

Change of Zone 04075C

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 Lot 86 I.T., a portion of Lot 81 I.T., and a portion of Lot 83 I.T., all
10 located in the South Half of Section 21, Township 9 North, Range
11 7 East of the 6th P.M., Lancaster County, Nebraska and more
12 particularly described as follows:

13 Commencing at the northwest corner of said Lot 86 I.T., said point
14 being on the east right-of-way line of Exbury Road and on the
15 north line of the South Half of said Section 21, said point being the
16 true point of beginning; thence easterly along the north line of said
17 Lot 86 I.T., the north line of Lot 81 I.T., and the north line of Lot 83
18 I.T., said line being the north line of the South Half of said Section
19 21, on an assumed bearing of south 89 degrees 58 minutes 04
20 seconds east, a distance of 1,304.22 feet to a point; thence south
21 00 degrees 01 minutes 56 seconds west, a distance of 22.32 feet
22 to a point; thence south 26 degrees 54 minutes 20 seconds west,
23 a distance of 180.00 feet to a point of curvature for a non-tangent
24 curve in a counter clockwise direction having a central angle of 03
25 degrees 50 minutes 31 seconds, a radius of 530.00, an arc length
26 of 35.54 feet, a tangent length of 17.78 feet, a chord length of
27 35.53 feet, and a chord bearing of south 65 degrees 00 minutes

1 56 seconds east to a point; thence south 12 degrees 53 minutes
2 26 seconds west, a distance of 622.22 feet to a point; thence
3 south 12 degrees 54 minutes 59 seconds west, a distance of
4 68.89 feet to a point; thence south 15 degrees 26 minutes 56
5 seconds west, a distance of 60.62 feet to a point; thence south 19
6 degrees 35 minutes 05 seconds west, a distance of 60.62 feet to a
7 point; thence south 23 degrees 57 minutes 27 seconds west, a
8 distance of 67.57 feet to a point; thence south 28 degrees 39
9 minutes 20 seconds west, a distance of 70.16 feet to a point;
10 thence south 31 degrees 02 minutes 56 seconds west, a distance
11 of 28.16 feet to a point; thence south 58 degrees 57 minutes 04
12 seconds east, a distance of 25.98 feet to a point; thence south 31
13 degrees 02 minutes 56 seconds west, a distance of 60.00 feet to a
14 point; thence north 58 degrees 57 minutes 04 seconds west, a
15 distance of 10.00 feet to a point; thence south 31 degrees 03
16 minutes 03 seconds west, a distance of 130.21 feet to a point;
17 thence south 60 degrees 06 minutes 12 seconds east, a distance
18 of 262.13 feet to a point; thence south 29 degrees 53 minutes 48
19 seconds west, a distance of 120.00 feet to a point; thence south
20 60 degrees 06 minutes 12 seconds east, a distance of 22.58 feet
21 to a point; thence south 29 degrees 53 minutes 48 seconds west,
22 a distance of 72.00 feet to a point; thence north 60 degrees 06
23 minutes 12 seconds west, a distance of 10.00 feet to a point;
24 thence south 26 degrees 49 minutes 28 seconds west, a distance
25 of 139.01 feet to a point; thence south 27 degrees 06 minutes 49
26 seconds west, a distance of 66.77 feet to a point of intersection
27 with a west line of Lot 81 I.T.; thence north 60 degrees 32 minutes
28 27 seconds west along a west line of said Lot 81 I.T., a distance of
29 63.05 feet to a point; thence north 29 degrees 27 minutes 33
30 seconds east along a west line of said Lot 81 I.T., a distance of
31 29.55 feet to a point; thence north 60 degrees 32 minutes 27
32 seconds west along a west line of said Lot 81 I.T., a distance of
33 60.00 feet to a point; thence north 57 degrees 53 minutes 59
34 seconds west along a west line of said Lot 81 I.T., a distance of
35 123.35 feet to a point; thence north 77 degrees 13 minutes 30
36 seconds west along a west line of said Lot 81 I.T., a distance of
37 75.42 feet to a point; thence north 32 degrees 15 minutes 57
38 seconds west along a west line of said Lot 81 I.T., a distance of
39 70.17 feet to a point; thence north 27 degrees 08 minutes 05
40 seconds west along a west line of said Lot 81 I.T., a distance of
41 131.20 feet to a west corner of said Lot 81 I.T., said point being a
42 south corner of Lot 86 I.T.; thence north 27 degrees 07 minutes 40
43 seconds west along a west line of said Lot 86 I.T., said line being
44 an east right-of-way line of Bridle Lane, a distance of 60.00 feet to
45 a point, said point being a point of curvature for a non-tangent
46 curve in a clockwise direction having a central angle of 27 degrees
47 04 minutes 05 seconds, a radius of 420.00 feet, an arc length of
48 198.42 feet along a south line of said Lot 86 I.T., said line being a
49 north line of said right-of-way, a tangent length of 101.10 feet, a
50 chord length of 196.58 feet, and chord bearing of south 76
51 degrees 24 minutes 46 seconds west to a point; thence south 89

1 degrees 56 minutes 49 seconds west along a south line of said
2 Lot 86 I.T., said line being a north line of said right-of-way, a
3 distance of 403.17 feet to the southwest corner of said Lot 86 I.T.;
4 thence north 00 degrees 18 minutes 19 seconds east along the
5 west line of said Lot 86 I.T., a distance of 1,306.93 feet to a west
6 corner of said Lot 86 I.T., said point being on the east right-of-way
7 line of Exbury Road, said point also being the point of curvature
8 for a non-tangent curve in a counter clockwise direction having a
9 central angle of 42 degrees 12 minutes 23 seconds, a radius of
10 60.00 feet, an arc length of 44.20 feet along a west line of said Lot
11 86 I.T., said line being an east line of said right-of-way, a tangent
12 length of 23.16 feet, a chord length of 43.21 feet, and a chord
13 bearing of north 26 degrees 46 minutes 42 seconds east to a
14 point; thence north 05 degrees 40 minutes 30 seconds east along
15 a west line of said Lot 86 I.T., said line being an east line of said
16 right-of-way, a distance of 96.88 feet to the point of beginning,
17 said tract contains a calculated area of 1,772,138.06 square feet
18 or 40.68 acres, more or less;

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

25 Section 2. The Development Plan submitted by Village Gardens Development
26 Company, LLC ("Permittee") for the Village Gardens Planned Unit Development, as set forth in
27 the Permittee's application and site plan, is hereby approved as amended upon condition that
28 operation of the Village Gardens Planned Unit Development by Permittee and its successors
29 and assigns be in substantial compliance with said application, the site plan and the following
30 express terms and conditions and requirements:

31 1. This change of zone approves a planned unit development under a development
32 plan to add approximately 40.68 acres of land and to allow neighborhood general uses as

1 permitted uses together with a waiver to the Land Subdivision Ordinance to the required block
2 length to exceed 1,320 feet.

3 2. The City Council must approve the associated Annexation No.12003 and
4 Amendment No. 3 to the Village Gardens Conditional Annexation and Zoning Agreement.

5 3. Before receiving building permits, the Permittee shall:

6 a. Cause to be prepared and submitted to the Planning Department a
7 revised final plot plan and development plan including 5 copies with all
8 required revisions as listed below:

9 i. Show the following pedestrian sidewalk connections, or at
10 alternate locations as approved by the Planning Department:

11 (1) In Block 5 extending from the Thompson Creek Circle cul-
12 de-sac to South 66th Street and located in the outlot.

13 (2) In Block 5 extending from South 64th Street across the
14 dam to either Blanchard Blvd. or Thompson Creek Circle in
15 an outlot located between Lots 7 and 8.

16 (3) In Block 10 extending between Lots 20 and 21 connecting
17 to the sidewalk adjacent to Nashway Road between Lots 9
18 and 10.

19 ii. Revise the labels identifying Phases III and IV to note they are
20 conceptual.

21 iii. Add a note which states, "No more than 66 lots shall be platted in
22 Phase II until an executive order for the extension of Blanchard
23 Blvd. to connect to Pine Lake Road is approved by the City. Lots
24 south of Bridle Lane will not be counted within the 66 lots."

25 iv. Revise Note #49 to state, "Phases III and IV shown as conceptual
26 with the actual layout to be shown at the time of re-zoning and
27 annexation."

28 v. Block 5 and 7 identify the same block. Re-label that block as
29 Block 5 and renumber the remaining blocks as necessary.

30 vi. Revise the grading and drainage plans to the satisfaction of Public
31 Works.

32 vii. Make corrections noted by the LES review.

1 b. The construction plans shall substantially comply with the approved
2 plans.

3 c. Final plats shall be approved by the City.

4 4. Final plans for Change of Zone 04075B must be submitted and approved by the
5 City.

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

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

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

14 8. The terms, conditions, and requirements of this ordinance shall run with the land
15 and be binding upon the Permittee, its successors and assigns.

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

22 10. The site plan and development plan as approved with this ordinance voids and
23 supersedes all previously approved site plans, however all ordinances approving previous
24 permits remain in force unless specifically amended by this ordinance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor