

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for September 13, 2006 PLANNING COMMISSION MEETING

PROJECT #: Use Permit #06005 - Yankee Hill Plaza

PROPOSAL: To allow 216,000 square feet of office and commercial floor area on a site proposed for annexation and rezoning to B-2.

REQUESTED

WAIVERS: 1. Block length in excess of 1,320'.
2. Lots without frontage to public street or private roadway.

LOCATION: Approximately 1/4 mile south of the intersection of Yankee Hill Road and South 40th Street.

LAND AREA: Approximately 23.89 acres.

CONCLUSION: This use permit requires that the associated requests for annexation and change of zone to B-2 be approved by City Council. Subject to those approvals and the recommended conditions of approval, this request complies with the Zoning Ordinance and is an appropriate use of land at this location.

RECOMMENDATION:

Use Permit #06005 Conditional Approval

Waivers:

1. Block length in excess of 1,320'. Approval
2. Lots without frontage to public street or private roadway. Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG Agricultural

SURROUNDING LAND USE AND ZONING:

North: Agricultural Residential AG
South: Church R-4

East:	Agriculture	AG
West:	Agriculture	AG

EXISTING LAND USE: Agriculture

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F17 - Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F25- This site is designated for urban residential land uses in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit.

Page F46 - Neighborhood Centers - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space. Existing centers may vary in size from 50,000 to 300,000 square feet.

Neighborhood Centers should be located approximately 3/4 to one mile apart, depending upon their size, scale, function and the population of the surrounding area.

Neighborhood Centers are not sited in advance on the land use plan. However, in neighborhoods oriented to greater pedestrian activity and residential density, two neighborhood centers may be located within a square mile of urban residential use.

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.

During the planning period many additional neighborhood centers will be needed. These centers are not identified on the land use plan and will instead be located as part of plans for future neighborhoods based on the commercial guidelines.

Page F154 - The City's annexation policy of the 2025 Comprehensive Plan.

HISTORY:

July 25, 2006 - Applicant and staff met formally during a project pre-application meeting. A written response from staff outlining unresolved issues or known required corrections was distributed to the applicant and other interested parties on August 4, 2006.

May 25, 2006 - Applicant and staff met informally to discuss the project. Review by formal pre-application was recommended.

ASSOCIATED REQUESTS:

Annexation #06015 - A request to annex the land shown in this use permit including the adjacent South 40th Street right-of-way.

Change of Zone #06058 - A change of zone from AG to B-2 over the same area as this use permit request.

SPECIFIC INFORMATION:

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 that will serve the Southwood Lutheran Church. The Upper Southeast Salt Valley Basin trunk sewer from South 20th Street to approximately South 40th Street and Yankee Hill Road, and the Sub-basin Upper Southeast Salt Valley Basin trunk sewer to South 40th Street must be constructed to provide sanitary sewer service to the area to be annexed. Funds are shown in years 2005-06 in the Capital Improvement Program (CIP) for these sewer mains.
- B. **Water:** Funds to construct water distribution mains from South 27th Street to South 40th Street in Rokeby Road, and from Yankee Hill Road to Rokeby Road in South 40th Street are shown in years 2005-06 in the CIP.
- C. **Roads:** South 40th Street from Yankee Hill Road to Rokeby Road is a two-lane, asphalt county road, 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.
- D. **Parks and Trails:** The Comprehensive Plan shows a neighborhood park in the area halfway between Yankee Hill and Rokeby Roads on South 40th Street. It has not yet been designated as part of any development.
- 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.

ANALYSIS:

1. The area covered by this request is outside the city limit and zoned AG. The associated requests for annexation and a change of zone to B-2 must be approved by the City Council for this use permit to be allowed.
2. This project was reviewed by City staff through the newly implemented pre-application process. Many comments and recommendations previously noted in that process have been incorporated in the plan.
3. The plan shows eight lots, two outlots, and seven building envelopes totaling 216,000 square feet of commercial floor area. Of that total, 60,000 square feet is for office uses, 6,500 for restaurant, and the remaining 149,500 is for retail.
4. Hohensee Drive and Wilderness Hills Blvd are located at approximately the one-quarter and one-half mile points along South 40th Street and align with planned street connections to the west. However, they are approximately 1,600 feet apart and a waiver to block length in excess of 1,320' is requested. Because South 40th Street is an arterial, another street connection is not desirable between Hohensee Drive and Wilderness Hills Blvd and the waiver is appropriate. Additionally, a pedestrian easement to provide a connection to a future neighborhood to the east is shown between Lots 5 and 6.
5. A waiver to allow lots without frontage to a public street or private roadway is also requested. The center is laid out so that access to all lots is provided by a common access easement through the middle of the site, typical for a center such as this. This driveway is misidentified on the site plan as a private roadway and mislabeled as South 41st Street. It should be merely shown as a common access easement.
6. Hohensee Drive is shown only extending as far east as the drive through the center. It must be shown extending to the east boundary of the site.
7. Pedestrian circulation would be enhanced if the building on Lot 8 and the parking lot east of it changed places. Putting the buildings closer together and facing one another helps make the center more pedestrian oriented and accessible to customers.
8. Public Works notes that the grading and drainage plan is inadequate and must be revised. It is also noted that Public Works has not accepted the traffic study and that it must be approved prior to project approval. Based upon the traffic study submitted, Public Works is indicating that South 40th Street may need to be improved to

accommodate this development. If such off-site improvements are required, they will be included in the annexation agreement.

9. The fire hydrant plan is not adequate and must be revised. Fire protection must be provided per code requirements or building permits cannot be issued.
10. Several minor corrections to the plans and General Site Notes are required, and they are included as recommended conditions of approval.

CONDITIONS

Site Specific:

1. This approval permits up to 216,000 square feet of commercial floor area including office, restaurant, and retail with waivers to block length in excess of 1,320' and to allow lots without frontage to public street or private roadway.

Final plat(s) is/are approved by the City.

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

Permittee agrees:

to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.

to complete the installation of sidewalks along both sides of Hohensee Drive and the north side of Wilderness Hills Blvd as shown on the final plat within four (4) years following the approval of the final plat.

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

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

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

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

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

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

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

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

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

to complete the public and private improvements shown on the Use Permit.

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

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

to pay all design, engineering, labor, material, inspection, and other improvement costs.

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

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

to relinquish the right of direct vehicular access to South 40th Street except as shown.

2. Prior to the approval of a final plat:

2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

2.1.1 Five copies of a revised site plan showing the following revisions:

2.1.1.1 Combine General Site Notes 16 and 17, and add the following sentence: SIDEWALKS TO COMPLY WITH CHAPTER 3.105 OF THE DESIGN STANDARDS FOR PEDESTRIAN CIRCULATION IN COMMERCIAL AND INDUSTRIAL AREAS.

2.1.1.2 Combine General Site Notes 18 and 23 to read as follows: ALL SIGNS TO BE IN COMPLIANCE WITH THE ZONING ORDINANCE AND SIGN CODE AND ARE NOT REQUIRED TO BE SHOWN ON THIS PLAN. DETAILS OF SIGNS INCLUDING TYPE, LOCATION, HEIGHT AND SIZE TO BE REVIEWED AND APPROVED AT THE TIME OF SIGN PERMIT. SIGNS MAY BE LOCATED IN OUTLOT A, B OR C.

2.1.1.3 Add a general note that states: STREET TREES TO BE PROVIDED IN COMPLIANCE WITH TITLE 26 AND WILL BE SHOWN AND APPROVED AT TIME OF FINAL PLAT.

2.1.1.4 Revise the last sentence in General Site Note #24 to state: BUILDING AND PARKING LOT LAYOUT ARE CONCEPTUAL AND WILL BE APPROVED AT TIME OF BUILDING PERMITS IN COMPLIANCE WITH LMC AND DESIGN STANDARDS.

- 2.1.1.5 Add a general site note that states: ALL SCREENING AND LANDSCAPING TO BE PROVIDED PER DESIGN STANDARDS AND APPROVED AT TIME OF BUILDING PERMITS.
 - 2.1.1.6 Show Hohensee Drive extended to the east boundary of the use permit.
 - 2.1.1.7 Delete the labels South 41st Street and private roadway on all sheets including street cross-sections, and show a common access easement instead.
 - 2.1.1.8 Add the waiver to allow lots not adjacent to a public street or private roadway to the list of waivers on Sheet 1 of 5.
 - 2.1.1.9 The surveyor's certificate must be signed.
 - 2.1.1.10 Show fire hydrants to the satisfaction of Fire Prevention.
 - 2.1.1.11 Show utility easements to the satisfaction of LES.
 - 2.1.2 Revise the grading and drainage and utilities plans to the satisfaction of Public Works and Utilities.
 - 2.1.3 Revise the traffic study to the satisfaction of Public Works and Utilities.
3. City Council approves associated requests AN#06015 and CZ#06058.

Standard:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying any buildings all development and construction is to comply with the approved plans.
 - 4.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.

- 4.3 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.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Project Manager
August 31, 2006

**APPLICANT/
CONTACT:**

Brandon Garrett
Engineering Design Consultants
2200 Fletcher Avenue Ste 102
Lincoln, NE 68521
402.438.4014

OWNER:

Lincoln Federal Bancorp
1100 N Street
Lincoln, NE 68508
402.474.1400



Change of Zone #06058

2005 aerial

Use Permit #06005

S. 40th St & Yankee Hill Road

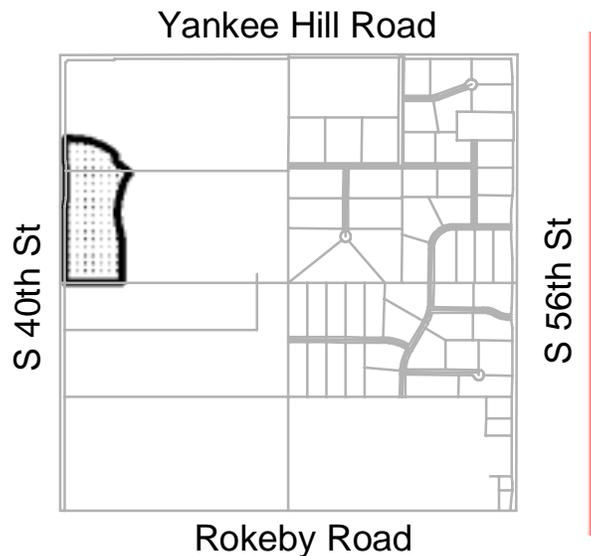
Zoning:

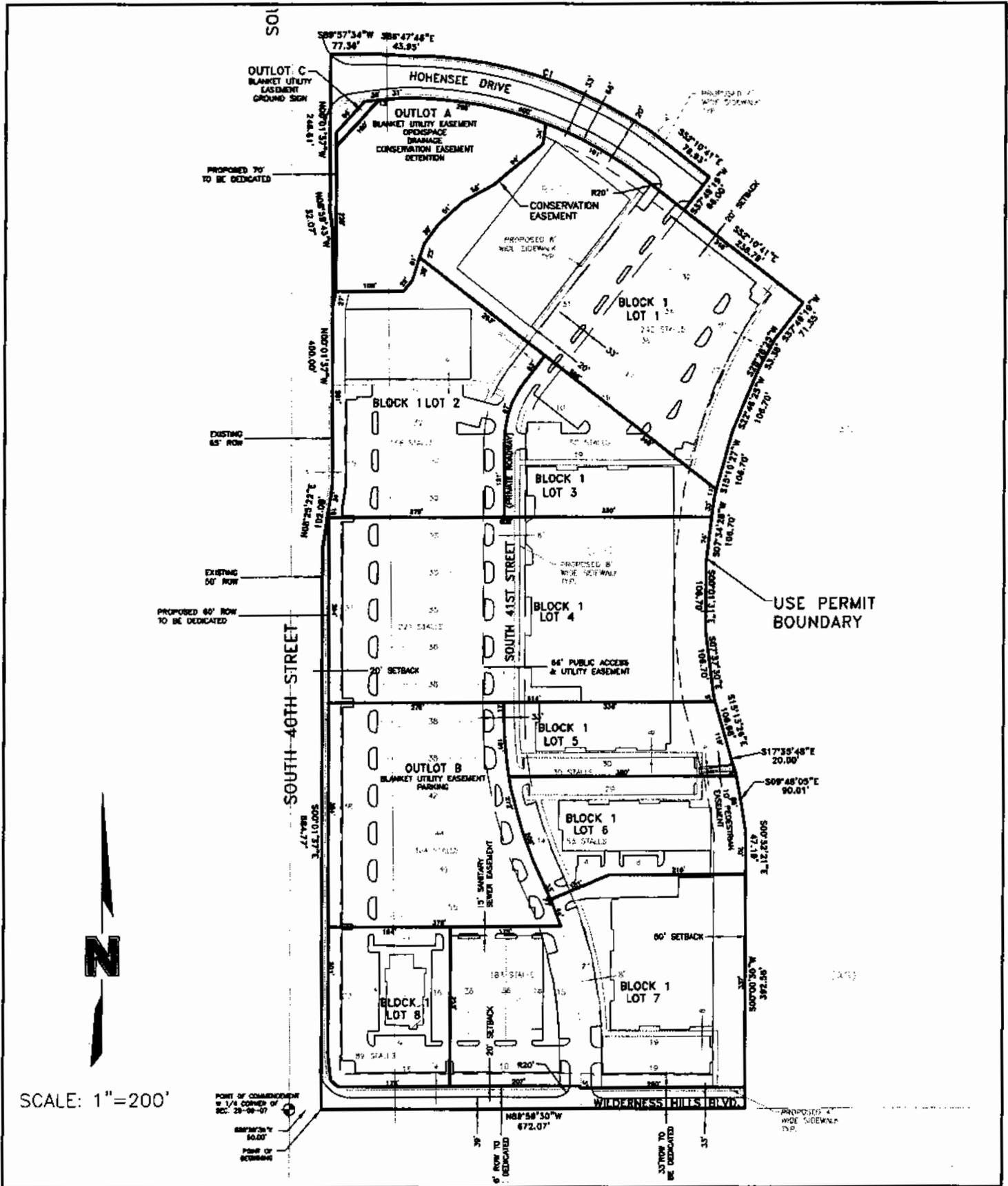
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 29 T09N R07E



Zoning Jurisdiction Lines
City Limit Jurisdiction





SCALE: 1"=200'

POINT OF COMMENCEMENT
is 1/4 CORNER OF
SEC. 28-08-07

500.00' x
50.00'

POINT OF BEGINNING



YANKEE HILL PLAZA
USE PERMIT SITE PLAN EXHIBIT
LINCOLN, NEBRASKA

Drawn By: BMG
Dwg.: UP Site Plan
Date: 08/17/06
Job#: 04-060

SHEET
1 OF 1

GENERAL SITE NOTES

1. PARKING LOT LIGHTING, IF PROVIDED, WILL BE IN ACCORDANCE WITH THE CITY OF LINCOLN AND L.E.S. STANDARDS.
2. THE EXISTING ZONING AG.
3. ALL PARKING STALLS FOR THE DISABLED SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL 58, NO. 144/RULES AND REGULATIONS).
4. BLANKET EASEMENTS, EXCLUDING BUILDING ENVELOPES ARE GRANTED ON ALL OUTLOTS.
5. AS PART OF THE FINAL PLAT, BLANKET UTILITY AND/OR SPECIFIC UTILITY EASEMENTS WILL BE PROVIDED TO THE SATISFACTION OF L.E.S.
6. ANY RELOCATION OF EXISTING L.E.S. FACILITIES WILL BE AT DEVELOPER'S EXPENSE.
7. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND FURTHER TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS COMPLETE.
8. WITH EXCEPTION OF INSTALLATION, REPAIR AND DEVELOPMENT OF ROAD IMPROVEMENTS, STORM WATER AND DRAINAGE IMPROVEMENTS AND UTILITIES APPROVED WITH THIS USE PERMIT, ALL WETLANDS AND NATURAL DRAINAGE WAYS NOT SHOWN TO BE GRADED, ARE TO BE PRESERVED.
9. WITH THE EXCEPTION OF THE DEVELOPER'S OR OWNER'S RIGHT TO THIN AND TRIM TREES, REMOVE DEAD, DOWNED AND DISEASED TREES; FOR INSTALLATION, REPAIR, DEVELOPMENT AND CONSTRUCTION OF ROAD IMPROVEMENTS, STORM WATER, DRAINAGE IMPROVEMENTS, UTILITIES, SIDEWALKS AND BUILDINGS APPROVED WITH A PLAT, BUILDING PERMIT, C.U.P. OR USE PERMIT, ALL TREES NOT SHOWN TO BE REMOVED SHALL BE PROTECTED AND PRESERVED.
10. DURING CONSTRUCTION ACTIVITIES, ALL TREES OR TREE MASSES TO BE PRESERVED SHALL BE CLEARLY MARKED.
11. LOT DIMENSIONS SHOWN ARE APPROXIMATE AND MAY VARY UP TO 10 FEET.
12. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
13. ALL PAVING RADII ARE TO BE 20 FEET UNLESS OTHERWISE NOTED.
14. ALL INTERSECTION ANGLES SHALL BE 90° UNLESS OTHERWISE NOTED.
15. ALL ELEVATIONS ARE BASED ON NAVD 1988 DATUM.
16. SIDEWALKS ARE TO BE CONSTRUCTED ALONG BOTH SIDES OF ALL PUBLIC & PRIVATE STREETS.
17. ALL SIDEWALKS ADJACENT TO STREETS ARE TO BE 4' FT. WIDE & LOCATED IN PUBLIC R.O.W. OR PUBLIC ACCESS EASEMENTS.
18. DETAILS OF ALL SIGNS, INCLUDING TYPE, LOCATION, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT. SIGNS SHALL BE PERMITTED AND LOCATED IN ACCORDANCE WITH THE CITY OF LINCOLN SIGN CODE. INDIVIDUAL SIGNS WHICH MEET THE ZONING REQUIREMENTS ARE NOT REQUIRED TO BE SHOWN ON THE SITE PLANS AND THAT NO ADMINISTRATIVE AMENDMENT WILL BE REQUIRED.
19. RIGHT-OF-WAY WIDTHS: REFERENCE TYPICAL STREET CROSS SECTIONS, THIS SHEET.
20. LANDSCAPING AND MAINTENANCE OF ROUNDABOUT ISLANDS, STREET MEDIANS, AND POCKET PARK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR HOME OWNERS ASSOCIATION. MAINTENANCE SHALL NOT BE TRANSFERRED TO HOMEOWNERS ASSOCIATION UNTIL ALL WORK HAS BEEN COMPLETED AND APPROVED BY THE CITY OF LINCOLN.
21. LOTS & USE
LOTS 1-2, BLK 1-PROPOSED OFFICE
LOTS 3-7, BLK 1-PROPOSED RETAIL
LOT 8, BLK 1-PROPOSED RESTAURANT

OUTLOTS & USE
OUTLOT A, BLK 1-PROPOSED CONSERVATION EASEMENT, OPEN SPACE, DRAINAGE & DETENTION,
BLANKET UTILITY EASEMENT
OUTLOT B, BLK 1-PROPOSED PARKING, BLANKET UTILITY EASEMENT
OUTLOT C, BLK 1-GROUND SIGN, BLANKET UTILITY EASEMENT
22. TOTAL USAGE:
3 OUTLOTS
2 PROPOSED OFFICE LOTS
5 PROPOSED RETAIL LOTS
1 PROPOSED RESTAURANT LOT

TOTAL LOTS - 11
TOTAL BLOCKS - 1
23. GROUND SIGN LOCATIONS SHALL BE LOCATED AT SOUTH 40TH STREET & HOHENSEE DRIVE AND SOUTH 40TH STREET & WILDERNESS HILLS BOULEVARD.
24. LOCATION AND LAYOUT OF BUILDINGS MAY BE CONSTRUCTED ANYWHERE WITHIN THE BUILDING ENVELOPES SHOWN. BUILDING LAYOUTS SHOWN ARE CONCEPTUAL.
25. ALL LANDSCAPING AND SIGNAGE WILL BE LOCATED OUTSIDE OF THE CRITICAL SITE TRIANGLE. LOCATION AND SPECIES OF LANDSCAPE TREES AND SHRUBS MAY CHANGE WITHIN THE GUIDELINES OF THE CITY OF LINCOLN PARKS DEPARTMENT, AND THE DESIGN STANDARDS FOR ZONING.

SITE SPECIFIC NOTES

1. THE EXISTING ZONING IS AG, THE PROPOSED ZONING IS B-2.
2. ALIGNMENT AND DESIGN OF SOUTH 40TH STREET TO BE DETERMINED BY THE CITY OF LINCOLN.
3. BLANKET UTILITY EASEMENTS ARE GRANTED ON OUTLOTS A, B, AND C, BLOCK 1.
4. CROSS ACCESS AND PARKING EASEMENT RIGHTS ARE TO BE GRANTED ON OUTLOT B AND LOTS 1-8, BLOCK 1.
5. DIRECT VEHICULAR ACCESS TO PUBLIC STREETS IS RELINQUISHED AS FOLLOWS: SOUTH 40TH STREET EXCEPT FOR WILDERNESS HILLS BOULEVARD AND HOHENSEE DRIVE.
6. THE CONSERVATION EASEMENT SHOWN IS SUBJECT TO FINAL AGREEMENT BETWEEN PUBLIC WORKS, WATERSHED MANAGEMENT, AND THE DEVELOPER.
7. DEVELOPMENT SHALL BE RESTRICTED WITHIN THE FLOOD PRONE AREA (AS DEFINED BY THE PROPOSED CONSERVATION EASEMENT) PER THE TERMS AND CONDITIONS OF THE CONSERVATION EASEMENT WHEN APPROVED.
8. ALL SITE IMPROVEMENTS SHALL CONFORM TO THE CONDITIONS OF THE PENDING CONSERVATION EASEMENT. LIMITS OF THE CONSERVATION EASEMENT DISPLAYED ARE INTENDED TO BE AN ACCURATE REPRESENTATION OF THE LATEST DRAFT OF THE EASEMENT. FINAL DEFINITION OF THE EASEMENT WILL BE AS DESCRIBED IN THE OFFICIAL RECORDED DOCUMENT FILED WITH THE LANCASTER COUNTY REGISTER OF DEEDS. NO CONSTRUCTION OTHER THAN INSTALLATION OF UNDERGROUND UTILITIES AND OVERHEAD ELECTRIC TRANSMISSION LINES SHALL BE PERFORMED WITHIN THE PROPOSED EASEMENT AREA PRIOR TO ITS DEDICATION.

WAIVERS - (CITY OF LINCOLN SUBDIVISION REGULATIONS AND DESIGN STANDARDS)

1. TITLE 26, SECTION 26.23.130 - TO ALLOW BLOCK LENGTHS TO EXCEED 1,320 FEET.

RECEIVED

AUG 17 2006

LINCOLN CITY/LANCASTER CO.
PLANNING DEPARTMENT

USE PERMIT LEGAL DESCRIPTION

PART OF LOTS 49 AND 50 LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 29; THENCE S89°59'30"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET ON THE FOLLOWING DESCRIBED 5 COURSES: THENCE N00°01'37"W, A DISTANCE OF 884.77 FEET; THENCE N08°25'22"E, A DISTANCE OF 102.08 FEET; THENCE N00°01'37"W, A DISTANCE OF 400.00 FEET; THENCE N08°59'43"W, A DISTANCE OF 32.07 FEET; THENCE N00°01'37"W, A DISTANCE OF 248.61 FEET; THENCE N89°57'34"E, A DISTANCE OF 77.36 FEET; THENCE S86°47'46"E, A DISTANCE OF 43.95 FEET; THENCE EASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 683.00 FEET, A DISTANCE OF 451.39 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S71°06'41"E, A DISTANCE OF 443.22 FEET; THENCE S52°10'41"E, A DISTANCE OF 78.93 FEET; THENCE S37°49'19"W, A DISTANCE OF 66.00 FEET; THENCE S52°10'41"E, A DISTANCE OF 238.79 FEET; THENCE S37°49'19"W, A DISTANCE OF 71.35 FEET; THENCE S28°28'25"W, A DISTANCE OF 53.38 FEET; THENCE S22°46'25"W, A DISTANCE OF 106.70 FEET; THENCE S15°10'27"W, A DISTANCE OF 106.70 FEET; THENCE S07°34'28"W, A DISTANCE OF 106.70 FEET; THENCE S00°01'31"E, A DISTANCE OF 106.70 FEET; THENCE S07°37'30"E, A DISTANCE OF 106.70 FEET; THENCE S15°13'26"E, A DISTANCE OF 106.68 FEET; THENCE S17°35'48"E, A DISTANCE OF 20.00 FEET; THENCE S09°48'05"E, A DISTANCE OF 90.01 FEET; THENCE S00°52'21"E, A DISTANCE OF 47.19 FEET; THENCE S00°00'30"W, A DISTANCE OF 392.56 FEET; THENCE N89°59'30"W, A DISTANCE OF 672.07 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS AN AREA OF 1,040,828 SQUARE FEET OR 23.89 ACRES, MORE OR LESS.

Projects\04-000\develop\dwg\Use Permits\exhibits\Legal Description\dwg, Legal, 5/15/2006 3:53:41 PM, cgarrett, T.T.



YANKEE HILL PLAZA USE PERMIT

Legal Description

Lincoln, Nebraska

Drawn By: XXX
Dwg.: Legal Description
Date: 08-17-06
Job#: 04-060

SHEET
1 OF 1



Engineering Design Consultants

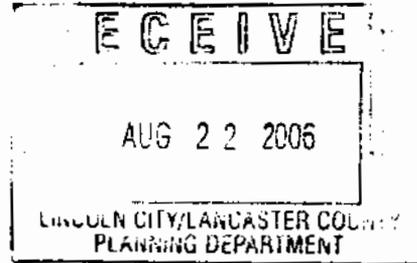
2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fx 402-438-4026

August 17, 2006

HAND DELIVERED

Brian Will
Planning Department
City-County Building
555 South 10th Street
Lincoln, NE 68508

RE: Yankee Hill Plaza
Use Permit
EDC Project #04-060-25



Dear Mr. Will:

On behalf of Engineering Design Consultants client, Lincoln Federal Bancorp, the following applications are hereby submitted per the subdivision review process:

1. Application for a use permit.
2. Application for a change of zone and annexation.

The Yankee Hill Plaza Use Permit is a 23.89 acre site generally located south of Yankee Hill Road, north of Rokeby Road, on the east side of South 40th Street. The development will consist of 8 commercial lots and 3 outlots. The Yankee Hill Plaza Use Permit includes the following:

1. The area for the use permit and change of zone is hereby requested to be annexed to the City of Lincoln (see legal description exhibit).
2. The existing zoning is AG, proposed zoning is B-2.
3. Agriculture is the existing use.
4. Total Usage

a. Retail Lots	6
b. Office Lots	2
c. Outlots	3
d. Total Lots	11
5. Direct vehicular access to Yankee Hill Road, Rokeby Road, South 27th Street, and South 40th Street is relinquished as follows: South 40th Street except for Wilderness Hills Boulevard and Hohensee Drive.
6. A minimum building opening elevation shall be 1 foot above the proposed 100 year flood elevation.
7. Individual lot landscape plans shall be reviewed at the time of building permit.
8. Blanket utility easements are granted on Outlots A, B, and C, Block 1.

Yankee Hill Plaza Use Permit

August 17, 2006

Page 2

9. Cross access and parking easement rights are to be granted on Outlot B and Lots 1-8. Block 1.
10. Alignment and design of South 40th Street to be determined by the City of Lincoln.
11. The conservation easement shown is subject to final agreement between public works, watershed management, and the developer.
12. All site improvements shall conform to the conditions of the pending conservation easement.
13. Development shall be restricted within the flood prone area (as defined by the proposed conservation easement) per the terms and conditions of the conservation easement when approved.
14. All lots abutting the open channel in Outlot A shall have a minimum opening elevation of 1 foot above the 100 year flood elevation, as shown on the grading and drainage plan.
15. Direct vehicular access to public streets is relinquished as follows: South 40th Street except for Hohensee Drive and Wilderness Hills Boulevard.
16. Building layouts shown are conceptual.
17. The following waivers are being requested to the City of Lincoln Design Standards:
 - a. A waiver is requested to Title 2, Chapter 26.23, Section 130(a) to allow maximum block length to exceed 1,320 for Block 1, which measures approximately 1,381 feet at its extremities. However, this divides the commercial uses within the proposed use permit from future proposed residential to the east. A pedestrian easement has been added to encourage pedestrian circulation from the residential to the commercial. Block 1 is also adjacent to the arterial South 40th Street, which limits the number of public street access points. This block lies between two of these points (Hohensee Drive in the north and Wilderness Hills Boulevard in the south).
18. The developer owns the Wilderness Hills 1st Addition Preliminary Plat nearby on the west side of South 40th Street. The developer owns the remainder of the northwest quarter of Section 29, Township 9, Range 7 and plans to develop primarily as residential.

Yankee Hill Plaza Use Permit

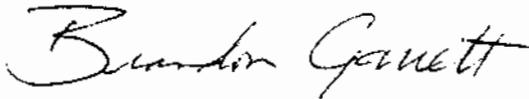
August 17, 2006

Page 3

If you have any additional questions or concerns, please contact me at 438-4014 or at bgarrett@edc-civil.com.

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.



Brandon M. Garrett, AICP
Land Planner

Enclosures

8 sets of sheets 1-5

1 Application

1 8.5x11 Site Plan Exhibit

1 Legal Description Exhibit

1 Ownership Certificate

1 Change of Zone Exhibit

1 Check for \$740 (Use Permit)

1 Check for \$740 (Change of Zone)

cc: Jerry Maddox, Leo Schumacher

Memorandum

To: Brian Will, Planning Department
From: Chad Blahak, Public Works and Utilities
Subject: Yankee Hill Plaza up06005 cz06058 an06015
Date: August 31, 2006
cc:

Engineering Services has reviewed the submitted plans for the Yankee Hill Plaza Use Permit, located on the northwest corner of South 40th Street and Wilderness Hills Boulevard and has the following comments:

Sanitary Sewer – The following comments need to be addressed.

(1.1) The required 30' wide easement needs to be clearly shown and labeled for the public sanitary sewers at the north and south ends of the proposed project.

Water Main – The following comments need to be addressed.

(2.1) The 8" water main in Hohensee Drive and 12" main in Wilderness Hills Boulevard need to be clearly shown and labeled.

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

(3.1) Watershed Managements comments concerning detention and flood regulations need to be addressed to the satisfaction of Public Works.

(3.2) The grading and drainage plans need to be revised to account for conveying the storm runoff from area c1 in the drainage report to the proposed detention area. As shown, the grading plan indicates that this area will drain to the 40th Street ditch or future storm sewer system. This is unsatisfactory since this drainage area is required to be accounted for in the detention calculations.

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

(4.1) It was discussed that the main drive aisle, shown as 41st Street on the plans, was not required to be a private roadway. If it is to be dedicated as a private roadway, the plans need to be revised such that 41st is not to be used as a primary parking circulation aisle and required site distance for all connections is provided.

(4.2) Although there are no standards for site distance for parking lots Public Works recommends that the plans be revised to provide adequate site distance along the drive aisle shown as 41st Street. Particularly near the south end of the project where parallel parking is shown along both sides of the horizontal curves.

(4.3) Hohensee Drive needs to be revised to show 35' wide paving to match cross section west of 40th Street and to provide for future dedicated left turn lane.

(4.4) The traffic study as submitted is not satisfactory. There are numerous assumptions within the study that will need to be discussed between the consultant and City staff. Prior to this project going to City Council a revised traffic study will need to be provided to the satisfaction of Public Works.

(4.5) It appears that, based on the traffic volume indicated in the submitted draft traffic study that urban paving will be required to serve the commercial uses shown on the east and west side of South 40th Street. Provisions will need to be made for improving South 40th Street with these projects. South 40th Street does not appear in the 2006-2012 CIP for improvement.

General – The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved. Any waivers not specifically requested with this application do not have implied approval. If a waiver of design standards arises at the time of construction plans, Public Works reserves the right to deny such a waiver and require that the plans be revised accordingly.



CITY OF LINCOLN
NEBRASKA
MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

Memorandum

Date: 8/28/2006

To: *Brian Will*

From: *Devin Biesecker*

Subject: *Yankee Hill Plaza*

cc: *Ben Higgins, Chad Blahak*

Below are Watershed Management's comments on the Yankee Hill Plaza submittal on August 17, 2006.

1. The hydrologic analysis was completed for only the development site. However, the detention for this site is proposed in a stream which has significant offsite drainage. The detention analysis must incorporate the offsite drainage so that the detention control structure can be sized properly in order to show that this development meets City of Lincoln detention requirements. Watershed Management recommends using the latest Southeast Upper Salt Creek hydrologic model for existing conditions. Watershed Management will be using the latest model as a baseline when reviewing future revised submittals. A copy of the latest hydrologic model can be obtained from the Watershed Management Division.
2. Hohensee Drive is proposed to be built within the 100 year floodplain. The grade for S. 40th Street was set using the existing 100 year water surface elevation upstream of 40th Street. The proposed Hohensee Drive may cause a rise in the 100 year water surface elevations. The proposed detention may also cause a rise in the 100 year water surface elevation upstream of 40th Street. A hydraulic analysis must be completed showing the impacts this street and the detention have on the 100 year water surface elevation. If the rise in water surface elevation has an impact on the proposed grade for S. 40th Street mitigation may be needed to offset the rise.
3. This tributary of Southeast Upper Salt Creek does have a floodprone area designated along it which was adopted for local regulation. A hydraulic and hydrologic analysis must be completed showing that the no-net rise requirements

are met downstream of this proposed development.

4. The flow used to size the box culvert under Hohensee Drive is slightly smaller than the 100 year flow in City's latest hydraulic model for this tributary. The latest hydraulic model which can be obtained from Watershed Management must be used for sizing this box culvert.

Review Comments for
Application #: UP06005
YANKEE HILL PLAZA UP
Comments as of: Thursday, August 31, 2006

Status of Review: **Approved**

Reviewed By **911**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Alltel**

ANY

Comments:

Status of Review: **Complete**

Reviewed By **Building & Safety**

Terry Kathe

Comments:

Status of Review: **Denied**

08/21/2006 7:24:07 AM

Reviewed By **Building & Safety**

BOB FIEDLER

Comments: **fire hydrant coverage will need to be provided**

Status of Review: **Active**

Reviewed By **Fire Department**

ANY

Comments:

Status of Review: Approved

08/28/2006 1:54:55 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: August 28, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: BEH File SUBJECT: Yankee Hill Plaza

BEH Administration CZ #06058 UP #06005

AN #06015

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed development with the following noted:

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.

Status of Review: Active

Reviewed By Law Department

ANY

Comments:

Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

Status of Review: **Approved**

08/25/2006 8:36:51 AM

Reviewed By **Parks & Recreation**

ANY

Comments: **Street trees need to be assigned for S. 40th, S. 41st, Wilderness Hills Blvd. and Hohensee Drive.**

Please contact the Forestry Department at 432-0816 for the proper species.

Status of Review: **Routed**

Reviewed By **Planning Department**

COUNTER

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

BRIAN WILL

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Active**

Reviewed By **Public Utilities - Wastewater**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Development Services**

ANY

Comments:

Status of Review: **Active**

Reviewed By **Public Works - Long Range Planning**

ANY

Comments:

Status of Review: **Active**

Reviewed By **School District**

ANY

Comments:

Status of Review: **Active**

Reviewed By **US Post Office**

ANY

Comments:

INTER-DEPARTMENT COMMUNICATION



DATE August 23, 2006
TO: Brian Will, City Planning
FROM: Sharon Theobald (Ext. 7640) *St*
SUBJECT: DEDICATED EASEMENTS
DN #87S-40E

AN#06015
UP#06005
CZ#06058

Attached is the USE Permit for Yankee Hill Plaza.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require blanket utility easements, excluding building envelopes, over all of the Lots and, as already noted, blanket utility easements over the Two Outlots

ST/ss
Attachment
c: Terry Wiebke
Easement File