

Change of Zone 13026

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
6 Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the
7 boundaries of the districts established and shown on said Maps as follows:

8 That the existing B-4 Lincoln Center Business District zoned property legally described
9 as Lots 1 and 2, Block 7, and Outlot I, Antelope Valley 2nd Addition, Lincoln, Lancaster County,
10 Nebraska, be and they hereby are (1) designated as a Planned Unit Development District
11 pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code entitled
12 "Planned Unit Development District"; and (2) governed by all the provisions and regulations
13 pertaining to the B-4 Lincoln Center Business District except as modified in Section 2 below.

14 Section 2. That the 21st & N Planned Unit Development Plan ("Development Plan")
15 submitted by Hoppe Brothers, LLC ("Permittee") along with the Permittee's application and site
16 plan, be and the same is hereby approved upon condition that the use and operation of the
17 property within the Planned Unit Development District under the Development Plan by Permittee

1 be in substantial compliance with the Permittee's application, the site plan and the following
2 express terms and conditions:

3 1. This Ordinance permits a mixed use development consisting of 93
4 dwelling units and approximately 10,040 square feet of commercial floor area and
5 approves the following waivers to City of Lincoln Design Standards and the Land
6 Subdivision Ordinance.

- 7 a. Chapter 2.25, Private Roadway Design Standards - Waive private
8 roadway width, waive the angle of intersections, waive the radius of
9 horizontal curves and waive the pavement crown requirement.
- 10 b. Chapter 2.10, Water Main Design Standards - Waive the
11 requirement to install water mains outside of street pavement,
12 subject to Permittee and City entering into a Hold Harmless
13 agreement acceptable to the City.
- 14 c. Chapter 2.05, Stormwater Drainage Design Standards - Waive the
15 requirement to provide storm water detention on site, subject to the
16 satisfaction of Watershed Management.
- 17 d. Land Subdivision Ordinance Section 26.23.095 - Waive the
18 requirement to provide sidewalks on both sides of the private
19 roadway.
- 20 e. Land Subdivision Ordinance Section 26.23.040 - Waive the
21 requirement for a 60 foot wide public access easement.

22 2. Before a final plat is approved the Permittee shall cause to be prepared
23 and submitted to the Planning Department a revised and reproducible final plot plan
24 including **5** copies with all required revisions and documents as listed below.

- 25 a. Show 100-yr floodplain limits on site plan and/or grading and
26 drainage plan.
- 27 b. Provide a design and calculations that show stormwater in 21st
28 Street will not be negatively affected by the street reconstruction
29 necessary for the bumpouts; or address how 21st Street will be
30 altered to meet storm water design standards.

- 1 c. Show that the storm sewer pipes meet minimum required slope and
2 minimum separation requirements from water.
- 3 d. Dimension some of the driveway lengths, including the shortest
4 driveways.
- 5 e. Revise Note 5 on the Site Layout Plan to state, "Only Private Roads
6 A and B will be named." Add a note that a public access easement
7 will be granted over the private roadways and alleys.
- 8 f. Label "Access Roads" C, D, E, F, and G as "Private Alleys" C, D, E,
9 F, and G.
- 10 g. Label the alley between F and 21st Street as "Private Alley H".
- 11 h. In the table on the Site Layout Plan add the text "Types are for
12 illustrative purposes only" under "Row House Units" A, B, C, and D.
- 13 i. Add a note that states, "Construction, street furniture and fixtures in
14 the right-of-way are conceptual. Any work in the right-of-way is
15 subject to final approval of the Director of Public Works and Utilities
16 and the Director of Urban Development."
- 17 j. Add the setbacks to the site plan.
- 18 k. Add a note that states the sanitary sewer system will be private,
19 except for the existing 48" line and the existing 8" line. The water
20 system will be public within the private roadway as long as the
21 Permittee and City enter into a Hold Harmless Agreement
22 acceptable to the City. The water system will be private in the
23 private alleys. Show on the plan the required easements for the
24 public water mains and the required spacing between public/private
25 water mains and sewer lines.
- 26 l. The preliminary plat sheet should be labeled as "Lot Layout".
27 Substantial revisions are required to reflect the ultimate lot layout,
28 to the satisfaction of the Planning Director.
- 29 m. Add a note to the Landscape Plan that states, "The parking lot will
30 be screened per the Downtown Design Standards."
- 31 n. Delete notes 1, 2, 3, and 4 on the preliminary plat sheet. Revise
32 note 5 on the preliminary plat sheet accordingly, as the lot layout is
33 revised.

- 1 o. Show the bikeway along N Street as 12 feet wide instead of 10 feet.
2 Since the additional 2 feet is obtained from N Street, show the new
3 dimension of N Street.
- 4 p. Show how the Parks and Recreation Munny Building will connect to
5 public utilities.
- 6 q. Remove all water service lines from the Utility Plan.
- 7 r. Adjust the angle of the south driveway on 21st Street to the
8 satisfaction of the Public Works and Utilities Department.
- 9 s. Add a note to the Site Layout Plan that states, "No parking is
10 allowed on the private roadway."
- 11 t. Address all comments to the satisfaction of the Director of Public
12 Works and Utilities Department and the Lower Platte South NRD,
13 except those comments pertaining to:
- 14 i. The requirement that sidewalks be provided on both sides of
15 the private "loop" road per LMC § 26.23.095, for which the
16 applicant has requested a waiver; and
- 17 ii. The turn radii for:
- 18 (1) Residential driveways (15')
19 (2) Private alleys (15')
20 (3) Loop road drives on 21st Street (20')
21 (4) Commercial drive on 21st Street (20')
- 22 u. Add to the General Notes, "Signs need not be shown on this site
23 plan, but need to be in compliance with chapter 27.69 of the Lincoln
24 Zoning Ordinance, and must be approved by Building & Safety
25 Department prior to installation".
- 26 3. Before receiving building permits, the developer shall provide verification
27 from the Register of Deeds that the letter of acceptance of the planned unit
28 development has been recorded as required by Section 2, subparagraph 13 of this
29 Ordinance.
- 30 4. Prior to the issuance of a building permit the construction plans must
31 substantially comply with the approved plans.

1 5. Before issuance of building permits, final plat(s) shall be approved by the
2 City.

3 6. If any final plat on all or a portion of the approved planned unit
4 development is submitted five (5) years or more after the approval of the planned unit
5 development, the city may require that a new planned unit development be submitted,
6 pursuant to all the provisions of section 26.31.015. A new planned unit development
7 may be required if the subdivision ordinance, the design standards, or the required
8 improvements have been amended by the city and as a result, the planned unit
9 development as originally approved does not comply with the amended rules and
10 regulations.

11 7. Before the approval of a final plat, the public streets, private roadway
12 improvements, sidewalks, public sanitary sewer system, public water system, drainage
13 facilities, land preparation and grading, sediment and erosions control measures, storm
14 water detention/retention facilities, drainageway improvements, street lights,
15 landscaping screens, street trees, temporary turnaround and barricades, and street
16 name signs, must be completed or provisions (bond, escrow or security agreement) to
17 guarantee completion must be approved by the City Law Department. The
18 improvements must be completed in conformance with adopted design standards and
19 within the time period specified in the Land Subdivision Ordinance.

20 8. Before a final plat may be approved, Permittee agrees that Permittee as
21 the subdivider, must enter into an agreement with the City whereby Permittee agrees:

22 a. To complete the paving of private roadway shown on the final plat
23 within two (2) years following the approval of the final plat.

- 1 b. To complete the installation of sidewalks along the private roadway
2 as shown on the final plat within four (4) years following the
3 approval of the final plat.
- 4 c. To complete the public water distribution system to serve the plat
5 within two (2) years following the approval of the final plat.
- 6 d. To complete the public wastewater collection system to serve the
7 plat within two (2) years following the approval of the final plat.
8
- 9 e. To complete the enclosed public drainage facilities shown on the
10 approved drainage study to serve the plat within two (2) years
11 following the approval of the final plat.
- 12 f. To complete the enclosed private drainage facilities shown on the
13 approved drainage study to serve the plat within two (2) years
14 following the approval of the final plat.
- 15 g. To complete the installation of public street lights along streets
16 within the plat within two (2) years following the approval of the final
17 plat.
- 18 h. To complete the installation of private street lights along the private
19 roadways within the plat within two (2) years following the approval
20 of the final plat.
- 21 i. To complete the planting of the street trees along private roadways
22 within the plat within six (6) years following the approval of the final
23 plat.
- 24 j. To complete the planting of street trees along the east side of S.
25 21st Street and the south side of N Street as shown on the final plat
26 within two (2) years following the approval of the final plat.
- 27 k. To complete the planting of the landscape screen within the plat
28 within two (2) years following the approval of the final plat.
- 29 l. To complete the installation of the street name signs within two (2)
30 years following the approval of the final plat.
31
- 32 m. To complete the installation of the permanent markers prior to
33 construction on or conveyance of any lot in the plat.
- 34 n. To timely complete any other public or private improvement or
35 facility required by the Land Subdivision Ordinance which

- 1 inadvertently may have been omitted from the above list of required
2 improvements.
- 3 o. To submit to the Director of Public Works and Utilities a plan
4 showing proposed measures to control sedimentation and erosion
5 and the proposed method to temporarily stabilize all graded land for
6 approval.
- 7 o. To comply with the provisions of the Land Preparation and Grading
8 requirements of the Land Subdivision Ordinance.
- 9 p. To complete the public and private improvements shown on the
10 Planned Unit Development.
- 11 q. To keep taxes and special assessments on the outlots from
12 becoming delinquent.
- 13 r. To maintain the outlots on a permanent and continuous basis.
- 14 s. To maintain the private improvements in good order and condition
15 and state of repair, including the routine and reasonable
16 preventative maintenance of the private improvements, on a
17 permanent and continuous basis.
- 18 t. To maintain the street trees along the private roadways and
19 landscape screens, including replacement and replanting as
20 reasonably necessary, on a permanent and continuous basis.
- 21 u. To maintain the private facilities which have common use or benefit
22 in good order and condition and state of repair, including the routine
23 and reasonable preventive maintenance of the private
24 improvements, on a permanent and continuous basis.
- 25 v. To retain ownership of and the right of entry to the outlots in order
26 to perform the above-described maintenance of the outlots and
27 private improvements on a permanent and continuous basis.
28 However, Permittee, as subdivider, may be relieved and discharged
29 of such maintenance obligations upon creating in writing a
30 permanent and continuous association of property owners who
31 would be responsible for said permanent and continuous
32 maintenance subject to the following conditions:
- 33 (1) Permittee shall not be relieved of Permittee's maintenance
34 obligation for each specific private improvement until a
35 registered professional engineer or nurseryman who
36 supervised the installation of said private improvement has

1 certified to the City that the improvement has been installed
2 in accordance with approved plans.

3 (2) The maintenance agreements are incorporated into
4 covenants and restrictions in deeds to the subdivided
5 property and the documents creating the association and the
6 restrictive covenants have been reviewed and approved by
7 the City Attorney and filed of record with the Register of
8 Deeds.

9 9. Before occupying the buildings all development and construction shall
10 substantially comply with the approved plans.

11 10. All privately-owned improvements shall be permanently maintained by the
12 owner or an appropriately established homeowners association approved by the City
13 Attorney.

14 11. The physical location of all setbacks and yards, buildings, parking and
15 circulation elements, and similar matters must be in substantial compliance with the
16 location of said items as shown on the approved site plan.

17 12. The terms, conditions, and requirements of the ordinance shall run with
18 the land and be binding upon the permittee, its successors and assigns.

19 13. The Permittee shall sign and return the letter of acceptance to the City
20 Clerk. This step should be completed within 60 days following the approval of the
21 Ordinance. The City Clerk shall file a copy of this Ordinance and the letter of
22 acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the
23 Permittee. Building permits will not be issued unless the letter of acceptance has been
24 filed.

25 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
26 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 _____, 2014

Mayor