

Change of Zone 04075A

ORDINANCE NO. _____

1 AN ORDINANCE amending the underlying zoning and the Development Plan for
2 Village Gardens Planned Unit Development to change the zoning on 2.17 acres from R-3
3 Residential to B-3 Commercial and to adjust the sign requirements to allow center identification
4 signs near the intersections of South 59th Street and Pine Lake Road, and at Boboli Lane and
5 South 56th Street, on property generally located at South 59th Street and Pine Lake Road.

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 portion of Lots 1 and 2, Block 6, Village Gardens 1st Addition, a
11 portion of Outlots “F”, “N”, and “O”, Village Gardens 1st Addition, a
12 portion of Kentwell Lane right-of-way, a portion of Hidcote Drive
13 right-of-way, a portion of Boboli Lane right-of-way, all located in
14 the Northwest Quarter of Section 21, Township 9 North, Range 7
15 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska,
16 and more particularly described as follows:

17 Beginning at a point of intersection with the south line of Pine
18 Lake Road right-of-way, and the east line of Kentwell Road right-
19 of-way, said point being the true point of beginning; thence west
20 along the south line of Pine Lake Road right-of-way, said line
21 being a north line of Kentwell Lane right-of-way on an assumed
22 bearing of north 89 degrees 58 minutes 02 seconds west, a
23 distance of 40.50 feet to a point; thence south 00 degrees 01
24 minutes 52 seconds west, a distance of 37.38 feet to a point of
25 curvature of a curve in a clockwise direction having a radius of
26 450.00 feet, a central angle of 23 degrees 03 minutes 49 seconds,
27 an arc length of 181.14 feet, a tangent length of 91.81 feet, a
28 chord bearing of south 11 degrees 33 minutes 46 seconds west,
29 and a chord distance of 179.92 feet to a point of reverse
30 curvature; thence along a curve in a counter clockwise direction
31 having a radius of 450.00 feet, a central angle of 20 degrees 52
32 minutes 22 seconds, an arc length of 163.93 feet, a tangent length
33 of 82.89 feet, a chord bearing of south 12 degrees 39 minutes 30
34 seconds west, and a chord distance of 163.03 feet to a point of

1 curvature of a non-tangent curve in a counter clockwise direction
2 having a radius of 600.00 feet, a central angle of 10 degrees 10
3 minutes 31 seconds, an arc distance of 106.55 feet, a tangent
4 length of 53.42 feet, a chord bearing of north 84 degrees 54
5 minutes 45 seconds west, and a chord distance of 106.41 feet to a
6 point; thence south 90 degrees 00 minutes 00 seconds west, a
7 distance of 55.09 feet to a point; thence south 00 degrees 00
8 minutes 00 seconds west, a distance of 602.36 feet to a point of
9 curvature of a curve in a counter clockwise direction having a
10 radius of 611.00 feet, a central angle of 09 degrees 20 minutes 56
11 seconds, an arc length of 99.70 feet, a tangent length of 49.96
12 feet, a chord bearing of south 04 degrees 40 minutes 28 seconds
13 east, and a chord distance of 99.58 feet to a point; thence south
14 09 degrees 20 minutes 56 seconds east, a distance of 144.32 feet
15 to a point of curvature of a curve in a clockwise direction having a
16 radius of 289.00 feet, a central angle of 09 degrees 19 minutes 29
17 seconds, an arc length of 47.03 feet, a tangent length of 23.57
18 feet, a chord bearing of south 04 degrees 41 minutes 11 seconds
19 east, and a chord distance of 46.98 feet to a point; thence south
20 00 degrees 01 minutes 26 seconds east, a distance of 14.71 feet
21 to a point of intersection with the south line of Lot 2, Block 6,
22 Village Gardens 1st Addition; thence south 89 degrees 57 minutes
23 45 seconds east along the south line of said Lot 2, and the south
24 line of Kentwell Lane right-of-way, a distance of 192.66 feet to the
25 southeast corner of said right-of-way, said point being a point of
26 curvature of a non-tangent curve in a counter clockwise direction
27 having a radius of 531.52 feet, a central angle of 09 degrees 23
28 minutes 15 seconds, an arc distance of 87.09 feet along an east
29 line of said right-of-way, a tangent length of 43.64 feet, a chord
30 bearing of north 04 degrees 39 minutes 18 seconds west, and a
31 chord distance of 86.99 feet to a point; thence north 09 degrees
32 20 minutes 56 seconds west along an east line of said right-of-
33 way, a distance of 151.92 feet to a point of curvature of a curve in
34 a clockwise direction having a radius of 420.00 feet, a central
35 angle of 09 degrees 20 minutes 56 seconds, an arc length of
36 68.53 feet along an east line of said right-of-way, a tangent length
37 of 34.34 feet, a chord bearing of north 04 degrees 40 minutes 28
38 seconds west, and a chord distance of 68.45 feet to a point;
39 thence north 00 degrees 00 minutes 00 seconds west along an
40 east line of said right-of-way, a distance of 33.27 feet to a point of
41 intersection with an easterly extension of the north line of Boboli
42 Lane right-of-way; thence north 90 degrees 00 minutes 00
43 seconds west along a north line of said right-of-way, a distance of
44 180.75 feet to the southwest corner Outlot "P", Village Gardens
45 1st Addition; thence north 00 degrees 00 minutes 00 seconds east
46 along the west line of said Outlot "P", a distance of 534.57 feet to
47 the northwest corner of said Outlot "A"; thence north 90 degrees
48 00 minutes 00 seconds east along the north line of said Outlot "P",
49 and a south line of Outlot "F", Village Gardens 1st Addition, a
50 distance of 45.09 feet to a point of curvature of a curve in a

1 clockwise direction having a radius of 567.00 feet, a central angle
2 of 06 degrees 30 minutes 27 seconds, an arc length of 64.40 feet
3 along a south line of said Outlot "F", a tangent length of 32.23 feet,
4 a chord bearing of south 86 degrees 44 minutes 47 seconds east,
5 and a chord distance of 64.36 feet to a point of intersection with
6 the west line of Kentwell Lane right-of-way; thence north 02
7 degrees 17 minutes 26 seconds west along a west line of said
8 right-of-way, a distance of 3.04 feet to a point of curvature of a
9 non-tangent curve in a clockwise direction having a radius of
10 570.00 feet, a central angle of 07 degrees 09 minutes 59 seconds,
11 an arc distance of 71.30 feet, a tangent length of 35.69 feet, a
12 chord bearing of south 79 degrees 57 minutes 21 seconds east,
13 and a chord distance of 71.25 feet to a point; thence south 76
14 degrees 22 minutes 22 seconds east, a distance of 12.62 feet to a
15 point of intersection with the east line of Kentwell Lane right-of-
16 way; thence north 06 degrees 11 minutes 50 seconds east along
17 an east line of said right-of-way, a distance of 60.51 feet to a point
18 of curvature of a non-tangent curve in a clockwise direction having
19 a radius of 480.50 feet, a central angle of 12 degrees 51 minutes
20 10 seconds, an arc distance of 107.79 feet along an east line of
21 said right-of-way, a tangent length of 54.12 feet, a chord bearing
22 of north 12 degrees 45 minutes 42 seconds east, and a chord
23 distance of 107.56 feet to a point of compound curvature of a
24 curve in a clockwise direction having a radius of 283.50 feet, a
25 central angle of 09 degrees 46 minutes 57 seconds, an arc length
26 of 48.40 feet along an east line of said right-of-way, a tangent
27 length of 24.26 feet, a chord bearing of north 24 degrees 04
28 minutes 45 seconds east, and a chord length of 48.35 feet to a
29 point of reverse curvature; thence along a curve in a counter
30 clockwise direction having a radius of 166.50 feet, a central angle
31 of 22 degrees 22 minutes 08 seconds, an arc length of 65.00 feet
32 along an east line of said right-of-way, a tangent length of 32.92
33 feet, a chord bearing of north 17 degrees 47 minutes 10 seconds
34 east, and a chord distance of 64.59 feet to a point of compound
35 curvature of a curve in a counter clockwise direction having a
36 radius of 292.50 feet, a central angle of 06 degrees 34 minutes 14
37 seconds, an arc length of 33.54 feet along an east line of said
38 right-of-way, a tangent length of 16.79 feet, a chord bearing of
39 north 03 degrees 18 minutes 59 seconds east, and a chord length
40 of 33.53 feet to a point; thence north 00 degrees 01 minutes 52
41 seconds east along an east line of said right-of-way, a distance of
42 108.11 feet to the point of beginning; said tract contains a
43 calculated area of 94,516.29 square feet or 2.17 acres, more or
44 less;

45 be and it hereby is (1) transferred from the AG Agricultural District to the R-3 Residential District
46 and is hereby made a part of the R-3 Residential District and (2) designated as a Planned Unit
47 Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code

1 entitled "Planned Unit Development District" and (3) governed by all the provisions and
2 regulations of the B-3 Business District except as modified by the Development Plan for Village
3 Gardens Planned Unit Development as amended in Section 2 below.

4 Section 2. The amendment to the Development Plan for the Village Gardens
5 Planned Unit Development as set forth in Village Gardens Development Company, LLC's
6 ("Developer") application and site plan be and the same is hereby approved upon condition that
7 construction and operation of said Planned Unit Development be in strict compliance with said
8 Development Plan, the site plan and the following express terms, conditions and requirements:

9 A. This Change of Zone allows center identification signs in the B-
10 3 Business District at the entrances to the Village Center area of the Village Gardens
11 Planned Unit Development from arterial streets.

12 B. Before receiving building permits:

13 i. The Developer shall cause to be prepared and
14 submitted to the Planning Department five copies of a
15 revised final site plan showing the following revisions:

16 (1) Revise Note #2 on page 15 of the development
17 plan to state "IN ADDITION TO THE OTHER
18 ALLOWED SIGNS, ONE GROUND SIGN NOT
19 MORE THAN 150 SQUARE FEET IN AREA
20 OR 10 FEET IN HEIGHT IDENTIFYING AND
21 ADVERTISING THE VILLAGE CENTER
22 BUSINESSES SHALL BE PERMITTED AT
23 EACH MAJOR ARTERIAL STREET
24 ENTRANCES TO THE VILLAGE CENTER
25 AREA OF VILLAGE GARDENS."

26 (2) Revise Note #5 on page 15 of the development
27 plan to state "LMC 27.69.340 PERMITTED
28 SIGNS FOR GENERAL PLANNED UNIT
29 DEVELOPMENTS SUBSECTION (a) IS
30 DELETED. SEE THE B-3 AND R-3
31 UNDERLYING ZONING STANDARDS LISTED
32 FOR THE VILLAGE GARDENS PUD SIGN
33 REQUIREMENTS AS CONTAINED IN THE

1 DEVELOPMENT PLAN FOR THE
2 APPLICABLE REQUIREMENTS.”

3 ii. The construction plans must comply with the
4 approved plans.

5 iii. Final plats within the area of this PUD must be
6 approved by the City.

7 C. Before occupying the buildings or erecting signs all
8 development and construction is to comply with the approved plans.

9 D. All privately-owned improvements shall be permanently
10 maintained by the Developer or an appropriately established owners association
11 approved by the City Attorney.

12 E. The site plan approved by this planned unit development
13 shall be the basis for all interpretations of setbacks, yards, locations of buildings,
14 location of parking and circulation elements, and similar matters.

15 F. This ordinance's terms, conditions, and requirements bind
16 and obligate the Developer, its successors and assigns.

17 G. The Developer shall sign and return the Planned Unit
18 Development Letter of Acceptance, attached hereto as Attachment “A”, to the City Clerk
19 within 60 days following the approval of the change of zone, provided, however, said
20 60-day period may be extended up to six months by administrative amendment. The
21 clerk shall file a copy of the ordinance approving the change of zone and the letter of
22 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
23 Developer.

24 H. The site plan as approved with this ordinance voids and
25 supersedes all previously approved site plans, however all ordinances approving

1 previous Development Plans remain in force except as specifically amended by this
2 ordinance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor