

Change of Zone 05002

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 Lots 38 and 43, I.T., located in the Northwest Quarter of Section
 11 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster
 12 County, Nebraska,

13 be and they hereby are (1) transferred from the AG Agricultural District to the R-3 Residential
 14 District and are hereby made a part of the R-3 Residential District (2) designated as a Planned
 15 Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal
 16 Code entitled "Planned Unit Development District" and (3) governed by all the provisions and
 17 regulations pertaining to the R-3 Residential District except as modified by the Development
 18 Plan approved in Section 2 below.

19 Section 2. Lindsey Management Company's Development Plan for the Links
 20 at Lincoln Planned Unit Development attached hereto marked as Attachment "A" and
 21 incorporated herein by reference as fully as if set forth herein verbatim be and the same is
 22 hereby approved upon condition that construction and operation of said Planned Unit
 23 Development by Lindsey Management Company and its successors and assigns be in strict

1 compliance with said Development Plan, the site plan, and the following express terms and
2 conditions and requirements:

3 a. This approval permits Lindsay Management Company as "Permittee" to
4 construct 612 dwelling units, a private golf course, and clubhouse, and 60,000 square feet of
5 commercial area or 696 dwelling units if the commercial area is deleted from the Development
6 Plan.

7 b. This approval modifies the the R-3 Residential District requirements as
8 indicated in the Development Plan and waves the preliminary plat process, provided that if any
9 final plat on all or a portion of the approved planned unit development is submitted five (5) years
10 or more after approval of the development plan, the City may require that a new development
11 plan be submitted pursuant to all the provisions of § 26.31.015. A new development plan may
12 be required if the subdivision ordinance, the design standards, or the required improvements
13 have been amended by the City; and as a result the development plan as originally approved
14 does not comply with the amended rules and regulations.

15 c. Final Plats will be approved by the Planning Director after:

16 i. The sidewalks, streets, drainage facilities, street lighting,
17 landscape screens, street trees, temporary turnarounds and
18 barricades, and street name signs have been completed or the
19 Permittee as Subdivider has submitted a bond or an escrow of
20 security agreement to guarantee their completion.

21 ii. The Permittee as Subdivider has signed an agreement that binds
22 the Subdivider, and Subdivider's successors and assigns:

23 (1) to complete the street paving of Fletcher Avenue and N.
24 7th Street shown on the final plat within two (2) years
25 following the approval of the final plat.

26 (2) to complete the installation of sidewalks along abutting
27 streets as shown on the final plat within four (4) years
28 following the approval of the final plat.

29 (3) to complete the public water distribution system to serve
30 this plat within two (2) years following the approval of the
31 final plat.

- 1 (4) to complete the public wastewater collection system to
2 serve this plat within two (2) years following the approval
3 of the final plat.
4
- 5 (5) to complete the enclosed public drainage facilities shown
6 on the approved drainage study to serve this plat within
7 two (2) years following the approval of the final plat.
- 8 (6) to complete the enclosed private drainage facilities shown
9 on the approved drainage study to serve this plat within
10 two (2) years following the approval of the final plat.
- 11 (7) to complete land preparation including storm water
12 detention/retention facilities and open drainageway
13 improvements to serve this plat prior to the installation of
14 utilities and improvements but not more than two (2) years
15 following the approval of the final plat.
- 16 (8) to complete the installation of public street lights along
17 Fletcher Avenue and N. 7th Street abutting this plat within
18 two (2) years following the approval of the final plat.
- 19 (9) to complete the planting of the street trees along Fletcher
20 Avenue and N. 7th Street, Interstate 80 and Purples Heart
21 highway abutting this plat within four (4) years following
22 the approval of the final plat.
- 23 (10) to complete the planting of the landscape screen within
24 this plat within two (2) years following the approval of the
25 final plat.
- 26 (11) to complete the installation of the permanent markers prior
27 to construction on or conveyance of any lot in the plat.
- 28 (12) to complete any other public or private improvement or
29 facility required by Chapter 26.23 (Development
30 Standards) of the Land Subdivision Ordinance in a timely
31 manner which inadvertently may have been omitted from
32 the above list of required improvements.
- 33 (13) to submit to the Director of Public Works a plan showing
34 proposed measures to control sedimentation and erosion
35 and the proposed method to temporarily stabilize all
36 graded land for approval.
- 37 (14) to complete the public and private improvements shown on
38 the Planned Unit Development.
- 39 (15) to retain ownership of or the right of entry to the outlots in
40 order to maintain the outlots and private improvements on
41 a permanent and continuous basis, provided however,

1 Subdivider may be relieved and discharged of such
2 maintenance obligations upon creating in writing a
3 permanent and continuous association of property owners
4 who would be responsible for said permanent and
5 continuous maintenance subject to the following
6 conditions:

- 7 i. Subdivider shall not be relieved of Subdivider's
8 maintenance obligation for each specific private
9 improvement until a registered professional
10 engineer or nurseryman who supervised the
11 installation of said private improvement has
12 certified to the City that the improvement has been
13 installed in accordance with the approved plans.
- 14 ii. The maintenance agreements are incorporated into
15 covenants and restrictions in deeds to the
16 subdivided property and the documents creating
17 the association of and the restrictive covenants
18 have been reviewed and approved by the City
19 Attorney and filed of record with the Register of
20 Deeds.

21 (16) to continuously and regularly maintain the landscape
22 screens.

23 (17) to submit to the lot buyers and builders a copy of the soil
24 analysis.

25 (18) to comply with the provisions of the Land Preparation and
26 Grading requirements of the Land Subdivision Ordinance.

27 (19) to properly and continuously maintain and supervise the
28 private facilities which have common use or benefit, and to
29 recognize that there may be additional maintenance issues
30 or costs associated with providing for the proper
31 functioning of storm water detention/retention facilities as
32 they were designed and constructed within the
33 development, and that these are the responsibility of the
34 land owner.

35 (20) to relinquish the right of direct vehicular access to
36 Interstate 80 and Purple Heart Highway.

37 d. Before receiving building permits for the dwelling units, private golf
38 course, and clubhouse:

- 39 i. The Permittee shall have submitted a revised and reproducible
40 final plan.
41

- 1 ii. The construction plans shall comply with the approved plans.
- 2 iii. Final Plats shall be approved by the City.
- 3 iv. Provide adequate well log data and other information to the Lower
4 Platte South NRD to make a determination that the proposed
5 irrigation well would not impact other higher priority water wells in
6 the area.
- 7 e. Before receiving building permits for the commercial area:
- 8 i. The Permittee shall have submitted a traffic study for the
9 commercial development.
- 10 ii. The Permittee shall submit to and receive Planning Commission
11 approval of a site plan for the commercial area in conformance
12 with the height and area requirements of the B-2 Planned
13 Neighborhood Business District.
- 14 iii. The Permittee shall comply with all environmental performance
15 standards relating to noise, emission dust, order, glare and heat
16 applicable to use permits in the B-2 Planned Neighborhood
17 Business District.
- 18 iv. The Permittee shall submit to and receive Planning Director
19 approval of a landscape plan which shall show proposed plantings
20 in conformance with City standard applicable to the B-2 Planned
21 Neighborhood Business District.
- 22 f. Before occupying the dwelling units and commercial buildings all
23 development and construction shall have been completed in compliance
24 with the approved plans.
- 25 g. All privately-owned improvements shall be permanently maintained by the
26 owner or an appropriately established owners association approved by
27 the City Attorney.
- 28 h. The site plan approved by this ordinance shall be the basis for all
29 interpretations of setbacks, yards, locations of buildings, location of
30 parking and circulation elements, and similar matters.

- 1 i. This ordinance's terms, conditions, and requirements run with the land
2 and are binding upon the Permittee, and Permittee's successors and
3 assigns.
4 j. The City Clerk shall file a copy of this ordinance and the Permittee's letter
5 of acceptance with the Register of Deeds. The Permittee shall pay the
6 recording fee in advance.

7 Section 3. That this ordinance shall take effect and be in force from and after
8 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
