

FACTSHEET

TITLE: CHANGE OF ZONE NO. 15013
(Between South 48th Street and South 52nd Street,
south of Yankee Hill Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Christian Retirement Home, Inc.

RECOMMENDATION: Conditional Approval as Amended (8-0: Harris, Cornelius, Hove, Weber, Scheer, Corr, Sunderman, and Lust voting 'yes').

STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:

To change the zoning from AG Agriculture District to R-3 Planned Unit Development to develop a Residential Healthcare Facility and a mix of residential and office uses, on property generally located between South 48th Street and South 52nd Street, south of Yankee Hill Road.

DISCUSSION / FINDINGS OF FACT:

1. This change of zone request and the associated Annexation No. 15004 (Bill #15-83) were heard at the same time before the Planning Commission.
2. The purpose of this change of zone from AG Agriculture District to R-3 Residential Planned Unit Development for a phased, mixed-unit project including independent living units, assisted living units and memory care units with O-3 uses and additional residential reserve for future development.
3. The staff recommendation for conditional approval of this change of zone request is based upon the "Analysis" as set forth on p.6-8, concluding that the change of zone is in conformance with the Comprehensive Plan. The staff presentation is found on p.14-17.
4. The applicant's testimony is found on p.17, and additional testimony on behalf of the applicant is found on p.17-20.
5. The applicant proposed revisions to the staff's recommended conditions for this change of zone, which are found on p.15.
6. On June 10, 2015, the Planning Commission voted 8-0 to amend the conditions of approval, as proposed by the applicant, and recommended conditional approval of this change of zone request as amended.
7. On June 10, 2015, the Planning Commission also voted 8-0 to recommend conditional approval of the associated Annexation No. 15004 (Bill #15-83).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: June 17, 2015

REVIEWED BY: David R. Cary, Acting Planning Director

DATE: June 17, 2015

f:\devreview\factsheets\2015\cc\CZ15013+

Amended as per Planning Commission - June 10, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 10, 2015 PLANNING COMMISSION MEETING

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 #: Change of Zone No.15013 PUD
Annexation No. 15004

PROPOSAL: An annexation and a Change of Zone from AG Agriculture to R-3 Planned Unit Development to develop a Residential Healthcare Facility, and a mix of residential and office uses.

LOCATION: Between S. 48th Street and S. 52nd Street south of Yankee Hill Road.

LAND AREA: 21 acres more or less

EXISTING ZONING: AG Agriculture.

CONCLUSION: Assisted Living, Memory Care and Independent Living dwelling units will continue to increase in demand as the population of our community continues to age. Residential development at this location is appropriate outside of the of the Pipeline Planning Area with office and communal uses appropriate nearer to Yankee Hill Road. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

RECOMMENDATION

Annexation Conditional Approval

Change of Zone No. 15013: Conditional Approval

Waivers/Adjustments:

1. Title 26, Section 26.15.020 to allow information on or accompanying a preliminary plat, final plat or building permit for a Planned Unit Development to be submitted with future administrative amendments. Approval

2.	Title 26, Section 26.23.125 to waive the requirement to provide a pedestrian easement for a block length exceeding 1,000 feet.	Approval
3.	Title 26, Section 26.23.130 to allow a block length to exceed 1,320 feet.	Approval
4.	Title 27, Section 27.72.030 to allow height limitations of buildings to increase from 35 feet to 50 feet.	Approval
5.	Title 27, Section 27.69.340 to allow for O-3 sign regulations rather than PUD sign regulations excluding signage in single and two family development area.	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

GENERAL INFORMATION:

LEGAL DESCRIPTION for both the Change of Zone and Annexation: Lot 42, Irregular Tract, located in the NW 1/4 of Section 29-9-7, Lincoln, Lancaster County

EXISTING LAND USE: Farm ground and a Broadcast Tower.

SURROUNDING LAND USE AND ZONING:

North/South/East: AGR Agricultural Residential Zoning - Acreages

West: R-3 Residential - The R-3 property is inside the City limits. It is currently vacant but has been preliminary platted for single and two family lots.

HISTORY: In June of 1973 City Council approved Special Permit #659 that allowed an expansion to an existing broadcast transmitter building. During the 1979 Zoning Update the area was converted from 'AA' Rural and Public Use to 'AG' Agriculture. In January of 1986, Special Permit #659A was granted to construct a 300 foot radio tower on this site. In 1987 the Special Permit #659B was amended to increase the tower's height to 340 feet. There were at least four large towers on the site at one time. Prior to 2005 all of the towers were removed.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2040 Future Land Use Map shows this property as Urban Residential. Page 1.9

The number of people in Lancaster County aged 65 and older is projected to increase by about 44,000 to reach about 75,000 in 2040. Page 2.4

Issues relating to an aging population will increase in importance as more and more individuals reach the age of 65 and above. New assisted living and nursing facilities will likely be needed as Baby Boomers move into their later years. Page 2.4

Expansions of existing health care locations are expected and a wide variety of new facilities will likely come forward over time. Page 5.3

Provide a wide variety of housing types and choices for an increasingly diverse and aging population. Page 7.2

Develop Lincoln as a major network of quality regional health care services at reasonable costs. Page 8.2

Encourage health care service facilities to meet the demand of the community's growing and aging population base. Page 8.3

Medical services, including physical and mental health care services, should be integrated and accessible within the community. Page 8.3

Many of the existing medical facilities are located near existing residential neighborhoods and are expected to remain the vital core of health care services in the county and region. Page 8.3

Provide for accessible physical and mental health care services in appropriate areas in and around residential neighborhoods. Page 8.7

The demand for health care services increases as a result of the community's growing and aging population. Page 8.7

The ANNEXATION POLICY- Page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City.

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed.

Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

UTILITIES:

Sanitary Sewer

Sanitary sewer is constructed approximately ½ mile west of this property in S. 40th Street. This area can be served by sanitary sewer, but it requires going through the adjacent property. The details of extending the sewer to this property have not yet been worked out. The applicant is proposing that the sewer extension required to service this property and properties to the north be included in the next Capital Improvement Budget as New Growth funds to pay for this impact fee trunk sewer extension. The Developer, at its expense, will fund the portion of the sewer extension that serves this property but expects to be reimbursed if property north of Yankee Hill Road connects to the line that they fund.

Water

There is already a water line in Yankee Hill Road. Waterlines will be installed in S. 48th Street with Phase 1 (the development of the Residential Healthcare Facility) of this project. The applicant will be required to reimburse the Lancaster Rural Water District to obtain release of this property from the district.

LES

Lincoln Electric System already serves this area.

TOPOGRAPHY: The site slopes up from Yankee Hill Road. Specifically it slopes up from northwest to southeast.

TRAFFIC ANALYSIS: Yankee Hill Road is an urban arterial. S. 48th Street and S. 52nd Street are both local streets.

PUBLIC SERVICE:

Lincoln Fire and Rescue - The Residential Healthcare facility development plan coincides with the planned joint public safety facility in southeast Lincoln according to Lincoln Fire and Rescue. When both projects are completed, Lincoln Fire and Rescue will be within 4 minutes of the development. Given this information, Lincoln Fire and Rescue recommends approval of this application including the annexation.

AESTHETIC CONSIDERATIONS: There are no residential or commercial design standards for this area.

REGIONAL ISSUES: There is a natural gas pipeline located in the Yankee Hill Road right-of-way. The Lincoln/Lancaster County Health Department has calculated a 'Pipe Line Planning Area' (PPA) extending 221 feet on either side of the pipeline. The PPA is noted on the site plan. This pipeline runs east-west along Yankee Hill Road from approximately SW 12th Street to 84th Street. The Health Department recommends that no habitable residential structures be located within the PPA. That means that opens space, parking lots, garages, office and commercial buildings may be located in this area, but not dwellings, early childhood care facilities or K-12 schools.

ALTERNATIVE USES: Although the Comprehensive Plan shows this area as Urban Residential on the Future Land Use Map, urban residential development is not recommended to be in the Pipeline Planning Area (PPA). The Comprehensive Plan does not recommend lining entire sections along arterial streets with commercial uses. It will take some creative design ideas, such as the proposed Planned Unit Development, to allow for residential uses without placing vulnerable populations in the 221 foot PPA.

ANALYSIS:

1. This is a request for a Planned Unit Development for a residential healthcare facility, R-3 Residential Development and limited O-3 Office uses. The proposal includes a mixture of unit types including independent living units, assisted living units and memory care units. The project will be done in phases with the residential healthcare facility being constructed in Phase 1 (adjacent to S. 48th Street) and O-3 uses and additional residential reserved for future development. These future uses will be on lots platted adjacent to S. 52nd Street. This proposal also includes an annexation request for the entire property.
2. The density for the residential healthcare facility component of this project will be per the R-3 zoning district, special permit for a residential healthcare facility. This calculates to be 1 resident per 2,000 square feet of lot area. Phase 1/Area 1 is approximately 15 acres permitting up to 326 residents.
3. The property is located adjacent to the City limits. It can be served by water and it will be a condition of approval that the site will also be served by city sanitary sewer which is generally located at S. 40th Street and Yankee Hill Road today.

4. The Pipeline Planning Area poses some challenges to residential development on this site. The applicant has agreed to keep all residential areas, including the places where people sleep out of the northern most 221 feet of this property. The site plan shows the Wellness Center, reception area, offices, dining and Learning Center in the 221 feet PPA. These uses in the PPA are acceptable because they can be evacuated quickly in an emergency. City staff also supports allowing limited O-3 uses in the north east corner of this site. Uses that should not be permitted in this area include: Dwellings, Early Childhood Care Facilities, and Schools (K-12).
5. Only Area 2 (the lot in the PPA) be used for office. The Comprehensive Plan encourages transitions from commercial to low density residential. There are currently acreages to the east of this site. It would not be in conformance with the Comprehensive Plan to insert a line of commercial uses between two residential developments. A more appropriate transition to very low density residential would be single and two family lots, other permitted or conditional uses allowed in the R-3 or additional residential healthcare units.
6. A landscape plan will be submitted showing the preservation of existing trees and additional landscaping along the south property line to the satisfaction of the Planning Director. At a minimum the same screening requirements that apply to multifamily should be applied along the south lot line.
7. The applicant has also requested the on-sale of alcohol as an accessory use to the residential healthcare facility. Alcohol would be served at times in the common area where residents from the independent living area will congregate. As long as the sale of alcohol is only in Area 1 and accessory to the residential healthcare facility then it is appropriate in this residential setting.
8. Public Works and Utilities approves the access to the site from S. 48th Street and from S. 52nd Street with a phased development plan. Improvements to S. 52nd Street as well as temporary turn lanes for S. 52nd Street in Yankee Hill Road shall be installed when the property adjacent to S. 52nd Street is platted. Turn lanes in Yankee Hill Road for S. 48th Street and improvements to South 48th Street shall be required with Phase 1 and the first Final Plat of this property.
9. A waiver has been requested to adjust the height in Area 1 from 35 feet to 50 feet. Due to the orientation of the Independent Living building being angled away from the residential to the south the increase in height is acceptable. A condition of approval is that any building in Area 1 that exceeds the height of the district will generally have the same orientation and setback as shown on the site plan.
10. Waivers to the block length and pedestrian connection requirements have been requested. This site is intended to develop as a campus with no internal street system, rather than a neighborhood. The developer will provide a pedestrian circulation plan that provides access to public sidewalks located in the abutting rights of way.

11. A waiver has also been requested to provide information required with Title 26 Section 16.15.020 with future administrative amendments for all areas other than Area 1. This information include items such as building configuration, grading and drainage, paving profiles (for S. 52nd Street) storm water detention and sewer calculations, lot layout and street data. Staff finds this request acceptable due to the unknown nature of the specifics of how the eastern half of this property will develop.
12. The site plan does not appear to match up with the streets in the Wilderness Heights Preliminary Plat to the west of S. 48th Street. The applicant will need to revise this site plan to line up street connections with Wilderness Heights or amend the Wilderness Heights preliminary plat to match this site.
13. No reimbursement is necessary for the Southeast Rural Fire district in this area.

This approval permits the development of residential healthcare facility, R-3 Residential uses and O-3 office uses and to allow information on or accompanying a preliminary plat, final plat or building permit to be submitted with future administrative amendments, and to waive the requirement to provide a pedestrian easement for a block length exceeding 1,000 feet, allow a block length to exceed 1,320 feet, allow height limitations of buildings to increase from 35 feet to 50 feet, to allow for O-3 sign regulations rather and allow for the on-sale of alcohol as an accessory use in Area 1.

The City also agrees with the approval of this Annexation that the sewer extension required to service this property and properties to the north be included as an eligible project and added to the list in the next Capital Improvement Budget as New Growth funds, for further consideration, to pay for the impact fee trunk sewer extension.

CONDITIONS OF APPROVAL FOR THE PLANNED UNIT DEVELOPMENT:

Site Specific Conditions Change of Zone - Planned Unit Development:

1. Before receiving building permits or before a final plat is approved 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.
 - 1.1 Revise the Grading and Drainage Plan to the satisfaction of Watershed Management.
 - 1.2 Revise Note #1 to show Area 1, 2, 3 and 4 permits Residential Healthcare Facility, ~~Area 1, 3 and 4 permits Residential Healthcare Facility~~ or R-3 Residential Uses and Area 2 and 3 permits O-3 Office Park District office uses excluding early childhood care facilities, dwellings or K-12 Schools.

- 1.3 Add under General Notes “ Any building in Area 1 that exceeds the height of the district will generally have the same orientation and setback as shown on the site plan.”
 - 1.4 Remove the land use table and add a note that states setbacks will be per the R-3 and O-3 zoning, as indicated in each area, except for the more restrictive setbacks shown on this plan.
 - 1.5 Revise note #19 to state S. 48th Street will be paved to the southern limits of the adjacent paving shown on the adjacent preliminary plat.
 - 1.6 Revise the note under the sign table to reference the title and chapter not the section.
 - 1.7 Revise note #18 to limit on-sale of alcohol only as an accessory to the residential healthcare facility and only in Areas 1 and 2.
 - 1.8 Revise note #17 to state “ Dwellings, schools, and childcare facilities are not permitted in the Pipeline Planning Area”.
 - 1.9 Delete notes 9 and 15 and provide a landscape plan that shows what trees are to remain and shows screening along the south lot line that meets the design standards for multifamily development.
 - 1.10 Revise the note #13 to state that “Accessory structures not requiring an occupancy permit are permitted out side the setback and need not be shown on the site plan.”
 - 1.11 Revise the site plan to conform to the Wilderness Heights Preliminary Plat or amend the Wilderness Heights preliminary plat to match this site plan.
2. Prior to the issuance of a building permit:
- 2.1. The construction plans must substantially comply with the approved plans.
 - 2.2 Final plat(s) shall be approved by the City.
 - 2.3 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.

If any final plat on all or a portion of the approved planned unit development is submitted five (5) years or more after the approval of the planned unit development, the city may require that a new planned unit development be submitted, pursuant to all the provisions of section 26.31.015. A new planned unit development may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the planned unit development as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

Before a final plat may be approved, Developer agrees, as subdivider, must enter into an agreement with the City whereby Developer agrees:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along Yankee Hill Road within two (2) years following the approval of the final plat.

to complete the public water distribution system within two (2) years following the approval of the final plat.

to complete the public wastewater collection system within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights within two (2) years following the approval of the final plat.

to complete the planting of the street trees along S. 48th Street and S. 52nd Street within six (6) years following the approval of a final plat.

to complete the planting of street trees along Yankee Hill Road within two (2) years following the approval of a final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to timely complete any other public or private improvement or facility required by the Land Subdivision Ordinance which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to complete the public and private improvements shown on the Planned Unit Development.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair, including the routine and reasonable preventative maintenance of the private improvements, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private improvements, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these additional maintenance issues or costs are the responsibility of the developer.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Developer(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Developer shall not be relieved of Developer's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access to Yankee Hill Road.

Standard Conditions for the Change of Zone:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the dwelling units/buildings all development and construction shall 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 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
 - 3.5 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 special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

- 3.6 The site plan as approved with this ordinance voids and supersedes Special Permit No. 659, Special Permit No. 659A, and Special Permit No. 659B.

Prepared by:

Christy Eichorn, Planner
402-441-7603
ceichorn@lincoln.ne.gov

DATE: May 28, 2014

APPLICANT: Christian Retirement Home , INC
Carol Ernst, Executive Director
6315 O Street
Lincoln, NE 68510

OWNER: Edward A Thompson
1762 Corallina Drive
Cape Coral, FL, 33991

CONTACT: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

**ANNEXATION NO. 15004
AND
CHANGE OF ZONE NO. 15013**

ANNEXATION NO. 15004, TO ANNEX APPROXIMATELY 21 ACRES, MORE OR LESS, INCLUDING ADJACENT RIGHTS-OF-WAY, OF PROPERTY GENERALLY LOCATED AT 4949 YANKEE HILL ROAD, BETWEEN SOUTH 48TH AND SOUTH 52ND STREETS.

AND

CHANGE OF ZONE NO. 15013, EASTMONT AT YANKEE HILL PLANNED UNIT DEVELOPMENT, FOR A CHANGE FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, ON PROPERTY GENERALLY LOCATED AT S. 52ND STREET AND YANKEE HILL ROAD; FOR A PLANNED UNIT DEVELOPMENT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A RESIDENTIAL HEALTHCARE FACILITY AND ASSOCIATES USES, OFFICE USES AND RESIDENTIAL USES PER THE R-3 ZONING DISTRICT.

PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

June 10, 2015

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

There were no ex parte communications disclosed on these items.

Staff presentation: **Christy Eichorn of the Planning Department** provided an overview of the project. This is a two part project – an annexation and a change of zone with a planned unit development (PUD) overlay. This project is located along Yankee Hill Road between the future South 48th and the existing South 52nd Street, which consists of approximately 20 acres. Fifteen of the 20 will be utilized in phase 1 development for a residential healthcare facility with the remaining 5 acres being built out in phase 2 – consisting of some O-3 office uses as well as residential uses and potential residential healthcare uses. Eichorn explained that the pipeline runs along Yankee Hill Road; thus, there is a 221-foot pipeline planning area, which limits the kind of uses that can be located within the 221 feet – including dwelling units, daycares and K-12 schools. In order to not have commercial go from 27th to 84th Street, they have to look at creative ideas for both promoting residential and not allowing residential within the area of the pipeline planning area. The applicant has come up with a creative and unique design in

order to pull the building back and put the dwelling units closer to the residential – the acreages located to the south – and to put the commercial and common areas up closer to Yankee Hill and within the pipeline planning area. One of the waivers included in this application includes an increase in height, going from 35 feet to 50 feet. Staff supports this waiver because the building is angled; therefore, only a very small portion of the building that would 50-feet high is within 40 feet of the acreages to the south. Eichorn noted that there is also request for O-3 signage for the residential healthcare facility lots as well as the proposed O-3 use lots in the northeast corner of the site, which staff supports. These are both located along Yankee Hill Road, which is an arterial. There is not O-3 signage in the area to the south, where future residential uses are proposed. Staff has requested a more detailed landscape plan from the applicant, which the applicant has agreed to provide. This would provide for screening along the south property line, meeting the multi-family screening standards for the buildings that exceed the height that is allowed in the zoning district. The parking standard for these types of structures is one stall for every four residential units and two stalls for every three employees on the largest shift, which has been met by the applicant. Underground parking would be provided underneath the independent living facility, which helps to provide green space between the residential to the south of this development. This proposal would allow up to 300 individuals to reside in the residential healthcare facility and would approve some O-3 uses and residential uses along South 52nd Street. They would need to meet all subdivision requirements other than the two waivers that have been requested

Questions of Staff:

Lust referred to the motion to amend from the applicant, and noted that everything is in agreement except the “and 3” portion (See below)

- 2.2 Revise Note #1 to show Area 1, 2, 3 and 4 permits Residential Healthcare Facility, Area 1, 3 and 4 permits Residential Healthcare Facility or R-3 Residential Uses and Area 2 and 3 permits O-3 Office Park District office uses excluding early childhood care facilities, dwellings or K-12 Schools.

- 2.7 Revise note #18 to limit on-sale of alcohol only as an accessory to the residential healthcare facility and only in Areas 1 and 2.

- 2.11 Revise the site plan to conform to the Wilderness Heights Preliminary Plat or amend the Wilderness Heights preliminary plat to match this site plan.

Lust questioned why staff is not supportive this. Eichorn explained that in the comprehensive plan this area is shown for urban-residential development and it is the department’s belief that residential healthcare facilities fit well within the urban-residential land use. The O-3 is an office land use which is more commercial in nature and is often used as a transition. To put a transition between two residential land uses on the east side of South 52nd Street and the residential land use being approved with the residential healthcare facility, doesn’t seem to be a good transition. The O-3 zoning

area also does not have specific site plan approved with it, so all O-3 uses would be permitted along 52nd Street, which is a broad category of uses that could be allowed. Eichorn explained that it would be best to transition from a residential healthcare facility to single or two-family residential or another part of the residential healthcare facility, to the acreages located on the east side of So. 52nd Street. Eichorn used the site map to identify the designated areas of the project. She noted that staff agrees with all the conditions of the motion to amend except for the first one, which relates to Area 3. Staff recommends that it be used for urban-residential uses such as single or two-family uses or expansion of the residential healthcare facility. This would ensure a smooth transition to the east. In the future, the applicant could come back and indicate that they would like to rezone this area within the PUD to something more specific with a site plan that shows the layout, screening and landscaping, parking, etc. for consideration. Because of the lack of a site plan or specifics in this area, staff does not feel comfortable recommending approval for all the uses that could be done in the O-3 on this particular lot. Eichorn noted that the O-3 area to the north is located in the pipeline planning area, which does not allow for residential dwelling units in that area, so it makes sense to allow O-3 uses.

Corr asked if O-3 uses would be allowed in Area 2 and Area 3 with the proposed amendment. Eichorn stated that the applicant would like to include Area 3 for O-3 uses. The staff report conditions of approval indicate that O-3 land uses would only apply to Area 2. The motion to amend, as proposed by the applicant, would include Areas 2 and 3.

Corr asked if the original application that came forward only included the northeast (Area 2) to be approved as O-3? Eichorn indicated that as the conditions of approval in the staff report as written today, this is correct.

Scheer asked if the entire area of Area 2 is located in the pipeline planning area? Eichorn indicated that it is.

Corr asked Eichorn to identify where the entrances and exits are located on the site plan – one on 52nd Street and one on 48th Street. Eichorn identified these entrances, stating that one of the conditions of the staff report is for the 48th Street access to line up with the access to the preliminary plat to the west. Eichorn noted that there is an additional access point located on 52nd Street.

Corr referenced the two retention ponds – she is only able to identify the one in the northwest corner and asked where the second pond is located. Eichorn deferred to the applicant to address this question.

Hove asked if the residential units are located far enough away from the pipeline planning area to where it is not an issue. Eichorn stated that this is correct and noted that the concern of the Health Department is really only the 221 feet. All the beds associated with the healthcare facility and dwelling units are located south of the pipeline planning area. She noted that commercial and office uses, and recreational uses such as swimming pools and clubhouses are common uses for this area.

Lust stated that Area 4 is residential and staff wants Area 3 to stay residential, as opposed to O-3, and Area 2 can be office. She asked for clarification on having office use as a transition between residential areas? Elchorn stated that they use office as a transition area but for this area and the use of this facility, which is adjacent to the west, there are residential units. It doesn't make sense to go from a higher density residential to put office uses in the middle when there is lower density residential uses on the east side of South 52nd Street. The Planning Department doesn't believe this is appropriate at this location because there is no specific site plan showing that it would be a good transition. Staff is just saying no until a specific site can be considered.

Proponents:

1. Carol Ernst, Executive Director of Eastmont Towers, the applicant, came forward. Ernst indicated that their current facility is located at 63rd and O Streets. They filed for their articles of incorporation 50 years. They are an independent, non-profit continuing care retirement community. Being a stand-alone, non-profit company is not easy but they are proud that they have been able to do this and be a part of Lincoln for so long. Healthcare is huge to them and they offer a life-care product that is unique in this area. They love the O Street location but they are landlocked. After several years of strategic planning, the board of directors and the administration came up with a plan to develop a second campus on the proposed site. This campus will be similar to what they currently have today. This will enable them to reach out to south Lincoln and beyond, which they have not been able to do in the past. It will also allow them to have walking paths and amenities that they currently do not have the ability to do at the O Street campus. The O Street campus consists of three 6-story buildings and one 3-story building with very limited green space. They are excited about being able to do this project. They offer independent living, assisted living, field rehab nursing, long-term care, hospice and palliative care. This plan would allow for the development of 102 independent living apartments, 48 assisted living apartments - approximately 16 of which would be memory care, and 24 nursing units for long-term care and rehab. They want the ability to be able to expand in the future. The five acres are wide open and they might want to expand that campus with some flexibility to meet the growing needs of the consumer in the future.

2. Kent Seacrest, Attorney representing Christian Retirement Homes, Inc., came forward and noted that the John Walters, President of the organization, and Brad Marshall of Olsson Associates, are also present to address questions. Seacrest explained that this development includes an annexation of 20 acres and is consistent with the comprehensive plan. The Planning Department is supportive of the waivers. A

neighborhood meeting was held and was well attended with some good ideas provided. The applicant followed up with a written communication to address some of the questions that were asked, i.e. in terms of what it means now that the city limits against them and related questions as to water and sewer. Seacrest referred to the motion to amend in which everyone is in agreement with everything except the zoning for Area 3. Referring to the site plan, Seacrest identified the 221-foot pipeline planning area, stating that the gas line requirement is not on the books. It is a strong recommendation of the health department, and the planning department is following that recommendation. The applicant does not want to put their guests in danger so they were creative and put all the housing units outside of the pipeline planning area and put the administrative and office uses in that area. They are not able to use the remainder of the 221-foot area, which creates a hardship and they are one of the first guinea pigs discovering that this is a new standard without it being on the books. The applicant hopes to continue to grow this facility but in the event the market becomes saturated, they believe that office uses that deal with senior-type activities could be appropriate here and are requesting to allow parcel 3 to be included as O-3 zoning. For purposes of traditional buffering, Seacrest believes it is appropriate to have office zoning between the 3- and 4-story buildings being proposed. The Planning Department and the Planning Commission is in a tough situation trying to figure out the gas line. When you lose a third of the site, that is a lot of real estate to try to figure out what to do with. Seacrest provided a handout showing examples of the other commercial zones along Yankee Hill Road that are affected by this gas line. If they are granted the office use in Area 3, the depth of the y would of the office would be 467 feet from Yankee Hill Road. Seacrest noted that a couple meetings ago, the applicant was granted a 550-feet of depth of commercial activity to help them compensate for the gas line easement, noting that some even have more depth. If the Planning Commission doesn't support the proposed amendment, they will only be given 221 feet. This presents a hardship to a non-profit. They are trying to be upfront in terms of what the uses would be, which is more fair to the neighbors. Seacrest thanked staff for their time in this project, noting that Christy attended the neighborhood meeting, which was very helpful in terms of answering questions about the process. As for the retention pond, Seacrest noted that the main retention area is the pond that was noted but there is another retention pond to the south to catch the water in the sub basin going the opposite direction.

Questions of the Applicant:

Scheer asked for clarification in terms of access to Area 2 from the street and if access could be provided using the 221-feet to this area. Seacrest explained that they were seeking access onto Yankee Hill but Public Works was not in favor of that. When 52nd Street is developed, they will paving it. Referencing the site plan, they will be putting in a looped road network so people can circulate around the campus

Corr asked if the access point could be extended with an “Y” to get to Area 2. Seacrest indicated that this is true but it would be a long way back to 48th Street. The internal access road will be a 2-way private road but it is not intended to be a street.

Weber asked how many stories the structures would be. Ernst stated that the independent living facility is 3-stories above underground parking – the underground parking is mostly walkout level with three stories above that. The assisted and skilled care facilities are 2- story buildings. The front includes a large health and wellness area. There is also a community and administrative structure, which will be two stories as well.

Corr asked about the normal census for this type of business. Ernst stated that at the O Street location, they are currently running between 240 and 250 across the campus. They also have a 6-bed hospice facility on Pioneers. The census levels can vary from community to community. Independent living has had strong census across Lincoln and assisted living has had extremely strong census. Most of the time, there are waiting lists for assisted living. For long-term care, they often have a waiting list. Rehab is a little less because there are some newer facilities. They conducted a marketing analysis to look at the demographics and the growth of the aging population and they also conducted a financial feasibility analysis. They feel strong that the growth and demographics support this. Ernst noted that the neighborhood was engaged and long, where attendees asked lots of questions. Eastmont received support for the neighborhood.

Brad Marshall, Olsson Associates, addressed the question of accessibility to Area 3. Using the site plan, he noted that 52nd Street will be signalized someday and they will need to meet standards for storage lanes, left turn lanes, etc.. He noted that this may not be the ideal situation for access to Area 3 if it were residential.

Opponents: None.

Questions of Staff:

Harris referenced a previous statement that staff might be supportive of O-3 for Area 3 in the future with the submittal of a specific site plan. She asked if there is a possibility for allowing the use on the condition that the site plan be satisfactory to the Planning Director. Eichorn stated that this could be an added condition. She stated that generally, the O-3 district is a use permit district. The O-3 zoning is not allowed unless there is a use permit approved, which requires a site plan that lays out the specifics of the site. Staff may be supportive of O-3 in the future when considering how the rest of the site has developed and how the residential to the south may develop.

Lust stated that if using the use permit process, if the property is rezoned to O-3 now, they would need to come before Planning Commission to get site plan approval. Eichorn stated that this would not necessarily be required, as it would be developed administratively as long as they adhere to the land uses that are part of the approval

process of the planned unit development. Once the land use is already approved, it is a little more challenging to say no because there are no design standards for the O-3 zoning district.

Corr asked Eichorn to identify the setbacks at the rear of the property along the south lot line. Eichorn used the site plan to explain the setbacks. She indicated that there will be a 30-foot setback but with the R-3 zoning, they would normally be required a 20-foot setback. The setbacks shown on the site plan exceed the setback requirements.

Corr if the setbacks are increased because of the increased height requirements. Eichorn stated that due to the constraints of the pipeline planning area, they were not requiring a 50-foot setback from the property line because they are being “scrunched” with the residential units south of the 221 feet. The applicant has agreed to provide screening to meet the multi-family standard in the 30-foot setback. Another condition is that the building orientations generally stay the same – there won’t be a lot of windows overlooking the property to the south with balconies, etc., which can be considered a nuisance to adjacent property owners.

Corr asked if the setback for the property close to the south boundary is also 30 feet. Eichorn explained that this is a building envelope that also comes down to 30 feet, noting that this area is for proposed future expansion.

Corr asked how much enters into the staff determination the fact that there are acreages to the south and, therefore, the house is not up against the lot line. Eichorn stated that this would provide for more setback. The staff’s major consideration has to do more with the orientation of the building and the screening that would be provided. Although these are acreages to the south now, they may not be in the future.

Corr asked if the main reason staff is not in favor of it is due to design standards for Area 3. Eichorn stated that there is no site plan. The fact that there would be commercial and office use in the middle of the residential use and healthcare facility use doesn’t make sense without a specific site plan that shows how the site would develop and work well with the adjacent properties.

Applicant’s Rebuttal:

Seacrest stated that Eichorn is right. Whatever they put on the phase 2 area, they have to come back for an administrative amendment for site review. If they don’t agree with the Planning Director’s decision, it would likely go up to Planning Commission and/or the City Council for final decision making. If the Planning Commission wants to be careful and require that the site plan be presented to the Planning Commission, that is better than getting nothing out of this deal; which would be a secondary choice.

ACTION BY PLANNING COMMISSION:

June 10, 2015

CHANGE OF ZONE NO. 15013, EASTMONT AT YANKEE HILL PLANNED UNIT DEVELOPMENT, FOR A CHANGE FROM AG AGRICULTURE TO R-3 RESIDENTIAL PUD, ON PROPERTY GENERALLY LOCATED AT S. 52ND STREET AND YANKEE HILL ROAD; FOR A PLANNED UNIT DEVELOPMENT DESIGNATION, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW A RESIDENTIAL HEALTHCARE FACILITY AND ASSOCIATES USES, OFFICE USES AND RESIDENTIAL USES PER THE R-3 ZONING DISTRICT.

Staff Recommendation: Conditional Approval

Corr offered an amendment to this application to require that the use permit for the areas of future development come back before the Planning Commission rather than being allowed to be approved administratively.

In response to a question of Lust clarifying the motion, Corr explained that she wants the application to come back before Planning Commission when the applicant has a site plan for Area 3.

Lust explained that Area 3 only comes into play as an O-3 zoning district if the applicant's motion to amend is approved. Corr referred to the staff report where it only requires an administrative amendment. She wants this to come back to the Planning Commission. Lust asked Corr if Area 3 stays residential, if she still wants more than administrative approval. Following discussion, Corr rescinded her proposed amendment.

Corr moved to recommend conditional approval of this application, as stated in the original staff report; seconded by Hove.

Lust stated that the only item that was not approved by the planning staff on the applicant's motion to amend are the words "and 3" in Condition 2.2. She doesn't see a reason why the Planning Commission wouldn't put forth those motions to amend. Lust stated that in terms of Area 3, this is a very hard decision as there are two things with this application that are very frustrating.. First, the pipeline planning area that has not been before a public hearing process but has basically become a condition of approval in this area. She supports what can happen in these pipeline areas, as reviewed in a previous briefing, and that there should be restrictions for building in these area. She understands from a development perspective when there is no notice that this is what is happening and it has become a recommendation from the health department how people in this situation should be allowed additional accommodations for the development. The second area of frustration relates to when it is best to zone an specific area. Mr. Seacrest presented a very valid point that if the Planning Commission

doesn't initially zone it as O-3, this is not fair to the neighbors in the area, when they come back at a later date and want a change of zone of O-3. Raising the question, does it make more sense to have the notice ahead of time, even though they might be giving up some site-specific planning oversight. On the other hand, they don't have design standards, so they could be approving something in the dark. Lust stated that as a whole, she is more in favor of giving notice to people ahead of time and approving the change of zone to O-3 because of the constraints in this particular area and how an office district could even be developed in Area 2 if Area 3 is not added. In addition, while this is a residential healthcare facility, it is in the nature of a major type of commercial building and it seems that O-3 in this situation makes sense as a buffer. Even though we are calling this residential, it is still going to be a big building footprint. Lust believes that O-3 makes sense as a buffer between that and the residential acreages on both sides, especially since Area 4 is going to stay residential.

Scheer stated that he agrees with Commissioner Lust's comments. He is not going to vote for the motion as moved. He loves this project and believes that it will be difficult to plan Area 2 without the O-3 change of zone to Area 3. He plans to vote against the motion in hopes that they can bring the O-3 zoning to Area 3 back in.

Weber agreed with the comments of Commissioners Lust and Scheer. He believes that the entranceway road is more of a buffer than just a fence line.

Corr expressed concern because O-3 can be used as a buffer between residential and commercial but it is more like spot zoning between two residential areas. She understands that it is easier to do O-3 now so people have the predictability in the future but she has qualms about making the change now without being able to see. She questioned whether an RT would be appropriate.

Harris agreed with the comments of Commissioner Lust and Scheer, in particular the comment regarding the need to have design standards, as it would make it a lot easier to know address this matter. She plans to support the O-3 zoning of Area 3 if this motion fails.

Sunderman stated that he believes that the pipeline is going to force them to really look at how they are doing traditional zoning and take into account the pipeline area, which is not a regulation and is not on the books, yet we are going forward like it is. O-3 is a buffer between commercial and residential; therefore, it can sit next to residential on both sides in his mind. As Commissioner Scheer stated, the one lot itself will be difficult to develop without having two lots and they will have a better development if they have the two lots to work with. It makes sense to let everyone know ahead of time that it is O-3.

Weber stated that Area 2 is putting O-3 in between two residential to start with.

The vote on the main motion failed 8-0; Lust, Hove, Weber, Scheer, Harris, Cornelius, Corr, and Sunderman; Beecham absent.

Lust moved to recommend the conditional approval of this application as amended by accepting the following proposed changes to the staff report as submitted by the applicant; seconded by Cornelius:

- 2.2 Revise Note #1 to show Area 1, 2, 3 and 4 permits Residential Healthcare Facility, Area 1, 3 and 4 permits Residential Healthcare Facility or R-3 Residential Uses and Area 2 and 3 permits O-3 Office Park District office uses excluding early childhood care facilities, dwellings or K-12 Schools.
- 2.7 Revise note #18 to limit on-sale of alcohol only as an accessory to the residential healthcare facility and only in Areas 1 and 2.
- 2.11 Revise the site plan to conform to the Wilderness Heights Preliminary Plat or amend the Wilderness Heights preliminary plat to match this site plan.

Corr stated that in a perfect world that Eastmont will expand and they will have way more demand that they need and they won't have to worry about this going to O-3. Corr stated that she is okay with the height limitations because of the increased setback and also because it is next to acreages that are even farther back. Even though those acreages could change to residential in the future – town homes or whatever that are closer, they will know that before they build those, which is extremely important.

Weber stated that he would like to have more specific regulations on the pipeline. It is really a hard thing to deal with.

Motion carried 8-0; Lust, Hove, Weber, Scheer, Harris, Cornelius, Corr, and Sunderman; Beecham absent.



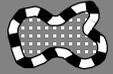
2013 aerial

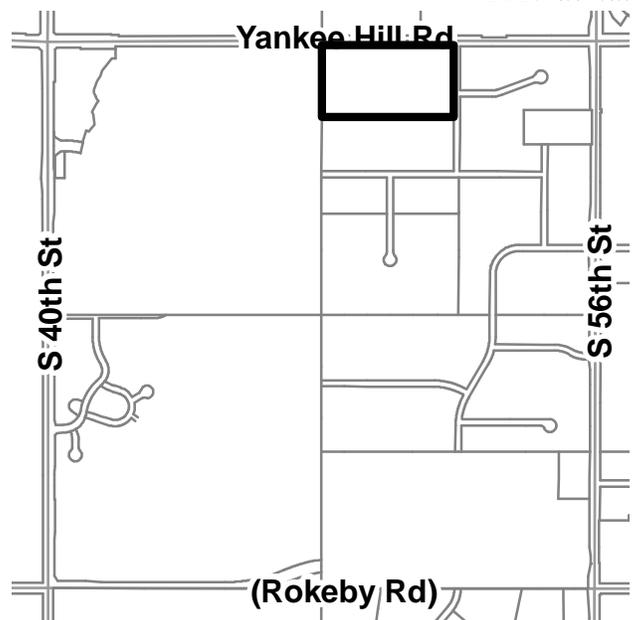
**Change of Zone #: CZ15013 (AG to R-3)
Eastmont at Yankee Hill Road
S 52nd St & Yankee Hill Rd**

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.29 T09N R07E

 Area of Application
 Zoning Jurisdiction Lines
 Lancaster County Jurisdiction



EASTMONT AT YAI PLANNED UNIT DEVEL

GENERAL NOTES

1. THE LOT IS CURRENTLY ZONED AG A CHANGE OF ZONE TO R-3 PUD ALLOWING A RESIDENTIAL HEALTHCARE FACILITY (AREAS 1-4); NON-RESIDENTIAL HEALTH CARE FACILITY NOT TO EXCEED 15,000 SQUARE FEET (AREAS 1-3); MEDICAL SUPPLY SHOPS (AREAS 2-3, PHARMACIES (AREAS 2-3), CIVIC SERVICE USE GROUP (AREAS 2-3), EDUCATION AND INSTRUCTION USE GROUP (AREAS 2-3), OFFICE USE GROUP (AREAS 2-3; R-3 RESIDENTIAL DEVELOPMENT (AREAS 3-4), ELDERLY OR RETIREMENT HOUSING (AREAS 3-4), HOUSING AND RELATED FACILITIES FOR THE PHYSICALLY HANDICAPPED (AREAS 3-4), AND GROUP LIVING USE GROUP (AREAS 3-4) IS REQUESTED WITH THIS APPLICATION.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD HAS BEEN RELINQUISHED.
4. ALL ELEVATIONS ARE TO NAVD 1988
5. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
6. THE BUILDING FOOTPRINTS AND PARKING SPACES SHOWN ARE CONCEPTUAL AND WILL BE REVIEWED FOR COMPLIANCE AT THE TIME OF BUILDING PERMIT.
7. THE YARD SETBACKS REGULATES STRUCTURAL WALLS ONLY AND DOES NOT RESTRICT OVERHANGS, PATIOS, DOOR SWINGS, WINDOW SWINGS, ETC. FROM ENCRoACHING INTO THE SETBACKS.
8. ALL EAVES, CANOPIES AND OTHER BUILDING PROJECTIONS MAY EXTEND OVER THE BUILDING ENVELOPE LINES BUT NOT LOT LINES.
9. A LANDSCAPE PLAN WILL BE PROVIDED AT THE TIME OF BUILDING PERMIT.
10. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPERS EXPENSE.
11. EXISTING TREES TO REMAIN IN AREAS SHOWN ON THE SITE PLAN.
12. THE BUILDING FOOTPRINTS AND PARKING SPACES SHOWN ARE CONCEPTUAL AND ARE SUBJECT TO ADJUSTMENT PROVIDED THAT SUCH FOOTPRINTS STAY WITHIN THE BUILDING ENVELOPE AND ARE IN GENERAL CONFORMANCE WITH THE APPROVED PLAN.
13. FENCES, DUMPSTERS, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT ARE PERMITTED IF OUTSIDE OF SIGHT TRIANGLES AND SETBACKS.
14. THE EXACT LOCATION OF INTERNAL SIDEWALKS AND WALKWAYS SHALL BE INCLUDED ON THE BUILDING PERMIT PLANS FOR REVIEW AND APPROVAL BY THE PLANNING DEPARTMENT. PEDESTRIAN ACCESS SHALL BE PROVIDED TO ALL ADJACENT STREETS FROM THE BUILDINGS.
15. A DETAILED LANDSCAPE PLAN SHALL BE PROVIDED AT TIME OF BUILDING PERMIT.

LOT SETBACKS

ZONING	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
R-3	20'	5'	20' OR 20% LOT DEPTH
O-3	20'	5'	20' OR 20% LOT DEPTH

16. THE PERMITTED DENSITY STANDARD FOR A R-3 HEALTH CARE FACILITY, RESIDENTIAL IS ONE PERSON PER 2,000 SQUARE FEET OF LOT AREA. AREA 1 IS APPROXIMATELY 15 ACRES (653,400 SF) AND IS PERMITTED UP TO 326 RESIDENTIAL PERSONS. (ONE PERSON PER 2,000 SF) AS SPECIFIED ON THE SITE PLAN.
17. RESIDENTIAL BEDROOMS WITHIN THE HEALTH CARE FACILITY, O-3 PERMITTED USES AND ALLOWED USES ARE NOT PERMITTED WITHIN THE DESIGNATED DEPARTMENT OF HEALTH'S 221 FOOT PROTECTION ZONE SO LONG AS THE 12" HIGH PRESSURE GAS LINE LOCATED ON THE SOUTH SIDE OF THE CITY RIGHT OF WAY OF YANKEE HILL ROAD IS OPERABLE. OTHER PORTIONS OF RESIDENTIAL DWELLINGS AND NONRESIDENTIAL BUILDING AREAS WILL BE PERMITTED WITHIN THE PROTECTION ZONE.
18. THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES SHALL BE PERMITTED AS AN ACCESSORY USE TO RESIDENTIAL HEALTHCARE FACILITY LOCATED IN AREA 1-4.
19. OCCUPANCY PERMITS FOR ANY BUILDINGS SHOWN IN AREA 1 WILL REQUIRE THE PAVEMENT OF SOUTH 48TH STREET TO THE ENTRANCE OF THE RESIDENTIAL HEALTH CARE FACILITY AND INSTALLATION OF A RIGHT TURN LANE ON YANKEE HILL ROAD AT THE INTERSECTION WITH SOUTH 48TH STREET ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS DEPARTMENT.
20. OCCUPANCY PERMITS FOR ANY BUILDINGS SHOWN IN AREA 2 WILL REQUIRE THE ABUTTING PAVEMENT OF SOUTH 52ND STREET T AND INSTALLATION OF RIGHT TURN LANE ON YANKEE HILL ROAD AT THE INTERSECTION OF SOUTH 52ND STREET ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS DEPARTMENT. OCCUPANCY PERMITS FOR ANY BUILDINGS SHOWN IN AREAS 3-4 WILL REQUIRE THE PAVEMENT OF SOUTH 52ND STREET TO THE FUTURE ACCESS TO 52ND STREET AND INSTALLATION OF RIGHT TURN LANE ON YANKEE HILL ROAD AT THE INTERSECTION OF SOUTH 52ND STREET ACCEPTABLE TO THE DIRECTOR OF PUBLIC WORKS DEPARTMENT.
21. AFTER APPROVAL OF THE P.U.D., BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND FINAL PLATS OF THE PROPERTY WILL BE ISSUED OR APPROVED UPON GENERAL COMPLIANCE WITH THE DEVELOPMENT PLAN AS APPROVED, OR AS AMENDED. IN CIRCUMSTANCES WHERE THERE ARE MINOR VARIATIONS FROM THE DEVELOPMENT PLAN, THE PLANNING DIRECTOR OR HIS OR HER DESIGNEE, SHALL REVIEW THE PROPOSAL AND DETERMINE IF THE PROPOSAL IS IN GENERAL CONFORMANCE WITH THE SPIRIT AND INTENT OF THE APPROVED P.U.D.
22. PARKING IN THE FRONT YARD IS PERMITTED FOR SINGLE FAMILY, TWO FAMILY, AND TOWNHOME RESIDENTIAL DWELLING FOR MOTOR VEHICLES ON A DRIVEWAY AND THE REQUIRED PARKING SPACES MAY BE STACKED FRONT-TO-BACK.
23. REFER TO DRAINAGE STUDY FOR STORM WATER DETENTION DESIGN.

REQUESTED MODIFICATIONS

THE P.U.D. INCLUDES THE FOLLOWING MODIFICATIONS OR WAIVERS TO TITLE 26 AND TITLE 27 OF THE LINCOLN MUNICIPAL CODE:

1. TITLE 26 - SECTION 26.15.020 - TO ALLOW INFORMATION ON OR ACCOMPANYING A PRELIMINARY PLAT, FINAL PLAT OR BUILDING PERMIT FOR A PLANNED UNIT DEVELOPMENT TO BE SUBMITTED WITH FUTURE ADMINISTRATIVE AMENDMENTS, INCLUDING:
 - A) BUILDING CONFIGURATION
 - A) GRADING AND DRAINAGE
 - B) PAVING PROFILES/CROSS SECTIONS
 - C) STORM WATER DETENTION & STORM SEWER CALCULATIONS
 - D) LOT LAYOUT
 - E) STREET DATA
2. TITLE 26 - SECTION 26.23.125 - PEDESTRIAN WAY FOR BLOCK LENGTH EXCEEDING 1,000 FEET.
3. TITLE 26 - SECTION 26.23.130 - TO ALLOW BLOCK LENGTH TO EXCEED 1,320 FEET.
4. TO ALLOW HEIGHT LIMITATIONS OF BUILDINGS FROM 35' TO 50' IN AREA 1.

ANNEXATION NOTES

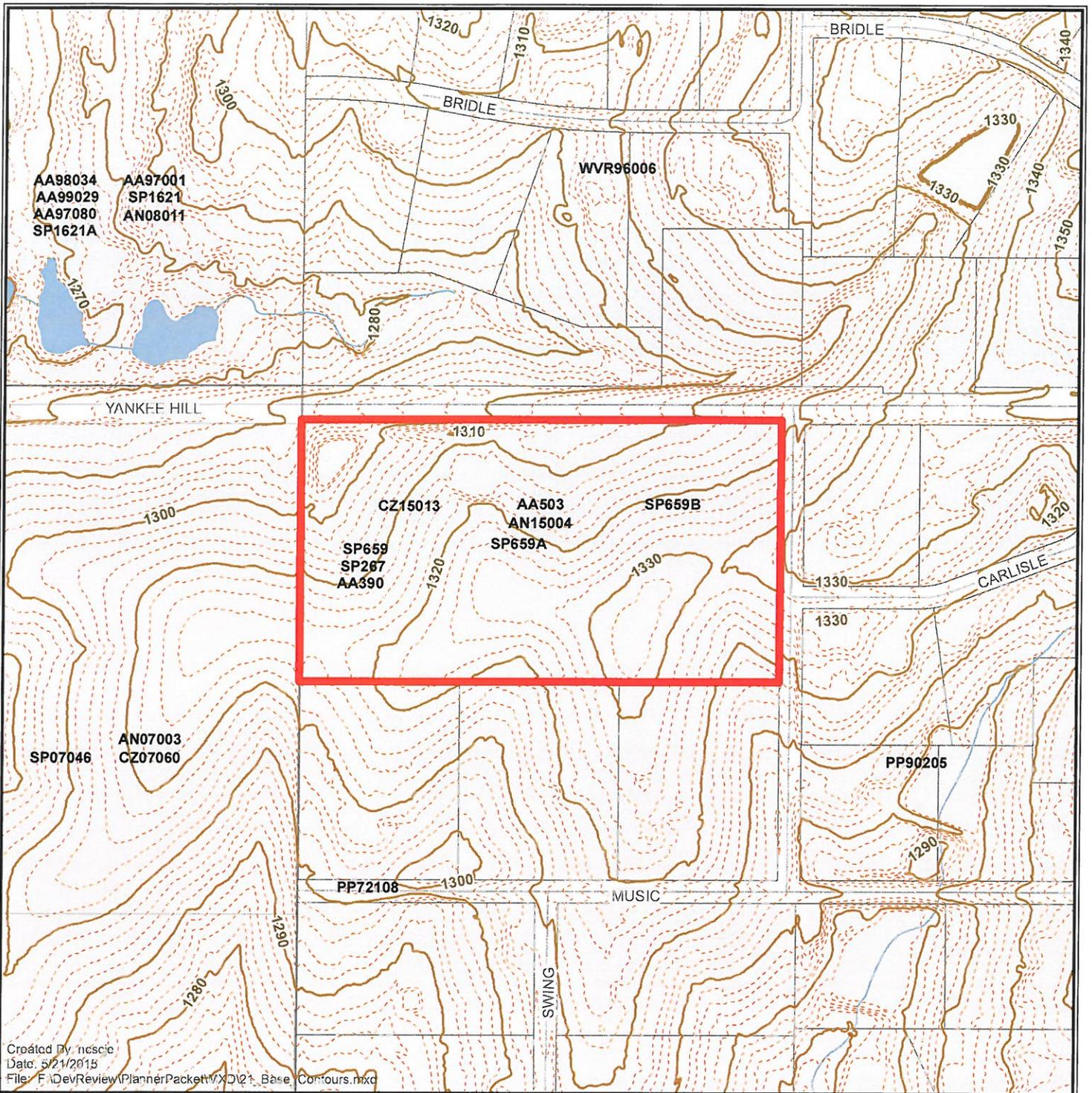
1. A 30" WATER MAIN ALREADY EXISTS WITHIN THE YANKEE HILL ROAD RIGHT OF WAY.
2. SANITARY SEWER IS CONSTRUCTED TO THE EAST SIDE OF 40TH STREET, APPROXIMATELY 1/2 MILE TO THE EAST OF THIS PROPERTY. A SANITARY SEWER EXTENSION IS REQUESTED TO SERVICE THIS PROPERTY AND PROPERTIES TO THE NORTH. THIS SANITARY SEWER EXTENSION WILL BE SOUGHT IN THE NEXT CAPITAL IMPROVEMENT BUDGET AS NEW GROWTH FUNDS TO PAY FOR THIS IMPACT FEE TRUNK SEWER EXTENSION. THE DEVELOPER, AT ITS EXPENSE, WILL FUND THE PORTION OF THE SANITARY SEWER EXTENSION THAT SERVES THIS PROPERTY, BUT NOT OTHER PROPERTIES.
3. THE DEVELOPER WILL REIMBURSE THE LANCASTER RURAL WATER DISTRICT TO OBTAIN RELEASE OF THIS PROPERTY FROM THE DISTRICT.
4. THE DEVELOPER WILL PLAT AND BOND FOR THE CONSTRUCTION OF S. 48TH STREET TO THE ADJACENT EAST WEST STREET SHOWN ON THE WILDERNESS HEIGHTS PRELIMINARY PLAT.

PUBLIC 8" SAN

PUBLIC 8" SAN

Comments from Public Works and Utilities Watershed Management

1. Need stage/storage/discharge table for both ponds
2. Need graphic of outlet structures with pertinent structural and water surface elevations
3. Need to include the detention ponds in a separate lot or lots
4. Need grading details shown for the pond in subbasin PR-A (subbasins A1 – A3).
5. Need to assume future development for future phase on east lots and take these into account when sizing the internal drainage system and detention ponds



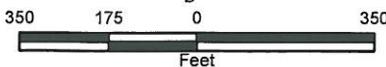
Created By: ncsic
 Date: 5/21/2015
 File: F:\DevReview\PlannerPacket\W\XD121_Base_Contours.mxd

LINCOLN - LANCASTER COUNTY
 PLANNING DEPARTMENT



Information Technology Services
 335 South 10th Street
 Lincoln, Nebraska 68508
 Ph: 402.441.7499 Fax: 402.441.6377

Sec.29 T09N R07E



Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>

Application Number

CZ15013

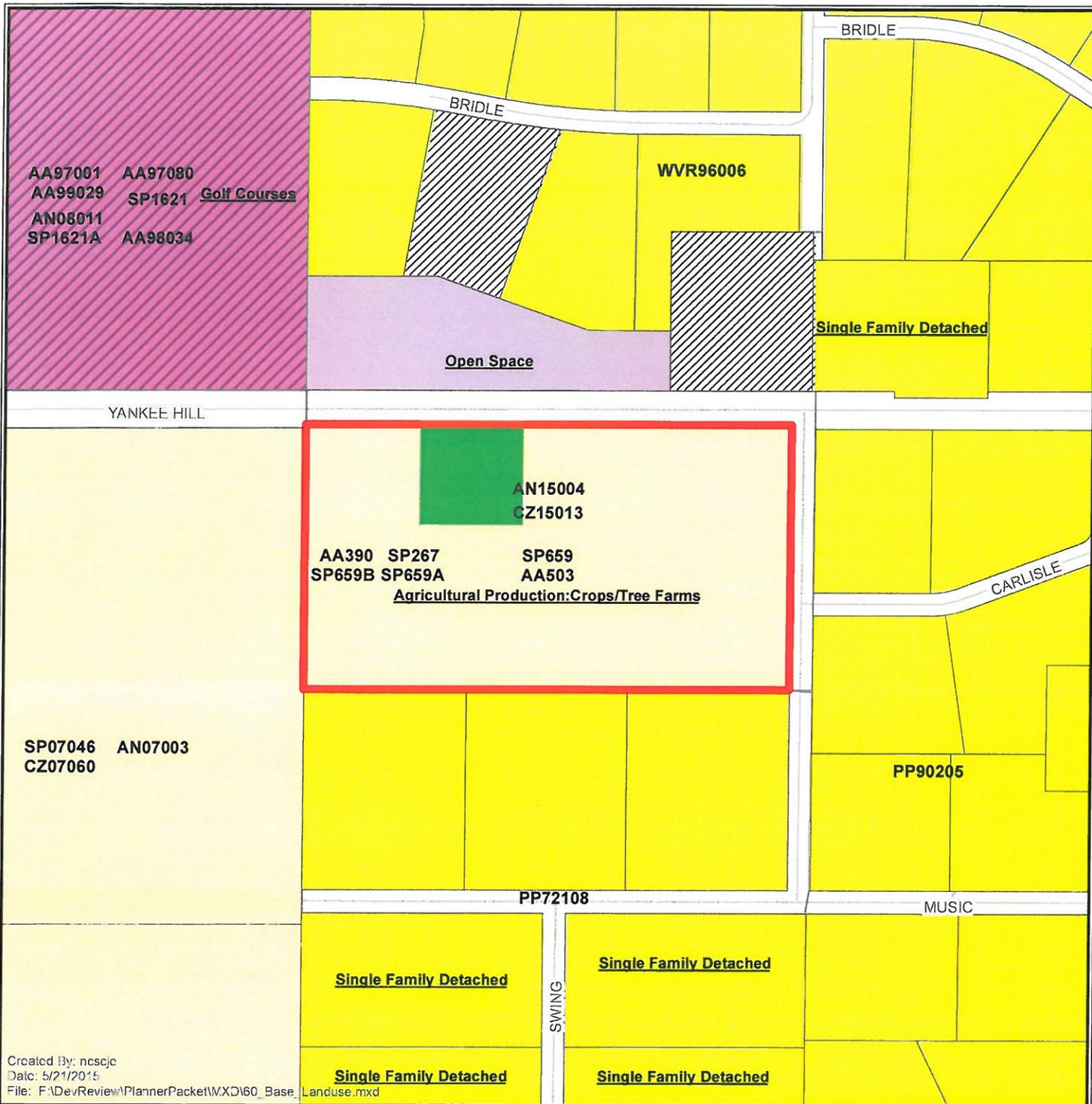
2010 Contours

- 2
- 10

Location Overview



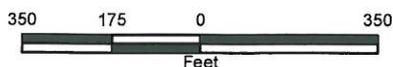
Lincoln's Future Service Limit
 Shown as Black Outline



LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT

Information Technology Services
 335 South 10th Street
 Lincoln, Nebraska 68508
 PH: 402-441-7491 FAX: 402-441-6377

Sec.29 T09N R07E



Consult the detailed Application information at
<http://www.lincoln.ne.gov/asp/city/plan/permap.asp>

Application Number

CZ15013

Existing Landuse

- | | |
|-----------------------|-----------------------------|
| 11 - SF Detached | 41-44 - Pub/Semi-Pub |
| 12 - Duplex | 51 - Parks |
| 13 - SF Attached | 52 - Open Space |
| 14 - Multiple | 53 - Golf Course |
| 15,16,18 - GQ/SH/BB | 61,62 - Lakes/Streams |
| 17 - MH/TC | 63 - Wetlands |
| 21,22 - Commercial | 64 - Environmental Preserve |
| 23 - Parking Lot | 65 - Forest/Woodland |
| 24 - Parking Garage | 81 - Ag: Crops/Tree farm |
| 31 - Light Industrial | 82 - Ag: Livestock/Animal |
| 32 - Heavy Industrial | 83 - Mining/Extraction |
| 33 - Utility Facility | 84 - Pasture/Grassland |
| 34 - Railroad | 90 - Vacant/Undevel |
| 35 - Airport | |

Location Overview



Lincoln's Future Service Limit
 Shown as Black Outline

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

May 13, 2015

Mr. David Cary
Interim Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Eastmont at Yankee Hill Road Annexation and PUD

Dear David:

Our office represents Christian Retirement Home, Inc., dba Eastmont Towers ("Eastmont" or "Developer"), who is a 501 (c) (3) nonprofit corporation. Eastmont's original campus, Eastmont Towers Community, is located at 6315 O Street and contains 269 dwelling units for seniors.

Eastmont has entered into a purchase agreement with Edward A. Thompson to acquire the 20.25 acre tract, legally described as Lot 42, Irregular Tract located in the Northeast Quarter of Section 29, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. ("Property"). The 20.25 acre tract is located on the south side of Yankee Hill Road, between S. 48th and S. 52nd Streets. Eastmont proposes to construct and operate a second campus on Yankee Hill Road. This new campus will consist of independent retirement housing, assisted living and skilled care healthcare facilities and companion office and residential dwellings. The companion office uses would be those permitted uses generally allowed in the O-3 Office Park District (collectively "O-3 Permitted Uses"). The companion residential uses would include single family, duplex, townhomes, and/or elderly retirement housing (collectively "Allowed Residential Uses"). Multiple Family Units or apartment dwellings for the general public will not be allowed.

Currently, the Property is zoned AG Agriculture and is located outside the City limits, but abuts the City's municipal boundary.

One of the major challenges to the Property is the recent Lincoln-Lancaster County Department of Health requirement that no residential bedrooms be permitted within 221 feet south of the existing gas line located within the south portion of the Yankee Hill Road right-of-way. The Health Department's restriction limits residential bedrooms on the north third of the Property.

It is anticipated that the Property will be developed in two phases—the west 15 acres (approximately) will comprise the first phase and the east 5 acres (approximately) will comprise a future phase. Subject to finalizing the design, the first phase is planned to include approximately 102 independent living units (3 residential stories) with 104 underground parking stalls, 48 assisted residences (two residential stories) and 24 skilled care units (two residential stories).

Except residential bedrooms within Health Department’s protection zone, the future phase may include expansion of the (i) Health Care Facilities, (ii) Allowed Residential Uses and/or (iii) O-3 Permitted Uses south of the road labeled “Future Access to 52nd Street”.

The Developer is making the following applications and requests for development of the Property:

1. Annexation. The Developer is requesting Annexation of all of the Property (legal description attached). The Property is located within the Priority A, Tier 1 Comprehensive Plan Growth Tiers.
 - a. A 30” water main already exists within the Yankee Hill Road right of way.
 - b. Sanitary sewer is constructed to the east side of 40th street, approximately ½ mile to the east of this Property. The Developer requests that the sewer extension required to service this Property and properties to the north be included in the next Capital Improvement Budget as New Growth funds to pay for this impact fee trunk sewer extension. The Developer, at its expense, will fund the portion of the sewer extension that serve this Property, but not other properties.
 - c. The Developer will reimburse the Lancaster Rural Water District to obtain release of this Property from the District.
2. Changes of Zone (New P.U.D.). The Developer is requesting a change of zone from AG to R-3 P.U.D.
 - a. The P.U.D. will permit a Health Care Facility, Residential and Health Care Facility, Non-Residential (collectively “Health Care Facility”) as a permitted use in the first phase and future phase areas. The permitted density standard for a R-3 Health Care Facility, Residential is one person per 2,000 square feet of lot area.
 - b. The first phase is approximately 15 acres (653,400 SF). Thus, the first phase is permitted up to residential persons (653,400 SF divided by 2,000 square feet equals 326 residential persons).
 - c. The future phase would permit Health Care Facility (one person per 2,000 square feet of lot area), O-3 Permitted Uses and Allowed Residential Uses.

- d. The site plan has been designed to respect the Health Departments 221 foot protection zone for residential uses from the 12” high pressure gas line located within the Yankee Hill Road right-of-way. Residential bedrooms within the Health Care Facility, O-3 Permitted Uses and Allowed Uses are not permitted within the designated Department of Health’s 221 foot protection zone so long as the 12” High Pressure gas line located on the south side of the City right of way of Yankee Hill Road is operable. Other portions of residential dwellings and nonresidential building areas will be permitted within the protection zone.
- e. The P.U.D. shows the first phase 15-acre lot, as well as four lots for the future phase area.
- f. The P.U.D. would allow the following signage:

Sign Type	Number of Permitted Signs	Inside the Front Yard	Outside the Front Yard
Freestanding or Ground Sign	1 per main building	50 sq. ft. 8 ft. tall	50 sq. ft. 12 ft. tall
AND			
Center	1 per of frontage	50 sq. ft. 8 ft. tall	100 sq. ft. 12 ft. tall

The project is situated near commercial areas that have and will contain many large car dealerships, which permits larger signage. This site is over 20 acres in size and abuts Yankee Hill Road. In addition, the large gas line protection zone causes the primary portion of the projects building to be setback from Yankee Hill Road by 221 feet. The Developer seeks the right to increase the number and size of the signs to allow the arterial street traffic to better and more safely see the project’s signage.

- 3. Requested Modifications: The P.U.D. includes the following modifications or waivers to Title 26 and Title 27 of the Lincoln Municipal Code:
 - a. Title 26- Section 26.15.020 – To allow information on or accompanying a preliminary plat, final plat or building permit for a Planned Unit Development to be submitted with future administrative amendments, including:
 - 1. Building configuration
 - 2. Grading and drainage
 - 3. Paving profiles/cross sections
 - 4. Storm water detention & storm sewer calculations
 - 5. Lot layout
 - 6. Street data

- The final future phase land use(s) is unknown at this time. Thus, the final building footprint, grading, drainage, paving, stormwater, lot lay and street data is unknown at this time. When the land use is determine, then these important matters will be presented to the City for review and approval prior to issuance of a building permit.
- b. Title 26 – Section 26.23.125 – Pedestrian way for block length exceeding 1,000’.
- The final plat of the existing neighborhood on the south side did not provide for a sidewalk connection. The Developer will provide a future sidewalk circulation pattern in and around the interior of the Property and this future sidewalk pattern will provide access points to the public sidewalks located within the abutting street right of way.
- c. Title 26 – Section 26.23.130 – To allow block length to exceed 1,320’.
- The final plat of the existing neighborhood on the south side did not provide for a future street connection. The north side of the Property abuts Yankee Hill Road, which is an arterial street. Pursuant to the City’s Access Policy, the City design standards do not allow another street connection to Yankee Hill Road. The Project is subject to an extensive setback from the high pressure gas line in Yankee Hill Road which has already reduced and compressed the allowable residential use of the Property. An addition east-west street, along with the protection zone setback causes the site to be too narrow to accommodate a proper design for a senior health care facility. Finally, the unified campus is larger than 10 acres in size and thus cannot meet the block length standard.
- d. Title 27 – Section 27.72.030 – To allow height limitations of buildings from 35’ to 50’.
- In order to provide market rents, senior health care facilities of this nature requires a certain minimum density per acre. Compared to other recently approved senior health care facilities, this project has substantially less density per acre than most. The Developer seeks an increase in height of the project to create a larger setback and greater buffer from the existing neighboring residences, while still accommodate the minimum density.

Enclosed find the following documents for the above-mentioned project:

1. City Application Form for Annexation with legal descriptions attached.
2. City Application Form for Changes of Zone (P.U.D.) with legal descriptions attached.
3. Application fees in the amount of \$3,465.00

Mark Palmer with Olsson Associates will submit plans and drainage report to ProjectDox upon notification from the planning staff.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new development for the City. If you require further information or have any questions, please do not hesitate to contact Mark Palmer at mpalmer@olssonassociates.com, (402) 458-5632, or the undersigned.

Very truly yours,



KENT SEACREST
For the Firm

Enclosure: Site Plan

cc: Councilman Jon Camp
Steve Henrichsen, Planning Department
Christy Eichorn, Planning Department
Carol Ernst, Executive Director, Eastmont Towers Community
Mark Palmer, Olsson Associates
Jeffrey Ahl, ArCurectecture

MOTION TO AMEND

I hereby move to amend the Change of Zone #15013 and Annexation 150004 (Agenda #4.3a and 4.3b), Eastmont at Yankee Hill, as follows:

CONDITIONS OF APPROVAL FOR THE PLANNED UNIT DEVELOPMENT:

Site Specific Conditions Change of Zone – Planned Unit Development:

2.2 Revise Note #1 to show Area 1, 2, 3 and 4 permits Residential Healthcare Facility, Area 1, 3 and 4 permits Residential Healthcare Facility or R-3 Residential Uses and Area 2 and 3 permits O-3 Office Park District office uses excluding early childhood care facilities, dwelling or K- 12 Schools.

2.7 Revise note #18 to limit on-sale of alcohol only as an accessory to the residential healthcare facility and only in Areas 1 and 2.

2.11 Revise the site plan to conform to the Wilderness Heights Preliminary Heights Preliminary Plat or amend the Wilderness Heights preliminary plat to match this site plan.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Requested by: SEACREST & KALKOWSKI, PC, LLO on behalf of Christian Retirement Home, Inc.