

FACTSHEET

TITLE: CHANGE OF ZONE NO. 04075D, from AG Agriculture District to R-3 Residential District PUD, requested by Village Gardens Development Company, LLC, to expand the **Village Gardens Planned Unit Development**, on property generally located at South 63rd Street and Blanchard Boulevard.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/14/12
Administrative Action: 11/14/12

RECOMMENDATION: Conditional approval (7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent).

FINDINGS OF FACT:

1. This is a request for change of zone from AG to R-3 PUD for approximately two acres of land so that the boundary of the PUD matches the recorded final plat of Village Meadows 3rd Addition. The recorded final plat deviated from the most recently approved amendment for Village Gardens by including approximately two acres of land that were not included in the legal description for Change of Zone No. 04075C. While the subject two acres were annexed with the approval of the final plat, they must be rezoned to be developed consistent with the approved PUD. The property is generally located at South 63rd Street and Blanchard Boulevard.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the request corrects a discrepancy and will allow the PUD to match the platted and annexed areas.
3. On November 14, 2012, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On November 14, 2012, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval as set forth in the staff report (Butcher absent).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: November 26, 2012

REVIEWED BY: Marvin Krout, Director of Planning

DATE: November 26, 2012

REFERENCE NUMBER: FS\CC\2012\CZ04075D PUD

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 14, 2012 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #04075D - Village Gardens Planned Unit Development (PUD)

PROPOSAL: To change the zoning from AG to R3 PUD for approximately 2 acres of land so the boundary of the PUD matches the recorded final plat of Village Meadows 3rd Addition.

LOCATION: South 63rd Street and Blanchard Blvd

LAND AREA: 2.0 acres more or less

EXISTING ZONING: AG Agriculture

PROPOSED ZONING: R-3 Residential (PUD)

CONCLUSION: The recorded final plat deviated from the most recently approved amendment for Village Gardens by including approximately two acres of land that were not included with CZ#04075C. While the subject two acres were annexed with the approval of the final plat, they must be re-zoned to be developed consistent with the approved PUD. This request corrects the discrepancy, and will allow the PUD to match the platted, annexed areas.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Vacant	R-3, AG
South:	Vacant	R-3, AG
East:	Vacant	AG
West:	Vacant	R-3

HISTORY:

Feb 2005 - CZ#04075 was approved by the City Council to allow the Village Gardens (PUD).

Dec 2007 - CZ#04075A was approved by the City Council to allow an adjustment to the applicable sign regulations and change the zoning on 2.17 acres from R3 (PUD) to B-3 (PUD) within the Village Gardens (PUD).

Mar 2011 - AN#11001 and CZ#04075B were approved annexing and expanding the boundary of the Village Gardens PUD to include an additional 47 acres of land to accommodate a domiciliary care facility and additional dwelling units.

Apr 2012 - AN#12003 and CZ#04075C were approved annexing and changing the zoning from AG to R-3 PUD for approximately 40.68 acres for single-family residential development.

ANALYSIS:

1. This request is to simply correct a discrepancy between the change of zone and annexation associated with the most recent amendment of the Village Gardens PUD, and the recorded final plat of Village Gardens 3rd Addition.
2. The most recent amendment, CZ#040765C was approved in April, 2012, and annexed and changed the zoning from AG to R-3 PUD for approximately 40 acres of land. Serving in lieu of a preliminary plat, the approval also authorized the submittal of final plats to create the lots shown in PUD.
3. The final plat of Village Meadows 3rd Addition was submitted for review in June, 2012. With minor corrections, the draft plat submitted for review by staff otherwise matched and complied with the approved PUD.
4. After modified with corrections, the signed final plat was submitted to the City for recording with Register of Deeds. After recording, it was noted that the plat varied from both the original plat submittal and the approved PUD. It included approximately two additional acres of land when compared to the plat that had been reviewed. The deviation is reflected in the exhibit and legal description associated with this amendment. The land involved in now platted as part of a larger outlot designated for future residential development.
5. While the subject two acres were annexed by the approval of the final consistent with State Statutes, for the affected areas to be developed per the PUD the subject parcels must also be re-zoned. If this request is approved, the boundary of the Village Gardens PUD and the area annexed and zoned R-3 PUD will match the area final platted by Village Meadows 3rd Addition.

CONDITIONS:

Site Specific

1. Upon approval of the planned unit development by the City Council, the developer shall cause to be prepared and submitted to the Planning Department **5** copies of a revised final plot plan and development plan before receiving building permits.
 - 1.1 Revise the Village Gardens PUD plan set to include the area of this request.

Standard

2. The following conditions are applicable to all requests:

- 2.1 Before occupying the buildings all development and construction is to comply with the approved plans.
 - 2.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 2.3 The site plan and development plan accompanying this plan unit development shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 2.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the PUD. The City Clerk shall file a copy of the resolution approving the PUD and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
3. The site plan and development plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinance approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
October 31, 2012

OWNER: Village Gardens Development Company, LLC
7000 South 56th Street
Lincoln, NE 68516
402.416.5750

**APPLICANT/
CONTACT:** Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402.474.6311

**CHANGE OF ZONE NO. 04075D
VILLAGE GARDENS PLANNED UNIT DEVELOPMENT**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

November 14, 2012

Members present: Gaylor Baird, Cornelius, Francis, Hove, Lust, Sunderman and Weber; Butcher absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04075D** and **USE PERMIT NO. 11001A.**

There were no ex parte communications disclosed.

Lust moved to approve the Consent Agenda, seconded by Francis and carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber, and Cornelius voting 'yes'; Butcher absent.

Note: This is final action on Use Permit No. 11001A, unless appealed to the City Council within 14 days.



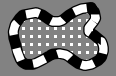


**Change of Zone #04075D
S 62nd St & Blanchard Ave**

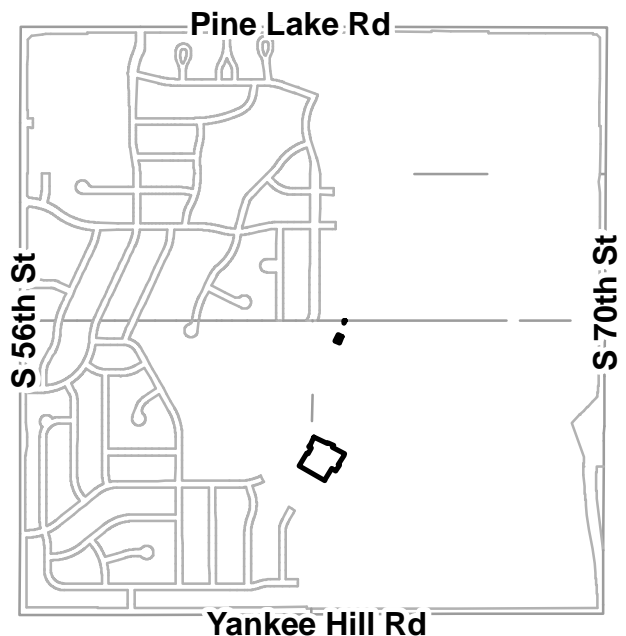
2010 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 21 T09N R07E

-  Area of Application
-  Zoning Jurisdiction Lines
-  City Limit Jurisdiction



**LEGAL DESCRIPTION
CHANGE OF ZONE**

PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "F", VILLAGE MEADOWS 3RD ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT "F", SAID POINT BEING THE NORTHWEST CORNER OF LOT 89 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A EAST LINE OF SAID OUTLOT "F" ON AN ASSUMED BEARING OF S26°54'20"W, A DISTANCE OF 25.02' TO A POINT; THENCE N00°01'56"E, A DISTANCE OF 22.32' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID OUTLOT "F"; THENCE S89°58'04"E ALONG THE NORTH LINE OF SAID OUTLOT "F", A DISTANCE OF 11.31' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 126.24 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL 2

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "F", VILLAGE MEADOWS 3RD ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT "F", SAID POINT BEING THE NORTHWEST CORNER OF LOT 89 I.T., THENCE SOUTHERLY ALONG A EAST LINE OF SAID OUTLOT "F" ON AN ASSUMED BEARING OF S26°54'20"W, A DISTANCE OF 25.02' TO A POINT; THENCE CONTINUING SOUTHWESTERLY ALONG SAID LINE, A DISTANCE OF 120.00' TO A EAST CORNER OF SAID OUTLOT "F", SAID POINT BEING THE TRUE POINT OF BEGINNING; SAID POINT BEING THE POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°55'23", A RADIUS OF 470.00', AN ARC LENGTH OF 40.38' ALONG A NORTH LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 20.20', A CHORD LENGTH OF 40.37', AND A CHORD BEARING OF S65°33'21"E TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S21°58'57"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°04'52", A RADIUS OF 530.00', AN ARC LENGTH OF 10.00' ALONG A SOUTH LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 5.00', A CHORD LENGTH OF 10.00', AND A CHORD BEARING OF N67°28'37"W TO A EAST CORNER OF SAID OUTLOT "F"; THENCE CONTINUING ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 03°50'31", A RADIUS OF 530.00', AN ARC LENGTH OF 35.54', A TANGENT LENGTH OF 17.78', A CHORD DISTANCE OF 35.53' AND A CHORD BEARING OF N65°00'56"W TO A POINT; THENCE N26°54'20"E, A DISTANCE OF 60.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,577.87 SQUARE FEET OR 0.059 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL 3

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "F", VILLAGE MEADOWS 3RD ADDITION, LOCATED IN THE SOUTH HALF OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT "F", SAID POINT BEING THE NORTHWEST CORNER OF LOT 89 I.T., THENCE SOUTHERLY ALONG A EAST LINE OF SAID OUTLOT "F" ON AN ASSUMED BEARING OF S26°54'20"W, A DISTANCE OF 25.02' TO A POINT; THENCE CONTINUING SOUTHWESTERLY ALONG SAID LINE, A DISTANCE OF 120.00' TO A EAST CORNER OF SAID OUTLOT "F", SAID POINT BEING THE POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°55'23", A RADIUS OF 470.00', AN ARC LENGTH OF 40.38' ALONG A NORTH LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 20.20', A CHORD LENGTH OF 40.37', AND A CHORD BEARING OF S65°33'21"E TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S21°58'57"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°04'52", A RADIUS OF 530.00', AN ARC LENGTH OF 10.00' ALONG A SOUTH LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 5.00', A CHORD LENGTH OF 10.00', AND A CHORD BEARING OF N67°28'37"W TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S12°53'26"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 622.22' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S12°54'59"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 68.89' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S15°26'58"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 60.62' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S19°35'05"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 60.62' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S23°57'27"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 67.57' TO A EAST CORNER OF SAID OUTLOT "F", SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE S63°44'16"E ALONG A NORTH LINE OF SAID OUTLOT "F", A DISTANCE OF 130.00' TO A NORTH CORNER OF SAID OUTLOT "F", SAID POINT BEING THE POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°35'26", A RADIUS OF 970.00', AN ARC LENGTH OF 10.00' ALONG A WEST LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 5.00', A CHORD LENGTH OF 10.00', AND A CHORD BEARING OF N25°58'01"E TO A NORTH CORNER OF SAID OUTLOT "F"; THENCE S64°19'42"E ALONG A NORTH LINE OF SAID OUTLOT "F", A DISTANCE OF 60.00' TO A NORTH CORNER OF SAID OUTLOT "F", SAID POINT BEING THE POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°10'22", A RADIUS OF 1,030.00', AN ARC LENGTH OF 21.08' ALONG A EAST LINE OF SAID OUTLOT "F", A TANGENT LENGTH OF 10.54', A CHORD LENGTH OF 21.08', AND A CHORD BEARING OF S26°15'29"W TO A NORTH CORNER OF SAID OUTLOT "F"; THENCE S63°09'20"E ALONG A NORTH LINE OF SAID OUTLOT "F", A DISTANCE OF 120.04' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S20°44'16"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 17.05' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S31°02'56"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 95.70' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S58°57'04"E ALONG A NORTH LINE OF SAID OUTLOT "F", A DISTANCE OF 10.00' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S31°02'56"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 60.00' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE N58°57'04"W ALONG A SOUTH LINE OF SAID OUTLOT "F", A DISTANCE OF 44.03' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S31°02'56"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 124.80' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S59°58'29"E ALONG A NORTH LINE OF SAID OUTLOT "F", A DISTANCE OF 2.08' TO A EAST CORNER OF SAID OUTLOT "F"; THENCE S30°01'31"W ALONG A EAST LINE OF SAID OUTLOT "F", A DISTANCE OF 0.17' TO A POINT; THENCE N60°06'12"W, A DISTANCE OF 262.13' TO A POINT; THENCE N31°03'03"E, A DISTANCE OF 130.21' TO A POINT; THENCE S58°57'04"E, A DISTANCE OF 10.00' TO A POINT; THENCE N31°02'56"E, A DISTANCE OF 60.00' TO A POINT; THENCE N58°57'04"W, A DISTANCE OF 25.98' TO A POINT; THENCE N31°02'56"E, A DISTANCE OF 28.18' TO A POINT; THENCE N28°39'20"E, A DISTANCE OF 70.16' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 84,697.97 SQUARE FEET OR 1.94 ACRES, MORE OR LESS.

Wednesday, September 19, 2012
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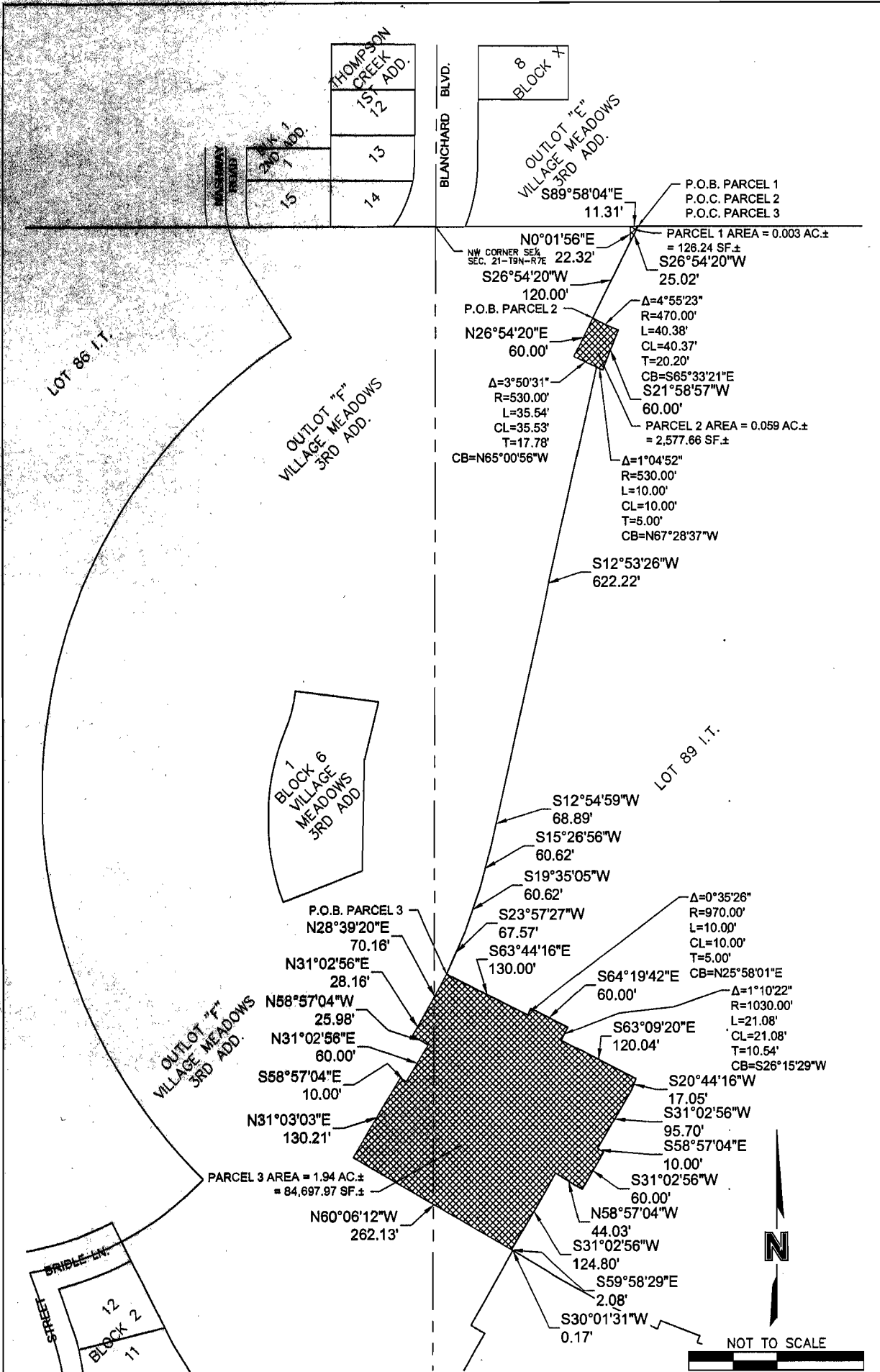
PROJECT NO:	012-0460
DRAWN BY:	MRJ
DATE:	SEPT. 19TH, 2012

**VILLAGE MEADOWS 3RD ADDITION
CHANGE OF ZONE EXHIBIT**


 1111 Lincoln Mall, Suite 111
 P.O. Box 94609
 Lincoln, NE 68501-4608
 TEL 402.474.6311
 FAX 402.474.6160

EXHIBIT	2
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USER: mjphelan
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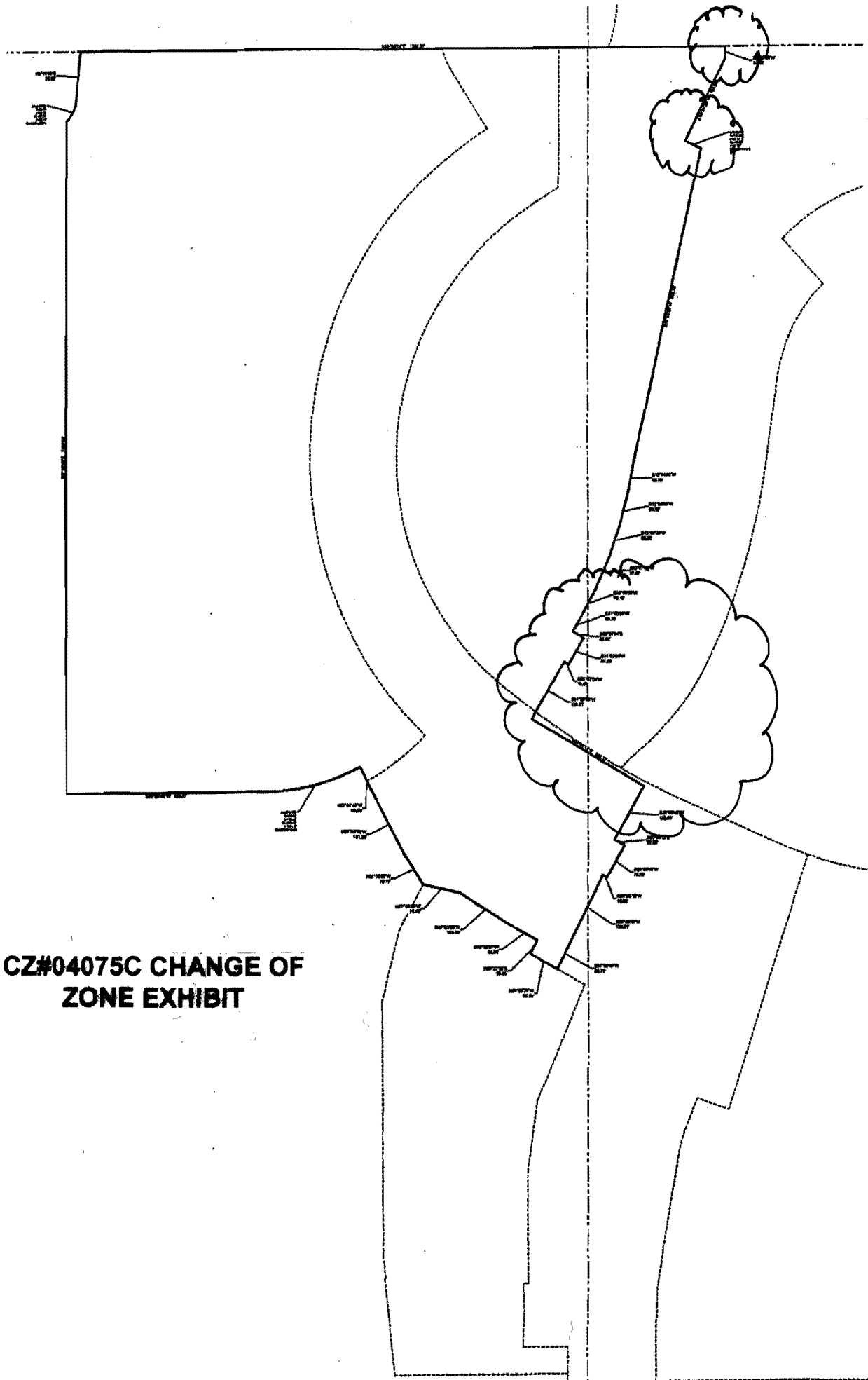


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 DATE: SEPT. 19TH, 2012

VILLAGE MEADOWS 3RD ADDITION
CHANGE OF ZONE EXHIBIT

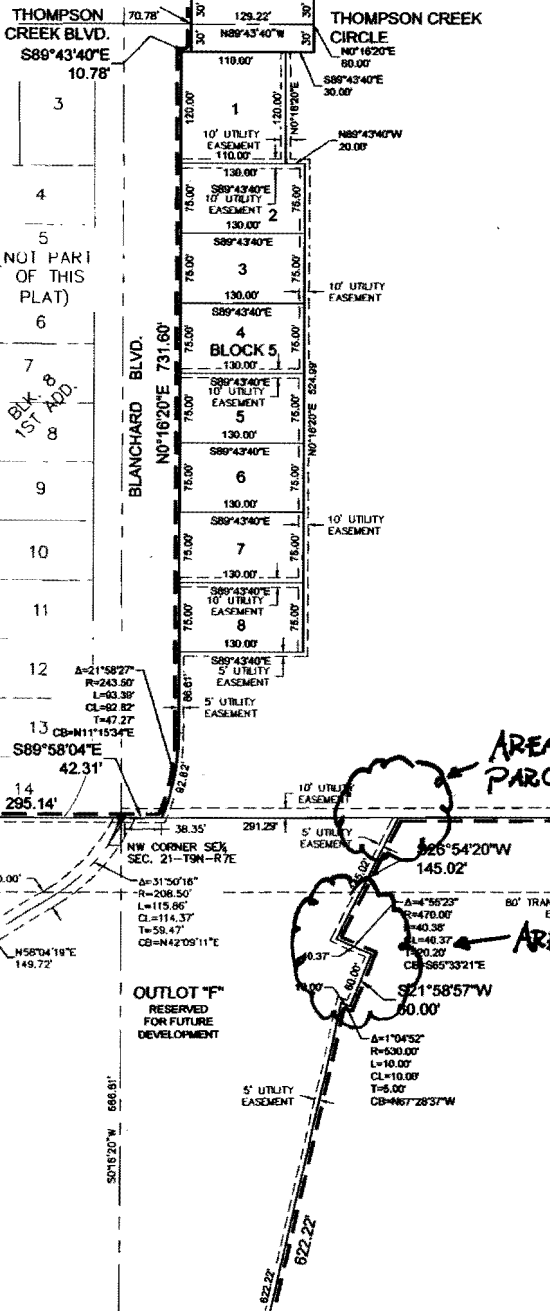
MOLSSON ASSOCIATES
 1111 Lincoln Mall, Suite 111
 P.O. Box 94608
 Lincoln, NE 68501-4608
 TEL 402.474.8311
 FAX 402.474.5160

EXHIBIT
1



**CZ#04075C CHANGE OF
ZONE EXHIBIT**

VILLAGE MEADOWS 3RD ADDITION
 FINAL PLAT
 (THIS PLAT BASED UPON CZ#04075C FOR VILLAGE
 GARDENS PLANNED UNIT DEVELOPMENT)



(NOT PART
 OF THIS
 PLAT)

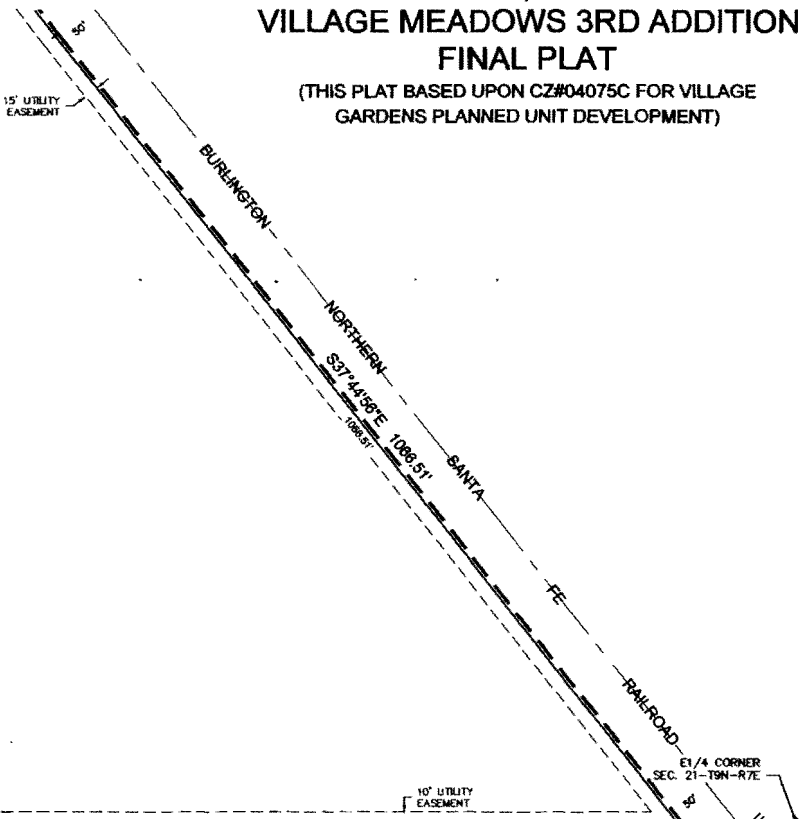
Bk. 8
 1ST ADD.

BLANCHARD BLVD.
 N0°16'20"E 731.60'

THOMPSON
 CREEK CIRCLE
 N89°43'40"E
 10.78'

THOMPSON CREEK
 CIRCLE
 N89°43'40"E
 10.78'

OUTLOT "E"
 RESERVED
 FOR FUTURE
 DEVELOPMENT



1" = 100'
 SCALE IN FEET
 0 50 100 200

SHEET 4 OF 8

AREA OF
 PARCEL 1

AREA OF
 PARCEL 2

LOT 89 I.T.
 (NOT PART OF
 THIS PLAT)

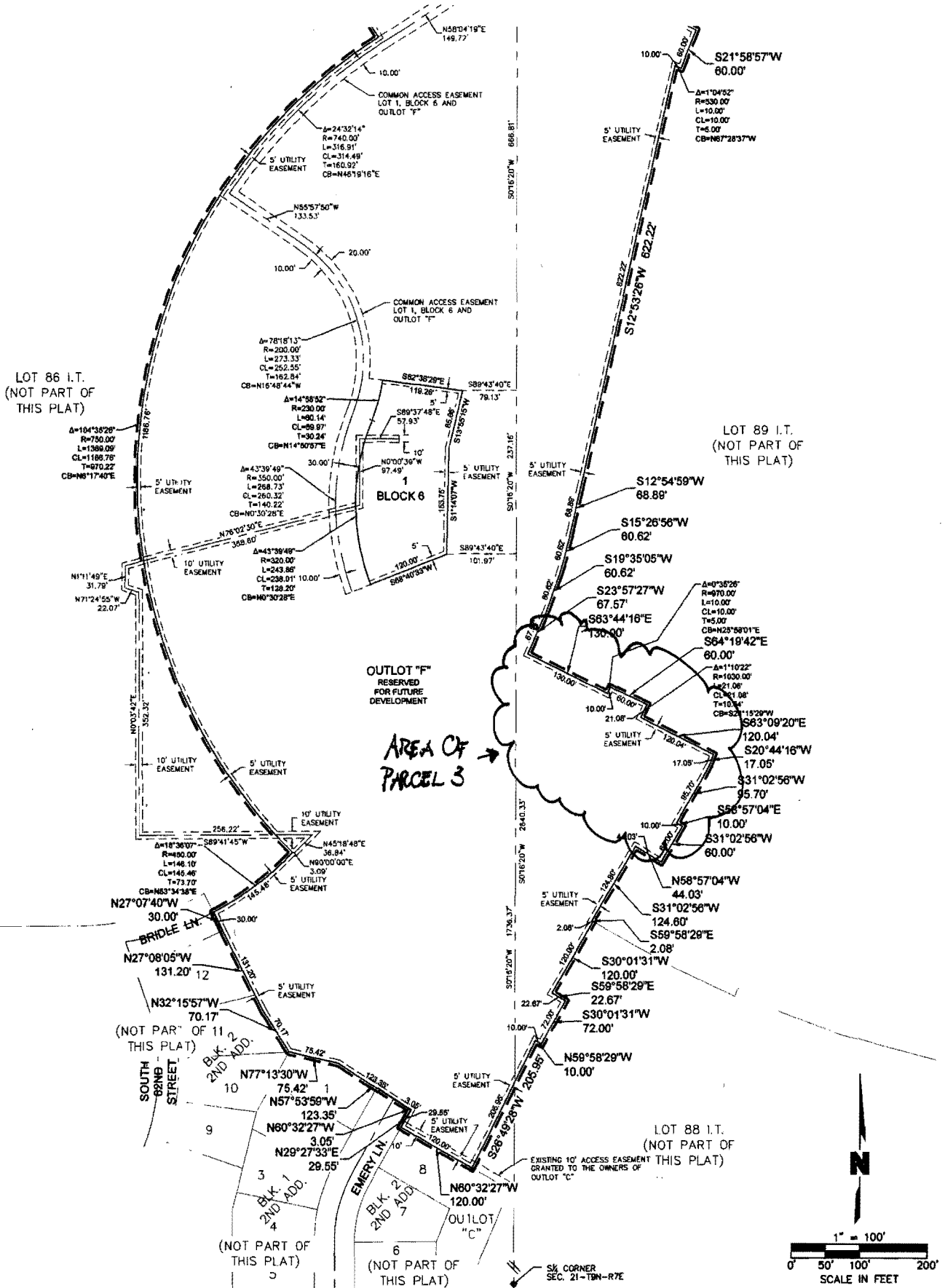
OUTLOT "F"
 RESERVED
 FOR FUTURE
 DEVELOPMENT

DATE: Aug 08, 2017 12:30pm
 USER: Michael_Chen@LUCAS
 PROJECT: Village Meadows 3rd Addition Final Plat
 FILE: 2017-08-08-12:30pm

200713-4

VILLAGE MEADOWS 3RD ADDITION FINAL PLAT

(THIS PLAT BASED UPON CZ#04075C FOR VILLAGE
GARDENS PLANNED UNIT DEVELOPMENT)



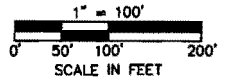
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LOT 89 I.T.
(NOT PART OF
THIS PLAT)

OUTLOT "F"
RESERVED FOR FUTURE
DEVELOPMENT

AREA OF
PARCEL 3

LOT 88 I.T.
(NOT PART OF
THIS PLAT)



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