

FACTSHEET

TITLE: **ANNEXATION NO. 07003**, requested by Lincoln Federal Bancorp, to annex approximately 153.28 acres, more or less, generally located southeast of the intersection of South 40th Street and Yankee Hill Road.

SPONSOR: Planning Department

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

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement.

RECOMMENDATION: Approval, subject to an Annexation Agreement (6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis and Taylor voting 'yes'; Larson and Sunderman absent).

ASSOCIATED REQUESTS: Annexation Agreement (08R-306) and Change of Zone No. 07060 (08-168).

FINDINGS:

1. This proposed annexation request was heard by the Planning Commission in conjunction with the associated Change of Zone No. 07060, Wilderness Heights Planned Unit Development, and Preliminary Plat No. 07004, Wilderness Heights Addition.
2. This is a request by Engineering Design Consultants on behalf of Lincoln Federal Bancorp, to annex 153.28 acres, more or less, generally located southeast of the intersection of South 40th Street and Yankee Hill Road. The associated Planned Unit Development changes the zoning from AG to R-3 Residential (113.31 acres, more or less, for 308 residential lots) and from AG to B-2 Planned Neighborhood Business (39.97 acres, more or less, for 225,000 sq. ft. of office and commercial floor area on 17 lots, and three apartment buildings on one lot).
3. The staff recommendation to approve the annexation, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.5-7, concluding that the proposed annexation is in conformance with the Comprehensive Plan and the Zoning Ordinance.
4. On April 23, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On April 23, 2008, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval, subject to an Annexation Agreement.
6. On April 23, 2008, the Planning Commission also voted 6-0 to recommend conditional approval of the associated Wilderness Heights Planned Unit Development and adopted Resolution No. PC-01118, approving the Wilderness Heights Addition preliminary plat.
7. The annexation agreement provides for the developer to reconstruct 40th Street with new four-lane paving and turn lanes prior to issuance of building permits. A similar provision is included in the annexation agreement for land on the west side of 40th Street, which is scheduled for this same Council agenda. The two ownerships have their own private agreement on sharing the road construction cost.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: November 24, 2008

REVIEWED BY: _____

DATE: November 24, 2008

REFERENCE NUMBER: FS\CC\2008\ANNEX.07003+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 23, 2008 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

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

RECOMMENDATION:

Annexation #07003

Change of Zone #07060

Waivers:

- | | |
|--|----------|
| 1. Adjust setbacks to 0' in B-2 | Approval |
| 2. Adjust the height from 40' to 55' in B-2 | Approval |
| 3. Lot abutting a public street
or private roadway in B-2 | Approval |

Conditional Approval

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Agriculture

SURROUNDING LAND USE AND ZONING:

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

COMPREHENSIVE PLAN SPECIFICATIONS:

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

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

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

Pg 45 - Business and Commerce - Neighborhood Center

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

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

Criteria - Neighborhood Centers are not sited in advance on the land use plan. Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative. When a square mile of urban use contains a Community or Regional Center, and that center includes many of the uses found in a neighborhood center, then only one neighborhood center would be approved within that square mile.

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

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

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

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

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

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

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

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

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

HISTORY:

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

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

ASSOCIATED REQUESTS:

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

UTILITIES & SERVICES:

- A. Sanitary Sewer:** This project must connect to sewer lines both west of South 40th Street to serve the northern portion of the site, and the line to the south. Funds are shown in years 2008-09 in the Capital Improvement Program (CIP) for these sewer mains.
- B. Water:** A water main has been constructed in South 40th Street from Yankee Hill Road to Rokeby Road, and can serve this development. The required internal water mains required to serve this development will be installed by the developer.

- C. **Roads:** South 40th Street from Yankee Hill Road to Rokeby Road is a two-lane, asphalt county road cross section, and is designated as an arterial street. Funds to improve it to the City's urban paving standard are not included in the six-year CIP. Public Works has indicated that South 40th Street will need improvement in advance of CIP funding to serve this development and Wilderness Hills on the west side of the street. The timing and extent of those improvements will be included in the annexation agreement between the developer and the City of Lincoln.
- D. **Parks and Trails:** The 2030 Comprehensive Plan shows a neighborhood park in the area halfway between Yankee Hill and Rokeby Roads on South 40th Street. Since the Plan's update, the location of the park has been determined to be within the Grandale development adjacent to the south.
- E. **Police/Fire Protection:** Police and fire protection are currently provided by the Lancaster County Sheriff and the Southeast Rural Fire Department. After annexation those service will be provided by the Lincoln Police and Fire Departments. The nearest fire stations are located at South 48th Street and Claire Avenue and South 27th Street and Old Cheney Road.

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

ANALYSIS:

1. There are three associated applications for this development. Two of them, the annexation and change of zone, are addressed by this report. The third, which is for the preliminary plat, is covered in a separate report.
2. The annexation request is for approximately 153 acres, or the entire northwest quarter of Section 29. The change of zone application has two components. One seeks to change the zoning from AG to B-2 PUD on a portion of the 153-acre site to allow for the commercial development as shown on the attached site plan. The second seeks to change the zoning from AG to R-3 over the remainder of the site to allow for the 308-lot residential development shown on the preliminary plat.
3. This center has a somewhat unusual, elongated shape for a neighborhood center. It is approximately ½ mile, which in part is determined by the drainage through the northwest corner. The drainage is to be preserved in a conservation easement, leaving an irregular tract near the intersection. The developer has laid out the site proposing a mix of residential, office and commercial uses.
4. The PUD includes only the B-2-zoned, commercial portion of this development. It proposes 225,000 square feet of office and commercial floor area on 17 lots, and three apartment buildings on one lot. Lot 1, Block 3 at the northeast corner of the center is restricted to those uses allowed in the R-T zoning district, including a day care and private school, to be compatible with the adjacent residential lots.

5. The Comprehensive Plan designates a neighborhood center within this square mile, however the specific location is not fixed. Neighborhood centers are typically 50,000 to 150,000 square feet, but can be as large as 225,000 square feet if there is a finding of compliance with the Comprehensive Plan's incentive criteria (Pg 45). A 225,000 square foot center is proposed based upon the applicant's justification which is attached to this report. Staff concurs with the justification subject to clarification of two issues. Consistent with the criteria, the minimum number of multiple-family units should be no less than 66, and it must be indicated on the plan. Additionally, staff and the applicant agreed that the parking lot on the west edge of Lot 4, Block 2 was to be designated as an open air, pedestrian-oriented plaza. Its purpose was to help establish a 'town-center' atmosphere and serve as a focal point and public amenity for the center.
6. Staff also requested the applicant to develop a set of design standards that would be privately enforced. The intent of these standards is ensure the center contains the necessary elements to provide a "town center" atmosphere, and to maintain a consistent appearance and character for the entire center consistent with the incentive criteria. These standards were not provided with the application, but should be required to be approved by administrative amendment prior to final plats or building permits.
7. An adjustment to setbacks to 0' is requested. However, the site plan shows a mix of two types of layout options. One layout type creates individual lots where there are typically few or no shared facilities. A second layout type allows pad sites (or building envelopes) that are surrounded by larger outlots intended for parking and other common facilities. Adjusting the setbacks to 0' for the setbacks internal to the development is appropriate in either case subject to two conditions. First, if pad site are used, adequate area on each pad site must be allowed for the usual building appurtenances such as canopies and eaves. Second, a perimeter setback must be established to maintain adequate separation between the commercial buildings and the adjacent streets and residential areas. The perimeter setback adjacent to all street frontages should be shown as 20' in all cases. Where the B-2 is adjacent to R-3 however, the setback should be 50'. Parking, drive aisles and garages should be allowed within the 50' setback, but no closer that 20' of the lot line.
8. A waiver to allow lots not abutting a public street or private roadway is requested for the lots east of the internal driveways both north and south of Hohensee Drive. Provided a public access easement is granted over the area shown for the drive and private utilities, this request is appropriate.
9. An adjustment to the maximum height from 40' to 55' is also requested. The Zoning Ordinance was recently amended to increase the maximum height in the H-1 through H-4 commercial zoning district to 55'. But the increased height over the previously allowed height of the district is subject to the condition that "any portion of the building in excess of 45' shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 residential district for each one foot of building height in excess of 45'." The B-2 and B-5 zoning district were originally included but dropped because the maximum height can be adjusted by use permit on a case by case basis. There is significant horizontal separation provided by the drainage between the commercial and residential north Hohensee Drive, and approximately 10' of vertical

separation between the commercial and residential south of Hohensee Drive, with the commercial being lower. Additionally, and when appropriate, increased height means a higher floor area ratio and allows for more efficient use of land and existing infrastructure.

10. Building and Safety and 911 Emergency Communications both note there are several street names which are either incorrectly used or duplicate those in use. The site plan should be revised to show street names approved by those departments.
11. The Health Department notes that there is a high-pressure gas line in or near Yankee Hill Road. As a result, they recommend that a day care facility not be allowed as a permitted use on Lot 1, Block 3. There are currently no local regulations in effect regulating gas transmission facilities or uses in proximity to them. In response, staff has recommended that advisory notes be added to site plans showing the approximate location of the facility to serve as notice to the public and prospective purchasers. Additionally, in this case staff is recommending the owner be required to notify the purchasers of all lots adjacent to Yankee Hill Road on the pipeline's approximate location.
12. There are numerous minor changes required to the plans and notes. Those changes are included as recommended conditions of approval.

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

CONDITIONS:

Annexation #07003

1. The applicant will enter into an annexation agreement with the City of Lincoln before the City Council approves the change of zone.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
April 9, 2008
Planner

APPLICANT/

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

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

April 23, 2008

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

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

Ex Parte Communications: None

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

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



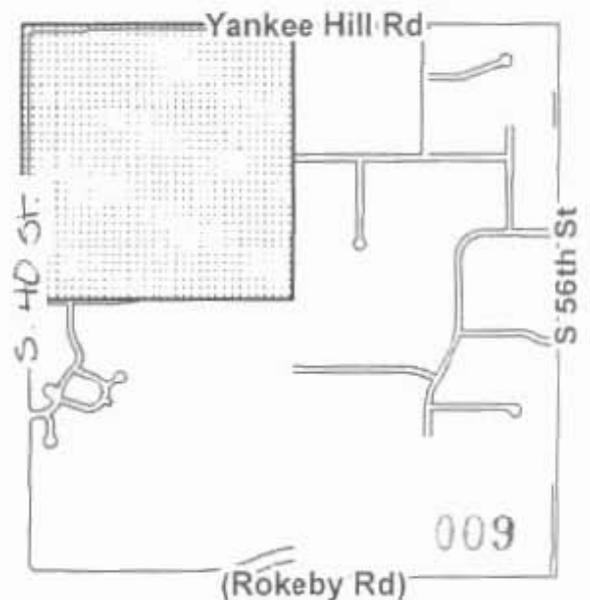
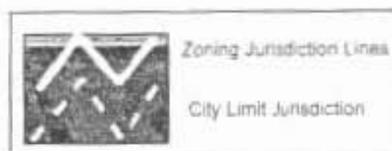
2007 aerial

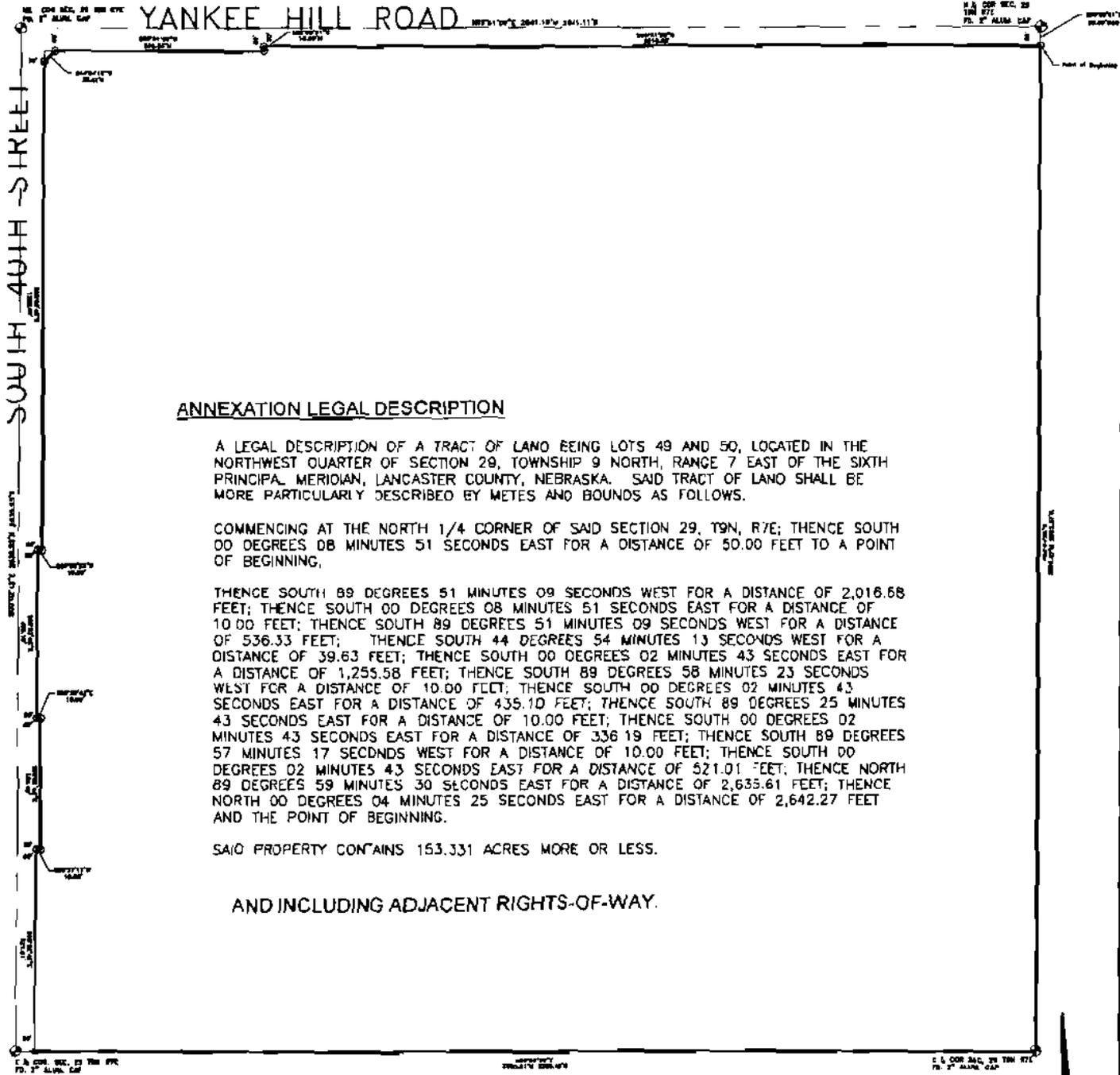
**Annexation #07003
Wilderness Heights PUD
S 40th St & Yankee Hill Rd**

Zoning:

One Square Mile
Sec. 29 T9N R7E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-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





ANNEXATION LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF A TRACT OF LAND BEING LOTS 49 AND 50, LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA. SAID TRACT OF LAND SHALL BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 29, T9N, R7E; THENCE SOUTH 00 DEGREES 08 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 50.00 FEET TO A POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 51 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 2,016.68 FEET; THENCE SOUTH 00 DEGREES 08 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 09 SECONDS WEST FOR A DISTANCE OF 536.33 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 39.63 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 1,255.58 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 435.10 FEET; THENCE SOUTH 89 DEGREES 25 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 336.19 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 521.01 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 2,635.61 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 2,642.27 FEET AND THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 153.331 ACRES MORE OR LESS.

AND INCLUDING ADJACENT RIGHTS-OF-WAY.

010

SCALE NO SCALE



**WILDERNESS HEIGHTS
ANNEXATION EXHIBIT**

Drawn By: DAB
Dwg.: 0-060 PP EX.
Date: 04/10/2008
Job#: 04-060

SHEET
1 OF 1