

Change of Zone 06063

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 tract of land composed of Lot 1, North Forty Golf Addition, a
 9 portion of Lot 2, North Forty Golf Addition, and a portion of Lot 84
 10 I.T., all located in the Northeast Quarter of Section 15, Township
 11 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster
 12 County, Nebraska, and more particularly described as follows:

13 Commencing at the northwest corner of said Lot 1, said point
 14 being 50.00 feet south of the north line of said Northeast Quarter,
 15 and on the south line of Adams Street right-of-way, said point
 16 being the true point of beginning; thence easterly along the north
 17 line of said Lot 1, said line being the south line of said right-of-way
 18 on an assumed bearing of north 88 degrees 59 minutes 56
 19 seconds east, a distance of 328.20 feet to the northeast corner of
 20 said Lot 1; thence north 88 degrees 59 minutes 51 seconds east
 21 along a north line of said Lot 2 and a north line of said Lot 84 I.T.,
 22 said line being a south line of said right-of-way, a distance of
 23 348.34 feet to a point; thence south 00 degrees 00 minutes 11
 24 seconds west, a distance of 296.12 feet to a point of curvature of
 25 a non-tangent curve in a counter clockwise direction, having delta
 26 angle of 77 degrees 26 minutes 20 seconds, a radius of 76.95
 27 feet, an arc length of 104.00 feet, a tangent length of 61.69 feet, a
 28 chord length of 96.27 feet, and a chord bearing of south 15
 29 degrees 42 minutes 51 seconds west to a point; thence south 89
 30 degrees 56 minutes 24 seconds west, a distance of 23.71 feet to a
 31 point; thence south 00 degrees 03 minutes 36 seconds east, a
 32 distance of 330.60 feet to a point of curvature; thence along a
 33 curve in a counter clockwise direction having a delta angle of 31
 34 degrees 41 minutes 50 seconds, a radius of 150.00 feet, an arc

1 length of 82.98 feet, a tangent length of 42.58 feet, a chord length
2 of 81.93 feet, and a chord bearing of south 15 degrees 54 minutes
3 31 seconds east to a point of reverse curvature; thence along a
4 curve in a clockwise direction, having a delta angle of 11 degrees
5 26 minutes 58 seconds, a radius of 675.00 feet, an arc length of
6 134.88 feet, a tangent length of 67.67 feet, a chord length of
7 134.66 feet, and a chord bearing of south 26 degrees 01 minutes
8 58 seconds east to a point; thence north 89 degrees 12 minutes
9 45 seconds east, a distance of 309.41 feet to a point; thence
10 south 00 degrees 47 minutes 15 seconds east, a distance of
11 120.00 feet to a point; thence north 89 degrees 12 minutes 45
12 seconds east, a distance of 42.67 feet to a point of curvature;
13 thence along a curve in a counter clockwise direction having a
14 delta angle of 12 degrees 40 minutes 04 seconds, a radius of
15 495.00 feet, an arc length of 109.44 feet, a tangent length of 54.94
16 feet, a chord length of 109.22 feet, and a chord bearing of north
17 82 degrees 52 minutes 43 seconds east to a point of curvature of
18 a non-tangent curve in a counter clockwise direction, having delta
19 angle of 135 degrees 56 minutes 55 seconds, a radius of 76.87
20 feet, an arc length of 182.39 feet, a tangent length of 190.01 feet,
21 a chord length of 142.52 feet, and a chord bearing of south 58
22 degrees 22 minutes 57 seconds east to a point of curvature of a
23 non-tangent curve in a counter clockwise direction, having delta
24 angle of 07 degrees 30 minutes 18 seconds, a radius of 560.00
25 feet, an arc length of 73.35 feet, a tangent length of 36.73 feet, a
26 chord length of 73.30 feet, and a chord bearing of south 73
27 degrees 07 minutes 03 seconds east to a point of reverse
28 curvature; thence along a curve in a clockwise direction, having a
29 delta angle of 09 degrees 16 minutes 24 seconds, a radius of
30 133.50 feet, an arc length of 21.61 feet, a tangent length of 10.83
31 feet, a chord length of 21.58 feet, and a chord bearing of south 72
32 degrees 14 minutes 00 seconds east to a point; thence south 67
33 degrees 35 minutes 49 seconds east, a distance of 11.10 feet to a
34 point of curvature; thence along a curve in a counter clockwise
35 direction having a delta angle of 17 degrees 37 minutes 10
36 seconds, a radius of 166.50 feet, an arc length of 51.20 feet, a
37 tangent length of 25.80 feet, a chord length of 51.00 feet, and a
38 chord bearing of south 76 degrees 24 minutes 24 seconds east to
39 a point of compound curvature; thence along a curve in a counter
40 clockwise direction having a delta angle of 05 degrees 47 minutes
41 14 seconds, a radius of 573.00 feet, an arc length of 57.88 feet, a
42 tangent length of 28.96 feet, a chord length of 57.85 feet, and a
43 chord bearing of south 88 degrees 06 minutes 36 seconds east to
44 a point; thence north 88 degrees 59 minutes 47 seconds east, a
45 distance of 90.82 feet to a point of intersection with the east line of
46 said Lot 2, said point being on the west line of North 84th Street
47 right-of-way, said point being 50.00 feet west of the east line of
48 said Northeast Quarter; thence south 00 degrees 04 minutes 19

1 seconds west along an east line of said Lot 2, said line being the
2 west line of said right-of-way, said line being 50.00 feet west of
3 and parallel with the east line of said Northeast Quarter, a
4 distance of 121.49 feet to the southeast corner of said Lot 2;
5 thence south 89 degrees 10 minutes 29 seconds west along a
6 south line of said Lot 2, a distance of 1,264.37 feet to a point;
7 thence south 89 degrees 10 minutes 10 seconds west along a
8 south line of said Lot 2, a distance of 329.73 feet to the southwest
9 corner of said Lot 2; thence north 00 degrees 07 minutes 57
10 seconds east along a west line of said Lot 2, and said Lot 1, a
11 distance of 1,272.59 feet to the point of beginning, said tract
12 contains a calculated area of 1,059,754.14 square feet or 24.33
13 acres, more or less;

14 be and it hereby is (1) transferred from the AG Agricultural District to the R-3 Residential District
15 and is hereby made a part of the R-3 Residential District, (2) designated as an overlay Planned
16 Unit Development District, and (3) governed by all the provisions and regulations pertaining to
17 the R-3 Residential District except as modified in Section 3 below.

18 Section 2. That the "Lincoln Zoning District Maps" attached to and made a part of Title
19 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries
20 of the districts established and shown on said Maps as follows:

21 A tract of land composed of a portion of Lot 2, North Forty Golf
22 Addition, and a portion of Lot 84 I.T., all located in the Northeast
23 Quarter of Section 15, Township 10 North, Range 7 East of the
24 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more
25 particularly described as follows:

26 Commencing at the northwest corner of Lot 1, North Forty Golf
27 Addition, said point being 50.00 feet south of the north line of said
28 Northeast Quarter, and on the south line of Adams Street right-of-
29 way; thence easterly along the north line of said Lot 1, said line
30 being the south line of said right-of-way on an assumed bearing of
31 north 88 degrees 59 minutes 56 seconds east, a distance of
32 328.20 feet to the northeast corner of said Lot 1, said point being
33 the northwest corner of said Lot 2; thence north 88 degrees 59
34 minutes 51 seconds east along a north line of said Lot 2, and a
35 north line of said Lot 84 I.T., said line being a south line of said
36 right-of-way, a distance of 348.34 feet to the true point of
37 beginning; thence continuing easterly along the north line of said
38 Lot 84 I.T., said line being a south line of said right-of-way, a
39 distance of 666.25 feet to a north corner of said Lot 84 I.T.; thence

1 south 85 degrees 16 minutes 56 seconds east along a north line
2 of said Lot 84 I.T., said line being a south line of said right-of-way,
3 a distance of 100.33 feet to a north corner of said Lot 84 I.T., said
4 point being 60.00 feet south of the north line of said Northeast
5 Quarter; thence north 88 degrees 59 minutes 51 seconds east
6 along a north line of said Lot 84 I.T., said line being a south line of
7 said right-of-way, a distance of 130.02 feet to a northeast corner
8 of said Lot 84 I.T.; thence south 45 degrees 27 minutes 57
9 seconds east along a northeast line of said Lot 84 I.T., said line
10 being a southwest line of said right-of-way, a distance of 28.02
11 feet to a northeast corner of said Lot 84 I.T., said point being
12 50.00 feet west of the east line of said Northeast Quarter, said
13 point being on the west line of North 84th Street right-of-way;
14 thence south 00 degrees 04 minutes 19 seconds west along an
15 east line of said Lot 84 I.T., and an east line of said Lot 2, said line
16 being 50.00 feet west of and parallel with the east line of said
17 Northeast Quarter, said line being the west line of said right-of-
18 way, a distance of 1,125.96 feet to a point; thence south 88
19 degrees 59 minutes 47 seconds west, a distance of 90.82 feet to a
20 point of curvature; thence along a curve in a clockwise direction
21 having a delta angle of 05 degrees 47 minutes 14 seconds, a
22 radius of 573.00 feet, an arc length of 57.88 feet, a tangent length
23 of 28.96 feet, a chord length of 57.85 feet, and a chord bearing of
24 north 88 degrees 06 minutes 36 seconds west to a point of
25 compound curvature; thence along a curve in a clockwise
26 direction having a delta angle of 17 degrees 37 minutes 10
27 seconds, a radius of 166.50 feet, an arc length of 51.20 feet, a
28 tangent length of 25.80 feet, a chord length of 51.00 feet, and a
29 chord bearing of north 76 degrees 24 minutes 24 seconds west to
30 a point; thence north 67 degrees 35 minutes 49 seconds west, a
31 distance of 11.10 feet to a point of curvature; thence along a curve
32 in a counter clockwise direction having a delta angle of 09
33 degrees 16 minutes 24 seconds, a radius of 133.50 feet, an arc
34 length of 21.61 feet, a tangent length of 10.83 feet, a chord length
35 of 21.58 feet, and a chord bearing of north 72 degrees 14 minutes
36 01 seconds west to a point of reverse curvature; thence along a
37 curve in a clockwise direction, having a delta angle of 07 degrees
38 30 minutes 18 seconds, a radius of 560.00 feet, an arc length of
39 73.35 feet, a tangent length of 36.73 feet, a chord length of 73.30
40 feet, and a chord bearing of north 73 degrees 07 minutes 04
41 seconds west to a point of curvature of a non-tangent curve in a
42 clockwise direction, having delta angle of 135 degrees 56 minutes
43 55 seconds, a radius of 76.87 feet, an arc length of 182.39 feet, a
44 tangent length of 190.01 feet, a chord length of 142.52 feet, and a
45 chord bearing of north 58 degrees 22 minutes 58 seconds west to
46 a point of curvature of a non-tangent curve in a clockwise
47 direction, having delta angle of 12 degrees 40 minutes 04
48 seconds, a radius of 495.00 feet, an arc length of 109.44 feet, a

1 tangent length of 54.94 feet, a chord length of 109.22 feet, and a
2 chord bearing of south 82 degrees 52 minutes 43 seconds west to
3 a point; thence south 89 degrees 12 minutes 45 seconds west, a
4 distance of 42.67 feet to a point; thence north 00 degrees 47
5 minutes 15 seconds west, a distance of 120.00 feet to a point;
6 thence south 89 degrees 12 minutes 45 seconds west, a distance
7 of 309.41 feet to a point of curvature of a non-tangent curve in a
8 counter clockwise direction, having delta angle of 11 degrees 26
9 minutes 58 seconds, a radius of 675.00 feet, an arc length of
10 134.88 feet, a tangent length of 67.67 feet, a chord length of
11 134.66 feet, and a chord bearing of north 26 degrees 01 minutes
12 58 seconds west to a point of reverse curvature; thence along a
13 curve in a clockwise direction, having a delta angle of 31 degrees
14 41 minutes 50 seconds, a radius of 150.00 feet, an arc length of
15 82.98 feet, a tangent length of 42.58 feet, a chord length of 81.93
16 feet, and a chord bearing of north 15 degrees 54 minutes 31
17 seconds west to a point; thence north 00 degrees 03 minutes 36
18 seconds west, a distance of 330.60 feet to a point; thence north
19 89 degrees 56 minutes 24 seconds east, a distance of 23.71 feet
20 to a point of curvature of a non-tangent curve in a clockwise
21 direction, having delta angle of 77 degrees 26 minutes 20
22 seconds, a radius of 76.95 feet, an arc length of 104.00 feet, a
23 tangent length of 61.69 feet, a chord length of 96.27 feet, and a
24 chord bearing of north 15 degrees 42 minutes 51 seconds east, to
25 a point; thence north 00 degrees 00 minutes 11 seconds east, a
26 distance of 296.12 feet to the point of beginning, said tract
27 contains a calculated area of 969,398.00 square feet or 22.25
28 acres, more or less;

29 be and it hereby is (1) transferred from the AG Agricultural District to the B-2 Planned
30 Neighborhood Business District and is hereby made a part of the Planned Neighborhood
31 Business District, (2) designated as an overlay Planned Unit Development District and (3)
32 governed by all the provisions and regulations pertaining to the B-2 Planned Neighborhood
33 Business District except as modified in Section 3 below.

34 Section 3. The North 47 Group, LLC's Development Plan for the North Forty Plaza
35 Planned Unit Development as set forth in their application (including the site plan and general
36 site notes which modifies the R-3 and B-2 District regulations to treat the special permitted
37 uses, health care facilities, and recreational facilities as permitted uses) be and the same is
38 hereby approved upon condition that construction and operation of said Planned Unit

1 Development by the North 47 Group, LLC, its successors and assigns, be in strict compliance
2 with said Development Plan, the site plan, and the following express terms and conditions and
3 requirements:

4 1. This permit approves a planned unit development for 74 dwelling units and
5 140,000 square feet of commercial floor area with an adjustment to the rear yard setback to 15
6 feet for Lot 14-19, Block 1 and Lots 1-7, Block 2.

7 2. Final plats within the area of this PUD must be approved by the City.

8 If any final plat on all or a portion of the approved planned unit
9 development is submitted five (5) years or more after the approval of the
10 planned unit development , the City may require that a new planned unit
11 development be submitted, pursuant to all the provisions of section
12 26.31.015. A new planned unit development may be required if the
13 subdivision ordinance, the design standards, or the required
14 improvements have been amended by the city; and as a result, the
15 planned unit development as originally approved does not comply with
16 the amended rules and regulations.

17 Before the approval of a final plat, the public streets, private roadway
18 improvements, sidewalks, public sanitary sewer system, public water
19 system, drainage facilities, land preparation and grading, sediment and
20 erosions control measures, storm water detention/retention facilities,
21 drainageway improvements, street lights, landscaping screens, street
22 trees, temporary turnaround and barricades, and street name signs, must
23 be completed or provisions (bond, escrow or security agreement) to
24 guarantee completion must be approved by the City Law Department.
25 The improvements must be completed in conformance with adopted
26 design standards and within the time period specified in the Land
27 Subdivision Ordinance.

28 3. Before a final plat is approved:

29 a. The Permittee shall complete the following instructions and submit the
30 documents and plans to the Planning Department office for review and
31 approval.

32 i. A revised site plan including 5 copies showing the following
33 revisions:

34 (1) Revise Note #33 to state "Site layout is conceptual. All
35 information for a preliminary plat may be required to be

1 submitted, including street and lot layout, street centerline
2 profiles, grading plan, drainage study, utility plan, and
3 landscaping, to be approved by administrative amendment
4 prior to final plat approval, and may result in modifications
5 to the site layout. This includes the location of street
6 intersections and driveway entrances onto North 84th
7 Street and Adams Streets.”

8 (2) Revise Note #18 to state “This PUD includes a change of
9 zone from AG to R-3 and B-2 PUD.

10 (3) Revise Note #26 to state “Final lot layout and individual lot
11 landscape plans for lots in the B-2 to be submitted at the
12 time of building permits.

13 (4) Revise Note #32 by deleting broadcast tower as a
14 permitted use, and a sentence that states “Otherwise, uses
15 in the R-3 area as allowed by LMC Title 27, and uses in
16 the B-2 area as allowed by LMC Title 27.

17 (5) Show Regent Drive extended to connect with Docs Drive.

18 (6) Revise street names to the satisfaction of the City.

19 (7) Show additional easements as required by LES.

20 (8) Show the existing trail along North 84th Street and provide
21 9' separation between any relocated curb and trail
22 including turn lanes.

23 (9) Show the distance from street centerline to property line
24 along both South 84th and Adams Streets.

25 (10) Other corrections/revisions to the satisfaction of Public
26 Works and Utilities.

27 (11) No occupancy permits for commercial uses in excess of
28 30,000 aggregate sq. ft. or generating more than a total of
29 280 pm peak trips shall be issued until the following
30 improvements to 84th Street and Adams Street west of 84th
31 Street have been constructed:

32 **(a) Arterial Street Impact Fee Facility**
33 **Improvements:**

34 (i) A modified arterial section at 84th Street with
35 a single left-turn lane of permanent concrete
36 pavement with curb and gutter from 84th

- 1 Street west to the public street connection
2 to Adams, together with appropriate turn
3 lanes and a permanent concrete transition
4 tapering down to the three-lane section
5 provided for below.
- 6 (ii) A convertible three-lane section roadway of
7 permanent concrete pavement with curb
8 and gutter and associated storm sewer from
9 approximately the public street connection
10 to Adams west to 75th Street.
- 11 (iii) Eastbound right-turn lanes at 80th Street and
12 at the public street connection to Adams.
- 13 (iv) Westbound left-turn lane at the public street
14 connection to Adams.
- 15 (b) **Site-Related Improvements:** Connections to 84th
16 Street as shown on the site plan as well as the
17 Windmill Road relocation and turn lane costs.
- 18 (c) **Directed Arterial Street Impact Fees:** The Arterial
19 Street Impact Fee Facility Improvements need not
20 be constructed prior to the issuance of occupancy
21 permits unless and until the City has entered into
22 an agreement with the Owner to reimburse the
23 costs of construction through the use of directed
24 impact fees on terms and conditions substantially
25 similar to other such agreements for the
26 construction of these types of improvements.
- 27 ii. Provide documentation from the Register of Deeds that the letter
28 of acceptance as required by the approval of the planned unit
29 development has been recorded.
- 30 b. The construction plans must comply with the approved plans.
- 31 c. Final plats within the area of this PUD must be approved by the City.
- 32 4. Before occupying the dwelling units and commercial buildings all development
33 and construction must comply with the approved plans.
- 34 5. All privately-owned improvements shall be permanently maintained by the
35 Permittee or an appropriately established homeowners association approved by the City
36 Attorney.

1 6. The revised site plan required for this planned unit development shall be the
2 basis for all interpretations of setbacks, yards, locations of buildings, location of parking and
3 circulation elements, and similar matters.

4 7. This ordinance's terms, conditions, and requirements shall run with the land and
5 be binding and obligatory on the Permittee, its successors and assigns.

6 8. The Permittee shall sign and return the letter of acceptance to the City Clerk
7 within 60 days following the approval of the change of zone, provided, however, said 60-day
8 period may be extended up to six months by administrative amendment. The clerk shall file a
9 copy of the ordinance approving the change of zone and the letter of acceptance with the
10 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

11 9. All special permits previously approved are hereby rescinded with this ordinance
12 at the time of final plat, except Special Permit #1672 which shall remain in effect.

13 Section 5. That this ordinance shall take effect and be in force from and after its
14 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006:

Mayor