

Change of Zone 05002A

ORDINANCE NO. _____

1 AN ORDINANCE amending the City of Lincoln Zoning District Maps attached to
 2 and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the
 3 districts established and shown on said City of Lincoln Zoning District Maps as provided in
 4 Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area
 5 hereinafter described as a planned unit development.

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 tract of land located in the Southwest Quarter of Section 35,
 11 Township 11 North, Range 6 East and in the Northwest Quarter of
 12 Section 2, Township 10 North, Range 6 East of the 6th P.M.,
 13 Lancaster County, Nebraska, being described as follows:

14 Commencing at the northwest corner of said Northwest Quarter;
 15 thence south 00 degrees 10 minutes 31 seconds west (assumed
 16 bearing) on the west line of said Northwest Quarter, a distance of
 17 71.29 feet; thence south 89 degrees 49 minutes 29 seconds east
 18 perpendicular to said west line, a distance of 33.00 feet to a point
 19 on the east right-of-way line of 1st Street, said point also being the
 20 true point of beginning; thence north 06 degrees 49 minutes 56
 21 seconds east, a distance of 300.61 feet to a point of curvature,
 22 said point also being on the north right-of-way line of Fletcher
 23 Avenue and on the east right-of-way line of said 1st Street; thence
 24 northeasterly on a 657.50 foot radius curve to the left, an arc
 25 distance of 84.00 feet, the chord of said curve bears north 00
 26 degrees 30 minutes 17 seconds east, 83.94 feet; thence north 03
 27 degrees 09 minutes 17 seconds west on said east right-of-way
 28 line, a distance of 136.21 feet to a point of curvature; thence
 29 northeasterly on a 7581.50 foot radius curve to the right, an arc
 30 distance of 213.89 feet; the chord of said curve bears north 02
 31 degrees 20 minutes 47 seconds west, 213.88 feet to a point on
 32 the north line of Lot 25, Cumberland Heights; thence south 89
 33 degrees 50 minutes 16 seconds east on said north line, a distance
 34 of 282.67 feet to the northeast corner of said Lot 25; thence south
 35 00 degrees 29 minutes 19 seconds west on the east line of said

1 Lot 25, a distance of 558.28 feet to a point on the north right-of-
2 way line of Fletcher Avenue; thence continuing south 00 degrees
3 29 minutes 19 seconds west on said east line, a distance of 25.24
4 feet to a point of curvature; thence southeasterly on a 283.00 foot
5 radius curve to the left, an arc distance of 189.02 feet, the chord of
6 said curve bears south 58 degrees 34 minutes 48 seconds east,
7 185.53 feet; thence south 77 degrees 42 minutes 52 seconds
8 east, a distance of 171.17 feet to a point on the south right-of-way
9 line of said Fletcher Avenue; thence north 85 degrees 20 minutes
10 55 seconds west on said south right-of-way line, a distance of
11 187.05 feet; thence continuing on said south right-of-way line
12 north 89 degrees 48 minutes 39 seconds west, a distance of
13 284.76 feet; thence continuing on said south right-of-way line
14 south 86 degrees 25 minutes 51 seconds west, a distance of
15 58.45 feet; thence continuing on said south right-of-way line south
16 73 degrees 53 minutes 26 seconds west, a distance of 97.83 feet
17 to the true point of beginning, containing 4.70 acres, more or less;

18 be and they hereby are (1) transferred from the AG Agricultural District to the R-3 Residential
19 District and are hereby made a part of the R-3 Residential District (2) designated as a Planned
20 Unit Development District pursuant to and in accordance with Chapter 27.60 of the Lincoln
21 Municipal Code entitled "Planned Unit Development District" (3) included within and governed
22 by the Development Plan for the Links at Lincoln Planned Unit Development ("Development
23 Plan") approved by Ordinance No. 18525 and (4) governed by all the provisions and regulations
24 pertaining to the R-3 Residential District and the Development Plan except as provided in
25 Section 2 below.

26 Section 2. Lindsey Management Company's Amended Development Plan for
27 the Links at Lincoln Planned Unit Development, as set forth in its application and the site plan,
28 be and the same are hereby approved upon condition that construction and operation of said
29 Planned Unit Development by Lindsey Management Company and its successors and assigns
30 be in strict compliance with said application, the site plan, and the following express terms and
31 conditions and requirements:

- 32 a. This approval permits 696 dwelling units.
- 33 b. The City Council must approve the associated request of Street Vacation

34 #06002

- 1 c. A modification to the requirements of the land subdivision ordinance to
2 waive sidewalk and street trees along the north and east side of Fletcher
3 Ave. is hereby approved.
- 4 d. Final plats shall be approved by the Planning Director after:
- 5 i. The public streets, private roadway improvements, sidewalks,
6 public sanitary sewer system, public water system, drainage
7 facilities, land preparation and grading, sediment and erosions
8 control measures, storm water detention/retention facilities,
9 drainageway improvements, street lights, landscaping screens,
10 street trees, temporary turnaround and barricades, and street
11 name signs, have been completed or the Permittee, as
12 Subdivider, has submitted a bond, escrow or security agreement
13 to guarantee completion (approved by the City Law Department).
14 The improvements must be completed in conformance with
15 adopted design standards and within the time period specified in
16 the Land Subdivision Ordinance.
- 17 ii. Permittee, as Subdivider, has signed an agreement that binds the
18 Subdivider and Subdivider's successors and assigns:
- 19 (1) to complete the street paving of public streets, and
20 temporary turnarounds and barricades located at the
21 temporary dead-end of the streets shown on the final plat
22 within two (2) years following the approval of the final plat.
23
- 24 (2) to complete the installation of sidewalks along the south
25 and west sides of Fletcher Ave. as shown on the final plat
26 within four (4) years following the approval of the final plat.
- 27 (3) to complete the installation of sidewalks along the east
28 side of N. 1st Street as shown on the final plat within two
29 (2) years following the approval of this final plat.
- 30 (4) to complete the public water distribution system to serve
31 this plat within two (2) years following the approval of the
32 final plat.
- 33 (5) to complete the public wastewater collection system to
34 serve this plat within two (2) years following the approval of
35 the final plat.
36
- 37 (6) to complete the enclosed public drainage facilities shown
38 on the approved drainage study to serve this plat within
39 two (2) years following the approval of the final plat.
- 40 (7) to complete the installation of public street lights along
41 Fletcher Ave. within this plat within two (2) years following
42 the approval of the final plat.

- 1 (8) to complete the planting of the street trees along the south
2 and west sides of Fletcher Ave. within this plat within four
3 (4) years following the approval of the final plat.
- 4 (9) to complete the installation of street trees along the east
5 side of N. 1st Street as shown on the final plat within two
6 (2) years following the approval of this final plat.
- 7 (10) to complete the installation of the street name signs within
8 two (2) years following the approval of the final plat.
9
- 10 (11) to complete the installation of the permanent markers prior
11 to construction on or conveyance of any lot in the plat.
- 12 (12) to complete any other public or private improvement or
13 facility required by Chapter 26.23 (Development
14 Standards) of the Land Subdivision Ordinance in a timely
15 manner which inadvertently may have been omitted from
16 the above list of required improvements.
- 17 (13) to complete the public and private improvements shown on
18 the Planned Unit Development.
- 19 (14) to submit to the Director of Public Works a plan showing
20 proposed measures to control sedimentation and erosion
21 and the proposed method to temporarily stabilize all
22 graded land for approval.
- 23 (15) to retain ownership of and the right of entry to the outlots in
24 order to perform the above-described maintenance of the
25 outlots and private improvements on a permanent and
26 continuous basis. However, Owner(s) may be relieved and
27 discharged of such maintenance obligations upon creating
28 in writing a permanent and continuous association of
29 property owners who would be responsible for said
30 permanent and continuous maintenance subject to the
31 following conditions:
- 32 (a) Owner shall not be relieved of Owner's
33 maintenance obligation for each specific private
34 improvement until a register professional engineer
35 or nurseryman who supervised the installation of
36 said private improvement has certified to the City
37 that the improvement has been installed in
38 accordance with approved plans.
- 39 (b) The maintenance agreements are incorporated into
40 covenants and restrictions in deeds to the

1 subdivided property and the documents creating
2 the association and the restrictive covenants have
3 been reviewed and approved by the City Attorney
4 and filed of record with the Register of Deeds.

5 (16) to maintain the outlots and private improvements on a
6 permanent and continuous basis.

7 (17) to submit to the lot buyers and home builders a copy of the
8 soil analysis.

9 (18) to comply with the provisions of the Land Preparation and
10 Grading requirements of the Land Subdivision Ordinance.

11 (19) to relinquish the right of direct vehicular access to N. 1st
12 Street except as shown.

13 e. Before a final plat is approved:

14 i. The Permittee shall complete the following instructions and submit
15 the documents and plans to the Planning Department office for
16 review and approval showing the following revisions:

17 (1) A revised site plan, including five copies, showing the
18 following revisions:

19 (a) Revise the boundary of the PUD to include all of
20 Lot 25, Cumberland Heights. Use the same line
21 type for the entire boundary.

22 (b) Add a note stating that the portion of Fletcher Ave.
23 outside the boundary of the PUD shall be deeded
24 to the City at no cost for street right-of-way
25 purpose.

26 (c) Show fire hydrants on the utility plan.

27 (d) Remove the parking, building layout and Lot 25
28 Cumberland Heights from all sheets.

29 (e) Show the crosshatched area in the northeast
30 corner as an outlet.

31 (f) Show the area bounded by N. 1st St., Fletcher Ave.
32 and vacated Fletcher Ave. as Lot 1.

33 (g) Show vacated Fletcher Ave. as an outlet. Show a
34 blanket utility easement over the outlet.

35 (h) Dimension the lots and outlots.

- 1 (i) Add a note to the General Notes that permitted
2 uses under the R-3 district shall be allowed on Lot
3 1.
- 4 (j) Delete Note #5 from the General Notes.
- 5 (k) Add all of the General Notes from Administrative
6 Amendment #05144 to the cover sheet.
- 7 (l) On the cover sheet within the existing PUD area
8 add the following note, "For detailed site plan refer
9 to Administrative Amendment(AA) #0514 to
10 Change of Zone #05002.
- 11 (m) Show the General Lot information and
12 Development Area information from AA #05144 on
13 the cover sheet.
- 14 (n) Remove the bold dash line of vacated Fletcher Ave.
15 The removal of this line will help clarify the
16 boundary of the PUD.
- 17 (o) Change the building front yard setback to 20 feet.
- 18 (p) Label the existing right-of-way along N. 1st Street
19 on Sheet C1.1.
- 20 (q) Change Lots 38, 53 and 58 I.T. to Lot 1, The Links
21 at Lincoln in the legal description. The legal
22 description must be signed by a licensed surveyor.
- 23 (r) Update the legal description of the addition to the
24 PUD to include all of Lot 25, Cumberland Heights.
- 25 (s) Show a blanket utility easement excluding building
26 envelopes over the addition to the PUD.
- 27 (t) Change proposed use on Sheet C0.0 to R-3.
28 Delete "commercial".
- 29 (u) Make corrections to the satisfaction of Public
30 Works and Utilities Department Watershed
31 Management per their memo of May 11, 2005.
- 32 (v) Make corrections to the satisfaction of Public
33 Works and Utilities per their memo of May 12,
34 2006.
- 35 (2) Provide documentation from the Register of Deeds that the
36 letter of acceptance as required by the approval of the
37 Planned Unit Development has been recorded.

- 1 (3) A landscape plan approved by the Director of Planning.
- 2 ii. The construction plans comply with the approved plans.
- 3 iii. Final plat(s) is/are approved by the City.
- 4 iv. The construction plans shall comply with the approved plans.
- 5 f. If any final plat on all or a portion of the approved planned unit
- 6 development is submitted five (5) years or more after the approval of the planned unit
- 7 development, the city may require that a new planned unit development be submitted, pursuant
- 8 to all the provisions of section 26.31.015. A new planned unit development may be required if
- 9 the subdivision ordinance, the design standards, or the required improvements have been
- 10 amended by the city; and as a result, the planned unit development as originally approved does
- 11 not comply with the amended rules and regulations.
- 12 g. Before occupying the dwelling units/buildings all development and
- 13 construction is to comply with the approved plans.
- 14 h. All privately-owned improvements shall be permanently maintained by the
- 15 owner or an appropriately established owners association approved by the City Attorney.
- 16 i. The site plan accompanying this plan unit development shall be the basis
- 17 for all interpretations of setbacks, yards, locations of buildings, location of parking and
- 18 circulation elements, and similar matters.
- 19 j. This ordinance's terms, conditions, and requirements bind and obligate
- 20 the Permittee, its successors and assigns.
- 21 k. The City Clerk shall file a copy of the ordinance approving the change of
- 22 zone with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
- 23 Section 3. The site plan as approved with this ordinance voids and
- 24 supersedes all previously approved site plans, however all ordinances approving previous
- 25 development plans remain in force unless specifically amended by this ordinance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006:

Mayor