

Change of Zone 09003

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 Lot 124 I.T., Outlots "A", "B", "C", "D", "E", "F", "G" and "H", Yankee  
 9 Hill Townhomes, Lots 1 through 12, Block 1, Lots 1 through 4,  
 10 Block 2, Lots 1 through 6, Block 3, Lots 1 through 10, Block 4,  
 11 Lots 1 through 36, Block 5, and Lots 1 through 16, Block 6,  
 12 Yankee Hill Townhomes, all located in the Southwest Quarter of  
 13 Section 23, Township 9 North, Range 7 East of the 6th P.M., City  
 14 of Lincoln, Lancaster County, Nebraska, and more particularly  
 15 described as follows:

16 Commencing at the northwest corner of Outlot "A", Yankee Hill  
 17 Townhomes, said point being on the east right-of-way line of  
 18 South 84th Street, said point also being the true point of  
 19 beginning; thence easterly along the north line of said Outlot "A", a  
 20 north line of Outlots "H" and "C", Yankee Hill Townshomes, and a  
 21 north line of Lot 124 I.T., said line being the south line of Lot 110  
 22 I.T., on an assumed bearing of south 88 degrees 29 minutes 05  
 23 seconds east, a distance of 969.88 feet to the southeast corner of  
 24 said Lot 110 I.T., said point being a north corner of said Lot 124  
 25 I.T.; thence north 00 degrees 56 minutes 06 seconds east along a  
 26 west line of said Lot 124 I.T., said line being the east line of said  
 27 Lot 110 I.T., and the east line of Lot 111 I.T., a distance of 394.85  
 28 feet to the most northern corner of said Lot 124 I.T., said point  
 29 being a point of curvature of a non-tangent curve in a clockwise  
 30 direction having a radius of 1,550.44 feet, a central angle of 28  
 31 degrees 23 minutes 00 seconds, an arc distance of 768.06 feet  
 32 along a northeast line of said Lot 124 I.T., a tangent length of  
 33 392.08 feet, a chord bearing of south 51 degrees 14 minutes 05  
 34 seconds east, and a chord distance of 760.23 feet to a point;  
 35 thence south 34 degrees 46 minutes 57 seconds east along a  
 36 northeast line of said Lot 124 I.T., a distance of 438.99 feet to the

1 most eastern corner of said Lot 124 I.T., said point being on the  
2 north right-of-way line of Yankee Hill Road; thence south 55  
3 degrees 20 minutes 07 seconds west along a southeast line of  
4 said Lot 124 I.T., said line being a northwest line of said right-of-  
5 way, a distance of 676.74 feet to a southeast corner of said Lot  
6 124 I.T.; thence north 34 degrees 40 minutes 17 seconds west  
7 along a southwest line of said Lot 124 I.T., said line being a  
8 northeast line of said right-of-way, a distance of 13.74 feet to a  
9 point; thence north 78 degrees 11 minutes 39 seconds west along  
10 a south line of said Lot 124 I.T., said line being a north line of said  
11 right-of-way, a distance of 34.34 feet to a point; thence south 59  
12 degrees 16 minutes 04 seconds west along a southeast line of  
13 said Lot 124 I.T., and a southeast line of Outlots "H" and "G",  
14 Yankee Hill Townhomes, said line being a northwest line of said  
15 right-of-way, a distance of 73.00 feet to a point; thence south 16  
16 degrees 09 minutes 52 seconds west along a southeast line of  
17 said Outlot "G", said line being a northwest line of said right-of-  
18 way, a distance of 47.68 feet to a point of curvature of a non-  
19 tangent curve in a clockwise direction having a radius of 1,029.27  
20 feet, a central angle of 26 degrees 34 minutes 45 seconds, an arc  
21 distance of 477.47 feet along a south line of said Outlot "G", said  
22 line being a north line of said right-of-way, a tangent length of  
23 243.11 feet, a chord bearing of south 76 degrees 31 minutes 44  
24 seconds west, and a chord distance of 473.20 feet to a point;  
25 thence south 89 degrees 49 minutes 01 seconds west along a  
26 south line of said Outlot "G", said line being a north line of said  
27 right-of-way, a distance of 275.61 feet to a point; thence north 00  
28 degrees 10 minutes 59 seconds west along a west line of said  
29 Outlot "G", said line being an east line of said right-of-way, a  
30 distance of 10.00 feet to a point; thence south 89 degrees 49  
31 minutes 01 seconds west along a south line of said Outlot "G",  
32 said line being a north line of said right-of-way, a distance of  
33 177.88 feet to the southwest corner of said Outlot "G"; thence  
34 north 00 degrees 50 minutes 31 seconds east along a west line of  
35 said Outlot "G", a distance of 182.89 feet to a west corner of said  
36 Outlot "G"; thence south 89 degrees 50 minutes 24 seconds west  
37 along a south line of said Outlot "G", and a south line of Outlots  
38 "H" and "D", Yankee Hill Townhomes, a distance of 227.68 feet to  
39 the southwest corner of said Outlot "D", said point being on the  
40 east right-of-way line of South 84th Street; thence north 00  
41 degrees 51 minutes 59 seconds east along a west line of said  
42 Outlot "D", said line being an east line of said right-of-way, a  
43 distance of 258.04 feet to a point; thence south 89 degrees 08  
44 minutes 01 seconds east along a north line of said Outlot "D", said  
45 line being a south line of said right-of-way, a distance of 10.00 feet  
46 to a point; thence north 00 degrees 51 minutes 59 seconds east  
47 along a west line of said Outlot "D", said line being an east line of  
48 said right-of-way, a distance of 251.34 feet to a point; thence north  
49 31 degrees 22 minutes 54 seconds east along a northwest line of

1 said Outlot "D", said line being a southeast line of said right-of-  
2 way, a distance of 20.73 feet to a southwest corner of Outlot "H",  
3 Yankee Hill Townhomes, said point being on the east line of said  
4 right-of-way; thence north 01 degrees 08 minutes 13 seconds  
5 west along a west line of said Outlot "H", said line being an east  
6 line of said right-of-way, a distance of 27.01 feet to a southwest  
7 corner of Outlot "A", Yankee Hill Townhomes; thence north 44  
8 degrees 37 minutes 31 seconds west along a southwest line of  
9 said Outlot "A", said line being a northeast line of said right-of-  
10 way, a distance of 36.46 feet to a point; thence north 01 degrees  
11 55 minutes 12 seconds west along a west line of said Outlot "A",  
12 said line being an east line of said right-of-way, a distance of  
13 140.20 feet to a point of curvature of a non-tangent curve in a  
14 clockwise direction having a radius of 7,940.00 feet, a central  
15 angle of 00 degrees 50 minutes 31 seconds, an arc distance of  
16 116.67 feet along a west line of said Outlot "A", said line being an  
17 east line of said right-of-way, a tangent length of 58.34 feet, a  
18 chord bearing of north 01 degrees 59 minutes 49 seconds west,  
19 and a chord distance of 116.67 feet to the point of beginning; said  
20 tract contains a calculated area of 1,588,952.11 square feet or  
21 36.48 acres, more or less;

22 be and they hereby are designated as a Planned Unit Development District pursuant to and in  
23 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit  
24 Development District". Those portions of the above described property zoned AG Agricultural  
25 District and R-3 Residential District are transferred to the to R-4 Residential District and are  
26 hereby made a part of the R-4 Residential District. The above described property shall be  
27 governed by all the provisions and regulations pertaining to the R-4 Residential District except  
28 as modified in Section 2 below.

29 Section 2. The Development Plan submitted by Yankee Hill Townhomes, LLC  
30 ("Permittee") for the Yankee Hill Apartments Planned Unit Development, as set forth in the  
31 Permittee's application and site plan be and the same is hereby approved upon condition that  
32 operation of the Yankee Hill Apartments Planned Unit Development by Permittee and its  
33 successors and assigns be in substantial compliance with said application, the site plan and the  
34 following express terms and conditions and requirements:

1           1.       This change of zone approves 517 dwelling units and 30,000 square feet of  
2 commercial floor area together with waivers to (a) adjust the minimum average lot width to less  
3 that 50 feet; (b) adjust the minimum lot area to less than 5,000 square feet; (c) adjust the front,  
4 side and rear setbacks; and (d) adjust the 3:1 lot width to depth ratio.

5           2.       Before a final plat may be approved or building permits issued, the Permittee  
6 shall:

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

9           i.       Correct the phasing plan on Sheet 1 of 3 to show correct phasing.

10          ii.       Include the "Typical Details" for the townhome dwellings/lots on  
11 Sheet 1 of 3 from Special Permit #07005.

12          iii.       Define the building envelope for the B-2 Area with the following  
13 setbacks: 20' front; 10' side - east, 5' side - west, 0' rear.

14          iv.       Label the 25' perimeter setback from lot lines for the apartment  
15 complex.

16          v.       Label Lot 111.

17          vi.       Revise General Note #14 to state: "The recreation facility shall be  
18 identified on the site plan at the time of building permit and shall  
19 consist of a 1/2 basketball court and a tot lot in compliance with  
20 the National Consumer Safety Guidelines for use by all the  
21 residents. As an alternative, two areas shall be shown, one  
22 provided for the townhomes and one provided for the apartments."

23          vii.       Revise the Phasing Plan to show Phase I on the south and Phase  
24 II on the north, and to show a connection to Dunrovin Road as  
25 part of Phase I.

26          viii.       Revise the calculations in General Notes #6 and 7 using 37.15  
27 acres of land area consistent with the site plan and legal  
28 description.

29          ix.       Revise General Note #7 to include "Unused Available Units - 85"  
30 and "Commercial Floor Area - 30,000 square feet."

- 1 x. Add a general note that states: "Uses allowed in the B-2 area are  
2 as per LMC 27.31, except that gasoline sales and drive-through  
3 facilities are prohibited."
- 4 xi. Revise General Note #16 to state: "Signs are not required to be  
5 shown on this plan, details of all signs, including type, exact  
6 location, height and size will be submitted separately at the time of  
7 sign permit in accordance with the applicable requirements of  
8 LMC 27.69 for the R-4 district, except LMC 27.69.046 for the B-2  
9 zoning district shall apply to the "B-2 area" with the limitation that  
10 no pole signs are allowed."
- 11 xii. Revise General Note #18 to state: "All required landscaping to be  
12 provided in compliance with the City of Lincoln Design Standards  
13 and LMC. all required landscaping, screening, and street trees to  
14 be reviewed at the time of building permits or final, as appropriate.
- 15 xiii. Add sidewalks in the apartment area to the satisfaction of the  
16 Planning Department.
- 17 xiv. Revise General Note #24 to state: "The sale of alcohol in the B-2  
18 area shall conform to the requirements of LMC 27.31. For the  
19 purpose of determining compliance with required criteria, the  
20 defined boundary of the B-2 area shown on the site plan shall be  
21 considered as a B-2 zoning district boundary.
- 22 xv. Revise General Note #29 to state: "Building footprints, driveway,  
23 and parking layouts are conceptual and may vary at the time of  
24 building permit. All parking to be designed and provided in  
25 compliance with LMC and Design Standards."
- 26 xvi. Delete General Note #27, LMC defines the director's authority  
27 regarding amendments.
- 28 xvii. Show water and sewer extended to Lot 111.
- 29 xviii. Add a note to Sheet 3 of 3 stating: "Grading plan will be revised  
30 prior to Phase II in order to constrict access to Lot 111, unless  
31 otherwise not required per notes on Sheet 1 of 3.
- 32 xix. Revise the plan to show a connection to lot 111 via a private  
33 roadway.
- 34 xx. Add a general note that states: "The private roadway connection  
35 to Lot 111 may be eliminated by administrative amendment  
36 provided: (1) Lot 111 has access to a private roadway via Lot 110;  
37 (2) the maximum number of dwelling units on Lots 110 and 111  
38 combined does not exceed 40."



1           Section 3.     That this ordinance shall take effect and be in force from and after its  
2 passage and publication in one issue of a daily or weekly newspaper of general circulation in  
3 the City, according to law.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this \_\_\_ day of \_\_\_\_\_, 2010:  
\_\_\_\_\_  
Mayor