

FACTSHEET

TITLE: **USE PERMIT NO. 154A**, an amendment to **Wilderness Hills Commercial Center**, requested by Engineering Design Consultants on behalf of Lincoln Federal Bancorp, Inc., to adjust front yard setbacks, on property generally located southeast of the intersection of South 27th Street and Yankee Hill Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/03/05
Administrative Action: 08/03/05

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

STAFF RECOMMENDATION: Conditional Approval

FINDINGS OF FACT:

1. The purpose of this amendment is to allow waivers to the front yard setbacks which were identified after the approval of the Wilderness Hills Commercial Center on June 28, 2005. This request modifies the original use permit only to the extent that three additional waivers are requested:
 - A. Adjust the front yard setback from 50' to 0' along all private roadways.
 - B. Adjust the front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road.
 - C. To allow parking in the side yards of Lots 4-7, Block 1.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.4-5, concluding that this request for waivers allows the site to develop as originally intended. It is customary to reduce setbacks from the private roadways in use permits. This request is consistent with the intent of the Zoning Ordinance, the Land Subdivision Ordinance and the Comprehensive Plan.
3. On August 3, 2005, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On August 3, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff July 20, 2005. The conditions of approval are found on p.5-6.
5. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plan is attached (p.10).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: October 24, 2005

REVIEWED BY: _____

DATE: October 24, 2005

REFERENCE NUMBER: FS\CC\2005\UP.134A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #154A - Wilderness Hills

PROPOSAL: To adjust the front yard setback from 50' to 0' along all private roadways, and adjust the front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road

LOCATION: Southeast of the intersection of South 27th Street and Yankee Hill Road.

WAIVER REQUESTS:

1. Adjust the front yard setback from 50' to 0' along all private roadways.
2. Adjust the front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road.
3. To allow parking in the side yards of Lots 4-7, Block 1.

LAND AREA: Approximately 45.87 acres.

CONCLUSION: This request for waivers allows the site to develop as originally intended. It is customary to reduce setbacks from the private roadways in use permits. This request is consistent with the intent of the Zoning and Land Subdivision Ordinances and the Comprehensive Plan.

RECOMMENDATION:

UP#154A

Conditional Approval

Waivers:

- | | |
|---|--------------|
| 1. Front yard setback in B-2 along all the private roadways | Approval |
| 2. Front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road. | Approval |
| 3. Parking in the side yard in B-2. | Not Required |

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING ZONING: O-3 Office Park, B-2 Planned Neighborhood Business

EXISTING LAND USE: Vacant, preliminary grading underway for development.

SURROUNDING LAND USE AND ZONING:

North:	Commercial/Office/Residential (under development)	R-3, R-4, H-4
South:	Wilderness Hills CUP Residential (under development)	AG, R-3
East:	Wilderness Hills CUP Residential (under development)	R-5
West:	Residential & Golf Course	R-3

COMPREHENSIVE PLAN SPECIFICATIONS: CPC#03015 was approved on **July 16, 2003** designating a Community Center at the intersection of South 27th Street and Yankee Hill Road.

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

Page F18 - Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Page F20 & F21 - Principles of mixed-use development.

Page F23-24 - The area proposed for office/commercial development with this plan is designated as commercial on the Land Use Map of the Comprehensive Plan, and is consistent with CPC#03015.

Page F31 - Tier 1 Priority Areas - This site is within the Future Service Limit. The remainder of the section is within Tier 1, Priority Area A. That area within the Future Service Limit can be served by city utilities; those lands in Priority Area A are designated to receive city services within the next 12 years.

Page F45 - Community Centers may vary in size from 300,000 to nearly a million square feet of commercial space. Typically, new Community Centers will range from 300,000 to 500,000 square feet. 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 other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed. One or two department stores or "big box" retail operations may serve as anchors to the Community Center with smaller general merchandise stores located between any anchors or on surrounding site pads, such as Edgewood Shopping Center at S. 56th Street and Highway 2.

Page F95 - The Bicycle and Trails Plan shows the trail crossing Yankee Hill Road at approximately South 33rd Street and extending across this site.

HISTORY:

June 10, 2005 The final plat of Wilderness Hills was approved.

January 10, 2005	Special Permit #1999A for Community Unit Plan for an attached single-family and townhome development of approximately 66 units.
June 28, 2004	Annexation #02012 to annex 91.98 acres for Wilderness Hills was approved.
June 28, 2004	Change of Zone #3423 from AG to R-3, R-5, O-3 and B-2 for Wilderness Hills was approved.
June 28, 2004	Special Permit #1999 for a Community Unit Plan with up to 640 residential units for Wilderness Hills was approved.
June 28, 2004	Use Permit #154 for up to 495,000 square feet of retail/commercial floor area for Wilderness Hills was approved.

ANALYSIS:

1. The plan submitted is identical to the one approved for Wilderness Hills on June 28, 2004. Since then it was identified that setback waivers are necessary to accommodate the development of the B-2 commercial and town center.
2. This request modifies the original use permit only to the extent that three additional waivers are requested. The first adjusts the front yard setback in B-2 from 50' to 0' along all private roadways. This allows development of the “town center” where buildings are located near the private roadways and helps create a more pedestrian-friendly environment. This adjustment makes the “town center” concept possible and enhances pedestrian accessibility. This is consistent with the goals pertaining to new commercial development contained in the Comprehensive Plan.
3. The second requested adjustment reduces the setback for parking areas along Yankee Hill Road from 15' to 10' where it is adjacent to a 70' wide right-of-way section, and from 20' to 15' where it is adjacent to a 65' wide right-of-way section. Adjustments from 50' to 15' and from 50' to 20' were originally approved, but the final design for the reconstruction of Yankee Hill Road was completed after the approval of this development, and an additional 5' of right-of-way was required for the project. This 5' adjustment reflects the additional right-of-way dedicated by this development for the road project. This setback adjustment only relates to parking, as the notes approved as part of the plan state that the building setback line along Yankee Hill Road is 50', and that provision remains unchanged. Additional landscaping should be installed along Yankee Hill Road to offset the reduced green space available and to mitigate the proximity of the parking areas to the street.
4. The third requested waiver is an adjustment to allow parking in the side yards of Lots 4-7, Block 1. However, there is no side yard requirement in the B-2 except when abutting a residential district. These lots do not abut a residential district, so this adjustment is not required.

5. Several revisions to the notes shown on Sheet 1 of 17 were included as part of this request. Except for the waivers noted above, all of them can be approved administratively. Minor corrections to those notes are necessary. Those corrections must be made to the satisfaction of the Planning Department before this request is forwarded to the City Council.
6. The commercial and residential portions of Wilderness Hills will continue to develop separately, and having both the use permit and the CUP as part of the same plan will make future amendments increasingly complex. Staff is recommending that the two projects be separated out with this amendment to facilitate future amendments and help simplify the development process.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan as follows:

1.1.1 Revise Use Permit Site Notes 1-16 to the satisfaction of the Planning Department.

1.1.2 Show only the area within the use permit boundary, and adjust sheets 1-17 accordingly to separate out the Use Permit #154A from the Wilderness Hills community unit plan originally approved by SP#1999 and amended by SP#1999A. Submit revised plans for both the use permit and the CUP.

1.1.3 Show the private drive between Lots 4 and 5, Block 1 within the proposed 28' wide public access easement.

1.1.4 Insert the words "Private Roadway" following the name of each private roadway.

1.1.5 Add a note to Sheet 1 of 17 "Use Permit Site Notes" and to Sheet 11 of 17 "Notes" that states: "THE DESIGN STANDARD FOR REQUIRED PARKING LOT SCREENING AND LANDSCAPING IS INCREASED TO A 90% LANDSCAPE SCREEN FROM 2' to 4' IN HEIGHT, AND ONE TREE PER 6,000 SQUARE FEET OF PAVED AREA FOR PARKING LOTS FOR THOSE LOTS IN THE B-2 ADJACENT TO YANKEE HILL ROAD."

2. This approval adjusts the front yard setback from 50' to 0' along all the private roadways, and the front yard setback from 15' to 10' where adjacent to 70' wide right-of-way and from 20' to 15' where adjacent to 65' wide right-of-way along Yankee Hill Road.

General:

3. Before receiving building permits:

- 3.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
- 3.2 The construction plans shall comply with the approved plans.
- 3.3 Final Plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the office/commercial floor area all development and construction shall have been completed in compliance with the approved plans, including design criteria.
 - 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 resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
July 20, 2005

**APPLICANT/
OWNER:**

Lincoln Federal Bancorp, Inc.
1101 N Street
Lincoln, NE 68508

CONTACT:

Jason Thiellen
EDC
2200 Fletcher Avenue Ste 102
Lincoln, NE 68508

**USE PERMIT NO. 154A
AMENDMENT TO THE WILDERNESS HILLS COMMERCIAL CENTER**

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 3, 2005

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 05051, CHANGE OF ZONE NO. 05049, USE PERMIT NO. 97A, USE PERMIT NO. 154A, SPECIAL PERMIT NO. 277-I, SPECIAL PERMIT NO. 05035, PRE-EXISTING SPECIAL PERMIT NO. 28A and STREET AND ALLEY VACATION NO. 05007.**

Item No. 1.6a, Pre-Existing Special Permit No. 28A, and Item No. 1.6b, Street and Alley Vacation No. 05007, were removed from the Consent Agenda and scheduled for separate public hearing.

Ex Parte Communications: None.

Larson moved to approve the remaining Consent Agenda, seconded by Taylor and carried 9-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 277-I and Special Permit No. 05035, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



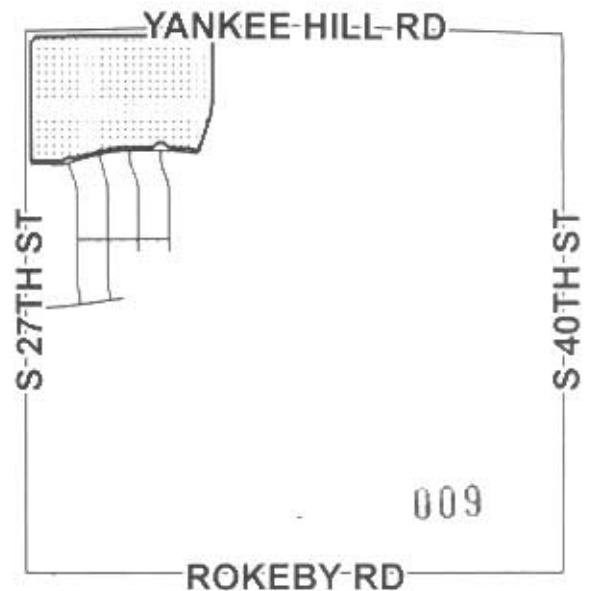
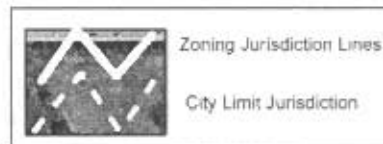
2005 aerial

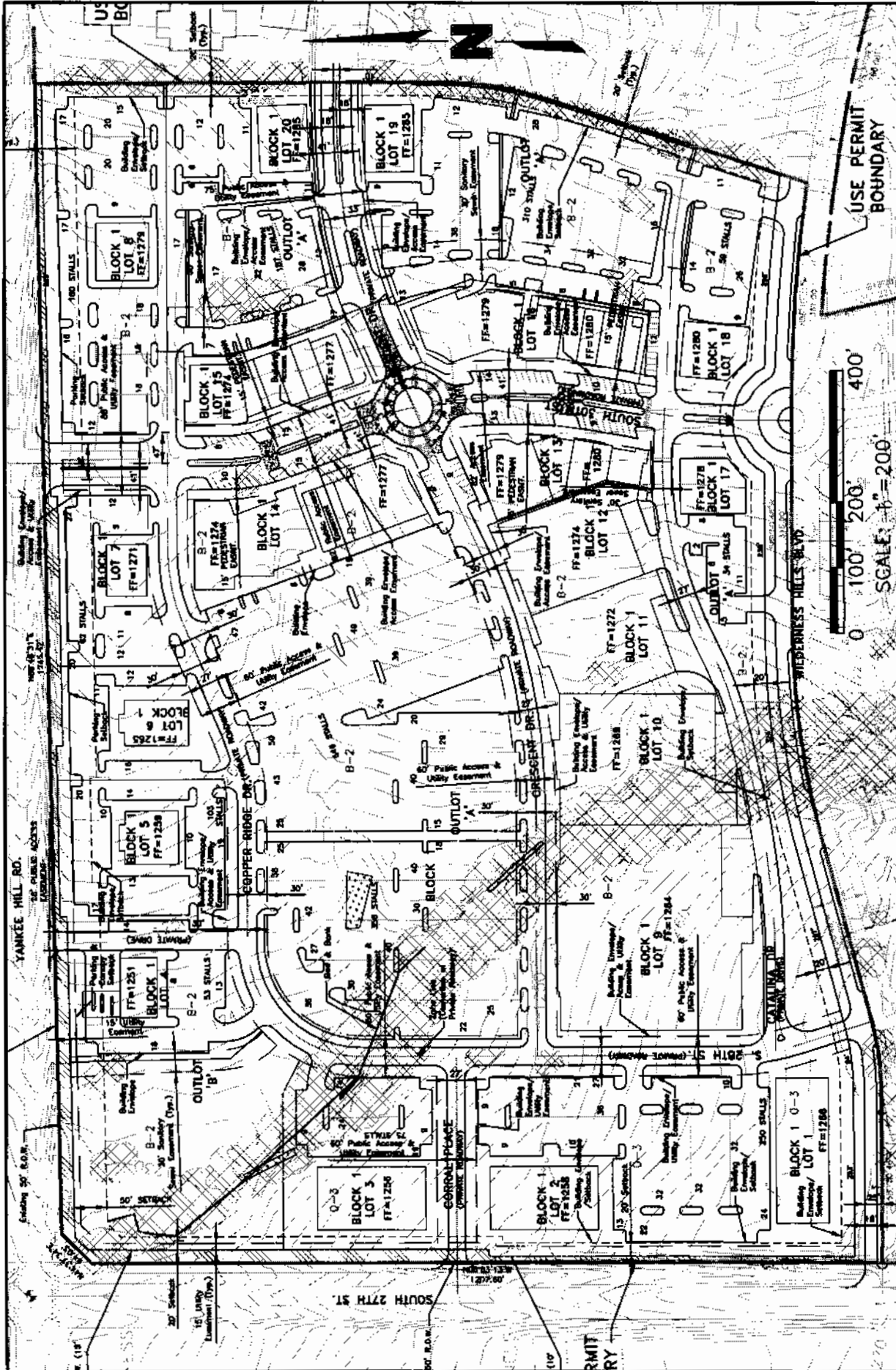
**Use Permit #154A
S. 27th & Yankee Hill Rd.
Wilderness Hills Commercial**

Zoning:

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

One Square Mile
Sec. 30 T9N R7E





WILDERNESS HILLS USE PERMIT #154A

Site Plan

Lincoln, Nebraska

Drawn By: BMG
 Dwg.: UP Site.dwg
 Date: 10/17/05
 Job#: 03-121-25

SHEET
1 OF 1

SITE SPECIFIC NOTES

2

1. SITE PLAN SHOWN ON LOTS 1 THROUGH 20, BLOCK 1 AND OUTLOT 'A' AND OUTLOT 'B' IS CONCEPTUAL AND REVISIONS TO THE LAYOUT WILL BE ALLOWED BASED ON FILING AN ADMINISTRATIVE AMENDMENT. OTHERWISE, INDIVIDUAL SITE LAYOUTS FOR BUILDING, OPEN SPACE, PARKING, DRAINAGE AND LANDSCAPE WILL BE APPROVED AT THE TIME OF BUILDING PERMITS. LAYOUTS SHALL BE SUBMITTED, IN ACCORDANCE WITH CHAPTER 27.27, 0-3 OFFICE PARK.
2. CROSS ACCESS AND PARKING EASEMENT RIGHTS ARE TO BE GRANTED ON OUTLOT 'A'.
3. TRAFFIC CIRCLE SURFACING TO CONSIST OF COLORED/ STAMPED CONCRETE, BRICK PAVERS OR OTHER DECORATIVE TREATMENT. SPECIFIC DETAILS, LAYOUT AND MATERIAL TO BE DETERMINED IN CONJUNCTION WITH THE FILING OF AN ADMINISTRATIVE AMENDMENT TO THE USE PERMIT.
4. THE HEIGHT OF BUILDINGS IN LOTS 1 THROUGH 3, BLOCK 1 SHALL NOT EXCEED 60 FEET. THE HEIGHT OF BUILDINGS IN LOTS 4 THROUGH 20, BLOCK 1, SHALL NOT EXCEED 50 FEET.
5. LOT LINES FOR LOTS 1 THROUGH 20, BLOCK 1 SHALL BE DETERMINED AT TIME OF FINAL PLAT.
6. ALL SETBACKS SHALL BE ZERO EXCEPT AS FOLLOWS:
 - A. FRONT YARD SETBACK FROM S. 27TH STREET WITHIN THE 0-3 ZONE ARE AS FOLLOWS:
 - 1) 20' ADJACENT TO 70' R.O.W.
 - 2) 25' ADJACENT TO 65' R.O.W.
 - B. FRONT YARD SETBACK FROM YANKEE HILL ROAD WITHIN THE B-2 ZONE ARE AS FOLLOWS:
 - 1) 10' ADJACENT TO 70' R.O.W.
 - 2) 15' ADJACENT TO 65' R.O.W.
 - C. FRONT YARD SETBACK FROM WILDERNESS HILLS BLVD. WITHIN THE B-2 AND 0-3 ZONE SHALL BE 20'.
 - D. REAR YARD SETBACK FROM ADJACENT R-5 RESIDENTIAL AREA SHALL BE 20' IN THE B-2 ZONE.
 - E. THE WAIVER TO THE FRONT SETBACK FOR LOTS 4-7, BLOCK 1 IN THE B-2 IS TO PARKING AREAS AND CANOPIES FOR DRIVE-THROUGH FACILITIES, NOT BUILDING ENVELOPES.
 - F. APPLICANT WILL DEVELOP TWO POCKET PARKS TOTALING APPROXIMATELY 2.2 ACRES, EACH CONTAINING APPROXIMATELY 1 ACRE, (TO BE PRIVATELY OWNED AND MAINTAINED) AND INCREASED LANDSCAPING ALONG YANKEE HILL FRONTAGE IN CONSIDERATION FOR REDUCING THE SETBACK TO THE MULTIPLE-FAMILY TO THE EAST AND FOR HAVING FRONT YARD SETBACKS FOR PARKING ALONG YANKEE HILL ROAD WITHIN THE B-2 AS FOLLOWS: 15' SETBACK ADJACENT TO THE 65' RIGHT-OF-WAY, AND 10' ADJACENT TO THE 70' RIGHT-OF-WAY.
7. PROVIDE A MINIMUM OF A 30' SETBACK ALONG WILDERNESS HILLS BLVD. IN THE B-2 AREA TO PROVIDE FOR A STAGGERED DOUBLE ROW OF TREES, ONE-HALF TO BE CONIFEROUS, OR IN THE ALTERNATIVE, PROVIDE A 20' SETBACK AND A LANDSCAPE PLAN OR SOUTH BUILDING FACADE DESIGN THAT MEETS WITH THE PLANNING DIRECTOR'S PRIOR WRITTEN APPROVAL.
8. EYES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS, ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES.
9. LOTS 17 AND 18, BLOCK 1, SHALL ONLY BE FOR OFFICE USE. BUILDINGS AND ASSOCIATED PARKING SHALL HAVE A 20' SETBACK FROM THE RIGHT-OF-WAY OF WILDERNESS HILLS BLVD.
10. PARKED VEHICLES MAY OVERHANG WITHIN THE FRONT YARD SETBACK.
11. ALL BUILDINGS AND DEVELOPMENT IN THE TOWN CENTER SHALL BE IN CONFORMANCE WITH THE DESIGN CRITERIA ON SHEET 11 OF 12.
12. DESIGN CRITERIA FOR THE OTHER BUILDINGS IN THE COMMUNITY CENTER, OTHER THAN TOWN CENTER, WILL BE DEVELOPED BY THE APPLICANT WITH WRITTEN APPROVAL OF THE PLANNING DIRECTOR PRIOR TO ISSUANCE OF BUILDING PERMITS FOR THE BUILDINGS IN THE COMMUNITY CENTER OTHER THAN THE TOWN CENTER.
13. THE DESIGN STANDARD FOR REQUIRED PARKING LOT SCREENING AND LANDSCAPING IS INCREASED TO A 90% LANDSCAPE SCREEN FROM 2' TO 4' IN HEIGHT, AND ONE TREE PER 6000 SQUARE FEET OF PAVED AREA FOR PARKING LOTS FOR THOSE LOTS IN THE B-2 ADJACENT TO YANKEE HILL ROAD.



Engineering Design Consultants

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

September 26, 2005

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

RE: Wilderness Hills
Amendment to Special Permit (Use Permit) #154A
EDC Job #03-121-025

Dear Mr. Will,

On behalf of Engineering Design Consultants client, Lincoln Federal Bancorp, Inc., the following revisions have been made to the above referenced amendment:

1. Use Permit Site Notes have been revised per condition 1.1.1.
2. Plan sheets have been adjusted to show only the area within the use permit boundary per condition 1.1.2. The Wilderness Hills CUP and the Use Permit have been separated into their own sets of plans per condition 1.1.2.
3. The private drive between Lots 4 & 5, Block 1 within the proposed 28' public access easement is now shown on plans per condition 1.1.3.
4. The words "Private Roadway" or "Private Drive" follow the names of each private roadway or private drive per condition 1.1.4.
5. A note has been added per condition 1.1.5 to both the Cover Sheet and the Landscape Plan that states: "THE DESIGN STANDARD FOR REQUIRED PARKING LOT SCREENING AND LANDSCAPING IS INCREASED TO A 90% LANDSCAPE SCREEN FROM 2' TO 4' IN HEIGHT, AND ONE TREE PER 6,000 SQUARE FEET OF PAVED AREA FOR PARKING LOTS FOR THOSE LOTS IN THE B-2 ADJACENT TO YANKEE HILL ROAD."

Wilderness Hills
Amendment to Special Permit (Use Permit) #154A
EDC Job #03-121-025
September 26, 2005
Page 2

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

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.



Brandon Garrett
Land Planner

Enclosure
6 Sets of Sheets 1-12

c: Lincoln Federal Bancorp, Inc.
B & J Partnership Ltd.
Security Financial Life Insurance Co
Hohensee, Allen and Susan K
Buffalo Grass LLC

June 23, 2005

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

RE: Wilderness Hills
Amendment to Special Permit (Use Permit) #154A
EDC Job #03-121-25

Dear Mr. Will,

On behalf of Engineering Design Consultants client Lincoln Federal Bancorp, Inc., the following application is hereby submitted per the subdivision review process:

1. Application for an Amendment to the Wilderness Hills Use Permit #154A.

The following revisions have been made to the above referenced amendment:

1. Use Permit Site Note #2 has been revised to state, "THE EXISTING ZONE IS B-2 AND O-3."
2. Use Permit Site Note #4 has been revised to state, "SITE PLAN SHOWN ON LOTS 1 THROUGH 20, BLOCK 1 AND OUTLOT 'A' AND OUTLOT 'B' IS CONCEPTUAL AND REVISIONS TO THE LAYOUT WILL BE ALLOWED BASED ON FILING AN ADMINISTRATIVE AMENDMENT. OTHERWISE, INDIVIDUAL SITE LAYOUTS FOR BUILDING, OPEN SPACE, PARKING, DRAINAGE AND LANDSCAPE WILL BE APPROVED AT THE TIME OF BUILDING PERMITS. LAYOUTS SHALL BE SUBMITTED, IN ACCORDANCE WITH CHAPTER 27.27, O-3 OFFICE PARK."
3. Use Permit Site Note #6 has been revised to state, "TRAFFIC CIRCLE SURFACING TO CONSIST OF COLORED/ STAMPED CONCRETE, BRICK PAVERS OR OTHER DECORATIVE TREATMENT. SPECIFIC DETAILS, LAYOUT AND MATERIAL TO BE DETERMINED IN CONJUNCTION WITH THE FILING OF AN ADMINISTRATIVE AMENDMENT TO THE USE PERMIT."
4. Use Permit Site Note #9 has been revised to state, "ALL BUILDING SETBACKS SHALL BE ZERO EXCEPT AS FOLLOWS:
 - A. FRONT YARD SETBACK FROM S. 27TH STREET WITHIN THE O-3 ZONE ARE AS FOLLOWS:

1. 20' ADJACENT TO 70' R.O.W.
 2. 25' ADJACENT TO 65' R.O.W.
- B. FRONT YARD SETBACK FROM YANKEE HILL ROAD WITHIN THE B-2 ZONE ARE AS FOLLOWS:
1. 10' ADJACENT TO 70' R.O.W.
 2. 15' ADJACENT TO 65' R.O.W.
- C. FRONT YARD SETBACK FROM WILDERNESS HILLS BLVD. WITHIN THE B-2 AND O-3 ZONE SHALL BE 20'.
- D. REAR YARD SETBACK FROM ADJACENT R-5 RESIDENTIAL AREA SHALL BE 20' IN THE B-2 ZONE."
5. Use Permit Site Note #11 has been moved to Use Permit Site Note #14.
6. Use Permit Site Note #11 now states, "EVES, OVERHANGS, WINDOW SWINGS, DOOR SWINGS, AIR CONDITIONER UNITS, ETC. MAY ENCROACH OVER THE SETBACK LINES. ENCROACHMENTS ARE NOT ALLOWED OVER PROPERTY LINES AND MUST CONFORM TO BUILDING AND LIFE SAFETY CODES."
7. Use Permit Site Note #12 is now Use Permit Site Note #9 D.
8. Use Permit Site Note #12 now states, "LOTS 17 AND 18, BLOCK 1 SHALL ONLY BE FOR OFFICE USE. BUILDINGS AND ASSOCIATED PARKING SHALL HAVE A 20' SETBACK FROM THE RIGHT-OF-WAY OF WILDERNESS HILLS BLVD." This was formerly Use Permit Site Note #14.
9. Use Permit Site Note #13 was formerly Use Permit Site Note #15 and has been revised to state, "WAIVERS TO THE SETBACK IN B-2 ZONING, FOR LOTS 4 THROUGH 7, BLOCK 1, IS TO PARKING AREAS, NOT BUILDING ENVELOPES."
10. Use Permit Site Note #14 was formerly Use Permit Site Note #11 and has not changed.
11. Use Permit Site Note #15 was formerly Use Permit Site Note #13 and has not changed.
12. A 28' public access easement has been shown to Yankee Hill Road between Lots 4 and 5 of Block 1 to provide access to Lot 4 and Lot 5.
13. Lot lines for Lots 4 through 7, Block 1 have been added.
14. The minimum front yard setback requirement along Yankee Hill Road has been reduced from 20' from the 60' R.O.W. and 15' from the 65' R.O.W. to 10' setback from the 70' R.O.W. and 15' from the 65' R.O.W.

The following waivers are hereby requested:

1. Title 27-Section 27.31.090

To reduce the front yard setback in the B-2 Zone from 50' to zero for Lots 9-16, Block 1 of Wilderness Hills Use Permit #154A.

To reduce the front yard setback in the B-2 Zone along Yankee Hill Road from 50' to 10' adjacent to 70' R.O.W. and 15' adjacent to 65' R.O.W. for Lots 4-8, Block 1 of Wilderness Hills Use Permit #154A.

This waiver is requested to allow for an aesthetically pleasing and pedestrian friendly street that is consistent with the design goals of this development by bringing the buildings to the street (private roadways) and to have a zero frontage from Outlot 'A', which is a shared parking lot.

2. Title 27-Section 27.67.030

To allow parking in the side yards of Lots 4-7, Block 1 of Wilderness Hills Use Permit #154A.

This waiver is requested in order to use the land more efficiently on these four lots. Other parking within this use permit is on Outlot 'A', which does not envelope these lots as it does the others. Most of the parking for these lots is therefore provided on each individual site, therefore requiring more space to be allocated for parking in the side yards.

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

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.

Brandon Garrett
Land Planner

Enclosure
Check for \$740.00
Application
6 Sets of Sheets 1, 6, 7 & 8
21 Additional Copies of sheet 6

c: Lincoln Federal Bancorp, Inc.

LOT 48 IRREGULAR TRACT LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 48 IRREGULAR TRACT, ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE S00°09'12"E, 619.62 FEET; THENCE SOUTHERLY ON A 530.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 162.28 FEET (LONG CHORD BEARS S08°37'06"W, 161.65 FEET); THENCE S17°23'24"W, 377.26 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WILDERNESS HILLS BOULEVARD; THENCE ON SAID NORTH RIGHT-OF-WAY LINE FOR THE NEXT 10 COURSES, WESTERLY ON A 2,642.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 295.82 FEET (LONG CHORD BEARS N85°14'44"W, 295.66 FEET); THENCE WESTERLY ON A 90.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 196.66 FEET (LONG CHORD BEARS N89°44'11"W, 159.81 FEET); THENCE S89°50'48"W, 235.49 FEET; THENCE WESTERLY ON A 1,242.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 325.15 FEET (LONG CHORD BEARS S82°20'48"W, 324.23 FEET); THENCE S74°50'48"W, 242.95 FEET; THENCE N66°19'13"W, 31.90 FEET; THENCE S75°58'06"W, 56.14 FEET; THENCE S22°25'24"W, 23.56 FEET; THENCE WESTERLY ON A 358.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 52.03 FEET (LONG CHORD BEARS S85°41'00"W, 51.98 FEET); THENCE S89°50'48"W, 263.48 FEET TO THE EAST RIGHT-OF-WAY LINE OF SOUTH 27TH STREET; THENCE ON SAID EAST RIGHT-OF-WAY LINE FOR THE NEXT 2 COURSES, N00°02'46"W, 1,165.23 FEET; THENCE N44°22'06"E, 64.26 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF YANKEE HILL ROAD; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE FOR THE NEXT 5 COURSES, N88°46'00"E, 636.72 FEET; THENCE S00°03'59"E, 10.00 FEET; THENCE N88°46'00"E, 676.59 FEET; THENCE N00°04'18"W, 10.00 FEET; THENCE N88°46'00"E, 432.16 FEET TO THE POINT OF BEGINNING, CONTAINING 1,998,213.10 SQUARE FEET (45.87 ACRES) MORE OR LESS.

Memorandum

To: Brian Will, Planning Department
From: Chad Blahak, Public Works and Utilities
Subject: Amendment to the Wilderness Hills Use Permit #154A
Date: July 15, 2005
cc:

Engineering Services has reviewed the amendment to the preliminary plat and CUP for Wilderness Hills, located on the southeast corner of South 27th Street and Yankee Hill Road and has the following comments:

- 1 Although the specific parking and building configuration may change with subsequent administrative amendments, the site plan needs to be revised to show the private drive that is proposed between Lots 4 and 5 in Block 1 within the proposed 28' public access easement.
- 2 Public Works approves the various requested setback waivers. However, any and all site distance requirements stated in the City of Lincoln Design Standards will need to be adhered to for all parking areas, private roadways, and driveways regardless of the approved setbacks. The site distance requirements will be evaluated at the time of building permit application or with administrative amendments to the use permit for specific site plans.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will	DATE: July 18, 2005
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: Wilderness Hills Commercial UP #154A

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

- According to the LLCHD's Geographic Information System (GIS) records, a twelve inch high pressure underground natural gas pipeline is located to the north of this proposed development. The LLCHD calculated a hazard area of approximately 220 feet on each side for this pipeline using the hazard area equation from report entitled, "A Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines" prepared by Mark J. Stephens from C-FER Technologies. A hazard area or high consequence area is defined as the area within which the extent of property damage and the chance of serious or fatal injury would be expected to be significant in the event of a worst case scenario rupture failure.
- At this time, there are no current regulations that prohibit the location of occupied buildings within hazard areas. However, the LLCHD recommends that future owners and/or lessees of buildings located within the projected hazard area, depicted in the attached map, be advised of the natural gas pipeline's presence and location.
- The LLCHD strongly advises the application to become familiar with the City of Lincoln's Municipal Code (LMC) 8.24 - Noise Control Ordinance specifically relative to the revised use permit site note #11.
- LMC 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. LMC 8.24 provides that for residential zones, noise based upon a ten minute LEQ must not exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.