City Council Introduction: **Monday**, March 26, 2007
Public Hearing: **Monday**, April 2, 2007, at **1:30** p.m.

Bill No. 07-45

FACTSHEET

TITLE: **ANNEXATION NO. 05015,** requested by Carl Schmidt, Midwest Net Lease Investors and SAP-SE, LLC, to annex approximately 245.84 acres, more or less, generally located southeast of the intersection of South 70th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Approval, subject to an annexation agreement.

ASSOCIATED REQUESTS: Annexation Agreement (07R-79) and Change of Zone No. 05068, The Woodlands at Yankee Hill Planned Unit Development (07-46).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/12/05
Administrative Action: 10/12/05

RECOMMENDATION: Approval, subject to an annexation agreement (7-1: Carroll, Esseks, Krieser, Sunderman, Taylor, Strand and Carlson voting 'yes'; Pearson voting 'no'; Larson absent).

FINDINGS OF FACT:

1. This request for annexation consists of approximately 245.84 acres, more or less, as set forth on p.18-20. This proposed annexation will allow the development of The Woodlands at Yankee Hill Planned Unit Development (07-46) consisting of 500 dwelling units and 324,000 sq. ft. of commercial and office floor area southeast of the intersection of South 70th Street and Yankee Hill Road.

2. The staff recommendation of approval, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.5-8, concluding that the proposed annexation and planned unit development are in general compliance with the Zoning Ordinance and Comprehensive Plan. In October of 2005, the approval of this annexation was dependent upon annexation of other land within another project known as Jensen Park Estates, said land being owned by others and outside the boundary of this request. The Jensen Park Estates annexation request has now been approved.

3. Testimony on behalf of the applicants is found on p.10-12. Certain amendments were requested on the associated Planned Unit Development application.

4. Testimony in opposition by Steve Bors is found on p.12-13, and the written testimony in opposition by Mr. Bors is found on p.31-33. Mr. Bors is concerned about inadequate infrastructure, the commercial aspects of the development, impact upon the environment and wildlife, "effective land use transitions", emergency services and schools, and incompatibility with the neighborhood and adjacent uses.

5. The applicant's response to the opposition is found on p.15.

6. On October 12, 2005, the majority of the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend approval, subject to an annexation agreement (Pearson dissenting; Larson absent). Pearson dissented based upon the timing issue with the Jensen Park Estates annexation. She did not want to approve this annexation until the property is actually contiguous.

7. The Jensen Park Estates annexation has now been approved making this proposed area to be annexed now contiguous, and an associated Conditional Zoning and Annexation Agreement is being introduced to the City Council in conjunction with this annexation request.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: March 20, 2007
REVIEWED BY:_____ **DATE**: March 20, 2007
REFERENCE NUMBER: FS\CC\2007\ANNEX.05015+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for October 12, 2005 PLANNING COMMISSION MEETING

<u>As Revised and Recommended for Conditional Approval by Planning Commission: October 12, 2005**</u>**

<u>P.A.S.:</u> ***<u>Annexation #05015</u>***
Change of Zone #05068 - The Woodlands at Yankee Hill PUD

<u>PROPOSAL:</u> To annex approximately 212 acres of land and change the zoning designation from AG to R-3 PUD on 163 acres, and approve a development plan for 1,000 single-family dwelling units, 450 multiple-family dwelling units, and 485,000 square feet of office/commercial floor area.

LOCATION: Southeast of the intersection of South 70th Street and Yankee Hill Road.

LAND AREA: ***<u>Annexation #05015</u>*** - Approximately 212 acres.
Change of Zone #05068 - Approximately 163 acres.

CONCLUSION: The annexation and change of zone for a PUD requests are in general compliance with the Zoning Ordinance and Comprehensive Plan. Specific details not provided now can be approved by administrative amendment prior to development. However, approval is dependent upon annexation of other land within another project known as Jensen Park Estates. That land is owned by others and is outside the boundary of this request, and the timing of approval is uncertain. These requests should not be considered by the City Council until such time as the area to be annexed is contiguous to the city limit and meets the requirements for annexation.

<u>GENERAL INFORMATION:</u>

LEGAL DESCRIPTION: ANN#05015 - Attached.

EXISTING LAND USE AND ZONING:
Agriculture, Residential AG Agricultural

SURROUNDING LAND USE AND ZONING:

North:	Agriculture, Residential	AG, AGR
South:	Agriculture, Residential	AG
East:	Agriculture	P
West:	Residential	AGR

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - This site is designated as urban residential land use in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is in Tier 1, Priority Areas A and B of the City's Future Service Limit.

Page F28 - The Comprehensive Plan includes three tiers of growth for the City of Lincoln. Tier I reflects the "Future Service Limit," where urban services and inclusion in the city limits are anticipated by 2025. Infrastructure planning, especially for water and sanitary sewer facilities, can reach beyond the 25 year time horizon to 50 years and further. Tier I defines the City of Lincoln's near term growth area – generally a 40 square mile area which could reasonably expect urban services within the next twenty five year period. Land within this area should remain generally in the present use in order to permit future urbanization by the City.

Page F46 - Center Size - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.

Page F47 - Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to ½ mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative. New Neighborhood Centers will typically range from 50,000 to 250,000 square feet of floor area per square mile of urban use. However, when neighborhood centers follow most, if not all, of the criteria listed below it would be appropriate to develop two neighborhood centers within a square mile of urban use, each center having a floor area up to approximately 200,000 square feet.

Page F47 - Floor Area Incentive - These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance:
- The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive.
- Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged.
- Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers).
- Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas.
- Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.
- Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking buildings shall be oriented to pedestrians.
- Provide for transit opportunities in the center design.

Page F57 - The Greenprint Challenge - Seek early identification of areas to be preserved – While planning for future growth is integral to this Comprehensive Plan, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas most valued as part of the Greenprint Challenge. This principle supports the notion of "getting ahead of the game" by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

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

Page F67 - Guiding Principles for New Neighborhoods
- Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- Parks and open space within walking distance of all residences;
- Multi-family and elderly housing nearest to commercial area;
- Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;

- Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites).

Page F95 - The Bicycle and Trails Plan shows the trail along both Yankee Hill Road and South 70th Street.
Page F156 - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

> **Executive Summary** - There has been significant effort spent over the past several years to study the transportation impact of commercial development in this area. This subarea plan provides for approximately 2.3 million square feet of additional space. That is more than double the amount of space in Gateway Mall and is in addition to the existing 1.4 million SF in the vicinity of Edgewood. Proposals to substantially increase this amount of commercial space may argue that more commercial sites can be developed without any traffic impact on the transportation network. While the transportation impact will continue to be reviewed, it is well established that as commercial space increases there will be an impact on the road network. One of the most important actions a community can take to address concerns about traffic congestion is to make wise land use decisions in advance of development.
>
> **Page 6** - Provide Effective Land Use Transitions - Provide appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas.
> **Page 8** - Designates urban residential land use for this site.

UTILITIES: Streets - The area is generally bounded by South 70 and 84th Streets to the west and east, and by Yankee Hill Road on the north. Yankee Hill Road and South 84th Street are classified as principal arterial streets, and South 70th Street is a minor arterial. South 70th and South 84th Street are paved county roads, while Yankee Hill Road has a gravel surface.

Sanitary Sewer - Sewer is not yet available to this site. This project is dependent upon completion of the Beal's Slough relief sewer Phases I and II, and the extension of the Upper Beal's Slough trunk sewer to South 70th Street and Yankee Hill Road. Funding for Phases I and II is shown in the Capital Improvements Program (CIP) for years 2005-2007. The Upper Beal's Sough trunk sewer project is currently under design, and is expected to be substantially completed by October, 2006.

Water - Water service is not available to the site and must be extended to serve it. The only funds in the CIP for water mains in this area are those to construct a 16" water main in South 70th Street from Pine Lake Road to Yankee Hill Road in 2006. However, depending upon site grading this entire development may not be able to be served by that pressure district. Extending a water main in South 84th Street from a different pressure district may better serve this development. Public Works/Water is working with the developer to determine which extension is more efficient.

TRAFFIC ANALYSIS: The development will be served by the adjacent arterial streets, which are not improved to City standards. There is no funding in the current six-year CIP to improve any of these streets adjacent to the project, except for a 1/4-mile section of South 70th Street south of Yankee Hill Road. The developer is proposing to construct the south one-half of Yankee Hill Road to City standards (to be reimbursed later by the City), and to install temporary asphalt turn lanes in South 70th and South 84th Streets as called for in the traffic study. The developer will be required to make the specific off-site improvements in the street system to accommodate this development as part of the annexation agreement currently under review by City staff.

ANALYSIS:

1. The site plan submitted shows a conceptual layout for the entire 357 acre Woodlands at Yankee Hill development. However, the project is to be phased, and these requests for annexation and a PUD only apply to that portion of the site which is shown as a shaded area on Sheet 1 of 5 of the attached site plan. The unshaded portion is a future Phase II.

2. The proposed development is not adjacent to the city limit and cannot be annexed until it is. The annexation request also includes the City water tower site at the northeast corner of the project, along with an approximate 40-acre portion of the City-owned tract east of South 84th Street, identified as the future site of Jensen Park. Making the city-owned tracts part of this request gets the site adjacent to the preliminary plat for Jensen Park Estates which is located northeast of the intersection of South 84th Street and Yankee Hill Road. When that project is annexed, this request will be contiguous and eligible for annexation. The director's letter review for Jensen Park Estates was completed on December 10, 2004 but revised plans have not yet been submitted. Staff anticipates the project to be moving ahead in the near future, however the timing is dependent upon the extension of sanitary sewer either from the north or from South 70th and Yankee Hill Road to South 84th.

3. The area of the Phase I is approximately 163 acres, and includes 500 dwelling units and 324,000 square feet of commercial and office floor area. The land use table provides information for the entire development, and must be revised to provide a breakdown for Phases I and II. The units and floor area for Phase I are to be allowed as part of this request.

4. Generally, the required public infrastructure is not in place to serve this development. Additional improvements are required in the surrounding arterial streets to serve this development, improvements which are not currently funded in the six-year CIP. The traffic study calls for turn lanes to be installed in South 70th and South 84th Streets, and the City is requiring the south one-half of Yankee Hill Road to be built. The developer will be responsible to install these improvements, but is asking to be reimbursed through directed impact fees for the improvements in Yankee Hill Road when the funds become available. In their review Public Works notes deficiencies in the proposed improvements which must be corrected to their satisfaction.

5. Funding is shown in the CIP to extend sanitary sewer to a point near South 70th Street and Yankee Hill Road, and this project can be served by it. However, that sewer line must also be extended another mile east to serve the Jensen Park Estates development, a project that must be annexed so this development is contiguous to the city limit and also eligible for annexation.

6. Funding to construct a 24" water main in South 70th Street is shown in years 2005-2006 in the CIP. However, this entire development may not be able to be served by that water main's pressure district. The developer is in discussions with Public Works and Utilities to determine how the area can best be served, and the water main may ultimately be constructed in South 84th Street which allows connection to a different water pressure district and resulting in better service to the area.

7. The PUD establishes the street network, the intersections with arterial streets, the residential density, and the amount of commercial/office floor area. Site grading and drainage plans have not been provided at this time, but will be required to be submitted as part of an administrative amendment prior to issuance of any building permits.

8. Lot details are not shown for the commercial/office blocks (Blocks 1, 7, 34, and 35). The specific site layouts will be approved by administrative amendment prior to issuance of any building permits. It is noted that the Comprehensive Plan calls for neighborhood centers to be in the 150,000 to 250,000 square foot range. It also provides floor area incentive criteria, which when included as part of commercial developments can allow two commercial centers of approximately 200,000 square feet in area within a single square mile. Compliance with these criteria will be reviewed at the time of administrative amendments for the site layout of the commercial areas. Corrections to the site notes are required to include provisions for the specific requirements.

9. The following waivers have been requested:

   A. Transfer of sewage from one drainage basin to another - Public Works recommends denial of this request unless additional information is provided. The recommendation as part of this PUD is for conditional approval, but subject to submission of additional information as required by Public Works. The additional information is subject to Public Works' review and approval by administrative amendment, and they reserve the authority to deny this request based upon their review.

   B. Allow sanitary sewer flow opposite street grades - The recommendation is for approval provided minimum and maximum sewer depths are not exceeded as determined by Public Works.

   C. Block length - The blocks that exceed 1,320' are Blocks 1, 2, 35, 38, 40, and 43. The waiver is appropriate for Blocks 1, 2, and 35 as the individual site plans will be approved by administrative amendment and an suitable internal private drive or roadway system can be required. The waiver is also appropriate for Block 40 because a street connection through the drainage/wetland area is not desirable. Acceptable street connections within Blocks 38 and 43 to eliminate the excess length can be made and the waiver is not appropriate.

   D. Sidewalks in standard locations - This allows flexibility at the time of final platting to vary the actual location of sidewalks in the residential areas to accommodate different housing types. This waiver is appropriate but subject to review and approval at the time of final plats.

   E. Approve landscape screening at time of building permits - An actual waiver to landscaping is not being requested, rather to allow the landscaping to be reviewed at the time of building permits. This request allows the landscaping to be designed around the specific site layout to be determined at a later time and is appropriate.

F. Lots fronting onto a public street or private roadway - This allows lots internal to the commercial center to be surrounded by outlots that allow for common parking and access, and is acceptable if limited to that purpose.

G. Front, side and rear setbacks to 0' - This is to allow 0' setbacks for the attached single family dwellings, and also the commercial lots. This is acceptable provided a minimum 20' perimeter setback is provided for the commercial areas, and the minimum R-3 setbacks are provided at the perimeter of the attached-single family development where 0' setbacks in individual lots are used.

H. Sidewalk along the east side of South 70th Street to Country View Lane. This waiver is appropriate, but only to the extent that the sidewalk is waived along South 70th to Yankee Woods Drive. The proposed bike trail will be very near South 70th Street in this area and can serve as both sidewalk and trail. However, beyond that point the separation distance between the street and trail is too great for it to serve both purposes.

I. Lot width to depth ratio. This allows for some lots to be deeper than usual based the street layout to accommodate the natural terrain. The lot layout is conceptual and can vary at the time of final plats. The individual lots exceeding this requirement must be noted at the time of final plat and will be reviewed at that time.

J. Building height from 35' to 45' for multiple-family dwellings. This does allow flexibility to accommodate higher density, and provided the required perimeter setbacks per the Zoning Ordinance and Design Standards are provided it is appropriate.

K. Lot width from 50' to 40' - See 'L' below.

L. Lot area from 6,000 to 4,000 square feet - Waivers K and L are requested to allow flexibility in the design of higher-density "new urbanism" areas. It is appropriate to grant these waivers as part of the overall PUD, however the site layout of any residential areas which utilize these waivers must be reviewed by administrative amendment prior to development.

10. The bike trail system is shown in the Comprehensive Plan to extend along both South70th Street and Yankee Hill Road in this area. The site plan however shows the trail meandering through the site to connect to the proposed Jensen Park site to the east. The route and location of the trail must be approved by the Parks and Recreation Department and shown as part of the plan prior to approval of any final plats. If the trail is located adjacent to the arterial streets, an additional 6' of right-of-right must be provided to accommodate it. A sidewalk must also be provided along the east side of South 70th Street where the bike trail is not adjacent to the street. In those areas where the plan shows the trail in known wetlands, it must be relocated out of them.

11. Parks and Recreation also notes that parkland is required to be dedicated as part of the PUD. The site plan must be revised to show the required parkland in a location suitable to Parks and Recreation.

12. The Fire Department notes their only objection is that the lack of fire stations in this area limits their ability to provide the timely response that is expected by all residents of the city, and that the needs of fire protection are not addressed as new areas are annexed.

13. The Health Department notes that there is an underground high-pressure gas line in this area. The location of the pipeline must be shown on the plan, and the Health Department recommends that all property owners within 200' of the pipeline be notified of the pipeline's location. The Health Department also notes past problems with the septic systems in the Walnut Heights subdivision just north of the proposed PUD and recommends the area be annexed at this time. However, this area will not be adjacent to the city limit with the proposed annexation, but could be appropriate for annexation at such time the surrounding areas are annexed, likely as part of Phase II of this project.

14. Watershed Management had several comments relating to the floodplain and drainage. The comments must be addressed when the grading and drainage plans are subsequently reviewed by administrative amendment.

15. The recycling coordinator notes that either one of the commercial center would be good sites for a recycling drop-off. This could be included as part of the final plans at the time of administrative amendment for the commercial centers.

CONDITIONS:

Annexation #05015

1. The applicant(s) will enter into an annexation agreement with the City of Lincoln.

2. The area proposed for annexation is contiguous to the city limit.

3. A revised metes and bounds legal description must be provided.

Prepared by:

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Planner

September 28, 2005

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ANNEXATION NO. 05015
and
CHANGE OF ZONE NO. 05068,
THE WOODLANDS AT YANKEE HILL
PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION: October 12, 2005

Members present: Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, Pearson and Carlson; Larson absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

Proponents

1. Rick Krueger, President of **Krueger Development,** presented the application and submitted exhibits. He pointed out that this proposed planned unit development is in the growth boundaries of the City, generally located at Yankee Hill Road between 70th and 84th, generally the half section to the south of Yankee Hill Road. It is next to Jensen Park and complies with the Comprehensive Plan. The Comprehensive Plan specifically calls for mixed use neighborhoods and the preservation of open space, with a broad range of parks and tot lots, etc. Specifically, the community wants to promote residential development, economic development and employment opportunity throughout the city. Page F27 of Comprehensive Plan states, "The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation."

Krueger pointed out that this proposed development is being done as a Planned Unit Development, the general purpose of which is, "...to promote the public convenience and necessity; protect the health, safety and welfare, to implement the goals and policies of the Comprehensive Plan,...", but also specifically to "permit flexibility in regulation of land development; encourage innovation in land use, variety in design, layout and type of construction; and encourage the economy and efficiency in land use, natural resources, the provision of public services and utilities and the preservation of open space."

Krueger advised that he did hold a community meeting last week and there was some question about whether or not this application follows the Comprehensive Plan. In that light, Krueger advised that the major components of the proposal include residential, open space, a commercial designation on the corner of 70th & Yankee Hill Road, and a commercial designation by the water tower on 84th Street. This developer does not own some of the properties which exist as low density urban residential. The plan is showing an underlay of single family homes and the Planning Department has requested the developer to show that as a potential apartment site. The Cheney cemetery is on the corner. The trail extends from 70th Street south.

Krueger indicated that this plan strives to integrate commercial uses and neighborhood business uses with the neighborhood, which is called for in the Comprehensive Plan. Coddington Park at West A is being referred to as one of the prototypes for a neighborhood center, e.g. groceries, fuel, both dine-in and take-out food, haircuts, banking, hardware and various other accessory uses. Krueger indicated that there will probably be more office use on this site than there is at Coddington Park. Krueger also pointed out that neighborhood centers are not sited in advance of the land use plan.

The vast majority of the residential uses will be single family. There are actually three parcels that come together, one being owned by Carl Schmidt who wants an 80' wide lot. The remainder of the lots will generally be 60' wide, including townhomes and apartments, so there will be a mix of residential uses. There will be two pods of neo-traditional or new-urbanism layout, the concept being to have those green spaces enclosed, with the houses around the outside. They are not intended to be public spaces as such, being owned by the association.

With regard to parks, trails and open space, the proposal shows a public park located such that it can be added onto in the future. The development will preserve as much of the existing riparian way starting at the corner of 70th Street and continuing south as possible, with the only crossings being off of 70th Street and then another crossing further south to integrate both sides of the development. There are detention cell facilities in those green areas and riparian way, and part is in the Beal Slough Master Plan. The developer has an arborist on staff to do some replanting in those areas once the cells are built. They will be dry cells with a mix of prairie grasses and some additional trees. They are attempting to save the existing tree masses.

In terms of implementation, Krueger believes that the sanitary sewer should be to 70th and Yankee Hill Road in 2006. The developer will be working with Public Works to facilitate installation of water mains in Yankee Hill Road. They continue to discuss improvements at 70th Street and 84th Street with Public Works and the developer is agreeing to get the south two lanes of Yankee Hill Road done for the mile from 70th Street to 84th Street. They have also had discussions with Hampton, who owns the property north of Jensen Park, to try to do Yankee Hill Road from 70th Street to 84th Street, and then from 84th it curves into the new large commercial development at about 92nd Street.
Krueger acknowledged that the annexation request includes approximately 40 acres of Jensen Park and the water tower, which are already city-owned facilities. The vast majority of sanitary sewer comes to the corner of 70th and Yankee Hill Road so they will start development with the residential components off of 70th Street and work their way up the hill. It was the Planning Department that suggested this developer take 30 acres at 70th Street designated as commercial in the first annexation.

2. Brian Carstens submitted proposed amendments to the conditions of approval:

#1.1.3 (17) Site plans for office/commercial uses, sites for other than residential uses, and sites with other than detached single-family to be approved by administrative amendment. Commercial/office areas to be reviewed for compliance with pedestrian oriented commercial uses with the center orientated to the neighborhood, ~~completion of at least 400 multi-family units~~ building permits issued for at least 50 units of a 200 (or more) unit apartment (multi-family) project and at least 4.0 dwelling units per total acre inside the PUD, 50,000 square of

office must be located on the second floor or above of a building, and inclusion of open space, such as a mini-park or plaza located within the commercial center or nearby. The developer's proposed dedication of nearly 20 acres of open space for public use fulfill this requirement for both proposed neighborhood centers. Open space must be open to the public, but may be either public or privately owned. #1.1.3 (17) we have been working with staff today on a compromise. They had been asking that the comm area not be commenced until 400 of the multi-family units were completed. Staff will now support that building permits be issued for at least 50 units....(see amendment).

#1.1.11 Delete the requirement to show a drop-off recycling point. It is not shown in the Comprehensive Plan and it is not a requirement of the subdivision ordinance.

#1.1.4 (3) ~~Delete.~~ Revise General Note #3 to reflect the block length waivers listed in Condition #2.

Carlson pointed out that this is a PUD and not a straight subdivision.

Opposition

1. Steve Bors, 6800 Rebel Drive, testified in opposition. He also submitted an e-mail from a neighbor also in opposition and stated that he had received a call today from another neighbor in opposition to at least parts of this plan, who was unable to attend today's meeting due to the afternoon time. Bors suggested that if an application is affecting a large number of landowners, there should be an evening meeting to accommodate more people.

–This proposal should be postponed until adequate infrastructure exists to support it.

–When he purchased his home, he did not know that any kind of commercial development would be allowed on this site. He is opposed to the commercial aspect of the development. Why is 600,000 sq. ft. of commercial space being approved when neighborhood centers are to be 50,000 to 250,000 sq. ft.? What is the real number? He does not believe there is any need for commercial space here at all, pointing to the commercial uses that exist and being developed 84th & Hwy 2.

–Why is the Greenprint challenge in the Comprehensive Plan being ignored? Wouldn't this land be better suited for a park? Why not sell Jensen Park to developers and turn this much more attractive piece of ground into a park?

–Has an environmental study been done? Wildlife will be destroyed by the development.
–This proposal ignores the Comprehensive Plan concept of "effective land use transitions". Where is the transition in this plan? What buffer areas exist in the proposal? He suggested that the transition could be eased by selling more upscale lots closer to the existing acreages.

–The road issue is being ignored. The required public infrastructure is not in place to serve this development. These streets are not ready for a development of this size. It is time to install infrastructure before development occurs.

–The nearest fire department is at 84th and South Streets. Is this prudent? Can the city afford to have this area inadequately covered?

–The proposed annexation is "sneaky". How will this area be served by law enforcement? Where will the kids go to school? The nearest elementary school is Cavett.

–The proposal is not compatible with the character of the neighborhood and adjacent uses.
–Commercial development across from existing acreages is definitely an encroachment. Why is this not addressed?

–Why are they allowed to wait until permit time to outline what screening will be built?

–This proposal does not follow the Comprehensive Plan. If the Comprehensive Plan is not going to be used, why do we waste the tax dollars to do it?

Staff questions

Esseks inquired about the fire station. Brian Will of Planning staff concurred that it is located at 84th and South Streets, and there is another at S. 48th and Clare. In addition, there is a proposed fire station to be located at approximately S. 56th just south of Campbells Nursery. Funding for that station is dependent upon a bond issue in 2006-07. Esseks inquired whether impact fees can be used to build a fire station. Will stated that fire stations are not an impact fee facility. Esseks then inquired as to the average number of emergency calls per year from new homes of this nature. He thinks we have to plan for those emergency calls. Will stated that after annexation, it would be the responsibility of the Lincoln Fire Department and Police Department to respond to these areas. The school district also has responsibility to take care of the kids that would be in this area. There is a new school site owned by LPS in Village Gardens to the northwest.

Carroll asked staff to comment about including part of Jensen Park in the annexation request in order to be contiguous. Lynn Johnson, Director of Parks and Recreation, stated that Jensen Park is 200 acres in size and the Parks Department is currently developing a master plan for a regional park with lighted ball fields, play fields, active recreational facilities, and some more passive activities. The northwest corner of that site is within the city sewer service area, the rest sewering to the south so it will be years before that area could be sewered. Parks recommends that only the area that could be sewered in the immediate future be included in the annexation. Will then explained the boundaries of the annexation, this annexation being dependent upon the development of Jensen Park Estates, which will bring the city limits contiguous.

Strand inquired as to the time line for development. Will suggested that the timing is dependent on the annexation of Jensen Park Estates, the proposed development to the northeast. Sewer has to be extended across the property north of Yankee Hill Road and Jensen Park Estates has to be approved and annexed before this property could be annexed. The original submittal for Jensen Park Estates

has been reviewed by staff and the applicant has not yet filed the resubmittal in response to the staff review. Will did not know when that might occur but it is expected to be in the fairly near future. Strand suggested that development of this property is probably two or more years out.

Strand commented that she served on the LPS Task Force and believes that the students in this subdivision would not go to Cavett but be bused elsewhere.

In response to the question concerning the 600,000 sq. ft. being a neighborhood center, Will explained that the staff report describes the scope of the application showing everything within the proposed phases I and II. What is actually being considered in this phase one includes the approval of only a portion of the original request. This approval is only for phase I. It is part of the overall conceptual plan, but the specific approval today is for only phase 1, that being the commercial center at the northwest corner and a portion of the residential units. This special approval permits:

> #2. ....modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow the transfer of sewage from one drainage basin to another, to allow sanitary sewer flow opposite street grades, sidewalks in standard locations, approve landscape screening at time of building permits, lots fronting onto a public street or private roadway, front, side and rear setbacks to 0', sidewalk along the east side of South 70th Street between Yankee Hill Road and Yankee Woods Drive, block length in excess of 1,320' for Blocks 1, 2, 35, and 40, lot width to depth ratio, building height from 35' to 45' for multiple-family dwellings, lot width from 50' to 40', lot area from 6,000 to 4,000 square feet, and allows approximately 500 dwelling units and <u>324,000 square feet of commercial and office floor area.</u>

Will went on to state that the Comprehensive Plan talks about anticipating a neighborhood center in a square mile being in the range of up to 300,000 sq. ft.; however, it is not shown as an individual commercial center on the land use map. It is implied that when that square mile develops, there can be up to a 300,000 square feet neighborhood center. But the Comprehensive Plan goes on to say that there is an allowance for potentially two centers if certain criteria are met. The staff reports sets out the criteria as follows:

> **Page F47** - Floor Area Incentive - These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance:
> - The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive.
> - Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged.
> - Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers).
> - Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas.
> - Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.
> - Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking buildings shall be oriented to pedestrians.
> - Provide for transit opportunities in the center design.

The conditions of approval are written to require the development to meet the floor area incentive criteria in order to be granted the 324,000 sq. ft. The Comprehensive Plan is a guide and there is some latitude for some adjustment.

Will agreed with the proposed amendments to the conditions requested by the applicant.

Carlson noted that the opposition discussed the effective land use transition, and he sees they are creating transitions. What about the comment about the transition across 70th Street? Will suggested that the arterial streets create a boundary or dividing line between areas where there is commercial and residential. An arterial street creates its own buffer and its own boundary. There is an orientation of uses internally. As to the surrounding uses, there are adjacent arterial streets.
Response by the Applicant

Krueger agreed that the application was submitted showing the overall plan for 360 acres, even though the actual approval for this phase 1 is something less. He also pointed out that everything the developer does will go back to the Director of Planning for administrative amendment. This PUD process does allow for evolution of design over time. He believes this will be about a 10-year project. Over time, the PUD process provides the flexibility to make some changes. There are certain incentives in regard to additional commercial floor area that are tied to density and traffic, so this is an integrated project.

Krueger also pointed out that this proposal has a floor area ratio (FAR) of .23, and the standard is usually .25. The Planning staff has challenged the developer to put 50,000 sq. ft. on the second floor. Regarding the fire and police protection, Krueger suggested that it must be considered that this will develop over time. There is a site for a fire station at S. 56th Street and that will take a bond issue. Additional schools will have to take a bond issue. There is a proposed school site within one mile.

Krueger acknowledged that this proposal cannot proceed to City Council until the neighbors, Jensen Park Estates, comes forward, but he believes it is very eminent. He had no intention of trying to get ahead of Jensen Park Estates. This also requires an annexation agreement before going to City Council. Krueger asked the Planning Commission to approve the land uses and the concepts, and he will wait for Jensen Park Estates.

ANNEXATION NO. 05015
ACTION BY PLANNING COMMISSION: October 12, 2005

Strand moved to approve the staff recommendation of conditional approval, seconded by Carroll. Strand believes it sounds like a well-planned development for the next 10 years.

Pearson pointed out that the annexation is not contiguous and it's ahead of the game. We sort of have to go on blind faith assuming the property to the northeast will be approved for annexation in order to make this annexation contiguous. Unfortunately, at this time, this proposal does not meet the requirements for annexation so she will vote against it.

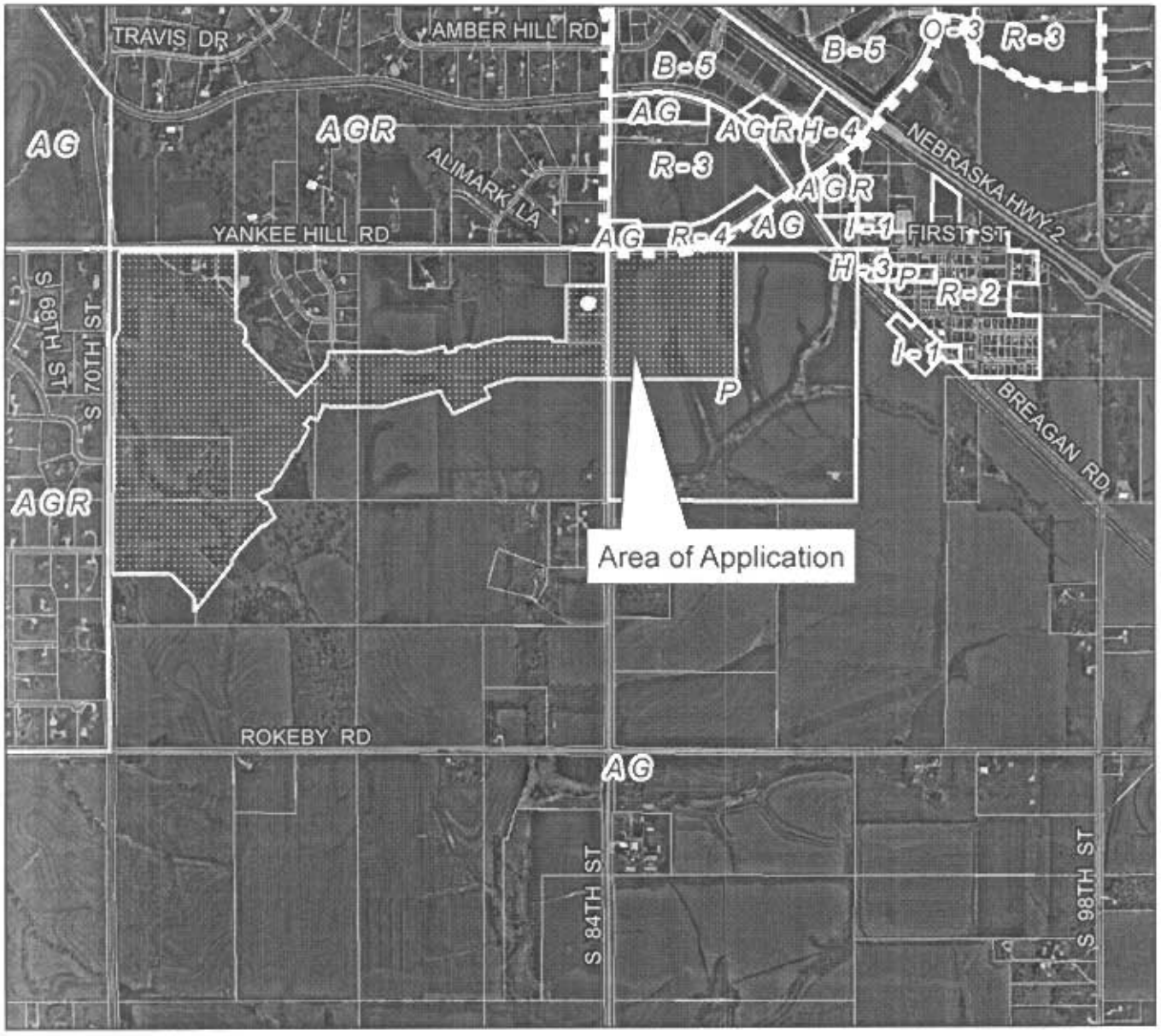
Strand pointed out that it is a condition of approval that Jensen Park Estates be approved first.

Esseks suggested that there should be pre-annexation agreements. It allows both the developer and other people around to know what is coming and to make the necessary adjustments.

Motion for conditional approval carried 7-1: Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, and Carlson voting 'yes'; Pearson voting 'no'; Larson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05068
ACTION BY PLANNING COMMISSION: October 12, 2005

Strand moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Carroll and carried 7-1: Carroll, Esseks, Krieser, Sunderman, Taylor, Strand, and Carlson voting 'yes'; Pearson voting 'no'; Larson absent. This is a recommendation to the City Council.



2005 aerial

Annexation #05015
The Woodlands at Yankee Hill
S. 70th & Yankee Hill Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation 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

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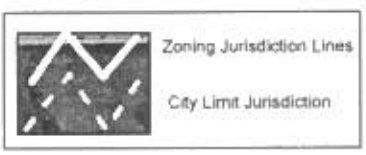
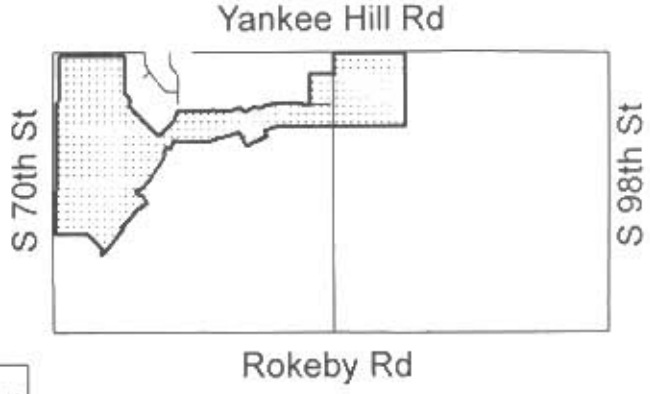
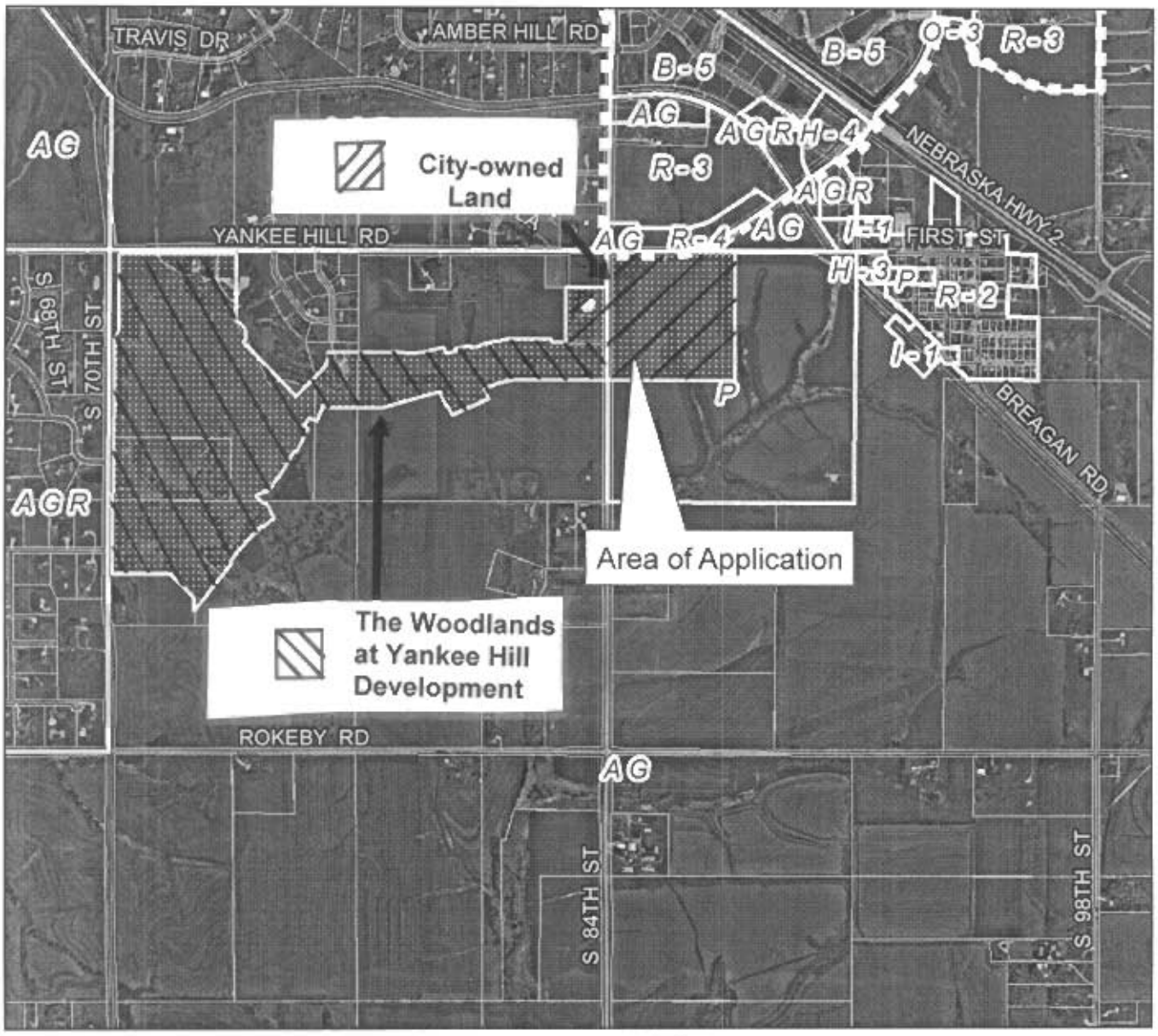
Two Square Mile
Sec. 27 T9N R7E
Sec. 26 T9N R7E

N







2005 aerial

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S. 70th & Yankee Hill Rd.

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I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

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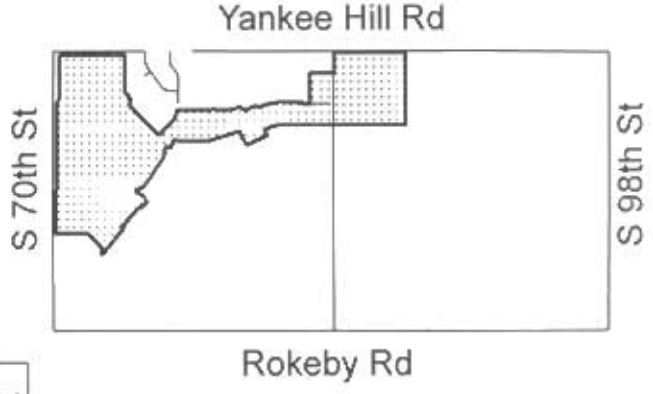
Two Square Mile
Sec. 27 T9N R7E
Sec. 26 T9N R7E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

OWNERSHIP EXHIBIT



THE WOODLANDS AT YANKEE HILL
LEGAL DESCRIPTION
ANNEXATION

A legal description of a portion of Lot 26, 31, 32, 33, 34, 37, Lot 36 I.T., Lot 29 I.T., Lot 20 I.T. and Lot 1 Cheney Cemetery Addition all located in Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Northwest Corner of said Section 27; thence in a Southerly direction on the West line of the Northwest Quarter of said Section 27 for a distance of 45.00 feet.

THENCE in an Easterly direction on a line parallel to the North line of said Northwest Quarter for a distance of 100.00 feet to the Northwest Corner of Lot 33 of Irregular Tracts and the **POINT OF BEGINNING**.

THENCE South 89 degrees 38 minutes 09 seconds East, for a distance of 200.00 feet

THENCE North 89 degrees 18 minutes 25 seconds East, for a distance of 650.33 feet

THENCE South 89 degrees 38 minutes 09 seconds East, for a distance of 384.81 feet

THENCE North 00 degrees 36 minutes 57 seconds East, for a distance of 33.00 feet

THENCE South 89 degrees 38 minutes 09 seconds East, for a distance of 75.05 feet

THENCE South 00 degrees 21 minutes 51 seconds West, for a distance of 582.87 feet

THENCE South 20 degrees 21 minutes 12 seconds East, for a distance of 483.94 feet

THENCE South 89 degrees 25 minutes 08 seconds East, for a distance of 1722.89 feet

THENCE North 76 degrees 10 minutes 57 seconds East, for a distance of 659.08 feet

THENCE South 89 degrees 52 minutes 24 seconds East, for a distance of 957.41 feet

THENCE South 00 degrees 07 minutes 52 seconds West, for a distance of 105.65 feet

THENCE South 89 degrees 38 minutes 27 seconds East, for a distance of 400.00 feet

THENCE South 00 degrees 07 minutes 52 seconds West, for a distance of 427.77 feet

THENCE North 89 degrees 52 minutes 08 seconds West, for a distance of 792.10 feet

THENCE South 65 degrees 32 minutes 10 seconds West, for a distance of 957.86 feet

THENCE North 89 degrees 25 minutes 09 seconds West, for a distance of 1001.41 feet

THENCE South 39 degrees 14 minutes 59 seconds West, for a distance of 1080.54 feet

THENCE South 28 degrees 41 minutes 03 seconds West, for a distance of 215.40 feet

THENCE South 44 degrees 55 minutes 26 seconds West, for a distance of 399.47 feet

THENCE South 39 degrees 14 minutes 59 seconds West, for a distance of 1038.36 feet

THENCE North 00 degrees 13 minutes 46 seconds East, for a distance of 240.39 feet

THENCE North 46 degrees 43 minutes 05 seconds West, for a distance of 364.62 feet

THENCE North 89 degrees 59 minutes 40 seconds West, for a distance of 630.67 feet

THENCE North 00 degrees 57 minutes 52 seconds East, for a distance of 767.34 feet

THENCE North 00 degrees 00 minutes 34 seconds East, for a distance of 32.72 feet

THENCE North 00 degrees 39 minutes 03 seconds East, for a distance of 1667.34 feet

THENCE North 27 degrees 11 minutes 11 seconds East, for a distance of 111.89 feet

THENCE North 00 degrees 39 minutes 02 seconds East, for a distance of 838.29 feet to the **POINT OF BEGINNING**.

Said property contains 194.83 acres more or less.

AND INCLUDING

A portion of Lot 66 I.T. lying in the Northwest Quarter of Section 26, Township 9 North, Range 7 East and the North 600 feet of the East 400 feet of Lot 1, Cheney Cemetery Addition located in Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the Northwest Corner of the Northwest Quarter of Section 26 Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska; thence in an Easterly direction on the North line of the Northwest Quarter of said Section 26 and on an assumed bearing of South 89 degrees 23 minutes 33 seconds East for a distance of 1375.00 feet.

THENCE in a Southerly direction on a bearing of South 00 degrees 07 minutes 52 seconds West on a line parallel to the West line of the Northwest Quarter of said Section 26 for a
distance of 1398.57 feet.

THENCE North 89 degrees 52 minutes 08 seconds West for a distance of 1424.95 feet to a point 50.00 feet West of the East line of the Northeast Quarter of Section 27 Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

THENCE North 00 degrees 07 minutes 52 seconds East on a line 50.00 feet West of and parallel to the East line of the Northeast Quarter of said Section 27 for a distance of 427.77 feet to the Southeast Corner of the North 600.00 feet of the East 400.00 feet of Lot 1 in CHENEY CEMETERY ADDITION.

THENCE North 89 degrees 38 minutes 27 seconds West on the South line of the North 600.00 feet of the East 400.00 feet of Lot 1 in CHENEY CEMETERY ADDITION for a distance of 400.00 feet to the Southwest Corner of the North 600.00 feet of the East 400.00 feet of Lot 1 in CHENEY CEMETERY ADDITION.

THENCE North 00 degrees 07 minutes 52 seconds East on the West line of the North 600.00 feet of the East 400.00 feet of Lot 1 in CHENEY CEMETERY ADDITION for a distance of 600.00 feet to the Northwest Corner of the North 600.00 feet of the East 400.00 feet of Lot 1 in CHENEY CEMETERY ADDITION.

THENCE South 89 degrees 38 minutes 47 seconds East on the North line of the

North 600.00 feet of the East 400.00 feet of Lot 1 in CHENEY CEMETERY ADDITION extended East for a distance of 450.00 feet to a point on the East line of the Northeast Quarter of said Section 27.

THENCE North 00 degrees 07 minutes 52 seconds East on the East line of the Northeast Quarter of said Section 27 for a distance of 382.39 feet to the **POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 51.01 acres more or less.

Also including all right-of-way adjacent to the property mentioned above.

BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

September 1, 2005

RECEIVED
SEP - 1 2005
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: THE WOODLANDS AT YANKEE HILL
SOUTH 70TH TO 84TH & YANKEE HILL ROAD
ANNEXATION & CHANGE OF ZONE FROM 'AG' TO 'R-3/ P.U.D'

Dear Marvin,

On behalf of R.C. Krueger Development Company and Carl and Vicki Schmidt, we submit the above mentioned zoning applications for your review.

The Woodlands at Yankee Hill is a proposed 'R-3' PUD located on the South side of Yankee Hill Road, from South 70th to South 84th Street. The site contains approximately 360 acres. The site is shown as urban residential and Tier 1, Priority A (northern portion), Priority B (southern portion) and Tier 2 in the far southeastern portion of the site, in the Comprehensive Plan.

The Woodlands at Yankee Hill is a proposed R-3 P.U.D. with a mix of approximately 1,000 single family/ single family attached residences and 450 multi-family units. We are planning for 140,000 square feet of general/ medical office space and approximately 345,000 square feet of commercial/ retail uses. The commercial uses are shown at the southeast corner of South 70th and Yankee Hill Road, and approximately ¼ mile south of 84th and Yankee Hill Road.

There will be 26 acres of park and open space in the development, mainly in the area of the existing unnamed tributary to Beal Slough. A bike trail is planned through this open space and could eventually connect to the Jensen Park, immediately east of the site.

We are requesting annexation of Jensen Park and the 84th and Yankee Hill Road water tower site along with our annexation. With these parcels being annexed at this time, we will be 'contiguous' to the city limits, without annexing the acreages to the north at this time.

We are requesting waivers of the following zoning and subdivision regulations at this time. Some waivers may never be used, however, requesting these waivers now, saves staff review time, as well as the overall timeline for the approval of the PUD.

Waiver of sanitary sewer from one drainage basin to another-
This entire site can be sewered to the Beal Slough drainage basin with careful grading. This is a common practice in this drainage basin.

Waiver of sanitary sewer running opposite of street grades-
This is a commonly approved waiver, as long as minimum and maximum sewer depths are not violated.

Waiver of block length-
Block lengths may exceed 1,320 feet in commercial area, and multi-family area, depending on interpretation, therefore the request is being made at this time.

Waiver of sidewalks in standard locations-
Sidewalks may be 'meandered' in the area along south 70th Street. Other locations may arise, once final plans are prepared.

Waiver of landscape screening to be approved at time of building permits.-
Without actual site plans in the commercial areas, it is hard to determine what landscape screening will be required at this time.

Lots in commercial areas fronting upon and taking access to public streets or private roadways-
It is possible that individual lots or pad site lots will be created in the future. These lots will have access through common access easements.

Waiver of front, side and rear yard setbacks to 0 feet-
Specific setback details will be shown by administrative amendments as development occurs. Some setbacks have been shown in the commercial areas on the plans.

Waiver of Sidewalks on the east side of S. 70th- Yankee Hill Road to Country View Lane-
We are proposing a bike trail that meanders along the creek in this area. There is no need for an additional sidewalk near the street pavement.

Waiver of lot width to depth ratio-
Some of the 'new urbanism' lots and a few lots adjacent to existing acreage lots may need this waiver due to their location.

Waiver of building height from 35 feet to 45 feet-
This waiver will allow for taller interior spaces (ie- 9 foot ceilings) and attractive roof pitches on the multi-family buildings.

Waiver of lot width from 50 feet to 40 feet and lot area from 6,000 sf to 4,000 sf.
This waiver will allow for clustered housing in the new urbanism area, and the potential for alternative housing/ lot choices when the final plan is being created.

We have also had the Flatwater Group look at alternatives for the stormwater requirements. They determined that "preliminary hydrologic modeling indicates that strategically placed detention upstream of the planned Dempster Drive, Rebel Drive and Yankee Woods Drive will allow for the 100 year post development discharge to meet the discharge criteria of 1,337 cfs exiting the project."

Tom Riley goes on to state, "The drainage reach plan will off the opportunity to retain existing riparian vegetation, tree masses, and stabilize the channel. The reach, in its current state can accommodate the introduction of a two stage channel. Two-stage channel design allows for the development of a meandering stream bed (primary stage) that represents the cannel conditions for the reach. The secondary stage accommodates flood flows for larger events. This type of design, coupled with strategic detention will offer and aesthetically pleasing, functional, and stable stormwater conveyance system. Additionally, this type of design will allow for introduction of low maintenance vegetation such as the "prairie in the park" concepts that have been successfully introduced by the Parks and Recreation Department. "

We are excited about this project, as we have been working with Planning and other City staff for several months. We have also submitted a 'draft' annexation agreement, to be reviewed at this time. We wish to have the annexation agreement cover the entire development, not just the area we are annexing with this application.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Brian D. Carstens

Cc: R.C. Krueger Development Company, Inc.
Carl and Vicki Schmidt

Enclosures: 24 copies of the site plan and cover page
8 copies of the preliminary drainage study
8 copies of preliminary street grades
Application for a Change of Zone/ PUD
Application Fees
3 copies of the Traffic Impact Report
Certificate of Ownership
6 copies of the 'draft' annexation agreement

[redacted]

Status of Review: Active

Reviewed By ANY

Comments:

Status of Review: Complete 09/12/2005 1:37:38 PM

Reviewed By 911 ANY

Comments: 091205 911 awaiting addition of site plan for review.

Status of Review: Approved

Reviewed By Alltel ANY

Comments:

Status of Review: Active

Reviewed By Building & Safety ANY

Comments:

Status of Review: Approved 09/06/2005 5:45:06 PM

Reviewed By Building & Safety BOB FIEDLER

Comments: OK on change of zone . will review hydrant placement at a later date? will this come through for another review?

Status of Review: Approved 09/08/2005 10:26:52 AM

Reviewed By Fire Department ANY

Comments: Upon review of Change of Zone (PUD) # CZ05068, the only objection we have from the perspective of our department is the lack of fire stations in the area that allows us to provide the timely emergency response that is expected by all citizens of our city. We keep annexing land but are not addressing the needs of fire protection to these areas.

Status of Review: Approved 09/14/2005 3:51:28 PM

Reviewed By Health Department ANY

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

□□ TO:□Brian Will□□□DATE:□□September 14, 2005

DEPARTMENT:□Planning□□□FROM:□□Chris Schroeder
□□□□□□ □□□□
□ATTENTION:□□□□ □DEPARTMENT:□Health

CARBONS TO:□EH File□□□SUBJECT:□□The Woodlands at
□□□EH Administration□□□□Yankee Hill
□□□□□□□□□CZ #05068 AN #05015

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

□According to the LLCHD's Geographic Information System (GIS) records, a twelve inch high pressure underground natural gas pipeline is located to the north of this proposed development. See the attached GIS map for the location of this underground pipeline. The LLCHD calculated a hazard area of approximately 220 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.

□At this time, there are no regulations that prohibit the location of occupied buildings within hazard areas. However, the LLCHD recommends that future owners and/or lessees of buildings located within the projected hazard area, depicted in the attached map, be advised of the natural gas pipeline's presence and location.

□The on-site wastewater treatment system serving the existing building located on Block 1 will have to properly abandoned when sanitary sewer becomes available.

□The water well located on Block 1 will have to be properly decommissioned when city water becomes available. The well use may continue if the well is permitted by LLCHD.

□The four residences located in Walnut Heights have each experienced septic system failures in the past. The LLCHD recommends that annexation include these residences.

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

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

□The proposed development is located within the Country Meadows Wellhead Protection Area. Best management practices (BMP) should be utilized to decrease

026

the risk of groundwater contamination. For example, being conscientious regarding the use of lawn chemicals/ fertilizers and ensuring the proper the storage of chemicals and/or fuels.

Status of Review: Active

Reviewed By Lancaster County Sheriff Department ANY

Comments:

Status of Review: Active

Reviewed By Law Department ANY

Comments:

Status of Review: Approved 09/26/2005 9:55:16 AM

Reviewed By Lincoln Electric System JIM HENNESSY

Comments: Alltel, Time Warner Cable, and LES will require the additional easements marked in red on the map, along with blanket utility easements in all areas, as noted.

Status of Review: Approved 09/26/2005 9:09:52 AM

Reviewed By Lincoln Police Department DON SCHEINOST

Comments: Mr. Will,

I have reviewed The Woodlands at Yankee Hill change of zone, CZ05068 and annexation plans. The Lincoln Police Department does have a concern. The Lincoln Police Department has concern relating to the request for a waiver of block length. Extended block lengths can cause problems for emergency vehicles responding to emergency situations. Extended blocks cause additionally cause problems during construction, at times of accidents, or in other emergency situations that require the block to be shut off to other traffic. As we provide services to the citizens of Lincoln, we do not want our responses to be hampered by extended block lengths that can be avoided prior to being built.

Sergeant Don Scheinost
Lincoln Police Department

027

Status of Review: Denied 09/15/2005 2:16:59 PM

Reviewed By Parks & Recreation ANY

Comments: 1. Plans need to identify trail continuation south to Rebel Drive to County View Road to 70th Street. An additional 6' of ROW required from County View Road south.

2. A separate trail going southeast of Rebel Drive has been identified on the plans. Please note, this pedestrian connection is the financial responsibility of the developer and/or future homeowners association both in initial costs and maintenance, including snow removal.

3. All open space is the maintenance responsibility of the developer and/or future homeowners association.

4. 5-6 acres of park land is required for the application and needs to be identified and approved by the Parks Department.

5. Block 38 indicates a pedestrian connection to the park. However, the identified link is not adequate in size for park access.

6. Adequate street frontage are required for the park and must be identified on the plans.

7. An additional 6' of ROW along Yankee Hills Road for bike trail.

Status of Review: Denied 09/26/2005 9:05:32 AM

Reviewed By Parks & Recreation ANY

Comments: The only reason we would need the easement is if the Railroad is abandoned, then we would want to connect from the railroad south along 84th to Yankee Hill which is where the future trail is shown. We would like to include in the agreement that if at some point in time the RR is abandoned, then we would want them to grant us an easement for the trail at no cost? It would probably be an addl. 6 feet if the ROW is already 120 feet.

We did something like this on the property between Holdrege and Leighton and just west of 84th where we show a possible trail if 84th is widened and we can't keep it along 84th, a property Brian Carstens developed.

T

Terry

BWill@ci.lincoln.ne.us wrote:

> Terry,
>
> At last weeks developer negotiation meeting with EDC on the Jensen Park
> project, the question came up about the trail along Yankee Hill Road and
> whether it extends up South 84th Street adjacent to Hampton's project as
> shown in the Comp Plan. Does it still extend up South 84th to about
> mid-section before cutting west, or has that leg been deleted? Thanks.

028

Status of Review: Denied 09/26/2005 9:27:39 AM

Reviewed By Parks & Recreation ANY

Comments: Steve: Thanks for your message. As you know, we're working on developing a master plan for the site, and then a funding strategy. I'm most comfortable with the proposal of annexing 40 acres that are within the future service limits at this time. I assume that zoning will need to be established with annexation - are you thinking that "P" zoning is appropriate? Thanks, Lynn

---

Status of Review: Routed

Reviewed By Planning Department SARA HARTZELL

Comments:

Status of Review: Complete

Reviewed By Planning Department RAY HILL

Comments:

Status of Review: Approved

Reviewed By Planning Department ANY

Comments:

Status of Review: Active

Reviewed By Planning Department BRIAN WILL

Comments:

Status of Review: Active

Reviewed By Public Utilities - Wastewater ANY

Comments:

Status of Review: Active 09/26/2005 9:16:55 AM

Reviewed By Public Works - Development Services ANY

Comments: Brian,

I will not be at Thursday's meeting and offer the following comments:

The trunk line from PLR and 66th to YH and 70th is currently under design and is expected to bid this winter with construction in spring with a substantial completion date of October 2006.

The general layout of the sanitary sewer needs to show sizing, and lines to edges of development with the expected contributing acres from off site.

We do not agree to the payback in 60 days as outlined in section 6 of the annexation agreement.

029

Status of Review: Active

Reviewed By Public Works - Long Range Planning ANY

Comments:

Status of Review: Active 09/26/2005 9:12:57 AM

Reviewed By Public Works - Watershed Management ANY

Comments: Below are Watershed Management's comments for The Woodlands at Yankee Hill PUD.

1.□Detention calculations for this site must be submitted and reviewed with future amendments to this plan. Detention locations shown on this plan may not be adequate and may require larger ponds or ponds in other locations that may impact the lot layout shown.

2.□A "Minimum Flood Corridor" is required along the main tributary that runs through this development. The "Minimum Flood Corridor" for this tributary must be delineated and shown on the plan.

3.□The floodplain delineation shown on the plan sheets is noted as being from the Beal Slough Master Plan. This is not the floodplain that should be shown. The draft FEMA floodplain and floodway along with the existing FEMA floodplain and floodway need to be shown on the plan sheets.

4.□The bike path easement is shown in areas delineated as wetlands. The bike path easement must be shown outside of the delineated wetlands.

5.□The bike path easement may impact trees inside the minimum flood corridor. The bike path easement must be shown such that impacts to vegetation inside the minimum flood corridor are minimized.

Status of Review: Active

Reviewed By Rural Fire District ANY

Comments:

Status of Review: Active

Reviewed By School District ANY

Comments:

Status of Review: Active

Reviewed By US Post Office ANY

Comments:

030

OPPOSITION
SUBMITTED AT PUBLIC HEARING BEFORE
PLANNING COMMISSION: 10/12/05

ANNEXATION NO. 05015
CHANGE OF ZONE NO. 05068

October 12, 2005

Dear Members of the Lancaster County Planning Commission:

I am a property owner that owns land and a home across from the proposed Woodlands at Yankee Hill Development. I am opposed to parts of this proposed development and I am opposed to the timing of this development. It is my opinion that the zoning change to allow commercial development at this sight should be denied and I believe the entire project should be postponed until adequate infrastructure exists to support it.

When we purchased our home seven years ago, we researched the area and read the Comprehensive Plan. I even paid a visit to the Planning Department and talked to one of the staff members. We knew that someday there would be homes across the street from us, but we had no idea that commercial development would be allowed. It is time for the Planning Commission to say "NO" to projects that deviate from the Comprehensive Plan. There have been far too many exceptions made to the Comprehensive Plan in order to accommodate developers and land speculators. People make home purchase plans based on the information found in the Comprehensive Plan. It's time to stick to those plans. My neighbors and I find ourselves in a situation very similar to the acreage owners on south 66th Street off of Highway 2. Those homeowners and taxpayers bought land and built their dream homes with the assurance that the property to the east of them would someday be homes and not commercial space. Then a wealthy developer requested a change in zoning and now these families, who invested their hard earned money, have a view of Home Depot. The Comprehensive Plan called for no commercial development between 56th Street and 84th Street on Highway 2. This kind of preferential treatment toward developers at the expense of individual property owners must stop now.

I have no doubt that the Woodlands at Yankee Hill development will move forward at some point, but I am opposed to the commercial aspect of the development and I have serious concerns whether the existing infrastructure is in place to support such a large development. Some of my concerns are as follows:

• Why are lots smaller than the Comprehensive Plan calls for being allowed? Why isn't the reasoning for this waiver explained in the Staff Report? Is this just going to be a fancy trailer park?

• Why is 600,000 square feet of commercial space being allowed, when the Comprehensive Plan calls for neighborhood centers to be 50,000 to 250,000 square feet? Isn't there enough commercial space to serve this area at 84th & Hwy. 2, 70th & Hwy 2 and 56th & Highway 2? The commercial area developing at 84th & Hwy 2 and to the east is mammoth in size. Surely the Woodlands at

Yankee Hill would be adequately served by this area and the other nearby commercial areas.

• Why is the Greenprint challenge in the Comprehensive Plan being ignored? Wouldn't the land in question be better suited for a park than the flat cornfield that is currently Jensen Park? Why not sell and develop the cornfield that is Jensen Park and use this more attractive land for parks?

• Has an environmental study been done in the area? It is rich in wildlife now (turkey, deer, etc.). This wildlife will be destroyed by the development. Why not sell the Jensen Park cornfield to a developer and use this more attractive land for parks?

• Why is the Comprehensive Plan concept of "effective land use transitions" being ignored? This development is bordered on two sides by acreages and the development plan calls for commercial space and high density residential next to the acreages. Where is the "transition" in this? What buffer areas exist in the plan? Couldn't more upscale lots be sold close to the adjoining acreages, then gradually phase into other housing types?

• Why is the road issue being ignored? The Planning Department itself says, "The development will be served by the adjacent arterial streets, which are not improved to City standards." And from page 6, paragraph 4 of the Planning Staff Report "Generally, the required public infrastructure is not in place to serve this development. Additional improvements are required in the surrounding arterial streets to serve this development, improvements which are not currently funded in the six-year CIP." This section of 70th Street is already very busy and the section near Pine Lake Road is dangerous because of the lack of turning lanes, the hill just to the south of Pine Lake and the stoplight at Pine Lake. With the increased traffic caused by this development it is just a matter of time before someone dies on this stretch of road.

• It is also time to install infrastructure BEFORE development occurs, which is the logical way to go. The city is full of examples where the necessary infrastructure was installed well after area development. South 84th Street and Pine Lake Road are two prime examples. Both of these streets should have been four-laned before extensive commercial and residential developments were installed along them.

• The nearest fire department is at 84th & South Streets, and who knows when 84th Street will open again? Is it prudent to have the nearest fire station 5 miles from the commercial section of the development? Can the city afford to have this area inadequately covered for even a year or two until a closer firehouse is built?

• While probably legal, the manner in which "contiguous" annexation is being achieved is sneaky at best and not in the best interests of ethical government. It is this kind of maneuver that creates public skepticism of government.

• Why is the Lincoln Police Department's concern about the waiver in block length's being ignored by the developer's plan? Why isn't the reasoning for this waiver explained in the Staff Report?

• How will this area be served by law enforcement? Will LPD have to drive through county jurisdiction to get to this area? Will additional county law enforcement be provided for the adjoining acreage developments that will see increased traffic because of this development? There is currently very little in the way of traffic enforcement done in this area.

• Where will these kids go to school? The nearest elementary school is Cavett and it is already so crowded that portable units are being used.

• Why are many elements of the current Comprehensive Plan being ignored? For example, the Comprehensive Plan requires new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use). The developer's plan calls for a radical change in the character of the neighborhood and does not even attempt a "gradual transition".

• The Comprehensive Plan also states that "similar housing types face each other: single family faces single family, change to different use at rear of lot." You have a number of $300,000 acreages to the north and west and the proposed development borders these properties with commercial space, apartments, town homes and alternative residential use (group homes, assisted living, etc.). How does this maintain the intent of the plan?

• The Comprehensive Plan says that "Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas. Commercial development across from existing acreages is definitely an "encroachment". Why is this not being addressed in the developer's proposal? In addition, why is the developer being allowed to wait until permit time to outline what screening will be built, planted or constructed?

It is time to honor the commitments made in the Comprehensive Plan so that citizens making future purchase decisions can be assured that their property won't someday overlook a Home Depot or Wal-Mart. If the Comprehensive Plan is going to be consistently ignored by the Planning Commission, which seems to be the case now, then I would suggest throwing it away and disbanding the Planning Commission and Planning Department all together. If the developers get the final say on all future growth, then let's at least save some tax dollars by not wasting money on an expensive Comprehensive Plan, Planning Department and Planning Commission.

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