

City Council Introduction: **Monday**, March 26, 2012  
Public Hearing: **Monday**, April 2, 2012, at **3:00** p.m.

Bill No. 12-29

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 05068B**, 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 70<sup>th</sup> Street and Yankee Hill Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 01/25/12  
Administrative Action: 01/25/12

**STAFF RECOMMENDATION:** Conditional Approval.

**RECOMMENDATION:** Conditional Approval (7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting 'yes'; Francis and Weber absent).

**ASSOCIATED REQUESTS:** Amendment No. 3 to The Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement (12R-54) and Annexation No. 11005 (12-28).

### **FINDINGS OF FACT:**

1. This proposed amendment to The Woodlands at Yankee Hill PUD and the associated Annexation No. 11005 were heard at the same time before the Planning Commission.
2. This is a request for change of zone from AG Agricultural to R-3 Residential PUD on approximately 35.39 acres, more or less, to add 265,000 sq. ft. of commercial floor area and 46 dwelling units in two components: a 12.77-acre west component and a 22.62-acre east component.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that these areas were shown as part of the overall concept plan associated with the previously approved PUD. The additional commercial floor area is not intended primarily for retail uses, but rather to provide suitable sites for general commercial uses such as contractors, warehousing and mini-storage. While there is an adequate amount of land zoned appropriately for office and retail in this part of Lincoln, there is a lack of sites for general commercial development. In part, this request helps address that need, and is designed to complement the previously approved retail-oriented commercial center located at the northwest corner of the development. This amendment is in general compliance with the Zoning Ordinance and the 2040 Comprehensive Plan, subject to the conditions of approval (p.5-7). The staff presentation is found on p.8-9.
4. The applicant's testimony is found on p.9-10.
5. There was some concern expressed by the Planning Commission about the Fire Department comments and the ambulance response time (See Minutes, p.8-10).
6. There was no testimony in opposition.
7. On January 25, 2012, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval (Weber and Francis absent).
8. On January 25, 2012, the Planning Commission also voted 7-0 to recommend approval of Annexation No. 11005 (Bill #12-28), subject to an amendment to the conditional annexation and zoning agreement (Bill #12R-54)

**FACTSHEET PREPARED BY:** Jean L. Preister  
**REVIEWED BY:** \_\_\_\_\_  
**REFERENCE NUMBER:** FS\CC\2011\CZ05068B+

**DATE:** March 19, 2012  
**DATE:** March 19, 2012

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 25, 2012 PLANNING COMMISSION MEETING

- PROJECT #:** Annexation #11005  
**Change of Zone #05068B** - The Woodlands at Yankee Hill Planned Unit Development (PUD)
- PROPOSAL:** To annex approximately 35.39 acres of land and **change the zoning designation from AG to R-3 PUD** and to approve an additional 265,000 square feet of commercial floor area and 46 dwelling units.
- LOCATION:** Southeast of the intersection of South 70<sup>th</sup> Street and Yankee Hill Road
- LAND AREA:** Annexation #11005 - Approximately 35.39 acres  
**Change of Zone #05068B - Approximately 35.39 acres**
- WAIVERS:** No new waivers are being requested.
- CONCLUSION:** The areas to be annexed and zoned R-3 PUD were shown as part of the overall concept plan associated with the previously approved PUD. The additional commercial floor area is not intended primarily for retail uses, rather to provide suitable sites for general commercial uses such as contractors, warehousing and mini-storage. While there is an adequate amount of land zoned appropriately for office and retail in this part of Lincoln, there is a lack of site for general commercial development. In part this request helps address that need, and is designed to complement the previously approved retail-oriented commercial center located at the northwest corner of this development. Subject to the recommended conditions of approval, these requests are in general compliance with the Zoning Ordinance and Comprehensive Plan.

### **RECOMMENDATION:**

AN#11005

**CZ#05068A**

Conditional Approval

**Conditional Approval**

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** AN#11005 and CZ#05068B - See attached legal description.

### **EXISTING LAND USE AND ZONING:**

Vacant

AG Agricultural

**SURROUNDING LAND USE AND ZONING:**

**East Portion**

North:	Vacant	R-3 PUD
South:	Vacant	AG
East:	Agriculture	P
West:	Vacant	AG

**West Portion**

North:	Vacant	R-3 PUD
South:	Vacant	AG
East:	Vacant	AG
West:	Vacant	AG, R-3 PUD

**HISTORY:**

**MAY 2009** - AN#09001 and CZ#05068A were approved expanding the original PUD by approximately 26 acres to accommodate 31 additional residential lots, a private elementary school and church, a convent and a rectory.

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

**ANALYSIS:**

1. The original PUD approved in 2007 was approximately 286 acres in area, and then expanded by about 26 acres in 2009. It is all part of a larger overall concept plan that covers approximately the north one-half of the section bounded by South 70<sup>th</sup> & South 84<sup>th</sup> Street, and Yankee Hill and Rokeby Roads (approximately 380 acres in all). The areas sought for annexation and re-zoning in all subsequent requests including this one have been consistent with the larger overall concept plan.
2. From the beginning the site plan for this PUD has showed both the approved area (that is, the area actually annexed and re-zoned), and the larger overall concept plan. Both the City and developers agreed to this process so the entire development could be evaluated for overall feasibility and appropriateness up-front. This allowed significant issues to be identified and addressed early in the process, and helped simplify the review and approvals as additional phases were annexed and re-zoned for development.

However, this has created two sets of numbers used to track the amount and type of development approved. The two tables shown on Sheet 1 of 5 are used for this purpose. To better understand this request, the following chart illustrates what was approved with the original PUD, also by the subsequent amendment, and what is now being proposed with this request.

	<b>Concept</b>		<b>Approved</b>	
	<u>DU's*</u>	<u>Comm Floor Area</u>	<u>DU's</u>	<u>Comm Floor Area</u>
CZ#05068-	1,348	614,000	500	324,000
CZ#05068A-	1,276	614,000	493	324,000
<b>CZ#05068B**-</b>	<b>1,261</b>	<b>644,000</b>	<b>539</b>	<b>589,000</b>

\*Dwelling Units  
\*\*Not yet approved

3. This proposal seeks to annex and re-zone an additional 36 acres from AG to R-3 PUD, thereby expanding the boundary of the PUD. It includes two components - a 12.77 acre west component, 22.62 acre east component. Taken together, this proposal decreases the overall concept number of dwelling units by 15 but increases the amount for commercial floor area by 30,000 square feet in overall concept, and seeks approval for an additional 46 dwelling units and 265,000 square feet of commercial floor area.
4. The overall concept is being modified to reflect an increase of 30,000 square feet of commercial floor area, all of it shown in the commercial center at the east edge of the development. This represents an approximate 9% increase in total floor area. At 22.62 acres, the east component of this request seeks approval of approximately 265,000 square feet of commercial floor area out of the remaining 320,000 of commercial floor area shown in concept. The remaining 55,000 will be shown in concept only and require future approval.
5. At 12.77 acres, the west component shows a lot layout that will accommodate approximately 34 additional single-family lots. The proposed layout mirrors the lot configuration shown on the larger concept plan. The difference between the number of approved units shown in the table above and the number of lots being created is that the boundary of the area to be annexed and re-zoned is irregular and includes partial lots and open space in outlots.
6. The character of the two commercial centers within this PUD is intended to be different. The northwest center is planned to be a retail commercial center, and designed to serve this development and surrounding areas with typical neighborhood retail services.

The center at the east edge is intended to be a general commercial center which allows uses such as building and related contractors, mini-warehousing, and storage, uses commonly found in the 'H' zoning districts. These uses can be termed as more 'intense' than office and retail uses, however they have typically have lower traffic generation rates. The two centers are meant to complement one another, but not to compete with one another.

While there is an adequate amount of land already approved for retail commercial and office floor area in southeast Lincoln, there is a lack of suitable general commercial sites. A change to the overall concept plan to reflect a 30,000 square foot increase in general commercial floor area is appropriate.

7. It is important that the east commercial center remains available for general commercial uses given the need for suitable sites in this part of the city. The lot, block and street layout shown accommodates these uses and type of development, as opposed to a typical layout associated with 'big-box' retailers and associated uses. Staff would not be supportive of this center developing in a manner conducive to retail development given the number of sites already available, but would seek to ensure it remains available for general commercial development. If owners were to attempt plat the area in a manner other than what is shown, staff may recommend a cap on retail floor area until a yet-to-be determined threshold of general commercial development had occurred.
8. Public Works and Utilities noted several needed corrections and revisions to the utility and grading and drainage plans. The requirement to make those corrections and revisions to the satisfaction of Public Works and Utilities is noted as a recommended condition of approval.
9. It is noted that the U.S. Postmaster indicated in his review that centralized box units (CBU's) will be used for all new mail delivery service within this development. The Postmaster also noted that the location and address assignment of CBU's is to be determined by the U.S. Post Office.
10. There is an existing annexation agreement associated with this development. It makes reference to total numbers of dwelling units and square feet of commercial floor area, and the timing of certain improvements. That agreement needs to be updated to reflect the changes associates with these requests.
11. There are other minor changes noted by the staff review and which are included as recommended conditions of approval.

If approved, these requests would annex and re-zone to R3-PUD 35.39 acres and allow an additional 265,000 square feet of commercial floor area and 46 dwelling units.

## **CONDITIONS:**

### **Change of Zone #05068B**

#### 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 new General Note that states "Provided the east commercial center is platted into lots and blocks as shown, no cap on retail restaurant, and convenience store floor area is required. Otherwise, a cap on the total amount of floor area dedicated to retail, restaurant, and convenience store uses may be required.

- 1.1.2 Identify the bike trail easement on Sheet 2A.
- 1.1.3 Label unnamed street one block south of Irene Court.
- 1.1.4 Replace old annexation boundary/PUD limit/Phase I boundary to include the areas of this request.
- 1.1.5 Label the facility indicated by the heavy lines between Lots 12, 13, 27, and 28, Block 39 or delete if not necessary.
- 1.1.6 Revise the last sentence of General Note #4 to state "Details of signs shall be shown at the time of sign permits."

1.2 Submit revised grading, drainage, and utility plans to the satisfaction of Public Works and Utilities.

2. City Council approves associated request AN#11005.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted administrative amendments and a revised final plan and the plans are acceptable.
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final plans shall be approved by the City.
- 3.4 Applicant agrees to comply with the terms of the annexation agreement.

Standard:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the dwelling units and commercial buildings all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
- 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 ordinance'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. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
5. 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](mailto:bwill@lincoln.ne.gov)  
Planner  
January 10, 2012

**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. 11005  
and  
CHANGE OF ZONE NO. 05068B,  
AN AMENDMENT TO THE WOODLANDS AT YANKEE HILL PUD**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

January 25, 2012

Members present: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius; Francis and Weber absent.

Staff recommendation: Approval of the annexation, subject to a revised annexation agreement, and conditional approval of the amendment to the PUD.

There were no ex parte communications disclosed.

These applications were removed from the Consent Agenda at the request of Commissioner Gaylor Baird and had separate public hearing.

Staff presentation: **Brian Will of Planning staff** explained that this is an amendment to an existing planned unit development (PUD) approved in 2006. The eastern component of the amendment is 22 acres and the western component will be approximately 12 acres, accommodating an additional 265,000 sq. ft. of commercial floor area and an additional 46 dwelling units.

Will also explained that when this development first came through the process, the staff did look at the larger overall concept plan for the entire development. Back in 2006, only a portion of that larger overall concept plan was actually annexed and zoned. Today, an amendment is being proposed to extend the boundaries, but still within the overall concept plan, to bring in an additional 35 acres – 22 acres on the east and 12 acres on the west.

Staff is recommending approval, with some minor conditions of approval. This amendment will require an amendment to the existing annexation agreement to reflect the new area of development.

Gaylor Baird explained that she removed this proposal from the consent agenda because of the Fire Department comments, some of which she had not seen before. What does the Fire Department mean when they say, “...with optional station location plan (Option A)...we recommend this annexation is completed in conjunction with plans for medical and fire protection.” Will indicated that the Fire Department representatives were unable to attend this meeting due to a scheduling conflict; however, Will believes that comment specifically relates to the effort over the last several years to assess where they have existing fire stations throughout the community as well as potential new facilities. When this plan was reviewed back in 2006, there was probably a comment something to the effect – stretching the limits of service or needing to address the additional demand for service at the boundary. The PUD was approved with those comments in mind. In the existing CIP, in this part of Lincoln, there is funding for renovation of the existing fire station at 84<sup>th</sup> and South Street and a new fire station is shown in the vicinity of Hwy 2 and Pine Lake Road. Will believes

there has been an ongoing understanding that we are going to need these additional facilities and the Fire Department has been attempting to address that. The monies, however, are not programmed until 2014-15.

Relative to the response times, Will does not understand their comments to mean that the response time is unacceptable, but just that it is perhaps out of the parameter of what is now described in the Comprehensive Plan. This is just a continuation of the original approval back in 2006.

Gaylor Baird was still not certain what the Fire Department comments mean. Will stated that, in general terms, we all understand that there is a need for additional facilities in this part of Lincoln. He believes their comments are an attempt to recognize that we need to address that and he believes that has been done in the CIP. He did not take the comments to mean no more approvals until a new station is built.

Esseks believes this is a very important issue, particularly when you look at the likely density of housing in this area. He is hopeful that we have already built into our planning process that type of coordination between new homes and an appropriate place for medical/fire stations. Will suggested that the CIP works hand in hand with the Comprehensive Plan. He believes the issue has been addressed.

### Proponents

**1. Rick Krueger, President of Krueger Development**, the applicant, showed a promotional rendering for The Woodlands, which shows a 15-lot subdivision and The Woodlands Enterprise Center on 84<sup>th</sup> Street. This is a continuation of the overall plan of development which started back in 2006. It is between 70<sup>th</sup> Street and 84<sup>th</sup> Street, south of Yankee Hill Road. There are currently 128 single-family lots. Currently, St. Michael's School is operating grades 1-6, with approximately 165 students, and the new convent is being built right next to the school with a day care for 80 children.

Krueger pointed out that they constructed Yankee Woods Boulevard from the circle out to 84<sup>th</sup> Street, with sewer and water, so it is in place now for the commercial. They had to get it opened as quickly as possible for the school.

Krueger also explained that The Woodlands Enterprise Center will allow some subdividing for some flex-type buildings – anywhere from 5,000 sq. ft. to 11,000 sq. ft. – or by putting lots together you could get up to 20,000 to 30,000 sq. ft. This is similar to the Yankee Hill Business Center at 14<sup>th</sup> and Yankee Hill Road. It will be flexible to meet the needs of the developers. 83<sup>rd</sup> Street and the other streets will be private as opposed to public.

Krueger also showed a rendering of 83<sup>rd</sup> Street looking south, showing the 40' wide paving with parking up next to the buildings. This is an attempt to build in flexibility to meet the needs relative to size, layout, etc.

Gaylor Baird asked Krueger whether he was aware of the Fire Department comments about response time for this area – that ambulance response will exceed 7 minutes and fire will exceed

7 minutes and 20 seconds, which is a bit longer than the target in the Comprehensive Plan. Krueger's response was that in his career of 36 years, that is continually coming up – that we need more fire and police stations and how we address it through the CIP. Krueger does not think any one development can answer this question, but it did come up when they opened Pine Lake Road on 56<sup>th</sup> Street. He knows that they put in a 12" line as part of their work on The Woodlands from Yankee Hill south to Yankee Woods Blvd. in order to provide for fire protection.

There was no testimony in opposition.

**ANNEXATION NO. 11005**

**ACTION BY PLANNING COMMISSION:**

January 25, 2012

Lust moved approval, subject to a revised annexation agreement, seconded by Hove.

Gaylor Baird noted that the comments from the Fire Department make it sound like potentially this is not in conformance with the Fire and Rescue portion of our Comprehensive Plan, which recommends standards for response time of closer to 6 minutes and 20 seconds for fire, and 6 minutes for medical calls. These comments give her pause. She acknowledges that the Fire Department is not objecting but it is clear that there is a problem that this particular development and others on the fringe of the city are not getting the same response that other parts of the city are getting. How do we grapple with this issue?

Esseks thinks it is serious enough that the staff report should specifically state that the response times are excessive. Hopefully, that will raise the issue through communication to the City Council and County Board, and maybe that will build up public support to come up with the resources to locate a fire and emergency medical station in that part of the city.

Hove understands the concern, but this is one project he certainly does not want to hold up because of that issue. This project needs to go forward.

Gaylor Baird stated that she is not proposing that this project be held up. We have had ~~the same~~ similar comments from Fire on previous annexations. And the more she sees these comments, the more important the issue becomes, but it is not specific to this annexation. **(As amended by Commissioner Gaylor Baird)**

Cornelius would agree that the staff report be more explicit about response times and existing plans and when those response times might be addressed in the future. Otherwise, Cornelius believes this is a relatively straight forward amendment to an existing PUD. While on the Planning Commission, he has seen that there is tension between ongoing development and the provisioning of public safety resources. The perceived difficulty is that you can over-provision and cover things that don't exist. And with the future being unpredictable, you may have resources that you do not need. When you allow development to go first, you have this situation where response time may be unacceptable for some period, and there is no easy answer for that. In spite of that, he believes we are trying to strike that balance and he will vote in favor.

Motion for approval, subject to a revised annexation agreement carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a

recommendation to the City Council.

**CHANGE OF ZONE NO. 05068B**

**ACTION BY PLANNING COMMISSION:**

January 25, 2012

Lust moved to approve the staff recommendation of conditional approval, seconded by Esseks and carried 7-0: Esseks, Sunderman, Lust, Hove, Gaylor Baird, Butcher and Cornelius voting yes; Francis and Weber absent. This is a recommendation to the City Council.

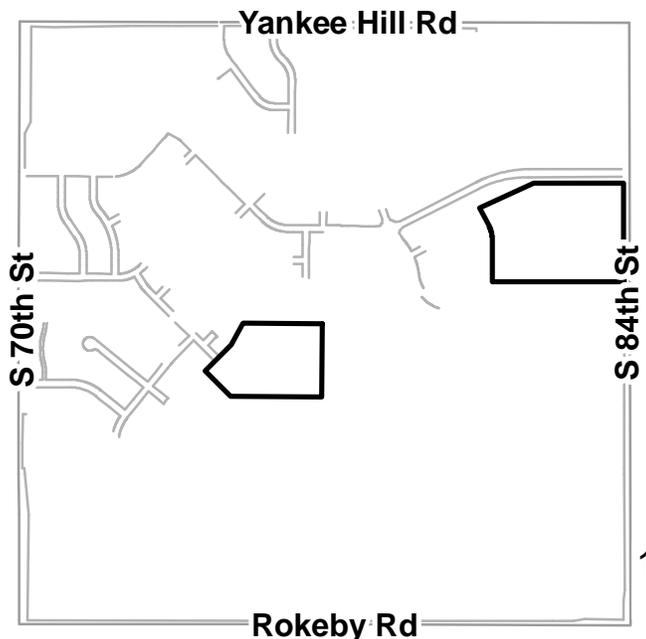
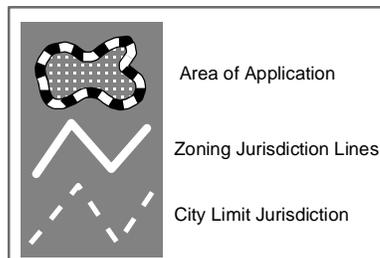


**Change of Zone #05068B (AG to R-3 PUD)  
Annexation #11005  
The Woodlands at Yankee Hill PUD  
S 84th St & Yankee Hill Rd  
Zoning:**

2010 aerial

- 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  
P.U.D. #05068B  
ANNEXATION & CHANGE OF ZONE  
LEGAL DESCRIPTION**

Irregular Tract Lots 61 & 62, all located in the Northeast Quarter of Section 27, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast Corner of the Northeast Quarter of said Section 27; Thence in a westerly direction on the South line of the Northeast Quarter of said Section 27, North 89°40'22" West for a distance of 50.01 feet; Thence North 00°07'51" East for a distance of 371.00 feet to the **POINT OF BEGINNING**

Thence North 89°52'09" West for a distance of 1156.67 feet

Thence North 00°19'35" East for a distance of 372.70 feet to a circular curve to the left having a radius of 270.00 feet, a central angle of 27°07'57" and whose chord (126.67 feet) bears North 13°14'24" West

Thence on the arc of said circular curve 127.86 feet to the point of tangency

Thence North 26°48'22" West for a distance of 173.32 feet

Thence North 65°32'10" East for a distance of 518.11 feet

Thence South 89°52'08" East for a distance of 792.10 feet

Thence South 00°07'51" West for a distance of 866.06 feet to the **POINT OF BEGINNING** and containing a calculated area of 985,119.35 square feet or 22.62 acres.

**AND**

A portion of Irregular Tract Lot 49, located in the Southwest Quarter of Section 27, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska and more particularly described as follows:

Referring to the Southeast Corner of the Northeast Quarter of said Section 27; Thence in a westerly direction on the South line of the Northeast Quarter of said Section 27, North 89°40'22" West for a distance of 2697.79 feet to the Northeast Corner of the Southwest Quarter of said Section 27 and the **POINT OF BEGINNING**

Thence South 00°34'51" West on the East line of said Southwest Quarter, a distance of 646.84 feet

Thence North 89°25'09" West for a distance of 798.30 feet

Thence North 45°04'34" West for a distance of 315.82 feet

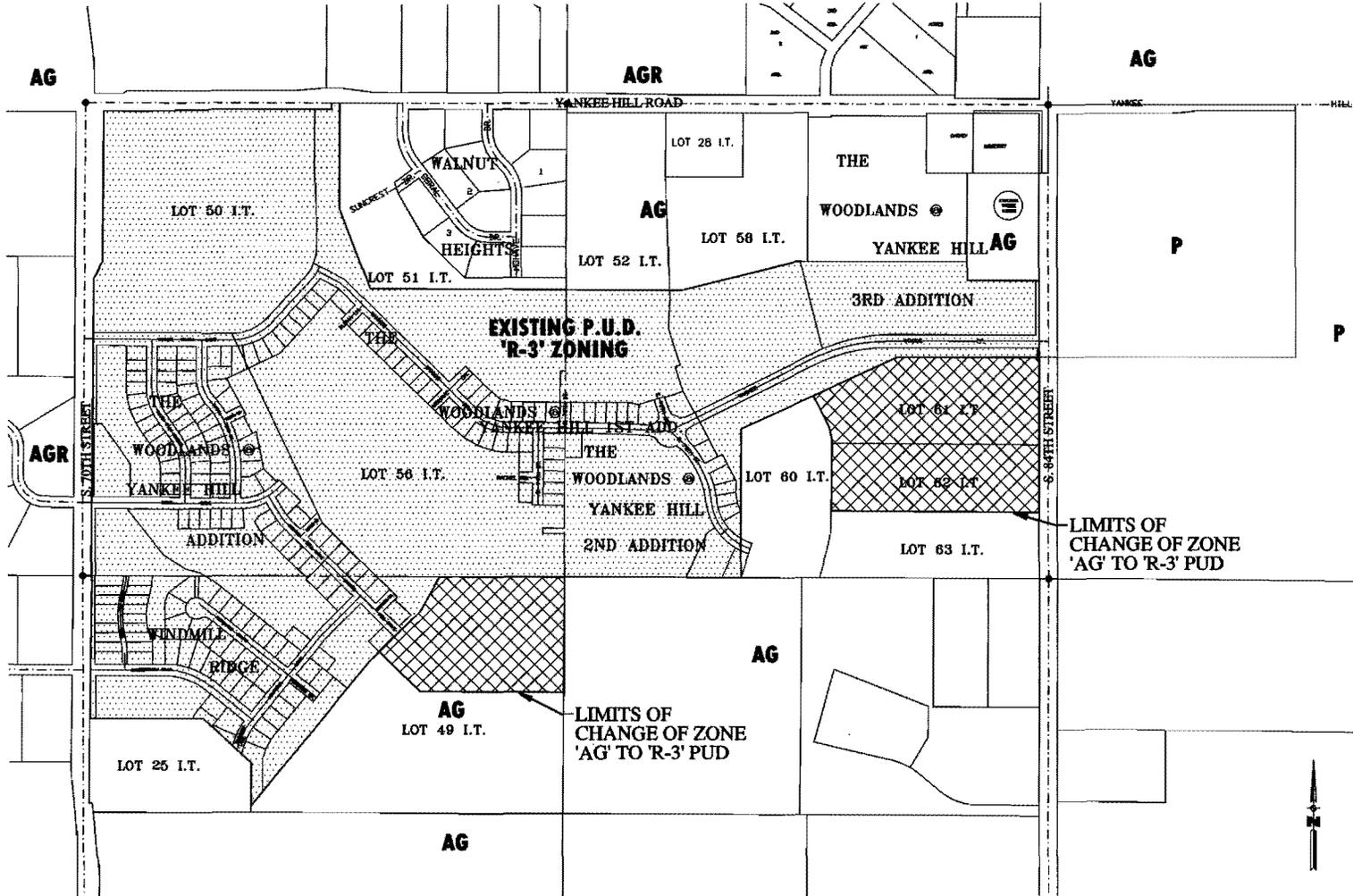
Thence North 44°55'26" East for a distance of 320.93 feet

Thence North 28°41'03" East for a distance of 215.40 feet

Thence North 39°14'59" East for a distance of 4.48 feet

Thence South 89°40'22" East for a distance of 695.59 feet to the **POINT OF BEGINNING** and containing a calculated area of 556,316.63 square feet or 12.77 acres.

# THE WOODLANDS AT YANKEE HILL CHANGE OF ZONE EXHIBIT 'AG' TO 'R-3' P.U.D.



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

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



Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

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

December 23, 2011  
December 28, 2011 (Revised)

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

RE: THE WOODLANDS AT YANKEE HILL  
'R-3' P.U.D. #05068B  
ANNEXATION & CHANGE OF ZONE FROM 'AG' TO 'R-3'/P.U.D.  
South 70<sup>th</sup> to 84<sup>th</sup> Street & Yankee Hill Road

Dear Marvin,

On behalf of Calruby, LLC, we request Annexation of and Change of Zone from 'AG' to 'R-3'/ PUD on 35.39 acres adjacent to the approved PUD of The Woodlands at Yankee Hill. We submit the enclosed applications for your review.

The Woodlands at Yankee Hill is an existing 'R-3' PUD located on the South side of Yankee Hill Road, from South 70<sup>th</sup> to South 84<sup>th</sup> Street. The existing PUD contains 220.50 acres. The proposed PUD contains 255.98 acres.

Included in this application is adding 22.62 acres of commercial area to The Woodlands at Yankee Hill 'R-3'/ PUD located along South 84<sup>th</sup> Street. Within the additional area, proposed 'H-4' zoning uses of 265,000 square feet are being shown. The previously approved 324,000 square feet of commercial area on Lot 1, Block 1 and Lot 1, Block 7 will remain designated for 'B-2' and 'O-3' uses. The total commercial area within the proposed P.U.D. is 589,000 square feet.



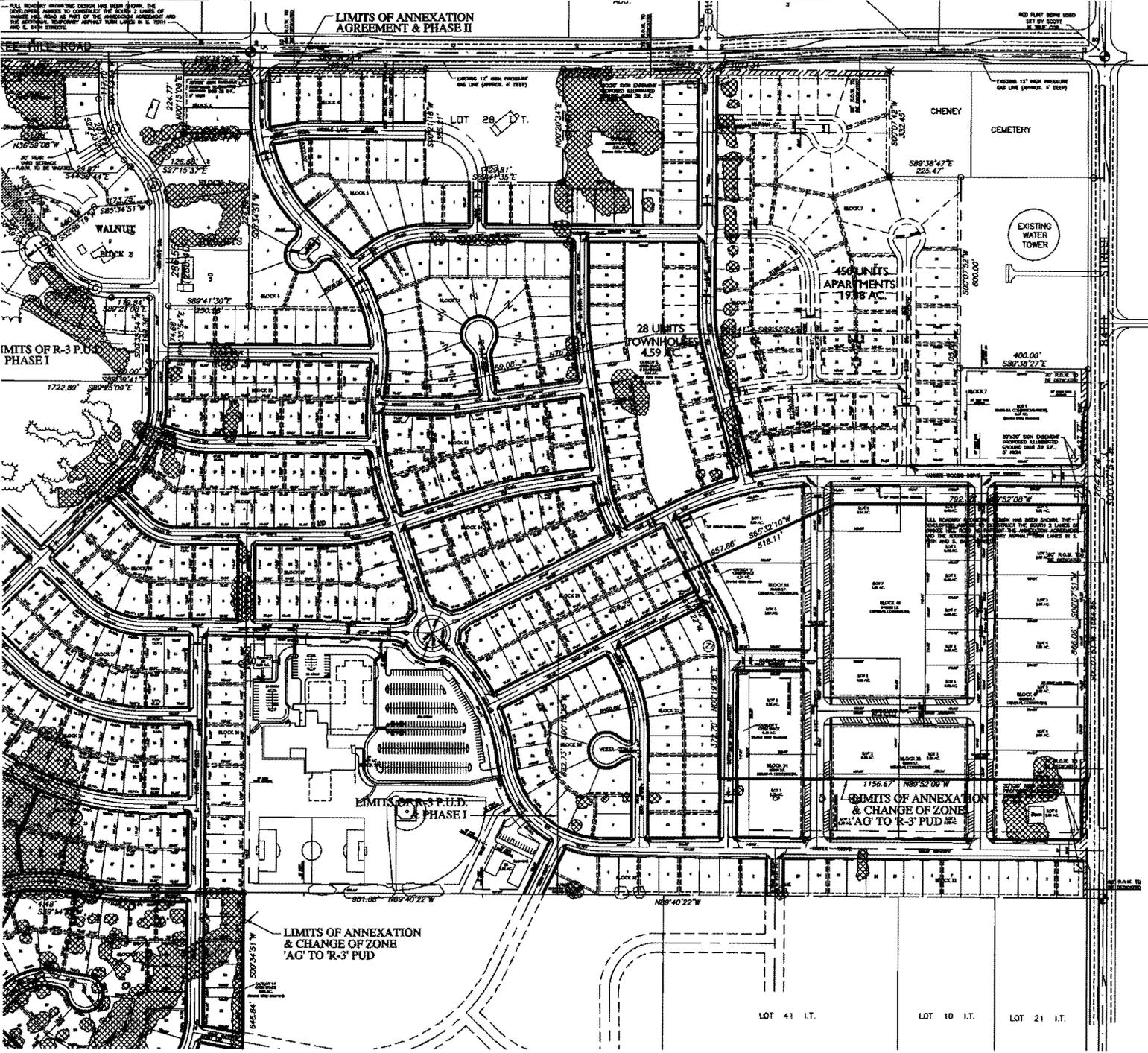


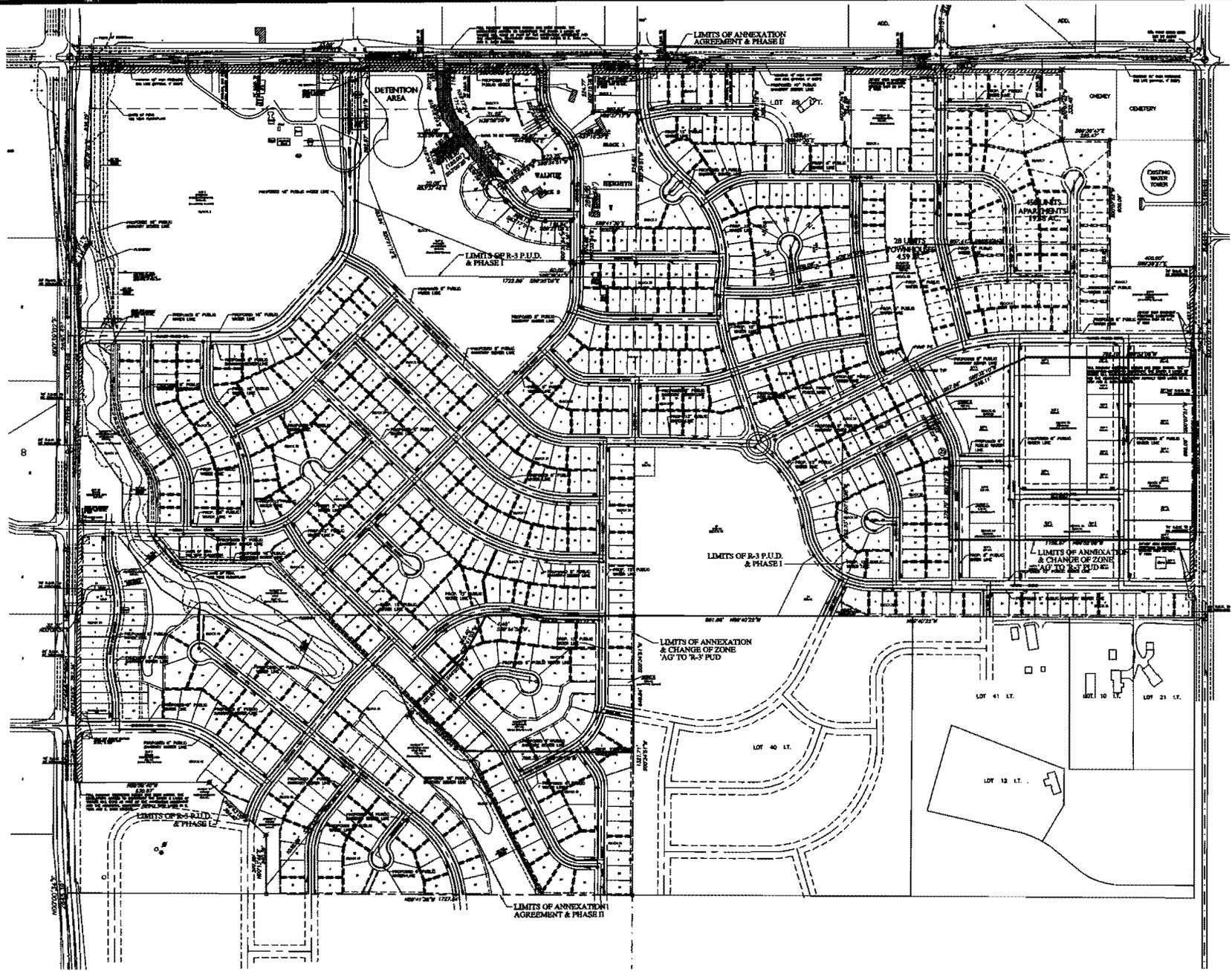




REVISIONS:

△	12/17/06	PHD	Revised
△	12/28/11	PHD	Revised
△			
△			





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

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

THE WOODLANDS AT YANKEE HILL  
CHANGE OF ZONE & P.U.D. #050688

SOUTH 70TH & YANKEE HILL ROAD

UTILITY  
PLAN



SCALE: 1" = 100'  
DRAWN BY: J. H. HARRIS  
CHECKED BY: J. H. HARRIS  
DATE: 5/21/08

REVISIONS:

△	5/21/08	PHD Approved
△	11/22/07	PHD Approved
△		
△		
△		

# City of Lincoln - Lancaster County

## PLANNING DEPARTMENT

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



Application Information			
Application #	C205068B	Title	THE WOODLANDS AT YANKEE HILL
Associated Requests	AN11005		

Planning Department Use Only			
Submission Date	12/27/2011	Review Due	1/6/2012
Project Planner	Brian Will		

Review Comments		
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1:	
Building & Safety (Bob Fiedler)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1:	
Building & Safety (Mike Petersen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1: [REDACTED] like "pole sign" and "ground sign" should be avoided since those terms are no longer used in the Lincoln Sign Code. Also the comment "Details of signage shall be shown at the time of the building permits" should be eliminated. Signage is and has never been submitted or reviewed with the building permit. Stating that gives the impression that we will review signs at that time, and we never do. We do not review signage until a sign contractor applies for a sign permit. Would rather see: "Details of signs shall be submitted by the sign contractor for a separate permit prior to sign installation" -Mp	
Building & Safety (Terry Kathe)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1:	

<p>City Recycling Office (Gene Hanlon)</p>	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1:</p>	
<p>County Health (Chris Schroeder)</p>	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input checked="" type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The LLCHD advises that noise pollution can be an issue when locating commercial uses adjacent to residential zoning.</p> <p>Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting commercial uses in which the commercial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential zoning. Therefore, creative site design should be utilized to locate potential sources of noise pollution as far as possible from residential zoning.</p>	
<p>Development Review Manager (Steve Henrichsen)</p>	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1:</p>	
<p>Emergency Communications (Kelly Davila)</p>	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1:</p>	
<p>Emergency Communications (Tara Garza)</p>	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1:</p>	
	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input checked="" type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p>	

<p>Fire Department (Patrick Borer)</p>	<p>Review 1: Lincoln Fire and Rescue does not object to the annexation but with current location of resources ambulance response will exceed 7 minutes and fire apparatus response will exceed 7 minutes and 20 seconds. Chief Huff has addressed this long response with optimal station location plan (Option A). Therefore, we recommend this annexation is completed in conjunction with plans for medical and fire protection.</p>	
<p>Law Department (Rick Peo)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>Law Department (Tim Sieh)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>LES (Mike Petersen)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input checked="" type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1: 01-05-2012; LES has no additional requests at this time. Mike P.</p>	
<p>Lincoln Police Department (Sgt Don Scheinost)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>Lower Platte South NRD (JB Dixon)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>Parks &amp; Recreation (Mark Canney)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>	
<p>Public Works (Ben Higgins)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required</p> <p>Review 1: See Dennis's comments</p>	
<p>Public Works (Bruce Briney)</p>	<p><input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input checked="" type="checkbox"/> No Review Required</p>	

	<p>Review 1:</p>	
Public Works (Buff Baker)	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input checked="" type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1: See Dennis' comments</p>	
Public Works (Dennis Bartels)	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input checked="" type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1: The plans need to be revised and corrected:</p> <p>██████████ standards require storm sewer in commercial areas to be designed to handle a 10 year design storm, a 5 year storm was used in the calculations. A 0.6 runoff coefficient was used to calculate runoff in the commercial areas. With the zero setbacks and parking bays along the private roadways requested, I recommend a minimum 0.7 coefficient if not higher.</p> <p>A graded swale for overland flow is needed in the outlot east of 80th where the storm sewer is shown to drain to the open ditch. The plans show the 80th Street frontage of this outlot draining back to 80th rather than toward the open ditch. The grading of the detention outlot north of Patrick Avenue needs to be revised to show the outlet storm sewer having grading matching the flowlines shown on the plans and calculations. The volume of the detention shown needs to be checked. It appears from my review of the detention study and my assumptions concerning the grading plan that the calculated volumes are not provided. Part of the detention per existing grades will pond on the property to the south outside this development. Sufficient storage is needed in this PUD to provide the required detention in the event the property outside this PUD is raised.</p> <p>Rear lot drainage is proposed to provide the interior block drainage in Blocks 8 and 14. Rear lot drainage is undesirable for the distances shown because of the potential drainage problems that can be created for the individual lot owners and no effective way for an individual owner to protect himself or remedy problems. It is especially problematic in Block 14 where the surface drainage must angle across the buildable area of Lot 1 to reach 80th Street.</p> <p>City records show that a storm exists across 84th Street near the north lin of Lot 1, Block 7. This drainage across 84th Street is not accounted for in the drainage study. The surface drainage across Lot 1 outletting into the rear yard of potential residential lots is not acceptable whether or not this storm sewer still exists.</p> <p>The grading along 84th Street is shown blending into existing contours along the ROW line. Aerial contours show that the property at the ROW line in places is considerably lower than existing 84th paving. This application should include submittal of preliminary street grades for a future 4 lane paving of 84th and the grading revised to show how the interim and final grading will be accomplished when 84th is graded and paved.</p> <p>2. Water- The site plan does not accurately show the size of the water mains recently built in future 80th Street and in Yankee Woods Drive.</p> <p>3. Sanitary sewer- The sanitary sewer easement location shown across the detention cell in Block 6 is unsatisfactory. The location is shown at the low point of the detention through an existing wetland.</p> <p>██████████ should be revised</p>	
Public Works (Edwin Kouma)	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p> <p>Review 1:</p>	
Public Works	<p> <input type="checkbox"/> Corrections Needed for Review    <input type="checkbox"/> Insufficient Information for Review  <input type="checkbox"/> Recommend Denial    <input type="checkbox"/> Recommend Approval with Conditions    <input type="checkbox"/> Recommend Approval    <input type="checkbox"/> No Review Required         </p>	

(Jared Nelson)	Review 1:	
School District - Lincoln (Scott Wieskamp)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1:	
United States Post Office (Kerry Kowalski)	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1: [REDACTED] with the condition the developer purchases and installs Centralized Box Units (CBUs) for all new delivery addresses at the developers expense. Location and address assignment of CBUs will be determined by the US Postal Service.	
Windstream (Jim Heinke)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input type="radio"/> No Review Required  Review 1: January 9, 2012 Windstream has no additional requests for easements at this time. Jim Heinke	