

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 05040, from O-3 Office Park District to B-2 Planned Neighborhood Business District, requested by Olsson Associates on behalf of Ridge Development Company, on property generally located at South 14<sup>th</sup> Street and Yankee Hill Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/08/05; 07/06/05; 07/20/05 and 08/17/05  
Administrative Action: 08/17/05

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand voting 'yes').

**ASSOCIATED REQUESTS:** Use Permit No. 05004 (05R-243).

### **FINDINGS**

1. This proposed change of zone request was heard before the Planning Commission in conjunction with the associated Use Permit No. 05004, Wilderness Woods Commercial Center, to allow 31,500 square feet of floor area for a drive-thru restaurant, retail and office uses.
2. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.4, concluding that the Comprehensive Plan designates commercial uses for this site. Provided the concerns raised by Public Works about the Executive Woods Drive/Yankee Hill Road intersection and trip generation are satisfactorily addressed in the associated Use Permit, this request is consistent with the Comprehensive Plan.
3. After three continuances requested by the applicant to work through the issues with Public Works & Utilities, the applicant made a presentation on August 17, 2005 (p.7), where proposed amendments to the conditions of approval on the associated use permit which had been agreed upon by both the applicant and staff were submitted.
4. There was no testimony in opposition.
5. On August 17, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of this change of zone request.
6. On August 17, 2005, the Planning Commission also voted 9-0 to recommend conditional approval of the associated Use Permit No. 05004, with the amendments to the conditions of approval as submitted by the applicant.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** September 27, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** September 27, 2005

**REFERENCE NUMBER:** FS\CC\2005\CZ.05040

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for June 8, 2005 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Conditional Approval  
By Planning Commission: August 17, 2005\*\***

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 the use permit application.

**PROJECT #:**        **Change of Zone #05040**  
Use Permit #05004

**PROPOSAL:**        To change the zoning from O-3 Office Park to B-2 Planned Neighborhood Business to allow ~~33,500~~ 31,500 square feet of floor area for a drive-thru restaurant, retail and office, and adjustment to the yards of individual lots.

**LOCATION:**         South 14<sup>th</sup> Street and Yankee Hill Road

**LAND AREA:**      CZ#05040 - 5.37 acres more or less.  
UP#05004 - 5.37.acres more or less.

**CONCLUSION:**     The Comprehensive Plan designates commercial uses for this site. Provided the concerns raised by Public Works about the Executive Woods Drive/Yankee Hill Road intersection and trip generation are satisfactorily addressed, this request is consistent with the Comprehensive Plan.

**RECOMMENDATION:**

**CZ#05040**  
UP#05004

**Approval**  
Conditional Approval

Waiver: Adjustment to Setbacks for Individual Lots

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**    See attached ownership certificate, it is the same for both applications.

**EXISTING ZONING:**        O-3 Office Park

**PROPOSED ZONING:**     B-2 Planned Neighborhood Business

**EXISTING LAND USE:**    The area is undeveloped.

## **SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped	H-4
South:	Golf Course	R-3
East:	Undeveloped	H-4
West:	Commercial	I-3

## **HISTORY:**

**February 1, 1999** - CZ#3114 approved the change of zone from AG to O-3 for this site. The request also included AG to O-3 for the Wilderness Woods office park located southeast of this site in Wilderness Woods Golf Course.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F25** - The Land Use Plan designates the site for commercial land uses.

**Page F37** - Commercial and Industrial Development Strategy

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.

**Page F41** - Guiding Principles for Commerce Centers

Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan. These centers shall in themselves include green space and enhance green space separation, where possible, among communities and mixed use areas.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.

Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.

Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized.

**Page F97, 98-** Pedestrians

The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers.

Activity Corridors and Centers - Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed.

**UTILITIES:** All utilities are available to serve this area.

**ANALYSIS:**

1. This request includes two applications, a change of zone from O-3 to B-2 and UP#05004 with requests to adjust the yard setbacks to 0' .
2. The Comprehensive Plan designates the site for commercial land uses.
3. The staff review for UP#126 for the Wilderness Woods Office Park recommended that it include a retail component to provide a mix of uses as called for in the Comprehensive Plan. B-2 on this site will provide the opportunity for neighborhood commercial in proximity to the office park, and is compatible with surrounding uses and zoning.
4. Access to the site is provided by driveways to both Yankee Hill Road and Executive Woods Drive. Yankee Hill Road (an arterial street) is a paved, two-lane street in this area. It is identified as a future four-plus-center turn-lane street, and a median opening will not be provided at the driveway access location when the street is improved. The other driveway is to Executive Woods Drive (a private roadway). A future median opening in Yankee Hill Road will be provided for Executive Woods Drive.
5. Public Works notes that the traffic study submitted with these requests is not consistent with the study previously submitted for Wilderness Woods Office Park, and the discrepancies need to be addressed. The study also needs to show how the drive connection to this project will function in conjunction with the Executive Woods Drive/Yankee Hill intersection. There is concern that vehicle stacking in Executive Woods Drive will conflict with the driveway, as the minimum 55' clearance for driveway spacing is not provided. This must be addressed to the satisfaction of Public Works before these requests are approved.
6. The Comprehensive Plan calls for the pedestrian network in shopping centers to be integrated with adjacent activities. In this case, connections from the sidewalks in front of the buildings to the sidewalk along Yankee Hill Road must be provided, and sidewalks must be extended along Executive Woods Drive to Yankee Hill Road with sidewalks along the driveway off Executive Woods Drive connecting to the sidewalk system inside the center. Additionally, General Note #7 must be revised to also note that sidewalks must be 6' wide when adjacent to parking stalls.
7. Yankee Hill Road requires 130' of right-of-way within 700' of the South 14<sup>th</sup> Street intersection and this must be shown on the site plan. The sidewalk along Yankee Hill Road must be shown at least 9.5' from the back of the curb consistent with the Design Standard for local streets.
8. Adjustments to setbacks on Lots 1, 2, and 3 are requested to allow the lot configuration shown. With one exception, the building envelopes maintain the required setbacks from the boundary of the development. The exception is the building envelope on Lot 1, and it encroaches into the 50' setback along Yankee Hill Road and should be relocated out it. With that modification, the yard adjustment is appropriate.

Prepared by:

Brian Will, Planner  
May 23, 2005

**APPLICANT/CONTACT:**

Mark Palmer  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
402-474-6311

**OWNER:**

Ridge Development Company  
2001 Pine Lake Road, Suite 100  
Lincoln, NE 68516

**CHANGE OF ZONE NO. 05040  
and  
USE PERMIT NO. 05004**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

June 8, 2005

Members present: Larson, Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson; Bills-Strand and Esseks absent.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit

Ex Parte Communications: None.

These applications were removed from the Consent Agenda and had separate public hearing.

Brian Will of Planning staff submitted a letter from DaNay Kalkowski on behalf of the applicant requesting a four-week delay to July 6, 2005.

Larson moved to defer, with continued public hearing and action on July 6, 2005, seconded by Carroll and carried 7-0: Larson, Taylor, Pearson, Sunderman, Carroll, Krieser and Carlson voting 'yes'; Bills-Strand and Esseks absent.

There was no other testimony.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 6, 2005

Members present: Carroll, Carlson, Esseks, Larson and Bills-Strand; Krieser, Pearson, Sunderman and Taylor absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

The Clerk announced that the applicant has submitted a written request for two-week deferral, with continued public hearing and action scheduled for Wednesday, July 20, 2005, 1:00 p.m.

Carroll moved to so defer, seconded by Carlson and carried 5-0: Carroll, Carlson, Esseks, Larson and Bills-Strand voting 'yes'; Krieser, Pearson, Sunderman and Taylor absent.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

July 20, 2005

Members present: Larson, Carroll, Sunderman, Esseks, Carlson, Pearson, Taylor and Bills-Strand; Krieser absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

The Clerk announced that the applicant's representative has requested an additional four-week deferral.

Carroll moved to defer four weeks, with continued public hearing and action scheduled for August 17, 2005, seconded by Carlson and carried 8-0: Larson, Carroll, Sunderman, Esseks, Carlson, Pearson, Taylor and Bills-Strand voting 'yes'; Krieser absent.

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 17, 2005

Members present: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Ex Parte Communications: None.

Proponents

**1. DaNay Kalkowski** appeared on behalf of **Wilderness Woods Joint Venture**, the owners of five acres located at the southeast corner of South 14<sup>th</sup> and Yankee Hill Road. This property is currently zoned O-3 and abuts the Wilderness Ridge 9-hole executive golf course on the south side and the Wilderness Woods office park.

This is a request to change the zoning to B-2 Planned Neighborhood Business District with a use permit for 31,500 sq. ft. of commercial uses, including restaurant and convenience store. This use is in conformance with the Comprehensive Plan and provides a retail component to the office park that exists to the south. These applications have been held over several times because the applicant wanted to work with staff on the conditions to make sure they would be able to resolve the issues before coming before the Planning Commission. Kalkowski indicated that this has been accomplished and revised plans have been submitted to address the Public Works concern on the traffic issues.

Kalkowski submitted a proposed motion to amend the conditions of approval, to which staff has agreed.

The developer did hold a neighborhood meeting early on in the process of developing this project but there was very little interest.

Carlson asked for clarification of the sidewalk locations. Kalkowski noted the sidewalks on both sides of Executive Woods Drive as it comes from the office park property. There are sidewalks along Yankee Hill Road and sidewalks going down in front of all of the buildings and two other connections for pedestrians coming along Yankee Hill Road who want to get into the site. Carlson noted that the applicant is requesting to waive the sidewalks off of Executive Woods Drive because there will not be a road connection. Kalkowski concurred, pointing out that there will be sidewalks along Yankee Hill Road.

Esseks noted that Outlot A has been removed. Kalkowski concurred, stating that previously they were doing the building pads under the other plan. The revised plan goes back to three specific lots so there is no need to designate Outlot A any longer.

There was no testimony in opposition.

Brian Will of Planning staff acknowledged that the staff concurs with the proposed amendments to the conditions of approval.

Carlson referred to the amendment to Condition #1.1.3. Will clarified that this condition accommodates the right-of-way that the city will be seeking.

**CHANGE OF ZONE NO. 05040**

**ACTION BY PLANNING COMMISSION:**

August 17, 2005

Carroll moved approval, seconded by Esseks and carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand. This is a recommendation to the City Council.

**USE PERMIT NO. 05004**

**ACTION BY PLANNING COMMISSION:**

August 17, 2005

Carroll moved to approve the staff recommendation of conditional approval, as revised, with the amendments requested by the applicant, seconded by Krieser and carried 9-0: Esseks, Krieser, Pearson, Taylor, Sunderman, Carroll, Larson, Carlson and Bills-Strand. This is a recommendation to the City Council.





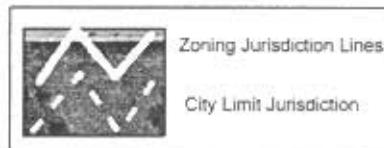
2002 aerial

## Change of Zone #05040 S. 14th & Yankee Hill Rd

### 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-6	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. 24 T9N R6E



# OWNERSHIP AND LIENHOLDER CERTIFICATE

TO WHOM IT MAY CONCERN:

MAY 12 2005

FILE NO.: C12535

UNION TITLE COMPANY  
PLANNING DEPARTMENT

The undersigned, hereby certifies the following real property title data to be true and correct as taken from the records of the Register of Deeds of Lancaster County, Nebraska regarding title to the following described real estate:

Lot 85, Irregular Tracts located in the Southwest Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska

## TITLE VESTED IN:

Ridge Development Company, a Nebraska corporation, an undivided 40% interest; Southview, Inc., a Nebraska Corporation, an undivided 40% interest; and Large Partnership, Ltd., a Nebraska limited partnership, an undivided 20% interest

## ENCUMBRANCES:

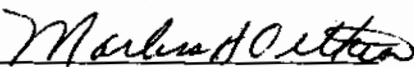
Real Estate Deed of Trust (With Future Advance Clause) Construction Security Agreement which was executed by Ridge Development Company, a Nebraska Corporation, an undivided ¼ interest; Large Partnership, LTD., a NE Limited Partnership, an undivided ½ interest; and Southview, Inc., a NE Corporation, an undivided ¼ interest, Trustors -to- Pinnacle Bank, a Nebraska Corporation, Trustee and Pinnacle Bank, Beneficiary, to secure the sum of \$3,500,000.00, dated April 3, 2000 and recorded April 11, 2000 as Inst. No. 2000-14726 in the office of the Register of Deeds of Lancaster County, Nebraska. (includes other property)

This search does not pass on the marketability of title, nor as to the legality or sufficiency of any instrument or proceeding in the chain of title to said real estate. This search is not an opinion of title or a guaranty of title.

CHARGES: \$0.00

EFFECTIVE DATE: May 6, 2005 AT 8:00 A.M.

UNION TITLE COMPANY

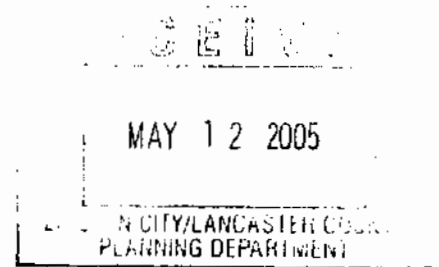
BY:   
REGISTERED ABSTRACTER  
CERTIFICATE OF AUTHORITY NO. 581



**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

May 12, 2005

Mr. Marvin Krout  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: Wilderness Woods Commercial Center  
Use Permit and Change of Zone  
OA Project No. 2004-1387

Dear Mr. Krout:

On behalf of the Owners, Ridge Development Company, Southview, Inc. and Large Partnership, Ltd. (collectively "Wilderness Ridge Joint Venture"), c/o John Schleich, 8644 Executive Woods Drive, Lincoln, NE 68516, we are submitting a Change of Zone from O-3 to B-2 and accompanying Use Permit on Lot 85 I.T.; located in the Southwest quarter of Section 24, Township 9 North, Range 6 East of the 6th p.m., Lincoln, Lancaster County, Nebraska, which contains approximately 5.4 acres.

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

1. Application for a Use Permit Amendment with submittal requirements.
2. Application fee.
3. Change of Zone application with submittal requirements.
4. Change of Zone fee.
5. Change of Zone legal description and exhibit.
6. Site Plan – 21 copies.
7. Drainage and Grading Plans – 9 copies.
8. Ownership Certificate – 1 copy.

On January 27, 2005 DaNay Kalkowski and I met with Ray Hill, Brian Will and Dennis Bartels to go over a preliminary plan for retail development of the property. City staff was concerned about the traffic that would be generated by the uses proposed at that time and access to the site. We sent out notice of a neighborhood meeting to discuss the preliminary plan on February 2, 2005. No neighbors attended the meeting.

We have had additional meetings with Dennis Bartels at Public Works to review the traffic volumes and impacts of the proposed uses compared to the previous O-3 uses. The site plan has been revised to reflect comments made from these meetings.

011

Mr. Marvin Krout  
May 12, 2005  
Page 2

We are requesting a waiver to reduce the internal yard setbacks to 0' in the B-2 area.

We look forward to working with you on this project. If you have any questions or need any additional information, please feel free to call me at the number listed above or DaNay Kalkowski at 435-6000.

Sincerely,



Mark C. Palmer, PE

Enclosures

cc: Ridge Development  
Southview, Inc.  
Large Partnership, Ltd.

F:\PROJECTS\20041387\DOC\CR TO KROUT RE COMML SUBMITTAL 5-12-05.DOC