

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 09001**, requested by R.C. Krueger Development, to annex 25.69 acres, more or less, generally located southeast of the intersection of South 70<sup>th</sup> Street and Yankee Hill Road.

**STAFF RECOMMENDATION:** Approval, subject to a revised annexation agreement.

**ASSOCIATES REQUESTS:** Revised Annexation Agreement (09R-64) and Change of Zone No. 05068A (09-51).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 03/11/09  
Administrative Action: 03/11/09

**RECOMMENDATION:** Approval, subject to a revised annexation agreement (6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Larson and Taylor voting 'yes'; Francis, Partington and Sunderman absent).

### **FINDINGS:**

1. This is a request to annex 25.69 acres, more or less, generally located southeast of the intersection of South 70<sup>th</sup> Street and Yankee Hill Road for the purpose of expanding the associated planned unit development (The Woodlands at Yankee Hill) to allow 31 lots for single-family dwellings and a site for a private elementary school and church.
2. The staff recommendation to approve the annexation, subject to a revised annexation agreement, is based upon the "Analysis" as set forth on p.3-5, finding that the proposed annexation and R-3 zoned PUD were shown as part of the overall concept plan associated with the previously approved PUD. Originally laid out as individual lots for single-family dwellings, the majority of the area proposed for annexation is now intended to accommodate a private elementary school. The proposed annexation is found to be in conformance with the Comprehensive Plan.
3. On March 11, 2009, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On March 11, 2009, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval, subject to a revised annexation agreement.
5. On March 11, 2009, the Planning Commission also voted 6-0 to recommend conditional approval of the associated amendment to The Woodlands at Yankee Hill Planned Unit Development (09-51).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** April 13, 2009

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 13, 2009

**REFERENCE NUMBER:** FS\CC\2009\ANNEX.09001+

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 11, 2009 PLANNING COMMISSION MEETING

- P.A.S.:**                    **Annexation #09001**  
Change of Zone #05068A - The Woodlands at Yankee Hill Planned Unit Development (PUD)
- PROPOSAL:**            To annex approximately 25.69 acres of land and change the zoning designation from AG to R-3 PUD to allow an additional 31 lots for single-family dwellings and a private school and church.
- LOCATION:**                Southeast of the intersection of South 70<sup>th</sup> Street and Yankee Hill Road.
- LAND AREA:**            Annexation #09001 - Approximately 25.69 acres.  
Change of Zone #05068A - Approximately 25.69 acres.
- WAIVERS:**                1.     Transfer of sewage from one drainage basin to another.  
   2.     Allow sanitary sewer flow opposite street grades.
- CONCLUSION:**            The area to be annexed and zoned R-3 PUD were shown as part of the overall concept plan associated with the previously approved PUD. Originally laid out as individual lots for single-family dwellings, the majority of the area proposed for annexation is now intended to accommodate a private elementary school. The requested waivers were also approved with original PUD and are appropriate for this addition as well subject to conditional approval. Subject to the recommended conditions of approval, these requests are in general compliance with the Zoning Ordinance and Comprehensive Plan.

<b>RECOMMENDATION:</b>	
CZ#05068A	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

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** AN#09001 and CZ#05068A - See attached legal description

**EXISTING LAND USE AND ZONING:**

Agriculture AG Agricultural

**SURROUNDING LAND USE AND ZONING:**

North:	Agriculture	R-3 PUD
South:	Agriculture	AG
East:	Agriculture	AG
West:	Residential, Agriculture	R-3 PUD

**HISTORY:**

**APR 2007** - AN#05015 and CZ#05068 were approved annexing approximately 286 acres and approving The Woodlands at Yankee Hill PUD.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page 19** - This site is designated as urban residential land use in the Future Land Use Plan.

**Page 21** - Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit.

**Page 66** - 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).

**ANALYSIS:**

1. The original PUD was approved in 2007, and is approximately 246 acres in area. It was part of a larger overall concept plan that covers most of the north one-half of the section bounded by South 70<sup>th</sup> & South 84<sup>th</sup> Street, and Yankee Hill and Rokeby Roads.
2. These requests seek to annex an additional 26 acres, and change the zoning to R-3 PUD and include the area in the existing PUD. The original PUD had shown a typical lot and block layout for single-family dwellings. These requests revise the plan over the 26 acre site to show 31 lots for single-family dwellings, and a site for a private elementary school and church.

3. The following waivers have been requested:
  - A. Transfer of sewage from one drainage basin to another - This waiver was required with the original PUD application, and carries over with this amendment. Based upon the information provided, it is less clear whether this amendment actually requires the same waiver, as it appears the area of this amendment is just in a different tributary in the same basin. As with the original PUD, Public Works is indicating the information submitted with the PUD is basic and not complete, and therefore they are not able to unconditionally recommend approval of this request. The recommendation is for conditional approval, and 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 conditional approval provided minimum and maximum sewer depths are not exceeded as determined by Public Works.
4. The annexation agreement requires the applicant to make improvements to Yankee Hill Road, with the City reimbursing a portion of it, by December 31, 2009. The applicant is requesting the annexation agreement be modified to extend the improvement schedule for Yankee Hill Road until 2010, noting the City's revised improvement schedule for the street. In their review, Public Works notes that it appears that the Lincoln Water System may not be able to fund the water line improvements until 2012, and recommends that both paving and water improvements be delayed until funding is available in 2012. The annexation agreement will need to be revised to change the date, and will require concurrence of both the City and the applicant.
5. Based upon the approved PUD, final plats have been approved and development is underway beginning at the west edge of the development along South 70<sup>th</sup> Street and moving east. Up to this point, the only access to an arterial street is at South 70<sup>th</sup> Street. With the inclusion of the proposed 31 lots and school site, staff is concerned about the amount of development with access to only one arterial street on the west side of the development. Staff recommends that if the school opens prior to the improvement of Yankee Hill Road (currently a gravel road), that either Yankee Woods Drive or Hayek Drive be extended to South 84<sup>th</sup> Street, which is a paved, two-lane asphalt county road.
6. Per the annexation agreement, the development is required to dedicate 5.14 acres of land for parks. The plan shows a .73 acre tract being dedicated as parkland at the south edge of the school lot. This is intended to be the first part of the larger 5 acre park that will eventually be dedicated from land outside the boundary of the PUD. The agreement requires that 1.6 acres of parkland be dedicated with Phase I of the PUD, and the remainder with subsequent phases. The proposed location of the 5-acre park is satisfactory. The agreement needs to also be revised to state that only .73 acres are to be dedicated with Phase I to allow the dedication being proposed.

7. The plan shows a conceptual layout for the proposed school. For some time, Public Works Traffic Operations has sought to provide input in school site planning to help ensure proper traffic flow and reduce vehicular/pedestrian conflicts. Public Works notes the concept plan shown for the school site includes a driveway too close to the proposed roundabout in Yankee Woods Drive, and that consideration should also be given to pedestrian access to the school in relation to drop-off points and parking. While no requirement for it exists, Public Works recommends that the school's owners meet with staff during their site planning phase to discuss the layout prior to submission of plans for building permits.
8. The correct location of the bike trail easement is shown clearly on Sheets 2 and 2A, but not so clearly on Sheet 1 of 5. Sheet 1 should be revised to reflect the other sheets in the plan set regarding the trail location.
9. Public Works notes that revisions to the utility and grading and drainage plans are required. Other necessary changes will be required at the time construction plans are reviewed and approved by the City.

**CONDITIONS:**

**Annexation #09001**

1. The applicant will enter into a revised annexation agreement with the City of Lincoln.

Prepared by:

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
February 24, 2009

**Applicant/**

**Owner:** R.C. Krueger Development  
8200 Cody Drive, Ste F  
Lincoln, NE 68512  
402.423.7377

**Contact:** Marcia Kinning  
ESP  
601 Old Cheney Road Ste A  
Lincoln, NE 68512  
402.434.2424

**ANNEXATION NO. 09001  
and  
CHANGE OF ZONE NO. 05068A,  
an Amendment to  
The Woodlands at Yankee Hill Planned Unit Development**

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

March 11, 2009

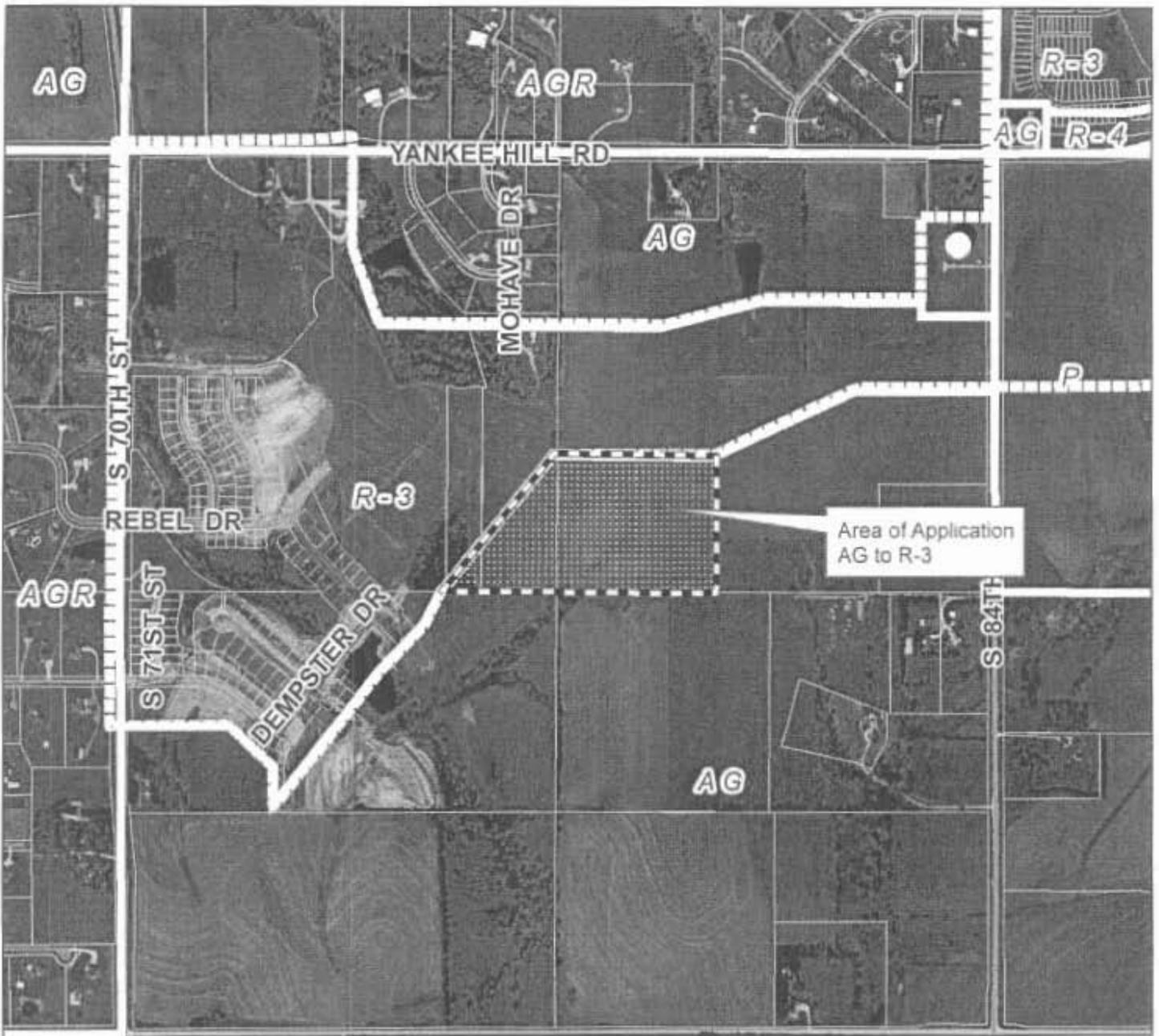
Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Larson and Taylor; Francis, Partington and Sunderman absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 09001, CHANGE OF ZONE NO. 05068A, CHANGE OF ZONE NO. 09005HP and SPECIAL PERMIT NO. 09002.**

Ex Parte Communications: None

**Item No. 1.2a, Change of Zone No. 09005HP, and Item No. 1.2b, Special Permit No. 09002,** were removed from the Consent Agenda and scheduled for separate public hearing.

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



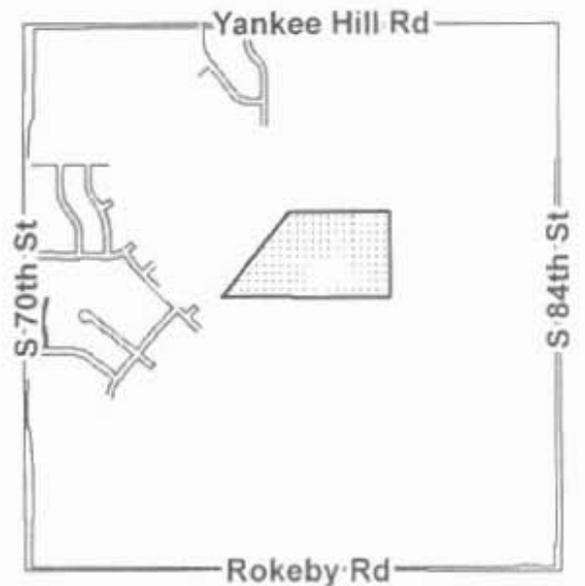
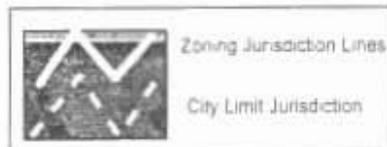
**Annexation # 09001 and Change of Zone # 05068A**  
**The Woodlands at Yankee Hill**  
**S 70th St & Yankee Hill Rd**

2007 aerial

**Zoning:**

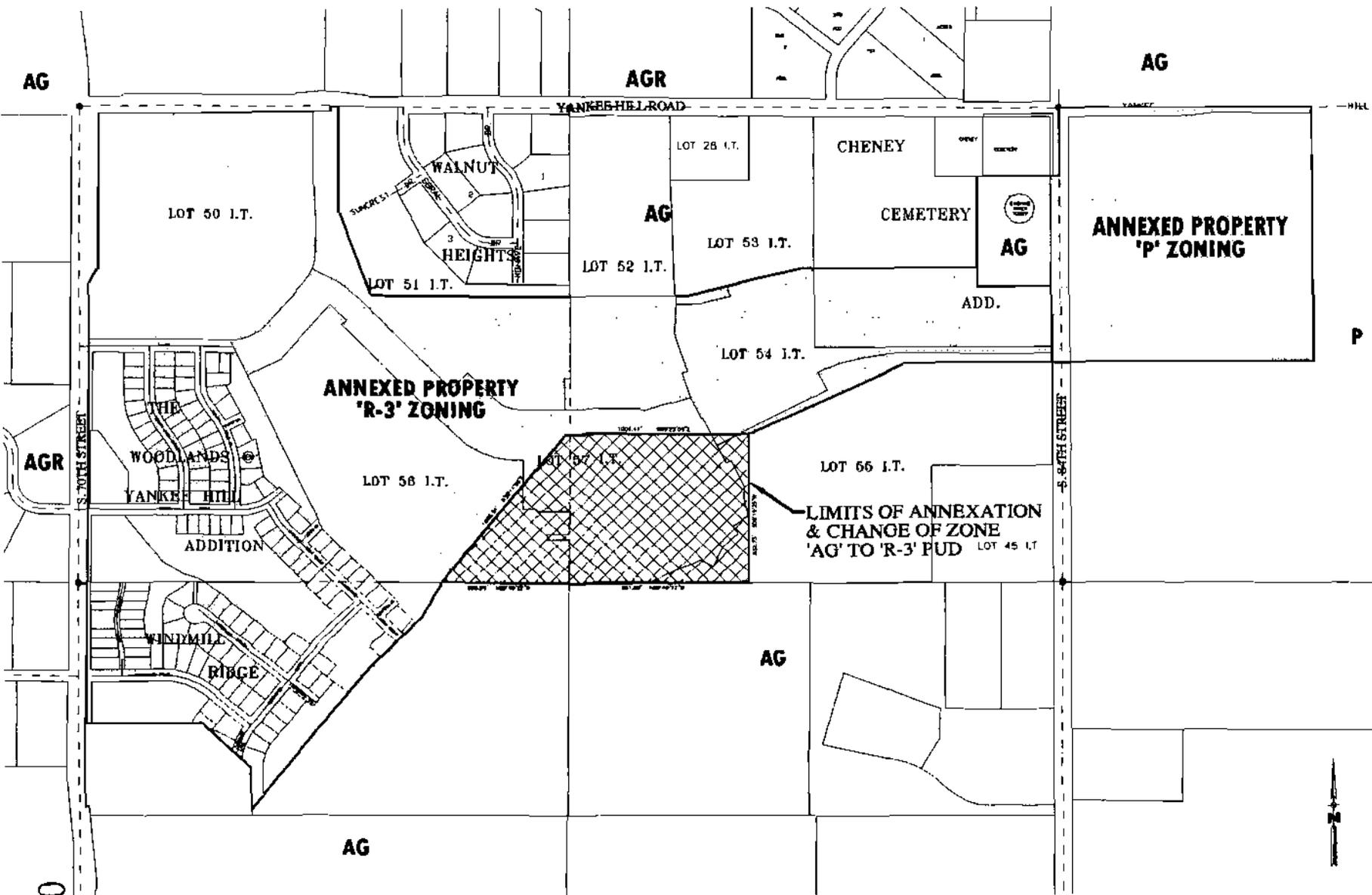
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-7 Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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 T09N R07E



# THE WOODLANDS AT YANKEE HILL

## CHANGE OF ZONE & ANNEXATION EXHIBIT



**E.S.P.**  
CONSULTING  
ENGINEERS

601 OLD  
CHENEY RD.  
SUITE 'A'  
LINCOLN  
NEBRASKA  
68512

800

**THE WOODLANDS AT YANKEE HILL  
CHANGE OF ZONE 'AG' TO 'R-3' PUD  
& ANNEXATION  
LEGAL DESCRIPTION**

A legal description of a portion of Irregular Tract Lots 54, 55, 56 & 57 all located in the North Half of Section 27, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the S.W. Corner of the N.W. Quarter of said Section 27 and extending thence South 89°40'22" East along the South line of said N.W. Quarter a distance of 1977.54 feet to the **POINT OF BEGINNING**;

**THENCE** North 39°14'59" East, for a distance of 1080.54 feet;

**THENCE** South 89°25'09" East, for a distance of 1001.41 feet;

**THENCE** South 00°19'35" West, for a distance of 832.73 feet;

**THENCE** North 89°40'22" West along the South line of the N.E. Quarter a distance of 981.88 feet to the S.E. Corner of the N.W. Quarter of said Section 27;

**THENCE** North 89°40'22" West along the South line of the N.W. Quarter a distance of 695.59 feet to the **POINT OF BEGINNING**, containing a calculated area of 1,119,114.76 square feet or 25.69 acres.



**LYLE L. LOTH, P.E./L.S.**

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Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

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February 11, 2009

Mr. Marvin Krout, AICP  
Director of Planning  
Brian Will, Planner  
City of Lincoln/ Lancaster County  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

**RE: THE WOODLANDS AT YANKEE HILL  
SOUTH 70<sup>TH</sup> TO 84<sup>TH</sup> & YANKEE HILL ROAD  
ANNEXATION & CHANGE OF ZONE FROM 'AG' TO 'R-3/ P.U.D' #05068A**

Dear Marvin,

On behalf of R.C. Krueger Development Company, we request Annexation of and Change of Zone from 'AG' to 'R-3'/ PUD on 25.69 acres adjacent to the approved PUD of The Woodlands at Yankee Hill. We submit the enclosed applications for your review.

The Woodlands at Yankee Hill is an existing 'R-3' PUD located on the South side of Yankee Hill Road, from South 70<sup>th</sup> to South 84<sup>th</sup> Street. The existing PUD contains 194.83 acres.

This application is adding 25.69 acres to The Woodlands at Yankee Hill 'R-3'/ PUD. Within the additional area, 31 single family lots and a private school have been shown. The total dwelling units shown within the PUD boundary is 495 dwelling units. The private school will consist of Kindergarten through Eighth Grade students.

All the waivers requested and approved through the original PUD remain with this application. A list of the approved waivers has been enclosed.

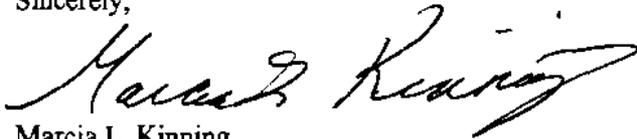
The minimum opening elevations shown have been updated to reflect the final plat of The Woodlands at Yankee Hill Addition and affidavit filed at the Register of Deeds. The modification had been reviewed by Watershed Management, Public Works and Building & Safety several months ago.

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Paragraph 4.A. within the existing annexation agreement stated that the Owner shall request the Executive Order and provide all required bonds to guarantee construction of the Yankee Hill Road Arterial Street Impact Fee Facility Improvements and Site Related Turn Lanes on or before December 31, 2009. Due to the City of Lincoln's revision to the improvement schedule of Yankee Hill Road, we request that the annexation agreement be modified to reflect a date of December 31, 2010.

Please contact me if you have any questions or comments.

Sincerely,



Marcia L. Kinning

Cc: R.C. Krueger Development Company, Inc.

Enclosures: 4 Copies of Entire PUD  
10 Copies of the Cover, Site and Utility Plan  
Application for a Change of Zone/ PUD  
Application Fee of \$3,720.00  
Change of Zone Exhibit  
8 ½ x 11 PUD Reductions  
Certificate of Ownership  
Owner List  
Waiver List