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18685

ATTACHMENT "A"

05-165A

Introduce: 10-31-05

Change of Zone 05054-A

ORDINANCE NO. 18685

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 portion of Lots 7, 23, 29 and 34 located in Section 11, Township
11 10 North, Range 7 East of the 6th P.M., Lancaster County,
12 Nebraska, and being more particularly described as follows:

13 Referring to the South Quarter corner of said Section 11; thence
14 on the east line of said Southwest Quarter north 00 degrees 29
15 minutes 17 seconds east, 40.00 feet to the point of beginning, also
16 being on the north right-of-way line of Adams Street; thence on
17 said north right-of-way line for the next 3 courses, north 89
18 degrees 21 minutes 11 seconds west, 1,329.55 feet; thence north
19 00 degrees 20 minutes 15 seconds east, 9.99 feet; thence north
20 89 degrees 20 minutes 41 seconds west, 386.74 feet; thence
21 north 00 degrees 35 minutes 33 seconds east, 12.76 feet; thence
22 northerly on a 850.00 foot radius curve to the right, an arc length
23 of 443.93 feet (long chord bears north 15 degrees 33 minutes 16
24 seconds east, 438.90 feet); thence northeasterly on a 786.42 foot
25 radius curve to the right, an arc length of 229.81 feet (long chord
26 bears north 42 degrees 31 minutes 59 seconds east, 228.99 feet);
27 thence northeasterly on a 833.00 foot radius curve to the right, an
28 arc length of 49.72 feet (long chord bears north 47 degrees 49
29 minutes 25 seconds east, 49.72 feet); thence northeasterly on a
30 678.22 foot radius curve to the left, an arc length of 465.00 feet
31 (long chord bears north 29 degrees 53 minutes 32 seconds east,
32 455.95 feet); thence northerly on a 528.47 foot radius curve to the
33 left, an arc length of 251.09 feet (long chord bears north 04
34 degrees 15 minutes 05 seconds west, 248.73 feet); thence
35 northerly on a 1,298.77 foot radius curve to the right, an arc length

(L7) NKA L41, 43 NW 1/4 11-10-7
(L34) NKA L41, 42 SW 1/4 11-10-7

City Clerk

1 of 382.45 feet (long chord bears north 10 degrees 47 minutes 04
2 seconds west, 381.07 feet); thence south 89 degrees 49 minutes
3 12 seconds east, 33.03 feet; thence northerly on a 1,265.77 foot
4 radius curve to the right, an arc length of 49.87 feet (long chord
5 bears north 01 degrees 17 minutes 09 seconds west, 49.87 feet);
6 thence north 00 degrees 24 minutes 24 seconds east, 434.78 feet;
7 thence north 05 degrees 36 minutes 15 seconds east, 220.78 feet;
8 thence north 00 degrees 24 minutes 25 seconds east, 310.74 feet;
9 thence north 89 degrees 42 minutes 58 seconds east, 132.26 feet;
10 thence south 00 degrees 20 minutes 15 seconds west, 955.38
11 feet; thence southerly on a 1,263.50 foot radius curve to the left,
12 an arc length of 425.81 feet (long chord bears south 09 degrees
13 19 minutes 02 seconds east, 423.80 feet); thence southerly on a
14 636.50 foot radius curve to the right, an arc length of 167.68 feet
15 (long chord bears south 11 degrees 25 minutes 29 seconds east,
16 167.20 feet); thence south 01 degrees 51 minutes 56 seconds
17 west, 50.28 feet; thence southerly on a 811.00 foot radius curve to
18 the right, an arc length of 346.44 feet (long chord bears south 08
19 degrees 20 minutes 23 seconds west, 343.81 feet); thence south
20 23 degrees 19 minutes 53 seconds west, 77.93 feet; thence
21 easterly on a 300.00 foot radius curve to the left, an arc length of
22 219.78 feet (long chord bears south 68 degrees 15 minutes 33
23 seconds east, 214.90 feet); thence south 89 degrees 14 minutes
24 47 seconds east, 450.17 feet; thence north 00 degrees 22 minutes
25 50 seconds east, 590.01 feet; thence south 89 degrees 14
26 minutes 47 seconds east, 109.79 feet; thence northerly on a
27 620.00 foot radius curve to the left, an arc length of 151.96 feet
28 (long chord bears north 10 degrees 03 minutes 02 seconds west,
29 151.58 feet); thence northerly on a 1,280.00 foot radius curve to
30 the right, an arc length of 94.66 feet (long chord bears north 14
31 degrees 57 minutes 13 seconds west, 94.64 feet); thence south
32 89 degrees 14 minutes 47 seconds east, 514.10 feet; thence
33 south 00 degrees 29 minutes 20 seconds west, 560.01 feet;
34 thence south 89 degrees 14 minutes 47 seconds east, 803.82
35 feet; thence south 00 degrees 08 minutes 41 seconds west,
36 870.05 feet to the north right-of-way line of Adams Street; thence
37 on said north right-of-way line for the next 2 courses, north 89
38 degrees 14 minutes 47 seconds west, 958.98 feet; thence south
39 00 degrees 29 minutes 17 seconds west, 10.00 feet to the point of
40 beginning, containing 2,626,179.37 square feet (60.29 acres)
41 more or less;

42 be and they hereby are (1) transferred from the AG Agricultural District to the R-3 Residential
43 District and are hereby made a part of the R-3 Residential PUD District (2) designated as a
44 Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln
45 Municipal Code entitled "Planned Unit Development District" and (3) governed by all the

1 provisions and regulations pertaining to the R-3 Residential PUD District except as modified in
2 Section 4 below.

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

6 A portion of Lots 103 and 106 located in the Northwest Quarter of
7 Section 14, Township 10 North, Range 7 East of the 6th P.M.,
8 Lancaster County, Nebraska, and being more particularly
9 described as follows:

10 Beginning at the northwest corner of said Lot 103 I.T., also being
11 on the south right-of-way line of Adams Street; thence on said
12 south right-of-way line for the next 4 courses, south 89 degrees 17
13 minutes 34 seconds east, 145.00 feet; thence north 78 degrees 14
14 minutes 34 seconds east, 140.37 feet; thence north 00 degrees 14
15 minutes 42 seconds east, 9.93 feet; thence south 89 degrees 20
16 minutes 54 seconds east, 381.19 feet; thence south 00 degrees
17 37 minutes 40 seconds west, 828.44 feet; thence south 62
18 degrees 44 minutes 45 seconds east, 173.53 feet to the southerly
19 line of said Lot 103 I.T.; thence on said southerly line for the next
20 4 courses, southwesterly on a 417.00 foot radius curve to the
21 right, an arc length of 200.02 feet (long chord bears south 41
22 degrees 11 minutes 38 seconds west, 198.11 feet); thence south
23 54 degrees 56 minutes 07 seconds west, 309.36 feet; thence
24 southwesterly on a 317.00 foot radius curve to the right, an arc
25 length of 122.37 feet (long chord bears south 65 degrees 59
26 minutes 38 seconds west, 121.61 feet); thence north 89 degrees
27 17 minutes 51 seconds west, 317.13 feet to the southwest corner
28 of said Lot 103 I.T., also being the east right-of-way line of North
29 84th Street; thence on said east right-of-way line north 00 degrees
30 08 minutes 26 seconds east, 1,247.84 feet to the point of
31 beginning, containing 827,955.48 square feet (19.01 acres) more
32 or less;

(L103) NKA 107 NW 1/4

33 be and they hereby are (1) transferred from the AG Agricultural District to the B-2 Planned
34 Neighborhood Business District and are hereby made a part of the B-2 Planned Neighborhood
35 Business PUD District (2) designated as a Planned Unit Development pursuant to and in
36 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned Unit
37 Development District" and (3) governed by all the provisions and regulations pertaining to the B-
38 2 Planned Neighborhood Business PUD District except as modified in Section 4 below.

1 Section 3. That the "Lincoln Zoning District Maps" attached to and made a
2 part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the
3 boundaries of the districts established and shown on said Zoning District Maps as follows:

4 A portion of Lots 103 and 106 located in the Northwest Quarter of
5 Section 14, Township 10 North, Range 7 East of the 6th P.M. ,
6 Lancaster County, Nebraska and being more particularly
7 described as follows:

8 Beginning at the northeast corner of said Lot 106, also being on
9 the west right-of-way line of North 87th Street; thence on said
10 west right-of-way line for the next 2 courses, south 00 degrees 37
11 minutes 40 seconds west, 717.95 feet; thence southerly on a
12 417.00 foot radius curve to the right, an arc length of 195.23 feet
13 (long chord bears south 14 degrees 02 minutes 24 seconds west,
14 193.45 feet); thence north 62 degrees 44 minutes 45 seconds
15 west, 173.53 feet; thence north 00 degrees 37 minutes 40
16 seconds east, 828.44 feet to the south right-of-way line of Adams
17 Street; thence on said south right-of-way line, south 89 degrees
18 20 minutes 54 seconds east, 200.00 feet to the point of beginning,
19 containing 172,450.16 square feet (3.96 acres) more or less;
20

21 be and they hereby are (1) transferred from the AG Agricultural District to the O-3 Office Park
22 District and are hereby made a part of the O-3 Office Park PUD District (2) designated as a
23 Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln
24 Municipal Code entitled "Planned Unit Development District" and (3) governed by all the provi-
25 sions and regulations pertaining to the O-3 Office Park PUD District except as modified in
26 Section 4 below.

27 Section 4. The Development Plan of Prairie Home Builders, Inc., Dubois
28 Land LLC, Prairie Village North LLC, and Ryland Group LLC (hereinafter "Owner") for Prairie
29 Village North Planned Unit Development as set forth in its application and site plan be and the
30 same is hereby approved upon condition that the site plan be revised to eliminate the uses
31 north of Adams Street except for uses within the R-3 District made part of the R-3 Residential
32 PUD District and construction and operation of said Planned Unit Development by Owner and
33 Owner's successors and assigns be in strict compliance with said application, the revised site
34 plan, and the following express terms and conditions and requirements:

1 a. This approval permits 419 dwelling units and 285,000 square feet
2 of commercial, retail, and office space of which no more than 100,000 square feet may be
3 occupied by a single commercial user and waivers to allow the submittal and approval of
4 detailed grading, paving profile, paving cross section, storm water detention, storm sewer
5 calculation, lot layout, street curve data, and any other required information not submitted with
6 this proposal with future administrative amendments; allow block lengths to exceed 1,320 feet
7 for blocks abutting Murdock Trail, and Stevens Creek; allow sanitary sewer to flow opposite
8 street grade provided depth does not exceed 15 feet and length does not exceed 500 feet; allow
9 parking in the required side yard within both B-2 and O-3 zoning districts; allow revised lot area
10 requirements within R-3, B-2, and O-3 zoning districts as shown; allow additional uses within
11 the O-3 zoning district as shown, except that restaurants and the sale of alcohol are not
12 permitted.

13 b. No development under the Prairie Village North Planned Unit
14 Development shall commence until Annexation #05013 is approved, and the Owner and City
15 have entered into a Conditional Annexation and Zoning Agreement approved by the City
16 Council.

17 c. Before receiving building permits:

- 18 i. The Owner shall have submitted a revised and
19 reproducible final plan showing the following revisions and
20 the plans are acceptable:
- 21 ii. The construction plans shall comply with the approved
22 plans.
- 23 iii. Prior to the approval of final plats by the City:
- 24 (1) The 16" proposed water main in Adams Street from
25 west of 84th Street will need to be in place or under
26 construction.
- 27 (2) Detailed detention and drainage calculations, in
28 accordance with the Drainage Criteria Manual,
29 must be approved.
- 30 (3) Street grade profiles, cross-section details, and
31 dimensions must be approved.

- 1 (4) Any other information required with preliminary
2 plats must be approved.
- 3 (5) All access to 84th Street and Adams Street shall be
4 relinquished except at the public street locations
5 generally shown on the plans.
- 6 d. Before occupying the dwelling units all development and
7 construction shall have been completed in compliance with the approved plans.
- 8 e. All privately-owned improvements shall be permanently
9 maintained by the Owner or an appropriately established homeowners association approved by
10 the City Attorney.
- 11 f. The site plan approved by this Development Plan shall be the
12 basis for all interpretations of setbacks, yards, locations of buildings, location of parking and
13 circulation elements, and similar matters.
- 14 g. This Ordinance's terms, conditions, and requirements run with the
15 land and are binding on the Owner and Owner's successors and assigns.
- 16 h. The Owner shall sign and return the City's Letter of Acceptance to
17 the City Clerk within 30 days following the passage of this Ordinance. The City Clerk shall file a
18 copy of the Ordinance approving the development plan and the Owner's letter of acceptance
19 with the Register of Deeds. The Owner shall pay the recording fee in advance.
- 20 Section 5. That this ordinance shall take effect and be in force from and after
21 its passage and publication according to law.

See further Council Proceedings
on next page.

Approved as to Form & Legality:

Art *Beles*
City Attorney

PASSED
MAR 13 2006
BY CITY COUNCIL -6-

Introduced by:

Robin Eschliman

AYES: Camp, Cook, Eschliman,
Marvin, McRoy, Newman,
Svoboda; NAYS: None.

Approved this 16th day of Mar. ~~2005~~ ²⁰⁰⁶
Calvin J. Seung
Mayor

05-165 (A)

11/28/05 Council Proceedings:

COOK Moved amendment #1 to Bill No. 05-165 in the following manner: 1. On page 8, line 17, delete the number 1,685 and insert in lieu thereof the number 1,161.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MCROY Moved amendment #2 to Bill No. 05-165 in the following manner: 1. On page 3, line 2, page 4, line 22, page 6, line 8 and page 8, line 10, change the reference from Section "2" below to Section 5 below.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MARVIN Moved amendment #3 to Bill No. 05-165 in the following manner: 1. On page 8, line 19 between the first reference to "Adams Street" and the semicolon, insert the following: of which no more than 100,000 square feet may be contained in a single building.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to delay Bill No. 05-165 two weeks to 12/12/05.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

12/12/05 Council Proceedings:

MARVIN Moved to delay action on Bill No. 05-165 one week to 12/19/05.

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Eschliman.

12/19/05 Council Proceedings:

COOK Moved amendment #5 to Bill No. 05-165 in the following manner:

1. Divide Bill No. 05-165 and Change of Zone 05054 into two parts consisting of (a) 05-165A and Change of Zone 05054-A and (b) 05-165B and Change of Zone 05054-B as shown on Attachments A and B attached hereto.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Moved to delay action on Bill No. 05-165 three weeks to 1/9/06.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

05-165 (A)

01/09/2006 Council Proceedings:

COOK Moved to delay action to 2/6/06 and items to be re-ordered on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

02/06/2006 Council Proceedings:

CAMP Moved to place Bill No. 05-165A on pending for three weeks to 2/27/06.

Seconded by Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Cook.

02/27/06 Council Proceedings:

MARVIN Moved to delay action on Bill No. 05-165A for two weeks to 3/13/06.

Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

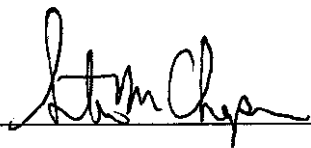
RE: Change of Zone 05054A

To The City Clerk:

The undersigned, "Permittee" under **Change of Zone 05054A** granted by **Ordinance 18685**, passed by the City Council of the City of Lincoln, Nebraska, on **March 13, 2006**, 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 Resolution 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 Special Permit.

Dated this 6th day of April, 2006.

, Permittee
By: Steven M. Champagne
Title: Pres

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, an individual.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, general partner of _____, a Nebraska general partnership.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, Member, on behalf of _____, a Nebraska limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, President of _____, a Nebraska corporation.

Notary Public

C E R T I F I C A T E

I, Teresa J. Meier, Deputy City Clerk of the City of Lincoln, Nebraska, do certify that the above & foregoing is a true & correct copy of Ordinance #18685 - Change of Zone 05054A - Application of Prairie Home Builders for a change from AG to R-3 PUD located north of Adams St.; a change from AG to B-2 PUD and O-3 PUD located south of Adams St.; and the requested approval of the development plan for the Prairie Village North Planned Unit Development on property located generally at N. 84th and Adams St., as the original appears of record in my office, & is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially & affixed the seal of the City of Lincoln, Nebraska, this 10th day of April, 2006.

Teresa J. Meier
Deputy City Clerk

