

Change of Zone 07060

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                   A portion of Lots 49 and 50 located in the Northwest Quarter of  
 9 Section 29, Township 9 North, Range 7 East of the 6th P.M.,  
 10 Lancaster County, Nebraska, more particularly described by  
 11 metes and bounds as follows:

12                   Commencing at the northwest corner of said Section 29,  
 13 Township 9 North, Range 7 East; thence 89 degrees 51 minutes  
 14 09 seconds east for a distance of 87.89 feet to a point on the  
 15 centerline of South 40th Street; thence south 00 degrees 08  
 16 minutes 51 seconds east for a distance of 60.00 feet to the point  
 17 of beginning; thence north 89 degrees 51 minutes 09 seconds  
 18 east for a distance of 536.33 feet; thence north 00 degrees 08  
 19 minutes 51 seconds west for a distance of 10.00 feet; thence  
 20 north 89 degrees 51 minutes 09 seconds east for a distance of  
 21 668.74 feet; thence south 00 degrees 05 minutes 38 seconds  
 22 west for a distance of 160.39 feet; thence north 89 degrees 54  
 23 minutes 22 seconds west for a distance of 108.00 feet; thence  
 24 along a curve to the left having a radius of 180.00 feet and an arc  
 25 length of 125.66 feet; being subtended by a chord of south 70  
 26 degrees 05 minutes 40 seconds west for a distance of 123.12  
 27 feet; thence north 37 degrees 40 minutes 35 seconds west for a  
 28 distance of 124.08 feet; thence along a curve to the left having a  
 29 radius of 143.00 feet and an arc length of 2.14 feet; being  
 30 subtended by a chord of north 38 degrees 06 minutes 19 seconds  
 31 west for a distance of 2.14 feet; thence south 39 degrees 29  
 32 minutes 21 seconds west for a distance of 245.58 feet; thence  
 33 south 39 degrees 26 minutes 16 seconds west for a distance of  
 34 69.64 feet; thence south 35 degrees 25 minutes 05 seconds west  
 35 for a distance of 77.35 feet; thence south 28 degrees 14 minutes  
 36 47 seconds west for a distance of 82.67 feet; thence south 22

1 degrees 07 minutes 14 seconds west for a distance of 77.18 feet;  
2 thence south 15 degrees 38 minutes 59 seconds west for a  
3 distance of 77.89 feet; thence south 13 degrees 49 minutes 53  
4 seconds west for a distance of 263.00 feet; thence south 19  
5 degrees 12 minutes 13 seconds west for a distance of 37.40 feet;  
6 thence south 33 degrees 50 minutes 05 seconds west for a  
7 distance of 43.99 feet; thence south 35 degrees 26 minutes 05  
8 seconds west for a distance of 71.09 feet; thence along a curve to  
9 the right having a radius of 683.00 feet and an arc length of  
10 101.49 feet; being subtended by a chord of south 56 degrees 26  
11 minutes 06 seconds east for a distance of 101.39 feet; thence  
12 south 52 degrees 10 minutes 41 seconds east for a distance of  
13 79.08 feet; thence south 37 degrees 48 minutes 18 seconds west  
14 for a distance of 66.00 feet; thence south 52 degrees 10 minutes  
15 41 seconds east for a distance of 232.62 feet; thence south 32  
16 degrees 02 minutes 07 seconds west for a distance of 98.37 feet;  
17 thence south 25 degrees 08 minutes 50 seconds west for a  
18 distance of 78.97 feet; thence south 20 degrees 15 minutes 35  
19 seconds west for a distance of 69.93 feet; thence south 15  
20 degrees 11 minutes 46 seconds west for a distance of 76.93 feet;  
21 thence south 09 degrees 47 minutes 37 seconds west for a  
22 distance of 69.93 feet; thence south 04 degrees 43 minutes 47  
23 seconds west for a distance of 76.93 feet; thence south 00  
24 degrees 40 minutes 23 seconds east for a distance of 76.93 feet;  
25 thence south 05 degrees 44 minutes 12 seconds east for a  
26 distance of 76.93 feet; thence south 11 degrees 27 minutes 18  
27 seconds east for a distance of 69.92 feet; thence south 15  
28 degrees 23 minutes 46 seconds east for a distance of 76.92 feet;  
29 thence south 13 degrees 12 minutes 36 seconds east for a  
30 distance of 58.29 feet; thence south 07 degrees 23 minutes 08  
31 seconds east for a distance of 59.53 feet; thence south 01  
32 degrees 02 minutes 20 seconds east for a distance of 61.37 feet;  
33 thence south 00 degrees 00 minutes 30 seconds west for a  
34 distance of 370.06 feet; thence south 89 degrees 59 minutes 30  
35 seconds west for a distance of 671.22 feet; thence north 00  
36 degrees 02 minutes 43 seconds west for a distance of 884.68  
37 feet; thence north 08 degrees 24 minutes 16 seconds east for a  
38 distance of 102.08 feet; thence north 00 degrees 02 minutes 43  
39 seconds west for a distance of 400.00 feet; thence north 09  
40 degrees 00 minutes 53 seconds west for a distance of 32.07 feet;  
41 thence north 00 degrees 02 minutes 43 seconds west for a  
42 distance of 1130.66 feet; thence north 44 degrees 54 minutes 13  
43 seconds east for a distance of 39.63 feet to the point of beginning,  
44 and containing a calculated area of 1,740,969.59 square feet or  
45 39.967 acres more or less;

46 be and they hereby are (1) transferred from the AG Agricultural District to the B-2 Planned  
47 Neighborhood Business District and are hereby made a part of the B-2 Planned Neighborhood  
48 Business District; (2) designated as a Planned Unit Development District pursuant to and in

1 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit  
2 Development District"; and (3) governed by all the provisions and regulations pertaining to the  
3 B-2 Planned Neighborhood Business District except as modified in Section 2 below.

4 Section 2. That the Development Plan submitted by Lincoln Federal Bancorp  
5 ("Permittee") for the Wilderness Heights Planned Unit Development, as set forth in Permittee's  
6 application and the site plan, including 225,000 square feet of office and commercial floor area,  
7 a minimum of 66 multi-family dwelling units and variances to the Zoning Code and Land  
8 Subdivision Ordinance to reduce setbacks to 0', to increase the maximum height from 40' to 55'  
9 and to allow lots not abutting a public street or private roadway (provided a public access  
10 easement is shown and granted at the time of final plat), be and the same is hereby approved  
11 upon condition that construction and operation of said Planned Unit Development by Permittee  
12 and its successors and assigns be in substantial compliance with said application, the site plan,  
13 and the following express terms, conditions and requirements:

- 14 1. The City Council must approve the associated Annexation #07003.
- 15 2. Before a final plat shall be approved Permittee shall:
  - 16 a. Cause to be prepared and submitted to the Planning Department a  
17 revised and reproducible final plot plan including five copies with all  
18 required revisions as listed:
    - 19 i. Show utility easements per the L.E.S. review.
    - 20 ii. Change NORTHEAST to NORTHWEST in the second paragraph  
21 of the legal description on Sheet 1 of 5.
    - 22 iii. Show the required additional right-of-way dedication in South 40<sup>th</sup>  
23 Street to the satisfaction of Public Works and Utilities.
    - 24 iv. Delete General Site Note #2.
    - 25 v. Revise General Site Note #3 to state "All parking to be provided in  
26 compliance with the Design Standards and LMC Chapter 27.69 for  
27 the B-2 zoning district and the uses shown."
    - 28 vi. Revise General Site Note #5 to state "Blanket and/or specific  
29 utility easements to be shown at the time of final plat to the  
30 satisfaction of LES."

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- vii. Revise General Site Note #17 to state “Details of all signs, including sign type, location, height and size will be submitted separately for review and approval at the time of sign permit. Signs shall be per the B-2 zoning district and are not required to be shown on these plans.”
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- viii. Delete the word “Proposed” throughout General Site Note #19, then relocate it to the Site Specific Note section as Site Specific Note #2, and then revise the appropriate sections as follows:  
Lot 1, Blk 1 - Office/bank with drive-through facility  
Lots 8 & 9, Blk 2 - Retail/service station  
Lot 1, Block 3 - Uses permitted in the R-T zoning district including a child care facility for either less or more than 16 children and a private school.  
Either delete the block designation following the outlot letter, or indicate that Outlots C and D are in Block 1.
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- ix. Delete the word “Proposed” throughout General Site Note #20 and change “1 Proposed R-T Lot” to “1 Proposed Lot With Uses Permitted in the R-T District Including Child Care Facility (for either less or more than 16 children) and a Private School.”
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- x. Delete General Site Note #21.
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- xi. Revise General Site Note #22 to state “Building layout is conceptual. Buildings may be located anywhere within the building envelopes defined by the adjusted setbacks as shown.”
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- xii. Revise General Site Note #23 to state “All required landscaping, screening and street trees to be provided in compliance with LMC and Design Standards at the time of building permit or final plat as appropriate.”
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- xiii. Revise Site Specific Note #1 to state “Allowed uses are those for the B-2 zoning district per LMC except for Lot 1, Block 3 (R-T permitted uses), and Lot 1, Block 2 (multiple-family residential) per Site Specific Note #2 unless revised by administrative amendment.”
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- xiv. Revise Site Specific Note #5 to include “and a right-in, right-out at Outlot A as shown on the plan” at the end of the note.
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- xv. Revise Site Specific Note #6 to state “The conservation easement shown is subject to final agreement between the owner and the City of Lincoln.”
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- xvi. Combine Site Specific Notes #9, 11, and 12 to state “The street and lot layout within the PUD is conceptual with the layout to be determined at the time of final plat provided it is in general

- 1 compliance with the approved site plan, and that connectivity  
2 among parking lots throughout the development will be provided  
3 at time of building permit.
- 4 xvii. Add a Site Specific Note that states “Pedestrian circulation is  
5 shown, but final construction will comply with the Design  
6 Standards for Pedestrian Circulation in Commercial and Industrial  
7 Areas at the time of building permits and additional improvements  
8 will be installed if required based upon actual final development.
- 9 xviii. Add a Site Specific Note that states “All required parking and drive  
10 aisles to be provided in compliance with LMC and Design  
11 Standards at the time of building permit. Connectivity among  
12 parking lots throughout the development will be provided at time  
13 og building permits.”
- 14 xix. Delete Site Specific Note #15 which is made redundant by other  
15 recommended changes.
- 16 xx. Add a Site Specific Note that states “The minimum number of  
17 dwelling units on Lot 1, Block 2 shall be no less that 66, the  
18 required number to maintain consistency with the Incentive  
19 Criteria.”
- 20 xxi. Revise the site plan to show building footprints and parking details  
21 deleted.
- 22 xxii. Revise the site plan to delete the parking area on the western  
23 portion Lot 4, Block 2, and instead show it as a separate outlot for  
24 a common area to accommodate the outdoor plaza.
- 25 xxiii. Show a 20' setback inside the boundary of the PUD, except for the  
26 area south of Hohensee Drive adjacent to the R-3 where 55' must  
27 be shown. Note on the site plan that the 55' setback is for  
28 buildings, and 20' is for parking, drive aisles and garages.
- 29 xxiv. Delete the shading denoting the various uses allowed in the PUD,  
30 instead referring to revised Site Specific Note #2 for allowed uses  
31 on individual lots.”
- 32 xxv. The private roadway adjacent to Lot 1, Block 3 must be in an  
33 outlot.
- 34 xxvi. Revise all typical street cross-sections to show a 3' separation  
35 between the edge of the right-of-way and the sidewalk, and revise  
36 the typical street cross-section for Hohensee Drive to include 4'-  
37 wide sidewalks.

- 1 xxvii. Show and label the approximate location of the high-pressure gas  
2 line in or near Yankee Hill Road, and add a new Site Specific Note  
3 that requires the owner to notify the purchasers of lots adjacent to  
4 Yankee Hill Road of the approximate location of the high pressure  
5 gas pipeline.
- 6 xxviii. Add a Site Specific Note that states "Appearance design  
7 standards for the commercial center to be approved separately by  
8 administrative amendment."
- 9 b. Revise the street names to the satisfaction of 911 Emergency  
10 Communications and Building and Safety.
- 11 c. Revise the plans to the satisfaction of the Public Works and Utilities  
12 Department.
- 13 d. Show fire hydrants to the satisfaction of the Fire Department.
- 14 e. Provide documentation from the Register of Deeds that the letter of  
15 acceptance as required by the approval of the planned unit development  
16 has been recorded.
- 17 3. Before occupying the dwelling units/buildings all development and construction is  
18 to substantially comply with the approved plans.
- 19 4. All privately-owned improvements shall be permanently maintained by the  
20 Permittee or an appropriately established homeowners association approved by the City  
21 Attorney.
- 22 5. The physical location of all setbacks and yards, buildings, parking and circulation  
23 elements, and similar matters must be in substantial compliance with the location of said items  
24 as shown on the approved site plan.
- 25 6. The terms, conditions, and requirements of this ordinance shall run with the land  
26 and be binding upon the Permittee, its successors and assigns.
- 27 7. The construction plans shall substantially comply with the approved plans.
- 28 8. The Permittee shall sign and return the letter of acceptance to the City Clerk  
29 within 60 days following the approval of the change of zone, provided, however, said 60-day  
30 period may be extended up to six months by administrative amendment. The clerk shall file a

1 copy of the ordinance approving the change of zone and the letter of acceptance with the  
2 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

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

6 A portion of Lots 49 and 50 located in the Northwest Quarter of  
7 Section 29, Township 9 North, Range 7 East of the 6th P.M.,  
8 Lancaster County, Nebraska, more particularly described by  
9 metes and bounds as follows:

10 Commencing at the north quarter corner of said Section 29,  
11 Township 9 North, Range 7 East; thence south 00 degrees 08  
12 minutes 51 seconds east for a distance of 50.00 feet to a point of  
13 beginning; thence south 89 degrees 51 minutes 09 seconds west  
14 for a distance of 1347.94 feet; thence south 00 degrees 05  
15 minutes 38 seconds west for a distance of 160.39 feet; thence  
16 north 89 degrees 54 minutes 22 seconds west for a distance of  
17 108.00 feet; thence on a curve to the left having a radius of 180.00  
18 feet and an arc length of 125.66 feet; being subtended by a chord  
19 of south 70 degrees 05 minutes 40 seconds west for a distance of  
20 123.12 feet; thence north 37 degrees 40 minutes 35 seconds west  
21 for a distance of 124.08 feet; thence on a curve to the left having a  
22 radius of 143.00 feet and an arc length of 2.14 feet; being  
23 subtended by a chord of north 38 degrees 06 minutes 19 seconds  
24 west for a distance of 2.14 feet; thence south 39 degrees 29  
25 minutes 21 seconds west for a distance of 245.58 feet; thence  
26 south 39 degrees 26 minutes 16 seconds west for a distance of  
27 69.64 feet; thence south 35 degrees 25 minutes 05 seconds west  
28 for a distance of 77.35 feet; thence south 28 degrees 14 minutes  
29 47 seconds west for a distance of 82.67 feet; thence south 22  
30 degrees 07 minutes 14 seconds west for a distance of 77.18 feet;  
31 thence south 15 degrees 38 minutes 59 seconds west for a  
32 distance of 77.89 feet; thence south 13 degrees 49 minutes 53  
33 seconds west for a distance of 263.00 feet; thence south 19  
34 degrees 12 minutes 13 seconds west for a distance of 37.40 feet;  
35 thence south 33 degrees 50 minutes 05 seconds west for a  
36 distance of 43.99 feet; thence south 35 degrees 26 minutes 05  
37 seconds west for a distance of 26.36 feet; thence south 17  
38 degrees 53 minutes 32 seconds east for a distance of 68.75 feet;  
39 thence on a curve to the right having a radius of 683.00 feet and  
40 an arc length of 46.21 feet; being subtended by a chord of south  
41 54 degrees 06 minutes 59 seconds east for a distance of 46.20  
42 feet; thence south 52 degrees 10 minutes 41 seconds east for a  
43 distance of 79.08 feet; thence south 37 degrees 48 minutes 18

1 seconds west for a distance of 66.00 feet; thence south 52  
2 degrees 10 minutes 41 seconds east for a distance of 232.62 feet;  
3 thence south 32 degrees 02 minutes 07 seconds west for a  
4 distance of 98.37 feet; thence south 25 degrees 08 minutes 50  
5 seconds west for a distance of 78.97 feet; thence south 20  
6 degrees 15 minutes 35 seconds west for a distance of 69.93 feet;  
7 thence south 15 degrees 11 minutes 46 seconds west for a  
8 distance of 76.93 feet; thence south 09 degrees 47 minutes 37  
9 seconds west for a distance of 69.93 feet; thence south 04  
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16 distance of 76.92 feet; thence south 13 degrees 12 minutes 36  
17 seconds east for a distance of 58.29 feet; thence south 07  
18 degrees 23 minutes 08 seconds east for a distance of 59.53 feet;  
19 thence south 01 degrees 02 minutes 20 seconds east for a  
20 distance of 61.37 feet; thence south 00 degrees 00 minutes 30  
21 seconds west for a distance of 370.06 feet; thence north 89  
22 degrees 59 minutes 30 seconds east for a distance of 1914.39  
23 feet; thence north 00 degrees 04 minutes 25 seconds east for a  
24 distance of 2,592.37 feet and the point of beginning, said tract of  
25 land contains a calculated area of 113.28 acres more or less;

26 be and they hereby are transferred from the AG Agricultural District to the R-3 Residential  
27 District and is hereby made a part of the R-3 Residential District and governed by all the  
28 provisions and regulations pertaining to the R-3 Residential District.

29 Section 4. This ordinance shall take effect and be in force from and after its passage  
30 and publication as herein and in the City Charter provided.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2008:  
  
\_\_\_\_\_  
Mayor