

Change of Zone 04075

ORDINANCE NO. _____

1 AN ORDINANCE amending the City of Lincoln Zoning District Maps attached to
 2 and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the
 3 districts established and shown on said City of Lincoln Zoning District Maps as provided in
 4 Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area
 5 hereinafter described as a planned unit development.

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

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

10 A tract of land composed of a portion of Lot 34 I.T., located in the
 11 Northwest Quarter of Section 21, Township 9 North, Range 7 East
 12 of the 6th P.M., Lancaster County, Nebraska, and more
 13 particularly described as follows:

14 Commencing at the northeast corner of said Lot 34 I.T., said point
 15 being 50.00 feet south of the north line of said Northwest Quarter,
 16 and on the east line of said Northwest Quarter, said point being
 17 on the south line of Pine Lake Road right-of-way, said point being
 18 the true point of beginning; thence on an assumed bearing of
 19 south 00 degrees 16 minutes 19 seconds west along the east line
 20 of said Lot 34 I.T., a distance of 1269.14 feet to the southeast
 21 corner of said Lot 34 I.T.; thence north 89 degrees 57 minutes 40
 22 seconds west along the south line of said Lot 34 I.T., a distance of
 23 1749.73 feet to a point; thence north 00 degrees 01 minutes 26
 24 seconds west, a distance of 14.71 feet to a point of curvature;
 25 thence along a curve in a counter clockwise direction, having a
 26 radius of 289.00 feet, arc length of 47.03 feet, delta angle of 09
 27 degrees 19 minutes 29 seconds, a chord bearing of north 04
 28 degrees 41 minutes 11 seconds west, and a chord length of 46.98
 29 feet to a point of tangency; thence north 09 degrees 20 minutes
 30 56 seconds west, a distance of 144.32 feet to a point of curvature;
 31 thence along a curve in a clockwise direction, having a radius of
 32 611.00 feet, arc length of 99.70 feet, delta angle of 09 degrees 20
 33 minutes 56 seconds, a chord bearing of north 04 degrees 40

1 minutes 28 seconds west, and a chord length of 99.58 feet to a
2 point of tangency; thence north 00 degrees 00 minutes 00
3 seconds east, a distance of 602.36 feet to a point; thence south
4 90 degrees 00 minutes 00 seconds east, a distance of 55.09 feet
5 to a point of curvature; thence along a curve in a clockwise
6 direction, having a radius of 600.00 feet, arc length of 106.55 feet,
7 delta angle of 10 degrees 10 minutes 31 seconds, a chord
8 bearing of south 84 degrees 54 minutes 45 seconds east, and a
9 chord length of 106.41 feet to a point of curvature of a non
10 tangent curve; thence along a curve in a clockwise direction,
11 having a radius of 450.00 feet, arc length of 163.93 feet, delta
12 angle of 20 degrees 52 minutes 22 seconds, a chord bearing of
13 north 12 degrees 39 minutes 30 seconds east, and a chord length
14 of 163.03 feet to a point of reverse curvature; thence along a
15 curve in a counter clockwise direction having a radius of 450.00
16 feet, arc length of 181.14 feet, delta angle of 23 degrees 03
17 minutes 49 seconds, a chord bearing of north 11 degrees 33
18 minutes 46 seconds east, and a chord length of 179.92 feet to a
19 point of tangency; thence north 00 degrees 01 minutes 52
20 seconds east, a distance of 42.38 feet to a point of intersection
21 with the north line of said Lot 34 I.T., said point being on the south
22 line of Pine Lake Road right-of-way, thence south 89 degrees 58
23 minutes 02 seconds east along the north line of said Lot 34 I.T.,
24 said line being the south line of said right-of-way, a distance of
25 19.64 feet to a north corner of said Lot 34 I.T.; thence south 00
26 degrees 01 minutes 58 seconds west along an east line of said
27 Lot 34 I.T., said line being the west line of said right-of-way, a
28 distance of 5.00 feet to a north corner of said Lot 34 I.T.; thence
29 south 89 degrees 58 minutes 02 seconds east along a north line
30 of said Lot 34 I.T., said line being a south line of said right-of-way,
31 a distance of 1,538.62 feet to the northeast corner of said Lot 34
32 I.T., said point being the northwest corner of said Lot 54 I.T.;
33 thence south 89 degrees 50 minutes 43 seconds east along the
34 north line of said Lot 54 I.T., said line being the south line of said
35 right-of-way, a distance of 150.15 feet to the point of beginning,
36 said tract contains a calculated area of 2,189,949.10 square feet
37 or 50.27 acres, more or less;

38 be and it hereby is (1) transferred from the AG Agricultural District to the R-3 Residential District
39 and is hereby made a part of the R-3 Residential District and (2) designated as a Planned Unit
40 Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code
41 entitled "Planned Unit Development District" and (3) governed by all the provisions and
42 regulations pertaining to the R-3 Residential District, except as modified by the Development
43 Plan approved in Section 3 below.

1 Section 2. That the "Lincoln Zoning District Maps" attached to and made a
2 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the
3 boundaries of the districts established and shown on said Zoning District Maps as follows:

4 A tract of land composed of a portion of Lot 34 I.T., located in the
5 Northwest Quarter of Section 21, Township 9 North, Range 7 East
6 of the 6th P.M., Lancaster County, Nebraska, and more
7 particularly described as follows:

8 Commencing at the northwest corner of said Lot 34 I.T., said point
9 being 50.00 feet east of the west line of said Northwest Quarter,
10 and 72.53 feet south of the north line of said Northwest Quarter,
11 said point being the true point of beginning; thence on an
12 assumed bearing of south 81 degrees 28 minutes 42 seconds
13 east along a north line of said Lot 34 I.T., said line being the south
14 line of Pine Lake Road right-of-way, a distance of 50.60 feet to a
15 north corner of said Lot 34 I.T.; thence north 84 degrees 19
16 minutes 14 Seconds east along a north line of said Lot 34 I.T.,
17 said line being the south line of said right-of-way, a distance of
18 100.47 feet to a north corner of said Lot 34 I.T.; thence north 78
19 degrees 43 minutes 14 seconds east along a north line of said Lot
20 34 I.T., said line being a south line of said right-of-way, a distance
21 of 101.96 feet to a north corner of said Lot 34 I.T.; thence south
22 89 degrees 58 minutes 02 seconds east along a north line of said
23 Lot 34 I.T., said line being a south line of said right-of-way, a
24 distance of 154.93 feet to a north corner of said Lot 34 I.T.;
25 thence north 00 degrees 01 minutes 58 seconds east along a
26 west line of said Lot 34 I.T., said line being an east line of said
27 right-of-way, a distance of 10.00 feet to a north corner of said Lot
28 34 I.T.; thence south 89 degrees 58 minutes 02 seconds east
29 along a north line of said Lot 34 I.T., said line being a south line of
30 said right-of-way, a distance of 145.09 feet to a north corner of
31 said Lot 34 I.T.; thence south 00 degrees 01 minutes 58 seconds
32 west along an east line of said Lot 34 I.T., said line being a west
33 line of said right-of-way, a distance of 10.00 feet to a north corner
34 of said Lot 34 I.T.; thence south 89 degrees 58 minutes 02
35 seconds east along a north line of said Lot 34 I.T., said line being
36 a south line of said right-of-way, a distance of 299.98 feet to a
37 north corner of said Lot 34 I.T.; thence north 00 degrees 01
38 minutes 58 seconds east along a west line of said Lot 34 I.T., said
39 line being a east line of said right-of-way, a distance of 5.00 feet
40 to a north corner of said Lot 34 I.T.; thence south 89 degrees 58
41 minutes 02 seconds east along a north line of said Lot 34 I.T.,
42 said line being a south line of said right-of-way, a distance of
43 180.35 feet to a point; thence south 00 degrees 01 minutes 52
44 seconds west, a distance of 42.38 feet to a point of curvature;
45 thence along a curve in a clockwise direction, having a radius of
46 450.00 feet, arc length of 181.14 feet, delta angle of 23 degrees

1 03 minutes 49 seconds, a chord bearing of south 11 degrees 33
2 minutes 46 seconds west, and a chord length of 179.92 feet to a
3 point of reverse curvature; thence along a curve in a counter
4 clockwise direction, having a radius of 450.00 feet, arc length of
5 163.93 feet, delta angle of 20 degrees 52 minutes 22 seconds, a
6 chord bearing of south 12 degrees 39 minutes 30 seconds west,
7 and a chord length of 163.03 feet to a point of curvature of a non
8 tangent curve; thence along a curve in a counter clockwise
9 direction, having a radius of 600.00 feet, arc length of 106.55 feet,
10 delta angle of 10 degrees 10 minutes 31 seconds, a chord
11 bearing of north 84 degrees 54 minutes 45 seconds west, and a
12 chord length of 106.41 feet to a point of tangency; thence north 90
13 degrees 00 minutes 00 seconds west, a distance of 55.09 feet to
14 a point, thence south 00 degrees 00 minutes 00 seconds west, a
15 distance of 602.36 feet to a point of curvature; thence along a
16 curve in a counter clockwise direction, having a radius of 611.00
17 feet, arc length of 99.70 feet, delta angle of 09 degrees 20
18 minutes 56 seconds, a chord bearing of south 04 degrees 40
19 minutes 28 seconds east, and a chord length of 99.58 feet to a
20 point of tangency; thence south 09 degrees 20 minutes 56
21 seconds east, a distance of 144.32 feet to a point of curvature;
22 thence along a curve in a clockwise direction, having a radius of
23 289.00 feet, arc length of 47.03 feet, delta angle of 09 degrees 19
24 minutes 29 seconds, a chord bearing of south 04 degrees 41
25 minutes 11 seconds east, and a chord length of 46.98 feet to a
26 point of tangency; thence south 00 degrees 01 minutes 26
27 seconds east, a distance of 14.71 feet to a point of intersection
28 with the south line of said Lot 34 I.T.; thence north 89 degrees 57
29 minutes 40 seconds west along a south line of said Lot 34 I.T., a
30 distance of 834.32 feet to the southwest corner of said Lot 34 I.T.;
31 thence north 00 degrees 04 minutes 00 seconds east along a
32 west line of said Lot 34 I.T., said line being the east line of South
33 56th Street right-of-way, a distance of 643.00 feet to a west
34 corner of said Lot 34 I.T.; thence south 89 degrees 56 minutes 00
35 seconds east along a north line of said Lot 34 I.T., said line being
36 a south line of said right-of-way, a distance of 10.00 feet to a west
37 corner of said Lot 34 I.T.; thence north 00 degrees 04 minutes 00
38 seconds east along a west line of said Lot 34 I.T., said line being
39 an east line of said right-of-way, a distance of 55 00 feet to a west
40 corner of said Lot 34 I.T.; thence north 89 degrees 56 minutes 00
41 seconds west along a south line of said Lot 34 I.T., said line being
42 a north line of said right-of-way, a distance of 10.00 feet to a west
43 corner of said Lot 34 I.T.; thence north 00 degrees 04 minutes 00
44 seconds east along a west line of said Lot 34 I.T., said line being
45 an east line of said right-of-way, a distance of 548.31 feet to the
46 point of beginning, said tract contains a calculated area of
47 1,089,142.67 square feet or 25.00 acres, more or less;

1 be and it hereby is (1) transferred from the AG Agricultural District to the B-3 Commercial
2 District and is hereby made a part of the B-3 Commercial District (2) designated as a Planned
3 Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal
4 Code entitled "Planned Unit Development District" and (3) governed by all the provisions and
5 regulations pertaining to the B-3 Commercial District, except as modified by the Development
6 Plan approved in Section 3 below.

7 Section 3. The Development Plan for the Village Gardens Planned Unit
8 Development, attached hereto marked as Attachment "A" and incorporated herein by reference
9 as fully as if set forth herein verbatim, be and the same is hereby approved, upon condition that
10 construction and operation of said Planned Unit Development be in strict compliance with said
11 Development Plan, the site plan and the following express terms, conditions and requirements:

12 A. This approval permits 348 dwelling units in the underlying R-3
13 zoned area and a maximum of 1,062 peak hour trips in the underlying B-3 zoned commercial
14 area.

15 B. This approval modifies the requirements in the R-3 and B-3
16 districts as indicated in the Development Plan and waives the preliminary plat process.

17 C. Before receiving building permits:

18 (1) The Permittee shall have submitted a revised and
19 reproducible final plan.

20 (2) The construction plans shall comply with the approved
21 plans.

22 (3) Final Plats shall be approved by the City.

23 D. Before occupying the buildings all development and construction
24 shall have been completed in compliance with the approved plans and the Development Plan.

25 E. All privately-owned improvements shall be permanently
26 maintained by the owner or an appropriately established property owners association approved

1 by the City Attorney.

2 F. The site plan and the Development Plan accompanying this
3 planned unit development shall be the basis for all interpretations of uses, setbacks, yards,
4 locations of buildings, location of parking and circulation elements, and similar matters.

5 G. This ordinance's terms, conditions, and requirements bind and
6 obligate the Permittee, its successors and assigns.

7 H. The City Clerk shall file a copy of the ordinance approving the
8 planned unit development and the letter of acceptance with the Register of Deeds. The
9 Permittee shall pay the recording fee in advance.

10 Section 4. That this ordinance shall take effect and be in force from and after
11 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005:

Mayor