

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 05068A**, an amendment to **THE WOODLANDS AT YANKEE HILL PLANNED UNIT DEVELOPMENT**, requested by R.C. Krueger Development, on property generally located southeast of the intersection of South 70th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATES REQUESTS: Revised Annexation Agreement (09R-64) and Annexation No. 09001 (09-50)

SPONSOR: Planning Department

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

RECOMMENDATION: Conditional Approval (6-0: Gaylor Baird, Carroll, Cornelius, Esseks, Larson and Taylor voting 'yes'; Francis, Partington and Sunderman absent).

FINDINGS:

1. This is a request to amend The Woodlands at Yankee Hill Planned Unit Development, including a change of zone from AG Agricultural to R-3 PUD, to add 25.69 acres, more or less, to the PUD and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow 31 dwelling units and a private school in the underlying R-3 zoning, on property generally located southeast of the intersection of South 70th Street and Yankee Hill Road. The specific waiver requests include transfer of sewage from one drainage basin to another and to allow sanitary sewer to flow opposite street grades.
2. The staff recommendation of conditional approval, including approval of the waiver requests, is based upon the "Analysis" as set forth on p.3-5, finding that the proposed R-3 zoned PUD and associated annexation 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 the original PUD and are appropriate for this addition as well, subject to conditions of approval. This proposed amendment is found to be in general compliance with the Zoning Ordinance and 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 conditional approval, as set forth in the staff report. The conditions of approval are found on p.5-7.
5. On March 11, 2009, the Planning Commission also voted 6-0 to recommend approval of the associated annexation, subject to a revised annexation agreement.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: April 13, 2009

REVIEWED BY: _____

DATE: April 13, 2009

REFERENCE NUMBER: FS\CC\2009\CZ.05068A+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 11, 2009 PLANNING COMMISSION MEETING

- PROJECT #:** 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 70th 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.

RECOMMENDATION:	
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 70th & South 84th 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 70th Street and moving east. Up to this point, the only access to an arterial street is at South 70th 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 84th 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:

Change of Zone #05068A

Site Specific:

1. The developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council before receiving building permits.:
 - 1.1 Revise the plans as follows:
 - 1.1.1 Add a General Note that states "If the school on Lot 20, Block 28 opens prior to the improvement of Yankee Hill Road, either Yankee Woods Drive or Hayek Drive must be extended to South 84th Street."
 - 1.1.2 Show the bike trail easement on Sheet 1 consistent with Sheets 2 and 2A.
 - 1.1.3 Revise General Note #16 to include the statement "The school site plan layout is conceptual. Final plan to be determined at the time of building permit."
 - 1.2 Grading, drainage, and utility plans to be submitted by administrative amendment to the satisfaction of Public Works and Utilities prior to issuance of building permits.
 - 1.3 Make other corrections noted by Public Works and Utilities to their satisfaction.

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 and to allow sanitary sewer flow opposite street grades for approximately 500 dwelling units and 324,000 square feet of commercial and office floor area.
3. City Council approves associated request ANN#009001.

General:

4. Before receiving building permits:
 - 4.1 The permittee shall have submitted administrative amendments and a revised final plan and the plans are acceptable.
 - 4.2 The construction plans shall comply with the approved plans.
 - 4.3 Final plats shall be approved by the City.
 - 4.4 Applicant agrees to comply with the terms of the annexation agreement.

Standard:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units, school and commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 5.3 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.
 - 5.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the change of zone, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the ordinance approving the change of zone and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

6. The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in force unless specifically amended by this ordinance.

Prepared by:

Brian Will, 441-6362, 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

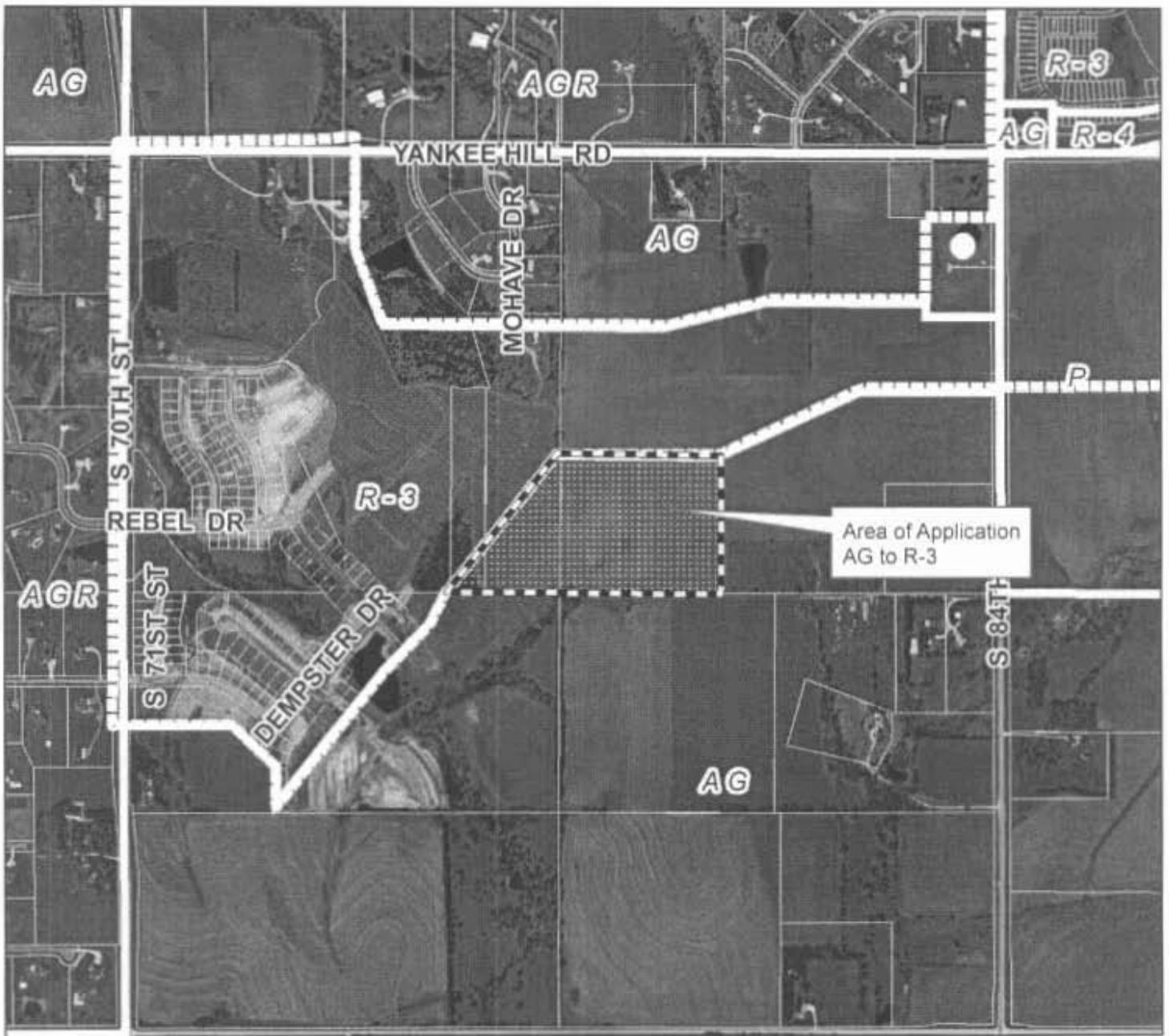
Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Larson and Taylor; Francis, Partington and Sunderman absent.

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.



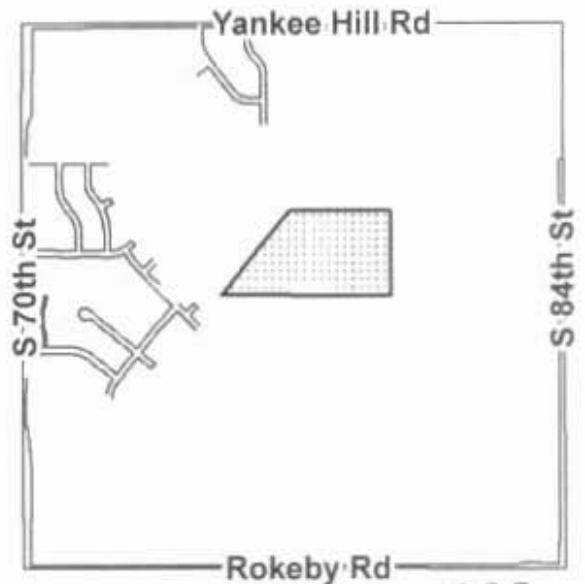
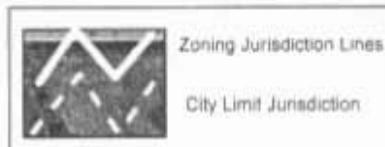
Annexation # 09001 and Change of Zone # 05068A
The Woodlands at Yankee Hill
S 70th St & Yankee Hill Rd

2007 aerial

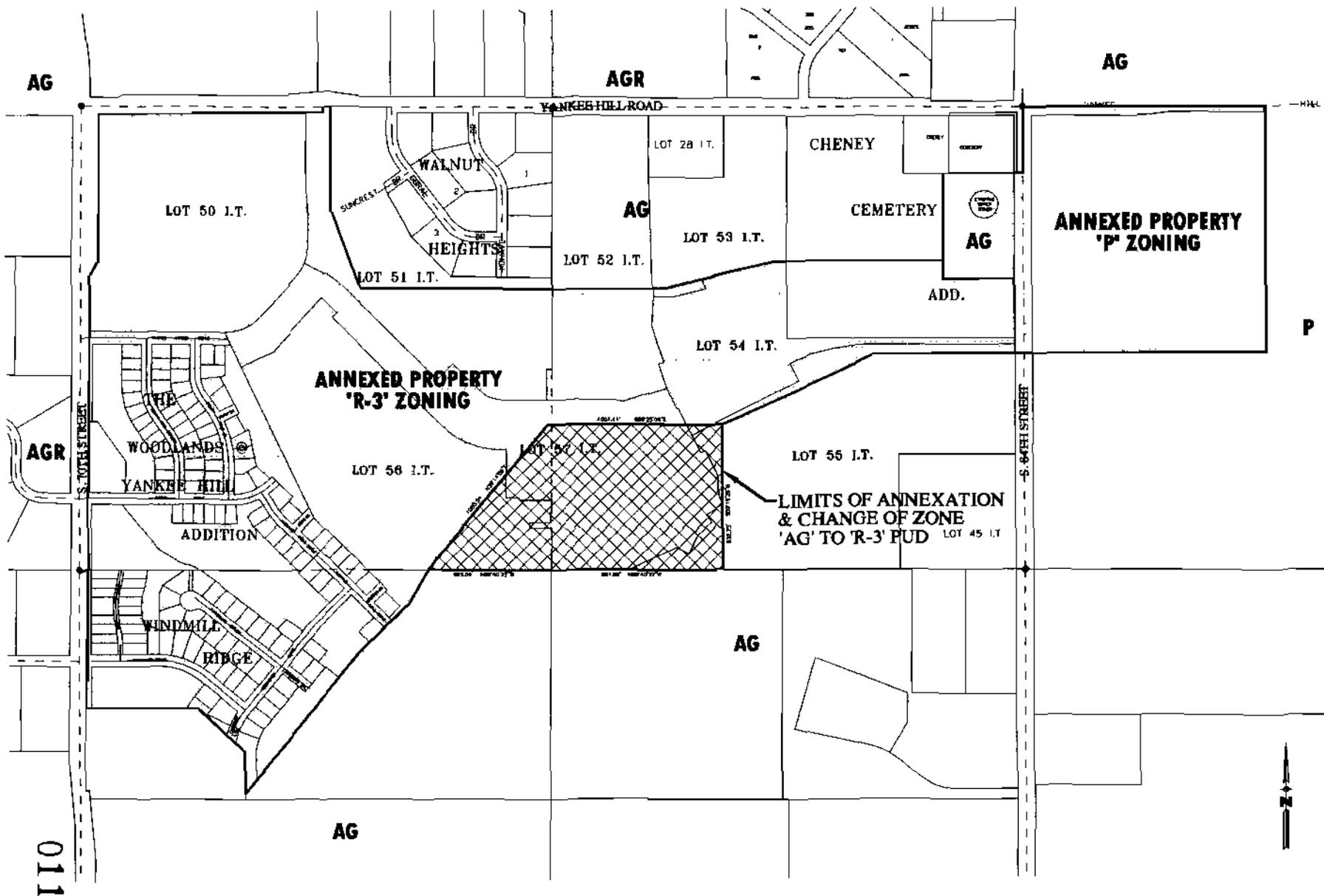
Zoning:

- 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-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 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

011

**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 6th 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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Email: lyle@espeng.com

February 11, 2009

Mr. Marvin Krout, AICP
Director of Planning
Brian Will, Planner
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' #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 70th to South 84th 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.

Page 2

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 1/2 x 11 PUD Reductions
Certificate of Ownership
Owner List
Waiver List

**THE WOODLANDS AT YANKEE HILL
REQUESTED WAIVER LIST**

1. Transfer of sanitary sewer from one drainage basin to another.
2. Sanitary Sewer running opposite of street grade in South 78th Street and Hayek Drive.



Status of Review: Complete

Reviewed By: Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

02/18/2009 8:43:48 AM

Reviewed By: Building & Safety

ANY

Comments: approved

Status of Review: Active

Reviewed By: Fire Department

ANY

Comments:

Status of Review: Active

Reviewed By: Lincoln Electric System

ANY

Comments:

Status of Review: Active

02/19/2009 9:15:22 AM

Reviewed By: Lincoln Police Department

DON SCHEINOST

Comments: Mr. Will,

The Lincoln Police Department does not object to the Woodlands at Yankee Hill,
CZ05068A.

Status of Review: Active

Reviewed By: Parks & Recreation

ANY

Comments:

Status of Review: Active

Reviewed By: Planning Department

BRIAN WILL

Comments:

Status of Review: Routed

Reviewed By: Planning Department

COUNTER

Comments:

Comments: Memorandum□□

□

To:□Brian Will, Planning Department
From:□Dennis Bartels, Engineering Services
Subject:□The Woodlands at Yankee Hill - Change of Zone #05068A
Date:□February 24, 2009
cc:□Randy Hoskins
Ed Kouma

□

Engineering Services has reviewed the revised PUD for "The Woodlands at Yankee Hill" located between 70th and 84th west of Yankee Hill Road to add 31 additional lots and a private school site and has the following comments:

1.□Sanitary Sewer - The sewer shown is unsatisfactory. The school lot, Lot 20, Block 28 has frontage on 74th Street and proposed sewer in 78th. The public sewer east of 74th east of the intersection of Andy Drive must be eliminated.

2.□Water - The proposed water system in the area of the revised PUD is satisfactory. It is noted that the school lot may require some water main construction in streets not abutting the school to create satisfactory looping of the water system depending upon the phasing of how streets are platted and water mains are built.

3.□Drainage and Grading - Blocks 13, 14 and 29 show extensive drainage along rear lot lines because the east-west street grades of lots on both sides of the blocks are nearly identical. Revised grades must be proposed. The rear lot drainage of up to 700 feet causes many problems for future home builders and neighbors. Traditional elements of rear yards such as fences, raised planting beds and utility boxes cause unnecessary problems for home owners. The site grading and possibly street grades must be revised.

□No new detention calculations have been submitted for the revised street and lot arrangement. The storm water detention cell in Drainage Area JJ must be built with development of the school site even though it is outside the PUD.

4.□Street System - The plan shows a proposed layout of the school site and proposed driveways. One access point is shown to Yankee Woods Drive less than 80' west of the proposed roundabout. This driveway to a principle access to a main entrance to the school is too close to the roundabout and pedestrian sidewalk crossing of the west leg of the roundabout. The driveway needs to be moved or a different method of traffic calming proposed. Consideration should also be given to pedestrian access to the school in relation to the drop off point and parking lots.

□

□The only street access for this development at the present time are streets accessing 70th Street. Another access from Yankee Hill Road and/or South 84th Street is needed before the school reaches full operation. With this application, the developer requests a revision to the annexation agreement to delay the paving requirement for Yankee Hill Road from 2010 to 2011. It appears that Lincoln Water System will be unable to fund the Yankee Hill water main until at least 2012. If the agreement is revised, Public Works and Utilities recommends that the paving requirement be delayed until 2012. If Yankee Hill is not built prior to the school opening, the only practical alternative appears to be building the Yankee Woods Drive or Hayak Drive street extension to 84th. I have not seen any schedule for the opening of the school where the students are projected to arrive from or potential number of students that might be served by the school.

5.□General - The review of this PUD was general in nature and construction details will be revised with review and approval of construction plans.

Status of Review: Active

Reviewed By: Public Works - Watershed Management

ANY

Comments:
