
13-128

Introduce: 10-14-13

Change of Zone 13019

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
6 Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the
7 boundaries of the districts established and shown on said Maps as follows:

8 That Lot 1, Mark Plaza Addition, Lincoln, Lancaster County, Nebraska, be and it hereby
9 is transferred from the B-1 Local Business District to the B-3 Commercial District and hereby is
10 (1) designated as a Planned Unit Development District pursuant to and in accordance with
11 Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit Development District"; and
12 (2) governed by all the provisions and regulations pertaining to the B-3 Commercial District
13 except as modified in Section 2 below.

14 Section 2. That the Piedmont Shops Planned Unit Development Plan ("Development
15 Plan") submitted by Piedmont Shopping Center, LLC ("Permittee") as set forth in the Permittee's
16 application and site plan, including the sale of alcoholic beverages for consumption on and off
17 the premises as a conditional use, subject to the conditions for such uses in the B-2 District, and
18 the prohibition of residential uses, be and the same is hereby approved upon condition that

1 operation of the Planned Unit Development by Permittee be in substantial compliance with the
2 Permittee's application, the site plan and the following express terms and conditions:

3 1. This permit approves the following adjustments to the Zoning Code and
4 Design Standards for Screening and Landscaping to: (a) reduce parking requirements for
5 doctors' and dentists' offices; (b) permit required parking spaces to be located within the
6 Building Line District; (c) adjust the parking lot screening and landscaping standards; and (d)
7 permit two center signs as provided for in the approved development plan.

8 2. Before receiving building permits

9 a. The Permittee shall cause to be prepared and submitted to the
10 Planning Department five copies of a revised final site plan and Development Plan showing the
11 revisions listed below.

- 12 i. Add the sidewalk connection from S. Cotner Boulevard to
13 C Street along Aldrich Road.
- 14 ii. Remove the 5 parallel parking spaces on the south end of
15 the parking lot.
- 16 iii. Add the 40 foot Building Line District to the site plan and
17 adjust the setback to reflect the Building Line District.
- 18 iv. Add text to the Development Plan that states, "No
19 illuminated signs shall be allowed on the sides of the
20 buildings facing South 50th Street or C Street".
- 21 v. Delete note #3A in the Development Plan.
- 22 vi. Delete notes #3C and #3D in the Development Plan and
23 replace them with the following text: "Two center signs are
24 permitted, subject to the following conditions. Each sign
25 may not exceed 60 square feet in size or 10 feet in height
26 and the total center signage allowed may not exceed 120
27 square feet. Electronic changeable copy signs may be
28 included on each center sign but may not exceed 80
29 square feet total for both. Center signs are only allowed on
30 S. Cotner Boulevard frontage."
- 31 vii. Remove the signs from the site plan and add the following
32 text to the General Notes, "Signs need not be shown on
33 this site plan, but need to be in compliance with the
34 provisions approved by this PUD, and must be approved
35 by Building & Safety Department prior to installation. The
36 signs will be installed outside the sight distance triangle."

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- viii. Delete note #6 in the Development Plan and replace it with the following text: “A detailed landscaping plan will be submitted to the Parks Department for review and will be approved by the Planning Director, prior to obtaining a building permit. Street trees will be planted along S. Cotner Boulevard, Aldrich Road, and C Street and will meet the Design Standards for Street Trees. Trees will be located in the parking lot and will meet the design standard found in Chapter 3.50. However, the number of trees required in the parking lot may be reduced at the discretion of the Planning Director, due to existing site conditions, if adequate justification is provided by the applicant. The landscape plan will also include the minimum required landscape screening along S. 50th Street to the satisfaction of the Planning Director. The screening along S. 50th Street may include plant material and land surface elevation to achieve the visual buffer. Any screening along S. 50th Street that is within a sight distance will be no higher than 30 inches.”
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- ix. Add a note to the site plan that states, “The signs and required parking spaces located in the Building Line District shall be removed at the sole cost of the property owner whenever necessary for public use.”
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- b. The Permittee shall provide verification from the Register of Deeds that the letter of acceptance as required by the approval of the Planned Unit Development has been recorded.
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- c. The construction plans must substantially comply with the approved plans.
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- d. A detailed landscape plan will be reviewed by the Parks Department and approved by the Planning Director which meets the conditions stated in this PUD.
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3. Before occupying the buildings all development and construction must substantially comply with the approved plans.
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4. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.

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

4 6. The terms, conditions, and requirements of this Ordinance shall run with
5 the land and be binding upon the Permittee, its successors and assigns.

6 7. The Permittee shall sign and return the letter of acceptance to the City
7 Clerk. This step should be completed within 60 days following the approval of this PUD. The
8 City Clerk shall file a copy of this Ordinance and the letter of acceptance with the Register of
9 Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be
10 issued until the letter of acceptance has been filed of record.

11 8. The site plan and Development Plan as approved with this ordinance
12 voids and supersedes all previously approved site plans, however all resolutions approving
13 previous permits remain in full force and effect except as specifically amended by this
14 ordinance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2013:

Mayor