

Change of Zone 05068

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

1           AN ORDINANCE amending the Lincoln Zoning District Maps attached to and  
 2 made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the  
 3 Lincoln Municipal Code, by changing the boundaries of the districts established and shown  
 4 thereon.

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

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

9           A portion of Lot 26, 31, 32, 33, 34, 37, Lot 36 I.T., Lot 29 I.T. Lot  
 10 20 I.T. and Lot 1 Cheney Cemetery Addition, all located in Section  
 11 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster  
 12 County, Nebraska, and more particularly described as follows:

13           Referring to the northwest corner of said Section 27; thence in a  
 14 southerly direction on the west line of the Northwest Quarter of  
 15 said Section 27, for a distance of 45.00 feet; thence in an easterly  
 16 direction on a line parallel to the north line of said Northwest  
 17 Quarter, for a distance of 100.00 feet to the northwest corner of  
 18 Lot 33 I.T. and the point of beginning; thence south 89 degrees 38  
 19 minutes 09 seconds east, for a distance of 200.00 feet; thence  
 20 north 89 degrees 18 minutes 25 seconds east, for a distance of  
 21 650.33 feet; thence south 89 degrees 38 minutes 09 seconds  
 22 east, for a distance of 384.81 feet; thence north 00 degrees 36  
 23 minutes 57 seconds east, for a distance of 33.00 feet; thence  
 24 south 89 degrees 38 minutes 09 seconds east, for a distance of  
 25 75.05 feet; thence south 00 degrees 21 minutes 51 seconds west,  
 26 for a distance of 582.87 feet; thence south 20 degrees 21 minutes  
 27 12 seconds east, for a distance of 483.94 feet; thence south 89  
 28 degrees 25 minutes 08 seconds east, for a distance of 1722.89  
 29 feet; thence north 76 degrees 10 minutes 57 seconds east, for a  
 30 distance of 659.08 feet; thence south 89 degrees 52 minutes 24  
 31 seconds east, for a distance of 957.41 feet; thence south 00

1 degrees 07 minutes 52 seconds west, for a distance of 105.65  
2 feet; thence south 89 degrees 38 minutes 27 seconds east, for a  
3 distance of 400.00 feet; thence south 00 degrees 07 minutes 52  
4 seconds west, for a distance of 427.77 feet; thence north 89  
5 degrees 52 minutes 08 seconds west, for a distance of 792.10  
6 feet; thence 65 degrees 32 minutes 10 seconds west, for a  
7 distance of 957.86 feet; thence north 89 degrees 25 minutes 09  
8 seconds west, for a distance of 1001.41 feet; thence south 39  
9 degrees 14 minutes 59 seconds west, for a distance of 1080.54  
10 feet; thence south 28 degrees 41 minutes 03 seconds west, for a  
11 distance of 215.40 feet; thence south 44 degrees 55 minutes 26  
12 seconds west, for a distance of 399.47 feet; thence south 39  
13 degrees 14 minutes 59 seconds west, for a distance of 1038.36  
14 feet; thence north 00 degrees 13 minutes 46 seconds east, for a  
15 distance of 240.39 feet; thence north 46 degrees 43 minutes 05  
16 seconds west, for a distance of 364.62 feet; thence north 89  
17 degrees 59 minutes 40 seconds west, for a distance of 630.67  
18 feet; thence north 00 degrees 57 minutes 52 seconds east, for a  
19 distance of 767.34 feet; thence north 00 degrees 00 minutes 34  
20 seconds east, for a distance of 32.72 feet; thence north 00  
21 degrees 39 minutes 03 seconds east, for a distance of 1667.34  
22 feet; thence north 27 degrees 11 minutes 11 seconds east, for a  
23 distance of 111.89 feet; thence north 00 degrees 39 minutes 02  
24 seconds east, for a distance of 838.29 feet to the point of  
25 beginning; said property contains 194.83 acres more or less;

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

32 Section 2. The Development Plan of Carl Schmidt, Midwest Net Lease  
33 Investors, and SAP-SE, LLC (hereinafter "Permittee") for the Woodlands at Yankee Hill Planned  
34 Unit Development as set forth in its application and site plan be and the same is hereby  
35 approved upon condition that construction and operation of said Planned Unit Development by  
36 Permittee and Permittee's successors and assigns be in strict compliance with said application,  
37 the site plan, and the following express terms and conditions and requirements:

1           a.       This approval allows approximately 500 dwelling units and 324,000 square feet  
2 of commercial office floor area.

3           b.       This approval permits modifications to the Zoning Ordinance and Land  
4 Subdivision Ordinance to allow the transfer of sewage from one drainage basin to another if  
5 approved by the City's Department of Public Works & Utilities after Permittee submits additional  
6 information requested by said Department; to allow sanitary sewer to flow opposite street  
7 grades; to allow Blocks 1, 2, 35, and 40 to exceed block length to allow sidewalks in  
8 nonstandard locations subject to review and approval of nonstandard locations at the time of  
9 final plats; to approve landscape screening at time of building permits; to waive the requirement  
10 that lots front onto a public street or private roadway; to reduce front, side and rear setbacks to  
11 0'; to waive sidewalks along the east side of South 70<sup>th</sup> Street between Yankee Hill Road and  
12 Yankee Woods Drive; to waive the lot width to depth ratio; to increase building height from 35' to  
13 45' for multiple-family dwellings; to reduce lot width from 50' to 40' and lot area from 6,000 to  
14 4,000 square feet; subject to review and approval of specific site layouts utilizing lot width or lot  
15 area waivers by administrative amendment prior to development.

16           c.       City Council must approve the associated request ANN#05015.

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

24           e.       Before the approval of a final plat, the private roadway improvements, sidewalks,  
25 sanitary sewer system, water system, drainage facilities, land preparation and grading,

1 sediment and erosion control measures, storm water detention/retention facilities, drainage way  
2 improvements, street lights, landscaping screens, street trees, and street name signs, must be  
3 completed or provisions (bond, escrow or security agreement) to guarantee completion must be  
4 approved by the City Law Department. The improvements must be completed in conformance  
5 with adopted design standards and within the time period specified in the Land Subdivision  
6 Ordinance.

7 f. Permittee, as Subdivider, must sign an agreement that binds the Subdivider and  
8 Subdivider's successors and assigns:

- 9 i. to complete the paving of all public streets and private roadways shown  
10 on the final plat within two (2) years following the approval of this final  
11 plat.
- 12 ii. to complete the installation of sidewalks along both sides of all streets  
13 and private roadways as shown on the final plat within four (4) years  
14 following the approval of the final plat.
- 15 iii. to provide the cash equivalent for sidewalks along unimproved South 70<sup>th</sup>  
16 South 84<sup>th</sup> Streets to be used to install the required sidewalks at such  
17 time as those streets are improved.
- 18 iv. to complete the public water distribution system to serve this plat within  
19 two (2) years following the approval of the final plat.
- 20 v. to complete the public wastewater collection system to serve this plat  
21 within two (2) years following the approval of the final plat.
- 22 vi. to complete the enclosed public drainage facilities shown on the approved  
23 drainage study to serve this plat within two (2) years following the  
24 approval of the final plat.
- 25 vii. to complete land preparation including storm water detention/retention  
26 facilities and open drainage way improvements to serve this plat prior to  
27 the installation of utilities and improvements but not more than two (2)  
28 years following the approval of the final plat
- 29 viii. to complete the installation of private and private street lights within this  
30 plat within two (2) years following the approval of the final plat.
- 31 ix. to complete the planting of the street trees along all streets within four (4)  
32 years following the approval of the final plat.

- 1 x. to provide the cash equivalent for street trees along unimproved South  
2 70<sup>th</sup> South 84<sup>th</sup> Streets to be used to plant the required street trees at  
3 such time as those streets are improved.
- 4 xi. to complete the planting of required landscape screens within this plat  
5 within two (2) years following the approval of the final plat.
- 6 xii. to complete the installation of the street name signs within two (2) years  
7 following the approval of the final plat.
- 8 xiii. to complete any other public or private improvement or facility required by  
9 Chapter 26.23 (Development Standards) of the Land Subdivision  
10 Ordinance in a timely manner which inadvertently may have been omitted  
11 from the above list of required improvements.
- 12 xiv. to submit to the Director of Public Works a plan showing proposed  
13 measures to control sedimentation and erosion and the proposed method  
14 to temporarily stabilize all graded land for approval.
- 15 xv. to complete the public and private improvements shown on the Planned  
16 unit Development.
- 17 xvi. to retain ownership of or the right of entry to the outlots in order to  
18 maintain the outlots and private improvements on a permanent and  
19 continuous basis and to maintain the plants in the medians and islands on  
20 a permanent and continuous basis. However, the subdivider may be  
21 relieved and discharged of this maintenance obligation upon creating, in  
22 writing, a permanent and continuous association of property owners who  
23 would be responsible for said permanent and continuous maintenance.  
24 The subdivider shall not be relieved of such maintenance obligation until  
25 the private improvements have been satisfactorily installed and the  
26 documents creating the association have been reviewed and approved by  
27 the City Attorney and filed of record with the Register of Deeds.
- 28 xvii. to continuously and regularly maintain the street trees along the private  
29 roadways and landscape screens.
- 30 xviii. to submit to the lot buyers and home builders a copy of the soil analysis.
- 31 xix. to pay all design, engineering, labor, material, inspection, and other  
32 improvement costs including any costs for any improvements in Highway  
33 2 required to allow turning movements into this site.
- 34 xx. to comply with the provisions of the Land Preparation and Grading  
35 requirements of the Land Subdivision Ordinance.
- 36 xxi. to protect the trees that are indicated to remain during construction and  
37 development.

1                   xxii.   to properly and continuously maintain and supervise the private facilities  
2                                    which have common use or benefit, and to recognize that there may be  
3                                    additional maintenance issues or costs associated with providing for the  
4                                    proper functioning of storm water detention/retention facilities as they  
5                                    were designed and constructed within the development, and that these  
6                                    are the responsibility of the land owner.

7                   xxiii.   to relinquish the right of direct vehicular access to South 70<sup>th</sup> and South  
8                                    84<sup>th</sup> Streets, and Yankee Hill Road except as shown.

9                   g.        Before receiving building permits:

10                   i.        The permittee shall have submitted administrative amendments and a  
11                                    revised final plan and the plans are acceptable.

12                   ii.       The construction plans shall comply with the approved plans.

13                   iii.      Final plats shall be approved by the City.

14                   iv.      Applicant agrees to comply with the terms of the annexation agreement.

15                   h.        Before occupying the dwelling units and commercial buildings all development  
16                                    and construction shall have been completed in compliance with the approved plans.

17                   i.        All privately-owned improvements shall be permanently maintained by the owner  
18                                    or an appropriately established owners association approved by the City Attorney.

19                   i.        The site plan accompanying this permit shall be the basis for all interpretations of  
20                                    setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
21                                    matters.

22                   Section 3.   This ordinance's terms, conditions, and requirements bind and  
23                                    obligate the Permittee, their successors and assigns.

24                   Section 4.   The City Clerk shall file a copy of the ordinance approving the  
25                                    permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the  
26                                    recording fee in advance.

1                   Section 5. That this ordinance shall take effect and be in force from and after its  
2 passage and publication according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2007:

\_\_\_\_\_  
Mayor