

FACTSHEET

TITLE: ANNEXATION NO. 15006
(South 63rd Street and Yankee Hill Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: 1640, LLC

RECOMMENDATION: Conditional Approval (9-0: Beecham, Harris, Cornelius, Hove, Weber, Scheer, Sunderman, Corr and Lust voting 'yes').

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: Public Works will be responsible for the maintenance and replacement of the streets and utilities in the new addition, and other departments will provide City services to the area and its residents.

SPONSOR: Planning Department

OPPONENTS: None presented.

REASON FOR LEGISLATION: To annex approximately 46 acres, more or less, including adjacent rights-of-way, generally located at South 63rd Street and Yankee Hill Road.

DISCUSSION/FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 04075F - amending the Village Gardens Planned Unit Development (Bill #15-109), were heard at the same time before the Planning Commission.
2. The purpose of this proposal is to expand the existing PUD by annexing and changing the zoning from AG to R3 PUD for approximately 46 acres to allow for an additional 168 residential lots.
3. The staff recommendation for conditional approval of the annexation request is based upon the "Analysis" as set forth on p.4-6, concluding that this request is an anticipated and logical continuation of the Village Gardens PUD, and meets the City's policy regarding annexation.
4. On August 19, 2015, this application, as well as the associated Change of Zone No. 04075F (Bill No. 15-109), held public hearing before the Planning Commission after being delayed at their July 22, 2015 hearing. The applicant requested the delay to meet with staff to discuss pedestrian sidewalk connections, block lengths, and a 221' pipeline planning area (PPA) on the north side of Yankee Hill Road all associated with the PUD. The PPA was reduced to 200' with staff's concurrence, but the parties disagreed on an additional pedestrian sidewalk connection and street connection. The applicant asked to not be required to install the additional pedestrian and street connections sought by staff and the Planning Commission approved the request. The staff presentation is found on p. ____.
5. Testimony on behalf of the applicant is found on p.11-12, and the applicant's testimony is found on p. 12.
6. There was no testimony in opposition.
7. The release requirement by the Rural Water District No. 1 has been satisfied.
8. Should this annexation request be approved, the Planning staff is recommending that the council ordinance assign the newly annexed area to Council District No. 2.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer
REVIEWED BY: David R. Cary, Acting Planning Director

DATE: August 25, 2015
DATE: August 25, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for July 22, 2015 PLANNING COMMISSION MEETING
****As Revised and Recommended for Conditional Approval**
by Planning Commission: 08/19/15**

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROJECT #: Annexation #15006
Change of Zone #04075F - Village Gardens Planned Unit Development (PUD)

PROPOSAL: To expand the existing PUD by annexing and changing the zoning from AG to R3 PUD for approximately 46 acres of land for approximately 168 residential lots.

LOCATION: South 63rd Street and Yankee Hill Road

LAND AREA: Annexation #15006 - 45.73 acres more or less
Change of Zone #04075F - 45.73 acres more or less

EXISTING ZONING: AG Agriculture

PROPOSED ZONING: R-3 Residential (PUD)

REQUESTED WAIVERS: 1. Block length to exceed 1,320' for Blocks 22 and 23.

CONCLUSION: The proposed annexation and change of zone are generally consistent with the overall concept plan when the original PUD was approved early in 2005. The development plan was amended with the prior amendment, CZ#04075E, to include the types of single-family dwelling proposed and no other changes to the plan are necessary. The site plan shows portions of residential lots within the 221' Pipeline Planning Area (PPA) along Yankee Hill Road. The Health Department does not support dwellings in the PPA and is recommending denial. A block length waiver is also requested in the same area, but there is not any justification to support the waiver. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:

AN#15006

CZ#04075F from AG to R-3 PUD

Block Length Waiver (Blks 22, 23)

Approval

Conditional Approval

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION:

AN#15006 - See attached legal description.

CZ#04075F - See attached legal description.

EXISTING LAND USE:

Vacant, Residential

CITY COUNCIL DISTRICT:

District #2

SURROUNDING LAND USE AND ZONING:

North:	Vacant	R-3, AG
South:	Acreage Residential	AGR
East:	Vacant	AG
West:	Residential	R-3

HISTORY:

Feb 2005 - CZ#04075 was approved by the City Council to allow the Village Gardens Planned Unit Development (PUD).

Dec 2007 - CZ#04075A was approved by the City Council to allow an adjustment to the applicable sign regulations and change the zoning on 2.17 acres from R3 PUD to B-3 PUD within the Village Gardens PUD.

Mar 2011 - AN#11001 and CZ#04075B were approved annexing and expanding the boundary of the Village Gardens PUD to include an additional 47 acres of land to accommodate a domiciliary care facility and additional dwelling units.

Apr 2012 - AN#12003 and CZ#04075C were approved annexing and changing the zoning from AG to R-3 PUD for approximately 40.68 acres for single-family residential development.

Apr 2012 - CZ#04075D was approved changing the zoning from AG to R-3 PUD for approximately 2 acres of land so the boundary of the PUD matched the recorded final plat of Village Meadows 3rd Addition.

Jul 2014 - AN#14003 and CZ#04075E were approved annexing and changing the zoning from AG to R-3 PUD for approximately 34 acres for single-family residential development.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 1.8 - The Future Land Use Map designates commercial and urban residential land uses for this PUD.

Page 1.4 - Neighborhoods are friendly to pedestrians, children, bicycles, the elderly and people with disabilities.

Page 7.4 - Strategies for Neighborhoods

-Discourage residential development in areas of environmental resources such as endangered species, saline wetlands, native prairies, and in floodplain corridors.

-Encourage preservation or restoration of natural resources within or adjacent to development.

-Provide adequate spacing from pipelines and areas where hazardous chemicals could be used and stored; notify property owners and residents along the pipeline about hazards and emergency actions.

-Encourage substantial connectivity and convenient access to neighborhood services (stores, schools, parks) from residential areas.

-Create housing opportunities for residents with special needs throughout the city that are integrated into and compatible with residential neighborhoods.

-Incorporate interconnected networks of streets, transit, trails, and sidewalks with multiple connections within and between neighborhoods and commercial centers to maximize access and mobility to provide alternatives and reduce dependence upon the automobile. -Provide sidewalks on both sides of all streets, or in alternative locations as allowed through design standards or review process.

Page 7.5 - Developing Neighborhoods - Developing neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and street networks that provides substantial connectivity is also a priority for developing areas.

- Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

ANALYSIS:

1. This is an amendment to the Village Gardens PUD, and is a combined request for both annexation and a change of zone from AG to R-3 PUD for approximately 46 acres of land and up to 168 residential lots.
2. The annexation of the original PUD in 2005 included an annexation agreement, and the areas subsequently annexed expanding the PUD are also subject to that agreement.
3. The area to be re-zoned to R-3 PUD is designated for a residential use district already in use within the PUD, the Neighborhood General use district. The Development Plan (attached) reflects this. No other changes to the Development Plan are proposed or necessary.
4. The revised overall plan for Village Gardens shows four phases. Phase I represents the area that was annexed, re-zoned and approved for development with the original PUD CZ#04075 in 2005. Phase II represents areas covered both by four subsequent major amendments (CZ#04075B, CZ#04075C, CZ#04075D and CZ#04075E), and this request. Phase III represents the development in this request, and Phase IV represents areas for future development which are only conceptual neither being annexed or re-zoned at this time. The phasing plan is

illustrated on Sheet 1 of 11 of the plan set.

5. In their review the Health Department noted the existence of a natural gas pipeline located in the Yankee Hill Road right-of-way. Using a Federal Government formula the Health Department calculated that the PPA extends 221' on either side of the pipeline. The location of the 221' hazard area is shown on Sheet 3 of 11 of the plan set and illustrates the impact upon this development.

Portions of Lots 11-19, Block 22 are within the PPA. It is likely dwellings can be built on Lots 11 and 19 outside the PPA. However, that is probably not the case with Lots 12-18, as the lots are too small to accommodate dwellings built entirely outside the PPA. It could be made clear by defining building envelopes on those lots affected by the PPA, where the entire building envelope is outside the PPA.

The Health Department recommends that no habitable residential structures be located within the PPA. That means that open space, parking lots, garages, even office and commercial buildings may be located in this area, but not dwellings. An excerpt from the Joint Committee on Health and Land use regarding pipelines carrying hazardous materials is attached to this report. It describes the rationale for defining a PPA, as well as notification and planning strategies.

6. A block length waiver is requested for Blocks 7, 22 and 23. Block 7 is adjacent to a railroad track, and because of this manmade feature is an allowed exception to the 1,320' maximum block length. However, blocks 22 and 23 are not adjacent to any natural or manmade feature that prohibits a street connection to South 67th Street. The application notes the area adjacent to Block 22 may be developed commercially. However, there is nothing unique about a residential area having access to a commercial area, and that condition exists in both older and newer areas all around the city today.

Staff have discussed the importance of a limit on block length on several occasions, and that discussion has included the following:

- Encourages pedestrian activity as longer blocks discourage walking, even with pedestrian access.

- Improves public health, which is a goal of the Comprehensive Plan. It is noted that physical activity is directly correlated with access to sidewalks and trails, and that physical inactivity is directly correlated with obesity, heart disease, diabetes and premature death.

- Increasing connectivity for vehicular and pedestrian travel can reduce travel time for vehicles and pedestrians, as even small increases in auto travel add up over time.

- It can conserve energy as longer blocks take more time & use more energy.

7. Pedestrian sidewalks are also required for any block over 1,000' in length. There are several blocks where the sidewalks are required but not shown in apparent oversight, but must be added to the site plan. The grading plan also must be revised if required to ensure all pedestrian sidewalks comply the applicable ADA requirements.
8. Regarding the area adjacent to Block 22 which is noted as intended for commercial uses. That label should be expanded to include apartments. This will allow more flexibility regarding future land use, and will give potential neighbor more advance notice that either apartments or commercial development could occur on the site.
9. The U.S. Post Office notes in their review that all new addresses established as part of this review will be required to receive mail delivery in Centralized Box Units.
10. Public Works and Utilities has asked for additional information regarding the grading and drainage plans. Given that review is not complete, the recommendation for approval is subject to plans being revised to their satisfaction.
11. Minor revisions to the site plan were noted by staff, and they are also included in the recommended conditions of approval.
12. The proposed lot and street layout is consistent with the overall concept plan, and the proposed uses were already anticipated and covered by the Development Plan, and are appropriate uses of land at this location subject to the recommended conditions of approval.

CONDITIONS:

This approval annexes and changes the zoning from AG to R-3 PUD for approximately 45.73 acres of land.

Annexation #15006

1. The applicant provides proof of release from the Rural Water District #1 prior to approval by the City Council.

Change of Zone #04075F

Site Specific

1. The City Council approves associated request AN#15006.
2. Upon approval of the planned unit development by the City Council, the developer shall cause to be prepared and submitted to the Planning Department 4 copies of a revised final plot plan and development plan before receiving building permits.

- 2.1 Update the plan to include the information resulting from the approval of CZ#04075E and subsequent administrative amendment AA#14054.
 - 2.2 Revise the lot layout for Blocks 22 and 23 to show a building envelope for Lots 12-19 so no portion of the buildable area is shown within 200 feet of the gas linethe PPA.
 - 2.3 Label the roadways in Blocks 22 and 23 as private roadways.
 - ~~2.4 Show a street connection from Village Court to South 67th Street.~~
 - 2.5 Propose substitute street names as Village Court and Village Lane are already in use.
 - 2.6 Also provide a dimension from the Yankee Hill Road right-of-way to the 20024' PPA.
 - 2.7 Label the area east of Block 22 as 'Future Apartment or Commercial Area'.
 - 2.8 Renumber blocks to include Blocks 21 and 24.
 - 2.9 Show pedestrian sidewalks in blocks 11 ~~in excess of 1,000'~~ as required to the satisfaction of the Planning Department.
 - 2.10 Revise the grading and drainage plans to the satisfaction of Public Works and Utilities. Grading plan also needs to demonstrate that all pedestrian connection sidewalks comply with ADA requirements.
 - 2.11 The construction plans comply with the approved plans.
 - 2.12 Final plat(s) is/are approved by the City.
3. Final plans for CZ#04075F are submitted and approved by the City.

Standard

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 4.3 The site plan and development plan accompanying this plan unit development shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the PUD. The City Clerk shall file a copy of the resolution approving the PUD and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
5. The site plan and development plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinance approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
July 9, 2015 **REVISED 8/19/2015**

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Village Meadows, LLC
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APPLICANT: 1640 LLC
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CONTACT:

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ANNEXATION NO. 15006

ANNEXATION NO. 15006 TO ANNEX APPROXIMATELY 46 ACRES AND ADJACENT RIGHTS-OF-WAY, GENERALLY LOCATED AT SOUTH 63RD STREET AND YANKEE HILL ROAD.

Staff recommendation: Approval.

AND

CHANGE OF ZONE NO. 04075F TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY BY APPROXIMATELY 46 ACRES; A CHANGE OF ZONE FROM AG TO R-3 PUD; A PLANNED UNIT DEVELOPMENT DESIGNATION OF SAID PROPERTY, AND A DEVELOPMENT PLAN WHICH PROPOSES CHANGES TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE FOR ADDITIONAL SINGLE-FAMILY DWELLING LOTS ON THE UNDERLYING R-3 ZONED AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 63RD AND YANKEE HILL ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 19, 2015

Members present: Lust, Beecham, Corr, Cornelius, Harris, Hove, Scheer, Sunderman, and Weber.

Staff recommendation: Conditional Approval.

There were no ex parte communications disclosed on these items.

Staff presentation: **Brian Will of Planning Staff** came forward to state these applications were delayed from the July 22 agenda at the request of the applicant to allow the applicant to meet with staff to work out some issues. Will noted that a number of issues were resolved and the applicant will present a motion to amend. Will stated that this is the sixth modification to the original Village Gardens PUD. The area of annexation consists of approximately 46 acres of land and a modification of PUD to allow up to an additional 168 dwelling units. Will noted that there were three issues that have been discussed. First, the pipeline planning area along Yankee Hill Road. This issue has been resolved to the agreement of staff and the applicant. The second issue relates to pedestrian connections, and the final issue relates to street connections, which the Planning staff is requesting at the very southern portion of the PUD. Once the applicant has presented the motion to amend, Will indicated he will respond and address questions.

Proponents:

1. DaNay Kalkowski, came forward on behalf of 1640, LLC and Village Meadows, LLC, which is the developer of this area. These applications are an extension of the existing Village Gardens PUD, adding 45 acres with single-family residential with one area of town homes/patio homes along the south side of Yankee Hill Road. There is a retirement facility to the west and future commercial or apartment use to the east.

Kalkowski noted that they did work with the Planning Department and Health Department staff to clear up a couple of issues. However, there are two things they want to discuss, and she provided a proposed motion to amend. Kalkowski noted that staff are in agreement with Conditions 2.2 and 2.6, which deals with the setback to pipeline planning area. They still have disagreement with Conditions 2.4 and 2.9. Condition 2.4 requires the developer to make a street connection from the town home area to a future roadway in the area to the east to the future commercial/apartment area. The applicant is requesting the deletion of this condition, as they don't believe an additional street connection is necessary or desirable in this location. If it is required, it would be an impediment to lot and home sales for this town home development, which is proposed at 39 lots. There is vehicular and pedestrian access to Bridle Lane, which is located on the north. There will be a pedestrian connection to Yankee Hill Road to the future trail. This will allow for free movement within and around the area with limited vehicular access, which is the character that the developer wants to attain. There are other town home developments which have more density that have single vehicular access points, including Weeping Willow Development with 30 units; Cape Charles in Williamsburg with 64 units; Bishop Square has 48 units; and Wilderness Ridge with 70 units.

In terms of Condition 2.9, they are in agreement with Planning staff that the pedestrian access be located in Block 11, but they are not in agreement to the pedestrian access connecting the cul-de-sac to the street. The Planning Department has the ability to require a pedestrian connection when there is a block length of over 1,000 feet and where it is needed for pedestrian traffic. In this case, Block 14 has a block length of 1,061 feet. The applicant doesn't believe that the pedestrian access is needed or desirable in this block, primarily because of the maintenance of pedestrian easements due to grade differentials in addition to hurting the marketability of the adjacent lots. This is a square block and adding the pedestrian connection doesn't gain much as far as saving steps. The motion to amend would eliminate the pedestrian connection from Block 14.

Lust asked if there are pedestrian accesses to other cul-de-sacs. Kalkowski identified other pedestrian access points in the other blocks, which are much more significant because the blocks are a lot longer.

Lust asked if there are two lots stacked up in the cul-de-sac? Kalkowski indicated that the lots are two deep.

Hove questioned whether the area to the east has proposed planned development. Kalkowski indicated that it is shown as commercial in the Comprehensive Plan but it was recently changed from mixed use office to the neighborhood designation. It consists of 30 acres, so it is likely that there will be a mix of use but there are no plans at this time.

Beecham asked if there is a bike trail along Yankee Hill Road. Kalkowski stated that there is a future proposed bike trail along there.

Corr asked for clarification on the sidewalk waiver for Blocks 22 and 23. Kalkowski stated that they added the road connection so the waiver is no longer being requested.

2. Bob Benes, owner/developer of Village Meadows and Aspen Builders, came forward and stated that they develop lots and build homes, which gives him a different perspective since he meets with the people who want to live in an area. This provides him with information in terms of what will sell for a given area and he tries to achieve that. The biggest requests are for cul-de-sacs, dead-end streets, limited traffic, etc. He recently took over the Weeping Willow development which consists of single-family "patio homes" where outside maintenance of the property is taken care of, i.e. snow removal, grass, etc., and this appeals to the "empty nesters". This development was very successful and they continue to get requests for this type of development from individuals who don't want a big house, winter elsewhere and know that their property is taken care of. Putting in another access point increases the cost of all the other lots substantially and it takes away from the character of the area.

Benes also indicated he has an issue with the sidewalk requirement. He understands the need to have more walkable neighborhoods, but this additional pedestrian access will change the character of the area. Benes showed how neighborhoods used to be developed with cul-de-sacs and curved roads and how they are today due to block length requirements, which promotes straight roads. He indicated that he is not concerned about block length. People like to walk more, so the extra 24 steps would not be an issue. This sidewalk really goes nowhere and there are likely only four houses that would even use it. Benes noted that it is very difficult to sell lots that are adjacent to a sidewalk. In addition, they can be difficult to build, as they need to meet ADA requirements.

Corr asked if the patio home road would be private or public. Benes indicated that it would be private and maintained by the homeowners association.

3. Ken Emmons, 9014 Whispering Wind Drive, real estate agent, stated that he supports the elimination of the sidewalk. In their neighborhood, there were tracks in the snow behind some houses indicating that there were people walking behind their homes at night. Usually the living space is in the back of the house, so when there is a sidewalk back there, it provides access to pedestrians in general, not just the people who live in the area. Most people do not want people walking behind their homes. A lot of people will put up a privacy fence when they are adjacent to these pedestrian areas, which creates a tunnel effect and can create safety issues. Emmons noted that he has been involved with new home sales since 1975 and this does impact the value of the lots. The block length requirements are changing the character of the new neighborhoods with straight streets

and rows of houses. Because the price on these lots is lower, it increases the price of the other lots. It will also have quite a slope, which will create hazardous conditions when there is snow and ice on it. It will only add to the homeowners associations duties and maintenance fees.

4. Jyl Voge, 7947 Weeping Willow Lane, stated that she lives in Willow Springs and they have one street that serves as the entrance/exit. Neighbors walk their pets and grandchildren through their community, as they know that vehicles will not be speeding by or taking shortcuts to get to the neighborhood areas. This one access provides a safety barrier for their area. The neighbors in the area know the vehicles that belong in the area. People like this area, as it is very quiet. She is not aware of anyone in the area complaining that a second access point is needed for the area.

5. Don Mach, 9040 Foxtail Drive, came forward and stated that he has 210 feet of sidewalk and a very large yard; they are looking downsize. They also own property in Colorado and have friends who live in an area similar to the patio home development that is being proposed. He and his wife are very interested in this type of neighborhood. They have been actively looking for a townhouse and haven't seen anything that they like as well as this concept. They like the location and they like the idea of a single access. This is the type of lifestyle that they would like to have. They travel quite a bit and they want to live in a safe area with trusting neighbors. If there is another entrance added to this development, they would likely change their minds about buying a home in this area.

Opponents: None.

Questions of Staff:

Brian Will of the Planning Department returned to the podium and stated that staff is in agreement with all of the changes of the motion to amend with the exception of two - staff is recommending that Condition 2.4 be retained and that Condition 2.9 be modified to stated "Blocks 11 and 14". Will noted that one of the pedestrian connections was added recently. Staff was in agreement to not providing pedestrian access in the three north blocks. The rationale was that there is a school to east and likely a commercial area to the south, so it would provide an east/west flow for kids getting to and from school or people going to the commercial center. Will noted that sidewalks are not just intended for the people living within the neighborhood but provide for a connection among and between neighborhoods. This enhances safety rather than detracts from safety. In terms of the street connection and marketability of the lots, Will noted that this will apply to any development that comes before the Planning Commission. Previously, we have held that the marketability of lots is not rationale, as this is not addressed in the Comprehensive Plan or the subdivision ordinance. It is designed to layout neighborhoods with blocks that have a reasonable length and include pedestrian connections when this is exceeded to allow people to move freely through these areas. They do not have any idea what is going to occur in the commercial area. In the case of raw land development, there are no constraints. In the examples identified, there were constraints with the surrounding developments. In some situations, there may be some unique circumstance where a

waiver might be justified; however, there is no justification here. Staff rely on the Comprehensive Plan for guidance and the subdivision ordinance and zoning ordinance require it. Will noted that with these two changes to the motion to amend, staff would fully support this and recommend approval.

Corr asked how staff feels about the street for the patio homes being a private roadway. Will indicated that it is okay but they would support a public street as well.

Corr stated that there hasn't been much discussion about the pipeline and decreasing it 21 feet. Will stated that part of the calculation involves the maximum operating pressure of the line. By reducing this to 200 feet from 221 feet, this gives the developer enough of a building envelope on those lots to build a house. The Health Department and Planning Department staff are comfortable reducing this to 200 feet. Will stated that is does not related to capacity but pressure.

Corr questioned why we have been using 221 feet all along and now going down to 200 feet. Will explained that this is the formula that is used that relates to the maximum operating pressure. In this case, they are using the actual operating pressure rather than the maximum operation pressure.

Corr asked if there is additional berming being required. Will stated that nothing is being required by staff in terms of berming and landscaping.

Corr asked if the property to the west is where the retirement community is being developed. Will stated that this is correct. They know it and the structures with the liveable areas will be outside and they will have requirements to meet.

Hove referred to the sidewalk at the back of the cul-de-sac and asked if someone were at school on the west side and heading east using one of the streets to get home. Would they have to take a detour to go into the cul-de-sac and go out the back side. Will stated that this is correct but it works both ways and works east to west as well. Hove noted that eventually they would need to get on a street to get home. Will stated that he used the example of students but indicated that they need to consider the rationale for determining the size of a block as 1,000 feet. It is not just for the folks in neighborhood, but for the greater public.

Hove asked for clarification in terms of the Comprehensive Plan and the additional street to the south. Will explained that it relates to block length, which is a quarter mile or 1,320 feet. The intent is to provide good connectivity in most neighborhoods and you can reflect back on that standard as one of the things that has helped guide us. In this case, this is just a large cul-de sac. Will stated that you don't build large segregated communities like that but rather have connectivity.

Hove asked what is wrong with having a large cul-de-sac, as it seems like demand is there? Will explained that there is a standard and this is not how neighborhoods are designed. Steve Henrichsen of the Planning Commission came forward and stated that traffic is being moved from one area to another. If there is another connection to Yankee Hill Road, the trip would be made much shorter because there is another connection to get out. If there is not another connection, then you push traffic past other peoples' houses. This is generally why you have multiple connections in a neighborhood to disperse the traffic. Everyone would love to have a house on a street that no one else drives past but they could drive by everyone else's house. We went through this discussion last December where they indicated why there should be multiple connections to disperse the traffic.

In terms of the pedestrian access, Henrichsen indicated that someone could potentially need to walk approximately 450 to 500 feet out of their way if the pedestrian access is not provided. This is why they went with 1,000 feet to try to reduce the length that someone would have to walk.

Beecham stated that when considering the connection to Yankee Hill Road and dispersing the traffic if this would put more traffic through private streets. Henrichsen stated that in order to have cut-through traffic here, a number of turns would be required; individuals generally take a more direct route.

Beecham asked how big the route out will be. Looking at the number of houses to the north with the future commercial development, would more people from the north cut through? Henrichsen stated that it would depend on the layout of the new development, so it makes more sense to retain a connection at this point. Beecham asked to see which streets connect to Yankee Hill Road. Steve identified four.

Applicant Rebuttal:

Mr. Benes came forward and stated that they do not know what is going to happen to the east and they don't know that the street is exactly where it is shown. He is not building it. They are up against a unique piece of land. Punching residential into the commercial changes the charter of the development. These people don't mind driving up and turning to get out. The people in the higher traffic areas will be paying less. People pay premium for the private lots on the cul-de-sac. The Comprehensive Plan talks about the flow of neighborhoods but should also address giving people what they want. He is spending millions of dollars to build the streets, water and sewer. He wants a project that he knows will be successful. If they put in a street access, they will lose two lots and profitability drops and it gets scary. He explained his comment about having to take 24 extra steps, based on the block length and the fact that each step is 2 ½ to 3 feet. If the circle was 24 steps smaller they wouldn't be asking for this. They don't feel enough people would even use it and it would cost approximately \$30,000 to put the sidewalk in.

ACTION BY PLANNING COMMISSION:

August 5, 2015

Cornelius moved approval as amended by the motion to amend offered by the applicant with the exception of Condition 2.4, which would be retained and require a street connection, seconded by Beecham.

Cornelius stated he agrees with many of the staff arguments in regards to connectivity but believes that the connectivity is not necessary for the immediate property owner or the surrounding property owners. This is his motivation for keeping the road connection. Looking at the layout of the proposed development, the block that is in question with regards to the sidewalk is roughly square and the benefit that is achieved by punching a sidewalk through is minimal compared to walking around from either direction. Therefore, on the balance, he doesn't believe it is necessary and this is why he made this motion.

Hove indicated that he will vote against it because he doesn't believe the street connection is necessary. His parents are moving into the Cape Charles development specifically because of the fact that it is safe and there is one entrance/exit. This is a high demand type of product these days.

Sunderman agreed with Hove's comments. He believes it is doable and makes sense in this area to limit the street connection there, as these are smaller lots and takes into consideration the pipeline, which is pushing the property line back. This is a unique and wonderful solution to the battle they have between pipeline and building along it.

Weber stated that he agrees with Sunderman's comments and the added factor that they don't know what is going to happen with the commercial area and it could possibly cause more traffic to go through the area if the second access point is put in.

Beecham stated that she is concerned because there are a lot of houses to the north and they could be funneling a lot of people trying to get to Yankee Hill through a small private area that is intended to be very quiet. She seconded the motion for discussion purposes but will not support it.

Lust indicated that she agrees with the motion as made and believes that street connectivity isn't just for the benefit of the people living in the neighborhood and there are quite a few houses in this development. What will happen is that you will force the traffic from that development to run by the other houses. If they follow the connectivity plan that they have been following, they will have development that makes sense and doesn't necessarily have traffic backups going by other people's property.

Hove stated that those properties have not been developed yet so when those people buy those properties, they are going to see that there is going to be more traffic there.

Corr stated that she is an old stodgy accountant and she prefers straight streets and grids – not everyone likes curves. She doesn't wear a Fitbit, and she likes block length limitations, which contribute to more walkability than the curvy streets. She has also been part of a project in the core where they were having problems with vandalism and she has seen over the past year how more activity and more pedestrians going through an area actually increases safety. To her, increased traffic equals increased safety; there are more eyes on the road. It works. More eyes, more traffic – both foot and vehicular – it will increase safety. She strongly believes that the Comp Plan has the walkability and connectivity in there for a reason. She believes that this is important. They had a briefing this year about keeping those minimum block lengths to a certain standard and they all agreed and came to that compromise. She believes that it is okay to hold developers to that. When a developer comes up and says, "well, it is only so many steps or if I made the lots a little bit smaller than this wouldn't be an issue", then make them smaller. She challenged them. If you don't want to put out the millions of dollars to develop this when there will likely be good returns, she has a hard buying it. Another thing that the Commission addressed this year is the walkway with the tunnel effect in between due to privacy fences and they made adjustments to that regulation to help decrease that effect. They also came to a compromise on that issue and they need to hold developers to that standard. Corr further stated that with the cul-de-sacs and kids walking to and from school – what if you are walking to school with a buddy and they live in the cul-de-sac? They might want to walk with a buddy to their home on a cul-de-sac and then walk through that to their home on the other side. They are not going to walk all the way through; they will cut through. Kids climb over fences, even her's which are 6-feet high. In reality, kids aren't walking to school today, they get driven. She has a problem with this as well. She has a lot of problems with this development, and this isn't all of them. She could keep going. She doesn't like this development. She thinks that it needs some changes.

Scheer stated that he is going to vote to support the motion. He thinks there are plenty of sidewalks in this development. With the streets and the way it is laid out, there is plenty of access. He agrees with Michael's motion. He also agrees that the additional street access is important. He is bothered by the fact that they don't know what will develop directly east of this property but he believes that the Comprehensive Plan is better supported by continuing to carry that additional street connection rather than eliminating it.

Following the discussion relating to the motion on the floor, Rorabaugh stated that the vote on the annexation and the change of zone need to be called separately and requested that they act on the annexation first.

ANNEXATION NO. 15006 TO ANNEX APPROXIMATELY 46 ACRES AND ADJACENT RIGHTS-OF-WAY, GENERALLY LOCATED AT SOUTH 63RD STREET AND YANKEE HILL ROAD.

Cornelius moved for approval of the annexation, seconded by Scheer, and the motion carried 9-0.

CHANGE OF ZONE NO. 04075F TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY BY APPROXIMATELY 46 ACRES; A CHANGE OF ZONE FROM AG TO R-3 PUD; A PLANNED UNIT DEVELOPMENT DESIGNATION OF SAID PROPERTY, AND A DEVELOPMENT PLAN WHICH PROPOSES CHANGES TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE FOR ADDITIONAL SINGLE-FAMILY DWELLING LOTS ON THE UNDERLYING R-3 ZONED AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 63RD AND YANKEE HILL ROAD.

Rorabaugh repeated the motion made previously by Cornelius to move approval as amended by the motion to amend as offered by the applicant with the exception of Condition 2.4, which would be retained and require a street connection, seconded by Beecham. The motion failed 3-6 (Cornelius, Scheer and Lust voting 'yes'; Beecham, Corr, Harris, Sunderman, Weber and Hove voting 'no').

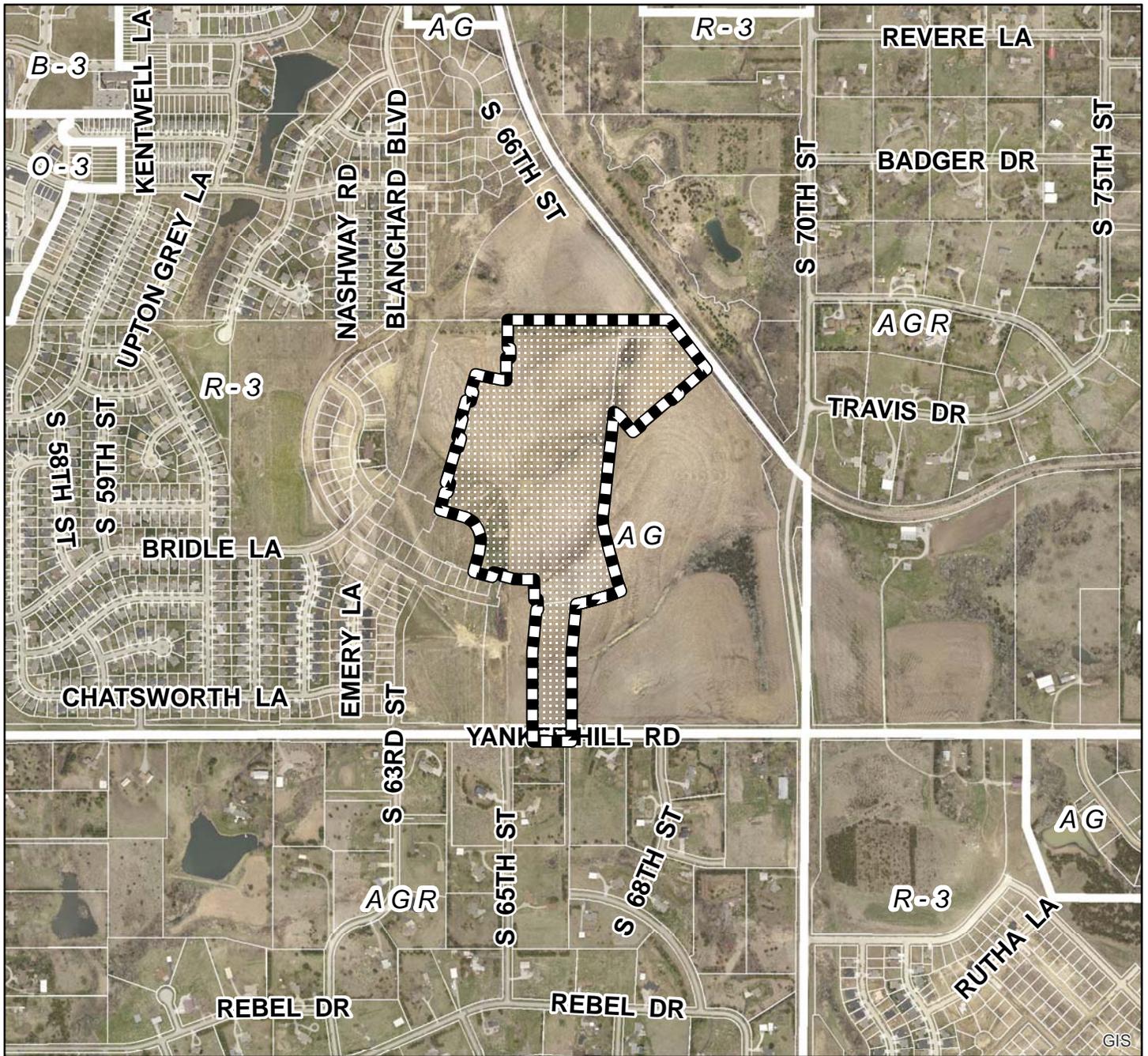
Hove moved approval as amended by the motion to amend as offered by the applicant, seconded by Beecham. The motion carried 5-4 (Beecham, Harris, Sunderman, Weber and Hove voting 'yes'; Cornelius Corr, Scheer and Lust voting 'no').

TEXT AMENDMENT NO. 15009 TO AMEND THE LANCASTER COUNTY ZONING REGULATIONS REGARDING SECTION 13.018 "COMMERCIAL WIND ENERGY CONVERSION SYSTEMS" TO REVISE THE SPECIAL PERMIT CONDITIONS FOR WIND TURBINE PROJECTS.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 19, 2015

The public hearing meeting summary on this text amendment will be submitted under separate cover.



2013 aerial

Annexation #: AN15006

Zoning:

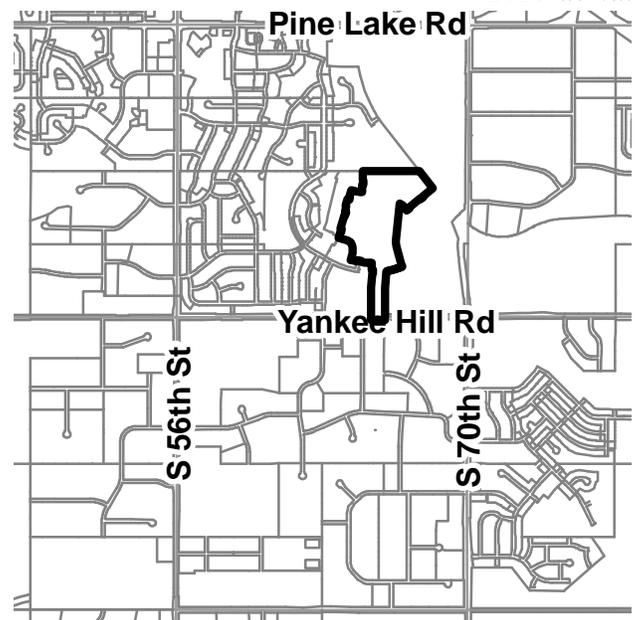
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.21 T09N R07E
 Sec.28 T09N R07E

Area of Application

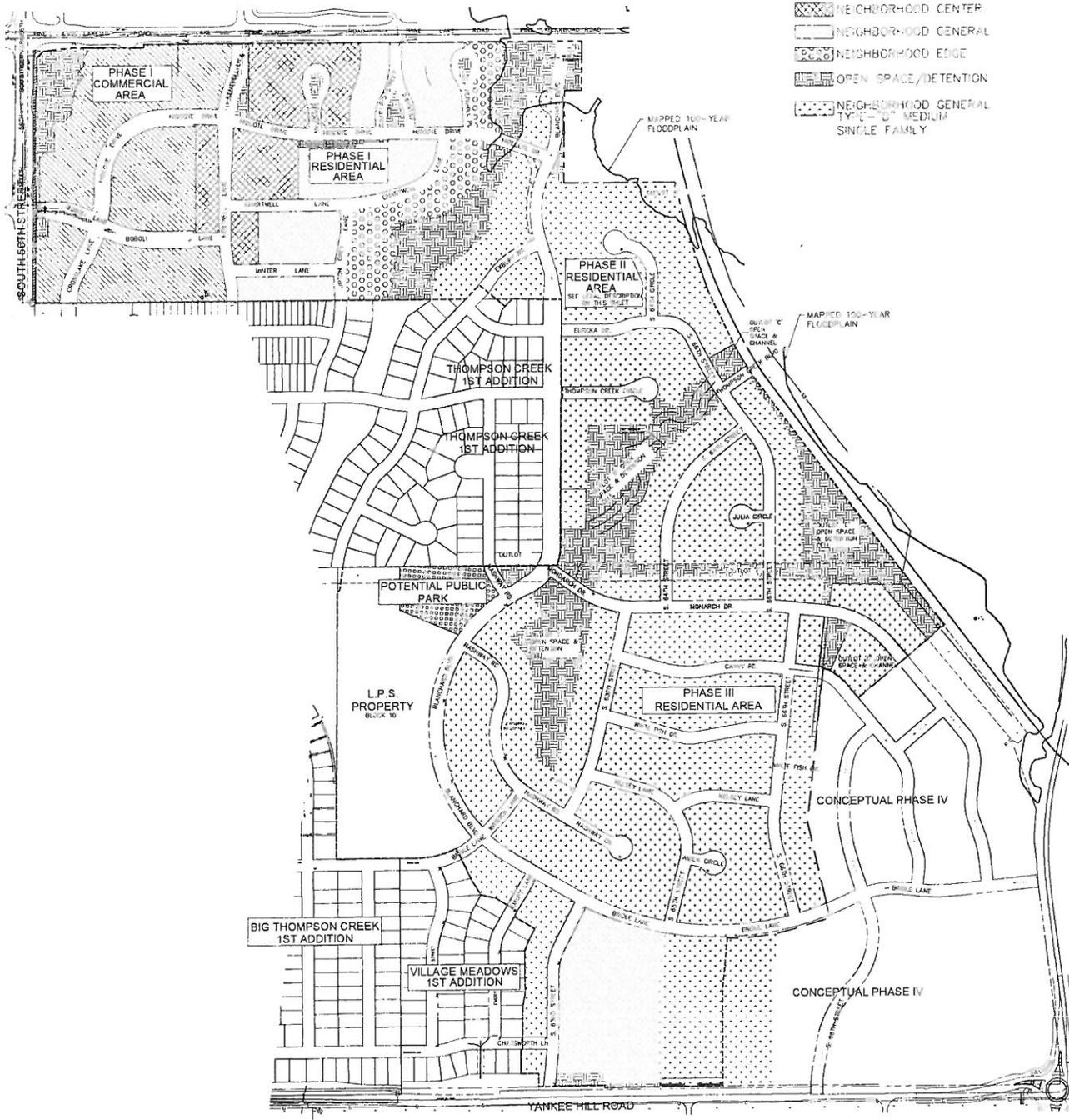
Zoning Jurisdiction Lines

Lancaster County Jurisdiction



Regulating Plan

-  VILLAGE CENTER
-  NEIGHBORHOOD CENTER
-  NEIGHBORHOOD GENERAL
-  NEIGHBORHOOD EDGE
-  OPEN SPACE/DETENTION
-  NEIGHBORHOOD GENERAL TYPE "C" MEDIUM SINGLE FAMILY



**LEGAL DESCRIPTION
CHANGE OF ZONE AND ANNEXATION**

A TRACT OF LAND COMPOSED OF A PORTION OF OUTLOT "B", VILLAGE MEADOWS 10TH ADDITION, ALL OF OUTLOT "C", VILLAGE MEADOWS 10TH ADDITION, AND A PORTION OF LOT 90 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE EASTERLY ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER, ON AN ASSUMED BEARING OF N89°51'31"E, A DISTANCE OF 884.55' TO A POINT; THENCE N00°08'29"W, A DISTANCE OF 50.00' TO THE SOUTHWEST CORNER OF LOT 90 I.T., SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE N00°08'30"W, ON A WEST LINE OF SAID LOT 90 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO THE SOUTHEAST CORNER OF OUTLOT "B", VILLAGE MEADOWS 9TH ADDITION; THENCE CONTINUING N00°08'30"W ON SAID LINE, A DISTANCE OF 466.08' TO A WEST CORNER OF SAID LOT 90 I.T.; THENCE N05°13'31"E, ON A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 264.92' TO A WEST CORNER OF SAID LOT 90 I.T., SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°22'10", A RADIUS OF 1,550.41', AN ARC LENGTH OF 10.00' ON A NORTH LINE OF SAID LOT 90 I.T., A CHORD LENGTH OF 10.00', A TANGENT LENGTH OF 5.00', AND A CHORD BEARING OF N88°16'15"E TO A WEST CORNER OF SAID LOT 90 I.T.; THENCE N01°54'50"W, ON A WEST LINE OF SAID LOT 90 I.T., AND ON A WEST LINE OF OUTLOT "C", VILLAGE MEADOWS 10TH ADDITION, A DISTANCE OF 66.00' TO A WEST CORNER OF SAID OUTLOT "C", SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°43'11", A RADIUS OF 1,484.41', AN ARC LENGTH OF 18.65' ON A SOUTH LINE OF SAID OUTLOT "C", A CHORD LENGTH OF 18.65', A TANGENT LENGTH OF 9.32', AND A CHORD BEARING OF S88°26'46"W TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N01°11'46"W, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 126.00' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N90°00'00"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 57.19' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N87°15'53"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 71.43' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N75°36'10"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 77.79' TO A SOUTH CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 66TH STREET; THENCE N14°22'13"E, ON A WEST LINE OF SAID OUTLOT "C", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.00' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N75°36'09"W, ON A SOUTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE S14°24'17"W, ON A EAST LINE OF SAID OUTLOT "C", SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 31.28' TO A SOUTH CORNER OF SAID OUTLOT "C";

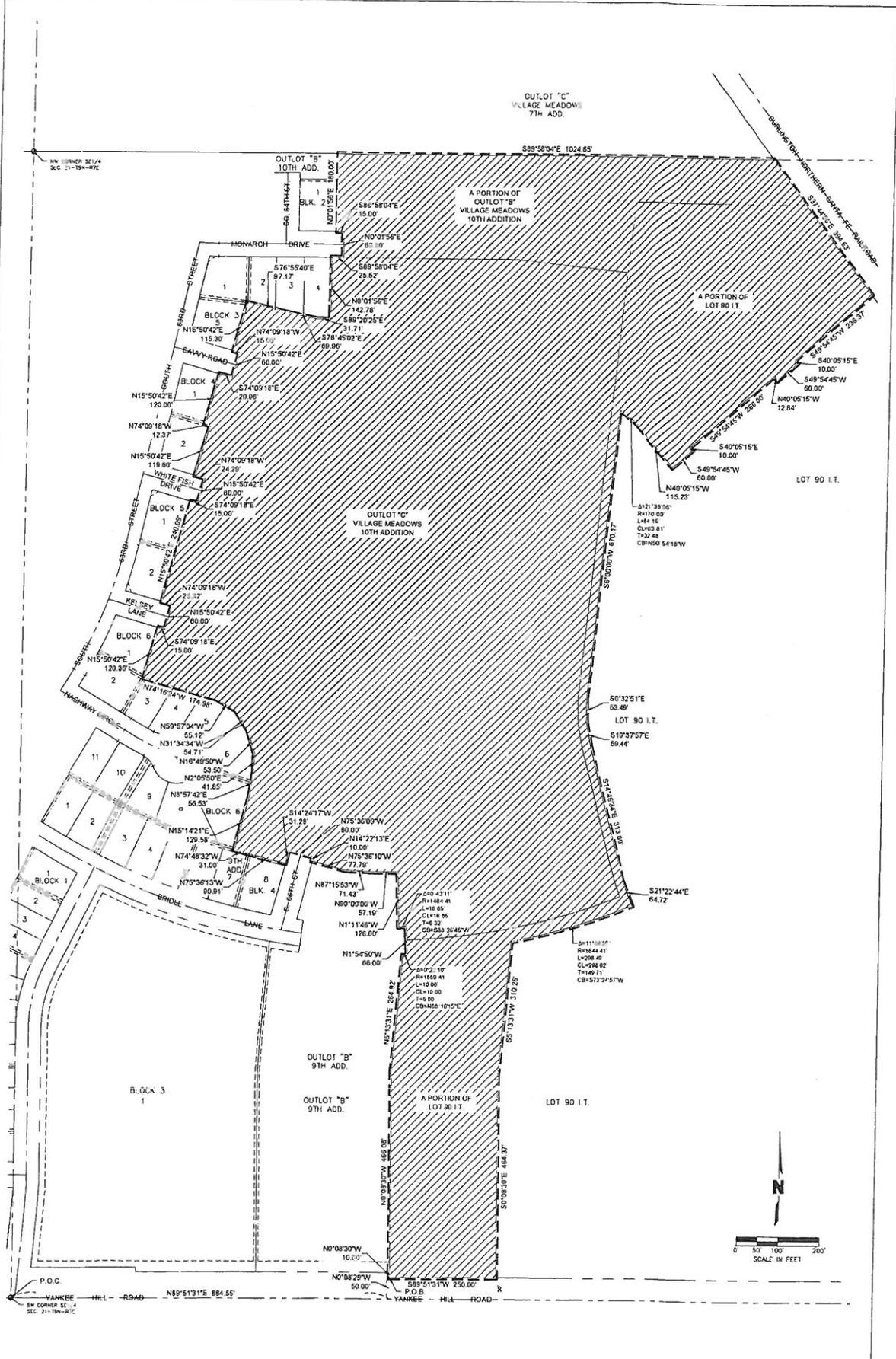
THENCE N75°36'13"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 90.91' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N74°48'32"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 31.00' TO A SOUTHWEST CORNER OF SAID OUTLOT "C"; THENCE N15°14'21"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 129.58' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N08°57'42"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 56.53' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N02°05'50"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 41.85' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N16°49'50"W, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 53.50' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N31°34'34"W, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 54.71' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N59°57'04"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 55.12' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE N74°16'24"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 174.98' TO A SOUTHWEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 120.36' TO A WEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF KELSEY LANE; THENCE S74°09'18"E, ON A NORTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.00' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N74°09'18"W, ON A SOUTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.32' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 240.09' TO A WEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF WHITE FISH DRIVE; THENCE S74°09'18"E, ON A NORTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.00' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N74°09'18"W, ON A SOUTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 24.29' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 119.60' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N74°09'18"W, ON A SOUTH LINE OF SAID OUTLOT "C", A DISTANCE OF 12.37' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 120.00' TO A WEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF CAVY ROAD; THENCE S74°09'18"E, ON A NORTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 29.96' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N74°09'18"W, ON A SOUTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.00' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N15°50'42"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 115.30' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE S76°55'40"E, ON A NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF

97.17' TO A NORTH CORNER OF SAID OUTLOT "C"; THENCE S78°45'02"E, ON A NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF 69.96' TO A SOUTH CORNER OF SAID OUTLOT "C"; THENCE S89°20'25"E, ON A NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF 31.71' TO A WEST CORNER OF SAID OUTLOT "C"; THENCE N00°01'56"E, ON A WEST LINE OF SAID OUTLOT "C", A DISTANCE OF 142.78' TO THE NORTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF MONARCH DRIVE; THENCE S89°58'04"E, ON THE NORTH LINE OF SAID OUTLOT "C", SAID LINE BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.52' TO A SOUTHWEST CORNER OF OUTLOT "B", VILLAGE MEADOWS 10TH ADDITION; THENCE N00°01'56"E, ON A WEST LINE OF SAID OUTLOT "B", SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO A WEST CORNER OF SAID OUTLOT "B"; THENCE N89°58'04"W, ON A SOUTH LINE OF SAID OUTLOT "B", SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 15.00' TO A WEST CORNER OF SAID OUTLOT "B"; THENCE N00°01'56"E, ON A WEST LINE OF SAID OUTLOT "B", AND ON A NORTHERLY EXTENSION OF SAID LINE, A DISTANCE OF 180.00' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID OUTLOT "B", SAID POINT BEING ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE S89°58'04"E, ON THE NORTH LINE OF SAID OUTLOT "B", SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1,024.65' TO THE NORTHEAST CORNER OF SAID OUTLOT "B", SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE S37°44'56"E, ON THE EAST LINE OF SAID OUTLOT "B", AND ON A EAST LINE OF LOT 90 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 394.63' TO A POINT; THENCE S49°54'45"W, A DISTANCE OF 236.37' TO A POINT; THENCE S40°05'15"E, A DISTANCE OF 10.00' TO A POINT; THENCE S49°54'45"W, A DISTANCE OF 60.00' TO A POINT; THENCE N40°05'15"W, A DISTANCE OF 12.84' TO A POINT; THENCE S49°54'45"W, A DISTANCE OF 260.00' TO A POINT; THENCE S40°05'15"E, A DISTANCE OF 10.00' TO A POINT; THENCE S49°54'45"W, A DISTANCE OF 60.00' TO A POINT; THENCE N40°05'15"W, A DISTANCE OF 115.23' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 21°38'06", A RADIUS OF 170.00', AN ARC LENGTH OF 64.19', A CHORD LENGTH OF 63.81', A TANGENT LENGTH OF 32.48', AND A CHORD BEARING OF N50°54'18"W, TO A POINT LOCATED 20.00' EAST OF A WEST LINE OF SAID LOT 90 I.T.; THENCE S06°00'00"W, ON A LINE 20.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 670.17' TO A POINT; THENCE S00°32'51"E, ON A LINE 20.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 53.49' TO A POINT; THENCE S10°37'57"E, ON A LINE 20.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 59.44' TO A POINT; THENCE S14°46'34"E, ON A LINE 20.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 313.80' TO A POINT; THENCE S21°22'44"E, ON A LINE OF 20.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 64.72' TO A POINT LOCATED 30.00' SOUTH OF A NORTH LINE OF SAID LOT 90 I.T., SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 11°04'25", A RADIUS OF 1,544.41', AN ARC LENGTH OF 298.49' ON A LINE 30.00' SOUTH OF AND PARALLEL WITH A NORTH LINE OF SAID LOT 90 I.T., A CHORD LENGTH OF 298.02', A TANGENT LENGTH OF 149.71', AND A CHORD BEARING OF

S73°24'57"W TO A POINT; THENCE S05°13'31"W, ON A LINE 250.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 310.26' TO A POINT; THENCE S00°08'30"E, ON A LINE 250.00' EAST OF AND PARALLEL WITH A WEST LINE OF SAID LOT 90 I.T., A DISTANCE OF 464.37' TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 90 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT ALSO BEING 50.00' NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE S89°51'31"W, ON THE SOUTH LINE OF SAID LOT 90 I.T., SAID LINE BEING THE NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE ALSO BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 250.00' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,992,162.21 SQUARE FEET OR 45.73 ACRES, MORE OR LESS.

Wednesday, June 24, 2015

F:\Projects\015-0398\SRVY\MasterXrefs\Final Plat\Documents\015-0398_PUD-ZONE-ANNEX.doc



1 of 1 SHEET	CHANGE OF ZONE AND ANNEXATION		NO.	DATE	REVISIONS DESCRIPTION
	VILLAGE MEADOWS				
LINCOLN, NE		2015	REVISIONS		

MOLSSON ASSOCIATES

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June 24, 2015

HAND DELIVERY

David Cary, Interim Director
Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Village Gardens Phase 3 PUD

Dear David:

Our office represents Village Meadows, LLC and 1640 LLC (collectively "Developers"), who own or have a contract interest in approximately 45.73 acres of property (the "Property") adjacent to the Village Gardens Planned Unit Development ("Village Gardens PUD"). A large portion of the Property is included within the conceptual "Phase 3" of the Village Gardens PUD. Developers are requesting annexation of the Property and a change of zone from AG to R-3 PUD to include the Property within the Village Gardens PUD.

Enclosed please find the following:

- a. City of Lincoln Zoning Application for Annexation;
- b. City of Lincoln Zoning Application for Change of Zone to R-3 PUD;
- c. Legal Description for Change of Zone to R-3 PUD and Annexation;
- d. PUD Site Plan;
- e. Application fees in the amount of \$3,792; and
- f. Amended Regulating Plan to replace page 5 of the Village Gardens Planned Unit Development District Development Plan.

Mark Palmer from Olsson Associates will be uploading the PUD plans to project docs once Planning Staff has created the project files and docs. We will be submitting an amendment to the Village Gardens Conditional Annexation and Zoning Agreement to include the Property under separate cover.

A portion of the Property being added to the Village Gardens PUD is located within the Pipeline Planning Area along Yankee Hill Road. An outlot has been incorporated into the plan

along the north side of Yankee Hill Road to provide a setback from the gas line that is commensurate with the setback of the single family homes along Yankee Hill Road to the west. Berming and landscaping will be added as an additional buffer within the outlot.

A portion of the Property is also located within the boundaries of Rural Water District No. 1 and will need to be released in conjunction with annexation.

Developers are requesting block length waivers for Block 7 and for Blocks 22 and 23. Block 7 abuts the railroad tracks which creates a man made barrier. Blocks 22 and 23 are proposed for a patio home development. The site is bounded to the west by one large lot that has been approved for a retirement living facility that does not contain any street connections through it, Yankee Hill Road to the south, and a future commercial area to the east. Developers will be making a pedestrian connection to the trail system to the south, but are not including a street connection to the east into the future commercial.

If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Mark.

Very truly yours,



DANAY KALKOWSKI

For the Firm

Enclosures

cc: Bob Benes
Village Gardens Development Company, LLC

Current Project - Agency Review Report

Agency Name	User Name	Review Cycle	Review Status	Comments	Assignment
County Health	chris schroeder	1	Recommend Denial	A high pressure natural gas pipeline is located near the centerline of Yankee Hill Road. The LLCHD calculated a pipeline planning area of 221 feet on each side of this pipeline. A pipeline planning area is the area in which the potential failure of a pipeline could have significant impact on people or property. The applicant's submitted site plan depicts lots 12-18 within the projected pipeline planning area. The LLCHD recommends not locating residential dwellings, schools, or childcare facilities within pipeline planning areas. Therefore, the LLCHD is recommending denial of this proposed development.	Individual
Development Review Manager	steve henrichsen	1	Corrections Required		Individual
Emergency Communications	Kelly Davila	1	Pending		Individual
Fire Department	Fire Department	1	Pending		First In Group
LES	les reviews	1	Recommend Approval	7/8/15- Easements will be noted on final plat. -Sarah Ryan	First In Group
Lincoln Police Department	Lincoln Police Department	1	Pending		First In Group
Planning Dept	amy huffman	1	No Review Required		Individual
Public Works - Engineering Services	Public Works - Engineering Services	1	Pending		First In Group
Public Works - Survey Check	Public Works - Survey Check	1	Pending		First In Group
Public Works - Watershed Management	ben higgins	1		Need larger sheet to review for drainage, requested from OA 7/7/15	Individual
United States Post Office	kerry kowalski	1	Recommend Approval	Recommend approval with the condition all new deliveries are established in Centralized Box Units(CBUs). All CBUs will be purchased and installed at the developers expense	First In Group

Current Project - Agency Review Report

Windstream	Jon Littrell	1	Pending	in a location mutually agreed upon by the developer and the US Post Service.	Individual
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Pipelines Carrying Hazardous Materials

Completed February 20, 2006

Findings

1. Many larger diameter and/or high pressure underground pipelines that carry hazardous materials exist in Lancaster County. (See “Lancaster County Pipeline” map at end of report.)
 - ✓ Data from the Federal Department of Transportation’s Office of Pipeline Safety indicates that there are 308 miles of interstate or intrastate pipelines in Lancaster County. Most of these pipelines carry natural gas (methane), some carry petroleum product (gasoline or diesel), some carry propane, and one carries anhydrous ammonia. These pipelines cross the county in various locations, with a higher proportion in the eastern and southern parts of the county. As the urban area of Lincoln expands, it has grown into areas which have larger, higher pressure natural gas pipelines which serve as the source for lower pressure, small diameter lines in the community. One example of this is the Vintage Heights area.
2. Underground pipelines can pose a risk to public health and safety due to occasional breaks in the pipes, which most often occur due to being struck during digging in the pipeline easement area.
 - ✓ Data from the DOT’s Office of Pipeline Safety web site indicates that in Nebraska there were six (6) incidents (releases) with interstate or intrastate transmission or distribution pipelines in 2004. Four (4) involved pipelines carrying gas and two (2) involved pipelines carrying liquid.
 - ✓ One of these incidents involved a pipeline carrying anhydrous ammonia near Blair, which resulted in the evacuation of 40 people from their homes, farms and businesses for approximately 24 hours. Fortunately, the release was not near a populated area and the wind was blowing the “right” direction. The release was caused by third-party excavation being conducted to lay underground electrical cables.

- ✓ For the three year period between 2002 and 2004, an average of 3.9 incidents per year in Nebraska resulted in releases of hazardous gases from pipelines. Over the past ten years, the trend of incidents resulting in releases appears to be increasing. Only three injuries to people occurred in the past 10 years.
3. Companies purchase easements restricting construction around pipelines.
- ✓ These easements are generally 30 to 100 feet wide (15 to 50 on either side of the pipeline to restrict buildings and construction on top of the easement. However, paving for parking lots or streets or crossing for utilities are allowed as long as adequate safety measures are taken to not disturb the gas line during construction. The pipeline in the easements is often marked to alert the public to its existence below ground.
 - ✓ The primary purposes of an easement for a pipeline is to allow access to the pipe for maintenance and protect the pipeline from damage by people, not to protect the people from who may live near the pipeline from a release of hazardous materials.
4. Federal law regulates the interstate transportation of hazardous materials in pipelines and was last changed in 2002 including:
- ✓ Increased the requirements imposed upon pipeline companies, with the goal of decreasing the risks to public health and the environment and improving safety.
 - ✓ Increased public awareness requirements, added more frequent internal inspection of the pipelines for corrosion and increased frequency of maintenance. (Please see the Appendix A titled, “Pipeline Public Awareness and Integrity Management Program Summary.”)
5. Persons or businesses in the “**High Consequence Area**” of a gas pipeline are occasionally notified of the existence of the pipeline, but there are not any regulations regarding preventing new uses from locating in this area. The High Consequence Area is based on the number of dwellings or businesses within a certain geographic area. The “**Hazard Area**” is measured regardless if there are currently buildings in the area or not, which is a more useful tool in developing areas.
- ✓ The Hazard Area can be calculated using a formula developed by the Gas Research Institute, which takes into account the pressure and diameter of the pipeline. For large diameter, high pressure pipelines the Hazard Area exceeds the mandatory easement requirements several fold. For example, the pipe in Vintage

Heights has a 12 inch diameter pipe would have a hazard area of 277 feet wide (approximately 138 feet on both sides from the center of the pipe.)

- ✓ The Hazard Area is based on a worst case scenario, which presumes there is complete cleavage of the pipeline resulting in gas under pressure being forced into the environment until it finds an ignition source. Such occurrences are rare, but have occurred in various parts of the U.S., including Bellingham, Washington and New Mexico, resulting in deaths. These events and many other pipeline spills have caused significant public debate regarding safety issues.

Goals

Strongly encourage that new development not build within the Hazard Area of high pressure underground pipelines.

By 2008, notification efforts at the local level should be increased to make residents and businesses more aware of the hazards of these pipelines and increase preparedness in case of an emergency.

Objectives

1. Inform and educate all who live along pipelines of the hazard, actions they can take to prevent pipeline releases and what to do if there is a release.

Recommendations:

- A. Require that Title Companies have buyers of existing homes sign a form at closing acknowledging that they were notified of the existence of the home being in the Hazard Area. This will require more paperwork at closing and probably too late in the process for the potential buyer to seriously consider the implications so late in the buying process, but it is better than no notification at all. Health Department staff will have to work with City Attorney to see if this provision can be required locally and how it would be implemented.
- B. Require that property owners inform potential new renters or persons leasing property of the hazard area. Again, the Health Department staff will have to work with City Attorney to see if this provision can be required locally and how it would be implemented.

People have the right to know what hazards are near where they live. Government has a responsibility to assure people are informed of such hazards. The way High

Consequence Areas are defined, many people living along pipelines would not be informed or educated if only the requirements under the Federal law are followed. People can make an informed choice of whether they want to accept the risk of living in or near an area which has a known hazard. Informed citizens are an integral part to protecting pipelines from damage. Providing people such information allows them to make an informed choice, based on sound information and their own perception of hazard and risk.

2. Increase awareness of pipelines prior to new construction within the Hazard Area.

Recommendations:

- A. In new developments, developers should avoid the Hazard Area as much as possible. For example, homes and businesses should be located out of the area as much as possible. Redesigning a site to place yards, parking or garages in the Hazard Area is preferable to having residences or businesses located in this potentially harmful area. Active recreation areas which would regularly draw large groups of people, such as playgrounds and baseball/soccer fields should not be placed in the Hazard Area as well.
 - B. Maps should be developed clearly outlining the Hazard Area and shared with developers on request or as part of the review process. While these maps are public information, there is concern by some that if this information was too easily available it could be used by those wanting to rupture the pipe on purpose.
 - C. The Health Department and Planning Department staff should be aware of these hazard areas and note them in reports to decision makers. Developers are encouraged to follow these recommendations.
 - D. The Planning Department and City Attorney should ensure that covenants in new subdivisions include notification of the location of a hazard area within the subdivision. This will aid in notifying builders or owners prior the construction of their house, since most new lot buyers read the covenants prior to building.
3. Work more closely with the pipeline companies to determine what additional Integrity Management Program (IMP) activities (enhanced safety measures) could be employed along high pressure, large diameter pipelines in Lancaster County.

Recommendations:

- A. Health Department staff should initiate contact with pipeline companies to discuss collaborative local efforts. Pipeline companies naturally want to reduce their

liabilities and do not want to injure anyone or damage the environment. Enhancing IMP activities would be in line with enhanced public awareness activities. It would exceed Federal requirements and, in essence be an enhanced IMP.

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