City Council Introduction: June 23, 2014
Public Hearing: June 30, 2014, 5:30 p.m.

Bill No. 14-76

FACTSHEET

TITLE: **ANNEXATION NO. 14003**

BOARD/COMMITTEE: Planning Commission

APPLICANT: Village Gardens Development Company, LLC

RECOMMENDATION: Approval
(8-0: Beecham, Sunderman, Corr, Cornelius, Scheer, Weber, Harris and Lust voting 'yes'; Hove absent)

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: Public Works will be responsible for the maintenance and replacement of the streets and utilities in the newly annexed area, and other departments will provide City services to the area and its residents.

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION:
To annex approximately 34.00 acres, more or less, generally located at South 63rd Street and Yankee Hill Road.

DISCUSSION / FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 04075E, an amendment to the Village Gardens Planned Unit Development (Bill #14-77), were heard at the same time before the Planning Commission.

2. The staff recommendation to approve the annexation is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed annexation and associated amendment to the Village Gardens PUD are generally consistent with the overall concept plan when the original PUD was approved early in 2005. The proposed annexation is also in conformance with the Comprehensive Plan. The staff presentation is found on p.7-8.

3. The applicant's testimony is found on p.8-9.

4. There was no testimony in opposition.

5 On June 11, 2014, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of this annexation request.

6. On June 11, 2014, the Planning Commission also voted to recommend conditional approval of the associated amendment to the Village Gardens PUD, Change of Zone No. 04075E (Bill #14-77).

7. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #2**.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: June 18, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: June 18, 2014

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LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2014 PLANNING COMMISSION MEETING

Note: 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 #14003***
Change of Zone #04075E - Village Gardens Planned Unit Development (PUD)

PROPOSAL: To expand the existing PUD by annexing and changing the zoning from AG to R3 PUD for approximately 33.94 acres of land and amending the development plan accordingly.

LOCATION: South 63rd Street and Yankee Hill Road

LAND AREA: ***Annexation #14003 - 33.94 acres more or less***
Change of Zone #04075C - 33.94 acres more or less

EXISTING ZONING: AG Agriculture

PROPOSED ZONING: R-3 Residential (PUD)

CONCLUSION: The proposed annexation and change of zone are generally consistent with the overall concept plan when the original PUD was approved early in 2005. The major change from the original plan is the addition of an elderly or retirement housing facility. The development already included provisions for such a facility within the PUD, and the proposed text changes to the plan are minor and intended to maintain consistency with Lincoln Municipal Code, and to more accurately reflect the operating characteristics of the facility. The site plan will need to be revised to reflect the 221' hazard area either side of the pipeline in Yankee Hill Road so no habitable structures are shown inside it except the two lots west of South 63rd Street. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:

AN#14003	***Approval***
CZ#04075E from AG to R-3 PUD	Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: AN#14003 - See attached legal description.
CZ#04075E - See attached legal description.

EXISTING LAND USE: Vacant, Residential

CITY COUNCIL DISTRICT: District #2

SURROUNDING LAND USE AND ZONING:

North:	Vacant	R-3, AG
South:	Acreage Residential	AGR
East:	Vacant	AG
West:	Residential	R-3

HISTORY:

Feb 2005 - CZ#04075 was approved by the City Council to allow the Village Gardens Planned Unit Development (PUD).

Dec 2007 - CZ#04075A was approved by the City Council to allow an adjustment to the applicable sign regulations and change the zoning on 2.17 acres from R3 PUD to B-3 PUD within the Village Gardens PUD.

Mar 2011 - AN#11001 and CZ#04075B were approved annexing and expanding the boundary of the Village Gardens PUD to include an additional 47 acres of land to accommodate a domiciliary care facility and additional dwelling units.

Apr 2012 - AN#12003 and CZ#04075C were approved annexing and changing the zoning from AG to R-3 PUD for approximately 40.68 acres for single-family residential development.

Apr 2012 - CZ#04075D was approved changing the zoning from AG to R-3 PUD for approximately 2 acres of land so the boundary of the PUD matched the recorded final plat of Village Meadows 3rd Addition.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 17 - The Future Land Use Map designates commercial and urban residential land uses for this PUD.

Page 65 - Overall Guiding Principles - A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.
- Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Page 71- Strategies for New and Existing Urban Neighborhoods - The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority.

ANALYSIS:

1. This is an amendment to the Village Gardens PUD, and is a combined request for both annexation and a change of zone from AG to R-3 PUD for approximately 34 acres of land.

2. The annexation of the original PUD in 2005 included an annexation agreement, and the areas subsequently annexed expanding the PUD are also subject to that agreement.

3. The area to be re-zoned to R-3 PUD is designated for a residential use district already in use within the PUD, the Neighborhood General use district. The Development Plan (attached) reflects this. Minor changes are proposed to the description and definition of elderly or retirement housing (highlighted on pages 8, 14, 15, 16, 29, 30, 31), but otherwise the uses proposed are allowed in the PUD and addressed in the Development Plan.

4. The revised overall plan for Village Gardens shows four phases. Phase I represents the area that was annexed, re-zoned and approved for development with the original PUD CZ#04075 in 2005. Phase II represents areas covered both by three subsequent major amendments (CZ#04075B, CZ#04075C, and CZ#04075D), and this request. Phases III and IV represent areas for future development, and neither area is being annexed or re-zoned at this time and are only conceptual. The phasing plan is illustrated on Sheet 1 of 11 attached to this report.

5. The 34 acres in this request are shown laid out to accommodate 68 lots for single-family dwellings, and one lot of approximately eight acres in area for an elderly/retirement housing facility. Both uses are addressed in the associated development plan for Village Gardens, and allowed in the areas shown.

6. In their review the Health Department noted the existence of a natural gas pipeline located in the Yankee Hill Road right-of-way. Using a formula the Health Department calculated a 'hazard area' extending 221' on either side of the pipeline. The attached 'Block 20' exhibit shows the location of the 221' hazard area as it relates to this project.
   The Health Department recommends that no habitable residential structures be located within this area. That means that opens space, parking lots, garages, even office and commercial buildings may be located in this area, but not dwellings.

7. A portion of the retirement housing facility lot is affected, as well as two single-family lots to the west. It appears the developer of the retirement facility can design the project so only open space and parking are located within the hazard area.

   The two residential lots to the west (Lots 1 and 2, Block 19) are split in half by the line. There is an outlot between the two lots and Yankee Hill Road, and the additional separation leaves the north one-half of the lots outside the hazard area. If developed, the majority of dwellings on these lots could be located outside the hazard area, similar to other lots adjacent to the west. Allowing these two lots to be developed would be consistent with what has been allowed the lots adjacent to the west.

8. The developer disagreed with the recommendation to not allow dwellings on the four remaining affected lots, and so revised the plan to show the 26 lots east of the retirement facility along with South 65th Street which connects Blanchard Blvd to Yankee Hill Road in

a single outlot, Outlot J. The area will be annexed and re-zoned with this request, but a street and lot layout for the area will require approval at a later date.

It is noted that South 66th Street is shown in concept in Phase IV of the development, but in a location that has not been agreed to by the City. By prior agreement and according to the approved annexation agreement, South 65th Street is shown connecting Blanchard Blvd to Yankee Hill Road, and the ability to include it as part of the plan is preserved by a note which states that Outlot J is reserved for future development and South 65th Street.

Because the final design of this area along with the number of street connections to Yankee Hill Road have not yet been approved, the note on Sheet 1 of 11 near where the intersection of South 65th Street and Yankee Hill Road would be located should be modified to simply state "Potential South 65th Street intersection." The note shown infers decisions regarding the future layout have already been made.

9. The bike trail extends along the north side of Yankee Hill Road at this location. The site plan needs to be revised to include a dimension for the amount of right-of-way in Yankee Hill Road from the centerline, and needs to show the location of the trail. The required right-of-way to accommodate Yankee Hill Road and the bike trail per the annexation agreement needs to be shown.

10. The U.S. Post Office notes in their review that all new addresses established as part of this review will be required to receive mail delivery in Centralized Box Units.

11. Public Works and Utilities reviewed revised drainage plans, and their review comments are attached. The deficiencies identified will be noted as an item to be corrected in the recommended conditions of approval.

12. Minor revisions to the site plan were noted by staff, and they are also included in the recommended conditions of approval.

13. The proposed lot and street layout is consistent with the overall concept plan, and the proposed uses were already anticipated and covered by the Development Plan, and are appropriate uses of land at this location.

CONDITIONS:

This approval annexes and changes the zoning from AG to R-3 PUD for approximately 33.94 acres of land with amendments to the Development Plan relating to the definition and description of elderly or retirement housing.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
May 29, 2014

OWNER: Village Gardens Development Company, LLC
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Lincoln, NE 68516
402.416.5750

APPLICANT/ CONTACT: Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402.458.5632

ANNEXATION NO. 14003
and
CHANGE OF ZONE NO. 04075E,
AN AMENDMENT TO THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT

PUBLIC HEARING BEFORE PLANNING COMMISSION: June 11, 2014

Members present: Beecham, Weber, Scheer, Sunderman, Harris, Corr, Cornelius and Lust (Hove absent).

Staff recommendation: Approval of the annexation and conditional approval of the amendment to the PUD.

There were no ex parte communications disclosed.

Staff presentation: **Brian Will of Planning staff** explained that this is the fifth major amendment to the Village Gardens PUD. This amendment adds approximately 34 acres to the existing PUD to accommodate an additional 68 lots and one large lot for an elderly retirement housing facility located at approximately S. 63rd Street and Yankee Hill Road. The existing Village Gardens development is adjacent to the north and to the west.

Will suggested that this amendment is consistent in all respects with the original PUD. We are talking about this for one main reason, i.e. the elderly retirement facility being proposed was not something that was shown on the original PUD per se; however, it was a use that was contemplated in the original development plan. It was a use that was already allowed. They just had not identified the specific location.

Will then explained that during the review, an issue arose that has been raised before relating to a high pressure natural gas pipeline in Yankee Hill Road. The recommendation from the Health Department was that no habitable residential structure be located within 221 feet of that pipeline. The effect is that the Health Department recommendation for the separation from the pipeline eliminates four lots east of the retirement facility and two lots on the west. The applicant is not ready to make revisions subject to that recommendation, so the area to the east is being shown as an outlot. A portion of the retirement facility lot and two lots to the west remain in that separation area, and staff has agreed to allow those lots to be developed. The remaining lots to the west line up with the lots on the east so it made some sense. However, the development could be reoriented to accommodate the required separation.

Will then stated that the site plan has been revised with the area to the east being an outlot and staff is recommending conditional approval.

Corr referred to the two lots to the west that fall into that hazard area, assuming that the house can be built on the northern part of the lot so that it would not be affected. Will explained that the majority of a dwelling on that lot would be north of that hazard area.

Corr then inquired whether that hazard area would have to be disclosed when that lot is sold or the house is built. Will explained that there is not any requirement to disclose anything that we are talking about today. Staff has the responsibility to delineate the hazard area, and he agreed that staff needs to do a better job of letting folks know where these pipelines exist. This 221 ft. hazard area on either side of the pipeline varies by pipe, what is inside of it, the pressure and all sorts of variables. There is not a regulatory requirement, but we do have the responsibility. Staff has agreed that it seemed reasonable to allow the lots to be developed.

Corr noted that the Commission did receive a letter about potential street connections, and she knows there have been some problems. Will stated that the staff is trying to figure out the best place to make the street connections to Yankee Hill Road. The Access Management Policy sets forth that the street connections shall be every quarter mile. We are trying to get those at the best and right location, but we also want to respect the existing development pattern. We want to line those connections up with the acreages to the south. We would be looking for at least one to two more connections to provide that quarter mile spacing, but it's a timing issue. We do not know what is going to develop on some of the property. The concept plan has shown 68th Street as a conceptual street connection, which would be acceptable; however, depending upon the way that property develops, it may not be the best location and we might want the connection on South 65th Street. We are trying to keep our options open and this may be a case where we might get two more connections.

Proponents

1. Danay Kalkowski appeared on behalf of the applicant, **1640 LLC,** the developer of this site and some of the surrounding area. The applicant is requesting annexation and a change of zone for 34 acres at about 63rd Street and Yankee Hill Road. It is really just a continuation of the Village Gardens PUD and property anticipated to be annexed as part of their original annexation agreement. The only difference is the lot for the retirement housing. 63rd Street off of Yankee Hill Road will be a full access intersection, so the property to the east is a good location for a little higher density use and good transitional use. That area was originally shown in an outlot to the east as part of the plan. When they received the Health Department comments, the applicant requested to have that area shown as an outlot. The developer needs to redesign that area to see how and if they can accommodate the hazard area. If 65th Street is put through, it wipes out four lots, which is a huge issue. They are going to be looking at an alternative way to lay it out and may be removing the access to Yankee Hill Road to have flexibility for some green space.

Kalkowski stated that the applicant is accepting all of the conditions of approval; however, the pipeline hazard area is a huge, huge deal and has huge implications for development on the rest of Yankee Hill Road. Kalkowski pointed out that when the developer buys land (and when he bought this land), there was no notice of this hazard area. In fact, there was no notice of the pipeline being in Yankee Hill Road because it is in the right-of-way and there is no easement. The pipeline does not show up on the title search. It does not show up until a plan is submitted. The notice provision needs to be taken into consideration.

Secondly, Kalkowski pointed out that we appear to have a situation where the recommendation of a 2006 committee of the Planning Commission and the Health Department is being turned into a condition that actually regulates and limits the land use on a piece of property without ever having

the benefit of a public hearing process. There needs to be more community input versus taking a committee recommendation and turning it into a regulation limiting what can be done on someone's property.

Kalkowski requested the Planning Commission's approval. This amendment is in conformance with the original plan. The applicant will be back before the Commission to talk about the property to the east and there will be some comment from property owners as they develop further along Yankee Hill Road.

There was no testimony in opposition.

Sunderman asked the Health Department representative to address the pipeline issue. **Scott Holmes of Health Department** explained that many years ago, when they were working on the build-through concepts for the county, the issue of pipelines came up. That issue was eventually addressed through a group that met for many months which included four Planning Commission members and four members of the Board of Health. They reviewed pipelines, hazardous materials in the community in industrial and residential areas, as well as designs for a healthy lifestyle. Within those recommendations, in essence, the group affirmed what has been being recommended by Health for quite some time, i.e. that residential homes should not be built in the hazard area of a pipeline. The hazard area of the pipeline is the area where there will be total destruction. These are high pressure transmission lines. This recommendation has been made and at times the Planning Commission has selected not to follow this recommendation. Health has made recommendations on the location of housing near railroads that have not been followed. Health makes many recommendations to protect people's health. Holmes believes that to suggest the Health Department is creating a public policy by making a recommendation is a bit of a stretch.

Sunderman stated that he served on that committee and he recalled that the discussion at that time was more about notification than avoidance as far as developing the houses. He knows this issue has been investigated with little success. Holmes suggested that there seems to be unanimity that there is no simple way to provide notification. He does not believe it does any good to provide that notification at time of closing. He also cautioned that the issue of releasing such information to the public has been somewhat looked upon negatively by the Department of Homeland Security. There is a reason that they do not want the information out there. Holmes did advise that the pipelines are clearly marked when they cross a major street, creek, fence line, etc., but that marking does not indicate the type of pressure.

Cornelius wants to know how to find a hazard area as a potential buyer of property. Holmes suggested that there is information publicly available, such as the pipeline in Yankee Hill Road. Cornelius believes it is critical as a potential buyer to know in advance. Holmes stated that a simple contact with the Planning Department can result in communication with the Health Department, and the Health Department will provide the information. There have been several situations with anhydrous ammonia, none of which the Planning Commission has seen because they have been contacts to the Health Department. Developers are contacting the Planning Department.

Corr wondered whether the signs include a number to call for more information. Holmes stated that the pipeline company number is on the sign. Corr wondered if the pipeline company could provide the information being asked. Holmes did not know what specific information the company will provide. They will tell you that there is an easement for the pipeline, but the easement is not the hazard area.

Corr noted that the houses along Chatsworth Lane are already built and are in the hazard zone. Holmes concurred, and that was by action of the Planning Commission. There are several examples where the Health Department provided the same information and the action was approved.

Response by the Applicant

With regard to the comments by the Health Department, Kalkowski acknowledged that Health has been making this recommendation for some time. The difference here is that all of a sudden, it is becoming a condition of approval and the developer is being asked not just to disclose it but to not put any dwellings there. Kalkowski understands that the Health Department will not support development that locates occupied dwellings in a hazard area. But, when you make that a condition of approval and the developer comes forward with a plan that they have by right, that starts to look like a regulation that we have to try to overcome without having the benefit of a discussion on the fact of whether that should be a condition of approval of the development.

ANNEXATION NO. 14003
ACTION BY PLANNING COMMISSION: June 11, 2014

Sunderman moved approval, seconded by Scheer.

Sunderman believes this is a good plan and a continuation of what was master planned. It is a great concept. With regard to the pipeline, he feels discomfort from either side, each doing what they think is best. This issue is probably something we need to move forward with and put down on paper. It has gotten good individuals in bad situations where there is no real guidance.

Lust agreed. Several years ago, the Planning Commission had a briefing on the recommendations of the committee but there were no action items. It was more of an awareness. The point is well taken that we need to have more public input. We were initially concerned about notification and several different avenues have been researched but found not to be feasible. We need more public input on the question of whether we are going to prohibit building in the hazard area or whether we are going to require notification. It is a concern. She would want to know if her house was on top of a hazard area.

Motion for approval carried 8-0: Beecham, Weber, Scheer, Sunderman, Harris, Corr, Cornelius and Lust voting 'yes'; Hove absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04075E
ACTION BY PLANNING COMMISSION: June 11, 2014

Scheer moved to approve the staff recommendation of conditional approval, seconded by Cornelius.

Corr stated that she does have concerns about the pipeline, but she believes it is a tough situation at this time, not only for the developer but for someone who is going to buy that lot to build a house. She agrees we need to work on the notification process and figure out a better system.

Motion for conditional approval carried 8-0: Beecham, Weber, Scheer, Sunderman, Harris, Corr, Cornelius and Lust voting 'yes'; Hove absent. This is a recommendation to the City Council.

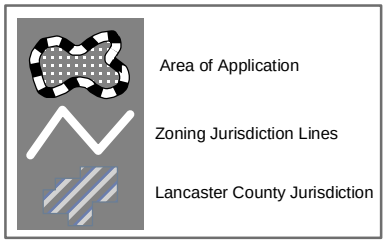
2013 aerial

Change of Zone #: CZ04075E (AG to R-3)
Annexation #: AN14003
Village Gardens PUD
S 63rd St & Yankee Hill Rd

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.21 T09N R07E



File: M:\plan\gis\PlannerPacket\MXD\Agendadrawings.mxd (CZ04075E)

LEGAL DESCRIPTION
CHANGE OF ZONE

PARCEL 1

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 89 I.T., LOCATED IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 89 I.T., SAID POINT BEING THE NORTHEAST CORNER OF OUTLOT "A", VILLAGE MEADOWS 6TH ADDITION, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 89 I.T., SAID LINE BEING THE NORTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF S89°58'04"E, A DISTANCE OF 420.95' TO A POINT; THENCE S00°00'59"W, A DISTANCE OF 180.04' TO A POINT; THENCE S89°59'01"E, A DISTANCE OF 10.00' TO A POINT; THENCE S00°00'59"W, A DISTANCE OF 60.00' TO A POINT; THENCE N89°59'01"W, A DISTANCE OF 18.86' TO A POINT; THENCE S00°00'59"W, A DISTANCE OF 142.74' TO A POINT; THENCE N89°20'25"W, A DISTANCE OF 31.72' TO A POINT; THENCE N78°45'02"W, A DISTANCE OF 33.94' TO A POINT; THENCE N77°54'56"W, A DISTANCE OF 66.47' TO A POINT; THENCE N76°55'40"W, A DISTANCE OF 66.72' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 115.30' TO A POINT; THENCE S74°09'18"E, A DISTANCE OF 10.00' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 60.00' TO A POINT; THENCE N74°09'18"W, A DISTANCE OF 24.96' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 120.00' TO A POINT; THENCE S74°09'18"E, A DISTANCE OF 12.28' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 119.60' TO A POINT; THENCE S74°14'20"E, A DISTANCE OF 19.29' TO A POINT; THENCE S15°45'40"W, A DISTANCE OF 60.00' TO A POINT; THENCE N74°14'20"W, A DISTANCE OF 10.00' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 119.74' TO A POINT; THENCE S15°40'08"W, A DISTANCE OF 120.37' TO A POINT; THENCE S74°09'18"E, A DISTANCE OF 20.46' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 60.00' TO A POINT; THENCE N74°09'18"W, A DISTANCE OF 10.00' TO A POINT; THENCE S15°50'42"W, A DISTANCE OF 103.01' TO THE NORTHEAST CORNER OF OUTLOT "B", VILLAGE MEADOWS 6TH ADDITION, SAID POINT BEING A SOUTH CORNER OF SAID LOT 89 I.T.; THENCE N63°09'20"W, ON A NORTH LINE OF SAID OUTLOT "B", SAID LINE BEING A SOUTH LINE OF SAID LOT 89 I.T., A DISTANCE OF 120.04' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°10'22", A RADIUS OF 1,030.00', AN ARC LENGTH OF 21.08' ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "B", A CHORD LENGTH OF 21.08', A TANGENT LENGTH OF 10.54', AND A CHORD BEARING OF N26°15'29"E TO A POINT; THENCE N64°19'42"W, ON A SOUTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTH LINE OF SAID OUTLOT "B", A DISTANCE OF 60.00' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°35'26", A RADIUS OF 970.00', AN ARC LENGTH OF 10.00' ON A EAST LINE OF SAID LOT 89 I.T., SAID LINE BEING A WEST LINE OF SAID OUTLOT "B", A CHORD LENGTH OF 10.00', A TANGENT LENGTH OF 5.00', AND A CHORD BEARING OF S25°58'01"W TO A POINT;

THENCE N63°44'16"W, ON A SOUTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTH LINE OF SAID OUTLOT "B", A DISTANCE OF 130.00' TO THE NORTHWEST CORNER OF SAID OUTLOT "B", SAID POINT BEING ON A EAST LINE OF LOT 2, BLOCK 2, VILLAGE MEADOWS 6TH ADDITION, AND AN EAST LINE OF OUTLOT "A", VILLAGE MEADOWS 6TH ADDITION; THENCE N23°57'27"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID LOT 2, A DISTANCE OF 67.57' TO A POINT; THENCE N19°35'05"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 60.62' TO A POINT; THENCE N15°26'56"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 60.62' TO A POINT; THENCE N12°53'36"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 691.11' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°04'52", A RADIUS OF 530.00', AN ARC LENGTH OF 10.00' ON A NORTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 10.00', A TANGENT LENGTH OF 5.00', AND A CHORD BEARING OF S67°28'37"E TO A POINT; THENCE N21°58'57"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 60.00' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 04°55'23", A RADIUS OF 470.00', AN ARC LENGTH OF 40.38' ON A SOUTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTH LINE OF SAID OUTLOT "A", A CHORD LENGTH OF 40.37', A TANGENT LENGTH OF 20.20', AND A CHORD BEARING OF N65°33'21"W TO A POINT; THENCE N26°54'20"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 145.02' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 399,213.37 SQUARE FEET OR 9.16 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING

PARCEL 2

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 89 I.T., AND ALL OF LOTS 92 I.T. AND 93 I.T., ALL LOCATED IN THE SOUTH HALF OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

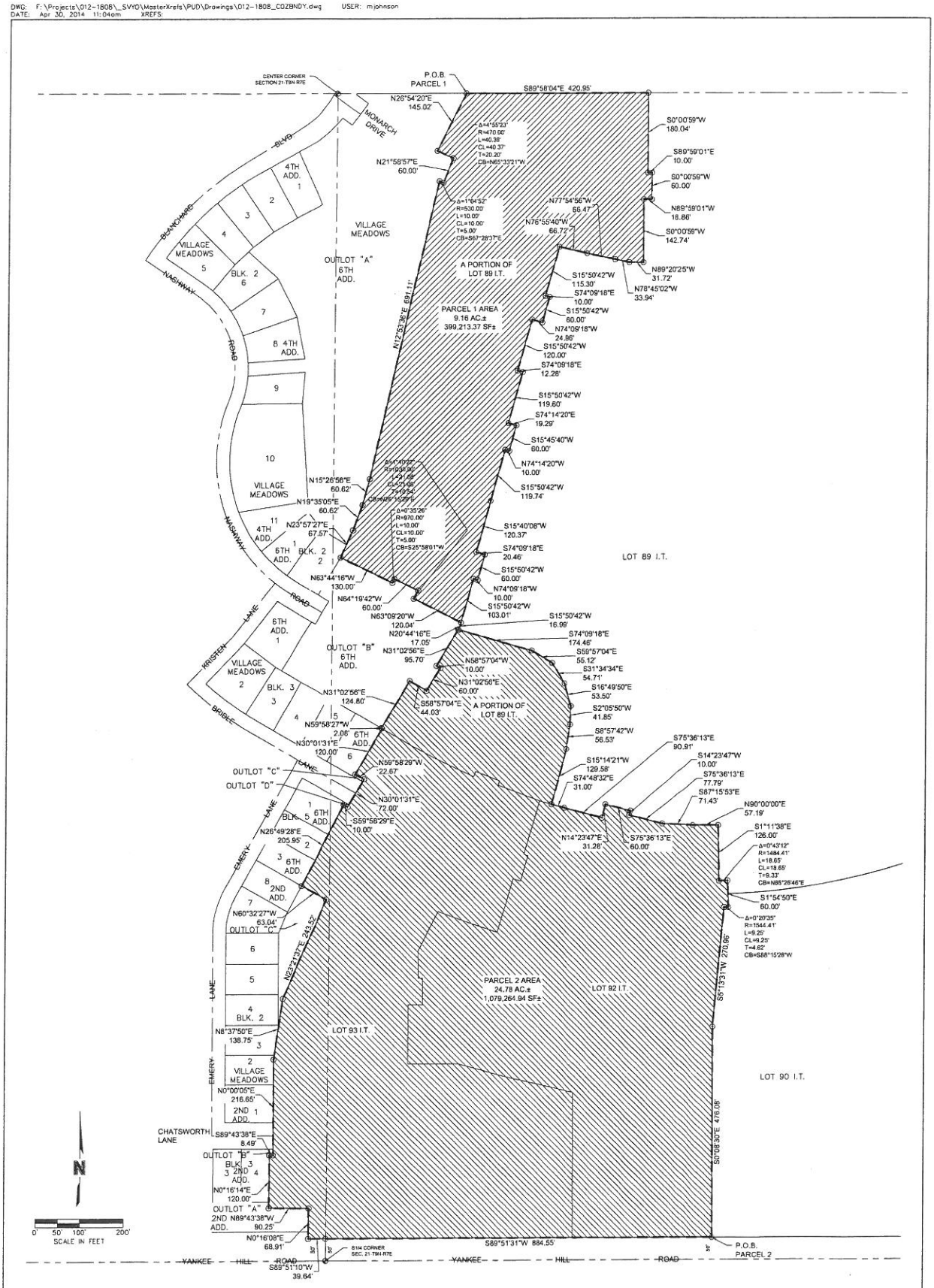
BEGINNING AT THE SOUTHEAST CORNER OF LOT 92 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF LOT 90 I.T., SAID POINT BEING 50.00' NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST, SAID POINT BEING ON A NORTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE S89°51'31"W, ON THE SOUTH LINE OF SAID LOT 92 I.T., AND A SOUTH LINE OF LOT 93 I.T., SAID LINE BEING ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 884.55' TO A POINT; THENCE S89°51'10"W, ON A SOUTH LINE OF SAID LOT 93 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 39.64' TO THE SOUTHWEST CORNER OF SAID LOT 93 I.T.; THENCE N00°16'08"E, ON A

WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, AND AN EAST LINE OF OUTLOT "A", VILLAGE MEADOWS 2ND ADDITION, A DISTANCE OF 68.91' TO A POINT; THENCE N89°43'38"W, ON A SOUTH LINE OF SAID LOT 93 I.T., SAID LINE BEING A NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 90.25' TO A POINT; THENCE N00°16'14"E, ON A WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "A", AND AN EAST LINE OF LOT 4, BLOCK 3, VILLAGE MEADOWS 2ND ADDITION, A DISTANCE OF 120.00' TO THE SOUTHWEST CORNER OF OUTLOT "B", VILLAGE MEADOWS 2ND ADDITION; THENCE S89°43'38"E, ON A NORTH LINE OF SAID LOT 93 I.T., SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 8.49' TO THE SOUTHEAST CORNER OF SAID OUTLOT "B"; THENCE N00°00'05"E, ON A WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING THE EAST LINE OF SAID OUTLOT "B", THE EAST RIGHT-OF-WAY LINE OF CHATSWORTH LANE, THE EAST LINE OF LOT 1, BLOCK 2, VILLAGE MEADOWS 2ND ADDITION, AND AN EAST LINE OF LOT 2, BLOCK 2, VILLAGE MEADOWS 2ND ADDITION, A DISTANCE OF 216.65' TO A POINT; THENCE N08°37'50"E, ON A WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING A EAST LINE OF SAID LOT 2, AN EAST LINE OF LOT 3, BLOCK 2, VILLAGE MEADOWS 2ND ADDITION, AND AN EAST LINE OF OUTLOT "C", VILLAGE MEADOWS 2ND ADDITION, A DISTANCE OF 138.75' TO A POINT; THENCE N23°21'37"E, ON WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "C", A DISTANCE OF 243.52' TO THE NORTHEAST CORNER OF SAID OUTLOT "C"; THENCE N60°32'27"W, ON A SOUTH LINE OF SAID LOT 93 I.T., SAID LINE BEING A NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF 63.04' TO THE NORTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING THE SOUTHEAST CORNER OF LOT 3, BLOCK 5, VILLAGE MEADOWS 6TH ADDITION; THENCE N26°49'28"E, ON A WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING THE EAST LINE OF SAID LOT 3, AND THE EAST LINE OF LOTS 2 AND 1, BLOCK 5, VILLAGE MEADOWS 6TH ADDITION, A DISTANCE OF 205.95' TO THE SOUTHWEST CORNER OF OUTLOT "D", VILLAGE MEADOWS 6TH ADDITION; THENCE S59°58'29"E, ON A NORTH LINE OF SAID LOT 93 I.T., SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF 10.00' TO A POINT; THENCE N30°01'31"E, ON A WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING THE EAST LINE OF SAID OUTLOT "D", THE EAST LINE OF BRIDLE LANE RIGHT-OF-WAY, AND THE EAST LINE OF OUTLOT "C", VILLAGE MEADOWS 6TH ADDITION, A DISTANCE OF 72.00' TO A POINT; THENCE N59°58'29"W, ON A SOUTH LINE OF SAID LOT 93 I.T., SAID LINE BEING THE NORTH LINE OF SAID OUTLOT "C", A DISTANCE OF 22.67' TO THE NORTHWEST CORNER OF SAID OUTLOT "C", SAID POINT BEING ON THE EAST LINE OF LOT 6, BLOCK 3, VILLAGE MEADOWS 6TH ADDITION; THENCE N30°01'31"E, ON A WEST LINE OF SAID LOT 93 I.T., SAID LINE BEING THE EAST LINE OF SAID LOT 6, A DISTANCE OF 120.00' TO THE NORTHWEST CORNER OF SAID LOT 93 I.T., SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 6, SAID POINT BEING ON A SOUTH LINE OF LOT 89 I.T.; THENCE N59°58'27"W, ON A SOUTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTH LINE OF SAID LOT 6, A DISTANCE OF 2.08' TO A SOUTHWEST CORNER OF SAID LOT 89 I.T., SAID POINT BEING THE MOST SOUTHERN CORNER OF OUTLOT "B", VILLAGE MEADOWS 6TH ADDITION; THENCE N31°02'56"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "B", A DISTANCE OF 124.80' TO A POINT; THENCE S58°57'04"E, ON A NORTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 44.03' TO A POINT; THENCE N31°02'56"E, ON A WEST LINE OF SAID LOT 89 I.T.,

SAID LINE BEING A EAST LINE OF SAID OUTLOT "B", A DISTANCE OF 60.00' TO A POINT; THENCE N58°57'04"W, ON A SOUTH LINE OF SAID LOT 89 I.T., SAID LINE BEING A NORTH LINE OF SAID OUTLOT "B", A DISTANCE OF 10.00' TO A POINT; THENCE N31°02'56"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "B", A DISTANCE OF 95.70' TO A POINT; THENCE N20°44'16"E, ON A WEST LINE OF SAID LOT 89 I.T., SAID LINE BEING A EAST LINE OF SAID OUTLOT "B", A DISTANCE OF 17.05' TO THE NORTHEAST CORNER OF SAID OUTLOT "B"; THENCE S15°50'42"W, A DISTANCE OF 16.99' TO A POINT; THENCE S74°09'18"E, A DISTANCE OF 174.46' TO A POINT; THENCE S59°57'04"E, A DISTANCE OF 55.12' TO A POINT; THENCE S31°34'34"E, A DISTANCE OF 54.71' TO A POINT; THENCE S16°49'50"E, A DISTANCE OF 53.50' TO A POINT; THENCE S02°05'50"W, A DISTANCE OF 41.85' TO A POINT; THENCE S08°57'42"W, A DISTANCE OF 56.53' TO A POINT; THENCE S15°14'21"W, A DISTANCE OF 129.58' TO A POINT OF INTERSECTION WITH A NORTH LINE OF LOT 92 I.T.; THENCE S74°48'32"E, ON A NORTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 31.00' TO A POINT; THENCE S75°36'13"E, ON A NORTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 90.91' TO A POINT; THENCE N14°23'47"E, ON A WEST LINE OF SAID LOT 92 I.T., A DISTANCE OF 31.28' TO A POINT; THENCE S75°36'13"E, ON A NORTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 60.00' TO A POINT; THENCE S14°23'47"W, ON A EAST LINE OF SAID LOT 92 I.T., A DISTANCE OF 10.00' TO A POINT; THENCE S75°36'13"E, ON A NORTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 77.79' TO A POINT; THENCE S87°15'53"E, ON A NORTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 71.43' TO A POINT; THENCE N90°00'00"E, ON A NORTH LINE OF SAID LOT 92 I.T., A DISTANCE OF 57.19' TO THE NORTHEAST CORNER OF SAID LOT 92 I.T.; THENCE S01°11'38"E, ON A EAST LINE OF SAID LOT 92 I.T., A DISTANCE OF 126.00' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°43'12", A RADIUS OF 1,484.41', AN ARC LENGTH OF 18.65' ON A NORTH LINE OF SAID LOT 92 I.T., A CHORD LENGTH OF 18.65', A TANGENT LENGTH OF 9.33', AND A CHORD BEARING OF N88°26'46"E TO A POINT; THENCE S01°54'50"E, ON A EAST LINE OF SAID LOT 92 I.T., A DISTANCE OF 60.00' TO A POINT OF CURVATURE OF A NON TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 00°20'35", A RADIUS OF 1,544.41', AN ARC LENGTH OF 9.25' ON A SOUTH LINE OF SAID LOT 92 I.T., A CHORD LENGTH OF 9.25', A TANGENT LENGTH OF 4.62', AND A CHORD BEARING OF S88°15'28"W TO A POINT; THENCE S05°13'31"W, ON A EAST LINE OF SAID LOT 92 I.T., A DISTANCE OF 270.96' TO A POINT; THENCE S00°08'30"E, ON A EAST LINE OF SAID LOT 92 I.T., A DISTANCE OF 476.08' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 1,079,264.94 SQUARE FEET OR 24.78 ACRES, MORE OR LESS.

Wednesday, April 30, 2014
F:\Projects\012-1808_SVYO\MasterXrefs\PUD\Documents\012-1808_COZLEGAL.doc

DWG: F:\Projects\012-1808_SVYO\MasterXrefs\PUD\Drawings\012-1808_COZBNDY.dwg USER: mjohnson
DATE: Apr 30, 2014 11:04am XREFS:



SHEET 1 of 1	CHANGE OF ZONE EXHIBIT	REV. NO	DATE	REVISIONS DESCRIPTION
	VILLAGE MEADOWS			
	LINCOLN, NEBRASKA 2014	REVISIONS		

OLSSON ASSOCIATES
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OLSSON
ASSOCIATES

April 28, 2014

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Village Gardens
Amendment to the Phase 2 - PUD

Dear Mr. Krout,

On behalf of the Developer, 1640 LLC and Village Meadows LLC, 1633 Normandy Court, Suite B, Lincoln, NE 68512, we are requesting (i) an amendment to the Village Gardens Phase 2 PUD to expand the PUD to incorporate a portion of the planned Phase III development area, and (ii) annexation of the expanded new area.

Enclosed please find the following:

1. City of Lincoln Zoning Application
2. Legal description & Exhibit of PUD Limits
3. Legal description & Exhibit of area added to PUD
4. Application Fee ($4,584.00)

This amendment expands the PUD to the east of the current limits. This property has been shown as future Phase III residential development in the current PUD and has been planned to be eventually incorporated into the PUD.

The additional area is proposed to be "Neighborhood General" under the PUD Land Use criteria. A large lot has been reserved for an Elderly and Retirement Housing Facility at the northeast corner of S. 63rd Street and Yankee Hill Road.

Please contact me if you have any questions or require any additional material.

Sincerely,

Mark C. Palmer

cc: Bob Benes, Village Meadows LLC, 1640 LLC
Dick Campbell, Village Gardens LLC
DaNay Kalkowski, Seacrest & Kalkowski P.C.

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City of Lincoln - Lancaster County

PLANNING DEPARTMENT

555 S. 10th Street, Suite 213
Lincoln, NE 68508
Ph: (402) 441-7491
Fax: (402) 441-6377

ePlan
ePlan Submittal

Application Information			
Application #	CS04075E	Title	VILLAGE GARDENS PUD
Associated Requests			

Planning Department Use Only			
Submission Date	5/1/2014	Review Due	5/11/2014
Project Planner	Brian Will		

Review Comments		
Planning	◉ Corrections Needed for Review ○ Insufficient Information for Review ○ Recommend Denial ○ Recommend Approval with Conditions ○ Recommend Approval ○ No Review Required Review 1:	
Emergency Communications (Tyrell Eichele)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Development Review Manager (Steve Henrichsen)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Lincoln Police Department (Sgt Jeri Roeder)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Planning (Teresa McKinstry)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	

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LES (Merci Suarez)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: Grade changes and building footprints within LES 115kV transmission easement need to be addressed. Ensure no transmission structures are in future public ROW or impeded by future physical structures such as, but not limited to, bike paths. 5/19/14	
School District - Lincoln (Scott Wieskamp)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Public Works (Ben Higgins)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: - Couldn't find Block 19, Lot 1 or Block 20, Lot 20 which are noted on the Minimum Opening Elevation Table (possibly the lots adjacent to the southern most detention cell next to Block 19, Lot 25 and Block 20, Lot 14. Relabel correctly - Block 4, Lots 18 thru 21 should be in the Minimum Lowest Floor Elevation table and not the Minimum Opening Elevation table as these lots are adjacent to the floodplain	
Emergency Communications (Kelly Davila)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
United States Post Office (Kerry Kowalski)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: Recommend approval on the condition all new deliveries be established in Centralized Box Units(CBUs) which will be purchased and installed at the developers expense in a location mutually agreed upon by the US Postal Service and the developer.	
Public Works (Buff Baker)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: 5/2/14	
	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1: According to the Lincoln-Lancaster County Health Department's (LLCHD) Geographic Information System (GIS) records, a high pressure underground natural gas pipeline	

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County Health (Chris Schroeder)	is located approximately 55 feet north of the centerline for Yankee Hill Road. The LLCHD calculated a hazard area of approximately 221 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. The LLCHD will not support developments that locate occupied dwellings within hazard areas. This is in conformance with the final report submitted by the Planning Commission and Board of Health Joint Committee on Health and Land Use which recommended that, in new developments, developers should avoid the Hazard Area as much as possible. Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas. 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.	
Fire Department (Patrick Borer)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	
Public Works (Bob Simmering)	Corrections Needed for Review Insufficient Information for Review Recommend Denial Recommend Approval with Conditions Recommend Approval No Review Required Review 1:	

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