
12-117

Introduce: 9-10-12

Change of Zone 12024

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 Lot 1, Block 2, Thomasbrook Addition, and Lot 140 I.T., located in
9 the Southwest Quarter of Section 33, Township 10 North, Range 7
10 East of the 6th P.M., Lancaster County, Nebraska;

11 be and they hereby are (1) transferred from the R-2 Residential District and R-3 Residential
12 District to the O-3 Office Park District; (2) designated as a Planned Unit Development District
13 pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code; and (3)
14 governed by all the provisions and regulations pertaining to the O-3 Office Park District except
15 as modified in Section 2 below.

16 Section 2. That the Lincoln Community Playhouse PUD Development Plan
17 submitted by the Lincoln Community Playhouse ("Permittee") as set forth in the Permittee's
18 application and site plan which includes modifications to setback, parking and uses, be and the
19 same is hereby approved upon condition that operation of the Planned Unit Development by

1 Permittee be in substantial compliance with the Permittee’s application, the site plan and the
2 following express terms and conditions:

3 1. This approval approves a Planned Unit Development under a development plan
4 for the development of office and limited commercial uses with requested adjustments to the
5 side yard setback, a 15% parking reduction except for restaurant and on-sale alcohol, and
6 allows cross-parking.

7 2. Before receiving building permits, the Permittee shall:

8 a. Cause to be prepared and submitted to the Planning Department a
9 revised and reproducible final plat plan, including five copies, with all
10 required revisions as listed below:

11 i. Revise the site plan as follows:

12 (1) Add a note to the site plan that states, “See associated
13 Development Plan for use restrictions, adjustments, and
14 general notes.”

15 (2) Dimension the setbacks around the perimeter of the PUD
16 as adjusted by the Development Plan, including whether
17 the setback applies to buildings, parking, or both.

18 (3) Show a driveway connection extending to the south lot
19 line.

20 (4) Show traffic improvements to the satisfaction of Public
21 Works, along with any necessary grading and drainage
22 information, and obtain a driveway permit in accordance
23 with the procedure of the access management policy.

24 (5) Add a note that states, “All required screening and
25 landscaping, including street trees where feasible
26 consistent with Design Standards, per the O-3 district to be
27 provided at the time of building permit.

28 ii. Revise the Development Plan as follows:

29 (1) Delete Note #2, as the authority to adjust setbacks internal
30 to a PUD is already granted to the Planning Director.

- 1 (2) Add a sentence at the end of Note #9 which states:
 2 Common access to be granted to adjacent property to the
 3 south at such time as the connection can be completed.
- 4 (3) Delete Note #10, the PUD requirements automatically
 5 apply and supercede the underlying O-3 requirements in
 6 this regard.
- 7 (4) Setbacks: Side - 15' to building and parking along
 8 south line Lot 1
 9 0' for internal common lot line
 10 15' to building along north line Lot 140
 11 Rear - 40' for parking and building Lot 140
 12 40' for building, 6' for parking Lot 1
- 13 (5) Modify Note #13(f) to state: Restaurant on Lot 140 only,
 14 provided there are no drive-through facilities, and all
 15 required off-street parking must be provided.
- 16 (6) Modify Note #13(g) to state: On-sale alcoholic beverages
 17 for consumption on the premises on Lot 140 only, provided
 18 the requirements of 27.63.680(b) are met, including
 19 providing all required off-street parking.

20 b. The Permittee shall have submitted a revised final plan and development
 21 plans that are acceptable.

22 c. The construction plan must substantially comply with the approved plans.

23 d. Final plats shall be approved by the City.

24 3. Before occupying any building all development and construction shall
 25 substantially comply with the approved plans.

26 4. All privately-owned improvements shall be permanently maintained by the
 27 Permittee or an appropriately established owners association approved by the City Attorney.

28 5. The physical location of all setbacks and yards, buildings, parking and circulation
 29 elements, and similar matters must be in substantial compliance with the location of said items
 30 as shown on the approved site plan.

31 6. The terms, conditions, and requirements of this ordinance shall run with the land
 32 and be binding upon the Permittee, its successors and assigns.

1 7. The Permittee shall sign and return the letter of acceptance to the City Clerk.
2 This step should be completed within 60 days following the approval of the special permit. The
3 City Clerk shall file a copy of the resolution approving the special permit and the letter of
4 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
5 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

6 Section 2. That this ordinance shall take effect and be in force from and after its
7 passage and publication in one issue of a daily or weekly newspaper of general circulation in
8 the City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2012:

Mayor