

FACTSHEET

TITLE: **ANNEXATION NO. 15005**
(South 40th Street and Yankee Hill Road)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Lincoln Federal Bancorp, Inc.

RECOMMENDATION: Approval (7-0: Harris, Cornelius, Hove, Weber, Scheer, Corr and Lust voting 'yes'; Sunderman declared a conflict of interest).

STAFF RECOMMENDATION: Conditional Approval

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

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION: To annex approximately 86 acres, more or less, including adjacent rights-of-way, generally located at South 40th Street and Yankee Hill Road.

DISCUSSION/FINDINGS OF FACT:

1. This annexation request and the associated Comprehensive Plan Amendment 15001 (Bill #15R-137) and Change of Zone No. 15016 from AG to R-3 Planned Unit Development (Bill #15-86), were heard at the same time before the Planning Commission.
2. The purpose of this proposal is to allow the development of the Wilderness Creek Planned Unit Development consisting of mix of uses, including approximately 220,000 square feet of commercial space, 300 apartment units and 100 townhome lots.
3. The staff recommendation for conditional approval of the annexation request is based upon the "Analysis" as set forth on p.6-7, concluding that the subject property is adjacent to the City Limits and the full range of municipal services are planned to be constructed adjacent to the property. This annexation request is consistent with the Comprehensive Plan. The staff presentation is found on p.9-10.
4. The testimony on behalf of the applicant is found on p.10-11.
5. The condition of a written release by the Rural Water District #1 to permit the City to provide water services to the area being annexed has been satisfied.
6. On June 10, 2015, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of this annexation request.
8. On June 10, 2015, the Planning Commission also voted 7-0 to recommend approval of the associated Comprehensive Plan Amendment No. 15001 (Bill #15R-137) and Change of Zone No. 15016 (Bill #15-86).
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: Geri Rorabaugh, Administrative Officer
REVIEWED BY: David R. Cary, Acting Planning Director

DATE: June 16, 2015
DATE: June 16, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JUNE 10, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 15016
Annexation No. 15005

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.

PROPOSAL: An annexation and a Change of Zone from AG Agriculture District to an R-3 Planned Unit Development (PUD) consisting of 3 development areas including commercial uses and a mix of residential housing types. The PUD will facilitate a mix of uses including approximately 220,000 square feet of commercial space, 300 apartment units and 110 townhome lots.

LOCATION: Between S. 33rd Street and S. 40th Street south of Yankee Hill Road.

LAND AREA: 85.73 acres more or less

EXISTING ZONING: AG Agriculture

ASSOCIATED APPLICATIONS: Comprehensive Plan Amendment #15001

WAIVER /MODIFICATION REQUEST of DESIGN STANDARDS:

The following are design standard waivers found to be acceptable by city staff.

1. Minimum roadway tangent length between horizontal curves
2. Minimum roadway intersection tangent length
3. Chapter 2.25 Private Roadway Design Standards to allow a private drive to terminate using a turn-around "hammerhead" design on S. 39th Street.

CONCLUSION: The proposed development plan provides a good transition to the proposed single family residential to the south while respecting the limitations of the property within the Pipeline Planning Area (PPA) along Yankee Hill Road. Subject to the conditions of approval, this proposal is in conformance with the Comprehensive Plan.

RECOMMENDATION

Annexation Conditional Approval

Change of Zone No. 15013: Conditional Approval

Waivers/Adjustments:

- | | | |
|----|---|----------|
| 1. | Title 26, Section 26.23.130 to allow a block length to exceed 1,320 feet. | Approval |
| 2. | Title 26, Section 26.23.140 to allow for double frontage lots | Approval |

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #2

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description for both the Annexation and Change of Zone.

EXISTING LAND USE: This property is currently vacant.

SURROUNDING LAND USE AND ZONING:

North:

- R-4 Residential - residential healthcare facility and single family attached development
- B-2 Planned Neighborhood Business District
Commercial Center including a Super Target

South:

- AG Agriculture - currently vacant but has an approved preliminary plat for single family residential lots and a school site.
- R-5 Residential - this is a vacant site that is approved for 300 multifamily units as part of the Wilderness Commons Planned Unit Development.

East:

- B-2 Planned Neighborhood Commercial Planned Unit Development. The site directly east is specifically shown for motorized vehicle sales and service as part of the Wilderness Height PUD.

West:

- H-4 General Commercial District with a special permit for Planned Service Commercial for motorized vehicle sales and service and gas station.
- R-5 Residential - Apartments

HISTORY:

June 7, 2006 Planning Commission approved the Wilderness Hills 1st Addition Preliminary Plat. Which included a mix of single and attached single family lots as well as a school site and future multi family area.

COMPREHENSIVE PLAN SPECIFICATIONS:

This property is shown as urban residential in the 2040 Future Landuse Map

Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.(page 5.1)

Strive for predictability for neighborhoods and developers.(Page 5.2)

Encourage commercial centers to encompass a broad range of land uses with the integration of compatible land use types.(Page 5.2)

Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and should include a mix of residential uses. When properly located, some light manufacturing or assembly when accessory to an office function may be appropriate. One or two department stores or “big box” retail operations may serve as anchors (a single store over 50,000 sq. ft.) to the Community Center with numerous smaller general merchandise stores located between anchors or on surrounding site pads. (Page 5.10)

Neighborhood centers provide services and retail goods oriented to the neighborhood level, with significant pedestrian orientation and access. A typical center will have numerous smaller shops and offices and may include one or two anchor stores. Residential mixed use is encouraged. In general, an anchor store should occupy about a third to half of the total space. (Page 5.11)

Provide a wide variety of housing types and choices for an increasingly diverse and aging population. (p7.2)

Provide flexibility to the marketplace in siting future residential development locations. (p7.2)

Strive for predictability for neighborhoods and developers for residential development and redevelopment. (p7.2)

Preserve areas designated for multi-family and special needs housing in approved plans to support a distributed choice in affordable housing. (p7.2)

The ANNEXATION POLICY- Page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually the City should review for potential annexation all property in Priority B for which basic infrastructure

is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

UTILITIES & SERVICES: Sewer and Water services are available to this site.

PARKS AND TRAILS:

The Cavett Connector trail is a project currently in the right of way acquisition phase that brings the Tierra Williamsburg Trail from its current terminus at San Mateo, just east of Cavett Elementary, through the neighborhood, to Yankee Hill Road. The Future Trails Map shows a grade separated crossing and a continuation of that trail to the south to serve this proposed development. This future trail will provide a pedestrian and bicycle connection to Cavett Elementary and the larger trail network beyond. The alignment in these plans appears to meet the requirements for the continuation of the future trail into and through Wilderness Creek. The point of crossing at Yankee Hill Road appears to match up with an existing box culvert as well as the planned connection of the Cavett Connector Trail project. For the provision of the future trail connection to Wilderness Creek and beyond, the grading of a 20 ft wide platform, that meets ADA guidelines of not greater than 5% slope, along the proposed alignment, should be shown on all grading plans and final grading should include that platform. The 20 foot easement will allow for a ten foot wide trail and five feet on either side which will be maintained by the City.

TOPOGRAPHY: The property generally slopes toward the large north-south drainage way that is located near the center of the site. There is a smaller north-south drainage way located on the eastern half of the site.

TRAFFIC ANALYSIS: Yankee Hill Road is an urban arterial. S. 40th Street is an unimproved arterial and S. 33nd Street functions as a collector adjacent to this site. The proposed Wilderness Hills Boulevard/Hohensee to the south will also function as a collector.

PUBLIC SERVICE: This project will be within 4 minutes of travel from Lincoln Fire and Rescue's proposed location near 70th Street and Pine Lake Road.

REGIONAL ISSUES: There is a natural gas pipeline located in the Yankee Hill Road right-of-way. The Lincoln/Lancaster County Health Department has calculated a 'Pipe Line Planning Area' (PPA) extending 221 feet on either side of the pipeline. The PPA is noted on the site plan. This pipeline runs east-west along Yankee Hill Road from approximately SW 12th Street to 84th Street. The Health Department recommends that no habitable residential structures be located within the PPA. That means that opens space, parking lots, garages, office and commercial buildings may be located in this area, but not dwellings, early childhood care facilities or K-12 schools.

ENVIRONMENTAL CONCERNS: There are two drainage ways that traverse this property from north to south.

AESTHETIC CONSIDERATIONS: There are no residential or commercial design standards for this area. For lots containing motorized vehical sales, additional landscaping around the motorized vehicle display area should be provided that will, at a minimum, meet the Design Standard screening/landscaping requirements for parking lots.

ALTERNATIVE USES: Although the Comprehensive Plan shows this area as Urban Residential on the Future Land Use Map, urban residential development is not recommended to be in the Pipeline Planning Area (PPA). In this case property was approved for single family lots with the Wilderness Hills preliminary plat in 2006. This development is a good compromise, providing a transition from the commercial along Yankee Hill to the multifamily and attached single family then to the single family residential units planned to the south. A Comprehensive Plan Amendment #15001 is associated with this application to change the future landuse map, in the area along Yankee Hill Road at this site, from urban residential to commercial.

ANALYSIS:

1. This application is for a mixed use planned unit development that transitions from commercial to multifamily and townhomes to future single family lots to the south. The commercial area will consist of 200,000 square feet of commercial area and could include motorized vehicle dealerships. The multifamily area would allow up to 300 apartment units next to 110 single family or attached single family lots.
2. This particular site is relatively isolated from existing residential development. Designating the commercial and multifamily areas prior to construction of the single and two family residential lots will give future lot buyers some predictability and set expectations for future development.

3. This area is shown as urban residential in the 2040 future landuse map and has an approved preliminary plat showing single family lots backing to Yankee Hill Road. A high pressure natural gas pipeline is located within the Yankee Hill Road right of way. The Lincoln Lancaster County Health Department calculated a Pipeline Planning Area (PPA) of 221 feet on each side of this pipeline. The Lincoln Lancaster County Health Department recommends not locating residential dwellings, schools, or childcare facilities within pipeline planning area. The applicant has proposed commercial uses rather than residential in the PPA which is acceptable.
4. Watershed Management will need a drainage report, information on detention and/or detention structures, filling in minimum corridors and other pertinent information regarding grading, drainage and storm water retention. A condition of approval has been added that this information needs to be provided and approved prior to approval of final approved plans or building permits.
5. The applicant did not request nor provide justification for sidewalk and pedestrian waivers in this proposal. Lincoln Public Schools owns land south of the proposed development. Pedestrian circulation and connectivity is an important part of a mixed use development such as this. The commercial area should meet all pedestrian design standards and pedestrian easements are not being waived for blocks longer than 1320 feet.
6. A Deviation Request for access spacing and storage length on S. 40th Street has been approved by Public Works and Utilities.
7. A traffic study was done on this site by the developer. Public Works and Utilities was satisfied with the proposed street improvements shown on the site plan based on the traffic study.
8. No reimbursement is necessary for the Southeast Rural Fire district in this area.

This approval permits 300 apartment units, 200,000 square feet of commercial area and 110 single family or attached single family units as well as waivers to Title 26 regarding block length and double frontage lots.

CONDITIONS OF APPROVAL :

Conditions for Annexation:

1. Before the City Council approves the annexation # 15005:
 - 1.1 Written release by the Rural Water District #1 to permit the City to provide water services to the area being annexed.

Prepared by:

Christy Eichorn, Planner
402-441-7603
ceichorn@lincoln.ne.gov

DATE: May 28, 2014

APPLICANT / OWNER: Leo Schumacher
Lincoln Federal Bancorp, Inc
1101 N Street
Lincoln, NE 68508

CONTACT: Brad Marshall
Olsson Associates
601 P Street, Suite 200
Lincoln, NE 68508

**COMPREHENSIVE PLAN AMENDMENT NO. 15001,
ANNEXATION NO. 15005,
AND
CHANGE OF ZONE NO. 15016**

PUBLIC HEARING AND ADMINISTRATIVE ACTION:

**COMPREHENSIVE PLAN AMENDMENT NO. 15001,
TO AMEND THE LINCOLN COMPREHENSIVE PLAN BY
CHANGING THE FUTURE LAND USE DESIGNATION
FROM “RESIDENTIAL-URBAN DENSITY” TO “COMMERCIAL”,
ON PROPERTY GENERALLY LOCATED IN THE YANKEE
HILL ROAD AND SOUTH 40TH STREET AREA, AND TO MODIFY
THE LOCATION OF THE FUTURE BIKE TRAIL;**

AND

**ANNEXATION NO. 15005, TO ANNEX APPROXIMATELY 86 ACRES,
INCLUDING ADJACENT RIGHTS-OF-WAY, GENERALLY
LOCATED AT SOUTH 40TH STREET AND YANKEE HILL
ROAD;**

AND

**CHANGE OF ZONE NO. 15016, WILDERNESS CREEK PLANNED
UNIT DEVELOPMENT, FOR A CHANGE OF ZONE FROM
AG AGRICULTURAL DISTRICT TO R-3 PUD, INCLUDING
AREAS DESIGNATED FOR H-4 COMMERCIAL, R-3 RESIDENTIAL,
AND R-5 RESIDENTIAL DEVELOPMENT, ON PROPERTY
GENERALLY LOCATED AT SOUTH 40TH AND YANKEE HILL STREETS.**

PUBLIC HEARING BEFORE THE PLANNING COMMISSION:

June 10, 2015

Members present: Lust, Hove, Scheer, Weber, Cornelius, Corr, Harris; Sunderman declared a conflict of interest and excused himself from the hearing; Beecham absent.

There were no ex parte communications disclosed on these items.

Staff presentation: **Christy Eichorn of the Planning staff** provided an overview of these three applications. Eichorn explained that there are three associated applications, including a comprehensive plan amendment, an annexation and a change of zone, which is a planned unit development overlay.

The comprehensive plan amendment changes this area to reflect it as commercial along Yankee Hill Road and residential south of the commercial zoning. One of the reasons this change is being requested is due to a pipeline in Yankee Hill Road that runs from approximately S.W. 8th Street to 84th Street and then goes north. Due to the pipeline, they have had to rethink some of the land use provisions as they were originally reflected in the comp plan. Another change of the amendment is to more accurately reflect the location of a proposed bike path that will be built in the near future, aligning it more with the streets. It is currently shown in the plan in areas where there are home already built and lots have been platted.

The project runs from South 33rd Street to South 40th Street, south of Yankee Hill Road. This area was preliminary platted in 2006 and shows single and attached single-family lots. In 2006, they weren't thinking as much about the impacts of the pipeline. With this project, there is a 221-foot pipeline planning area that runs along Yankee Hill on the south side as well as the north side. This development provides an opportunity to remove some of the proposed dwelling units from the pipeline planning area and moves them further south as attached single-family, town homes or single-family developments on smaller lots than what had originally been proposed with the Wilderness Hills preliminary plat. The new design shows 220,000 sq. ft. of commercial from 33rd Street to 40th Street, 300 apartment units and 110 single or attached single-family units south of the commercial area. This area is currently outside of the city limits, so they have applied for an annexation. It is adjacent to the city limits and it can be served by sewer and water.

Proponents:

1. **Michael Rierden**, representing Lincoln Federal Bank Corp. Inc, the owner of the property involved in these applications came forward and stated that Brad Marshall from Olsson Associates is also present to address technical questions of the project.

Rierden explained that in 2006, they were proposing single-family, town homes and apartments in this particular area. In the past few months, they were told of the pipeline issue and the ramifications that it could have. It was then decided to come up with another proposal as a good compromise. They are in agreement with all the conditions set forth in all three of the applications. Rierden thanked the Planning Department, in particular Christy Eichorn, for working on this project with them. They are asking for two waivers, which have been agreed upon by the Planning Department.

Questions of the Applicant:

Corr asked if the developer met with the Wilderness Hills Homeowners Association. Rierden indicated that they met with the Board of the Wilderness Hills Homeowners Association, which had questions but there was general support for the development.

Harris asked about the two waivers. Brad Marshall, Olsson Associates, reported that one of the waivers was for block length, adding pedestrian easements to the bike trail, and the second waiver is for a double frontage for a portion of the development as shown on the site plan.

Corr asked for clarification on the double frontage lot. Marshall explained that this relates to the town home section on the south side of 37th Street at Crescent Street, which consists of four to five lots that will have a public street on the north and the south sides.

Opponents: None.

Staff Questions:

Corr referenced Item 5 on Page 58 of the staff report relating to the waiver of easements and some text that seems to be conflicting. Eichorn explained that the block length requirement is not being waived and the pedestrian easements that are required every 1,000 feet are still required as part of this plan, requiring them to have pedestrian sidewalks.

Corr asked for clarification about the reference to the grade separated crossing of the bike trail going over Yankee Hill Road. Brandon Garrett of the Planning Department explained that a grade-separated crossing is where the trail is crossing the roadway at a different grade – either over or under the roadway. In this case, it will likely go under the roadway similar that at 27th & Capitol Parkway but much smaller.

Corr asked if the white “x’s” used on the site plan represent what is being removed in terms of the bike trail and the black line represents the new location. Garrett explained that the existing comprehensive plan shows the bike trail represented by the white “x’s” and noted that this is a clean-up item. The black line shows the proposed re-location of the bike trail.

Hove asked if the pipeline issue only relates to residential uses. Eichorn indicated that it relates to more vulnerable uses, i.e. dwelling units, daycare facilities, K-12 schools, but not commercial uses.

Corr asked if staff was present at the meeting with the homeowners association. Eichorn stated that she was not present – it was a small meeting and staff was not invited.

ACTION BY PLANNING COMMISSION:

June 10, 2015

ANNEXATION NO. 15005, TO ANNEX APPROXIMATELY 86 ACRES, INCLUDING ADJACENT RIGHTS-OF-WAY, GENERALLY LOCATED AT SOUTH 40TH STREET AND YANKEE HILL ROAD.

Staff Recommendation: Conditional Approval

Hove moved to recommend conditional approval of the annexation; seconded by Scheer.

Lust stated that annexation is definitely appropriate in this instance, as people living in this area probably think it is already part of the city.

Motion carried 7-0; Lust, Hove, Weber, Scheer, Harris, Cornelius, and Corr; Sunderman declared a conflict of interest; Beecham absent.

GENERAL SITE NOTES

1. ALL SANITARY SEWERS & WATER MAINS TO BE PUBLIC.
2. ALL DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
3. ALL PAVING RADII TO BE 20' UNLESS OTHERWISE NOTED.
4. ALL INTERSECTION ANGLES SHALL BE $90^{\circ} \pm 10^{\circ}$ UNLESS OTHERWISE NOTED.
5. DIRECT VEHICULAR ACCESS TO YANKEE HILL ROAD & SOUTH 40TH STREET IS RELINQUISHED EXCEPT AS SHOWN.
6. ALL ELEVATIONS ARE BASED ON NAVD 1988.
7. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF PUBLIC & PRIVATE STREETS.
8. ALL SIDEWALKS SHALL BE 4' WIDE MINIMUM AND ALL SIDEWALK EASEMENTS SHALL BE 10' WIDE. (UNLESS OTHERWISE NOTED)
9. ORNAMENTAL LIGHTING ALONG ALL PUBLIC STREETS SHALL BE IN ACCORDANCE WITH L.E.S. REGULATIONS.
10. 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.
11. THE DEVELOPER AGREES TO COMPLY WITH PROVISIONS OF THE LAND SUBDIVISION ORDINANCE REGARDING LAND PREPARATION.
12. CENTER ISLANDS IN CUL-DE-SAC'S, AND ROUNDABOUTS SHALL BE LANDSCAPED AND MAINTAINED BY PROPERTY OWNERS ASSOCIATION.
13. AN ASSOCIATION SHALL BE ESTABLISHED TO MAINTAIN ALL OPEN SPACES.
14. LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT THE TIME OF FINAL PLAT.
15. ALL STREET DIMENSIONS ARE TO BACK OF CURB.
16. EXISTING AND PROPOSED EASEMENTS TO BE IDENTIFIED AND SHOWN AT TIME OF FINAL PLATTING.
17. EXACT LOCATIONS OF WATER, SEWER, DRAINAGE AND PAVING WILL BE SUBMITTED WITH INDIVIDUAL SITE PLANS AT TIME OF BUILDING PERMIT IN ACCORDANCE WITH CITY OF LINCOLN DESIGN STANDARDS.
18. ALL DISABLED PARKING STALLS SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, (FEDERAL REGISTER/VOL. 58, NO. 144/RULES AND REGULATIONS).
19. DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE, WILL BE SUBMITTED SEPARATELY FOR REVIEW WITH THE BUILDING PERMIT AND NEED NOT BE SHOWN ON THE PLAN, AND SHALL BE IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE TITLE 27.
20. AT TIME OF FINAL DESIGN AND FINAL PLATTING THE ROUNDABOUT WILL BE DESIGNED TO ACCOMMODATE A WB-50 VEHICLE AS PER DESIGN STANDARDS. ADDITIONAL RIGHT-OF-WAY MAY BE REQUIRED IF A LARGER RADII IS NEEDED FOR THESE VEHICLES
22. INDIVIDUAL LOT LANDSCAPING/SCREENING FOR ALL COMMERCIAL BUILDINGS WILL BE REVIEWED AT THE TIME OF BUILDING PERMITS.
23. STREET TREES TO BE REVIEWED AT TIME OF FINAL PLAT AND ASSIGNED BY PARKS AND RECREATION.
24. BUILDING LAYOUTS SHOWN ARE CONCEPTUAL AND MAY VARY AT TIME OF BUILDING PERMIT. BUILDINGS ARE ALLOWED ANYWHERE OUTSIDE OF THE SETBACKS.
25. EARLY CHILDHOOD CARE FACILITIES AND RESIDENTIAL USES ARE NOT ALLOWED IN THE PIPELINE PLANNING AREA.

**LEGAL DESCRIPTION
ANNEXATION AND R-3 PUD**

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 40 I.T., A PORTION OF LOT 42 I.T., A PORTION OF LOT 44 I.T., AND A PORTION OF LOT 56 I.T., ALL LOCATED IN THE NORTH HALF OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M.; THENCE SOUTHERLY ON THE WEST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF S00°03'02"W, A DISTANCE OF 60.03' TO THE NORTHWEST CORNER OF LOT 44 I.T., SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING TO **THE TRUE POINT OF BEGINNING**; THENCE S88°05'42"E, ON A NORTH LINE OF SAID LOT 44 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2,554.23' TO THE NORTHEAST CORNER OF SAID LOT 44 I.T.; THENCE S44°05'25"E, ON A NORTHEAST LINE OF SAID LOT 44 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 41.68' TO AN EAST CORNER OF SAID LOT 44 I.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, SAID POINT BEING 59.03' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S01°27'46"E, ON A EAST LINE OF SAID LOT 44 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 365.03' TO AN EAST CORNER OF SAID LOT 44 I.T., SAID POINT BEING 50.00' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°02'40"E, ON A EAST LINE OF SAID LOT 44 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 600.00' TO AN EAST CORNER OF SAID LOT 44 I.T.; THENCE S03°11'53"W, ON A EAST LINE OF SAID LOT 44 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 176.78' TO A POINT, SAID POINT BEING 60.00' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE N00°02'40"W, ON A LINE 60.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 172.97' TO A POINT; THENCE S89°57'20"W, A DISTANCE OF 2.52' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°26'51", A RADIUS OF 750.00', AN ARC LENGTH OF 84.40', A CHORD LENGTH OF 84.35', A TANGENT LENGTH OF 42.24', AND A CHORD BEARING OF S86°43'54"W, TO A POINT; THENCE S83°30'29"W, A DISTANCE OF 174.36' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 19°32'07", A RADIUS OF 770.00', AN ARC LENGTH OF 262.53', A CHORD LENGTH OF 261.26', A TANGENT LENGTH OF 132.55', AND A CHORD BEARING OF S60°39'11"W TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 39°04'15", A RADIUS OF 530.00', AN ARC LENGTH OF 361.42', A CHORD LENGTH OF 354.45', A TANGENT LENGTH OF 188.05', AND A CHORD BEARING OF S70°25'15"W TO A POINT OF INTERSECTION WITH A SOUTH LINE OF LOT 40 I.T., SAID POINT BEING ON A NORTH LINE OF LOT 42 I.T.; THENCE S89°57'23"W, ON A SOUTH

LINE OF SAID LOT 40 I.T., SAID LINE BEING A NORTH LINE OF SAID LOT 42 I.T., A DISTANCE OF 294.11' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 21°03'08", A RADIUS OF 770.00', AN ARC LENGTH OF 282.92', A CHORD LENGTH OF 281.33', A TANGENT LENGTH OF 143.07', AND A CHORD BEARING OF S79°25'49"W, TO A POINT; THENCE S68°54'15"W, A DISTANCE OF 171.21' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 29°43'40", A RADIUS OF 86.50', AN ARC LENGTH OF 44.88', A CHORD LENGTH OF 44.38', A TANGENT LENGTH OF 22.96', AND A CHORD BEARING OF S14°03'40"W TO A POINT; THENCE S40°46'55"E, A DISTANCE OF 18.91' TO A POINT; THENCE S49°13'05"W, A DISTANCE OF 60.00' TO A POINT; THENCE N40°46'55"W, A DISTANCE OF 18.91' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 100°47'37", A RADIUS OF 86.50', AN ARC LENGTH OF 152.17', A CHORD LENGTH OF 133.29', A TANGENT LENGTH OF 104.55', AND A CHORD BEARING OF N60°05'32"W TO A POINT; THENCE N79°24'09"W, A DISTANCE OF 39.10' TO A POINT OF CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 28°42'38", A RADIUS OF 570.00', AN ARC LENGTH OF 285.62', A CHORD LENGTH OF 282.64', A TANGENT LENGTH OF 145.88', AND A CHORD BEARING OF S86°14'32"W, TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 07°25'13", A RADIUS OF 930.00', AN ARC LENGTH OF 120.44', A CHORD LENGTH OF 120.36', A TANGENT LENGTH OF 60.31', AND A CHORD BEARING OF S75°35'50"W TO A POINT; THENCE S08°50'39"E, A DISTANCE OF 13.38' TO A POINT; THENCE S81°09'21"W, A DISTANCE OF 60.00' TO A POINT; THENCE N08°50'39"W, A DISTANCE OF 13.38' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 13°20'50", A RADIUS OF 930.00', AN ARC LENGTH OF 216.65', A CHORD LENGTH OF 216.16', A TANGENT LENGTH OF 108.82', AND A CHORD BEARING OF S89°40'41"W TO A POINT; THENCE S08°12'01"W, A DISTANCE OF 13.38' TO A POINT; THENCE N81°47'59"W, A DISTANCE OF 60.00' TO A POINT; THENCE N08°12'01"E, A DISTANCE OF 13.38' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°54'59", A RADIUS OF 930.00', AN ARC LENGTH OF 177.19', A CHORD LENGTH OF 176.92', A TANGENT LENGTH OF 88.86', AND A CHORD BEARING OF N74°29'34"W TO A POINT; THENCE N69°02'05"W, A DISTANCE OF 71.82' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 01°50'04", A RADIUS OF 420.00', AN ARC LENGTH OF 13.45', A CHORD LENGTH OF 13.45', A TANGENT LENGTH OF 6.72', AND A CHORD BEARING OF S15°28'12"W TO A POINT; THENCE N75°26'50"W, A DISTANCE OF 60.00' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 02°24'28", A RADIUS OF 480.00', AN ARC LENGTH OF 20.17', A CHORD LENGTH OF 20.17', A TANGENT LENGTH OF 10.09', AND A CHORD BEARING OF N15°45'24"E TO A POINT; THENCE N69°02'05"W, A DISTANCE OF 191.80' TO A POINT OF INTERSECTION WITH THE EAST LINE OF WILDERNESS HILLS BOULEVARD RIGHT-OF-WAY, SAID POINT BEING ON A WEST LINE OF LOT 56 I.T.; THENCE N20°25'02"E, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 74.84' TO THE NORTHEAST CORNER OF SAID RIGHT-OF-WAY, SAID POINT BEING A

WEST CORNER OF SAID LOT 56 I.T.; THENCE N68°37'18"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A SOUTH LINE OF SAID LOT 56 I.T., A DISTANCE OF 8.02' TO A WEST CORNER OF SAID LOT 56 I.T., SAID POINT BEING ON A EAST RIGHT-OF-WAY LINE OF SOUTH 33RD STREET; THENCE N24°56'23"E, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 163.90' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 19°59'37", A RADIUS OF 2,033.00', AN ARC LENGTH OF 709.42' ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A CHORD LENGTH OF 705.83', A TANGENT LENGTH OF 358.35', AND A CHORD BEARING OF N14°59'29"E TO A WEST CORNER OF SAID LOT 56 I.T., SAID POINT BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 05°04'13", A RADIUS OF 2,080.80', AN ARC LENGTH OF 184.14' ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A CHORD LENGTH OF 184.08', A TANGENT LENGTH OF 92.13', AND A CHORD BEARING OF N04°42'00"E TO A WEST CORNER OF SAID LOT 56 I.T.; THENCE N02°00'50"E, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 106.88' TO A WEST CORNER OF SAID LOT 56 I.T.; THENCE N00°00'35"W, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 140.13' TO A WEST CORNER OF SAID LOT 56 I.T.; THENCE S89°35'37"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A SOUTH LINE OF SAID LOT 56 I.T., A DISTANCE OF 0.97' TO A WEST CORNER OF SAID LOT 56 I.T.; THENCE N01°15'19"W, ON A EAST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A WEST LINE OF SAID LOT 56 I.T., A DISTANCE OF 27.86' TO THE NORTHWEST CORNER OF SAID LOT 56 I.T., SAID POINT BEING ON A SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD, SAID POINT BEING 60.00' SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE N88°45'33"E, ON A NORTH LINE OF SAID LOT 56 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 99.10' TO A NORTH CORNER OF SAID LOT 56 I.T.; THENCE S88°05'42"E, ON A NORTH LINE OF SAID LOT 56 I.T., SAID LINE BEING ON A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, A DISTANCE OF 0.30' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 3,734,573.95 SQUARE FEET OR 85.73 ACRES, MORE OR LESS.

Wednesday, April 01, 2015

F:\Projects\015-0625\40-Design\Survey\SRVY\Legal Descriptions\15-04-01_SVRY-Annex-Legal.doc

May 13, 2015

Mr. David Cary
Interim Planning Director
Planning Department
555 South 10th St., Suite 213
Lincoln, NE 68508

Re: Wilderness Creek PUD
Olsson Project No. 015-0625

Dear David:

We are submitting this PUD and Annexation request on behalf of Lincoln Federal Bancorp, Inc., the owner ("Developer") of Lot 44 I.T., Lincoln, Lancaster County, Nebraska (the "Property"). Currently, the Property is zoned AG and is part of Wilderness Hills 1st Addition (SP #PP06004). The Developer is contracted to selling portions of the Property and the Developer is proposing a mixture of commercial and residential uses. The Developer is making the following applications and requests for development of the Property:

1. Annexation. The Developer is requesting Annexation of all portions of the Property (legal description attached)
2. Changes of Zone (New P.U.D.). The Developer is requesting a change of zone from AG to H-4, R-3, and R-5 PUD. The Developer is requesting a new P.U.D. for Wilderness Creek that permits 220,000 square feet of commercial uses on approximately 35 acres, 300 apartment dwellings units on approximately 12 acres, and 100 townhome dwelling units on approximately 27 acres. The site plan has been designed to transition southward from commercial uses along Yankee Hill Road, to multifamily dwellings, to single family dwellings at Wilderness Hills. The proposed commercial uses are consistent with the Comprehensive Plan, which recommends commercial uses adjacent to high pressure gas lines. There is a 12" High Pressure gas line located within the City right of way of Yankee Hill Road. The commercial and multifamily uses will provide a good transition for this area to the Wilderness Hills residential development to the south.

The Developer met with the future Wilderness Hills Home Owner Association (HOA) directors and officers on May 12th. During the meeting, the site plan was shared and the HOA provided initial feedback that the layout was a good fit given the challenges with the location of the high pressure gas line. Additional feedback will be sought from additional HOA's on the north side of Yankee Hill Road.

A portion of the Property is located in the Rural Water District #1 and the Developer is coordinating and agreement for release from the RDW #1 boundary.

Enclosed find the following documents for the above-mentioned project:

1. Legal Description for Annexation
2. City Application Form for Changes of Zone (P.U.D.)
3. Application fees in the amount of \$3,792

I will submit plans to ProjectDox upon notification from the planning staff.

We appreciate your consideration of the above requests and look forward to working with you on this exciting new development for the City. If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olssonassociates.com or (402) 458-5672.

Sincerely,



Brad J. Marshall, P.E.

cc (via email): Leo Schumacher

EXISTING CITY LIMITS

LOT 44
74.81 ± AC.

Deed Book #245, pp. 529

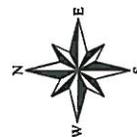
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- #88-7122
- #90-18684
- #93-2472
- #94-13847
- #98-30338
- #2001-58421
- #2001-58422
- #2003-28654
- #2003-28655
- #2004-45187
- #2004-87650
- #2004-81708

Legend

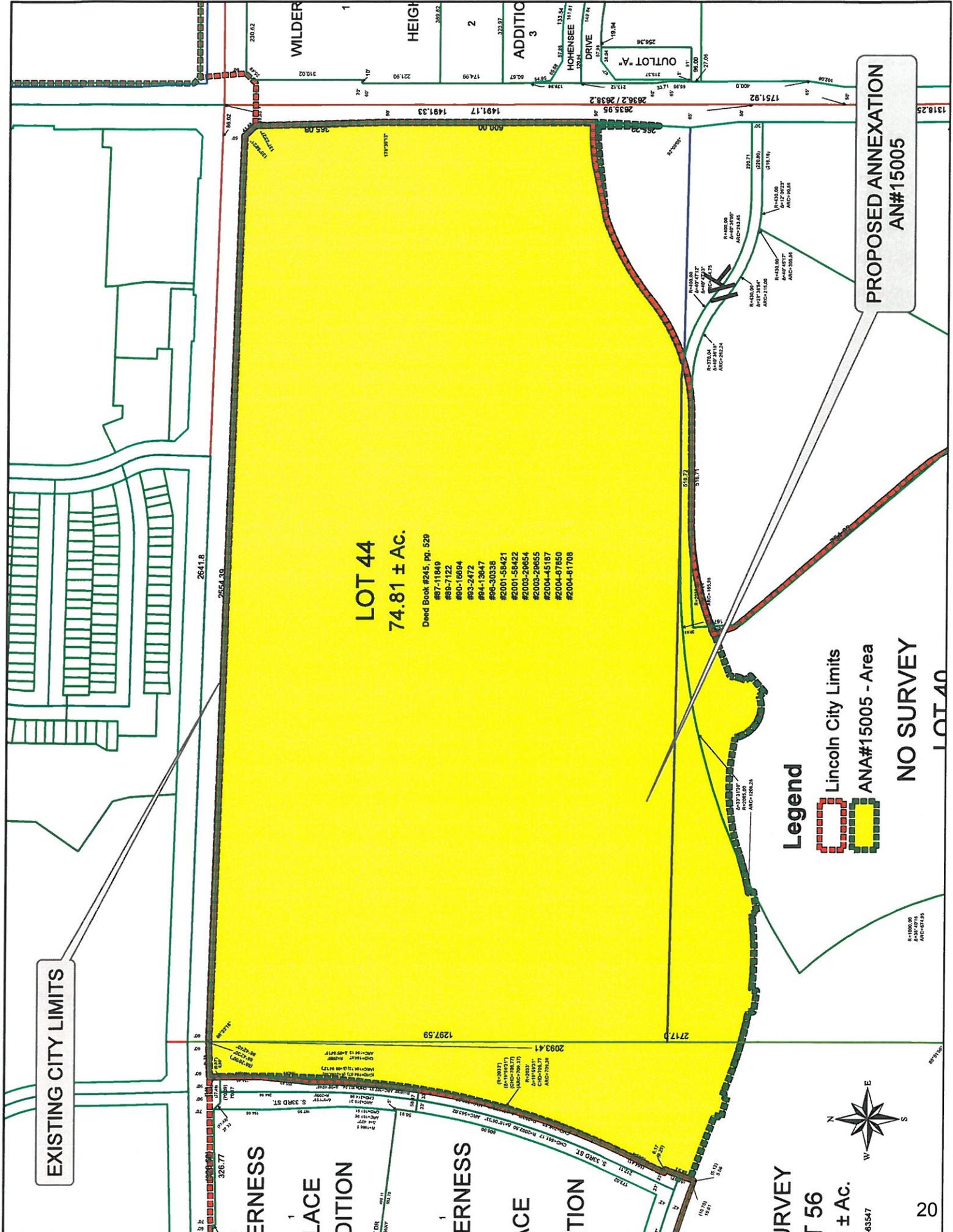


NO SURVEY

LOT 40



PROPOSED ANNEXATION
AN#15005



EXISTING CITY LIMITS

LOT 44
74.81 ± AC.

Deed Book #245, pp. 529

- #87-11849
- #89-7122
- #90-18694
- #93-2472
- #94-13847
- #96-30338
- #2001-58421
- #2001-58422
- #2003-28654
- #2003-28655
- #2004-45187
- #2004-67850
- #2004-81708

Legend

- Lincoln City Limits
- ANA#15005 - Area

PROPOSED ANNEXATION
AN#15005

