

FACTSHEET

TITLE: USE PERMIT NO. 154, WILDERNESS HILLS, requested by J. Michael Rierden on behalf of Gerald Maddox, on property generally located southeast of the intersection of South 27th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Condition Approval

ASSOCIATED REQUESTS: Annexation No. 02012 (94-95); Annexation Agreement (04R-107); Change of Zone No. 3423 (04-96); and Special Permit No. 1999, Wilderness Hills Community Unit Plan (04R-108).

FINDINGS OF FACT:

1. This proposed use permit and the associated annexation, change of zone and community unit plan were heard at the same time before the Planning Commission.
2. This use permit is being requested to allow the development of 495,000 sq. ft. of office and commercial floor area, with the following waiver requests:
 - preliminary plat process;
 - front yard setback
 - rear yard setback
 - building height; and
 - sanitary sewer design standards to allow sewer to flow opposite street grades (sidewalk waiver was withdrawn by the applicant on 11/12/03)
 - (sanitary sewer design standard waiver to allow the sewer to extend along the centerline of the private roadways was withdrawn by the applicant on 11/12/03).
3. The staff recommendation of conditional approval is based on the "Analysis" as set forth on p.5-7, concluding that, with modifications noted in the conditions of approval, the proposal is consistent with the intent of the Zoning Ordinance, Land Subdivision Ordinance and the Comprehensive Plan.
4. The applicant's testimony is found on p.12-13, including requests to amend the conditions of approval (p.34-35), all of which were agreed upon by staff.
5. Testimony in support by a representative of the Wilderness Ridge homeowners, with some reservations and concerns, is found on p.14, and the "Wilderness Ridge Neighborhood Comments" are found on p.36-38.
6. There was no testimony in direct opposition.
7. On November 12, 2003, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report, with the amendments as requested by the applicant.
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied, and the revised site plan is attached (p.21-22).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/12/03
Administrative Action: 11/12/03

RECOMMENDATION: Conditional Approval, with amendments (8-0: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes').

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 4, 2004

REVIEWED BY: _____

DATE: May 4, 2004

REFERENCE NUMBER: FS\CC\2004\UP.154

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 12, 2003 PLANNING COMMISSION MEETING

****As Revised and Recommended by Planning Commission: 11/12/03****

- P.A.S.:** Annexation #02012 to annex 91.98 acres
Change of Zone #3423 from AG to R-3, R-5, O-3 and B-2
Special Permit #1999 for Community Unit Plan
Use Permit #154 for retail/commercial
- PROPOSAL:** To allow 640 single and multiple family residential units and 495,000 square feet of office/commercial floor area.
- LOCATION:** Southeast of the intersection of South 27th Street and Yankee Hill Road.
- LAND AREA:**
- | | |
|----------------------|-------------|
| Annexation #02012 | 91.98 Acres |
| Change of Zone #3423 | 111.5 Acres |
| Special Permit #1999 | 64.35 Acres |
| Use Permit #154 | 47.64 Acres |
- WAIVER REQUESTS:**
1. Waive the preliminary plat process.
 2. Landscaping in traffic circles and medians.
 3. Front yard setback from 50' to 20' adjacent to Wilderness Hills Boulevard; from 50' to 15' adjacent to Yankee Hill Road; and, from 50' to 20' along Yankee Hill Road all in B-2.
 4. Rear yard setback in the B-2 from 50' to 20' adjacent to R-5.
 5. ~~Sidewalks along the east side of South 27th Street, and along the south side of Yankee Hill Road.~~ ****Withdrawn by the applicant on 11/12/03****
 6. Minimum lot area and lot width to allow 4,000 square foot lots 40' in width for single-family and 25' in width for two-family, and to allow 2,000 square foot lots 20' in width for townhomes, all in the R-3.
 7. Building height from 45' to 60' in O-3, from 40' to 50' in the B-2, and from 35' to 50' in the R-3 and R-5.
 8. Sanitary Sewer Design Standard to allow sewer to flow opposite street grades and located under the centerline of the private roadways rather than offset. **(**Withdrawn by the applicant on 11/12/03**)**

CONCLUSION: With the modifications noted in the conditions of approval, these requests are consistent with the intent of the Zoning and Land Subdivision Ordinances and the Comprehensive Plan.

RECOMMENDATION:

UP#154	Conditional Approval
Waivers:	
1. Preliminary plat	Approval
2. Front yard setback	Approval
3. Rear yard setback	Approval
4. Sidewalks (**Waiver Request withdrawn 11/12/03**)	Denial
5. Building height	Approval
6. Sanitary sewer design standards:	
Flow opposite street grades	Approval
Under the centerline or roadway	Denial
(**Waiver Request withdrawn 11/12/03**)	

GENERAL INFORMATION:

LEGAL DESCRIPTION: Annexation #02012 See attached.
Change of Zone #3423 See attached.
Special Permit #1999 See attached.
Use Permit #154 See attached.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Agriculture, Residential

SURROUNDING LAND USE AND ZONING:

North:	Commercial/Office/Residential (under development)	R-3, R-4, O-3, B-2 (R-3, R-4, O-3, H-4 proposed)
South:	Agriculture	AG
East:	Agriculture	AG
West:	Residential & Golf Course	R-3

COMPREHENSIVE PLAN SPECIFICATIONS: CPC#03015 was approved on **July 16, 2003** designating a Community Center at the intersection of South 27th Street and Yankee Hill Road.

Page F17 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F18 - Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Page F20 & F21 - Principles of mixed-use development.

Page F23-24 - The area proposed for office/commercial development with this plan is designated as commercial on the Land Use Map of the Comprehensive Plan, and is consistent with CPC#03015.

Page F31 - Tier 1 Priority Areas - This site is within the Future Service Limit. The remainder of the section is within Tier 1, Priority Area A. That area within the Future Service Limit can be served by city utilities; those lands in Priority Area A are designated to receive city services within the next 12 years.

Page F45 - Community Centers may vary in size from 300,000 to nearly a million square feet of commercial space. Typically, new Community Centers will range from 300,000 to 500,000 square feet. Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed. One or two department stores or "big box" retail operations may serve as anchors to the Community Center with smaller general merchandise stores located between any anchors or on surrounding site pads, such as Edgewood Shopping Center at S. 56th Street and Highway 2.

Page F95 - The Bicycle and Trails Plan shows the trail crossing Yankee Hill Road at approximately South 33rd Street and extending across this site.

HISTORY: Revised application was submitted **September 19, 2003**.

Planning Director's letter was sent **January 29, 2003**.

Numerous meetings were held between the applicant and staff prior to and after submittal of the preliminary plat.

Preliminary Plat was submitted **December 24, 2002**.

UTILITIES: Water: Water is available to this development, and the water system shown to serve it is satisfactory.

Sewer: The area within the proposed development can be served by gravity-fed sewer. However, the timing of the connection to the system must be coordinated with those parties responsible for extending the sewer main to the intersection of South 27th Street and Yankee Hill.

Other: Electricity, gas, telephone, and cable television are available and can be provided to this development.

PUBLIC SERVICE: After annexation, the area will become part of the Lincoln Public School District, and all public services including Police and Fire will be provided by the City. The Fire Department notes in their review concern that new developments at the edge of the city are stretching their resources and response times without new fire stations to serve those areas.

TRAFFIC ANALYSIS: This site is bounded by South 27th Street and Yankee Hill Road, both principal arterial streets. Access to these streets is limited except for intersections located at Whispering Wind Blvd, Wilderness Hills Blvd, Private Roadway A, Private Roadway D, South 33rd Street, and a driveway at Lot 4, Block 1. Access within the development is provided by public streets, with internal access to the office/commercial areas and the townhouse/multiple-family areas provided by private roadways.

A traffic study was completed for this development, and the recommendations of that study are being included in the conditions of this report where appropriate. Except for a portion of Yankee Hill Road adjacent to the northwest corner of this site, South 27th Street and Yankee Hill Road have not yet been improved to four-lane streets as called for in the Comprehensive Plan. These streets must be improved prior to or in conjunction with this development. Any improvements, such as additional turn lanes and traffic signals needed as a result of this development beyond those covered by impact fees, will be the responsibility of the developer.

TOPOGRAPHY: The site is rolling farmland, characterized by a small draw that extends southeast to northwest through the middle of the development. The ground elevation in this portion of the mile section allows the site to be connected to the city's system by gravity-fed sanitary sewer.

BACKGROUND: The owner has been working very closely with the City in an attempt to master plan this entire mile section. The intent was to develop an integrated concept that provided for residential, commercial and office uses along with a school site, and a light industrial employment center. It was also a goal to preserve the natural terrain, particularly the drainage across the southern portion of the section.

The portion of Section 30 that can be served by city sanitary sewer is the area included in this request. A concept plan for the remainder of the section has been developed, and the owner will seek approval at such time as sewer service is available to serve that area.

CPC#03015, which allowed the designation of a community center at the intersection of South 27th Street and Yankee Hill Road, anticipated this project. The Comprehensive Plan assumes a neighborhood center in every square-mile section, in addition to the larger Commerce and Regional Centers shown at selected locations. This amendment allowed for an exchange in floor area between the Light Industrial Employment Center located on South 40th Street halfway between Yankee Hill and Rokeby Roads and the neighborhood center. The employment center was reduced by the amount the neighborhood center was increased, consistent with what is shown in the attached plan.

ANALYSIS:

1. While a portion of this site (Lot 32 at the northwest corner) is within the city limit, the majority is not and must be annexed before utilities can be extended to serve the site. The owner will be required to enter into an annexation agreement, which may stipulate, among other things, financial responsibility for any required improvements not covered by impact fees. These improvements may include turn lanes and traffic signals. The owner and Public Works must determine the extent of these improvements prior to this request being scheduled for City Council.

2. Relative to the applicable waivers, Public Works offered the following comments:
 - Sewer Design:** The waiver to allow sewer to flow opposite street grades is appropriate, however it is not acceptable to allow the sewer to extend along the centerline of the private roadways as the roadway would need to be closed for maintenance.
 - Sidewalks:** Public Works notes that sidewalks are needed along South 27th Street as well as Yankee Hill Road and the requested waiver is unsatisfactory. The applicant states that the designs of South 27th Street and Yankee Hill Road are to be done by the City as part of the Capital Improvement Program and that sidewalks should be part of those improvements. It is true that the sidewalks will be built with the road projects, however Title 26 (Land Subdivision) states it is the developer's responsibility to pay for sidewalks. An amendment to clarify that sidewalks along arterial streets are not covered by impact fees is currently being considered by the City Council.
3. This development will outlet to the trunk sewer originally built to serve Wilderness Ridge, west across South 27th Street. A formula was developed to be used to determine the connection fee for users of the line. This user should also be subject to the appropriate fee for connecting to that line.
4. Public Works noted traffic-study recommended turn-lane lengths for Private Road D at Yankee Hill Road (240'), and for Whispering Wind Blvd and South 27th Street (150'). A revised traffic study has since been submitted and is under review. The plans will need to be revised to show the necessary turn-lane lengths as determined by Public Works.
5. A waiver to landscaping in traffic circles and medians was requested, but there is no requirement for landscaping in these areas. However, any landscaping located within these areas beyond typical trees and turf must first be approved by the Parks and Recreation Department. A property owners association will be responsible for the maintenance of all landscaping within traffic circles, medians, boulevards, pocket parks, and outlots.
6. The Bicycle and Trail Plan provides for the trail system to extend through this area, and a crossing has been designated at South 33rd Street. This plan must be revised to show an underpass crossing at Yankee Hill Road east of South 33rd Street.
7. All streets within this development are local streets, and should be designed to function as such. Beyond what is needed to provide for turn lanes, South 33rd Street and Whispering Wind Blvd should be tapered down to the standard width of 27' for a local street.
8. Waivers to setbacks for the B-2 have been requested for the front along Wilderness Hills Blvd and Yankee Hill Road. A waiver to the rear yard setback between B-2 and R-5 has also been requested. The reduction in setbacks is offset by the inclusion of two private pocket parks. The total reduction in setback amounts to approximately 2.2 acres in area, and the applicant has agreed to ensure the combined area of the pocket parks is equivalent. This is an appropriate compromise that allows for a greater utilization of the land dedicated to commercial use, but still provides an equal area for active recreation in exchange where the overall benefit to the community is roughly the same. The plan must also be revised to show that the waiver to

setback in the B-2, except Lots 17 and 18, is to parking areas, not to building envelopes. Lots 17 and 18 should be limited to small office buildings to continue the concept of using office buildings as a transition.

9. There is one exception, however, where the reduction in setback to 20' in the B-2 is not appropriate. Office is generally used as a buffer between commercial and residential throughout the development except Lots 9-12, Block 1 where the B-2 is adjacent to residential. In this area, the amount of screening needs to be increased to provide an adequate buffer between the commercial and residential in this area. In this area, the minimum setback should be 30'. This will allow for a staggered double-row of trees (one-half coniferous). The result should be a 100% screen at least 15' in height.
10. A waiver to lot area and width is requested to allow 4,000 square foot lots 40' in width for single-family and 25' in width for two-family, and to allow 2,000 square foot lots 20' in width for townhomes, all in the R-3. The waivers are typical for a residential CUP such as this one, and will allow for greater flexibility and density in the development of the residential component.
11. A waiver to building height is requested to allow buildings up to 60' in the O-3, and up to 50' in the B-2 and R-5. As part of the Comprehensive Plan Amendment, some of the rationale for allowing the additional floor area was that at least 45,000 square feet of it had to be on the second floor of buildings. These waivers will accommodate more compact development and higher floor area ratios (FAR) which are generally desired in commercial areas. The increase in height is appropriate towards the center of the commercial development, however Lots 17 and 18, Block 1 should be limited to the district height.
12. As noted previously, a portion of the commercial allowed at this location was for a neighborhood center. The intent is to provide for the everyday uses such as grocery, pharmacy, and dry cleaning close to home to minimize vehicle outside the neighborhood. The "Town Center" must include at least 100,000 square feet of neighborhood retail floor area to provide for these uses.
13. Sidewalks that are convenient to the residents of the R-5 residential area should be provided through the parking lots between the dwelling units and the commercial buildings in the town center. One purpose of mixed-use is to encourage pedestrian trips.

CONDITIONS:

Use Permit #154

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

- 1.1.1 Add the following to the floor area table: "A TOTAL OF 495,000 SQUARE FEET OF COMMERCIAL FLOOR AREA. THIS INCLUDES 45,000 SQUARE FEET THAT CAN ONLY BE USED ON THE SECOND FLOOR ABOVE RETAIL SPACE IN THE TOWN CENTER, AND IT MAY NOT BE USED ELSEWHERE ON THE SITE. IF THE SECOND FLOOR OFFICE SPACE IS REDUCED OR ELIMINATED, THEN THE OVERALL FLOOR AREA OF THE CENTER WILL BE REDUCED ACCORDINGLY. A MINIMUM OF 170,000 SQUARE FEET MUST BE IN OFFICE USE. THIS CENTER WAS GRANTED ADDITIONAL COMMERCIAL FLOOR AREA UNDER THE INCENTIVE CRITERIA OF THE COMPREHENSIVE PLAN DUE TO THE SIGNIFICANT MIX OF RESIDENTIAL USES AND HIGHER RESIDENTIAL DENSITY TO BE DEVELOPED ADJACENT TO THE CENTER AND MULTIPLE PEDESTRIAN AND VEHICULAR ACCESS POINTS TO THE CENTER.

THE TOWN CENTER PORTION MUST INCLUDE APPROXIMATELY 100,000 SQUARE FEET OF NEIGHBORHOOD RETAIL USES AND SHALL BE DEVELOPED AS A PEDESTRIAN ORIENTED CENTER. THE ENTIRE TOWN CENTER WILL BE DEVELOPED AS A PLAZA WITH WIDER SIDEWALKS IN SOME LOCATIONS, NUMEROUS EATING AREAS, OUTDOOR RESTAURANT SPACE AND A CENTRAL PLAZA SPACE WITH BRICK OR COLORED PAVING THAT CAN BE CLOSED FOR SPECIAL EVENTS. TWO FACING TOWN CENTER BUILDINGS SHALL BE CONSTRUCTED PRIOR TO OR CONCURRENTLY WITH THE FIRST "BIG BOX" (OVER 20,000 SQUARE FEET) RETAIL BUILDING.

- 1.1.2 Add Note #14 to the Use Permit Notes stating that "ALL BUILDINGS AND DEVELOPMENT IN THE TOWN CENTER SHALL BE IN CONFORMANCE WITH THE DESIGN CRITERIA ON Sheet 16 of 17." **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 11/12/03**)**

- 1.1.3 Add to Note #10 "~~THE DEVELOPER-APPLICANT~~ WILL DEVELOP TWO POCKET PARKS TOTALING APPROXIMATELY 2.2 ACRES, EACH CONTAINING APPROXIMATELY 1 ACRE, (TO BE PRIVATELY OWNED AND MAINTAINED) IN CONSIDERATION FOR REDUCING THE SETBACK TO THE MULTIPLE-FAMILY TO THE EAST AND FOR HAVING FRONT YARD SETBACKS FOR PARKING ALONG YANKEE HILL ROAD WITHIN THE B-2 AS FOLLOWS: 20' SETBACK ADJACENT TO 60' RIGHT-OF-WAY; AND, 15' SETBACK ADJACENT TO 65' RIGHT-OF-WAY." **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 11/12/03**)**

- 1.1.4 Revise the site plan and Use Permit Note #11 to "PROVIDE A MINIMUM OF A 30' SETBACK ALONG WILDERNESS HILLS BLVD IN THE B-2

AREA TO PROVIDE FOR A STAGGERED DOUBLE ROW OF TREES, ONE-HALF TO BE CONIFEROUS, OR, IN THE ALTERNATIVE, PROVIDE A 20' SETBACK AND A LANDSCAPE PLAN OR SOUTH BUILDING FACADE DESIGN THAT MEETS WITH THE PLANNING DIRECTOR'S PRIOR WRITTEN APPROVAL. Show this 100% screen to a height of 15' on the plan.

(Per Planning Commission, at the request of the applicant and agreed upon by staff, 11/12/03**)**

- 1.1.5 Add Note #15 to the Use Permit Notes stating that "LOTS 17 AND 18 SHALL ONLY BE FOR OFFICE USE AND ASSOCIATED PARKING AND SHALL HAVE A 20' SETBACK ALONG WILDERNESS HILLS BLVD."
- 1.1.6 Revise the building envelope along Yankee Hill Road to be a 50' setback for building envelopes, but 20' or 15' for parking where appropriate per Condition 1.1.3, and for a detached and/or attached canopy for the anticipated bank facility. **(**Per Planning Commission, at the request of the applicant and agree upon by staff, 11/12/03**)**
- 1.1.7 Revise the title of Sheet 16 of 17 to "Town Center Streetscape Concept and Design Criteria."
- 1.1.8 Revise the building elevation of "Main Street View Facing West," for the two end buildings adjacent to the central circle to be more consistent and in keeping with the character of the overall design.
- 1.1.9 Simplify Note #2 on Sheet 16 of 17 to state "Two Facing Town Center buildings shall be constructed prior to or concurrently with the first 'big box' (floor area greater than 20,000 square feet) retail building."
- 1.1.10 Correct the title of the notes on Sheet 16 of 17 to "Town Center" not "Township Center." Delete "Big Box" from the subtitle "Big Box Design Criteria".
- 1.1.11 From the Storefront Design on Sheet 16 of 17 delete "imaginative forms".
- 1.1.12 Amend the statement on Sheet 16 of 17 to state "Other acceptable exterior material - subject to Landlord and Planning Director design review and approval."
- 1.1.13 Show pedestrian sidewalks ~~and pedestrian way easements~~ through the parking lots east of the Town Center connecting the dwelling units in the R-5 district to the Town Center. The final location of said sidewalks may be changed at the time of the development of the R-5 District with the approval of the Planning Director. **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 11/12/03**)**

- 1.1.14 Clarify the notes for the town center on Sheet 16 of 17 to the satisfaction of the Planning Department.
- 1.1.15 The design criteria on Sheet 16 of 17 shall apply to all buildings in the Town Center ~~in the B-2 district~~. **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 11/12/03**)**
- 1.1.16 Add a new Note #3 to Town Center Notes on Sheet 16 of 17 “All buildings within the use permit shall be subject to the design criteria. Each building’s elevations shall be first submitted to the Landlord’s Coordinating Architect for review and approval. Then a letter of approval from the Landlord’s Coordinating Architect (which shall describe how the elevations conform to the design criteria) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit.”
- 1.1.17 Design criteria for the other buildings in the Community Center, other than the Town Center, will be developed by the applicant with written approval of the Planning Director. **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 11/12/03**)**

- 2. This approval permits 495,000 square feet of office and commercial floor area with waivers to the preliminary plat, front yard setback from 50' to 30' adjacent to Wilderness Hills Boulevard; from 50' to 15' and 20' for parking adjacent to Yankee Hill Road in B-2, rear yard setback in the B-2 from 50' to 20' adjacent to R-5, building height from 45' to 60' in O-3, from 40' to 50' in the B-2, and to sewer main design to allow sewer to run opposite street grades. The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit 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 use permit as originally approved does not comply with the amended rules and regulations.

General:

- 3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the office/commercial floor area all development and construction shall have been completed in compliance with the approved plans, including design criteria.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner

October 30, 2003

APPLICANT/

OWNER: Gerald Maddox
Lincoln Federal Bancorp, Inc.
1101 N Street
Lincoln, NE 68508

CONTACT: J. Michael Rierden
645 M Street
Lincoln, NE 68508

**ANNEXATION NO. 02012;
CHANGE OF ZONE NO. 3423;
SPECIAL PERMIT NO. 1999,
WILDERNESS HILLS COMMUNITY UNIT PLAN;
and
USE PERMIT NO. 154**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 12, 2003

Members present: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan and use permit.

Ex Parte Communications: None.

Proponents

1. Mike Rierden appeared on behalf of the applicants, presenting this first phase in a rather large development. His client has either fee simple title or land under contract for this entire section, with the exception of a portion in the lower southern corner. This proposal seeks to develop about 112 acres of the total mixed used development of approximately 580 acres.

Rierden explained that the changes of zone are for R-3 (to allow residential development to urban density, basically single family and townhomes); over to the east would be R-5 (higher density residential allowing for apartment and multi-family or townhome development). One of the goals of the Comprehensive Plan is to have higher density residential next to commercial. Going to the west, there is some B-2, which would allow for commercial development--retail, office, restaurants, etc., and then over on the 27th Street side would be the O-3 zoning, which allows for office buildings and which would be a good buffer for the properties to the west across 27th Street. Up in the corner of the B-2 zoning would be a landmark such as you see on the golf course with a waterfall, boulders, and moving water to fit well within the theme already developed on the property to the west.

Rierden stated that the developer has not yet determined whether the R-5 will be multi-family or townhomes. However, one of the conditions of approval requires paths or pedestrian easements to hook the R-5 to the town center, located on what would be 30th Street, and then the rest of the retail development would be larger buildings and parking. The office and restaurant uses would be along Yankee Hill Road and there will be office uses along 27th Street. The balance of the residential would be R-3 in character.

Rierden explained that one of the signatures of this development is going to be a boulevard extending from 27th Street east almost over to 40th Street that will hook up with one of the other

elements of this master plan, which would be an employment center. The R-3 would be single family or townhomes.

With regard to the “town center”, Rierden believes this will be unique to Lincoln – it is a design lifestyle living with a significant amount of outdoor eating and coffee shops, neighborhood type retail uses, with a circle in the middle for people to gather, which could be blocked off for festivals—a real pedestrian oriented type of town center.

Rierden also submitted design criteria for the town center to which the developer has committed. Rierden then submitted proposed amendments to the conditions of approval which he believes the developer and the staff have agreed upon.

Steward inquired whether the developer has any notions for residences above the retail in the town center. Rierden indicated that they do have thoughts about having office above but have not discussed residential units on the upper floor; however, he believes it could be considered. Right now there is a provision for some office on the second floor of the town center.

With regard to the amendments to the conditions of approval submitted, Rierden deleted “and pedestrian way easements” from his amendment to Condition #1.1.12 of the special permit and Condition #1.1.13 of the use permit. He also suggested adding, “each containing approximately one acre” to the amendment to Condition #1.1.3 of the use permit.

Rierden also noted that the use permit Conditions #1.1.2 and #1.1.15 talk about the design criteria being applicable to “all buildings” in the B-2 zoning. Rierden requested that the language be changed to specify that it is applicable to the “town center buildings”. He also noted that staff wants to make sure the buildings outside of the town center do follow a certain design criteria. The developer has not had time to develop anything for the retail boxes or office buildings and restaurants. Therefore, Rierden proposed adding Condition #1.1.17 to the use permit, “Design criteria for the other buildings in the community center, other than the town center, will be developed by the applicant with written approval of the Planning Director”.

The applicant withdrew the waiver requests to which the staff has recommended denial, i.e. sidewalks and sanitary sewer design standards to allow sewer to flow under the centerline of the roadway.

Carlson recalled that some floor area was shifted from the employment center over to the new commercial area. Rierden acknowledged that they have switched the Community Center to 27th & Yankee Hill Road. Brian Will of Planning staff explained that the previous Comprehensive Plan amendment did reduce the light industrial employment center on the west side of this square mile section, and moved it to this corner. In addition, this corner was allowed to include a neighborhood center that is planned for every square mile section. Rierden added that there are approximately 77 acres on 40th Street for the employment center; however, the developer is in discussion with staff on that because there are some drainage issues in that particular area so it may not end up being 77 acres. In approving this, Carlson believes we have removed the opportunity somewhere else, and Rierden does not believe that to be true.

2. Christine Jackson, 9030 Whispering Wind Road in Wilderness Ridge, submitted comments received from residents of Wilderness Ridge. The Wilderness Ridge residents are supporting this proposal, with some reservations. They commend the developer for looking at the entire section at once.

--They do have concerns regarding the size of the development. It was originally showed to the Wilderness Ridge residents as 325,000 sq. ft. – if we add the area to the north (currently planned), it is becoming a very sizable development. When compared to SouthPointe, it does start to look like a pretty large development by adding the community center.

--The Wilderness Ridge residents have talked with the developer about box stores and it was indicated that they are not looking at large box stores such as Walmart, nor quite the size of Kohl's on 84th Street.

--Another neighborhood concern is landscaping and appropriate screening along 27th Street, and Jackson believes this issue has been addressed.

--Lighting is an issue because the Wilderness Ridge neighbors like their rural standards. Jackson pointed out that there was some agreement previously with Williamson Honda to reduce the lighting after the businesses have closed, and she would like to see the same consideration for the dimming of the lights in this development.

--The neighbors are very supportive of the sidewalks. They would like to see this as a very walkable area.

--The neighbors would like consideration for school buses and transit bus stops. They do not have any in Wilderness Ridge at this time.

--The builder has noted his intention to use monument signs and no pole signs, which the neighbors support.

--Jackson requested that the Planning Commission carefully consider the city services that extend to the southern border of the city. There are fire and safety issues and the neighbors would like to see that type of planning for this area of the city.

--Traffic is a concern. 27th and Yankee Hill is going to be a very large intersection with a lot of traffic. Jackson requested that there be parallel planning of the streets as well as the development in a parallel fashion instead of development coming first and the streets coming later. She also requested that there be a traffic study. Now is the time to try to make decisions and changes if needed. We know that 27th Street will be a major south entrance to the city from the beltway and we know that there is some discussion regarding how those entryways to the city would look. There should be opportunity to work with the developers on this issue.

There was no testimony in opposition.

Response by the Applicant

With regard to Dr. Jackson's comments, Rierden stated that the developer will continue to work with the neighborhood and will look into the options for lighting, etc.

Carlson asked Rierden whether there are conditions to address the neighborhood comments about the maximum single building floor area. Rierden stated that there are no conditions; however, the staff report indicates an allowable maximum amount of square footage and the developer is allowed to allocate that total as the developer deems appropriate and as the market dictates. Steward suggested that the applicant note the neighborhood's preference. Rierden agreed and said that they would try to take that into consideration. These use permits are presented with the building envelopes, and as long as the developer does not try to go beyond the total square footage allowable, there are changes that are made. Rierden assured that the developer will keep the neighborhood concerns well in mind.

Bills-Strand stated that she is a resident of Wilderness Ridge and inquired about the a traffic study for this area. With the closing of 14th Street we're starting to see what it is going to be like. Brian Will of Planning staff advised that the applicant was required to do a traffic study with this proposal. Relative to improvements to South 27th and Yankee Hill Road, those are going to be city-funded projects in the CIP. Chad Blahak of Public Works further advised that Yankee Hill will now be paved from 27th to 40th. As far as widening or improvements, Blahak suggested that typically, with a development that abuts existing rural cross-sections with major entrances, Public Works does require deceleration lanes. With this one, Public Works is suggesting that the widening of 27th Street and Yankee Hill Road be built in conjunction with the commercial development. These streets are in the current CIP. The CIP schedule shows 27th Street from Pine Lake Road to Rokeby in the 2005-06 construction schedule, which does not take into account available funding, and then Yankee Hill Road from 27th to 40th was shown in the 2003-04 or 2004-05 construction schedule, still dependent on funding.

Bills-Strand inquired whether the paving of 40th Street will be extended to Yankee Hill Road to take some of the traffic off of 27th Street. Blahak indicated that to be part of the 27th to 40th Yankee Hill project. We know where the signals are recommended to be located.

Steward inquired about police and fire stations, even though it is beyond the scope of this application but was mentioned by Dr. Jackson. Brian Will stated that, as with all preliminary plats, Police and Fire are included in the review process. We make sure they are given the opportunity to start looking at procuring sites before development occurs. Police and Fire have reviewed this proposal and are not interested in securing any future fire stations in this square mile. However, with the applicant having a development concept plan for the entire mile section, a part of the process included involving LPS, which is looking at a future school site within this section. We have made provision where necessary for those public facilities.

ANNEXATION NO. 02012

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 12, 2003

Taylor moved approval, subject to an annexation agreement, seconded by Bills-Strand and carried 8-0: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'.

CHANGE OF ZONE NO. 3423

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 12, 2003

Taylor moved approval, seconded by Carlson and carried 8-0: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'.

**SPECIAL PERMIT NO. 1999,
WILDERNESS HILLS COMMUNITY UNIT PLAN.**

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 12, 2003

Taylor moved to approve the staff recommendation of conditional approval, with the amendments proposed by the applicant, seconded by Carlson and carried 8-0: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'.

USE PERMIT NO. 154

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

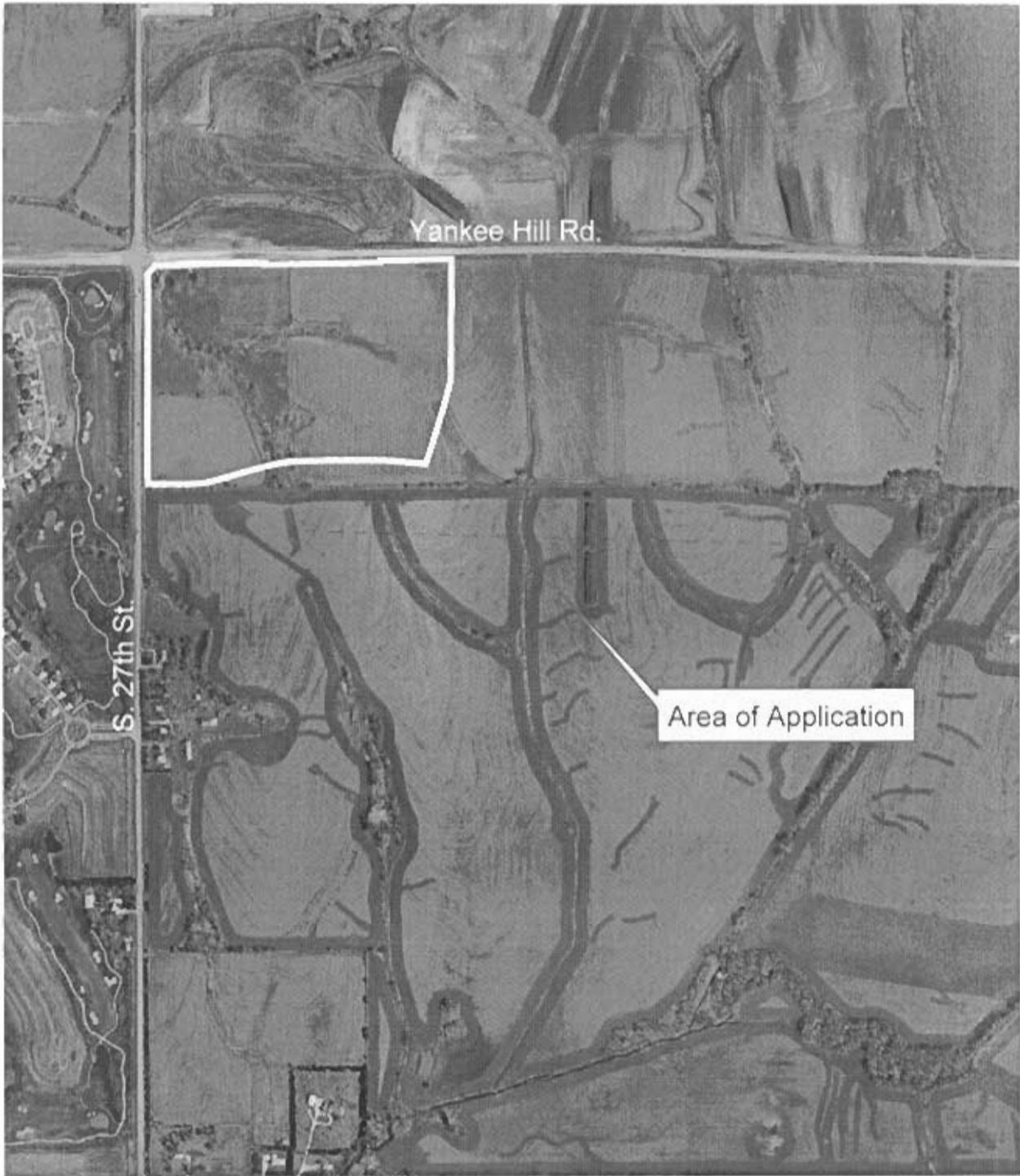
November 12, 2003

Taylor moved to approve the staff recommendation of conditional approval, with the amendments proposed by the applicant, seconded by Marvin.

Carlson commended the developer for the "forward thinking" as far as design with the town center, mixed use, and connecting the multi-family with direct pedestrian access, ultimately pulling people into that area. In general, Carlson urged the judicious use of the floor area.

Steward added his personal encouragement that as long as we're modeling and stretching the envelope for design like the town center, that the mixed use opportunities be considered as much as possible. He thinks we are ready for that in this community and this would be a great opportunity for it to be seen and understood.

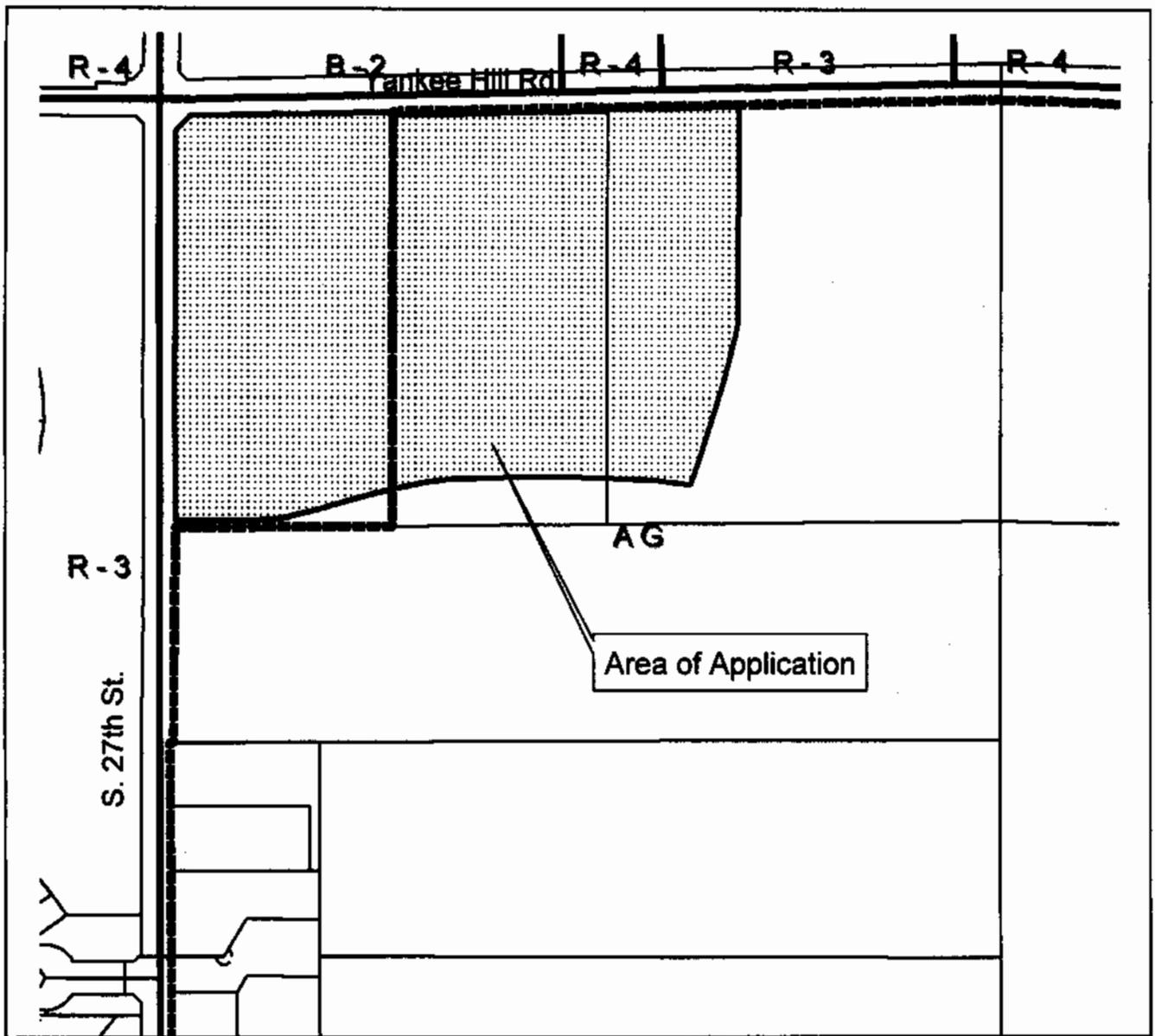
Motion carried 8-0: Larson, Carlson, Bills-Strand, Marvin, Duvall, Taylor, Krieser and Steward voting 'yes'.



Use Permit #154
S. 27th St. & Yankee Hill Rd.



017

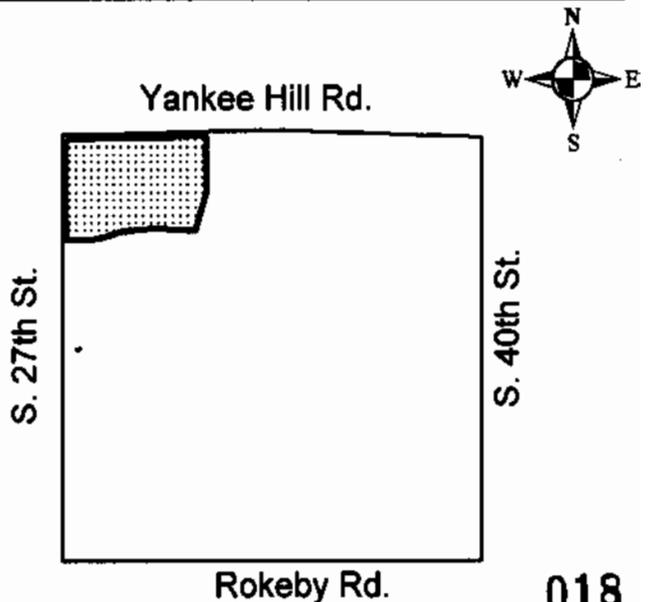
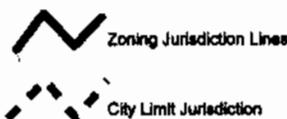


Use Permit #154
S. 27th St. & Yankee Hill Rd.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 30 T09N R7E



018

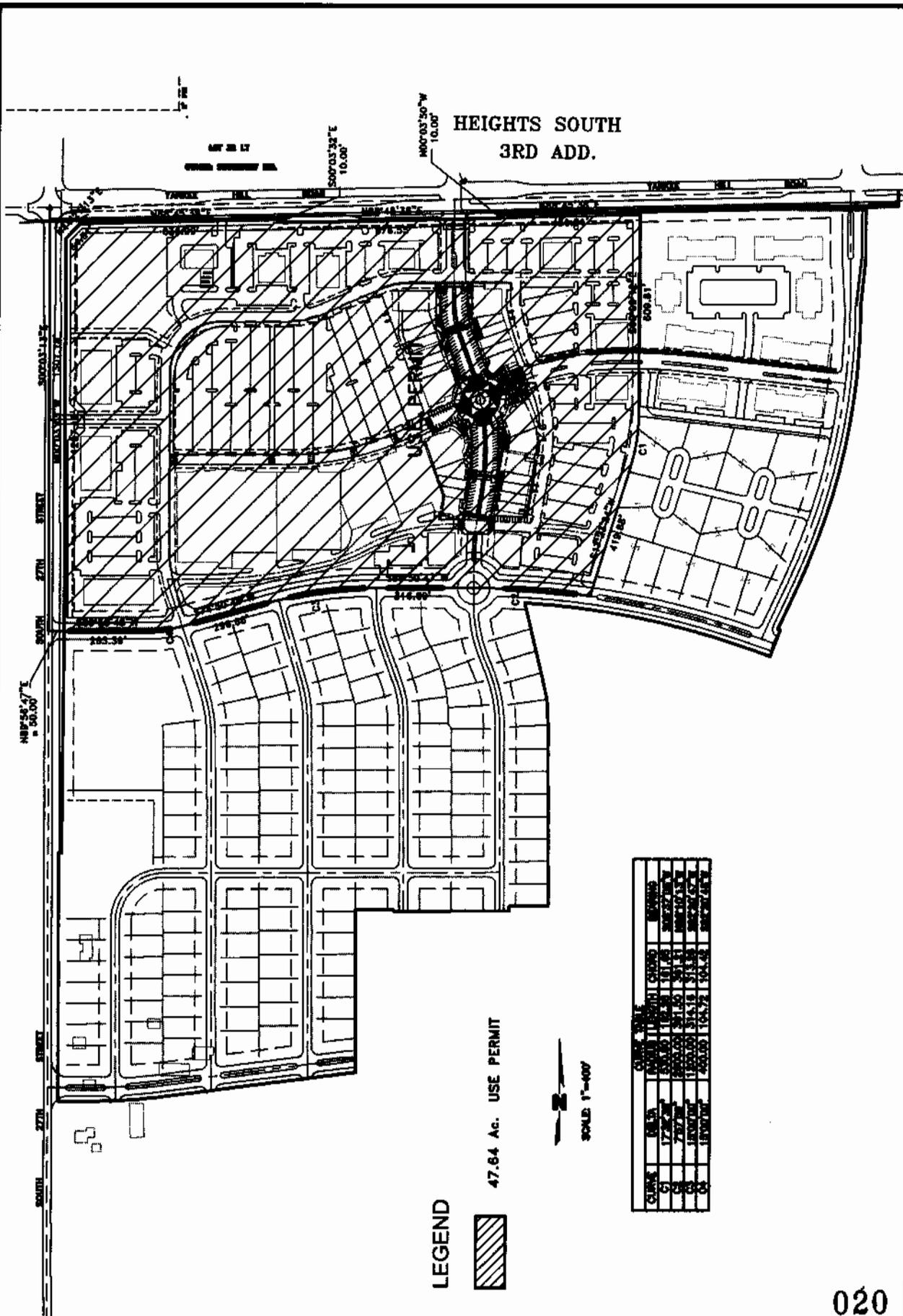
LEGAL DESCRIPTION use permit

A tract of land located in the Northwest quarter of section 30, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. More particularly described as follows:

Referring to the Northwest corner of said quarter; thence $S00^{\circ}03'13''E$ on an assigned bearing and along the West line of said quarter, a distance of 1,301.18 feet; thence $N89^{\circ}56'47''E$, a distance of 50.00 feet to a point on the East right-of-way line of South 27th Street, said point also being the point of beginning; thence $N00^{\circ}03'13''W$ along said right-of-way, a distance of 1,207.19 feet; thence $N44^{\circ}21'13''E$, a distance of 64.31 feet; thence along the South right-of-way line of Yankee Hill Road for the next five courses, $N88^{\circ}45'38''E$, a distance of 636.99 feet; thence $S00^{\circ}03'32''E$, a distance of 10.00 feet; thence $N88^{\circ}45'38''E$, a distance of 676.55 feet; thence $N00^{\circ}03'50''W$, a distance of 10.00 feet; thence $N88^{\circ}45'38''E$, a distance of 431.91 feet; thence $S00^{\circ}09'12''E$, a distance of 619.81 feet to the point of curvature of a radial curve to the right having a central angle of $17^{\circ}32'36''$, a radius of 530.00 feet, an arc length of 162.28 feet, a chord length of 161.65 feet and a chord bearing of $S08^{\circ}37'06''W$; thence along said curve, a distance of 162.28 feet; thence $S17^{\circ}23'24''W$, a distance of 419.88 feet to the point of curvature of a non tangent curve to the left having a central angle of $07^{\circ}57'59''$, a radius of 2,600.00 feet, an arc length of 361.50 feet, a chord length of 361.21 feet and a chord bearing of $N86^{\circ}10'13''W$; thence along said curve, a distance of 361.50 feet; thence $S89^{\circ}50'47''W$, a distance of 316.69 feet to the point of curvature of a radial curve to the left having a central angle of $15^{\circ}00'00''$, a radius of 1,200.00 feet, an arc length of 314.16 feet, a chord length of 313.26 feet and a chord bearing of $S82^{\circ}20'47''W$; thence along said curve, a distance of 314.16 feet; thence $S74^{\circ}50'48''W$, a distance of 296.68 feet to the point of curvature of a radial curve to the right having a central angle of $15^{\circ}00'00''$, a radius of 400.00 feet, an arc length of 104.72 feet, a chord length of 104.42 feet and a chord bearing of $S82^{\circ}20'48''W$; thence along said curve, a distance of 104.72 feet; thence $S89^{\circ}50'48''W$, a distance of 263.39 feet to the point of beginning.

Containing 2,075,161.28 square feet or 47.6391 acres, more or less.

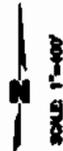
END OF DESCRIPTION.



LEGEND



47.64 Ac. USE PERMIT



SCALE 1"=100'

CURVE	AREA	PERCENT	CHANG	REMARKS
1	17.24	36.18	181.78	PERMIT AREA
2	7.87	16.52	81.11	PERMIT AREA
3	100.00	21.00	513.38	PERMIT AREA
4	187.00	39.30	944.48	PERMIT AREA
TOTAL	47.64	100.00	1180.75	PERMIT AREA

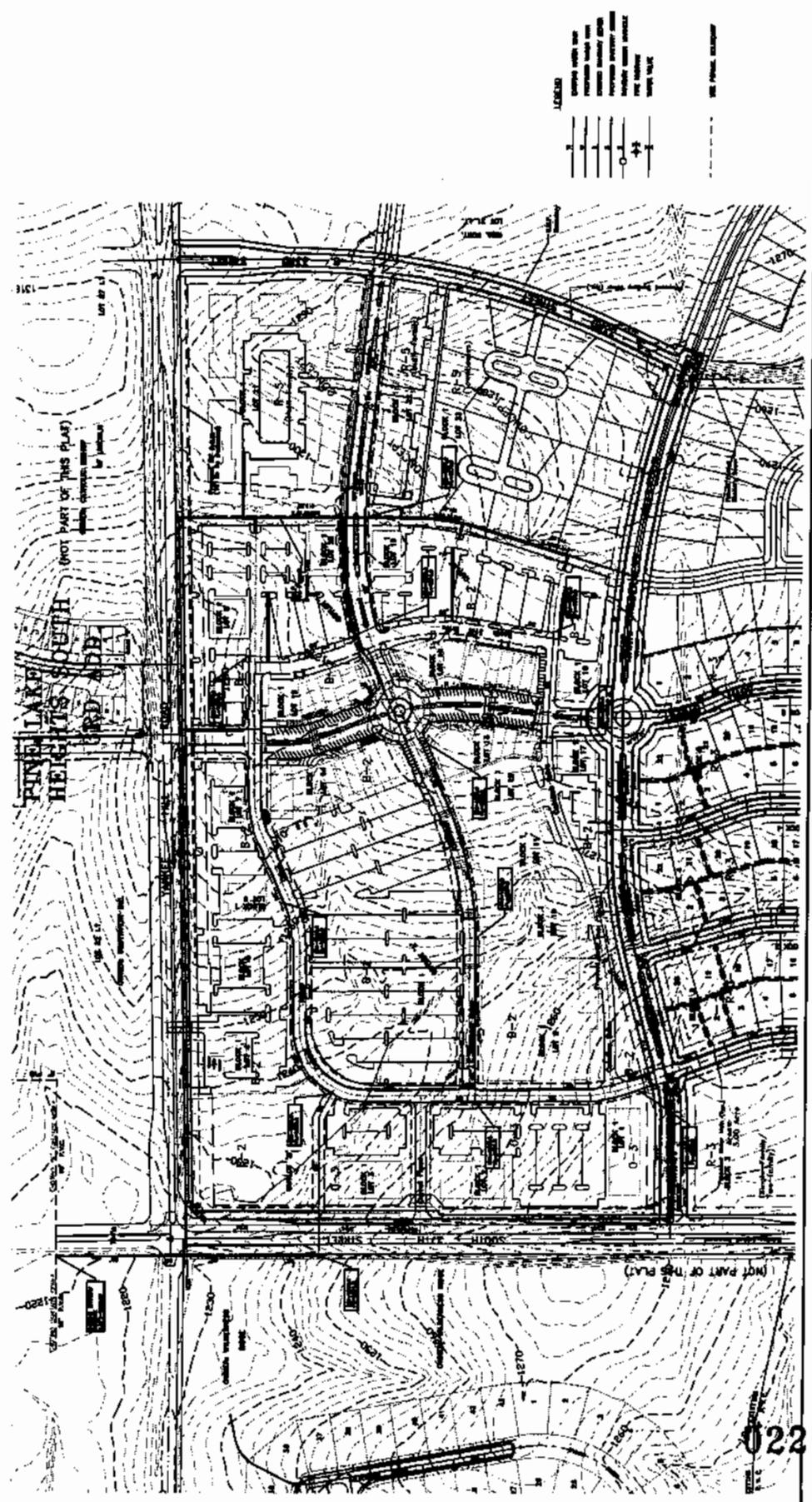
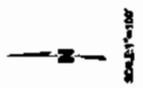
**WILDERNESS HILL
USE PERMIT BOUNDARY EXHIBIT**
Lincoln, Nebraska

630 N. Center Blvd.
Ste. 105
Lincoln, NE 68505
Ph. 402-464-4011

Drawn By: BT
Dwg.: WilderHill_Useper
Date: 9/18/03

SHEET
1 OF 2

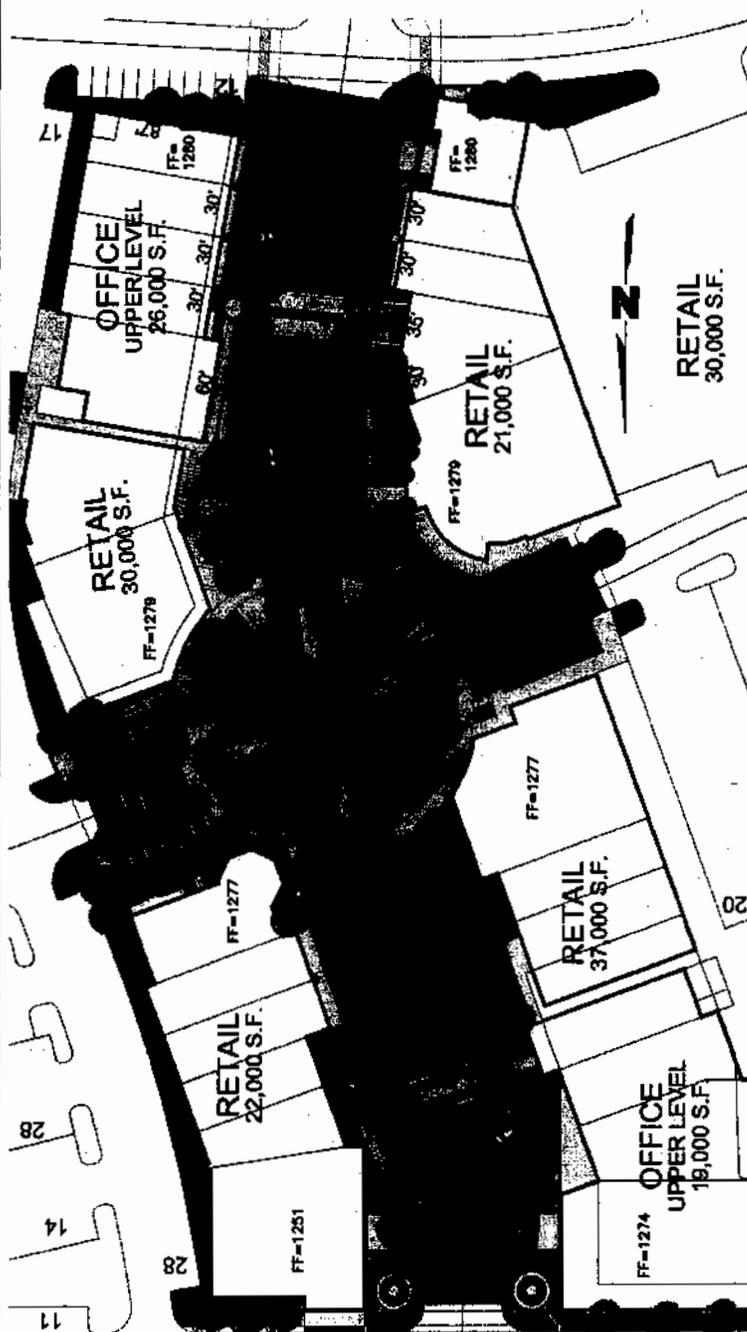
**WILDERNESS HILLS
USE PERMIT**



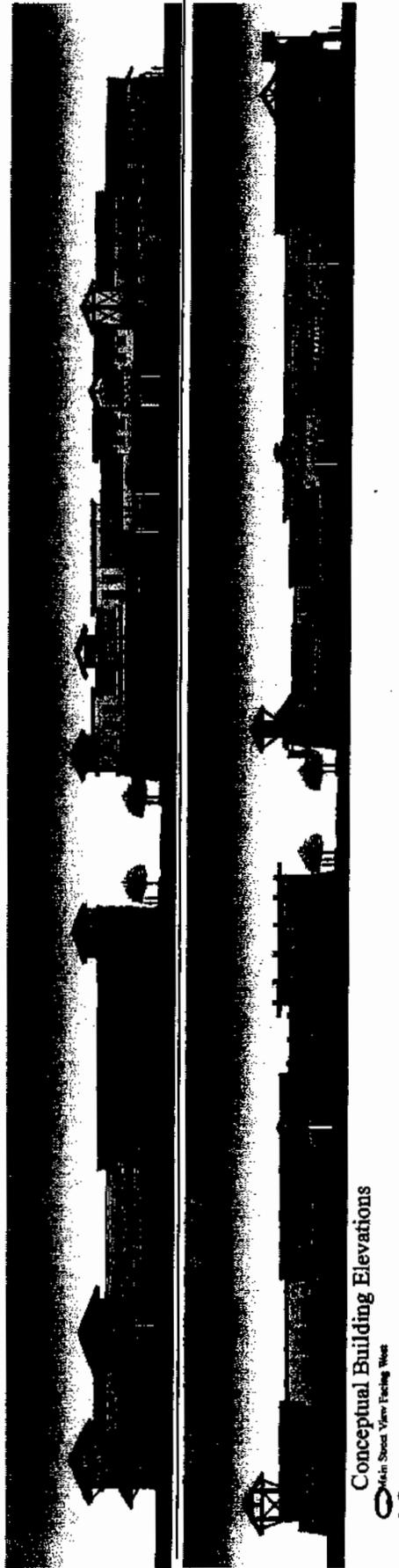
WILDERNESS HILLS USE PERMIT

TOWN CENTER NOTES
 1. THIS PROJECT IS SUBJECT TO THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA. THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA SHALL BE CONSIDERED PART OF THIS PERMIT. THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA SHALL BE CONSIDERED PART OF THIS PERMIT. THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA SHALL BE CONSIDERED PART OF THIS PERMIT.

2. THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA SHALL BE CONSIDERED PART OF THIS PERMIT. THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA SHALL BE CONSIDERED PART OF THIS PERMIT. THE TOWN CENTER DEVELOPMENT REGULATIONS AND THE TOWN CENTER DESIGN CRITERIA SHALL BE CONSIDERED PART OF THIS PERMIT.



and Design Criteria



Conceptual Building Elevations
 Min. Street View Facing West



Engineering Design Consultants

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

April 14, 2004

Brian Will
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

RE: Wilderness Hills Special Permit #1999, Use Permit #154
Response to Planning comments
EDC Job #03-2901-40

Dear Brian,

The changes to the Wilderness Hills C.U.P #1999 in response to your comments received on March 29, 2004 are as follows:

1. Note #28 has been revised as requested by comment #1.
2. A note to the C.U.P Site Notes stating that "Homes will not take access or have garage doors facing Wilderness Hills Boulevard unless their primary façade is facing Wilderness Hills Boulevard. Otherwise, the façade facing Wilderness Hills Boulevard will have multiple window openings and be constructed of similar materials as the primary façade" has been added as requested by comment #2.
3. Note #3 has had "and revisions to the layout will be allowed based on filing an administrative amendment to the C.U.P" removed and C.U.P Site Notes #3 and #4 have been combined as requested by comment #3.
4. Site Notes #4 and #5 have been combined as requested by comment #4.
5. Use Permit Note #9 has been revised as requested by comment #5.
6. Town center building elevations on Sheet 16 of 17 have been revised to be consistent with those submitted on March 15, 2004, as requested by comment #6.
7. All notes located on Sheet 16 of 17 have been revised accordingly as requested by comment #7.
8. The note "Design criteria for the other buildings in the Community Center, other than the Town Center, will be developed by the applicant with written approval of the Planning Director prior to issuance of building permits for the buildings in the Community Center other than the Town Center" has been added as requested by comment #8.

9. The east – west Street shown as Crescent Drive and Bryce Drive has been revised to be called Crescent Drive as requested by comment #9.
10. The north - south private roadway has been named South 31st Drive. If this name is unacceptable, we will revise the name at your discretion with the final plat.
11. The changes requested by Public Works are as follows:
 - a. The sanitary sewer has been relocated to be outside the driving isle of Lots 15 and 16 as requested.
 - b. The ultimate four lane section for South 27th and Yankee Hill Road has been shown to include the assumed grades and paving as requested. The plans show the proposed grading tying into the site grading. Profiles for South 27th Street and Yankee Hill have been included, although these may change per final design, which will be coordinated with the site grading.
 - c. The revised layout shows 150 foot left turn lane at the intersection for South 30th Street and Yankee Hill Road as requested.
 - d. The grading and detention calculations have been revised for both detention cells to meet design standards as they pertain to permanent pond detention cells in the City of Lincoln Drainage Criteria manual as requested. The north cell will have a permanent pool with a depth of 6 feet. The detention facility works with the proposed storm drain system for South 27th Street and Yankee Hill Road. The existing storm system at the intersection of South 27th and Street and Yankee Hill Road will be replaced prior to full build out of Wilderness Hills and, therefore, will accommodate the proposed detention facility. The south detention basin does not have a permanent pool and will be drained after each storm event. The revised grading plan and calculations accommodate the future construction as well as existing conditions.
 - e. South 33rd Street has been revised to show a divided median at Yankee Hill Road which tapers to a 33 foot wide section as requested. The 33' wide section continues through Crescent Drive and tapers to a 27 foot wide section.
 - f. Right turn lanes have been shown at the intersection of South 27th Street and Coral Street as requested.
 - g. The intersection of Coral Street and South 27th Street has been revised to show a full median as requested.
12. The changes requested by the Parks and Recreation Department are as follows:
 - a. The developer and/or homeowners association shall be responsible for all maintenance of outlots, medians, traffic circles, boulevards, and parkways as requested by comment #1.

- b. We agree that any landscape in the public right of way that is not a "basic" landscape (trees and turf) will be considered an "enhanced" landscape and must go through proper channels for approval including a written agreement with the City of Lincoln accepting responsibility for the initial expense and ongoing maintenance associated with the "enhanced" landscape as requested by comment #2.
- c. Scotch Pine has been substituted with Colorado Blue Spruce as requested by comment #3.
- d. The spelling of Seagreen Juniper in the plant table has been corrected as requested by comment #4.
- e. Correct streets have been added to the street tree/landscape schedule to reflect the location of proposed street trees as requested by comment #5.

13. The changes requested by Public Works and Utilities Department are as follows:

- a. The minimum opening elevations have been added to the grading plan as Note #2 on Sheet 4, for lots adjacent to Outlot C as requested by comment #1.
- b. The directional flow arrows have been shown along lot lines and the grading has been revised to maintain a finished grade of 2% or less as requested.

14. A reduced set of 8 ½" x 11" plans has been included to be forwarded to City Council as requested by comment #14.

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Sincerely,

ENGINEERING DESIGN CONSULTANTS

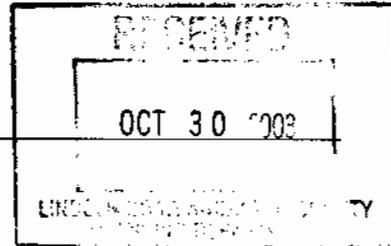


Jason Thiellen
Land Planner

Enclosures: 6 Sets of Sheets 1 – 17
3 Sets of revised drainage calculations
1 Set of 8 ½" x 11" Sheets 1 – 17

c. Jerry Maddox

Memorandum



To: Brian Will, Planning Department

From: ^{CB} Chad Blahak, Public Works and Utilities
Dennis Bartels, Public Works and Utilities

Subject: Wilderness Hills Preliminary Plat

Date: October 29, 2003

cc: Randy Hoskins

Engineering Services has reviewed the preliminary plat and CUP for Wilderness Hills, located on the southeast corner of South 27th Street and Yankee Hill Road and has the following comments:

- 1 Water Main - The water system is satisfactory.
- 2 Sanitary Sewer - Timing of the 8" sanitary sewer in South 27th Street north from the outfall to Yankee Hill Road connection will need to be coordinated with party responsible for extending sewer to the intersection of South 27th Street & Yankee Hill Road.

Public Works approves the requested waiver of design standards for sewer to run opposite street grades. Public Works does not approve the requested waiver of design standards for sewer to run on centerline of private roadway to save easement width. This will hinder access to the sewer for maintenance. The commercial streets would need to be closed to access the manholes during maintenance.

Easements are needed for all sanitary sewers outside of the dedicated public streets.

This plat outlets to the trunk sewer built to serve Wilderness Ridge. A connection fee per the previously applied formula should be required.

- 3 Show existing culverts in 27th Street and proposed storm sewer in Yankee Hill Road and at the intersection of Yankee Hill and South 27th.

Show the locations of the outlet structures in the proposed detention cells. Also show how the outlet structures will connect to existing and future storm systems.

Show that the excess storm runoff for the 100 year storm from Wilderness Hills Boulevard onto South 27th will not adversely effect South 27th in terms of depth of flow in a major arterial street.

This developer needs to provide a guarantee that detention will be constructed for the areas included in this CUP that drain to proposed detention cells outside of the limits of this plat.

A 2% minimum grade needs to be provided in the detention areas as per design standards.

Show assumed grades and paving in South 27th Street and Yankee Hill Road based on an urban cross section and show appropriate site grading to tie into the assumed grades. 027

4. Streets - Street names need to be provided for the proposed private roadways

The K values for vertical curves in South 30th at Sta 1+59 and 2+39 do not meet design standards and need to be revised.

The traffic study provided by Ehrhart Griffin and Associates for this project shows a recommended north to west bound left turn lane length of 240' for Private Roadway 'D' at the intersection with Yankee Hill Road. The turn lane shown is less than 100' in length due to the intersection with Private Drive F. The traffic study also indicates that the west to south bound left turn lane in Whispering Wind Boulevard needs to be 150' in length. There is only 120' of turn lane shown on the plan due to the Adobe Street intersection. These discrepancies will need to be addressed prior to Public Works approval. The full buildout lane configurations in the traffic study must be met with the design of this plat. Revised roadway and lot configurations may be required.

The street cross section in Whispering Wind Road and the intersection of South 27th Street must be revised to match existing section on the opposite side of the intersection. The street cross-section of 33rd and 30th streets also need to be revised and detailed to match the approved streets on the north side of Yankee Hill Road. The existing and approved geometry for streets on the west side of 27th and north side of Yankee Hill must be shown.

Sidewalks are needed along 27th Street and Yankee Hill Road as well as interior local streets. The requested waiver is unsatisfactory. The developer is responsible for these sidewalks.

The traffic study submitted for this development acknowledges that upon full development of this plat, the capacity of 27th will be exceeded for the existing and proposed 4 lane cross-section between Yankee Hill Road and Old Cheney Road.

Responsibility for construction of paving and traffic signal improvements caused by this development must be determined and be included in an annexation and zoning agreement. Any improvements not theoretically included in impact fees should be paid for by this development. Yankee Hill Road and 27th Street adjacent to this development must be built to an urban cross-section prior to or in conjunction with this development.

5 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 between the storm sewer inlets and 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.



MEMORANDUM

Date: October 20, 2003

To: Brian Will
cc: Ben Higgins, Chad Blahak

From: Devin Biesecker

Subject: *Wilderness Hills*

Watershed Management has reviewed the plans for Wilderness Hills CUP. Comments are based on a 17 sheet plan set and hydrology report stamped Sept 18, 2003 by the Planning Dept.

1. City of Lincoln Design Standards states that detention facilities should be graded to prevent standing water conditions with a minimum 2% bottom slope for all unpaved areas. The grading plan shows Outlot 'C' as having slopes less than 2% in some areas.
2. There are two storm water systems that outlet to the south without detention. It is stated in the letter included with the plan set that detention for this area would be accounted for in future development to the south. However, development in this area may be several years away. Watershed Management recommends that temporary detention either with a detention pond or by creating swales with checks should be used at this location to prevent erosion downstream.
3. Minimum opening elevations are needed for the lots adjacent to Outlot 'C'
4. There are areas in Block 4 shown on the grading plan that have slopes less than 2%. Provide flow direction arrows on appropriate lot lines as stated in Section 26.15.020(b) of the Lincoln Subdivision Ordinance. To aid in preventing future drainage problems along lot lines in this development it is recommended that flow direction arrows be shown along all single family lots.
5. There are several storm water systems shown in private streets. If the storm water systems are also private it should be noted on the plans.
6. City of Lincoln design standards require a 10 year frequency for the design storm in commercial areas. A 5 year frequency was used for the commercial areas of this development.
7. The hydrology study has several areas that need further explanation. Public Works and Utilities will meet with the design engineer to discuss these issues.

Memo



To: Brian Will, Planning Department

From: Mark Canney, Parks & Recreation

Date: September 30, 2003

Re: Wilderness Hills SP 1999

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and the following comments:

1. Developer and/or home owners association responsible for the maintenance of all outlot areas, medians, traffic circles, boulevards, and parkways associated with the development.
2. Any landscape in public right of way that is not a "basic" landscape (trees & turf) is considered an "enhanced" landscape and must go through proper channels for approval including a written agreement with the City of Lincoln accepting responsibility for the initial expense and ongoing maintenance associated with the "enhanced" landscape.
3. A trail crossing to be a grade step crossing (underpass) and located east of 33rd Street needs to be identified.
4. Street trees need to be identified and located on all roadways.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



DATE: October 3, 2003
TO: Brian Will , City Planning
FROM: Sharon Theobald
Ext. 7640
SUBJECT: DEDICATED EASEMENT
DN # 87S-30E

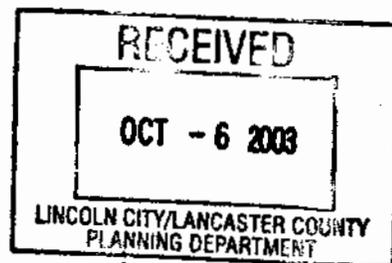
Attached is the C.U.P./Use Permit for Wilderness Hills.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements excluding building envelopes over Block 1, Lots 21 & 22, and blanket utility easements over all of the Outlots.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



Richard J Furasek

To: Brian J Will/Notes@Notes

10/10/2003 10:37 AM

cc:

Subject: Wilderness Hills

After reviewing the plans for special Permit #1999, Use permit # 154, and Annex. # 02012, we find it acceptable from the perspective of our department. We have access to the area and water doesn't seem to be an issue. The only concern is stretching our resources and response times to these areas without having new fire stations to provide the service that the people of Lincoln expect.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

MEMORANDUM

TO: BRIAN WILL, LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT

FROM: J. MICHAEL RIERDEN

RE: WILDERNESS HILLS

DATE: NOVEMBER 12, 2003

As a follow up of our meeting in your office on November 10, 2003, I would propose the following, to-wit:

1. The request for a waiver to allow the sanitary sewer to be placed at the center line of the private roadways is amended to request a waiver to allow the sanitary sewer to be placed at the center line of 30th Street in the area of the Town Center.
2. We withdraw the request to waive the requirement for sidewalk along the east side of 27th Street and along the south side of Yankee Road.
3. The following amendments to Site Specific Conditions are requested:

Special Permit 1999

1.1.6 Move the two Notes relating to the pocket parks on Sheet 2 of 17 to the General Site Notes on Sheet 1 of 17. Provide and show that the private pocket parks have a total of approximately 2.2 acres with each park having a total of approximately 1 acre (excluding storm water detention facilities) showing recreational equipment to the satisfaction of the Parks and Recreation Department.

1.1.11 Add a Note stating that if homes on the lot abutting Wilderness Hills Boulevard are built with their primary façade facing a local street rather than Wilderness Boulevard then the side façade facing Wilderness Hills Boulevard will have an exterior design with windows and construction materials similar to the primary façade.

1.1.12 Show pedestrian sidewalks ~~and pedestrian way easements~~ through the parking lot east of the Town Center connecting the dwelling units in the R-5 District to the Town Center. The final location of said sidewalks

and easements may be changed at the time of the development of the R-5 District with the approval of the Planning Director.

2. This approval permits 640 single family, townhouse and multiple-family units, dwelling units with waivers to preliminary plat process, to minimum lot area and lot width to allow 4,000 square foot lots 40' in width for single-family and 25' in width for two-family, and to allow 1,800 square foot lots 18' in width for townhomes, all in the R-3, and to building height from 35' to 50' in the R-3 and R-5. The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan 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 community unit plan as originally approved does not comply with the amended rules and regulations.

Use Permit 154

1.1.3 Add to Note #10 "the Applicant will develop two pocket parks totaling approximately 2.2 acres (to be privately owned and maintained) in consideration for reducing the setback to the multi-family to the east and for having front yard setbacks for parking along Yankee Hill Road within the B-2 as follows: 20' setback adjacent to 60' right-of-way; and 15' setback adjacent to 65' right-of-way.

1.1.4 Revise the Site Plan and the Use Permit Note #11 to "Provide a minimum of a 30' setback along Wilderness Hills Boulevard in the B-2 area to provide for a staggered double row of trees, one-half to be coniferous or, in the alternative, provide a 20' setback and a landscape plan or south building facade design that meets with the Planning Director's prior written approval."

1.1.6 Revise the building envelope along Yankee Hill Road to be a 50' setback for building envelopes, but 20' or 15' for parking where appropriate per Condition 1.1.3 and for a detached and/or attached canopy for the anticipated bank facility.

1.1.13 Show pedestrian sidewalks ~~and pedestrian way easements~~ through the parking lots east of the Town Center connecting the dwelling units in the R-5 District to the Town Center. The final location of said sidewalks and easements may be changed at the time of the development of the R-5 District with the approval of the Planning Director.

each containing approx. 1 acre

City/County Planning Commission – November 12, 1:00 PM Wilderness Hills – Wilderness Ridge Neighborhood Comments

General Comment - The developers should be complimented on their plan to "Master Plan" this entire mile section. While the November 12 Planning Commission action only discusses the northeast corner of this development, we are hopeful that the Planning Commission and Planning Department staff are considering this action as part of a larger development plan and are thinking more broadly. How are the edges of the development complimenting the currently developed, or shortly to be developed boundaries of this section of land? Have a new fire station and police station been planned? Knowing that there is interest in sustainable development, does this development reflect these design and development concepts? How does this development fit the City's Master Plan?

Size of Development – This current development is planning 325,000 of retail and office space, excluding the adjacent office buildings, restaurants, and other retail establishments along 27th Street & Yankee Hill Road. This development is a little over 50% of the retail space found at South Pointe Pavilion. Given the build out of the other adjacent corners, does total square feet of three of the corners at this intersection equal or exceed that of a regional shopping center? If yes, then why not analyze it as a regional commercial center and not as a series of interrelated community centers?

What is the market demand for all this commercial development? Is there now or is there projected in the future an "unsatisfied sales potential" requiring all this commercial space? Or will this development take business away from existing businesses such as Edgewood, Bishop Heights and downtown? Is there a market analysis demonstrating the "public good" served by this development? Is there an economic development plan for this market area?

Building Size – We would like to see the maximum building size to not exceed 75,000 square feet. (Note: The current Kohl's on 84th Street is 81,514 sq. ft.) Big-box stores, as are currently permitted under B-2 zoning, that are greater than 75,000 should not be permitted. Per discussions with the developer, the development, as currently envisioned, does not exceed 2-story buildings. We would like to see this included in the final zoning and permits.

Building Form and Texture Requirements – While we appreciated the lifestyle center design concept presented, having the same consistent design applied to building form and texture on the box retailers not located on the town center would be appreciated. The same attention to the design of the rear elevation of the box retailers should also be a requirement of the development.

Landscaping – Additional landscaping to provide screening along 27th street should be encouraged. The developers noted their interest in increasing the minimum landscaping requirements. Having additional landscaping specifically cited in the special permits is needed.

Lighting - Dimming of parking lot lights to during non-business hours is requested. Reducing the parking lot lighting ½ hour after closing, like the Williamson Honda agreement, would be appreciated. We are opposed to late night entertainment establishments that will require lights till early morning hours.

Sidewalks – We are very supportive of the staff's recommendation that the sidewalk requirements not be waived. Having this development as one that is "walkable" between residential and commercial developments is to be commended.

School and Transit Bus Pickups – Have these been incorporated into the design? In Wilderness Ridge they were not. Given that the planned residential neighborhood will have many school aged children, appropriate planning would be appreciated.

Signage – We would like to affirm monument signage only and then only for tenants adjacent to 27th or Yankee Hill Roads. No pole signs.

Police and Fire Stations - The staff reports notes that new developments at the edge of the city are stretching their resources and response times without new fire stations to serve those areas. The police department may agree. Is the Planning Commission also "master planning" the construction of these city service zones into its planning? Given this is another square mile of development; we would recommend that now is the time to set aside land for these critical city services.

Streets & Other City Improvements - We are concerned that construction to widen 27th Street and Yankee Hill Road, installation of street lights, trees, need to parallel the development of this corner. Without parallel construction, we envision major traffic problems and a very busy intersection at 27th and Yankee Hill Road, similar to the intersection at 27th & Pine Lake Road. We would encourage the developer to develop the Yankee Hill Road as the development's primary entrance, not 27th Street. This would compliment the other commercial development planned for 27th Street and would focus traffic away from the neighborhoods.

There should be a signalized major pedestrian crossing at 27th and Whispering Wind Blvd, with sidewalks, so that a pedestrians will be able to cross 27th and continue walking into the commercial development - both north and south - and into the residential development. Again, this will promote a walkable environment between the neighborhoods. Will residents on the east side of 27th Street be using golf carts to access the golf course? Has there been consideration of the inter-relationship between the two developments?

Traffic – We would encourage the Planning Commission and City/County officials to review the traffic impact on the 27th Street corridor as it relates to current and future development in the next couple of years. Also, the sight line at 27th and Whispering Wind Blvd. is dangerous now. This needs to be fixed before this development opens. We would encourage a traffic study be completed that reflects all the local development combined along 27th and Yankee Hill. What

are we going to be facing there in the future? Hopefully this study would reflect the amount of neighborhood versus community traffic and plan accordingly.

Storm Water - What is the total square footage of impermeable surface of this development? Will there be a net increase in storm water discharge from this site? What is the cumulative storm water discharge from all the development on the NE, NW and SE corners? Where will this storm water go? What volumes in cubic feet per second? What is the storm water quality control on all of these parking lots? What happens to all the cigarette butts, motor oil, antifreeze, rubber, Styrofoam containers and other litter? Will it be flushed across the road and eventually -- like flotsam and jetsam --- into the detention (landscaping) ponds and thus eventually into Wilderness Park? Is there a screen or at least a grill somewhere along this water course? Understanding that Wilderness Ridge Golf Course residential development had to meet stringent wastewater discharge controls to protect Wilderness Park, we are hopeful that similar discussions have occurred with the developer.

Impact Fees - We would request that the City use this developer's impact fees for this development to improve the streets, lighting, etc. associated with this development in a timely manner.

South Beltway - As part of the South Beltway, a new entrance to Lincoln will be established. It appears from all planning documents that 27th Street will be a major new entrance into the City. Has the Planning Commission begun reviewing the architectural elements, landscaping, and streetscape it wishes create from its 27th Street entrance off the Beltway? Our recommendation is that planning for this southern entrance be shared with the developers so that this development reflects the standards that City/County is embracing.

Final Comment - Only when we consider this proposed action in the context of the entire one square mile section being planed, will we be able to appreciate its positive and adverse impacts. We are supportive, but ask that the Planning Commission and staff continue to think long-term about the development in a broader context versus "planning" this section of the City in a piece-meal fashion. A longer-term vision should identify long-term problems that could have been addressed at this stage of development.