



21124

21-103
Change of Zone No. 08041C

Introduce: 8-16-21

ORDINANCE NO. 21124

IT
1 AN ORDINANCE amending the Pine Woods Planned Unit Development Plan to increase
2 the number of dwelling units, to decrease the amount of commercial floor area, and to allow a
3 drive-through restaurant at property commonly known as ~~7111 S. 70th Street,~~ LOT 66 I.T. AND LOT 110 I.T. LOCATED IN THE NE 1/4 SEC. 21-9-7,
LANCASTER COUNTY, NEBRASKA.

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

5 Section 1. That the Pine Woods Planned Unit Development Plan, approved by Ordinance
6 No. 19168 on October 27, 2008 is hereby amended 1) by increasing the number of dwelling units
7 allowed; 2) by decreasing the amount of commercial floor area allowed; and 3) by allowing a
8 drive-through restaurant on Lot 1, Block 2.

9 Section 2. That the amendment to the Pine Woods Planned Unit Development Plan
10 (“Development Plan”), submitted by Mike Marsh (“Permittee”) along with the Permittee’s
11 application and site plan, be and the same is hereby approved upon condition that the use and
12 operation of the property within the Planned Unit Development District under the Development
13 Plan by Permittee be in substantial compliance with the Permittee’s application, the site plan, and
14 the following express terms and conditions:

15 1. This approval revises the Pine Garden PUD by 1) allowing an increase in dwelling
16 units allowed from 13 to 19 for Lots 3-10, Block 1 and Lots 1-9, Block 2; 2) reducing the allowed
17 amount of commercial floor area to 27,980 square feet for Lots 1 and 2, Block 1; and 3) allowing
18 for a drive-through restaurant on Lot 1, Block 2.

19 2. Before commencing any commercial use, the developer shall cause to be prepared
20 and submitted to the Planning Department a revised and reproducible final plot plan including 3

1 copies with all required revisions and documents as listed below upon approval of the planned unit
2 development by the City Council:

- 3 a. Delete the 'Total' row from the Land Use Table.
- 4 b. Rename Weigel Court.
- 5 c. Restate Note #15 to read 'Cross-parking is allowed over Lots 1 and 2, Block 1'.

6 3. Before certificate of occupancy is used for Lot 15, Block 2 the developer shall
7 provide to the Planning Department the verification from the Register of Deeds that the letter of
8 acceptance as required by the approval of the planned unit development has been recorded.

9 4. Before receiving building permits all development and construction shall
10 substantially comply with the approved plans.

11 5. All privately-owned improvements shall be permanently maintained by the
12 Permittee or an appropriately established homeowners association approved by the City Attorney.

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

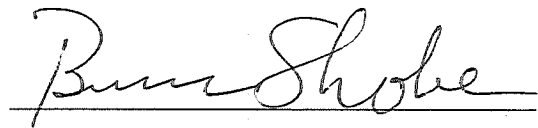
16 7. The terms, conditions, and requirements of the ordinance shall run with the land
17 and be binding upon the permittee, its successors, and assigns.

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

1 9. The site plan as approved with this ordinance voids and supersedes all previously
2 approved site plans, however all prior ordinances approving the Pine Woods Planned Unit
3 Development remain in full force and effect except as specifically amended by this ordinance.

4 Section 3. This ordinance shall be published, within fifteen days after the passage
5 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on
6 the official bulletin board of the City, located on the wall across from the City Clerk's office at
7 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of
8 passage and such posting to be given by publication one time in the official newspaper by the City
9 Clerk. This ordinance shall take effect and be in force from and after its passage and publication
10 or after its posting and notice of such posting given by publication as herein and in the City Charter
11 provided.

Introduced by:



AYES: Beckius, Bowers, Raybould,
Shobe, Ward, Washington;
NAYS: None.

Approved as to Form & Legality:



City Attorney

Approved this 2nd day of Sept, 2021:



Mayor

PASSED

AUG 30 2021

BY CITY COUNCIL

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska


Re: Change of Zone 08041C

To The City Clerk:

The undersigned, "Permittee" under **Change of Zone 08041C** granted by **Ordinance 21124**, passed by the City Council of the City of Lincoln, Nebraska, on **August 30, 2021**, 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 the 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 12 day of October, 2020.



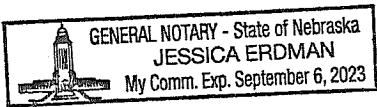
Mike Marsh, Permittee

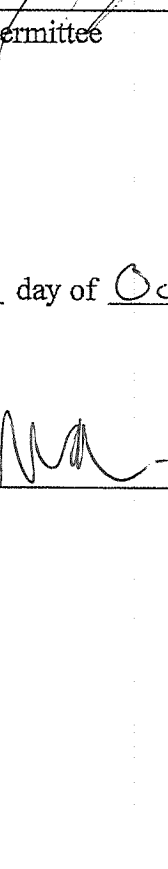
STATE OF Nebraska)

COUNTY OF Lancaster) ss.

The foregoing instrument was acknowledged before me this 12 day of October, 2020, by

Mike Marsh, Permittee.



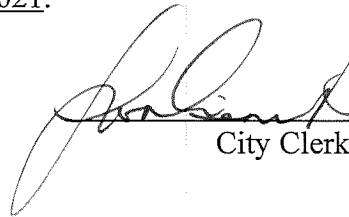


Notary Public

CERTIFICATE

I, Soulinnee Phan, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of Ordinance #21124 – Change of Zone 08041C- Application of Mike Marsh to amend the existing Pine Wood Planned Unit Development to revise the layout and mix of uses, on property generally located at the southeast corner of South 70th Street and Pine Lake Road, as passed and approved by the Lincoln City Council on August 30th, 2021, 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 8th day of October, 2021.


City Clerk

