

FACTSHEET

TITLE: CHANGE OF ZONE NO. 2531(BB), an amendment to the WILLIAMSBURG VILLAGE FINAL PLANNED UNIT DEVELOPMENT, requested by North Williamsburg/Hampton Enterprises, Inc., to increase the maximum allowable square footage in the commercial area located on the southwest corner of South 34th Street and Old Cheney Road to 35,300 square feet, an increase of 3,300 square feet.

STAFF RECOMMENDATION: Conditional Approval, as revised.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 6/13/01
Administrative Action: 6/31/01

RECOMMENDATION: Conditional Approval, as revised on 6/13/01 (6-0: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn voting 'yes'; Bayer, Hunter and Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval, as revised, is based upon the following analysis:
 - A. Lincoln Municipal Code 27.60.020 states "In a Planned Unit Developments with a total land area of less than 160 acres, not more than ten percent of the total land area in a proposed development shall be devoted to commercial uses". Williamsburg PUD meets the criteria under this section to request additional square footage in the commercial area.
 - B. The Public Works and Utilities Department has no objection to this request.
 - C. The Floor Area Ratio as proposed is 0.12.
2. This application was removed from the Consent Agenda of the Planning Commission on June 13, 2001, and had separate public hearing due to a letter received in opposition from Donald and Roberta Anderson, objecting to retail uses (p.15).
3. The Planning staff submitted additional conditions of approval at the public hearing (p.14).
4. The applicant's testimony is found on p.7. The applicant agreed with the conditions of approval, and submitted a letter from Donald and Roberta Anderson removing their objections to this application as long as the increased square footage is for office use and not retail (See p.16).
5. The Planning Commission agreed with the revised staff recommendation.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 18, 2001

REVIEWED BY: _____

DATE: June 18, 2001

REFERENCE NUMBER: FS\CC\FSCZ2531BB

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone No. 2531BB

DATE: May 29, 2001

****As revised by staff and approved by Planning Commission, 6/13/01****

PROPOSAL: North Williamsburg/Hampton Enterprises Inc. requests a Change of Zone for a Final Planned Unit Development in the Williamsburg Village PUD to increase the maximum allowable square footage in the commercial area located on the southwest corner of S. 34th Street and Old Cheney Road to 35,300 square feet, an increase of 3,300 square feet.

GENERAL INFORMATION:

APPLICANT: North Williamsburg/ Hampton Enterprises Inc.
1660 S. 70th Street, Suite 203
Lincoln, NE 68506

CONTACT: Peter Katt
Pierson, Fitchett, Hunzeker, Blake & Katt
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 476-7621

LOCATION: Generally located on the southwest corner of S. 34th and Old Cheney Road.

LEGAL DESCRIPTION: Lots 1 - 3, and Outlot A, Williamsburg Village North 22nd Addition in the NE 1/4 of Section 18, T9N, R7E of the 6th P.M. Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential, Planned Unit Development.

PURPOSE: To increase the maximum allowable square footage of the commercial area from 32,000 square feet to 35,300 square feet, an increase of 3,300 square feet.

SIZE: 6.6 acres, more or less.

EXISTING LAND USE: Commercial.

SURROUNDING LAND USE AND ZONING: R-1 Residential to the north, O-3 Office and B-2 Business with commercial uses to the east across S. 34th Street, R-3 Residential to the south and west.

COMPREHENSIVE PLAN SPECIFICATIONS: **In Conformance.** This area is shown as urban residential in the Lincoln/Lancaster County Comprehensive Plan, however the Planned Unit Development permitted the commercial use in the urban residential area. The Comprehensive Plan used a 0.25 Floor Area Ratio on average for new commercial development.

HISTORY:

This area was changed from "A-1" Single Family to "R-3" Residential during the 1979 zoning update.

In **June 25 1990**, this area was approved in a Preliminary Planned Unit Development as Medium Density Residential with 96 dwelling units. The Preliminary PUD approved 483,200 SF of commercial space. In the original preliminary PUD, Outlot A was shown for 28 dwelling units in duplexes.

In **June 1990** City Council approved Change of Zone #2531A, which approved a 5,000 square foot day care center on the southeast corner of Orwell Street and Old Cheney Road.

On **July 9, 1990** City Council approved Change of Zone #2531B, which approved a 5,000 square foot convenience store and automobile fuel pumps south of Old Cheney Road west of S. 40th Street.

On **September 24, 1990** City Council approved Change of Zone #2531C, which approved a 6,000 square foot office space and 232 apartment units on the southwest corner of Faulkner Drive and S. 40th Street.

On **October 1, 1990** City Council approved Change of Zone #2531D, which approved a 5,000 square foot restaurant located on the southwest corner of Duxhall Drive and S. 40th Street.

On **October 1, 1990** City Council approved Change of Zone #2531E, which approved a 7,000 square foot convenience store on the southwest corner of Old Cheney Road and Village Blvd.

On **October 1, 1990** City Council approved Change of Zone #2531F, which approved 13,000 square feet of retail/office space; 6,000 square feet of financial, 13,000 square feet of commercial and 6,000 square feet of restaurant on the southwest corner of Old Cheney Road and 40th Street.

On **October 1, 1990** City Council approved Change of Zone #2531G, which approved an 18,000 square foot office building south of Old Cheney Road, north of Village Drive.

On **October 1, 1990** City Council approved Change of Zone #2531H, which approved the development of 18 two-family dwellings on the northwest corner of Orwell Street and S. 34th Street.

On **October 1, 1990** City Council approved Change of Zone #2531I, which approved a 5,000 square foot office building on the southwest corner of Orwell Street and S. 34th Street.

On **March 4, 1991** City Council approved Change of Zone #2531L, #2531K, and #2531J which approved the development of 90.1 acres for medium density and single family residential dwellings on property located south of Faulkner Drive and southwest of Cape Charles Drive.

On **March 25, 1991** City Council approved Change of Zone #2531N, which approved the development of 16.44 acres as 10 single family lots and 2 outlots west of S. 34th Street north and south of Browning extended.

On **March 11, 1991** City Council approved Change of Zone #2531O, which approved a total of 24,000 square feet of office/general commercial buildings on property located at 40th Street and Faulkner Drive.

On **September 16, 1991** City Council approved Change of Zone #2531P, which approved a 3-story, 42,500 square foot office building in the corporate office park portion of Williamsburg PUD located at Village Drive and Union Road.

On **June 1, 1992** City Council passed Change of Zone #2531Q, which revised approved signage for property located at 3901 Faulkner Drive.

On **July 6, 1992** City Council approved Change of Zone #2688, which changed the zone of the 80 acre commercial area from R-3 PUD to B-2 and O-3 zoning. That conversion did not include Outlot A at 34th & Old Cheney Road, which remained zoned R-3 PUD.

On **September 14, 1992** City Council approved Change of Zone #2531R, which approved 74 single family units, 2 multiple family area and 2 outlots at S. 34th Street and Pine Lake Road.

On **November 16, 1992** City Council approved Use Permit #58, for a total of 477,200 square feet of commercial space for the commercial area east S. 34th Street and south of Old Cheney Road. Use Permit #58C to increase the total commercial area to 671,900 square feet was approved by the City Council on May 1, 1995.

On **June 28, 1993** City Council approved Change of Zone #2531S, which approved the realignment of S. 38th Street and reduced density from 180 multiple family dwelling units to 48 dwelling units consisting of 24 two-family dwellings. This application was subsequently withdrawn.

On **September 6, 1994** City Council approved Change of Zone #2531T which approved a pedestrian way easement for a hiker/biker trail near S. 38th Street and West Savannah Circle.

On **April 10, 1995** City Council approved Change of Zone #2531U which approved 300 elderly dwelling units at approximately S. 34th Street and Faulkner Drive.

On **April 3, 1995** City Council approved Change of Zone #2531W which approved an additional 7,460 square feet of floor area to the existing day care center and to increase the number of children who may be provided day care at the center from 110 to 150.

On **August 14, 1995** City Council approved Change of Zone #2531X which approved 32,000 square feet of commercial space located on the southwest corner of S. 34th Street and Old Cheney Road.

On **March 11, 1996** City Council approved Change of Zone #2531Y, which approved an 8,300 square foot commercial/retail building on this lot. This application superceded Change of Zone #2531X.

In **November 1996** City Council approved Change of Zone 2531Z, which approved 26 townhome units on property located between S. 38th Street and S. 40th Street north of Pine Lake Road.

On **June 21, 1999** City Council approved Change of Zone #2531AA which replaced 26 townhome units with 125 dwelling units for elderly people, 60 dwelling units for assisted living on property located between S. 38th Street and S. 40th Street north of Pine Lake Road.

On **April 27, 2001** Peter Katt applied on behalf of the applicant to administratively amend Williamsburg PUD to increase square footage of the commercial area by transferring available square footage from other commercial areas in the PUD. It was determined that the only commercial area left in the PUD was the area in which square footage was to be increased. The applicant then withdrew the administrative amendment.

ANALYSIS:

1. Lincoln Municipal Code 27.60.020 states “In a Planned Unit Developments with a total land area of less than 160 acres, not more than ten percent of the total land area in a proposed development shall be devoted to commercial uses”. Williamsburg PUD meets the criteria under this section to request additional square footage in the commercial area.
2. The Public Works and Utilities Department has no objection to this request.
3. The Floor Area Ratio as proposed is 0.12.

STAFF RECOMMENDATION:

Approval

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
 - 1.2 Revise the General Notes #20 (sheet 2 of 4) to read: “No driveway will exist on the west side of buildings in Lots 1 & 4 or the south side of Lots 1, 3 & 4.”
(As revised by staff on 6/13/01**)**
 - 1.3 Revise the General Notes #23 (sheet 2 of 4) to read: “For those uses that are allowed in addition to uses allowed in O-3 zoning, the following restrictions shall apply (restriction applies to retail uses, not office uses):

Maximum 2,000 Sq. Ft. per establishment in Lots 1 & 4.
Maximum 4,000 Sq. Ft. per establishment in Lot 3.
Maximum 4,000 Sq. Ft. per establishment in Lot 2, unless there is an amendment to the development agreements between the applicant and the Seven Oaks

neighborhood and the Jamestown neighborhood.”
(As revised by staff on 6/13/01**)**

2. This approval permits a total of 35,300 maximum allowable square feet of floor area for lots 1-4 in the commercial area.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.
 - 4.3 The site plan accompanying this planned unit development shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
5. The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner
Planner

**CHANGE OF ZONE NO. 2531(BB),
AN AMENDMENT TO THE WILLIAMSBURG
VILLAGE FINAL PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 13, 2001

Members present: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn; Bayer, Hunter and Steward absent.

Planning staff recommendation: Conditional approval, as revised on June 13, 2001.

This application was removed from the Consent Agenda and scheduled for separate public hearing due to a letter received in opposition.

Becky Horner of Planning staff submitted Conditions #1.2 and #1.3 to be added to the staff recommendation concerning revisions to General Notes #20 and #23.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant. He stated that this may not be the last time this PUD is amended but "we are getting close". One of the most recent amendments that applies to this parcel involved a series of agreements with the abutting neighborhood associations, i.e. Jamestown and Sevenoaks. And there was a rather vague condition that was attached to these lots which limited the amount of retail space that could be in any single establishment in buildings in this particular area. As it turns out, the area has developed entirely in office space, and the intent and likely outcome of this amendment is that the entire area will develop into office space. 80% of this building is spoken for by office tenants.

Hunzeker submitted a letter from Donald and Roberta Anderson dated June 12, 2001, which supersedes their letter in opposition dated June 6, 2001. The Andersons have talked with the developer and have removed their objection to this proposal as long as the buildings will remain office as opposed to retail.

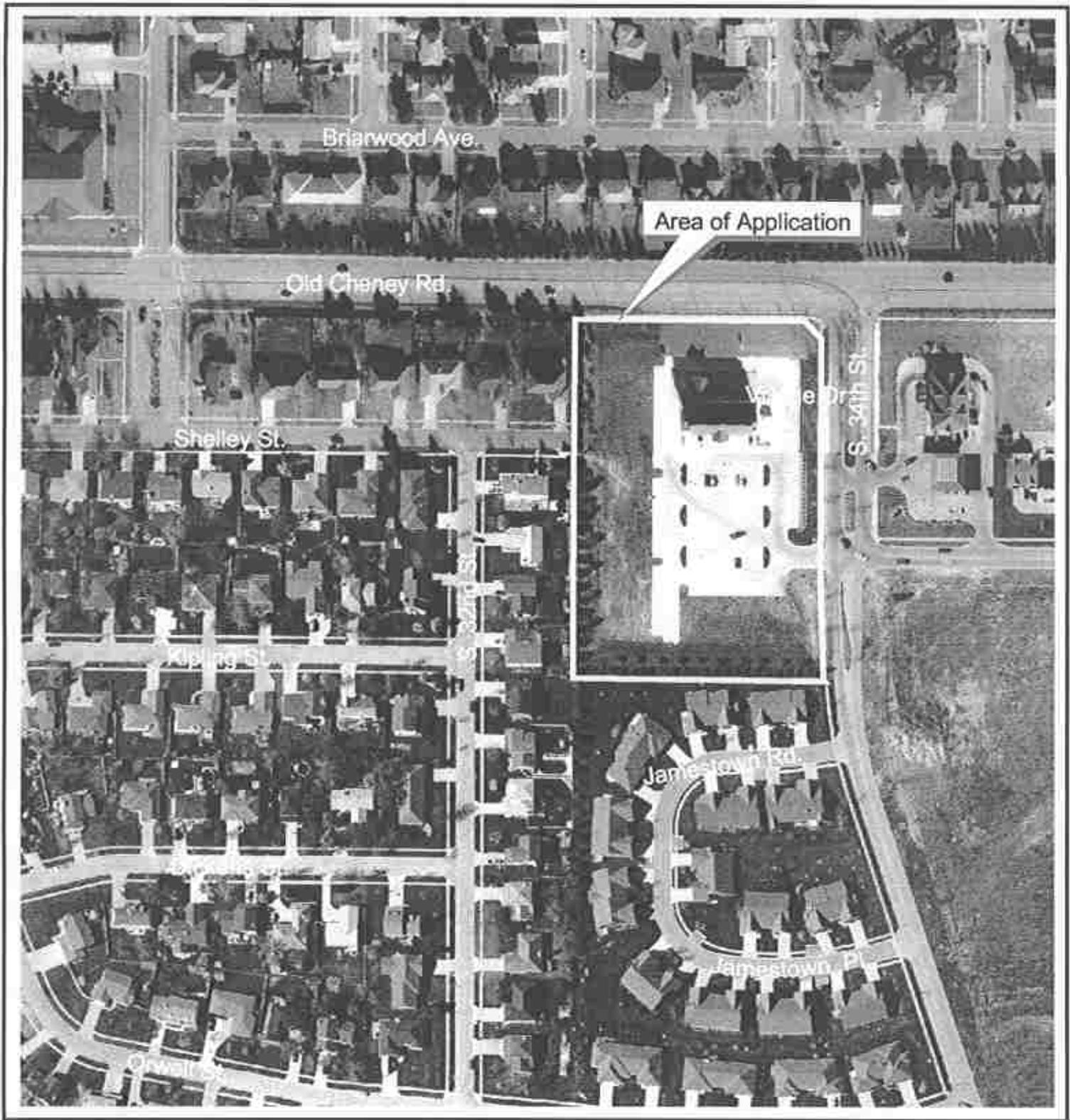
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

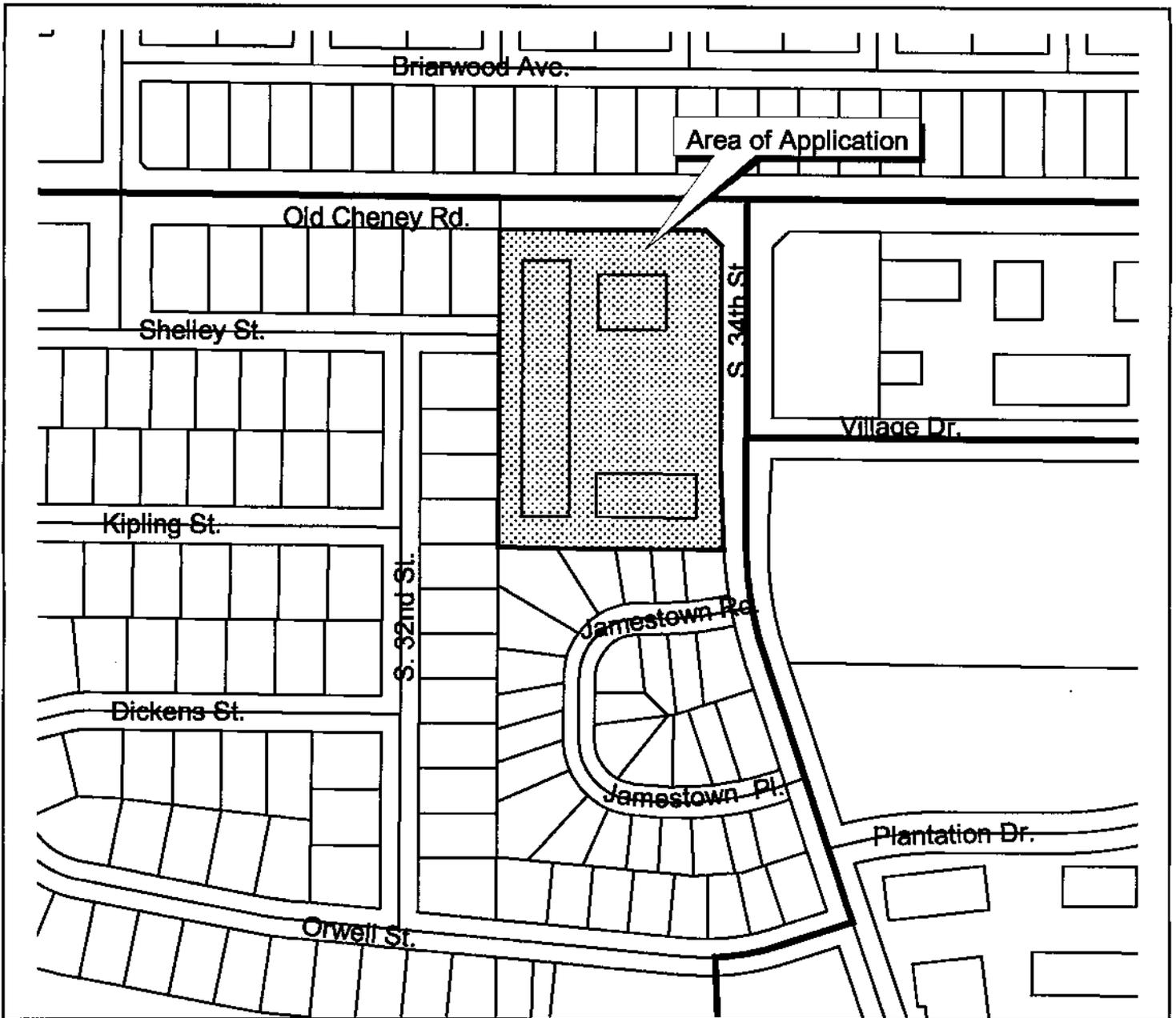
June 13, 2001

Duvall moved approval of the Planning staff recommendation of conditional approval, as revised to include Conditions #1.2 and #1.3, seconded by Krieser and carried 6-0: Newman, Duvall, Carlson, Krieser, Taylor and Schwinn voting 'yes'; Bayer, Hunter and Steward absent.



**Change of Zone #2531bb
S. 34th & Old Cheney Rd.**



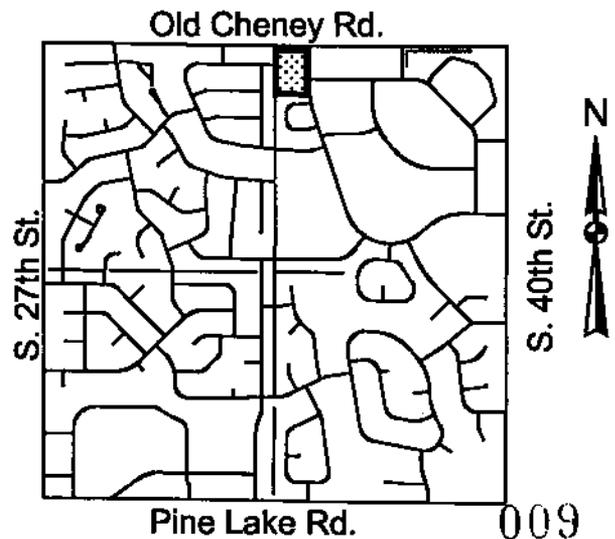
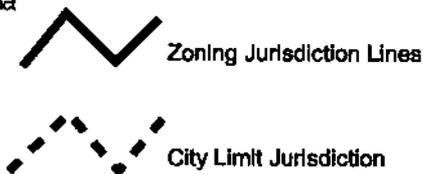


Change of Zone #2531bb S. 34th & Old Cheney Rd.

Zoning:

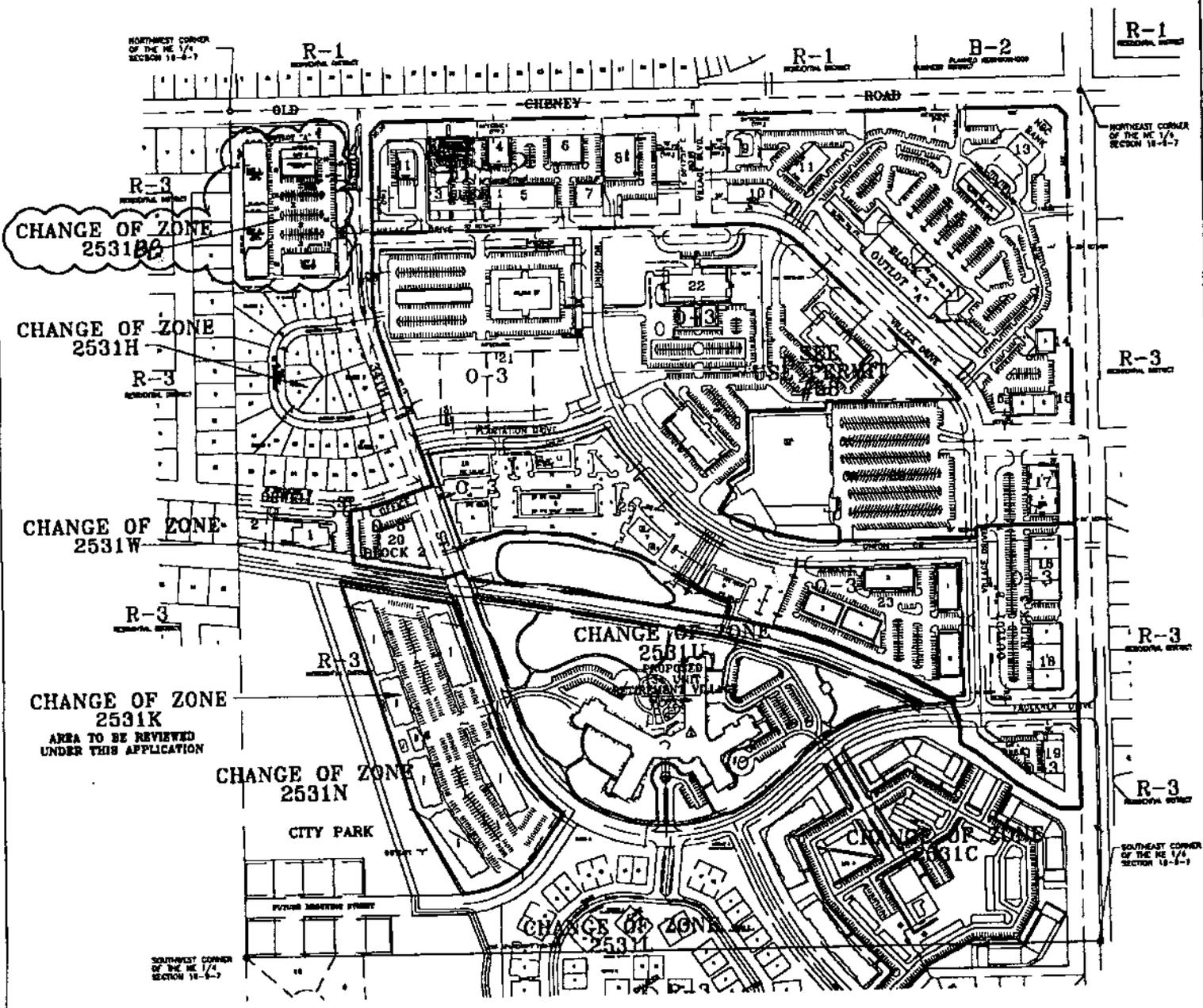
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|------------|--|
| R-1 to R-8 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office 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. 18 T9N R7E





Not To Scale



011

WILLIAMSBURG VILLAGE P.U.D.

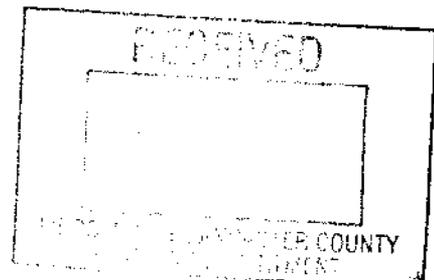
OLSSON ASSOCIATES
 CONSULTING ENGINEERS
 1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501

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Memorandum

To: Ray Hill, Planning Department *~BECKY*
From: Charles W. Baker, Public Works and Utilities *CBW*
Subject: Administrative Amendment # 01039 to Williamsburg Village PUD
Date: May 4, 2001
cc: Roger Figard, Nicole Fleck-Tooze, Harry Kroos

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Administrative Amendment # 01039 to Williamsburg Village PUD for the changes to General Notes 21 & 23 regarding the square footage for the lots and the addition of the 5' Pedestrian Easement through Lot 1. Public Works has no objections.



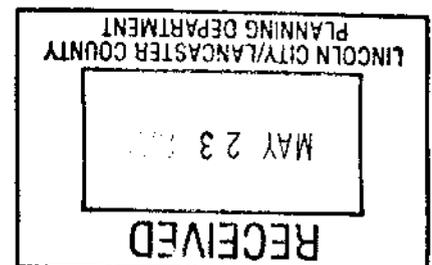
Memo

To: Ray Hill, Planning *-BECKY*
From: J.J. Yost, Parks & Recreation *J.J.*
Date: 21 May 2001
Re: Williamsburg Village Final PUD, Withdrawal of Administrative Amendment Request & Submission of Formal Change of Zone

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. No additional comments at this time for the change of zone request beyond those submitted for the prior administrative amendment.

If you have any additional question, comments or concerns, please feel free to contact me at 441-8255.



MEMORANDUM

DATE: June 13, 2001

TO: Planning Commission

FROM: Becky Horner *BHX*
Planning Department

SUBJECT: Change of Zone #2531(bb) - Williamsburg Planned Unit Development

COPY: Peter Katt
Ray Hill - Planning

Kathleen Sellman - Planning
file

Please add the following as conditions of approval to Change of Zone #2531(bb). The following conditions have been discussed with the applicant. These conditions clarify two of the general notes from the site plan due to the reconfiguration of Lots 1-4. Lot 1 was originally a large lot that has now been broken into two lots: Lot 1 and Lot 4.

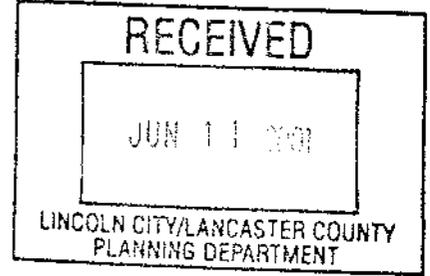
Conditions:

- 1.2 Revise the General Notes #20 (sheet 2 of 4) to read "No driveway will exist on the west side of buildings in Lots 1 & 4 or the south side of Lots 1, 3 & 4".
- 1.3 Revise the General Notes #23 (sheet 2 of 4) to read "For those uses that are allowed in addition to uses allowed in O-3 zoning, the following restrictions shall apply (restriction applies to retail uses, not office uses):

Maximum 2,000 Sq. Ft. per establishment in Lots 1 & 4.

Maximum 4,000 Sq. Ft. per establishment in Lot 3.

Maximum 4,000 Sq. Ft. per establishment in Lot 2, unless there is an amendment to the development agreements between the applicant and the Seven Oaks neighborhood and the Jamestown neighborhood."



June 6, 2001

RE: Williamsburg

Planning Commission:

We were deeply concerned when we received yet another notice that Mr. Hampton was applying once again for a change of zoning.

We listened to all the reasons why the area needed to be changed from residential to commercial and that in consideration townhouses would be built as a buffer. No one objected to townhouses so a change of zone was quite easy.

We were then told no one would want to live across from Super "C" so that ended the further development of townhouses. Of course they knew that when Super "C" was built. Mr. Hampton then wanted Boston Market. A compromise was reached and office and or retail was proposed limiting square footage of each to 1,200 square feet. We accepted this proposal feeling that it gave us some protection to the type of business going in. At the time of this discussion, Mr. Hampton said he had a right to make a living. We agree. He also had acres of land with no existing housing around it.

Please understand our great concern. The side of our home runs along the designated area. If the area must be office/retail please allow us some protection as to who and what will be our next door neighbors. Please allow us this protection by keeping the square footage of each business to 1,200 square feet.

We are aware we are not people of influence but we ask you to please keep in mind, this is our home.

Thank you,

Donald Anderson
Roberta Anderson

Donald and Roberta Anderson

SUBMITTED AT PUBLIC HEARING
BEFORE PLANNING COMMISSION: 6/13/01

CHANGE OF ZONE NO. 2531(bb)

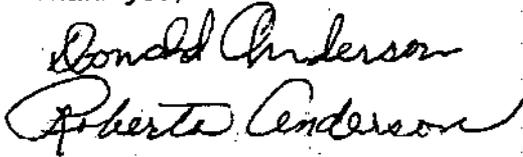
6-12-01

Re: Williamsburg

Planning Commission:

After talking to Mark Bronder many of our concerns can be put aside. Mr. Bronder told me the buildings will resemble those already in place and will remain office, not retail, but with additional square footage. He also described some possible tenants. We appreciate his call and communication and at this time remove our objection.

Thank you,



Donald and Roberta Anderson