



19242

09-51

Introduce: 4-20-09

Change of Zone 05068A

ORDINANCE NO. 19242

L54 NE, L55 NE, L56 NW, L57 NW

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IT
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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 Irregular Tract Lots 54, 55, 56, and 57, all located in
9 the North Half of Section 27, Township 9 North, Range 7 East of
10 the 6th P.M., Lancaster County, Nebraska, and more particularly
11 described as follows:

12 Commencing at the southwest corner of the Northwest Quarter of
13 said Section 27 and extending thence south 89 degrees 40
14 minutes 22 seconds east along the south line of said Northwest
15 Quarter, a distance of 1977.54 feet to the point of beginning;
16 thence north 39 degrees 14 minutes 59 seconds east, for a
17 distance of 1080.54 feet; thence south 89 degrees 25 minutes 09
18 seconds east, for a distance of 1001.41 feet; thence south 00
19 degrees 19 minutes 35 seconds west, for a distance of 832.73
20 feet; thence north 89 degrees 40 minutes 22 seconds west along
21 the south line of the Northeast Quarter, a distance of 981.88 feet
22 to the southeast corner of the Northwest Quarter of said Section
23 27; thence north 89 degrees 40 minutes 22 seconds west along
24 the south line of the Northwest Quarter, a distance of 695.59 feet
25 to the point of beginning, containing a calculated area of
26 1,119,114.76 square feet or 25.69 acres;

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

City ESP 8/4/09

Return to:
Teresa @ City Clerk

AMENDED 5/4/09

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

3 Section 2. The Development Plan submitted by R.C. Krueger Development
4 ("Permittee") for the Woodlands at Yankee Hill Planned Unit Development, as set forth in
5 Permittee's application and the site plan, be and the same is hereby approved upon condition
6 that construction and operation of said Planned Unit Development by Permittee and its
7 successors and assigns be in substantial compliance with said application, the site plan, and
8 the following express terms and conditions and requirements:

9 1. Before receiving building permits the Permittee shall:

10 a. Cause to be prepared and submitted to the Planning Department a
11 revised and reproducible final plot plan including five copies showing the
12 following revisions:

13 i. Add a General Note that states, "If the school on Lot 20, Block 28,
14 opens prior to the improvement of Yankee Hill Road, either Yankee
15 Woods Drive or Hayek Drive must be extended to South 94th 84th
16 Street or an alternate access plan must be approved by the
17 Planning Department and the Public Works & Utilities
18 Department."

19 ii. Show the bike trail easement on Sheet 1 consistent with Sheets 2
20 and 2A.

21 iii. Revise General Note #16 to include the statement, "The school
22 site plan layout is conceptual. Final plan to be determined at the
23 time of building permit."

24 iv. Make other corrections noted by Public Works and Utilities to their
25 satisfaction.

26 b. Submit grading, drainage, and utility plans to the Department of Public
27 Works and Utilities to be adopted by administrative amendment.

28 2. This approval approves a total of 500 dwelling units and 324,000 square feet of
29 commercial and office floor area for the Woodlands at Yankee Hill Planned Unit Development as
30 amended by this ordinance.

31 3. This approval conditionally permits the following modifications to the Land
32 Subdivision Ordinance:

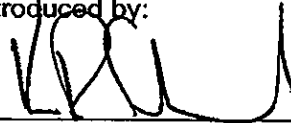
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- a. The transfer of sewage from one drainage basin to another if approved by Administrative Amendment after Public Works review and approval of the additional information as required to be submitted to Public Works.
 - b. Sanitary sewer flow opposite street grades provided minimum and maximum sewer depths are not exceeded as determined by Public Works.
- 4. The City Council must approved the associated request, Annexation 09001.
 - 5. Before receiving building permits:
 - a. The Permittee must submit administrative amendments and a revised, acceptable final plan.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this PUD must be approved by the City.
 - d. Permittee agrees to comply with the terms of the annexation agreement.
 - 6. Before occupying the dwelling units, school, and commercial buildings all development and construction must substantially comply with the approved plans.
 - 7. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
 - 8. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 9. The terms, conditions, and requirements of this ordinance shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 10. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

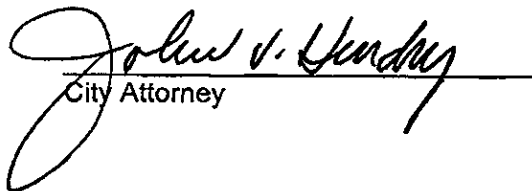
1 11. The site plan as approved with this ordinance voids and supersedes all
2 previously approved site plans, however, the terms, conditions and requirements of all
3 ordinance approving previous development plans remain in full force and effect except as
4 specifically amended by this ordinance.

5 Section 3. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall
6 be posted on the official bulletin board of the City, located on the wall adjoining the City Clerk's
7 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of
8 passage and such posting to be given by publication one time in the official newspaper by the
9 City Clerk. This ordinance shall take effect and be in force from and after its passage and
10 publication as herein and in the City Charter provided.

Introduced by:



Approved as to Form & Legality:


City Attorney

AYES: Camp, Cook, Emery,
Eschliman, Marvin, Spatz, Svoboda;
NAYS: None.

Approved this 16 day of May, 2009:


Mayor

PASSED

MAY 04 2009

BY CITY COUNCIL

09-51

5/04/09 Council Proceedings:

MARVIN Moved to amend Bill No. 09-51 in the following manner:

1. On page 2, line 16, strike "94th" and insert in lieu thereof §4th.
2. On page 2, line 16, after the word "Street" insert the following: or an alternate access plan must be approved by the Planning Department and the Public Works & Utilities Department.

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

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

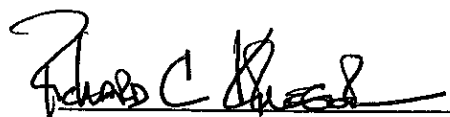
RE: **Change of Zone 05068A**

To The City Clerk:

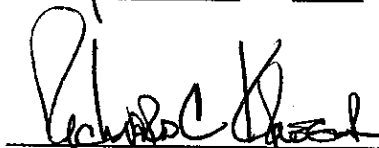
The undersigned, "Permittee" under **Change of Zone 05068A** granted by **Ordinance 19242**, passed by the City Council of the City of Lincoln, Nebraska, on **May 4, 2009**, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands 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 Change of Zone.

Dated this 22nd day of May, 2009.

 , Permittee

By: Richard C. Krueger
Title: President of RC Krueger
Development Company

 , Permittee

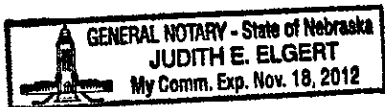
By: Richard C. Krueger
Title: Manager of Calruby LLC

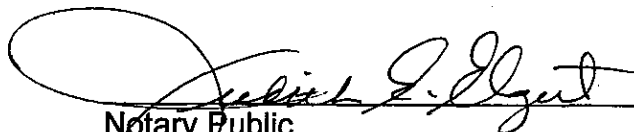
 , Permittee

By: Kent C. Thompson
President of Thompson Realty Group Inc., Manager of 3AP-SE, LLC

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

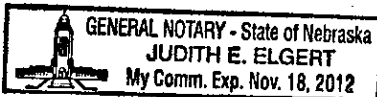
The foregoing instrument was acknowledged before me this 22nd day of May, 2009, by Richard C. Krueger, President of RC Krueger Development Company, a Nebraska corporation.

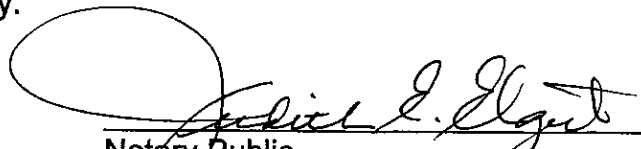



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

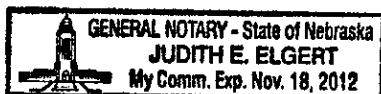
The foregoing instrument was acknowledged before me this 22nd day of May, 2009, by Richard C. Krueger, Manager of Calruby, LLC, a Nebraska limited liability company.

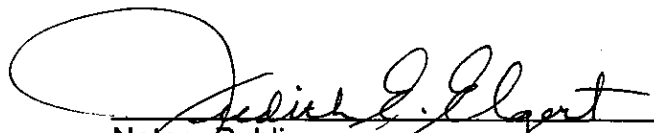



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 22nd day of May, 2009, by Kent C. Thompson, President of Thompson Realty Group Inc, a Nebraska corporation, Manager of 3AP-SE, LLC, a Nebraska limited liability company.




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 #19242 - Change of Zone 05068A - Application of R.C. Krueger Development for an amendment to the Woodlands at Yankee Hill PUD, for a Change of Zone from AG Agricultural Dist. to R-3 Residential Dist. PUD, and for approval of a development plan for modifications to the Zoning and Land Subdivision Ordinances to develop approx. 31 dwelling units and a private school on property generally located at S. 70th St. & Yankee Hill Rd., 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 13th day of May, 2009.

Teresa J. Meier
Deputy City Clerk

