

Change of Zone 05085B

ORDINANCE NO. _____

1 AN ORDINANCE amending the Lincoln Zoning District Maps attached to and made
 2 a 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
 9 A tract of land composed of a portion of Lot 18 I.T., located in the
 10 Northwest Quarter of Section 34, Township 11 North, Range 6 East of
 11 the 6th P.M., Lancaster County, Nebraska, more particularly described as
 12 follows:

13 Commencing at the southwest corner of Lot 18 I.T., said point being the
 14 northwest corner of Outlot E, Fallbrook 27th Addition, said point also being
 15 on the west line of the Northwest Quarter of Section 34, Township 11
 16 North, Range 6 East of the 6th P.M.; thence northerly on the west line of
 17 said Lot 18 I.T., said line being the west line of said Northwest Quarter on
 18 an assumed bearing of north 00 degrees 36 minutes 27 seconds east, a
 19 distance of 760.69 feet to a point; thence south 89 degrees 23 minutes
 20 33 seconds east, a distance of 60.00 feet to a point; thence south 89
 21 degrees 23 minutes 24 seconds east, a distance of 166.72 feet to a point
 22 of curvature for a non-tangent curve in a counter clockwise direction
 23 having a central angle of 07 degrees 51 minutes 40 seconds, a radius of
 24 123.00 feet, an arc length of 16.88 feet, a chord length of 16.86 feet, a
 25 tangent length of 8.45 feet, and a chord bearing of north 10 degrees 02
 26 minutes 28 seconds west to a point; thence south 89 degrees 23 minutes
 27 24 seconds east, a distance of 57.96 feet to a point; thence north 00
 28 degrees 36 minutes 36 seconds east, a distance of 108.49 feet to a point
 29 of curvature for a curve in a counter clockwise direction having a central
 30 angle of 08 degrees 04 minutes 08 seconds, a radius of 181.50 feet, an
 31 arc length of 25.56 feet, a chord length of 25.54 feet, a tangent length of
 32 12.80 feet, and a chord bearing of north 03 degrees 25 minutes 28
 33 seconds west, to a point; thence north 61 degrees 28 minutes 46
 34 seconds east, a distance of 161.48 feet to the true point of beginning;
 35 thence north 28 degrees 31 minutes 14 seconds west, a distance of
 36 129.90 feet to a point of curvature for a non-tangent curve in a clockwise
 37 direction having a central angle of 01 degrees 12 minutes 04 seconds, a
 38 radius of 477.00 feet, an arc length of 10.00 feet, a chord length of 10.00

1 feet, a tangent length of 5.00 feet, and a chord bearing of south 68
2 degrees 55 minutes 28 seconds west to a point; thence north 20 degrees
3 28 minutes 30 seconds west, a distance of 54.00 feet to a point of
4 curvature for a non-tangent curve in a counter clockwise direction having
5 a central angle of 06 degrees 48 minutes 17 seconds, a radius of 423.00
6 feet, an arc length of 50.24 feet, a chord length of 50.21 feet, a tangent
7 length of 25.15 feet, and a chord bearing of north 66 degrees 07 minutes
8 21 seconds east to a point; thence north 00 degrees 36 minutes 36
9 seconds east, a distance of 418.87 to a point; thence north 79 degrees
10 41 minutes 11 seconds west, a distance of 113.07 feet to a point; thence
11 north 10 degrees 18 minutes 49 seconds east, a distance of 180.50 feet
12 to a point; thence south 79 degrees 41 minutes 11 seconds east, a
13 distance of 232.80 to a point; thence south 81 degrees 45 minutes 06
14 seconds east, a distance of 97.49 feet to a point; thence south 86
15 degrees 33 minutes 46 seconds east, a distance of 99.20 feet to a point;
16 thence north 89 degrees 27 minutes 57 seconds east, a distance of
17 51.69 feet to a point; thence south 67 degrees 40 minutes 15 seconds
18 east, a distance of 57.48 feet to a point; thence north 52 degrees 14
19 minutes 06 seconds east, a distance of 148.62 feet to a point of
20 intersection with an east line of said Lot 18 I.T., said point being on the
21 west right-of-way line of Tallgrass Parkway; said point being a point of
22 curvature for a non-tangent curve in a counter clockwise direction having
23 a central angle of 16 degrees 22 minutes 05 seconds, a radius of 431.00
24 feet, an arc length of 123.13 feet on an east line of said Lot 18 I.T., said
25 line being a west line of said right-of-way, a chord length of 122.71 feet, a
26 tangent length of 61.99 feet, and a chord bearing of south 23 degrees 30
27 minutes 25 seconds east to a point; thence south 31 degrees 41 minutes
28 27 seconds east, on an east line of said Lot 18 I.T., said line being a west
29 line of said right-of-way, a distance of 390.33 feet to a point; thence south
30 58 degrees 18 minutes 33 seconds west, a distance of 180.05 feet to a
31 point; thence south 74 degrees 26 minutes 31 seconds west, a distance
32 of 127.60 feet to a point; thence south 73 degrees 02 minutes 34
33 seconds west, a distance of 99.74 feet to a point; thence south 68
34 degrees 20 minutes 42 seconds west, a distance of 113.21 feet to a
35 point; thence south 63 degrees 26 minutes 12 seconds west, a distance
36 of 105.04 feet to a point; thence south 61 degrees 28 minutes 46
37 seconds west, a distance of 240.57 feet to the point of beginning; said
38 tract contains a calculated area of 447,564.96 square feet, or 10.27
39 acres, more or less;

40 be and they hereby are (1) transferred from the AG Agricultural District to the R-3 Residential
41 District and are hereby made a part of the R-3 Residential District; (2) designated as a Planned
42 Unit Development District pursuant to and in accordance with Chapter 27.60 of the Lincoln
43 Municipal Code entitled "Planned Unit Development District"; and (3) governed by all the

1 provisions and regulations pertaining to the R-3 Residential District except as modified in
2 Section 2 below.

3 Section 2. The Development Plan for the Fallbrook Planned Unit Development is
4 amended to add the new Residential/Type 7 (Tallgrass Townhomes) to the Fallbrook P.U.D.
5 General Notes, attached hereto and marked as Attachment "A" and incorporated herein by
6 reference, as if fully set forth herein verbatim. The Development Plan, as amended by the
7 Residential/Type 7 Notes, be and the same is hereby approved, upon condition that operation
8 of said Planned Unit Development be in strict compliance with said Amended Development
9 Plan, the site plan, and the following express terms, conditions, and requirements:

10 1. This approval approves an expansion of the Fallbrook Planned Unit
11 Development to add approximately 10.27 acres of land for 36 dwelling units and permits a total
12 of 1,837 dwelling units and approximately 900,000 square feet of commercial floor area under
13 the Planned Unit Development together with variances to the Zoning Ordinance, Subdivision
14 Ordinance, and Design Standards

15 2. Before receiving building permits:

16 a. The Permittee shall cause to be prepared and submitted to the Planning
17 Department a revised and reproducible final plot plan including five copies with all required
18 revisions as listed below:

19 i. Change Outlot designation for Outlots I and J to Outlot I1 and J1.

20 ii. Dimension all outlots.

21 iii. Make corrections to the satisfaction of Public Works Watershed
22 Management.

23 iv. Add one of the following notes to Residential Type 7:

24 (1) "Lot 1, Block 35 and Lot 1, Block 36 relinquished access to
25 Heritage Fall Drive" or
26

1 (2) "Any garage door facing Heritage Falls Drive shall be 22
2 feet back from sidewalk or curb where there is no
3 sidewalk."
4

5 v. Add a note to Residential Type 7 that states, "all garage doors
6 must be 20 feet from the sidewalk except along Heritage Falls
7 Drive."
8

9 b. The Permittee shall provide to the Planning Department verification from
10 the Register of Deeds that the letter of acceptance as required by the approval of the Planned
11 Unit Development has been recorded.

12 c. The construction plans must substantially comply with the approved
13 plans.

14 3. Before occupying the buildings, all development and construction must
15 substantially comply with the approved plans.

16 4. All privately-owned improvements shall be permanently maintained by the
17 Permittee or an appropriately established owners association approved by the City Attorney.

18 5. The physical location of all setbacks and yards, buildings, parking and circulation
19 elements, and similar matters must be in substantial compliance with the location of said items
20 as shown on the approved site plan.

21 6. The terms, conditions, and requirements of this ordinance shall run with the land
22 and be binding upon the Permittee, its successors, and assigns.

23 7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
24 This step should be completed within 60 days following the approval of the change of zone,
25 provided, however, said 60-day period may be extended up to six months by administrative
26 amendment. The City Clerk shall file a copy of the ordinance approving the change of zone
27 and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in

1 advance by the Permittee. Building permits will not be issued unless the letter of acceptance
2 has been filed.

3 8. The site plan as approved with this ordinance voids and supersedes all
4 previously approved site plans, however, the terms and conditions of all prior ordinances
5 approving the Planned Unit Development remain in force and effect except as specifically
6 amended by this ordinance.

7 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
8 be posted on the official bulletin board of the City, located on the wall across from the City
9 Clerk's office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice
10 of passage and such posting to be given by publication one time in the official newspaper by
11 the City Clerk. This ordinance shall take effect and be in force from and after its passage and
12 publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2015: _____ Mayor

PUD NOTES

Side yard setbacks = 5'

Side yard setbacks on lot lines with mutual party wall = 0'

Alley or rear yard setback = 5' for the main and accessory structures

Attached Dwelling Buildings maximum height = 45'

Accessory structures maximum height = 35'

A deck and covered deck for the main level of the structure may encroach into the setback by 2'.

Eaves may project into a side yard a maximum of thirty-six inches, exclusive of gutters.

Section 27.72.180c shall not apply for pedestrian easements along front property lines.

RESIDENTIAL / TYPE 7 (Tallgrass Townhomes)

All dwelling units within the Residential / Type 7 area shall take access from interior private roadways.

Minimum lot area and minimum lot width requirements do not apply.

Front yard setbacks = 5'

Side yard setbacks = 5'

Side yard setbacks on lot lines with mutual party wall = 0'

Rear yard setback = 0' for the main and accessory structures

Attached Dwelling Buildings maximum height = 45'

Accessory structures maximum height = 35'

A deck and covered deck for the main level of the structure may encroach into the setback by 2'.

Eaves may project into a side yard a maximum of thirty-six inches, exclusive of gutters.

Section 27.72.180c shall not apply for pedestrian easements along front property lines.

MULTI FAMILY

Multiple dwellings, Elderly and/or Retirement housing are a Permitted Use.

Minimum lot size is 1 acre but there is no minimum lot width.

Development density is limited to 35 dwelling units per acre of lot area.

Front yard setback = 20' or ½ building height whichever is greater.