

Change of Zone 05068A

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 portion of Irregular Tract Lots 54, 55, 56, and 57, all located in
9 the North Half of Section 27, Township 9 North, Range 7 East of
10 the 6th P.M., Lancaster County, Nebraska, and more particularly
11 described as follows:

12 Commencing at the southwest corner of the Northwest Quarter of
13 said Section 27 and extending thence south 89 degrees 40
14 minutes 22 seconds east along the south line of said Northwest
15 Quarter, a distance of 1977.54 feet to the point of beginning;
16 thence north 39 degrees 14 minutes 59 seconds east, for a
17 distance of 1080.54 feet; thence south 89 degrees 25 minutes 09
18 seconds east, for a distance of 1001.41 feet; thence south 00
19 degrees 19 minutes 35 seconds west, for a distance of 832.73
20 feet; thence north 89 degrees 40 minutes 22 seconds west along
21 the south line of the Northeast Quarter, a distance of 981.88 feet
22 to the southeast corner of the Northwest Quarter of said Section
23 27; thence north 89 degrees 40 minutes 22 seconds west along
24 the south line of the Northwest Quarter, a distance of 695.59 feet
25 to the point of beginning, containing a calculated area of
26 1,119,114. 76 square feet or 25.69 acres;

27 be and they hereby are (1) transferred from the AG Agricultural District to the R-3 Residential
28 District and are hereby made a part of the R-3 Residential District; (2) designated as a Planned
29 Unit Development District pursuant to and in accordance with Chapter 27.60 of the Lincoln
30 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 submitted by R.C. Krueger Development
4 (“Permittee”) for the Woodlands at Yankee Hill Planned Unit Development, as set forth in
5 Permittee’s application and the site plan, be and the same is hereby approved upon condition
6 that construction and operation of said Planned Unit Development by Permittee and its
7 successors and assigns be in substantial compliance with said application, the site plan, and
8 the following express terms and conditions and requirements:

- 9 1. Before receiving building permits the Permittee shall:
 - 10 a. Cause to be prepared and submitted to the Planning Department a
11 revised and reproducible final plot plan including five copies showing the
12 following revisions:
 - 13 i. Add a General Note that states, “If the school on Lot 20, Block 28,
14 opens prior to the improvement of Yankee Hill Road, either
15 Yankee Woods Drive or Hayek Drive must be extended to South
16 94th Street.”
 - 17 ii. Show the bike trail easement on Sheet 1 consistent with Sheets 2
18 and 2A.
 - 19 iii. Revise General Note #16 to include the statement, “The school
20 site plan layout is conceptual. Final plan to be determined at the
21 time of building permit.”
 - 22 iv. Make other corrections noted by Public Works and Utilities to their
23 satisfaction.
 - 24 b. Submit grading, drainage, and utility plans to the Department of Public
25 Works and Utilities to be adopted by administrative amendment.

26 2. This approval approves a total of 500 dwelling units and 324,000 square feet of
27 commercial and office floor area for the Woodlands at Yankee Hill Planned Unit Development
28 as amended by this ordinance.

29 3. This approval conditionally permits the following modifications to the Land
30 Subdivision Ordinance:

- 1 a. The transfer of sewage from one drainage basin to another if approved by
2 Administrative Amendment after Public Works review and approval of the
3 additional information as required to be submitted to Public Works.
- 4 b. Sanitary sewer flow opposite street grades provided minimum and
5 maximum sewer depths are not exceeded as determined by Public
6 Works.
- 7 4. The City Council must approved the associated request, Annexation 09001.
- 8 5. Before receiving building permits:
- 9 a. The Permittee must submit administrative amendments and a revised,
10 acceptable final plan.
- 11 b. The construction plans must conform to the approved plans.
- 12 c. Final plats within the area of this PUD must be approved by the City.
- 13 d. Permittee agrees to comply with the terms of the annexation agreement.
14
- 15 6. Before occupying the dwelling units, school, and commercial buildings all
16 development and construction must substantially comply with the approved plans.
- 17 7. All privately-owned improvements shall be permanently maintained by the
18 Permittee or an appropriately established property owners association approved by the City
19 Attorney.
- 20 8. The physical location of all setbacks and yards, buildings, parking and circulation
21 elements, and similar matters must be in substantial compliance with the location of said items
22 as shown on the approved site plan.
- 23 9. The terms, conditions, and requirements of this ordinance shall run with the land
24 and be binding upon the Permittee, its successors and assigns.
- 25 10. The Permittee shall sign and return the letter of acceptance to the City Clerk
26 within 60 days following the approval of the change of zone, provided, however, said 60-day
27 period may be extended up to six months by administrative amendment. The clerk shall file a
28 copy of the ordinance approving the change of zone and the letter of acceptance with the
29 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

1 11. The site plan as approved with this ordinance voids and supersedes all
2 previously approved site plans, however, the terms, conditions and requirements of all
3 ordinance approving previous development plans remain in full force and effect except as
4 specifically amended by this ordinance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009: _____ Mayor
