

Change of Zone 05054-B

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending the City of Lincoln Zoning District Maps attached to  
 2 and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the  
 3 districts established and shown on said City of Lincoln Zoning District Maps as provided in  
 4 Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area  
 5 hereinafter described as a planned unit development.

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

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

10           Lot 35 and a portion of Lot 7, located in the Northwest Quarter of  
 11 Section 11, Township 10 North, Range 7 East of the 6th P.M.,  
 12 Lancaster County, Nebraska and being more particularly  
 13 described as follows:

14           Beginning at the northwest corner of said Lot 35, also being the  
 15 south line of the abandoned C.R.I. & P. Railroad; thence on said  
 16 south line, south 89 degrees 55 minutes 56 seconds east,  
 17 1,325.17 feet; thence south 00 degrees 24 minutes 25 seconds  
 18 west, 470.86 feet; thence south 89 degrees 42 minutes 58  
 19 seconds west, 1,295.17 feet to the east right-of-way line of North  
 20 84th Street; thence on said east right-of-way line for the next 5  
 21 courses, north 00 degrees 36 minutes 04 seconds east, 28.10  
 22 feet; thence north 65 degrees 46 minutes 58 seconds west, 70.72  
 23 feet; thence north 01 degrees 01 minutes 18 seconds east, 112.63  
 24 feet; thence north 17 degrees 43 minutes 04 seconds east, 104.42  
 25 feet; thence north 01 degrees 01 minutes 18 seconds east, 209.68  
 26 feet to the point of beginning, containing 634,390.67 square feet  
 27 (14.56 acres) more or less;

28           and

29           A portion of Lot 29 located in the Southwest Quarter of Section 11,  
 30 Township 10 North, Range 7 East of the 6th P.M., Lancaster  
 31 County, Nebraska and being more particularly described as  
 32 follows:

1 Referring to the southeast corner of said Lot 29, also being on the  
2 north right-of-way line of Adams Street; thence on said north right-  
3 of-way line, north 89 degrees 20 minutes 41 seconds west, 353.82  
4 feet; thence north 00 degrees 39 minutes 19 seconds east, 248.01  
5 feet to the point of beginning; thence north 88 degrees 30 minutes  
6 37 seconds west, 423.79 feet; thence northwesterly on a 253.00  
7 foot radius curve to the right, an arc length of 391.59 feet (long  
8 chord bears north 44 degrees 10 minutes 10 seconds west,  
9 353.66 feet); thence north 00 degrees 10 minutes 17 seconds  
10 east, 92.83 feet; thence northerly on a 303.00 foot radius curve to  
11 the right, an arc length of 79.09 feet (long chord bears north 07  
12 degrees 38 minutes 58 seconds east, 78.87 feet); thence northerly  
13 on a 1,510.38 foot radius curve to the right, an arc length of  
14 162.06 feet (long chord bears north 18 degrees 12 minutes 05  
15 seconds east, 161.98 feet); thence south 73 degrees 14 minutes  
16 41 seconds east, 66.22 feet; thence northeasterly on a 1,444.38  
17 foot radius curve to the right, an arc length of 97.37 feet (long  
18 chord bears north 23 degrees 24 minutes 49 seconds east, 97.36  
19 feet); thence south 89 degrees 49 minutes 19 seconds east,  
20 507.35 feet; thence south 45 degrees 00 minutes 00 seconds  
21 east, 382.37 feet; thence southwesterly on a 833.00 foot radius  
22 curve to the left, an arc length of 46.31 feet (long chord bears  
23 south 47 degrees 42 minutes 22 seconds west, 46.30 feet);  
24 thence southwesterly on a 786.42 foot radius curve to the left, an  
25 arc length of 229.81 feet (long chord bears south 42 degrees 31  
26 minutes 58 seconds west, 228.99 feet); thence southwesterly on a  
27 850.00 foot radius curve to the left, an arc length of 205.60 feet  
28 (long chord bears south 23 degrees 35 minutes 12 seconds west,  
29 205.10 feet) to the point of beginning; containing 483,436.58  
30 square feet (11.10 acres) more or less;

31 be and they hereby are (1) transferred from the AG Agricultural District to the R-5 Residential  
32 District and are hereby made a part of the R-5 Residential PUD District (2) designated as a  
33 Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln  
34 Municipal Code entitled "Planned Unit Development District" and (3) governed by all the provi-  
35 sions and regulations pertaining to the R-5 Residential PUD District except as modified in  
36 Section 4 below.

37 Section 2. That the "Lincoln Zoning District Maps" attached to and made a  
38 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the  
39 boundaries of the districts established and shown on said Zoning District Maps as follows:

40 A portion of Lots 29, 34, and 36, located in the Southwest Quarter  
41 of Section 11, Township 10 North, Range 7 East of the 6th P.M.,  
42 Lancaster County, Nebraska, and being more particularly  
43 described as follows:

1 Beginning at the northwest corner of said Lot 36; thence on the  
2 north line of said Lot 36, north 89 degrees 42 minutes 58 seconds  
3 east, 1,295.17 feet; thence south 00 degrees 24 minutes 25  
4 seconds west, 260.74 feet; thence south 05 degrees 36 minutes  
5 15 seconds west, 220.78 feet; thence south 00 degrees 24  
6 minutes 24 seconds west, 434.78 feet; thence southerly on a  
7 1,265.77 foot radius curve to the left, an arc length of 49.87 feet  
8 (long chord bears south 01 degrees 17 minutes 09 seconds east,  
9 49.87 feet); thence north 89 degrees 49 minutes 12 seconds west,  
10 232.83 feet; thence south 00 degrees 05 minutes 36 seconds  
11 west, 410.91 feet; thence north 89 degrees 49 minutes 12  
12 seconds west, 102.58 feet; thence southerly on a 259.04 foot  
13 radius curve to the right, an arc length of 338.20 feet (long chord  
14 bears south 11 degrees 54 minutes 01 seconds west, 314.68  
15 feet); thence south 53 degrees 20 minutes 16 seconds west,  
16 53.00 feet; thence north 89 degrees 49 minutes 19 seconds west,  
17 507.35 feet; thence southwesterly on a 1,444.38 foot radius curve  
18 to the left, an arc length of 97.37 feet (long chord bears south 23  
19 degrees 24 minutes 48 seconds west, 97.36 feet); thence north 73  
20 degrees 14 minutes 41 seconds west, 131.32 feet; thence north  
21 89 degrees 49 minutes 12 seconds west, 215.00 feet to the east  
22 right-of-way line of North 84th Street; thence on said east right-of-  
23 way line for the next 9 courses, north 00 degrees 10 minutes 17  
24 seconds east, 380.01 feet; thence north 71 degrees 44 minutes 12  
25 seconds east, 63.25 feet; thence north 00 degrees 10 minutes 17  
26 seconds east, 60.00 feet; thence north 63 degrees 50 minutes 44  
27 seconds west, 89.00 feet; thence north 00 degrees 10 minutes 17  
28 seconds east, 129.22 feet; thence north 03 degrees 59 minutes 08  
29 seconds east, 300.68 feet; thence north 00 degrees 10 minutes 17  
30 seconds east, 777.37 feet; thence north 70 degrees 11 minutes 18  
31 seconds east, 58.52 feet; thence north 00 degrees 36 minutes 04  
32 seconds east, 31.90 feet to the point of beginning, containing  
33 2,088,684.10 square feet (47.95 acres) more or less;

34 be and they hereby are (1) transferred from the AG Agricultural District to the B-2 Planned  
35 Neighborhood Business District and are hereby made a part of the B-2 Planned Neighborhood  
36 Business PUD District (2) designated as a Planned Unit Development pursuant to and in  
37 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit  
38 Development District" and (3) governed by all the provisions and regulations pertaining to the B-  
39 2 Planned Neighborhood Business PUD District except as modified in Section 4 below.

40 Section 3. That the "Lincoln Zoning District Maps" attached to and made a  
41 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the  
42 boundaries of the districts established and shown on said Zoning District Maps as follows:

1 Lot 28 and a portion of Lot 29 located in the Southwest Quarter of  
2 Section 11, Township 10 North, Range 7 East of the 6th P.M.,  
3 Lancaster County, Nebraska and being more particularly  
4 described as follows:

5 Beginning at the southeast corner of said Lot 28, also being on the  
6 north right-of-way line of Adams Street; thence on said north right-  
7 of-way line for the next 2 courses, north 89 degrees 22 minutes 23  
8 seconds west, 262.30 feet; thence north 45 degrees 25 minutes  
9 41 seconds west, 35.50 feet to the east right-of-way line of North  
10 84th Street; thence on said east right-of-way line, north 00  
11 degrees 10 minutes 17 seconds east, 822.39 feet; thence south  
12 89 degrees 49 minutes 12 seconds east, 215.00 feet; thence  
13 south 73 degrees 14 minutes 41 seconds east, 65.11 feet; thence  
14 southerly on a 1,510.38 foot radius curve to the left, an arc length  
15 of 162.06 feet (long chord bears south 18 degrees 12 minutes 05  
16 seconds west, 161.98 feet); thence southerly on a 303.00 foot  
17 radius curve to the left, an arc length of 79.09 feet (long chord  
18 bears south 07 degrees 38 minutes 58 seconds west, 78.87 feet);  
19 thence south 00 degrees 10 minutes 17 seconds west, 92.83 feet;  
20 thence southeasterly on a 253.00 foot radius curve to the left, an  
21 arc length of 391.59 feet (long chord bears south 44 degrees 10  
22 minutes 10 seconds east, 353.66 feet); thence south 88 degrees  
23 30 minutes 37 seconds east, 423.79 feet; thence southerly on a  
24 850.00 foot radius curve to the left, an arc length of 238.33 feet  
25 (long chord bears south 08 degrees 37 minutes 29 seconds west,  
26 237.55 feet); thence south 00 degrees 35 minutes 33 seconds  
27 west, 12.76 feet; thence north 89 degrees 20 minutes 41 seconds  
28 west, 565.21 feet to the point of beginning, containing 366,501.46  
29 square feet (8.41 acres) more or less;

30 and

31 A portion of Lots 29, 34, and 36 located in the Southwest Quarter  
32 of Section 11, Township 10 North, Range 7 East of the 6th P.M.,  
33 Lancaster County, Nebraska and being more particularly  
34 described as follows:

35 Referring to the southeast corner of said Lot 29, also being on the  
36 north right-of-way line of Adams Street; thence on said north right-  
37 of-way line, north 89 degrees 20 minutes 41 seconds west, 87.15  
38 feet; thence north 00 degrees 39 minutes 19 seconds east, 638.95  
39 feet to the point of beginning; thence north 45 degrees 00 minutes  
40 00 seconds west, 382.37 feet; thence north 53 degrees 20  
41 minutes 16 seconds east, 53.00 feet; thence northerly on a 259.04  
42 foot radius curve to the left, an arc length of 338.20 feet (long  
43 chord bears north 11 degrees 54 minutes 00 seconds east,  
44 314.68 feet); thence south 89 degrees 49 minutes 12 seconds  
45 east, 102.58 feet; thence north 00 degrees 05 minutes 36  
46 seconds east, 410.91 feet; thence south 89 degrees 49 minutes  
47 12 seconds east, 199.80 feet; thence southerly on a 1,298.77 foot

1 radius curve to the left, an arc length of 382.45 feet (long chord  
2 bears south 10 degrees 47 minutes 04 seconds east, 381.07 feet);  
3 then southerly on a 528.47 foot radius curve to the right, an arc  
4 length of 251.09 feet (long chord bears south 04 degrees 15  
5 minutes 05 seconds east, 248.73 feet); then southwesterly on a  
6 678.22 foot radius curve to the right, an arc length of 465.00 feet  
7 (long chord bears south 29 degrees 53 minutes 32 seconds west,  
8 455.95 feet); then southwesterly on a 833.00 foot radius curve  
9 to the left, an arc length of 3.42 feet (long chord bears south 49  
10 degrees 24 minutes 58 seconds west, 3.42 feet) to the point of  
11 beginning, containing 295,250.28 square feet (6.78 acres) more or  
12 less;

13  
14 be and they hereby are (1) transferred from the AG Agricultural District to the O-3 Office Park  
15 District and are hereby made a part of the O-3 Office Park PUD District (2) designated as a  
16 Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln  
17 Municipal Code entitled "Planned Unit Development District" and (3) governed by all the provi-  
18 sions and regulations pertaining to the O-3 Office Park PUD District except as modified in  
19 Section 4 below.

20 Section 4. The Development Plan of Prairie Home Builders, Inc., Dubois  
21 Land LLC, Prairie Village North LLC, and Ryland Group LLC (hereinafter "Owner") for Prairie  
22 Village Center Planned Unit Development as set forth in its application and site plan be and the  
23 same is hereby approved upon condition that the site plan be revised to eliminate the uses  
24 south of Adams and the uses within the R-3 District north of Adams, that construction and  
25 operation of said Planned Unit Development by Owner and its successors and assigns be in  
26 strict compliance with said application, the revised site plan, and the following express terms  
27 and conditions and requirements:

28 a. This approval permits 742 dwelling units and 300,000 square feet  
29 of commercial, retail, and office space, 50,000 of which is contingent upon meeting incentive  
30 criteria) and waivers to allow the submittal and approval of detailed grading, paving profile,  
31 paving cross section, storm water detention, storm sewer calculation, lot layout, street curve  
32 data, nonstandard cul-de-sac geometry for the cul-de-sac located on the west side of North 87<sup>th</sup>

1 Street in the office park area, and any other required information not submitted with this  
2 proposal with future administrative amendments; allow block lengths to exceed 1,320 feet for  
3 blocks abutting Murdock Trail and the west side of North 87<sup>th</sup> Street; allow sanitary sewer to flow  
4 opposite street grade provided depth does not exceed 15 feet and length does not exceed 500  
5 feet; allow nonstandard private roadway cross sections west of North 87<sup>th</sup> Street; allow parking  
6 in the required side yard within the B-2 and O-3 zoning districts; allow joint parking access  
7 across lot lines and between pad sites zoned B-2 and O-3 to meet minimum parking  
8 requirements; allow revised lot area requirements within B-2, and O-3 zoning districts as shown;  
9 allow additional uses within the O-3 zoning district as shown, provided the sale of alcohol meets  
10 the conditions of LMC §27.31.040, and allows increasing the height for multiple-family uses to  
11 45 feet.

12 b. No development shall commence under the Prairie Village Center  
13 Planned Unit Development until Annexation #05013 is approved  
14 and Owner and City enter into a Conditional Annexation Zoning  
15 Agreement approved by the City Council.

16 c. Before receiving building permits:

17 i. The Permittee shall have submitted a revised and  
18 reproducible final plan showing the following revisions and  
19 the plans are acceptable:

20 ii. The construction plans shall comply with the approved  
21 plans.

22 iii. Prior to the approval of final plats by the City:

23 (1) The 16" proposed water main in Adams Street from  
24 west of 84<sup>th</sup> Street will need to be in place or under  
25 construction.

26 (2) Detailed detention and drainage calculations, in  
27 accordance with the Drainage Criteria Manual,  
28 must be approved.

29 (3) Street grade profiles, cross-section details, and  
30 dimensions must be approved.

1 (4) Any other information required with preliminary  
2 plats must be approved.

3 (5) All access to 84<sup>th</sup> Street and Adams Street shall be  
4 relinquished except at the public street locations  
5 generally shown on the plans.

6 d. Before occupying the dwelling units all development and  
7 construction shall have been completed in compliance with the approved plans.

8 e. All privately-owned improvements shall be permanently  
9 maintained by the Owner or an appropriately established homeowners association approved by  
10 the City Attorney.

11 f. The site plan approved by this Development Plan shall be the  
12 basis for all interpretations of setbacks, yards, locations of buildings, location of parking and  
13 circulation elements, and similar matters.

14 g. This Ordinance's terms, conditions, and requirements run with the  
15 land and are binding on the Owner and Owner's successors and assigns.

16 h. The Owner shall sign and return the City's Letter of Acceptance to  
17 the City Clerk within 30 days following the passage of this Ordinance. The City Clerk shall file a  
18 copy of the Ordinance approving the development plan and the Owner's letter of acceptance  
19 with the Register of Deeds. The Owner shall pay the recording fee in advance.

20 Section 6. That this ordinance shall take effect and be in force from and after  
21 its passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2005:  
\_\_\_\_\_  
Mayor