

Change of Zone 09011

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 Lot 70 I.T., a portion of Lot 122 I.T. and all of Lot 123
 9 I.T., all located in the Southeast Quarter of Section 23, Township
 10 9 North, Range 7 East of the 6th P.M., Lancaster County,
 11 Nebraska, and more particularly described as follows:

12 Commencing at the most northerly and west corner of said Lot
 13 123 I.T., said point being an intersection point of the east right-of-
 14 way line of South 91st Street with the south right-of-way line of
 15 Andermatt Drive, said point being the true point of beginning;
 16 thence northeasterly along a northwest line of said Lot 123 I.T.,
 17 said line being a south right-of-way line of said Andermatt Drive,
 18 on an assumed bearing of north 48 degrees 07 minutes 16
 19 seconds east, a distance of 28.24 feet to the northwest corner of
 20 said Lot 123 I.T., said point being a point of curvature of a non-
 21 tangent curve in a clockwise direction having a radius of 2,426.00
 22 feet, a central angle of 05 degrees 22 minutes 49 seconds, an arc
 23 distance of 227.81 feet along a north line of said Lot 123 I.T., said
 24 line being a south line of said right-of-way, a tangent length of
 25 113.99 feet, a chord bearing of south 83 degrees 32 minutes 58
 26 seconds east, and a chord distance of 227.72 feet to a northeast
 27 corner of said Lot 123 I.T.; thence south 42 degrees 39 minutes
 28 21 seconds east along a northeast line of said Lot 123 I.T., said
 29 line being a south line of said right-of-way, a distance of 31.53 feet
 30 to a northeast corner of said Lot 123 I.T., said point being a point
 31 of curvature of a non-tangent curve in a counter clockwise
 32 direction having a radius of 573.00 feet, a central angle of 30
 33 degrees 47 minutes 28 seconds, an arc distance of 307.93 feet
 34 along an east line of said Lot 123 I.T., said line being a west line
 35 of said right-of-way, a tangent length of 157.78 feet, a chord
 36 bearing of south 21 degrees 05 minutes 02 seconds east, and a

1 chord distance of 304.24 feet to a point of curvature of a non-
2 tangent curve in a counter clockwise direction having a radius of
3 97.00 feet, a central angle of 46 degrees 49 minutes 41 seconds,
4 an arc distance of 79.28 feet along an east line of said Lot 123
5 I.T., said line being a west line of said right-of-way, a tangent
6 length of 42.00 feet, a chord bearing of south 03 degrees 51
7 minutes 49 seconds east, and a chord distance of 77.09 feet to a
8 point, said point being on the northwest right-of-way line of South
9 94th Street stub; thence south 44 degrees 42 minutes 23 seconds
10 west along a southeast line of said Lot 123 I.T., said line being a
11 northwest right-of-way line of said South 94th Street stub, a
12 distance of 28.49 feet to a point; thence south 45 degrees 17
13 minutes 37 seconds east along a northeast line of said Lot 123
14 I.T., said line being a southwest line of said right-of-way stub, a
15 distance of 60.00 feet to a point; thence north 44 degrees 42
16 minutes 23 seconds east along a northwest line of said Lot 123
17 I.T., and a northwest line of Lot 122 I.T., said line being a
18 southeast line of said right-of-way stub, a distance of 28.49 feet to
19 a point, said point being on the south right-of-way line of
20 Andermatt Drive, said point being a point of curvature of a non-
21 tangent curve in a counter clockwise direction having a radius of
22 97.00 feet, a central angle of 57 degrees 00 minutes 08 seconds,
23 an arc distance of 96.50 feet along a north line of said Lot 122 I.T.,
24 said line being a south right-of-way line of said Andermatt Drive, a
25 tangent length of 52.67 feet, a chord bearing of north 88 degrees
26 11 minutes 23 seconds east, and a chord distance of 92.57 feet to
27 a point, said point being a point of curvature of a non-tangent
28 curve in a counter clockwise direction having a radius of 558.00
29 feet, a central angle of 07 degrees 22 minutes 03 seconds, an arc
30 distance of 71.75 feet along a northeast line of said Lot 122 I.T.,
31 said line being a southwest line of said right-of-way, a tangent
32 length of 35.92 feet, a chord bearing of south 58 degrees 38
33 minutes 40 seconds east, and a chord distance of 71.70 feet to a
34 point; thence south 62 degrees 19 minutes 42 seconds east along
35 a northeast line of said Lot 122 I.T., said line being a southwest
36 line of said right-of-way, a distance of 211.09 feet to a point of
37 curvature of a curve in a counter clockwise direction having a
38 radius of 1,033.00 feet, a central angle of 08 degrees 31 minutes
39 30 seconds, an arc length of 153.70 feet along a northeast line of
40 said Lot 122 I.T., said line being a southwest line of said right-of-
41 way, a tangent length of 76.99 feet, a chord bearing of south 66
42 degrees 35 minutes 27 seconds east, and a chord distance of
43 153.56 feet to a point; thence south 28 degrees 12 minutes 50
44 seconds west, a distance of 1,158.21 feet to a point on the
45 southwest line of said Lot 70 I.T., said point being on the northeast
46 right-of-way line of Nebraska Highway Number 2; thence north 54
47 degrees 28 minutes 22 seconds west along the southwest line of
48 said Lot 70 I.T., said line being a northeast line of said right-of-
49 way, a distance of 916.42 feet to the northwest corner of said Lot
50 70 I.T., said point being a southwest corner of Lot 123 I.T., thence
51 north 54 degrees 27 minutes 29 seconds west long a southwest

1 line of said Lot 123 I.T., said line being a northeast line of said
2 right-of-way, a distance of 215.36 feet to a point of deflection;
3 thence north 52 degrees 57 minutes 07 seconds west along a
4 southwest line of said Lot 123 I.T., said line being a northeast line
5 of said right-of-way, a distance of 7.12 feet to a southwest corner
6 of said Lot 123 I.T., said point also being on the east right-of-way
7 line of South 91st Street; thence north 04 degrees 18 minutes 22
8 seconds west along a west line of said Lot 123 I.T., said line being
9 an east right-of-way line of said South 91st Street, a distance of
10 33.01 feet to a point of deflection; thence north 44 degrees 20
11 minutes 22 seconds east along a northwest line of said Lot 123
12 I.T. said line being a southeast line of said right-of-way, a distance
13 of 383.41 feet to a point of curvature of a curve in a counter
14 clockwise direction having a radius of 1,065.00 feet, a central
15 angle of 40 degrees 45 minutes 28 seconds, an arc length of
16 757.60 feet along a northwest line of said Lot 123 I.T., said line
17 being a southeast line of said right-of-way, a tangent length of
18 395.62 feet, a chord bearing of north 23 degrees 57 minutes 38
19 seconds east, and a chord distance of 741.73 feet to the point of
20 beginning; said tract contains a calculated area of 1,198,925.47
21 square feet or 27.52 acres, more or less;

22 be and they hereby are (1) transferred from the AG Agricultural District to the B-2 Planned
23 Neighborhood Business District and are hereby made a part of the B-2 Planned Neighborhood
24 Business District; (2) designated as a Planned Unit Development District pursuant to and in
25 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit
26 Development District"; and (3) governed by all the provisions and regulations pertaining to the
27 B-2 Planned Neighborhood Business District except as modified in Section 2 below.

28 Section 2. The Development Plan submitted by Andermatt LLC ("Permittee") for the
29 Southlake Planned Unit Development, as set forth in the Permittee's application and site plan
30 be and the same is hereby approved upon condition that operation of the Southlake Planned
31 Unit Development by Permittee and its successors and assigns be in substantial compliance
32 with said application, the site plan and the following express terms and conditions and
33 requirements:

34 1. This change of zone approves a planned unit development under a development
35 plan which allows health care and recreation facilities as permitted uses, 50,000 square feet of

1 office floor area, and 15,000 square feet of commercial floor area together with waivers to (a)
2 allow a block length in excess of 1,320 feet; (b) eliminate the required sidewalk along Highway
3 2; (c) reduce the internal front, side and rear yard setbacks to 0 feet; and (d) allow one
4 additional 50 square foot, 8 foot tall, free standing sign.

5 2. Before a final plat may be approved or building permits issued, the Permittee
6 shall:

7 a. Cause to be prepared and submitted to the Planning Department revised
8 final plans including 5 copies with all required revisions and documents as
9 listed below:

- 10 i. Show a pedestrian connection from the driveway at South 91st
11 Street extending along the south lot line of Lot 1, Block 1, and/or
12 the north lot line of Outlot A and Lot 2, Block 1, connecting to the
13 sidewalk along South 96th Street.
- 14 ii. Show a conceptual lot layout for the lot adjacent to the east that
15 incorporates the narrow sliver of land north of the east stub street
16 or shows how it can be put to reasonable use. This includes
17 naming the stub street, and showing an acceptable grading plan
18 for the street extending at least 300'. (The stub may need to be
19 moved to conform to block length east of South 96th Street.)
- 20 iii. The centerline of Highway 2 is verified.
- 21 iv. Distinguish that there is no building with area within the L.E.S.
22 easement on Lot 2, Block 1.
- 23 v. Delete notes to the satisfaction of the Planning Department.
- 24 vi. Revise Note #20 to include the statement "SIGNS AS PER THE
25 B-2 ZONING DISTRICT EXCEPT AS MODIFIED BY THIS PUD."
- 26 vii. Revise REQUESTED WAIVER #3 to state "MODIFICATION OF
27 LMC CHAPTER 27.69 TO ALLOW ONE ADDITIONAL 8'-TALL,
28 50 SQUARE FOOT FREE-STANDING SIGN FOR LOT 1, BLOCK
29 1."
- 30 viii. Make revisions to the satisfaction of Public Works Engineering
31 Services and Watershed Management.

- 1 ix. Provide a separate calculation indicating trip generation totals for
2 all three commercial developments subject to the annexation
3 agreement for Appian Way.
- 4 x. Show easements per L.E.S. review.
- 5 b. Provide documentation from the Register of Deeds that the letter of
6 acceptance as required by the approval of the planned unit development
7 has been recorded.
- 8 3. Prior to the issuance of a building permit:
- 9 a. The construction plans shall substantially comply with the approved
10 plans.
- 11 b. The Permittee shall provide a surety to guarantee the construction of the
12 pedestrian sidewalk from South 91st Street to South 96th Street if it has not
13 been constructed at the time of building permit.
- 14 4. Before occupying the buildings all development and construction is to
15 substantially comply with the approved plans.
- 16 5. All privately-owned improvements shall be permanently maintained by the
17 Permittee or an appropriately established association approved by the City Attorney.
- 18 6. The physical location of all setbacks and yards, buildings, parking and circulation
19 elements, and similar matters must be in substantial compliance with the location of said items
20 as shown on the approved site plan.
- 21 7. The terms, conditions, and requirements of this ordinance shall run with the land
22 and be binding upon the Permittee, its successors and assigns.
- 23 8. The Permittee shall sign and return the letter of acceptance to the City Clerk
24 within 60 days following the approval of the change of zone, provided, however, said 60-day
25 period may be extended up to six months by administrative amendment. The clerk shall file a

1 copy of the ordinance approving the change of zone and the letter of acceptance with the
2 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

3 Section 3. That this ordinance shall take effect and be in force from and after its
4 passage and publication in one issue of a daily or weekly newspaper of general circulation in
5 the City, according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009:

Mayor