 Parcel 2: A portion of Outlot "F" Village Meadows 3rd Addition,  
2 located in the Southeast Quarter of Section 21, Township 9 North,  
3 Range 7 East of the 6th P.M., City of Lincoln, Lancaster County,  
4 Nebraska, and more particularly described as follows:

5 Commencing at the northeast corner of said Outlot "F", said point  
6 being the northwest corner of Lot 89 I.T.; thence southerly along  
7 an east line of said Outlot "F" on an assumed bearing of south 26  
8 degrees 54 minutes 20 seconds west, a distance of 25.02 feet to a  
9 point; thence continuing southwesterly along said line, a distance  
10 of 120.00 feet to an east corner of said Outlot "F", said point being  
11 the true point of beginning; said point being the point of curvature  
12 for a non-tangent curve in a counter clockwise direction having a  
13 central angle of 04 degrees 55 minutes 23 seconds, a radius of  
14 470.00 feet, an arc length of 40.38 feet along a north line of said  
15 Outlot "F", a tangent length of 20.20 feet, a chord length of 40.37  
16 feet, and a chord bearing of south 65 degrees 33 minutes 21  
17 seconds east to an east corner of said Outlot "F"; thence south 21  
18 degrees 58 minutes 57 seconds west along an east line of said  
19 Outlot "F", a distance of 60.00 feet to a point of curvature for a  
20 non-tangent curve in a clockwise direction having a central angle  
21 of 01 degrees 04 minutes 52 seconds, a radius of 530.00 feet, an  
22 arc length of 10.00 feet along a south line of said Outlot "F", a  
23 tangent length of 5.00 feet, a chord length of 10.00 feet, and a  
24 chord bearing of north 67 degrees 28 minutes 37 seconds west to  
25 an east corner of said Outlot "F"; thence continuing along said  
26 curve having a central angle of 03 degrees 50 minutes 31  
27 seconds, a radius of 530.00 feet, an arc length of 35.54 feet, a  
28 tangent length of 17.78 feet, a chord distance of 35.53 feet and a  
29 chord bearing of north 65 degrees 00 minutes 56 seconds west to  
30 a point; thence north 26 degrees 54 minutes 20 seconds east, a  
31 distance of 60.00 feet to the point of beginning, said tract contains  
32 a calculated area of 2,577.67 square feet or 0.059 acres, more or  
33 less;

34 together with:

35 Parcel 3: A portion of Outlot "F", Village Meadows 3rd Addition,  
36 located in the South Half of Section 21, Township 9 North, Range  
37 7 East of the 6th P.M., City of Lincoln, Lancaster County,  
38 Nebraska, and more particularly described as follows:

39 Commencing at the northeast corner of said Outlot "F", said point  
40 being the northwest corner of Lot 89 I.T.; thence southerly along  
41 an east line of said Outlot "F" on an assumed bearing of south 26  
42 degrees 54 minutes 20 seconds west, a distance of 25.02 feet to a  
43 point; thence continuing southwesterly along said line, a distance  
44 of 120.00 feet to an east corner of said Outlot "F", said point being  
45 the point of curvature for a non-tangent curve in a counter  
46 clockwise direction having a central angle of 04 degrees 55  
47 minutes 23 seconds, a radius of 470.00 feet, an arc length of

1 40.38 feet along a north line of said Outlot "F", a tangent length of  
2 20.20 feet, a chord length of 40.37 feet, and a chord bearing of  
3 south 65 degrees 33 minutes 21 seconds east to an east corner of  
4 said Outlot "F"; thence south 21 degrees 58 minutes 57 seconds  
5 west along an east line of said Outlot "F", a distance of 60.00 feet  
6 to an east corner of said Outlot "F", said point being the point of  
7 curvature for a non-tangent curve in a clockwise direction having a  
8 central angle of 01 degrees 04 minutes 52 seconds, a radius of  
9 530.00 feet, an arc length of 10.00 feet along a south line of said  
10 Outlot "F", a tangent length of 5.00 feet, a chord length of 10.00  
11 feet, and a chord bearing of north 67 degrees 28 minutes 37  
12 seconds west to an east corner of said Outlot "F"; thence south 12  
13 degrees 53 minutes 26 seconds west along an east line of said  
14 Outlot "F", a distance of 622.22 feet to an east corner of said  
15 Outlot "F"; thence south 12 degrees 54 minutes 59 seconds west  
16 along an east line of said Outlot "F", a distance of 68.89 feet to an  
17 east corner of said Outlot "F"; thence south 15 degrees 26  
18 minutes 56 seconds west along an east line of said Outlot "F", a  
19 distance of 60.62 feet to an east corner of said Outlot "F"; thence  
20 south 19 degrees 35 minutes 05 seconds west along an east line  
21 of said Outlot "F", a distance of 60.62 feet to an east corner of said  
22 Outlot "F"; thence south 23 degrees 57 minutes 27 seconds west  
23 along an east line of said Outlot "F", a distance of 67.57 feet to an  
24 east corner of said Outlot "F", said point being the true point of  
25 beginning; thence south 63 degrees 44 minutes 16 seconds east  
26 along a north line of said Outlot "F", a distance of 130.00 feet to a  
27 north corner of said Outlot "F", said point being the point of  
28 curvature for a non-tangent curve in a counter clockwise direction  
29 having a central angle of 00 degrees 35 minutes 26 seconds, a  
30 radius of 970.00 feet, an arc length of 10.00 feet along a west line  
31 of said Outlot "F", a tangent length of 5.00 feet, a chord length of  
32 10.00 feet, and a chord bearing of north 25 degrees 58 minutes 01  
33 seconds east to a north corner of said Outlot "F"; thence south 64  
34 degrees 19 minutes 42 seconds east along a north line of said  
35 Outlot "F", a distance of 60.00 feet to a north corner of said Outlot  
36 "F", said point being the point of curvature for a non-tangent curve  
37 in a clockwise direction having a central angle of 01 degrees 10  
38 minutes 22 seconds, a radius of 1,030.00 feet, an arc length of  
39 21.08 feet along an east line of said Outlot "F", a tangent length of  
40 10.54 feet, a chord length of 21.08 feet, and a chord bearing of  
41 south 26 degrees 15 minutes 29 seconds west to a north corner of  
42 said Outlot "F"; thence south 63 degrees 09 minutes 20 seconds  
43 east along a north line of said Outlot "F", a distance of 120.04 feet  
44 to an east corner of said Outlot "F"; thence south 20 degrees 44  
45 minutes 16 seconds west along an east line of said Outlot "F", a  
46 distance of 17.05 feet to an east corner of said Outlot "F"; thence  
47 south 31 degrees 02 minutes 56 seconds west along an east line  
48 of said Outlot "F", a distance of 95.70 feet to an east corner of said  
49 Outlot "F"; thence south 58 degrees 57 minutes 04 seconds east  
50 along a north line of said Outlot "F", a distance of 10.00 feet to an  
51 east corner of said Outlot "F"; thence south 31 degrees 02  
52 minutes 56 seconds west along an east line of said Outlot "F", a  
53 distance of 60.00 feet to an east corner of said Outlot "F"; thence

1 north 58 degrees 57 minutes 04 seconds west along a south line  
2 of said Outlot "F", a distance of 44.03 feet to an east corner of said  
3 Outlot "F"; thence south 31 degrees 02 minutes 56 seconds west  
4 along an east line of said Outlot "F", a distance of 124.80 feet to  
5 an east corner of said Outlot "F"; thence south 59 degrees 58  
6 minutes 29 seconds east along a north line of said Outlot "F", a  
7 distance of 2.08 feet to an east corner of said Outlot "F"; thence  
8 south 30 degrees 01 minutes 31 seconds west along an east line  
9 of said Outlot "F", a distance of 0.17 feet to a point; thence north  
10 60 degrees 06 minutes 12 seconds west, a distance of 262.13 feet  
11 to a point; thence north 31 degrees 03 minutes 03 seconds east, a  
12 distance of 130.21 feet to a point; thence south 58 degrees 57  
13 minutes 04 seconds east, a distance of 10.00 feet to a point;  
14 thence north 31 degrees 02 minutes 56 seconds east, a distance  
15 of 60.00 feet to a point; thence north 58 degrees 57 minutes 04  
16 seconds west, a distance of 25.98 feet to a point; thence north 31  
17 degrees 02 minutes 56 seconds east, a distance of 28.16 feet to a  
18 point; thence north 28 degrees 39 minutes 20 seconds east, a  
19 distance of 70.16 feet to the point of beginning; said tract contains  
20 a calculated area of 84,697.97 square feet or 1.94 acres, more or  
21 less;

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

28 Section 2. This change of zone expands a planned unit development under The  
29 Development Plan submitted by Village Gardens Development Company, LLC ("Permittee") for  
30 the Village Gardens Planned Unit Development to add approximately two acres of land to  
31 correct a discrepancy between the change of zone and annexation associated with the most  
32 recent amendment to the Village Gardens PUD and the recorded final plat of Village Gardens  
33 3rd Addition upon condition that operation of the Village Gardens Planned Unit Development by  
34 Permittee and its successors and assigns be in substantial compliance with said application, the  
35 site plan and the following express terms and conditions and requirements:

1           1.       Before receiving building permits, the Permittee shall cause to be prepared and  
2 submitted to the Planning Department a revised final plot plan and development plan including 5  
3 copies to include the area of this request.

4           2.       Before occupying the buildings all development and construction is to  
5 substantially comply with the approved plans.

6           3.       All privately-owned improvements shall be permanently maintained by the  
7 Permittee or an appropriately established homeowners association approved by the City  
8 Attorney.

9           4.       The site plan and development plan accompanying this planned unit  
10 development shall be the basis for all interpretations of setbacks, yards, locations of buildings,  
11 location of parking and circulation elements, and similar matters.

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

14          6.       The Permittee shall sign and return the letter of acceptance to the City Clerk.  
15 This step should be completed within 60 days following the approval of the change of zone,  
16 provided, however, said 60-day period may be extended up to six months by administrative  
17 amendment. The City Clerk shall file a copy of the ordinance approving the change of zone and  
18 the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by  
19 the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

20          7.       The site plan and development plan as approved with this ordinance voids and  
21 supersedes all previously approved site plans, however the terms and conditions of all prior  
22 ordinances approving the Planned Unit Development remain in force and effect except as  
23 specifically amended by this ordinance.

24          Section 3.     Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall  
25 be posted on the official bulletin board of the City, located on the wall across from the City

1 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice  
2 of passage and such posting to be given by publication one time in the official newspaper by the  
3 City Clerk. This ordinance shall take effect and be in force from and after its passage and  
4 publication as herein and in the City Charter provided.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_\_ day of \_\_\_\_\_, 2012:

\_\_\_\_\_  
Mayor