



Seacrest & Kalkowski
1128 Lincoln Mall #105

17-44
Change of Zone 16045

Introduce: 3-20-17

20175

ORDINANCE NO. _____

1 AN ORDINANCE repealing Ordinance No. 19988 (COZ 13026) designating Lots 1 and
2 2, Block 7 and Outlot I, Antelope Valley 2nd Addition as a Planned Unit Development District and
3 approving the 21st & N Planned Unit Development, and amending the Lincoln Zoning District
4 Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by
5 Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts
6 established and shown thereon.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Ordinance No. 19988 is hereby repealed.

9 Section 2. That the "Lincoln Zoning District Maps" attached to and made a part of Title
10 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries
11 of the districts established and shown on said Maps as follows:

12 That the existing B-4 Lincoln Center Business District zoned
13 property, legally described as Lot 1, Block 5; Lots 1, 2 & 3, Block
14 6; Lots 1 & 2, Block 7; part of Outlot I; and part of Outlot F,
15 Antelope Valley 2nd Addition; AND part of Lots 1 & 2, & Lots 3-6,
16 Block 2; & Lots 3-10, Block 3; & part of Lots 2-6 and 12, & Lots 7-
17 11, Block 4; & part of Lots 1-4, Block 5 & part of Lots 1-6, Block 6,
18 Avondale Addition; AND Lots 1-6, Avon Subdivision; AND Lots 5,
19 6, 10-13, 16, 19, 21-27, 40-44 & part of Lots 14, 15, 17, 45-48 ,
20 Boggs & Holmes Subdivision; AND Lots 1 - 9, Block 2, Mcmurtrys
21 Addition & Lots 1 - 5 & part of Lot 6, Cadwalladers Subdivision of
22 Mcmurtrys Addition; AND Lots A-D, Plumbs Place Subdivision;
23 AND Lots T-W & part of Lots O - R, Spencers Subdivision; AND
24 Lots 3-12, Block 2, & part of Lot 1, Block 3, Spencers Addition to
25 Lincoln; AND Lots M & N & part of Lots O - Q, Spencers
26 Subdivision; AND part of Lots 4 - 6 Block 3, Spencers Addition;

NO ANVA2
AVON AVAD
NO

BOHOSU

NO SP5U
SPAD
MCHD
NO CASUOI
NO PLUPL



1 AND Irregular Tracts Lots 4, 5, 7, 38-42, 44, 46-49, 51-53, 55-61
2 & part of Lots 8, 9, & 62; AND various vacated street and alley
3 right-of-ways and railroad right-of-ways adjacent to said
4 properties; all being in the north half of Section 25, Township 10
5 North, Range 6 East of the 6th Principal Meridian, Lincoln,
6 Lancaster County, Nebraska;

7 be and they hereby are (1) designated as a Planned Unit Development District pursuant to and
8 in accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit
9 Development District"; and (2) governed by all the provisions and regulations pertaining to the
10 B-4 Business District except as modified in Section 3 below.

11 Section 3. That the Telegraph District B-4 Planned Unit Development Plan
12 ("Development Plan") submitted by EADO, LLC ("Permittee") along with the Permittee's
13 application and site plan, be and the same is hereby approved upon condition that the use and
14 operation of the property within the Planned Unit Development District under the Development
15 Plan by Permittee be in substantial compliance with the Permittee's application, the site plan,
16 and the following express terms and conditions:

17 1. Before receiving building permits the Permittee shall provide verification from the
18 Register of Deeds that the letter of acceptance as required by the approval of the planned unit
19 development has been recorded with the Register of Deeds.

20 2. If any final plat on all or a portion of the approved planned unit development is
21 submitted five (5) years or more after the approval of the planned unit development, the city
22 may require that a new planned unit development be submitted, pursuant to all the provisions of
23 Section 26.31.015 of the Lincoln Municipal Code. A new planned unit development may be
24 required if the subdivision ordinance, the design standards, or the required improvements have
25 been amended by the city; and, as a result, the planned unit development as originally approved
26 does not comply with the amended rules and regulations.

27 3. Before occupying the dwelling units/buildings all development and construction
28 shall substantially comply with the approved plans.

AMENDED 04/03/17

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

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

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

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

13 8. The site plan as approved with this ordinance voids and supersedes all
14 previously approved site plans.

15 Section 4. 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.

See further Council Proceedings on
next page.

Introduced by:

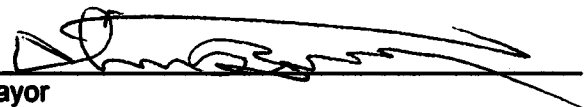


AYES: Christensen, Eskridge, Gaylor
Baird, Lamm, Raybould; NAYS: None;
ABSENT: Camp, Fellers.

Approved as to Form & Legality:



City Attorney

Approved this TH day of April, 2017:


Mayor



PASSED

APR 03 2017

BY CITY COUNCIL

17-44

04/03/17 Council Proceedings:

ESKRIDGE Moved to Amend Ordinance No. 20475 (17-44), Change of Zone # CZ16045 Telegraph District PUD, S. 21st St & N Street by replacing the Telegraph District B-4 Planned Unit Development Plan (Planning Commission version) and substituting the attached Telegraph District B-4 Planned Unit Development Plan. The new attached version adds the individually permitted 401 Building and 333 building signs, including individually permitted signs text, map and illustrations.

Seconded by Lamm & carried by the following vote: AYES: Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; NAYS: None; ABSENT: Camp, Fellers.

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: Change of Zone 16045

To The City Clerk:

The undersigned, "Permittee" under **Change of Zone 16045** granted by **Ordinance 20475**, passed by the City Council of the City of Lincoln, Nebraska, on **April 3, 2017**, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Ordinance and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Change of Zone.

Dated this 11 day of April, 2017.

EADO, LLC, Permittee

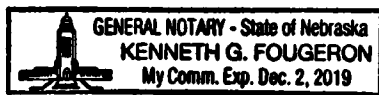
Philip Morgan
Signature

Manager
Title

STATE OF Nebraska)

COUNTY OF Leawacuster) ss.

The foregoing instrument was acknowledged before me this 11th day of April, 2017, by Phillip Morgan, on behalf of EADO, LLC.



Kenneth G. Fougeron
Notary Public

CERTIFICATE

I, Teresa J. Meier, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of ORDINANCE #20475 - CHANGE OF ZONE 16045 – APPLICATION OF EADO, LLC FOR A CHANGE OF ZONE FROM B-4 BUSINESS DISTRICT TO B-4 BUSINESS DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS TO FOSTER AN URBAN MIXED-USE AREA, INCLUDING OFFICE, RESIDENTIAL, RETAIL, AND OTHER COMMERCIAL ACTIVITIES, ON PROPERTY GENERALLY BOUNDED BY O STREET ON THE NORTH, ANTELOPE CREEK ON THE EAST, K STREET ON THE SOUTH, AND ANTELOPE VALLEY PARKWAY ON THE WEST, as passed and approved by the Lincoln City Council on MARCH 20, 2017, as the original appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand officially & affixed the seal of the City of Lincoln, Nebraska, this 7TH day of APRIL, 2017.

Teresa J. Meier
City Clerk

The seal of the City of Lincoln, Nebraska, is circular. It features a central profile of a man's head facing right. The text around the inner border reads "CITY OF LINCOLN" at the top, "FOUNDED JULY 29, 1857" on the right, "SEAL" below the profile, and "INCORPORATED APRIL 7, 1869" on the left. The outer border contains the text "LINCOLN COUNTY, NEBRASKA" at the bottom.