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

Bill No. 07-46

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 05068, The Woodlands at Yankee Hill Planned Unit Development,** requested by Carl Schmidt, Midwest Net Lease Investors and SAP-SE, LLC, for a change of zone from AG Agricultural District to R-3 Residential District, and to develop 500 dwelling units and 324,000 sq. ft. of commercial and office floor area, on approximately 194.83 acres, more or less, generally located southeast of the intersection of South 70th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Annexation Agreement (07R-79) and Annexation No. 05015 (07-45)

SPONSOR: Planning Department

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

RECOMMENDATION: Conditional Approval, with amendments (7-1: Carroll, Esseks, Krieser, Sunderman, Taylor, Strand and Carlson voting 'yes'; Pearson voting 'no'; Larson absent).

FINDINGS OF FACT:

1. This proposal is the first phase of an overall development plan covering 360 acres consisting of approximately 1,000 single-family dwelling units, 450 multiple-family dwelling units and 485,000 square feet of office/commercial floor area. The first phase being approved with this change of zone request covers approximately 194.83 acres, more or less, and requests a change of zone from AG Agricultural to R-3 Residential to develop 500 dwelling units and approximately 324,000 sq. ft. of commercial and office floor area on property generally located southeast of the intersection of South 70th Street and Yankee Hill Road. This PUD was heard before the Planning Commission in conjunction with the associated Annexation No. 05015 (07-45).

2. The staff recommendation of conditional approval, including conditional approval of all waiver requests, is based upon the "Analysis" as set forth on p.5-9, concluding that the proposed annexation and planned unit development are in general compliance with the Zoning Ordinance and Comprehensive Plan. Specific details will be approved by administrative amendment prior to development.

3. Testimony on behalf of the applicants is found on p.16-18, including amendments to the conditions of approval, which were agreed upon by the staff (See p.17-18). The additional information submitted by the applicant setting forth the proposed land uses for the entire 360-acre area is found on p.43.

4. Testimony in opposition by Steve Bors is found on p.18-19, and the written testimony in opposition by Mr. Bors is found on p.44-46. 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.21.

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 development. She did not want to approve the annexation and development plan until the property is actually contiguous.

7. The Jensen Park Estates annexation has now been approved making the proposed area to be annexed with this Planned Unit Development contiguous.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: March 20, 2007
REVIEWED BY: _____ **DATE**: March 20, 2007
REFERENCE NUMBER: FS\CC\2007\CZ.05068+

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> Annexation #05015
<u>Change of Zone #05068 - The Woodlands at Yankee Hill PUD</u>

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

WAIVERS:

1. Transfer of sewage from one drainage basin to another.
2. Allow sanitary sewer flow opposite street grades.
3. Block length.
4. Sidewalks in standard locations.
5. Approve landscape screening at time of building permits.
6. Lots fronting onto a public street or private roadway.
7. Front, side and rear setbacks to 0'.
8. Sidewalk along the east side of South 70th Street to Country View Lane.
9. Lot width to depth ratio.
10. Building height from 35' to 45' for multiple-family dwellings.
11. Lot width from 50' to 40'.
12. Lot area from 6,000 to 4,000 square feet.

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.

RECOMMENDATION:

R-3 PUD	Conditional Approval

Waivers:

1.	Transfer of sewage from one drainage basin to another.	Conditional Approval
2.	Allow sanitary sewer flow opposite street grades.	Conditional Approval
3.	Block length.	Conditional Approval
4.	Sidewalks in standard locations.	Conditional Approval
5.	Approve landscape screening at time of building permits.	Approval
6.	Lots fronting onto a public street or private roadway.	Approval
7.	Front, side and rear setbacks to 0'.	Conditional Approval
8.	Sidewalk along the ease side of South 70th Street to Country View Lane.	Conditional Approval
9.	Lot width to depth ratio.	Conditional Approval
10.	Building height from 35' to 45' for multiple-family dwellings.	Conditional Approval
11.	Lot width from 50' to 40'.	Conditional Approval
12.	Lot area from 6,000 to 4,000 square feet.	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: 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. This 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:

Site Specific:

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

    1.1 Revise the plans as follows:

        1.1.1 Revise the land use table to show a breakdown for Phases I and II and correct inaccuracies in floor areas shown..

        1.1.2 Revise the notes showing subdivision signs to be either 5' high and 32 square feet in area, or 6' high and 20 square feet in area.

        1.1.3 Revise the General Notes as follows:

            2. This PUD permits 500 total dwelling units, 324,000 square feet of office/commercial floor area as shown in the land use table.

            6. Direct vehicular access shall be relinquished from South 70th Street, South 84th Street, and Yankee Hill Road except as shown.

            8&9. Locations of water, sanitary sewer, storm sewer, grading and drainage, paving, streets, lot lines and sidewalks subject to

approval by administrative amendment in compliance with the Lincoln Municipal Code and the Design Standards except as specifically modified by the City Council with this PUD. Parking and landscaping to be approved at the time of building of building permits in compliance with Lincoln Municipal Code and the Design Standards.

10. The sale of alcohol for consumption on and off the premises shall be permitted in those areas designated for office and commercial uses consistent with LMC Section 27.31.040. For the purpose of separation determination, areas not designated for commercial/office uses shall be considered residential districts as defined in LMC Section 27.31.040.

13. All permitted, conditional, and special permitted uses as defined in LMC Chapters 27.15. 27.27. And 27.31 (R-3, O-3 and B-2 respectively) are allowed as permitted uses. O-3 and B-2 uses only allowed in Blocks 1, 7, 34, and 35.

14. Single-family residential lot layout is conceptual, actual layout will be determined at the time of final plat subject to compliance with LMC Title 26.

16. Full roadway geometric design has been shown. The developers agree to construct the south 2 lanes of Yankee Hill Road and the additional temporary asphalt turn lanes in South 70th and South 84th Streets, or improvements as required per the approved annexation agreement.

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. **(**Per Planning Commission at the request of the applicant and agreed upon by staff, 10/12/05**)**

1.1.4 Revise the requested waivers as follows:

3. ~~Delete.~~ Revise General Note #3 to reflect the block length waivers listed in Condition #2. **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 10/12/05**)**

5. Landscape screening to be approved at the time of building permits in compliance with Lincoln Municipal Code and the Design Standards.

7. Front, side, and rear yard setbacks are 0' except for those lots developed with detached single-family dwellings and multiple-family dwellings which must comply with the applicable setbacks per the R-3 district and Design Standards Section 1.2 for multiple-family dwellings.

8. Sidewalk along the east side of South 70th Street between Yankee Hill Road and Yankee Woods Drive.

1.1.5 Show a 20' setback around the perimeter of all office/commercial areas.

1.1.6 Revise the street names as required after review by Emergency Communications 911.

1.1.7 Show the extension of streets 300' beyond the boundary of the PUD, and revise the street layout to eliminate the need for block length waivers for blocks 38 and 43.

1.1.8 Show the bike trail in a location approved by the Parks and Recreation Dept.

1.1.9 Show parkland to the satisfaction of the Parks and Recreation Dept.

1.1.10 Show the high-pressure gas line and delineate the 220' hazard area.

~~1.1.11 Show a recycling drop-off point.~~ **(**Per Planning Commission at the request of the applicant, 10/12/05**)**

1.1.12 Show required easements per the LES review.

1.1.13 Indicate any tree masses to remain.

1.2 Grading, drainage, and utility plans to be submitted by administrative amendment to the satisfaction of Public Works and Utilities prior to final plats or issuance of building permits.

1.3 Make other corrections noted by Public Works and Utilities to their satisfaction.

1.4 Make other corrections noted by the Parks and Recreation Department to their satisfaction.

1.5 Revised metes and bounds legal description.

2. This approval permits 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 324,000 square feet of commercial and office floor area.

3. City Council approves associated request ANN#05015.

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

5. Before the approval of a final plat, the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

6. Permittee agrees:

to complete the paving of all public streets and private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of all streets and private roadways as shown on the final plat within four (4) years following the approval of the final plat.

to provide the cash equivalent for sidewalks along unimproved South 70th South 84th Streets to be used to install the required sidewalks at such time as those streets are improved.

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

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

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

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

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

to complete the planting of the street trees along all streets within four (4) years following the approval of the final plat.

to provide the cash equivalent for street trees along unimproved South 70th South 84th Streets to be used to plant the required street trees at such time as those streets are improved.

to complete the planting of required landscape screens within this plat within two (2) years following the approval of the final plat.

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

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

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

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

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to submit to the lot buyers and home builders a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs including any costs for any improvements in Highway 2 required to allow turning movements into this site.

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

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

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access to South 70th and South 84th Streets, and Yankee Hill Road except as shown.

General:

7. Before receiving building permits:

7.1 The permittee shall have submitted administrative amendments and a revised final plan and the plans are acceptable.

7.2 The construction plans shall comply with the approved plans.

7.3 Final plats shall be approved by the City.

7.4 Applicant agrees to comply with the terms of the annexation agreement.

Standard:

8. The following conditions are applicable to all requests:

8.1 Before occupying the dwelling units and commercial buildings all development and construction shall have been completed in compliance with the approved plans.

8.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.

8.3 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.

8.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

8.5 The City Clerk shall file a copy of the ordinance approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner

September 28, 2005

Applicants:

Carl Schmidt
7541 Boone Trail
Lincoln, NE 68516
770.7356

SAP-SE, LLC
8200 Cody Drive, Ste F
Lincoln, NE 68512
423.7377

Midwest Net Lease Investors
8200 Cody Drive
Lincoln, NE 68512
423.7377

Owners:

Carl Schmidt
7541 Boone Trail
Lincoln, NE 68516
770.7356

SAP-SE, LLC
8200 Cody Drive, Ste F
Lincoln, NE 68512
423.7377

Midwest Net Lease Investors
8200 Cody Drive
Lincoln, NE 68512
423.7377

Lee Hunt
9705 South 98th Street
Lincoln, NE 68526

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.

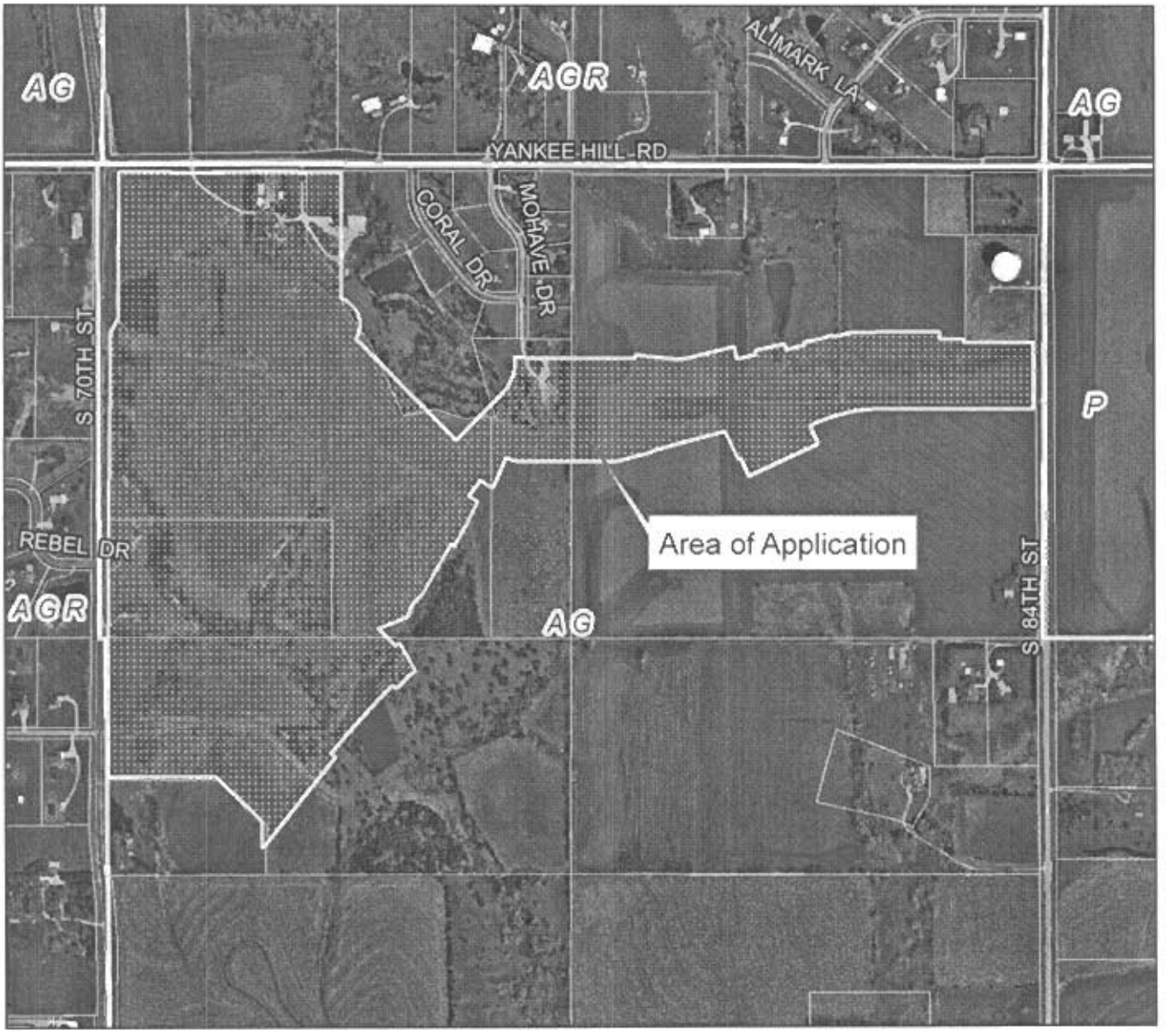
Strand pointed out that it is a condition of approval that Jensen Park Estates be approved first.

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

Change of Zone #05068 PUD
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 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. 27 T9N R7E

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

m:\plan\arcview\05_cz\cz05068

THE WOODLANDS AT YANKEE HILL
LEGAL DESCRIPTION
PUD

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

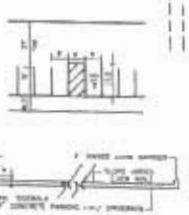
THENCE North 00 degrees 00 minutes 34 seconds East, for a distance of 32.72 feet

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.



TYPICAL PARKING LOT DETAILS

NO SCALE

VICINITY SKETCH

CURVE DATA:

③	④	⑤
Δ=27°27'27"	Δ=22°29'00"	Δ=16°12'35"
R=265.28'	R=553.16	R=237.67'
CD=188.10'	LD=1179.40	CD=144.26'

⑥	⑦
Δ=87°12'27"	
R=240.22	
CD=184.91'	

RECEIVED

SEP - 1 2005

CITY/LANCASTER COUNTY PLANNING DEPARTMENT

026

LINE DIM TABLE

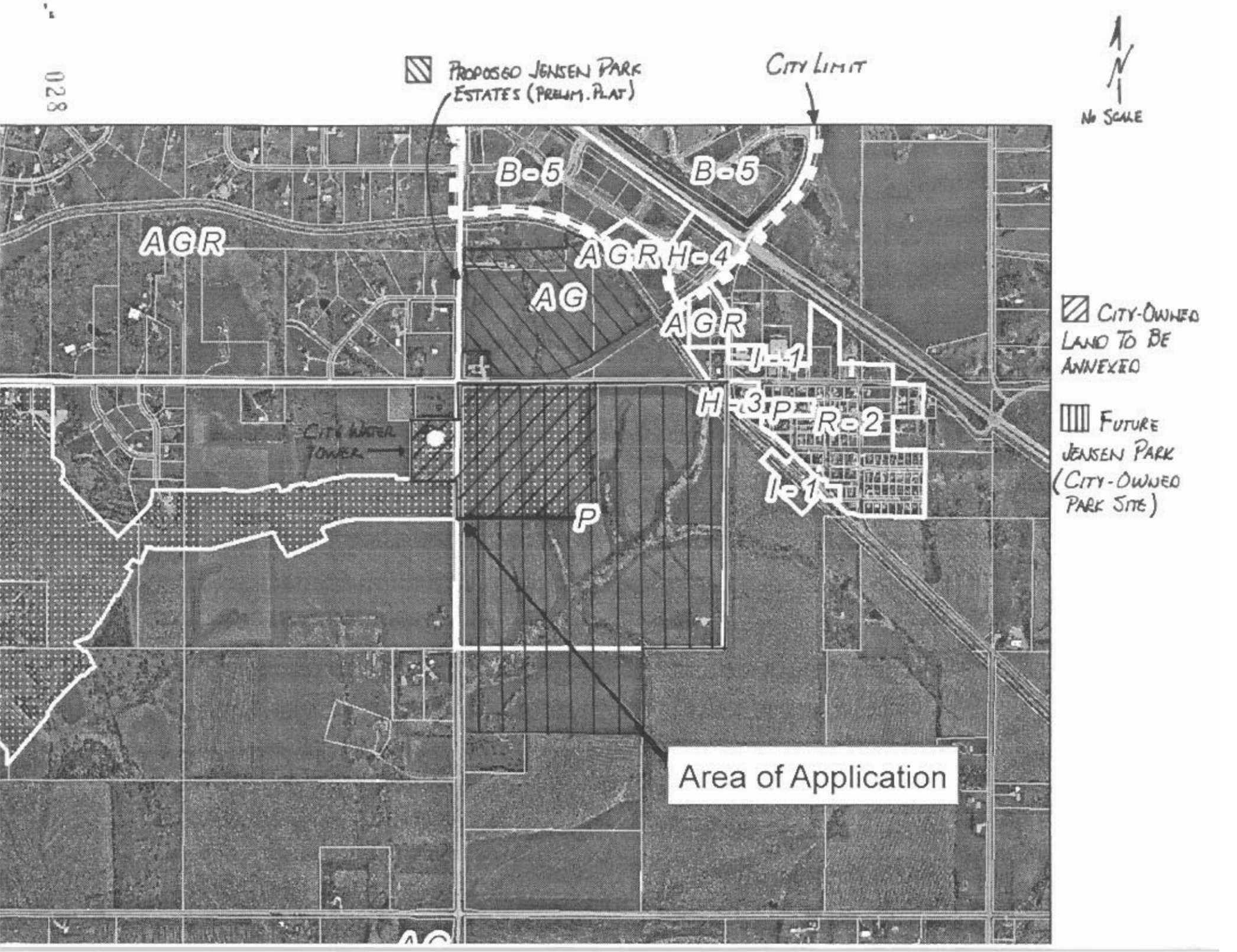
BLOCK	LINE NO.	FLOOR AREA (GROSS)	PROJECT GROSS LAND AREA	LAND USE	DEN	PKG	PKG PER DEN
	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]

GENERAL NOTES

1. [illegible]
2. [illegible] SHALL PERMIT [illegible] UNITS [illegible] MEDIUM [illegible] SQUARE FEET [illegible] IN THE [illegible] TABLE
3. ALL REGULATIONS OF THE UNDERLYING ZONING DISTRICT SHALL APPLY EXCEPT AS MODIFIED HEREIN AND/OR SPECIFICALLY MODIFIED BY THE CITY COUNCIL THROUGH THE ADOPTION OF THE DEVELOPMENT PLAN
4. ALL SIGNAGE SHALL CONFORM TO SECTION 27.69.060 OF THE LMC, UNLESS SPECIFICALLY MODIFIED BY THE CITY COUNCIL. HOWEVER POLE SIGNS SHALL BE PROHIBITED WITHIN THE LIMITS OF THIS P.U.D. DETAILS OF SIGNAGE SHALL BE SHOWN AT THE TIME OF BUILDING PERMITS.
5. PRIVATE ROADWAYS SHALL BE PERMITTED BY ADMINISTRATIVE AMENDMENT
6. DIRECT VEHICULAR ACCESS SHALL BE RELINQUISHED FROM SOUTH 70TH STREET, YANKEE HILL ROAD, AND SOUTH 84TH STREET
7. ALL TOPOGRAPHICAL ELEVATIONS ARE BASED ON NAVD 1988
8. LOCATIONS OF WATER, SANITARY SEWER, STORM SEWER, GRADING & DRAINAGE, PAVING, PARKING, SIDEWALKS, LANDSCAPING WILL BE SHOWN AT TIME OF BUILDING PERMITS IN ACCORDANCE WITH CITY OF
9. UNIFORM DESIGN STANDARDS, UNLESS SPECIFICALLY MODIFIED BY THE CITY COUNCIL THROUGH THE ADOPTION OF THE DEVELOPMENT PLAN
10. THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, ON OR OFF THE PREMISES SHALL BE PERMITTED WITHIN THOSE AREAS DESIGNATED FOR OFFICE/COMMERCIAL USES CONSISTENT WITH LMC 27.1.040
11. EXACT LOCATION OF ALL EASEMENTS SHALL BE SHOWN AT THE TIME OF FINAL PLATS
12. COMMON ACCESS EASEMENTS ARE HEREBY GRANTED ON ALL PARKING LOTS, DRIVING AISLES, AND SIDEWALKS
13. PERMITTED, CONDITIONAL, SPECIAL PERMITTED USES AS DEFINED IN CHAPTERS 27.15, 27.17, AND 27.31 OF THE LMC (R-1, O-2 & B-2 RESPECTIVELY) SHALL BE APPROVED UNDER THIS P.U.D.
14. DEFINE HEIGHT AREA, DENSITY REQUIREMENTS
    APARTMENT HEIGHT
15. PROVISIONS BY THE DEVELOPER SHOULD BE MADE FOR RETAINING AS MUCH TREE MASS AS POSSIBLE
16. FULL ROADWAY GEOMETRIC DESIGN HAS BEEN SHOWN. THE DEVELOPERS AGREES TO CONSTRUCT THE SOUTH 2 LANES OF YANKEE HILL ROAD AS PART OF THE ANNEXATION AGREEMENT AND THE ADDITIONAL TEMPORARY ASPHALT TURN LANES IN S. 70TH AND S. 84TH STREETS

REQUESTED WAIVERS:

1. TRANSFER OF SANITARY SEWER FROM ONE DRAINAGE BASIN TO ANOTHER
2. SANITARY SEWER RUNNING OPPOSITE OF STREET GRADE
3. BLOCK LENGTH
4. SIDEWALKS IN STANDARD LOCATION
5. LANDSCAPE SCREENING TO BE APPROVED AT TIME OF BUILDING PERMIT
6. LOTS IN COMMERCIAL AREAS FRONTING UPON/ TAKING ACCESS FROM PUBLIC STREETS/ PRIVATE ROADWAYS
7. FRONT YARD, SIDE YARD, REAR YARD SETBACKS SHALL BE REDUCED TO 0 FEET, UNLESS SPECIFICALLY SHOWN ON THE DEVELOPMENT PLAN, TO BE SET BY ADMINISTRATIVE AMENDMENT
8. SIDEWALKS ALONG EAST SIDE OF S. 70TH STREET FROM YANKEE HILL ROAD TO COUNTRY VIEW ROAD
9. LOT WIDTH TO DEPTH RATIO
10. LOT AREA
11. LOT WIDTH


PROPOSED JENSEN PARK ESTATES (PRELIM. PLAT)
CITY LIMIT
N
NO SCALE
B-5
B-5
AGR
AGR
H-4
AG
AGR
I-1
H-3
P
R-2
I-1
CITY WATER TOWER
P
Area of Application
CITY-OWNED LAND TO BE ANNEXED
FUTURE JENSEN PARK (CITY-OWNED PARK SITE)

028

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

Memorandum

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: The Woodlands at Yankee Hill PUD CZ05068

Date: September 29, 2005

cc: Randy Hoskins

Engineering Services has reviewed the submitted plans for the Woodlands at Yankee Hill PUD, located on the southeast corner of 70th and Yankee Hill. Specific detailed plans meeting preliminary plat submittal requirements will need to be submitted and administratively approved prior to the approval of any final plats in this PUD. These plans must be in accordance with all design standards unless waived by this generic PUD. Development Services has the following general comments about this generic PUD:

Sanitary Sewer - The following comments need to be addressed.

(1.1) There is currently not City sanitary sewer available for this site. The 2005-2011 CIP shows the necessary sewer required to serve this site in the 2005-2006 time frame.

(1.2) General Note #8 is unsatisfactory. Any required sanitary sewer, water main, storm sewer, street paving, or grading/drainage information that is not part of this conceptual PUD will need to be shown on subsequent administrative amendments.

(1.3) There is not enough information to determine whether or not the requested waiver of design standards to drain sanitary sewer from one basin to another. The waiver will need to be withdrawn or additional information needs to be provided. Otherwise Public Works denies this waiver request.

(1.4) The waiver of design standards to construct sanitary sewer opposite street grades is satisfactory subject to Public Works review of specific locations identified in subsequent administrative amendments.

Water Main - The following comments need to be addressed.

(2.1) There is currently not City water available to serve this site. The 2005-2011 CIP shows the necessary water mains required to serve this site in the 2005-2006 time frame. The connections from the water system within this site to the water transmission system will need to be coordinated with the water department.

(2.2) General Note #8 is unsatisfactory. Any required sanitary sewer, water main, storm sewer, street paving, or grading/drainage information that is not part of this conceptual PUD will need to be shown on subsequent administrative amendments.

Grading/Drainage - The following comments need to be addressed.

(3.1) Detailed detention calculations have not been received and will need to be submitted with subsequent administrative amendments prior to the approval of any final plat for this PUD.

(3.2) Proposed grading contours have not been provided with this submittal. Since street grade profiles and storm sewer design calculations have been shown on the plans, the proposed grading contours need to be provided in order to conduct a proper review. If the proposed grading is not to be provided with this submittal, Public Works does not approve the street grade profiles or storm sewer calculations and reserves the right to require revisions to the street grades and storm sewer design information in required subsequent administrative amendments.

(3.3) The required minimum flood corridor easements need to be shown on these plans.

(3.4) The current FEMA floodplain needs to be shown on these plans. The plans indicate grading that will potentially raise flood plain elevations. The "no net rise" requirement will need to be addressed.

Streets/Paving - The following comments need to be addressed.

(4.1) The street system is satisfactory for a conceptual PUD. However, there is not enough information to determine design standard conformance for the street system in this PUD. Curve data and tangent lengths are not provided. Street grades are provided, however, since site grading has not been provided and adequate lot drainage cannot be verified, it cannot be determined whether or not the street grades are satisfactory. If this information is not to be shown on these plans, Public Works does not approve the street layout or street grades and reserves the right to require revisions to the street system and street grades at such time as a the information is provided with subsequent administrative amendments and a proper review is conducted. If the applicant wishes to have the street system and street grades approved with this submittal the PUD will need to be resubmitted with the required information.

(4.2) The submitted traffic study indicates the need for 300' of storage for the north bound left turn lane in 73rd Street at Yankee Hill Road. It appears from the plans that the driveway stub to the west is significantly closer to Yankee Hill than the 300' indicated in the study. Although this is supposed to be a conceptual site plan, if a driveway is to be shown, it should be located at the required distance or the median in 73rd Street should be shown extended past the driveway to the required spacing.

(4.3) The submitted traffic study indicates the need for a 150' north bound right turn lane in 73rd Street at Yankee Hill Road. It appears the turn lane shown is less than the 150' required. The plan needs to be revised to show the required length of turn lane.

(4.4) The right turn lanes for the proposed driveways in Yankee Hill Road and South 70th Street for the commercial corner lot in the northwest corner of the plat will need to be the constructed at the required 200' length and will be the responsibility of the developer.

(4.5) Yankee Hill Road is currently a gravel road and will be required to be improved to urban standards prior to any connections to Yankee Hill being made from this plat. The current CIP does not show any improvements scheduled for this section of Yankee Hill Road. General Note #16 refers to paving the south two lanes of Yankee Hill Road to be reimbursed at a later date. If two lanes of the future urban section is agreed upon by the City, temporary turn lanes at the proposed intersections will need to be constructed at the developers expense.

(4.6) Temporary turn lanes will be required to be constructed in 70th or 84th Streets if connections to the streets are made prior to the improvement of the streets to urban sections. The temporary improvements will be the responsibility of the developer.

(4.7) The requested waiver of design standards for not fronting commercial lots on public or private streets is satisfactory subject to Public Works review of specific locations. This waiver does preclude any requirements pertaining to sanitary and water services.

General – The complete preliminary plat information re3quired for the entire PUD should be required prior to approval of a final plat for any portion of this development.

The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

[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.

035

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.

036

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

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

037

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.

038

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.

039

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:

040

Gene M Hanlon/Notes
09/07/2005 12:31 PM

To Brian J Will/Notes@Notes
cc
bcc
Subject Woodsland at Yankee Hill

The PUD proposed for the Woodsland at Yankee Hill would be a good host site for a recycling drop-off site. Particularly, as part of the commercial and retail area of the development.

Gene

INTER-DEPARTMENT COMMUNICATION

LES

DATE: September 16, 2005

TO: Brian Will, City Planning

FROM: Sharon Theobald
Ext 7640

SUBJECT: DEDICATED EASEMENTS
DN# 90S-77E

AN#05015
CZ/PUD#05068

Attached is the P.U.D. for The Woodlands at Yankee Hill.

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 in all areas, as noted.

SEP 16

ST/ss
Attachment
c: Terry Wiebke
Easement File

SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION
BY THE APPLICANT: 10/12/05

CHANGE OF ZONE NO. 05068

The Woodlands
At Yankee Hill

Approximately 360 Acres

Residential	828 Units	240.85 Acres	67%
Commercial	618,000 sq. ft.	60.92 Acres	17%
Apartments	450 Units	21.23 Acres	6%
Open Space/Parks/Trails		32.50 Acres	9%
Other Residential (Daycare, Assisted Living, Etc.)		4.50 Acres	1%

If you have any questions,
call Judy with Krueger Development – 423-7377
or Brian Will at the Planning Department - 441-6362

KRUEGER development
8200 Cody Drive, Suite F • Lincoln, Ne 68512
Phone 402-423-7377 • Fax 402-423-0536
www.kruegerdevelopment.com
email - jelgert@kruegerdevelopment.com

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.

Steve Bors
6800 Rebel Drive
Lincoln, NE 68516

420-7540 (home)
441-3131 (work)