

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 07060, Wilderness Heights Planning Unit Development**, requested by Lincoln Federal Bancorp, on property generally located southeast of the intersection of South 40<sup>th</sup> Street and Yankee Hill Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 04/23/08  
Administrative Action: 04/23/08

**STAFF RECOMMENDATION:** Conditional Approval.

**RECOMMENDATION:** Conditional Approval (6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent).

**ASSOCIATED REQUESTS:** Annexation Agreement (08R-306) and Annexation No. 07003 (08-167).

### **FINDINGS:**

1. This proposed Wilderness Heights Planned Unit Development was heard by the Planning Commission in conjunction with the associated Annexation No. 07003 and Preliminary Plat No. 07004, Wilderness Heights Addition.
2. This is a request by Engineering Design Consultants on behalf of Lincoln Federal Bancorp to change the zoning from AG to B-2 PUD on a portion of the 153-acre site being annexed to allow for the development of 225,000 sq. ft. of office and commercial floor area, and a minimum of 66 multiple-family dwelling units. This application also requests a change of zone from AG to R-3 over the remainder of the site to allow 38 lots of residential development (Preliminary Plat No. 07004). The PUD includes waiver requests to adjust setbacks and height, and to allow lots not abutting a public street or private roadway.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.5-7, including approval of all waiver requests, concluding that 1) the setback adjustments are appropriate for this type of commercial center provided the appropriate perimeter setback is provided as recommended by staff; 2) the topography of the site lends itself to an adjustment in the maximum allowed height and should not significantly affect adjacent properties; and 3) allowing lots to be created without abutting a public street or private roadway is appropriate provided a public access easement is shown and granted at the time of final plat. This development can be served with City services and utilities. The proposal is consistent with the Zoning Ordinance and Comprehensive Plan, subject to the conditions of approval as set forth on p.7-11.
4. On April 23, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On April 23, 2008, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend conditional approval, as set forth in the staff report.
6. On April 23, 2008, the Planning Commission also voted 6-0 to recommend approval of the associated annexation, subject to an annexation agreement, and voted 6-0 to adopt Resolution No. PC-01118, approving the Wilderness Heights Addition preliminary plat (a copy of the preliminary plat site plan is attached on p.39).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** November 24, 2008

**REVIEWED BY:** \_\_\_\_\_

**DATE:** November 24, 2008

**REFERENCE NUMBER:** FS\CC\2008\CZ.07060 PUD+

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 23, 2008 PLANNING COMMISSION MEETING

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 #07003  
**Change of Zone #07060 PUD**
- PROPOSAL:** From AG to R-3 and B-2 PUD for 225,000 square feet of commercial floor area and 66 dwelling units.
- LOCATION:** Southeast of the intersection of South 40<sup>th</sup> Street and Yankee Hill Road
- LAND AREA:** Annexation #07003 - Approximately 153.28 acres.  
**Change of Zone #07060** - Approximately 39.97 acres to B-2 PUD, approximately 113.31 to R-3.
- EXISTING ZONING:** AG Agriculture
- WAIVER /MODIFICATION REQUESTS:**
1. Adjust setbacks to 0' in B-2.
  2. Adjust the height from 40' to 55' in B-2.
  3. Lots abutting a public street or private roadway in B-2.
- CONCLUSION:** The requested setback adjustments are appropriate for this type of commercial center provided the appropriate perimeter setback is provided as recommended by staff. The topography of the site, including the drainage way/open space and slope, lends itself to an adjustment in the maximum allowed height to 55' and should not significantly affect adjacent properties. Allowing lots to be created without abutting a public street or private roadway is appropriate provided a public access easement is shown and granted at the time of final plat. This development can be served with City services and utilities, and subject to the conditions of approval noted in the recommendation, these applications are consistent with the Zoning Ordinance and Comprehensive Plan.

**RECOMMENDATION:**

*Annexation #07003*

*Conditional Approval*

**Change of Zone #07060**

**Conditional Approval**

**Waivers:**

**1. Adjust setbacks to 0' in B-2**

**Approval**

**2. Adjust the height from 40' to 55' in B-2**

**Approval**

**3. Lot abutting a public street**

**or private roadway in B-2**

**Approval**

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Agriculture

**SURROUNDING LAND USE AND ZONING:**

North:	Golf Course	AG
South:	Church, Vacant	R-3, R-4
East:	Residential	AGR
West:	Agriculture, Vacant	AG

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Pg 17** - The Future Land Use map designates open space, residential, and commercial land uses for this site.

**Pg 27** - This site is designated as Tier I, Priority A on the Urban Growth Tier map.

**Pg 41** - Existing and Proposed Commerce Centers - A neighborhood center is designated in the vicinity of this site.

**Pg 45** - Business and Commerce - Neighborhood Center

**Center Size** - Neighborhood Centers typically range in size from 50,000 to 150,000 square feet of commercial space, with those meeting the incentive criteria having up to 225,000 square feet. Existing centers may vary in size from 50,000 to 225,000 square feet.

**Description** - Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. In general, an anchor store should occupy about a third to half of the total space. In centers meeting the incentive criteria, anchor store(s) may be larger noting that the goals of a Neighborhood Centers are to be diverse and not simply one store. Examples include Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These smaller centers will not include manufacturing uses.

**Criteria** - Neighborhood Centers are not sited in advance on the land use plan. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances

due to topography or other factors where centers at the intersection may be the only alternative. When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then only one neighborhood center would be approved within that square mile.

**Pg 49** - The incentive criteria for community and neighborhood centers.

**Pg 55-56** - The Greenprint Challenge Implementation Principles - Seek early identification of areas to be preserved – While planning for future growth is integral to this Comprehensive Plan, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas most valued as part of the Greenprint Challenge. This principle supports the notion of “getting ahead of the game” by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

Provide biological interconnection – Plants and animals do not exist in isolation. They interact with each other and reside within an integrated habitat. Implementation of the Comprehensive Plan needs to respect biological connections that exist today and provide responsive means for maintaining those associations.

Make “green space” an integral part of all environments – “Green space” can come in a wide variety of forms. The policies of the Comprehensive Plan should strive to incorporate such uses in the full range of urban and rural landscapes.

Prevent the creation of a “wall-to-wall city” through the use of green space partitions – As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their on going maintenance.

**Pg 66** - Guiding Principles for New Neighborhoods - The guiding principles for new neighborhoods are a combination of principles found in this section in addition to the principles for all other sections within the plan, such as Business and Commerce and Mobility and Transportation. A neighborhood is more than housing – great neighborhoods combine all the elements of parks, education, commercial areas, the environment and housing together in one place. The image is an example of how the principles might work together in a neighborhood, including the following principles:

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites);
7. Encourage shopping and employment uses to be at within the neighborhoods and within walking distance to most residences (which may also serve as locations for transit stops.)

**Pg 89** - Pedestrians - Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Often pedestrian facilities are overlooked or merely added onto street improvement projects. However, to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed.

**Page 154** - The City’s annexation policy of the 2030 Comprehensive Plan.

## **HISTORY:**

**Oct 2007** - Special Permit #07046 was approved to allow soil mining on this site.

**Sep 2006** - Use Permit #06005 for Yankee Hill Plaza was approved by the Planning Commission. The boundary of the permit was similar to this PUD request, except it did not include commercial uses north of the proposed Hohensee Drive. The applicant requested the project not be forwarded to City Council, and submitted this request to be considered instead.

## **ASSOCIATED REQUESTS:**

**Preliminary Plat #07004** - The preliminary plat for Wilderness Heights to create 312 lots, 308 of which are for single-family residential.

## **UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** This project must connect to sewer lines both west of South 40<sup>th</sup> Street to serve the northern portion of the site, and the line to the south. Funds are shown in years 2008-09 in the Capital Improvement Program (CIP) for these sewer mains.
- B. **Water:** A water main has been constructed in South 40<sup>th</sup> Street from Yankee Hill Road to Rokeby Road, and can serve this development. The required internal water mains required to serve this development will be installed by the developer.
- C. **Roads:** South 40<sup>th</sup> Street from Yankee Hill Road to Rokeby Road is a two-lane, asphalt county road cross section, and is designated as an arterial street. Funds to improve it to the City's urban paving standard are not included in the six-year CIP. Public Works has indicated that South 40<sup>th</sup> Street will need improvement in advance of CIP funding to serve this development and Wilderness Hills on the west side of the street. The timing and extent of those improvements will be included in the annexation agreement between the developer and the City of Lincoln.
- D. **Parks and Trails:** The 2030 Comprehensive Plan shows a neighborhood park in the area halfway between Yankee Hill and Rokeby Roads on South 40<sup>th</sup> Street. Since the Plan's update, the location of the park has been determined to be within the Grandale development adjacent to the south.
- E. **Police/Fire Protection:** Police and fire protection are currently provided by the Lancaster County Sheriff and the Southeast Rural Fire Department. After annexation those service will be provided by the Lincoln Police and Fire Departments. The nearest fire stations are located at South 48<sup>th</sup> Street and Claire Avenue and South 27<sup>th</sup> Street and Old Cheney Road.

**ENVIRONMENTAL CONCERNS:** There are delineated wetlands in the drainage that extends across the northwest corner of this site. The City and the owner are currently in the process of negotiating a conservation easement to protect this sensitive area. The area of the proposed easement is shown on the site plan.

## **ANALYSIS:**

1. There are three associated applications for this development. Two of them, the annexation and change of zone, are addressed by this report. The third, which is for the preliminary plat, is covered in a separate report.
2. The annexation request is for approximately 153 acres, or the entire northwest quarter of Section 29. The change of zone application has two components. One seeks to change the zoning from AG to B-2 PUD on a portion of the 153-acre site to allow for the commercial development as shown on the attached site plan. The second seeks to change the zoning

from AG to R-3 over the remainder of the site to allow for the 308-lot residential development shown on the preliminary plat.

3. This center has a somewhat unusual, elongated shape for a neighborhood center. It is approximately  $\frac{1}{2}$  mile, which in part is determined by the drainage through the northwest corner. The drainage is to be preserved in a conservation easement, leaving an irregular tract near the intersection. The developer has laid out the site proposing a mix of residential, office and commercial uses.
4. The PUD includes only the B-2-zoned, commercial portion of this development. It proposes 225,000 square feet of office and commercial floor area on 17 lots, and three apartment buildings on one lot. Lot 1, Block 3 at the northeast corner of the center is restricted to those uses allowed in the R-T zoning district, including a day care and private school, to be compatible with the adjacent residential lots.
5. The Comprehensive Plan designates a neighborhood center within this square mile, however the specific location is not fixed. Neighborhood centers are typically 50,000 to 150,000 square feet, but can be as large as 225,000 square feet if there is a finding of compliance with the Comprehensive Plan's incentive criteria (Pg 45). A 225,000 square foot center is proposed based upon the applicant's justification which is attached to this report. Staff concurs with the justification subject to clarification of two issues. Consistent with the criteria, the minimum number of multiple-family units should be no less than 66, and it must be indicated on the plan. Additionally, staff and the applicant agreed that the parking lot on the west edge of Lot 4, Block 2 was to be designated as an open air, pedestrian-oriented plaza. Its purpose was to help establish a 'town-center' atmosphere and serve as a focal point and public amenity for the center.
6. Staff also requested the applicant to develop a set of design standards that would be privately enforced. The intent of these standards is ensure the center contains the necessary elements to provide a "town center" atmosphere, and to maintain a consistent appearance and character for the entire center consistent with the incentive criteria. These standards were not provided with the application, but should be required to be approved by administrative amendment prior to final plats or building permits.
7. An adjustment to setbacks to 0' is requested. However, the site plan shows a mix of two types of layout options. One layout type creates individual lots where there are typically few or no shared facilities. A second layout type allows pad sites (or building envelopes) that are surrounded by larger outlots intended for parking and other common facilities. Adjusting the setbacks to 0' for the setbacks internal to the development is appropriate in either case subject to two conditions. First, if pad site are used, adequate area on each pad site must be allowed for the usual building appurtenances such as canopies and eaves. Second, a perimeter setback must be established to maintain adequate separation between the commercial buildings and the adjacent streets and residential areas. The perimeter setback adjacent to all street frontages should be shown as 20' in all cases. Where the B-2 is adjacent to R-3 however, the setback should be 50'. Parking, drive aisles and garages should be allowed within the 50' setback, but no closer that 20' of the lot line.

8. A waiver to allow lots not abutting a public street or private roadway is requested for the lots east of the internal driveways both north and south of Hohensee Drive. Provided a public access easement is granted over the area shown for the drive and private utilities, this request is appropriate.
9. An adjustment to the maximum height from 40' to 55' is also requested. The Zoning Ordinance was recently amended to increase the maximum height in the H-1 through H-4 commercial zoning district to 55'. But the increased height over the previously allowed height of the district is subject to the condition that "any portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'." The B-2 and B-5 zoning district were originally included but dropped because the maximum height can be adjusted by use permit on a case by case basis. There is significant horizontal separation provided by the drainage between the commercial and residential north Hohensee Drive, and approximately 10' of vertical separation between the commercial and residential south of Hohensee Drive, with the commercial being lower. Additionally, and when appropriate, increased height means a higher floor area ratio and allows for more efficient use of land and existing infrastructure.
10. Building and Safety and 911 Emergency Communications both note there are several street names which are either incorrectly used or duplicate those in use. The site plan should be revised to show street names approved by those departments.
11. The Health Department notes that there is a high-pressure gas line in or near Yankee Hill Road. As a result, they recommend that a day care facility not be allowed as a permitted use on Lot 1, Block 3. There are currently no local regulations in effect regulating gas transmission facilities or uses in proximity to them. In response, staff has recommended that advisory notes be added to site plans showing the approximate location of the facility to serve as notice to the public and prospective purchasers. Additionally, in this case staff is recommending the owner be required to notify the purchasers of all lots adjacent to Yankee Hill Road on the pipeline's approximate location.
12. There are numerous minor changes required to the plans and notes. Those changes are included as recommended conditions of approval.

This approval permits 225,000 square feet of office and commercial floor area, and a minimum of 66 multiple-family dwelling units, with variances to adjust setbacks to 0', to adjust the height from 40' to 55', and allow lots not abutting a public street or private roadway.

### **CONDITIONS:**

#### **Change of Zone #07060**

##### Site Specific:

1. The developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council before a final plat is approved:

- 1.1 Revise the site plan to show the following:
- 1.1.1 Show utility easements per the L.E.S. review.
  - 1.1.2 Change NORTHEAST to NORTHWEST in the second paragraph of the legal description on Sheet 1 of 5.
  - 1.1.3 Show the required additional right-of-way dedication in South 40<sup>th</sup> Street to the satisfaction of Public Works and Utilities.
  - 1.1.4 Delete General Site Note #2.
  - 1.1.5 Revise General Site Note #3 to state “All parking to be provided in compliance with the Design Standards and LMC Chapter 27.69 for the B-2 zoning district and the uses shown.”
  - 1.1.6 Revise General Site Note #5 to state “Blanket and/or specific utility easements to be shown at the time of final plat to the satisfaction of LES.”
  - 1.1.7 Revise General Site Note #17 to state “Details of all signs, including sign type, location, height and size will be submitted separately for review and approval at the time of sign permit. Signs shall be per the B-2 zoning district and are not required to be shown on these plans.”
  - 1.1.8 Delete the word “Proposed” throughout General Site Note #19, then relocate it to the Site Specific Note section as Site Specific Note #2, and then revise the appropriate sections as follows:  
Lot 1, Blk 1 - Office/bank with drive-through facility  
Lots 8 & 9, Blk 2 - Retail/service station  
Lot 1, Block 3 - Uses permitted in the R-T zoning district including a child care facility for either less or more than 16 children and a private school.  
Either delete the block designation following the outlot letter, or indicate that Outlots C and D are in Block 1.
  - 1.1.9 Delete the word “Proposed” throughout General Site Note #20 and change “1 Proposed R-T Lot” to “1 Proposed Lot With Uses Permitted in the R-T District Including Child Care Facility (for either less or more than 16 children) and a Private School.”
  - 1.1.10 Delete General Site Note #21.
  - 1.1.11 Revise General Site Note #22 to state “Building layout is conceptual. Buildings may be located anywhere within the building envelopes defined by the adjusted setbacks as shown.”

- 1.1.12 Revise General Site Note #23 to state “All required landscaping, screening and street trees to be provided in compliance with LMC and Design Standards at the time of building permit or final plat as appropriate.”
- 1.1.13 Revise Site Specific Note #1 to state “Allowed uses are those for the B-2 zoning district per LMC except for Lot 1, Block 3 (R-T permitted uses), and Lot 1, Block 2 (multiple-family residential) per Site Specific Note #2 unless revised by administrative amendment.”
- 1.1.14 Revise Site Specific Note #5 to include “and a right-in, right-out at Outlot A as shown on the plan” at the end of the note.
- 1.1.15 Revise Site Specific Note #6 to state “The conservation easement shown is subject to final agreement between the owner and the City of Lincoln.”
- 1.1.16 Combine Site Specific Notes #9, 11, and 12 to state “The street and lot layout within the PUD is conceptual with the layout to determined at the time of final plat provided it is in general compliance with the approved site plan, and that connectivity among parking lots throughout the development will be provided at time of building permit.
- 1.1.17 Add a Site Specific Note that states “Pedestrian circulation is shown, but final construction will comply with the Design Standards for Pedestrian Circulation in Commercial and Industrial Areas at the time of building permits and additional improvements will be installed if required based upon actual final development.
- 1.1.18 Add a Site Specific Note that states “All required parking and drive aisles to be provided in compliance with LMC and Design Standards at the time of building permit. Connectivity among parking lots throughout the development will be provided at time of building permits.”
- 1.1.19 Delete Site Specific Note #15 which is made redundant by other recommended changes.
- 1.1.20 Add a Site Specific Note that states “The minimum number of dwelling units on Lot 1, Block 2 shall be no less that 66, the required number to maintain consistency with the Incentive Criteria.”
- 1.1.21 Revise the site plan to show building footprints and parking details deleted.
- 1.1.22 Revise the site plan to delete the parking area on the western portion Lot 4, Block 2, and instead show it as a separate outlot for a common area to accommodate the outdoor plaza.
- 1.1.23 Show a 20' setback inside the boundary of the PUD, except for the area south of Hohensee Drive adjacent to the R-3 where 55' must be shown.

Note on the site plan that the 55' setback is for buildings, and 20' is for parking, drive aisles and garages.

- 1.1.24 Delete the shading denoting the various uses allowed in the PUD, instead referring to revised Site Specific Note #2 for allowed uses on individual lots.”
  - 1.1.25 The private roadway adjacent to Lot 1, Block 3 must be in an outlot.
  - 1.1.26 Revise all typical street cross-sections to show a 3' separation between the edge of the right-of-way and the sidewalk, and revise the typical street cross-section for Hohensee Drive to include 4'-wide sidewalks.
  - 1.1.27 Show and label the approximate location of the high-pressure gas line in or near Yankee Hill Road, and add a new Site Specific Note that requires the owner to notify the purchasers of lots adjacent to Yankee Hill Road of the approximate location of the high pressure gas pipeline.
  - 1.1.28 Add a Site Specific Note that states “Appearance design standards for the commercial center to be approved separately by administrative amendment.”
- 1.2 Revise the street names to the satisfaction of 911 Emergency Communications and Building and Safety.
  - 1.3 Revise the plans to the satisfaction of the Public Works and Utilities Department.
  - 1.4 Show fire hydrants to the satisfaction of the Fire Department.
2. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

Standard:

- 3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the dwelling units/buildings all development and construction is to substantially comply with the approved plans.
  - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 3.3 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.

- 3.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.5 The construction plans substantially comply with the approved plans.
- 3.6 The applicant 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 applicant.

Prepared by:

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
April 9, 2008  
Planner

**APPLICANT/  
OWNER:**

Lincoln Federal Bancorp  
1100 N Street  
Lincoln, NE 68508  
402.474.1400

**CONTACT:**

Pamela Dingman  
Engineering Design Consultants  
2200 Fletcher Avenue Ste 102  
Lincoln, NE 68521  
402.438.4014

**ANNEXATION NO. 07003  
and  
CHANGE OF ZONE NO. 07060,  
WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT**

**CONSENT AGENDA  
PUBLIC HEARING & ADMINISTRATIVE ACTION  
BEFORE PLANNING COMMISSION:**

April 23, 2008

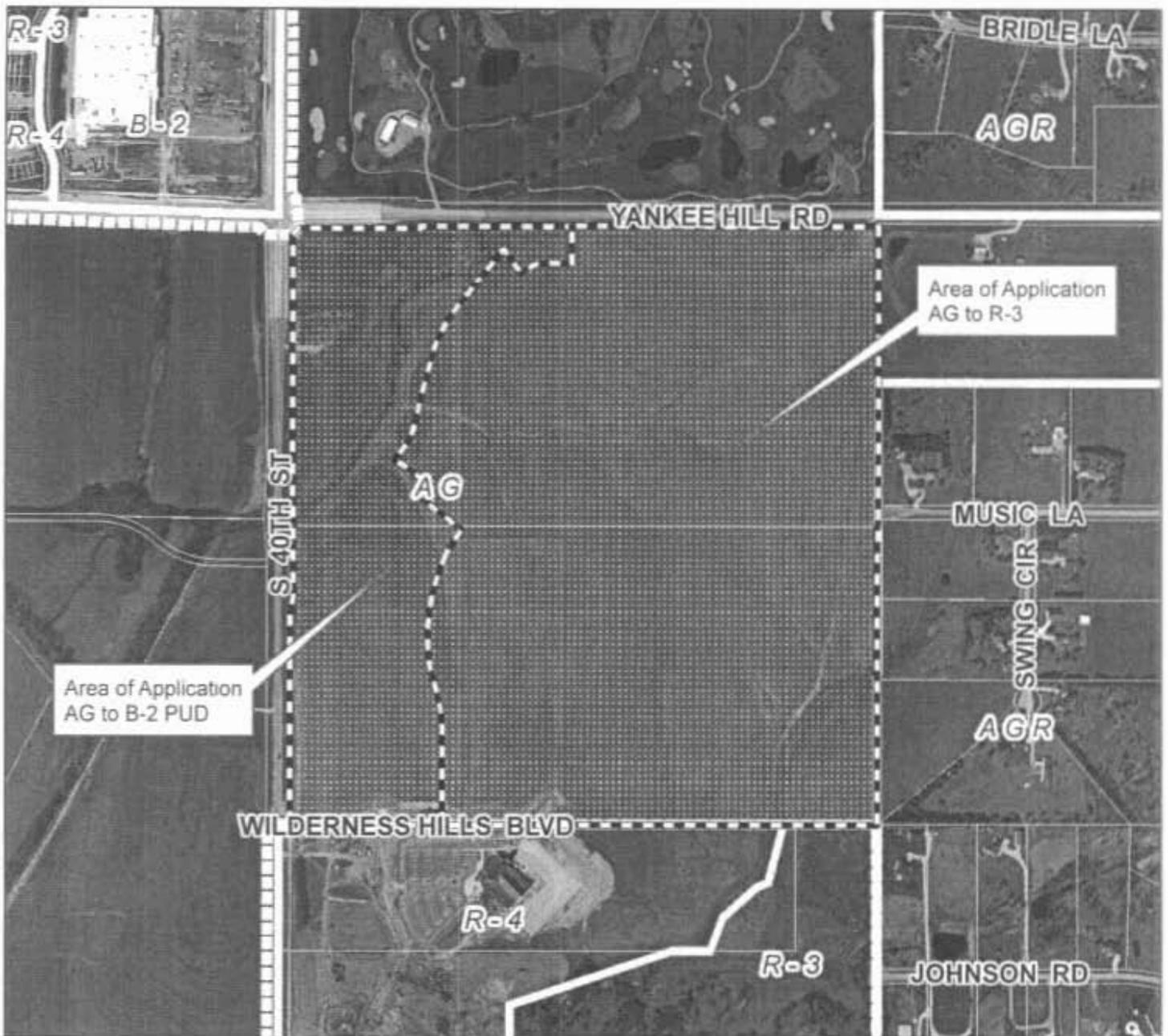
Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor; Larson and Sunderman absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08005; COMPREHENSIVE PLAN CONFORMANCE NO. 08006; COMPREHENSIVE PLAN CONFORMANCE NO. 08007; CHANGE OF ZONE NO. 2938C; CHANGE OF ZONE NO. 08015; USE PERMIT NO. 80A; USE PERMIT NO. 05005A; SPECIAL PERMIT NO. 08019; ANNEXATION NO. 07003, CHANGE OF ZONE NO. 07060, WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT; and PRELIMINARY PLAT NO. 07004, WILDERNESS HEIGHTS.**

Ex Parte Communications: None

Taylor moved to approve the Consent Agenda, seconded by Cornelius and carried 6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent.

Note: This is final action on Comprehensive Plan Conformance No. 08007, Use Permit No. 80A, Special Permit No. 08019, and Preliminary Plat No. 07004, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



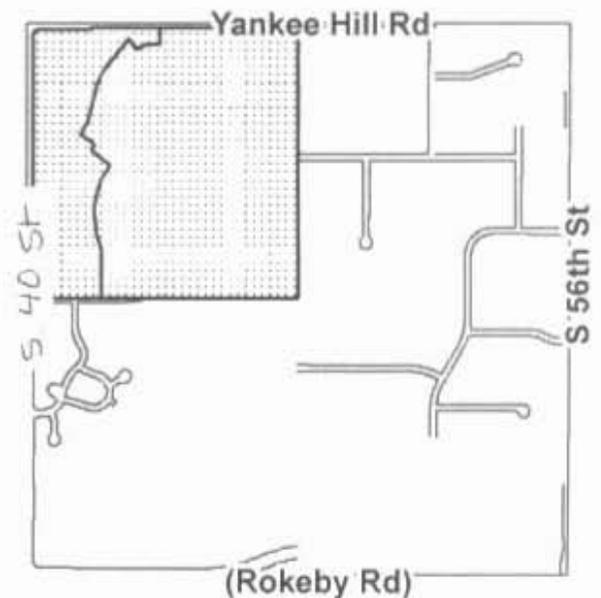
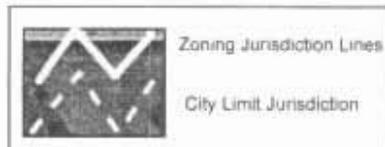
**Change of Zone # 07060  
Wilderness Heights PUD  
S 40th St & Yankee Hill Rd**

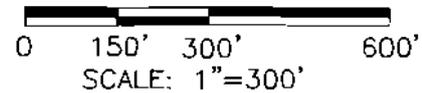
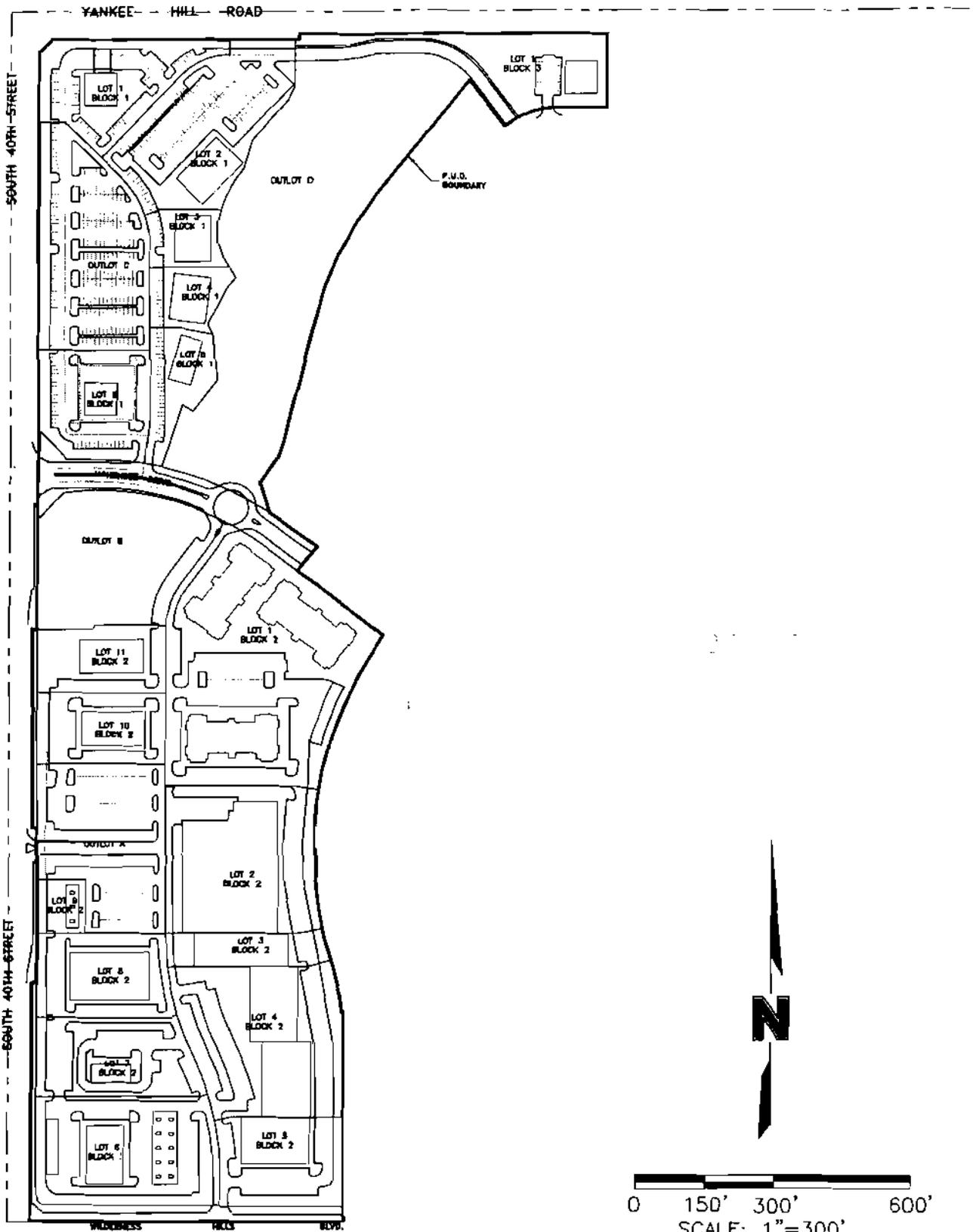
2007 aerial

**Zoning:**

One Square Mile  
Sec. 29 T9N R7E

- 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-7 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





**Wilderness Heights PUD**  
**B-2 Change of Zone Exhibit**  
**Lincoln, NE**

Drawn By: HWB  
Dwg.:  
Date: 03/10/2008  
Job#: 04-060

SHEET  
1 OF 1

## LEGAL DESCRIPTION B-2

A LEGAL DESCRIPTION OF A PORTION OF LOTS 49 AND 50 LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST, OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA. SAID TRACT OF LAND SHALL BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

### WEST

COMMENCING AT THE NORTH~~EAST~~ CORNER OF SAID SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST; THENCE NORTH 89 DEGREES 51 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 87.89 FEET TO A POINT ON THE CENTERLINE OF SOUTH 40TH STREET; THENCE SOUTH 00 DEGREES 08 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 89 DEGREES 51 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 536.33 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 668.74 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 160.39 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 108.00 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 180.00 FEET AND AN ARC LENGTH OF 125.66 FEET; BEING SUBTENDED BY A CHORD OF SOUTH 70 DEGREES 05 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 123.12 FEET; THENCE NORTH 37 DEGREES 40 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 124.08 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 143.00 FEET AND AN ARC LENGTH OF 2.14 FEET; BEING SUBTENDED BY A CHORD OF NORTH 38 DEGREES 06 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 2.14 FEET; THENCE SOUTH 39 DEGREES 29 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 245.58 FEET; THENCE SOUTH 39 DEGREES 26 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 69.64 FEET; THENCE SOUTH 35 DEGREES 25 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 77.35 FEET; THENCE SOUTH 28 DEGREES 14 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 82.67 FEET; THENCE SOUTH 22 DEGREES 07 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 77.18 FEET; THENCE SOUTH 15 DEGREES 38 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 77.89 FEET; THENCE SOUTH 13 DEGREES 49 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 263.00 FEET; THENCE SOUTH 19 DEGREES 12 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 37.40 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 43.99 FEET; THENCE SOUTH 35 DEGREES 26 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 71.09 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 683.00 FEET AND AN ARC LENGTH OF 101.49 FEET; BEING SUBTENDED BY A CHORD OF SOUTH 56 DEGREES 26 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 101.39 FEET; THENCE SOUTH 52 DEGREES 10 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 79.08 FEET; THENCE SOUTH 37 DEGREES 48 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 66.00 FEET; THENCE SOUTH 52 DEGREES 10 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 232.62 FEET; THENCE SOUTH 32 DEGREES 02 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 98.37 FEET; THENCE SOUTH 25 DEGREES 08 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 78.97 FEET; THENCE SOUTH 20 DEGREES 15 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 69.93 FEET; THENCE SOUTH 15 DEGREES 11 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 76.93 FEET; THENCE SOUTH 09 DEGREES 47 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 69.93 FEET; THENCE SOUTH 04 DEGREES 43 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 78.93 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 69.93 FEET; THENCE SOUTH 05 DEGREES 44 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 76.93 FEET; THENCE SOUTH 11 DEGREES 27 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 69.92 FEET; THENCE SOUTH 15 DEGREES 23 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 76.92 FEET; THENCE SOUTH 13 DEGREES 12 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 58.29 FEET; THENCE SOUTH 07 DEGREES 23 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 59.53 FEET; THENCE SOUTH 01 DEGREES 02 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 61.37 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 370.06 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 671.22 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 884.68 FEET; THENCE NORTH 08 DEGREES 24 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 102.08 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 400.00 FEET; THENCE NORTH 09 DEGREES 00 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 32.07 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 1130.66 FEET; THENCE NORTH 44 DEGREES 54 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 39.63 FEET TO THE POINT OF BEGINNING, AND CONTAINING A CALCULATED AREA OF 1,740,969.59 SQUARE FEET OR 39.967 ACRES MORE OR LESS.

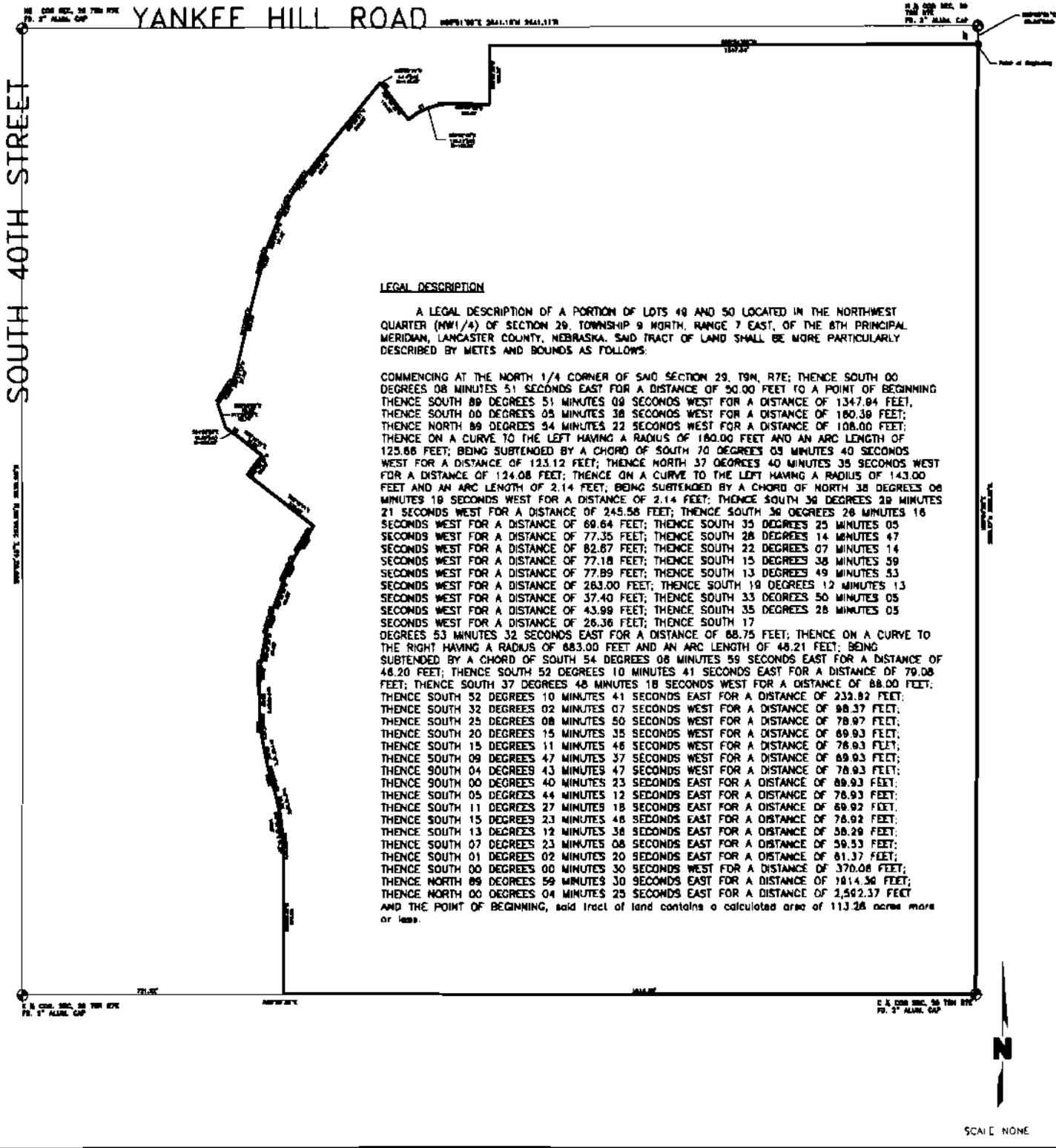


2008 Planning, Inc. 500 S. 10th St. Lincoln, NE 68508  
402-438-0114 Fax 402-438-0225

**WILDERNESS HEIGHTS**  
**P.U.D. LEGAL DESCRIPTION**  
**LINCOLN, NEBRASKA**

Drawn By: HWB  
Dwg.: PUD Exhibit  
Date: 1/2/2008  
Job#: D4-060

**SHEET**  
**2 OF 2**



**LEGAL DESCRIPTION**

A LEGAL DESCRIPTION OF A PORTION OF LOTS 49 AND 50 LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST, OF THE 8TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA. SAID TRACT OF LAND SHALL BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 29, T9N, R7E; THENCE SOUTH 00 DEGREES 08 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A POINT OF BEGINNING THENCE SOUTH 89 DEGREES 51 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 1347.04 FEET, THENCE SOUTH 00 DEGREES 05 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 180.39 FEET; THENCE NORTH 89 DEGREES 54 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 108.00 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 180.00 FEET AND AN ARC LENGTH OF 125.88 FEET; BEING SUBTENDED BY A CHORD OF SOUTH 70 DEGREES 03 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 123.12 FEET; THENCE NORTH 37 DEGREES 40 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 124.08 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 143.00 FEET AND AN ARC LENGTH OF 2.14 FEET; BEING SUBTENDED BY A CHORD OF NORTH 38 DEGREES 08 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 2.14 FEET; THENCE SOUTH 36 DEGREES 28 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 245.58 FEET; THENCE SOUTH 36 DEGREES 28 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 69.64 FEET; THENCE SOUTH 35 DEGREES 25 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 77.35 FEET; THENCE SOUTH 28 DEGREES 14 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 82.87 FEET; THENCE SOUTH 22 DEGREES 07 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 77.18 FEET; THENCE SOUTH 15 DEGREES 38 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 77.89 FEET; THENCE SOUTH 13 DEGREES 49 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 283.00 FEET; THENCE SOUTH 19 DEGREES 12 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 37.40 FEET; THENCE SOUTH 33 DEGREES 50 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 43.99 FEET; THENCE SOUTH 35 DEGREES 28 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 26.36 FEET; THENCE SOUTH 17 DEGREES 53 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 88.75 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 883.00 FEET AND AN ARC LENGTH OF 48.21 FEET; BEING SUBTENDED BY A CHORD OF SOUTH 54 DEGREES 08 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 48.20 FEET; THENCE SOUTH 52 DEGREES 10 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 79.08 FEET; THENCE SOUTH 37 DEGREES 48 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 88.00 FEET; THENCE SOUTH 52 DEGREES 10 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 232.82 FEET; THENCE SOUTH 32 DEGREES 02 MINUTES 07 SECONDS WEST FOR A DISTANCE OF 88.37 FEET; THENCE SOUTH 25 DEGREES 08 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 78.97 FEET; THENCE SOUTH 20 DEGREES 15 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 89.93 FEET; THENCE SOUTH 15 DEGREES 11 MINUTES 46 SECONDS WEST FOR A DISTANCE OF 78.93 FEET; THENCE SOUTH 09 DEGREES 47 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 89.93 FEET; THENCE SOUTH 04 DEGREES 43 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 78.93 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 89.93 FEET; THENCE SOUTH 05 DEGREES 44 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 78.93 FEET; THENCE SOUTH 11 DEGREES 27 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 89.92 FEET; THENCE SOUTH 15 DEGREES 23 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 78.92 FEET; THENCE SOUTH 13 DEGREES 12 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 88.28 FEET; THENCE SOUTH 07 DEGREES 23 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 59.53 FEET; THENCE SOUTH 01 DEGREES 02 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 81.37 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 370.08 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 1814.36 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 2,582.37 FEET AND THE POINT OF BEGINNING, said tract of land contains a calculated area of 113.28 acres more or less.



**WILDERNESS HEIGHTS**  
**R-3 Zoning Exhibit and Legal Description**  
**LINCOLN, NEBRASKA**

Drawn By: DAB  
 Dwg.: D4-D60 PP-PUD  
 Date: 04/10/2008  
 Job#: 04-060

**SHEET**  
 1 OF 1

## GENERAL SITE NOTES

1. PARKING LOT LIGHTING, IF PROVIDED, WILL BE IN ACCORDANCE WITH THE CITY OF LINCOLN AND L.E.S. STANDARDS.
2. THE EXISTING ZONING IS AG.
3. ALL PARKING STALLS FOR THE DISABLED SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (FEDERAL REGISTER/VOL 58, NO. 144/RULES AND REGULATIONS) AND WILL BE WITH THE FINAL DESIGN.
4. BLANKET EASEMENTS, EXCLUDING BUILDING ENVELOPES, ARE GRANTED ON ALL OUTLOTS.
5. AS PART OF THE FINAL PLAT, BLANKET UTILITY AND/OR SPECIFIC UTILITY EASEMENTS WILL BE PROVIDED TO THE SATISFACTION OF L.E.S.
6. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT DEVELOPER'S EXPENSE.
7. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
8. WITH EXCEPTION OF INSTALLATION, REPAIR AND DEVELOPMENT OF ROAD IMPROVEMENTS, STORM WATER AND DRAINAGE IMPROVEMENTS AND UTILITIES APPROVED WITH THIS P.U.D., ALL WETLANDS AND NATURAL DRAINAGE WAYS NOT SHOWN TO BE GRADED, ARE TO BE PRESERVED.
9. WITH THE EXCEPTION OF THE DEVELOPER OR OWNER'S RIGHT TO THIN AND TRIM TREES, REMOVE DEAD, DOWNED AND DISEASED TREES; FOR INSTALLATION, REPAIR, DEVELOPMENT AND CONSTRUCTION OF ROAD IMPROVEMENTS, STORM WATER, DRAINAGE IMPROVEMENTS, UTILITIES, SIDEWALKS AND BUILDINGS APPROVED WITH P.U.D., ALL TREES NOT SHOWN TO BE REMOVED SHALL BE PROTECTED AND PRESERVED.
10. DURING CONSTRUCTION ACTIVITIES, ALL TREES OR TREE MASSES TO BE PRESERVED SHALL BE CLEARLY MARKED.
11. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
12. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
13. ALL PAVING RADII ARE TO BE 20 FEET UNLESS OTHERWISE NOTED.
14. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
15. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
16. ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE 4' FT. WIDE AND LOCATED IN PUBLIC R.O.W. OR PUBLIC ACCESS EASEMENTS.
17. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT. SIGNS SHALL BE PERMITTED AND LOCATED IN ACCORDANCE WITH THE CITY OF LINCOLN SIGN CODE. INDIVIDUAL SIGNS WHICH MEET THE ZONING REQUIREMENTS ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLANS AND NO ADMINISTRATIVE AMENOMENT WILL BE REQUIRED.
18. RIGHT-OF-WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, THIS SHEET.
19. LOTS & USE  
 LOT 1, BLK 1-PROPOSED OFFICE  
 LOTS 2-5, BLK 1-PROPOSED RESTAURANT  
 LOT 6, BLK 1-PROPOSED DRIVE THROUGH RESTAURANT  
 LOT 1, BLK 2-PROPOSED MULTI FAMILY  
 LOTS 2-5, BLK 2-PROPOSED RETAIL  
 LOT 6, BLK 2-PROPOSED RETAIL/GAS STATION  
 LOT 7, BLK 2-PROPOSED DRIVE THROUGH RESTAURANT  
 LOT 8-9, BLK 2-PROPOSED RETAIL  
 LOTS 10-11, BLK 2-PROPOSED OFFICE  
 LOT 1, BLK 3-PROPOSED R-T



2200 Fletcher Ave., Suite 102  
 Lincoln, NE 68521  
 Phone: 402-438-4074 Fax: 402-438-4086  
 www.edcinc.com



ESD3



3. BLANKET UTILITY EASEMENTS ARE GRANTED ON OUTLOTS A AND B, BLOCK 2, OUTLOTS C AND D, BLOCK 1.
4. CROSS ACCESS AND PARKING EASEMENT RIGHTS ARE TO BE GRANTED ON OUTLOTS C AND D, BLOCK 1, AND OUTLOT A, BLOCK 2.
5. DIRECT VEHICULAR ACCESS TO PUBLIC STREETS IS RELINQUISHED AS FOLLOWS: YANKEE HILL ROAD AND SOUTH 40TH STREET EXCEPT FOR WILDERNESS HILLS BOULEVARD AND HOBENSEE DRIVE.
6. THE CONSERVATION EASEMENT SHOWN IS SUBJECT TO FINAL AGREEMENT BETWEEN PUBLIC WORKS, WATERSHED MANAGEMENT, AND THE DEVELOPER.
7. DEVELOPMENT SHALL BE RESTRICTED WITHIN THE FLOOD PRONE AREA (AS DEFINED BY THE PROPOSED CONSERVATION EASEMENT) PER THE TERMS AND CONDITIONS OF THE CONSERVATION EASEMENT WHEN APPROVED.
8. ALL SITE IMPROVEMENTS SHALL CONFORM TO THE CONDITIONS OF THE PENDING CONSERVATION EASEMENT. LIMITS OF THE CONSERVATION EASEMENT DISPLAYED ARE INTENDED TO BE AN ACCURATE REPRESENTATION OF THE LATEST DRAFT OF THE EASEMENT. FINAL DEFINITION OF THE EASEMENT WILL BE AS DESCRIBED IN THE OFFICIAL RECORDED DOCUMENT FILED WITH THE LANCASTER COUNTY REGISTER OF DEEDS. NO CONSTRUCTION OTHER THAN INSTALLATION OF UNDERGROUND UTILITIES AND OVERHEAD ELECTRIC TRANSMISSION LINES SHALL BE PERFORMED WITHIN THE PROPOSED EASEMENT AREA PRIOR TO ITS DEDICATION.
9. THE BUILDING ENVELOPE SHALL BE CONSIDERED ALL THE AREA LOCATED WITHIN THE SETBACKS OF EACH LOT.
10. INDIVIDUAL LOT LANDSCAPE PLANS, PARKING LOT DESIGN, AND PEDESTRIAN CIRCULATION PLAN SHALL BE REVIEWED AT TIME OF BUILDING PERMIT.
11. THE P.U.D. IS A CONCEPTUAL LAYOUT, ONLY TO SHOW GENERAL STREET PATTERNS AND FUTURE LAND USE. FUTURE ADMINISTRATIVE AMENDMENTS WILL CLEARLY DEFINE LOT AND STREET LAYOUTS FOR THE RETAIL AND COMMERCIAL CENTERS.
12. PARKING AND STREET CONFIGURATIONS SHOWN WITHIN THE COMMERCIAL AREAS ARE CONCEPTUAL AND SUBJECT TO CHANGE. FINAL PARKING AND TRAFFIC CIRCULATION WILL BE PROVIDED WITH FUTURE ADMINISTRATIVE AMENDMENTS.
13. THE DEVELOPER SHALL WORK WITH THE CITY OF LINCOLN ON A LOCATION FOR A TRANSIT STOP IF REQUESTED BY THE CITY.

14.

B-2 REQ.	LOT AREA SQ. FT.	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	HEIGHT
FOR PERMITTED USES	0'	0'	0', 20' WHEN ABUTTING RESIDENTIAL DISTRICT	5', 50' WHEN ABUTTING RESIDENTIAL DISTRICT	55'
* WHEN A SIDE OR REAR YARD ADJACENT TO A RESIDENTIAL DISTRICT, IT SHALL BE SCREENED IN CONFORMANCE WITH THE LANDSCAPE DESIGN STANDARDS ADOPTED BY THE CITY OF LINCOLN					

15. LOT 1 BLOCK 3 DENOTED AS R-T IS PERMITTED FOR THE USES AS OUTLINED IN CHAPTER 27.28 OF THE L.M.C. ADDITIONAL PERMITTED USES WILL INCLUDE PRIVATE SCHOOLS AND CHILDHOOD CARE FACILITIES WITH SIXTEEN OR MORE CHILDREN.
16. GARAGES, PARKING AND DRIVEWAYS ARE ALLOWED IN THE 50' REAR YARD SET BACKS.
17. LOT 1, BLOCK 1 DENOTED AS OFFICE IS PERMITTED FOR THE USES AS OUTLINED IN CHAPTER \_\_\_ OF THE L.M.C. ADDITIONAL PERMITTED USES WILL INCLUDE FINANCE INSTITUTION WITH DRIVE THRU.
18. LOT 5, BLOCK 2 DENOTED AS RETAIL IS PERMITTED FOR THE USES AS OUTLINED IN CHAPTER \_\_\_ OF THE L.M.C. ADDITIONAL PERMITTED USES WILL INCLUDE DRIVE THRU.

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Engineering Design Consultants

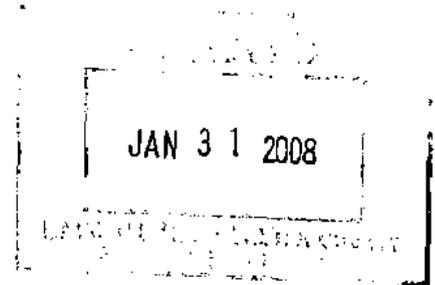
2200 Fletcher Ave.  
Suite 102  
Lincoln, NE 68521  
Ph 402-438-4014  
Fx 402-438-4026

January 30, 2008

**FIRST CLASS MAIL**

Mr. Brian Will  
Lincoln-Lancaster County Planning Department  
555 South 10th Street, Suite 213  
Lincoln, NE 68508

**RE: Addendum #1  
Wilderness Heights Planned Use Development  
EDC Project No. 04-060**



Dear Mr. Will:

On behalf of Lincoln Federal Bancorp, the additional information for the Wilderness Heights Planned Use Development has been revised per our discussions via phone on January 9, 2008 and is hereby submitted as Addendum #1 for approval per the subdivision review process.

The Wilderness Heights Planned Use Development has been designed to meet the Incentive Criteria listed in the "Lincoln/Lancaster County Comprehensive Plan" to develop a community and neighborhood center.

- *The center shall be located in a neighborhood with greater residential density than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criterion is mandatory for any center proposing to utilize the incentive.*

A center has been provided within the Planned Use Development that contains 90 apartment units on a land area of 4.38 acres. This provides a density greater than 20 dwelling units per acre integrated within the development. As well, the multi-family lot provides scenic views for residence to the environmentally sensitive conservation easement, which will sustain native grasses, the up-scale residential homes, and the community development located to the northwest, south, and southwest.

- *Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged, including residential above stores.*

A significant mix of uses has been included throughout the development that includes office, service, retail, residential, and open space. A total of four lots have been dedicated to office space. Retail space has been incorporated within seven lots, which includes a grocery store and gas station. Service oriented lots contain four sit-down restaurants and one drive-thru restaurant lot. A residential lot on 4.38 acres of land has been design to accommodate 90

apartment units. In addition, the development has a natural drainage way that will be contained within the conservation easement which consists of a total of 5.45 acres. Multi-story buildings have also been proposed for Lot 1, Block 2 and Lot 11, Block 2, as well as the apartment buildings on Lot 1, Block 2.

- *Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers).*

Wilderness Heights Planned Use Development is developed as a neighborhood center, and therefore doesn't apply to the integration of light industrial or manufacturing uses within the center.

- *Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas.*

Significant open space has been provided throughout the development which includes a conservation easement on a total of 5.45 acres. Pedestrian circulation has been designed to promote the transportation to the center by local residents by incorporating sidewalks with widths of five feet up to twenty feet wide. Within the development, areas are provided for benches and landscaping. Extra area in front of the buildings has been provided for landscaping and pedestrian access.

- *Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.*

The street network will be designed to support significant traffic capacity in the future. Traffic study analyses will be used to determine the best roadway geometry to meet future needs. Hohensee Drive will be designed to meet these needs. South 40<sup>th</sup> Street between Yankee Hill Road and Wilderness Hills Boulevard currently does not have any significant commercial development that exists at this point in time. In addition, no commercial developments exist on Yankee Hill Road between South 40<sup>th</sup> Street and South 44<sup>th</sup> Street, which will be the access road for the northern portion of the development.

- *Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking — buildings shall be oriented to pedestrians. Utilize "Floor Area Incentive Pedestrian Standards" from the Lincoln design standards.*

1. *Sidewalks installed on both sides of private drives to best serve the needs of the pedestrian within commercial and industrial developments.*

Sidewalks have been designed on both sides of the private drives running through the north and south side of the planned unit development.

2. *Additional clear walking space, in addition to the required 8 feet, provided along the front of large retail buildings containing 50,000 square feet or more in gross floor area if outside storage and display is likely along the front of such buildings.*

Additional walking space has been provided to promote pedestrian circulation in front of the large retail building located on Lot 2, Block 2 which contains 55,000 square feet of

gross floor area. A walkway of 20 feet has been proposed to be designed in front of this retail building.

In front of the restaurants located on Lots 2 – 4, Block 1, sidewalks of a width of fourteen feet wide has been incorporated to promote pedestrian circulation as well as areas for benches.

3. *Internal parking lot design that provides for the comfort and safety of the pedestrian through the provision of sidewalk facilities within the parking area. This type of pedestrian facility (3-20-06) Pedestrian Circulation in Commercial and Industrial Areas Chapter 3.105 – 3 offers the pedestrian a safe, convenient, and comfortable walking environment from the furthest parking stall up to the front of a building.*

Internal parking lot design provides for the comfort and safety of the pedestrian by providing sidewalk facilities in the area. Islands within the parking areas have been designed to accommodate a five foot wide sidewalk. Outlot D has a common pedestrian sidewalk that has been designed to accommodate pedestrian circulation.

4. *Provide for even greater pedestrian orientation through landscaping that is oriented to the pedestrian through provisions for plazas, sitting areas, fountains, and other amenities, and through the physical arrangement of buildings and parking with an orientation to the pedestrian. Also, provide pedestrian pavement markings at access drives and crosswalks.*

Areas within the buildings have been designated for landscaping to promote greater pedestrian orientation. Buildings are physically arranged to help provide for this landscaping, by setting the footprint of the building towards the rear of the lot and leaving more open space in the front of the building. Common locations have been located throughout the development to provide sitting areas for pedestrians as well as provide landscaping for the area. In addition, pedestrian pavement markings at private drives will be provided to designate crosswalks for pedestrians crossing the private drives.

5. *Bicycle racks provided in convenient and secure areas within a development to serve the needs of those who wish to bike to commercial and industrial areas.*

Bicycle racks will be provided throughout the development in convenient and secure areas within the development to serve the needs of those who wish to bike to commercial and industrial areas. The physical arrangements of the buildings help to provide for bicycle racks by leaving open space in the front of the building for such amenities.

6. *Provisions made for transit opportunities in the design of a development.*

Provisions will be made for transit opportunities in the design of the development if required.

- *Provide a "town center" orientation to the overall center plan. This emphasis is to create quality shopping environment, by having design elements such as a "main street" environment with a row of parking on both sides, slower traffic speeds, most of the parking*

*at the rear with buildings, sidewalks, benches and other amenities oriented to customers walking from store to store.*

The development is to provide a "town center" orientation by using a mix of office, service, retail, open space, and residential uses of a higher density. Multiple pedestrian and vehicular access points have been provided to the center. Pedestrian sidewalks have been provided as well as sitting areas that include benches and landscaping. Sidewalks have also been provided throughout the parking areas to contribute to the comfort and safety of the pedestrian.

The development shall be a pedestrian oriented center containing wider sidewalks in some locations, numerous eating areas, and outdoor restaurant space. Outdoor restaurant space can also be located in the rear of the lot to provide a scenic view of the conservation easement which will be seeded with low grow native grasses and native grasses.

The development shall also be comprised of a similar theme of the architecture used for building structures. Many buildings will be developed with a landscaping plan to provide scenic views throughout the community development.

Signage areas will symbolize the development and provide an introduction and entryway to the community development.

The private drives have design elements such as a "main street" environment with a row of parking on both sides in some areas. The private drives shall be of slower traffic speeds throughout the development. Benches, landscaping, and pedestrian sidewalks are oriented for customers walking from store to store, as well as residents from the area to walk to the development.

- *Plan traffic and pedestrian circulation and utilities layout to permit a future intensification of the center, if parking needs and requirements are reduced and traffic capacity allows for additional space in the center in the long term.*

Traffic, pedestrian circulation, and utilities are laid out to permit for future intensification of the center. Parking requirements throughout the development have been over exceeded to accommodate for any future reduction in parking needs and requirements as intensification occurs. In the case that future intensification does occur, possible future proposed building pads could be added to Outlots B and D.

- *Locate 1/4 to 1/2 mile from major intersections in order to facilitate traffic movements.*

All access points into the development have been located at 1/4 and 1/2 mile distances from the intersections of South 40th Street and Yankee Hill Road and South 40th Street and Rokeby Road in order to facilitate traffic movements.

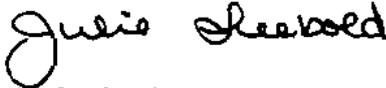
- *Provide for transit opportunities in the center design.*

As mentioned previously as part of the "Floor Area Incentive Pedestrian Standards" from the Lincoln design standards, provisions will be made for transit opportunities in the design of the development if required.

If you have any questions please feel free to contact me.

Sincerely,

**ENGINEERING DESIGN CONSULTANTS, L.L.C.**



Julie Seebold  
Civil Engineer, EIT

Enclosures/Attachments

cc: Mr. Jerry Maddox – Lincoln Federal Bancorp  
Mr. Leo Schumacher – Lincoln Federal Bancorp  
Mr. Michael Rierden – Rierden Law Offices  
Project File



Engineering Design Consultants

2200 Fletcher Ave.  
Suite 102  
Lincoln, NE 68521  
Ph 402-438-4014  
Fx 402-438-4026

November 21, 2007

Mr. Brian Will  
Planning Department  
City-County Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

**RE: Wilderness Heights Preliminary Plat  
Wilderness Heights Planned Use Development  
Wilderness Heights Change of Zone  
EDC Project No. 04-060**

Dear Mr. Will:

On behalf of Lincoln Federal Bancorp, the following applications are hereby submitted for approval per the subdivision review process:

1. Application for a Preliminary Plat for Wilderness Heights.
2. Application for a Planned Unit Development (PUD) for Wilderness Heights.

**WILDERNESS HEIGHTS PRELIMINARY PLAT**

Wilderness Heights consists of approximately 153.28 acres generally located on the southeast corner of Yankee Hill Road and 40<sup>th</sup> Street. The development will include 310 residential units consisting of a variety of single-family housing types and 3 lots consisting of commercial and office space. The Wilderness Heights Preliminary Plat includes the following:

1. The existing zoning is AG; proposed zoning is R-3 and B-2.
2. A Planned Unit Development application is submitted with this package.
3. The area of change of zone is hereby requested to be annexed into the City of Lincoln (see legal description and exhibit).
4. Agriculture (AG) is the existing use.
5. Total Usage:

a. Single Family Lots	310
b. Future Office/Commercial	3
c. Outlots	<u>1</u>
Total Lots	314

6. Direct vehicular access to Yankee Hill Road and 40<sup>th</sup> Street is relinquished except where shown.
7. Individual lot landscape plans, pedestrian circulation plans, and parking lot design shall be reviewed at the time of building permit.
8. A minimum building opening elevation shall be 1 foot above the proposed 100-year flood elevation for Lot 1 of Block 23, Lot 1 of Block 24, and Lots 1 through 15 of Block 2, which back up to the existing natural drainage way. In addition, a minimum building opening elevation shall be 1 foot above the proposed 100-year flood elevation for Lots 13 through 17 of Block 21.
9. Wetlands have been identified to exist on the site. Jurisdictional wetlands and waterways have been identified on the site. Existing wetland areas and waterways proposed to be filled are located under the future Hohensee Drive and a private road way located adjacent to Yankee Hill Road that provides access to Lot 1 of Block 23. The Army Corps of Engineers has conducted an on-site inspection and determined that these fills can be accomplished by filing a Nation-wide permit Number 23 which EDC is in the process of filing. Drainage issues associated with the development of Lot 1 of Block 23 and Lot 1 of Block 24 will be covered in the documentation for the Wilderness Heights PUD for these lots.
10. The developer is currently negotiating with the City to dedicate approximately 6 acres on this site as a conservation easement. The conservation easement is intended to provide conveyance for flood water, protect or create wildlife habitat, and provide recreational opportunities. All site improvements shall conform to the conditions of the pending conservation easement. Limits of the conservation easement displayed are intended to be an accurate representation of the latest draft of the easement. Final definition of the easement will be described in the official recorded document filed with the Lancaster County Register of Deeds. No construction other than items which are allowed in the easement language shall be performed within the proposed easement area prior to its dedication. Drainage issues associated with the development of Lot 1 of Block 23 and Lot 1 of Block 24 will be covered in the documentation for the Wilderness Heights PUD for these lots.
11. Storm water detention will be provided on Outlot A and portions of Lot 1 of Block 23 and Lot 1 of Block 24. Initial review of the detention analysis has been completed in conjunction with conservation easement negotiations. Drainage issues associated with the development of Lot 1 of Block 23 and Lot 1 of Block 24 will be covered in the documentation for the Wilderness Heights PUD for these lots.
12. The following waivers are being requested to the City of Lincoln Design Standards:
  - a. Title 2, Chapter 2.00, Section 3.6: To allow sanitary sewer to run opposite of street grade as needed to align sanitary sewer structures to line up with proposed lot lines and provide efficient layout. The sewer design is intended to provide the most efficient layout and does not require depths greater than 15 feet except as noted in Paragraph b. below.

- b. Title 2, Chapter 2.00, Section 3.6: To allow construction of sanitary sewer greater than 15 feet for the connection to Peach Blossom. The design provides for a more efficient sewer layout, eliminates parallel systems, and is necessary to extend sewer under the existing drainage channel.
- c. Title 2, Chapter 2.15, Section 2.2: To allow the intersections of local streets with major streets to be spaced less than one quarter mile apart for Hohensee Drive. Hohensee Drive is shown to intersect with South 40<sup>th</sup> Street at approximately 1,000 feet (south of Yankee Hill Road and the South 40<sup>th</sup> Street intersection). The positioning of this intersection is necessary to avoid an additional crossing of the conservation easement and channel within Wilderness Hills and minimize the crossing of the conservation easement within Wilderness Heights.
- d. Title 26, Chapter 26.23, Section 125: To waive the requirement to provide a pedestrian easement for Block 21, which measures approximately 1,225 feet at its extremities. This block backs up to the Southwood Lutheran property and conservation easement in Grandale Addition. The manmade barrier of the existing church lot and future development makes it prohibitive to provide a pedestrian easement.

To waive the requirement to provide a pedestrian easement for Block 1, which measures approximately 1,240 feet along Trickle Creek Drive. This block backs up to Yankee Hill Road. An easement in this block would not significantly improve pedestrian circulation.

To waive the requirement to provide a pedestrian easement for Block 2, which measures approximately 1,050 feet at its extremities. This block backs up to the proposed detention area and conservation easement. An easement in this block would not significantly improve pedestrian circulation.

- e. Title 26, Chapter 26.23, Section 140(c): To allow non-radial lot lines for Lot 1 of Block 2. The side lot line of this lot has been adjusted to parallel the minimum flood corridor in order to keep them from encroaching into it.
13. The developer owns the Wilderness Hills 1<sup>st</sup> Addition located to the west of the Wilderness Heights Preliminary Plat. The developer also has partial ownership interest in the Wilderness Commons Planned Unit Development located directly to the west across South 40<sup>th</sup> Street, which is in the process of being approved for commercial uses.

#### **WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT (PUD)**

The proposed Planned Unit Development is located at the southeast corner of Yankee Hill Road and 40<sup>th</sup> Street.

- 1. The existing zoning is AG; proposed zoning is B-2.

2. The area for the PUD and change of zone is hereby requested to be annexed into the City of Lincoln (see legal description and exhibit).
3. Total Usage:

a. Outlots	4
b. Office Lots	6
c. Restaurant Lots	4
d. Retail Lots	2
e. Retail/Multi-Family Lots	2
f. Office/Daycare Lot	<u>1</u>
Total Lots	19
Total Blocks	3
4. The minimum building opening elevation shall be one foot above the proposed 100-year flood elevation.
5. Individual lot landscape plans and parking lot design shall be reviewed at the time of building permit.
6. Blanket utility easements are granted on Outlots A and B, Block 2, and Outlots C and D, Block 1.
7. Cross access and parking easement rights are to be granted on Lots 1-5, Block 1 and Lots 1-10, Block 2.
8. Alignment and design of South 40<sup>th</sup> Street to be determined by the City of Lincoln.
9. All site improvement shall conform to the conditions of the proposed conservation easement.
10. Development shall be restricted within the flood prone area (as defined by the proposed conservation easement) per the terms and conditions of the conservation easement.
11. Lots abutting the open channel in Outlot B, Block 2 and Outlot A, Block 1, shall have a minimum opening elevation of 1 foot above the 100-year flood elevation, as shown on the grading and drainage plan.
12. Space for a childcare facility shall be reserved on Lot1 of Block 3.
13. Direct vehicular access to public streets is relinquished as follows: South 40<sup>th</sup> Street expect for Hohensee Drive.
14. The following waivers are being requested to tha City of Lincoln Design Standards:
  - a. Title 26, Section 26.23.130: To allow block lengths to exceed 1,320 feet.

Wilderness Heights Submittal  
EDC Project No. 04-060  
November 21, 2007  
Page 5

If you have any additional questions or concerns, please contact me at 438-4014 or at [pdingman@edc-civil.com](mailto:pdingman@edc-civil.com).

Sincerely,

**ENGINEERING DESIGN CONSULTANTS, L.L.C.**



Pamela L. Dingman, PE  
CEO

Enclosures:

**Wilderness Heights Preliminary Plat**

21 Sets of Sheets 1-10  
Application for a Preliminary Plat  
8.5 x 11 Preliminary Plat Site Plan  
8.5 x 11 Preliminary Plat Legal  
8.5 x 11 Annexation Exhibit  
2 Copies of the Traffic Report  
2 Copies of Drainage Report  
Soils Report  
\$3,100 (included in total check below)

**Wilderness Heights Planned Unit Development**

21 Sets of Sheets 1-5  
Application for Planned Unit Development with Change of Zone  
\$2,990 (included in total check below)

Two Checks totaling \$6,090 for entire submittal  
CD with PDF files for all two submittals

cc: Mr. Jerry Maddox, Mr. Leo Schumacher, and Mr. Mike Rierden

**Review Comments for  
Application #: CZ07060  
WILDERNESS HEIGHTS**

Comments as of: Thursday, April 19, 2008

Status of Review: No Rev Req

Reviewed By

BRIAN WILL

Comments:

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Status of Review: Denied 2nd

11/27/2007 11:13:48 AM

Reviewed By 911

ANY

Comments Denial based on similar sounding street names, 1) El Dorado vs ELDORA and 2) Rock Point vs ROCK PORT.

Denial based on similar sounding street names, 1) El Dorado vs ELDORA, 2) Rock Point vs ROCK PORT, 3) Kolder vs MULDER and 4) Prosper vs PROSPECT and PROSPECTOR. We also object to Yankee Hill Ct as it runs parallel to Yankee Hill Rd, thus duplicating block ranges.

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Status of Review: No Rev Req

Reviewed By Alltel

NCSBJW

Comments

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Status of Review: Approved

11/26/2007 1:38:45 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved

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Status of Review: Approved

01/03/2008 2:22:50 PM

Reviewed By Building & Safety

BOB FIEDLER

Comments: approved.

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Status of Review: Denied

01/04/2008 11:16:42 AM

Reviewed By Building & Safety

Terry Kathe

Comments: Residential Area:

1. A couple of street name changes;
  - a) Autumn Hills Drive north of Hohensee Drive and south of Yankee Hill Court should change to South 42nd Street.
  - B) Kolder Avenue, north of Hacienda Drive and south of Rock Point Drive should be South 46th Street.

Both of these are necessary for addressing lots in a comprehensible way.

2. Note 18 on the R-3 section of the PUD should probably just read setbacks as per R-3 zoning and envelopes would not need to be shown on next sheet, nor would Note 18 need to include all of the items allowed in the yards that are already allowed per the R-3 zoning district.

Commercial Area:

1. Note 21 should probably say what type of ground signs this note references. Ex. Subdivision sign, business sign, center type sign. I believe they might mean the sign described in Section 27.69.046(c)
2. Notes should be clearer that describe the buildable area. The notes reference building envelopes, yet describe setbacks in the table, but then state that all will be clarified in subsequent administrative amendments to the PUD.
3. Are the access drives going to be named streets or just driveway easements. This will effect the addresses.

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Status of Review Complete

12/14/2007 2:01:50 PM

Reviewed By Fire Department

NCSBJW

Comments: The utilities plan of fire hydrants is acceptable from the perspective of our department. The main concern is the lack of fire facilities in the area to provide the type of emergency response that our citizens have grown accustomed to.

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Status of Review: Complete

04/10/2008 4:01:23 PM

Reviewed By Fire Department

NCSBJW

Comments: My concerns are pretty consistent with developments that are on the outskirts of the city. We have a lack of fire facilities that does not allow us to provide timely response. Citizens in the corp of the city get a faster response then what can be expected in these area. The residential part looks okay in respect to fire hydrant spacing and accessibility. In the commercial area near 40th street, there is private road which I think would correspond to 41 street. There are no fire hydrants indicated between Wilderness Hills Blvd and Hohensee Drive, and the same for Hohensee Drive and Yankee Hill. I would like to see a couple of hydrants in the first and maybe at least one in the second. Let me know if this can happen. I see that they are running water services from 40th street so if they could help us out it would appreciated.

031

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: January 11, 2008

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Wilderness Heights  
EH Administration LCZ #07060 AN #07003  
LPP #07004 Revised

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.

All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Water wells existing when annexation occurs may continue to exist and be used for domestic (household) or non-domestic (irrigation) use if the use is consistent with the use prior to annexation. A biennial well permit is required for all wells within the city limits.

The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.

Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD strongly advises the applicant to become familiar with LMC 8.24. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.

According to the LLCHD's Geographic Information System (GIS) records, a high pressure underground natural gas pipeline is located along the northern edge of this

proposed development. See the attached GIS map for the location of this underground pipeline. The LLCHD calculated a hazard area of approximately 221 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.

| At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, according to the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use, recommended that, 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. The applicant has addressed this concern in the site specific notes.

| The developer indicates that space for a childcare facility will be reserved on Lot 1 Block 3. The LLCHD will not support locating a childcare facility in this location due to it being located in the projected hazard area. The LLCHD strongly recommends relocating the allotted space for a childcare facility. The revised plans do not specifically list a childcare facility as a use in the general site notes. Lot 1 Block 3 is now proposed as an R-T Lot while stating that private schools and daycares of more than 16 children are allowed uses.

| The LLCHD does not support waivers which have a negative impact on the walkability of neighborhoods. Specifically, the developer has requested to waive the requirements for pedestrian easements on Blocks 1, 2, 15 and 21.

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Status of Review: **No Rev Req**

Reviewed By **Law Department**

**NCSBJW**

Comments:

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Status of Review **Complete**

Reviewed By **Lincoln Electric System**

**JIM HENNESSY**

Comments:

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Status of Review: **Complete**

01/18/2008 12:08:45 PM

Reviewed By **Lincoln Police Department**

**DON SCHEINOST**

Comments: The Lincoln Police Department, at this time, has one issue with the Wilderness Heights Planned Unit Development, specifically item #14. The Lincoln Police Department does not support the plan to allow block lengths to exceed 1,320 feet.

Extended block lengths have in the past caused several safety and emergency response issues during construction and at times of medical emergencies and accidents post construction. The extension of block lengths can cause problems when traffic is forced to be re-routed due to these, or other incidents. The Lincoln Police Department does not support this aspect of the PUD.

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Status of Review: **No Rev Req**

Reviewed By **Natural Resources District**

**NCSBJW**

Comments:

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Status of Review: **Approved**

11/27/2007 9:48:44 AM

Reviewed By **Parks & Recreation**

**ANY**

Comments: 1. Contact the Forestry Department at 441-7036 for the assignment of street trees.

2. All outlot areas to be maintained by the developer/and or future homeowners association.

3. Requesting lots 8 - 11, block 8 plus adjoining portion of Oulot C of Grandale Addition for neighborhood park.

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Status of Review: **Approved**

01/16/2008 8:10:08 AM

Reviewed By **Parks & Recreation**

**ANY**

Comments: Thanks Brian,  
We feel confident that we will be able to locate a new neighborhood park in the Grandale Development and therefore are comfortable with withdrawing our request for park land in the Wilderness Heights Development.

If you have any additional questions or concerns, please do not hesitate to give me a call.

Thanks again, J.J.  
J.J. Yost  
Planning and Construction Manager  
Lincoln Parks and Recreation  
(402) 441-8255 phone  
(402) 441-8706 fax

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Status of Review: **Routed**

Reviewed By **Planning Department**

**COUNTER**

Comments.

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Status of Review: **No Rev Req**

Reviewed By **Planning Department**

**BRIAN WILL**

Comments:

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Status of Review: **Active**

Reviewed By **Planning Department**

**BRIAN WILL**

Comments

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Status of Review: **FYI**

**01/09/2008 9:16:59 AM**

Reviewed By **Planning Department**

**RAY HILL**

Comments: **Talk to Terry about revising some of the street names.**

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Status of Review: **No Rev Req**

Reviewed By **Public Utilities - Wastewater**

**NCSBJW**

Comments

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Status of Review: **Complete**

**12/17/2007 9:33:34 AM**

Reviewed By **Public Works - Development Services**

**SIETDQ**

Comments: **Brian, there are two primary preliminary comments. First, the traffic study needs to be updated with the new uses for the commercial area and any change in traffic patterns that may result from the revised plans. There traffic operations cannot conduct a review until the study is revised and resubmitted. Second, there are numerous errors in the pipe sizing calculations that will need to be corrected. These comments do not represent a full review of the plat by Public Works. Additional comments and conditions may be made after a full review is conducted.**

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Reviewed By Public Works - Development Services

SIETDQ

Comments Engineering Services has reviewed the submitted plans for the Wilderness Heights PUD, located on the southeast corner of South 40th Street and Yankee Hill Road and has the following comments:

· Sanitary Sewer

(1.1) The 66' public access and utility easement needs to be revised to specifically list public sanitary sewer.

· Water Main

(2.1) The water meter structures need to be shown and labeled on the plans for the proposed private water mains.

(2.2) A 12" main needs to be shown in Peach Blossom from Ridge Gate to the south boundary, Ridge Gate from Peach Blossom to 48th Street, 48th Street to Yankee Hill Road, Hacienda from Wilderness Heights Boulevard to Peach Blossom, and Wilderness Heights from Hacienda to the existing 12" in Wilderness Hills Boulevard. These alignments will serve as the half mile routes.

· Grading/Drainage

(3.1) Watershed Management's comments concerning detention and flood regulations need to be addressed to the satisfaction of Public Works.

(3.2) The proposed grading plan does not appear to match the proposed storm sewer. The grades indicate that the runoff will drain away from the proposed inlets. Revisions need to be made such that the proposed grading matches the storm sewer design.

(3.3) The low point in Hohensee Drive that is supposed to drain the 100 year storm into the detention areas is shown to be less than 6" lower than the high point in the profile to the west. As a result, the runoff will bypass the drainage way and detention area and drain to 40th Street. The grading plan and profile need to be revised to show the 100 year storm being routed to the detention areas for both commercial areas north and south of Hohensee.

(3.4) The proposed grading plan shows areas in Blocks 11 and 12 where the grades are approaching 1% across the proposed lots. This small of slopes makes it difficult for the future builders to adequately drain the lots with houses built on them. Public Works recommends the grading be revised to show 2-3% minimum grades across all proposed lots.

· Streets/Paving

(4.1) It appears that, based on the traffic volume indicated in the submitted draft traffic study, urban paving will be required to serve the commercial uses shown on the east and west side of South 40th Street. Provisions will need to be made for improving South 40th Street with these projects. South 40th Street does not appear in the 2006-2012 CIP for improvement.

(4.2) The approved plat for Grandview to the south shows half of a street stub to the east. The site plan needs to be revised to show the north half of this street stub.

· Waivers

(5.1) The requested waiver of design standards to construct sewer opposite of street grades is approved by Public Works.

(5.2) The requested waiver of design standards to construct sewer deeper than 15' does not seem to be necessary with this plat. The location described appears to be where the sewer drains to the south offsite to the Grandale preliminary plat. It seems that at the time the sewer extension in Grandale is constructed, the depth of sewer can be addressed.

(5.3) The requested waiver of design standards to allow intersections on a major street closer than 1320' is approved by Public Works.

(5.4) The requested waiver of the Subdivision Ordinance to create block lengths in excess of 1000' without providing pedestrian easements for Block 21 and Block 2 are approved. If the Planning Department is not in favor of not requiring a pedestrian easement for Block 15, as stated in the submittal letter, Public Works does not object. The requested waiver for Block 1 should be approved contingent on the waiver for Block 15 being approved. If the waiver for Block 15 is not approved, the pedestrian circulation plan should certainly include a connection to the pedestrian easement in Block 15.

(5.5) The requested waiver of the Subdivision Ordinance to create a block length greater than 1320' is approved by Public Works.

General – The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved. Any waivers not specifically requested with this application do not have implied approval. If a waiver of design standards arises at the time of construction plans, Public Works reserves the right to deny such a waiver and require that the plans be revised accordingly

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Status of Review: **Complete**

Reviewed By **Public Works - Long Range Planning**

**NCSBJW**

Comments:

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Status of Review: **Complete**

**01/29/2008 3:09:39 PM**

Reviewed By **Public Works - Watershed Management**

**NCSBJW**

Comments: **Below are Watershed Managements comments for the Wilderness Heights preliminary plat.**

1.1 12 inch pipe sizes are shown in the Preliminary Pipe Sizing table. For public drainage systems the smallest pipe diameter allowed is 15 inches. Revise the table to change all 12 inch pipe sizes to 15.

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Status of Review: **No Rev Req**

Reviewed By **Rural Fire District**

**BRIAN WILL**

Comments:

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Status of Review: **No Rev Req**

Reviewed By **School District**

**BRIAN WILL**

Comments:

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Status of Review: **No Rev Req**

Reviewed By **Urban Development**

**ANY**

Comments:

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Status of Review: **No Rev Req**

Reviewed By **Urban Development**

**ANY**

Comments:

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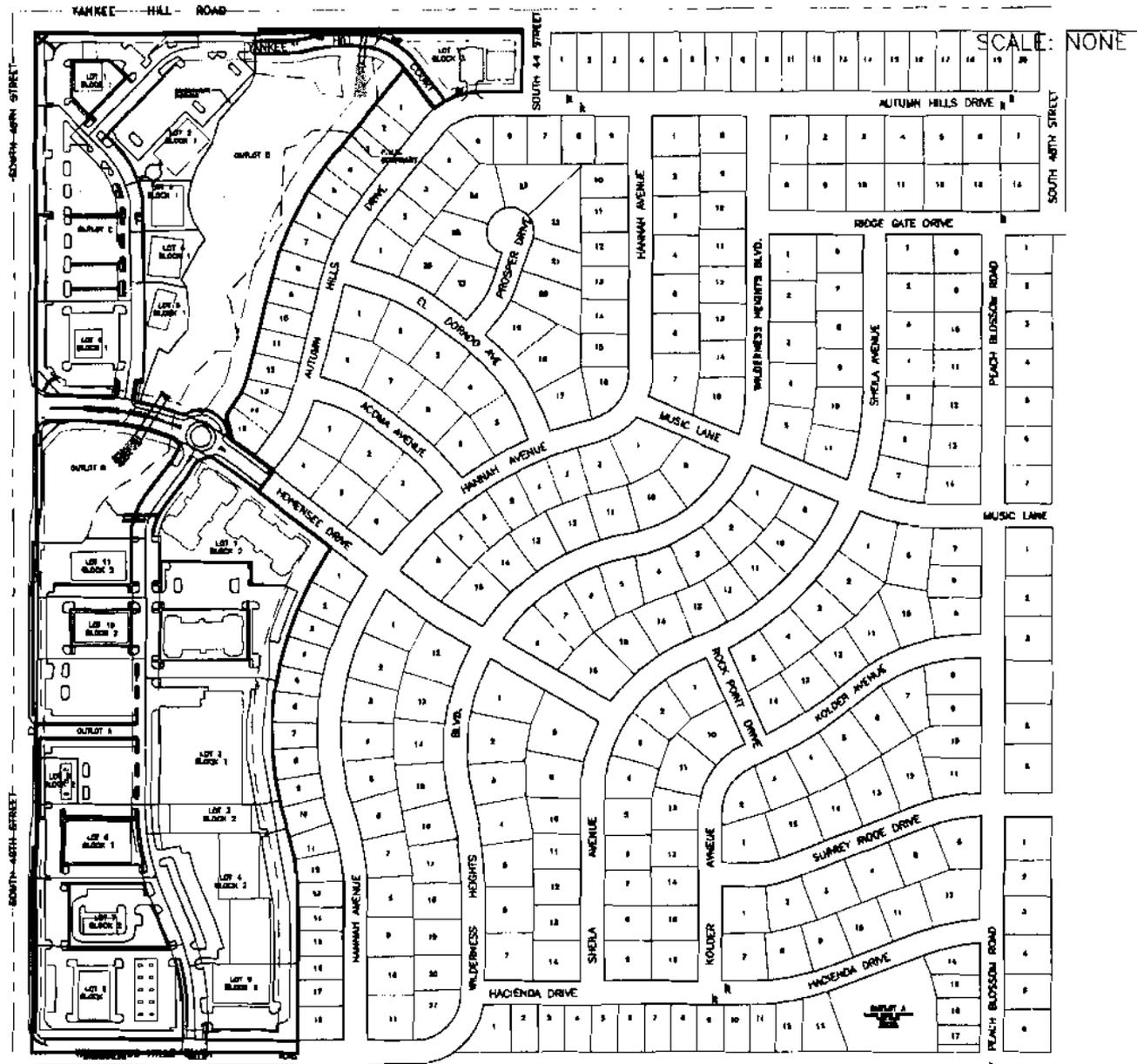
Status of Review: **No Rev Req**

Reviewed By **US Post Office**

**BRIAN WILL**

Comments

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039



**WILDERNESS HEIGHTS  
LAYOUT  
LINCOLN, NEBRASKA**

Drawn By: MTP  
Dwg.: WH LAYOUT EXHIBIT SHEET  
Date: 04/14/2008  
Job#: 04-060

1 OF 1