

City Council Introduction: **Monday**, October 20, 2008
Public Hearing: **Monday**, October 27, 2008, at **5:30** p.m.

Bill No. 08R-273

FACTSHEET

TITLE: USE PERMIT NO. 58G, an amendment to the Williamsburg Village use permit, requested by RJL Development North, Ltd., for the expansion of the existing HyVee grocery store on property generally located at South 40th Street and Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 10/08/08
Administrative Action: 10/08/08

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (9-0: Cornelius, Sunderman, Carroll, Partington, Taylor, Gaylor Baird, Larson, Esseks and Francis voting 'yes').

ASSOCIATED REQUESTS: Change of Zone No. 08049 (08-152)

FINDINGS OF FACT:

1. This amendment to the use permit and the associated change of zone request were heard at the same time before the Planning Commission.
2. The purpose of this amendment to the Williamsburg Village use permit is to expand the existing HyVee grocery store, to update the land use table and site layout, and to reduce the setbacks within the designated buildable area to zero.
3. The staff recommendation of conditional approval, including approval of the waiver to reduce the setbacks, is based upon the "Analysis" as set forth on p.4-5, concluding that the amendment complies with the Zoning Ordinance and is in conformance with the Comprehensive Plan with minor revisions to the plan and the change of zone to B-2. This approval permits approximately 705,270 total square feet of floor area, including a waiver to all setbacks within the buildable area shown on the site plan.
4. On October 8, 2008, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On October 8, 2008, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval.
6. On October 8, 2008, the Planning Commission also voted 9-0 to recommend approval of the associated Change of Zone No. 08049 from O-3 to B-2.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: October 13, 2008

REVIEWED BY: _____

DATE: October 13, 2008

REFERENCE NUMBER: FS\CC\2008\UP.58G+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 8, 2008 PLANNING COMMISSION MEETING

- PROJECT #:** Use Permit No. 58G
- PROPOSAL:** Amend the use permit to show a change of zone and to update the land use table, site layout and waive internal setbacks.
- LOCATION:** Generally located at S. 40th Street and Old Cheney Road
- LAND AREA:** 83.61 acres more or less
- EXISTING ZONING:** B-2 Planned Neighborhood Business District
O-3 Office Park District
- WAIVER REQUEST/MODIFICATION:** To reduce setbacks within the designated buildable area to 0.
- CONCLUSION:** With minor revisions to the plan including a change of zone to expand retail, this request complies with the Zoning Ordinance and Comprehensive Plan.

RECOMMENDATION:	Conditional Approval
Waivers/modifications: All setbacks designated by buildable area.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Mix of office, retail and vacant land

SURROUNDING LAND USE AND ZONING:

North:	R-1 Residential	Single family residential
	B-2 Planned Neighborhood Business District	Commercial
South:	R-3 Residential PUD	Retirement community and single family residential
East:	R-3 Residential	Church and single family residential
West:	R-3 Residential PUD	Commercial and single family residential

ASSOCIATED APPLICATIONS: CZ08049

HISTORY:

- May 5, 1999 UP58F (PC -00495) Allowed the development of 170,810 square feet of office space generally located at S. 34th Street and Plantation Drive.
- January 6, 1997 UP58E (A-77844) Allowed for off premise parking for Forke Brothers.
- October 9, 1995 UP58D (A-77022) Increased the height for a flag pole for the former Austin's restaurant.
- June 1, 1995 UP58B (Withdrawn) Proposed building a new HyVee grocery store at the southeast corner of 34th and Village Drive, but after several hearings and debate, is was withdrawn.
- May 1, 1995 UP58C (A-76738) Approved a new location for the HyVee on Village Drive near 40th Street and increased the total commercial floor area to 671,910 square feet. (An additional 32,000 square feet of commercial space is allowed in the Williamsburg Village R-3 PUD area.)
- May 31, 1994 UP58A (A-76159) Approved a specific site plan for the offices at Union and Village Drives.
- November 16, 1992 UP58 (A-76738) The City Council approved the change of zone from R-3 PUD to B-2 and O-3 and Use Permit 58 for the entire 80 acre commercial area. Resolution A-75123 approved Use Permit 58 site plan and a "maximum development" of 477,200 square feet.
- January 6, 1992 The first Final PUD (Change of Zone 2531A) was approved. This area was originally zoned R-3 PUD as part of the Williamsburg Village Corporate Office Park PUD in 1990.
- June 25, 1990 City Council approved the Williamsburg Village Preliminary PUD including 483,200 total commercial square feet, including 200,000 square feet of corporate office park, 65,000 square feet for an extended stay hotel and 218,200 SF of retail/service/office
- May 8, 1979 The Williamsburg area was changed from "A-1" Single Family to "R-3" Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

The future land use map shows this area as commercial (19)

Mixed Use Office Centers are to provide a high quality office environment with some supportive retail and service uses. Centers are designed to encourage office uses to locate together, rather than dispersed on single sites, in order to maximize transportation access and have enough mass to support retail and services within the center. Office uses benefit from the mix and employees are more satisfied with the work environment when retail uses are within walking distance.(46)

STRATEGIES FOR EXISTING COMMERCIAL CENTER (48-49)

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.

Encourage mixed-use commercial centers, including residential uses on upper floors and at the rear of commercial buildings.

UTILITIES: Existing

TRAFFIC ANALYSIS: This change of zone should have no significant impact on traffic or circulation within this use permit or on surrounding streets.

AESTHETIC CONSIDERATIONS: Design standards were developed for the original planned unit development (PUD) which included this use permit area. When the use permit area was separated from the PUD the design standards were carried over.

ANALYSIS:

1. This application is to clear up the Williamsburg Village use permit which has become cumbersome and complicated over time. The new site plan reflects the following revisions:
 - a. Shows the change of zone from O-3 to B-2 on the lot north and west end of the existing HyVee.
 - b. Eliminates parking from the land use table deferring the review of parking until the time of building permit.
 - c. Shows buildable areas instead of specific building envelopes. The previous site plan showed shapes of buildings within a lot area. When those shapes changed an administrative amendment needed to be done. The new site plan gives the developer the flexibility to move buildings and parking around anywhere within a specific area that has already been determined meets zoning and site plan requirements.
 - d. Waives the setbacks for buildings within the buildable area but does maintain the front yards from public streets.
2. The change of zone will accommodate the expansion of the existing HyVee located on area 26 (formerly areas 24 and 26). Area 26 will now be 181,000 square feet of retail or office and grocery store instead of 81,000 square feet of grocery store and 100,000 square feet of office.
3. The change of zone and additional retail provides additional shopping and service options within walking distance for both the neighborhood and employees in the surrounding offices.
4. These changes in no way encroach into the existing neighborhood.

5. A note will be added that requires all new construction to meet Pedestrian Design standards instead of sidewalks approved with Williamsburg PUD.
6. There hasn't been any objection to the proposed changes from any City departments.
7. The previously approved waivers and modifications will be carried over and stated on the new site plan.
8. In 2006 City Council adopted 20 foot front yard setbacks for the B-2 zoning district. Changing the front yard setbacks on this use permit will provide consistency with the current code.

This approval permits 705, 270 total square feet of floor area including a waiver to all setbacks within the buildable area shown on the site plan.

CONDITIONS OF APPROVAL:

Site Specific Conditions:

1. The City Council approves associated request:
 - 1.1 Change of Zone # 08049
2. The developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below upon approval before receiving building permits.
 - 2.1 Remove parking from the land use table and add to #17 of the General Notes "All parking shall be in conformance with Chapter 27.67 and shall be submitted separately for review at the time of building permit and need not be shown on this plan."
 - 2.2 Show rear and side yard setbacks for the buildable area on area # 20.
 - 2.3 Change all the front yard setbacks for the buildable areas from 50 ft to 20 ft.
 - 2.4 Remove General Notes # 5,6,7,9,10,14,15,16,18,21,22,and 31.
 - 2.5 Change General Note #3 to "All new construction shall meet Pedestrian Design Standards."
 - 2.6 Correct the miss-spelling in the title.
 - 2.7 Eliminate the buildable area shown in the Village Drive (a private Roadway).

- 2.8 Revise General Not # 19 to read “An irrigation pump house may be located on the east side of S. 34th Street approximately 300 feet south of Orwell Street. The finish floor elevation shall be a minimum of 1 foot above the low point in S. 34th Street.”
- 2.9 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the use permit has been recorded.
- 2.10 The construction plans substantially comply with the approved plans.
- 2.11 Final plats are approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

Permittee agrees:

to complete the street paving of public streets, *and temporary turnarounds and barricades located at the temporary dead-end of the streets* shown on the final plat within two (2) years following the approval of the final plat.

To complete the paving of private roadway, *and temporary turnarounds and barricades located at the temporary dead-end of the private roadways* shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of *the streets and private roadways* in this use permit as shown on the final plat within four (4) years following the approval of the final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights along all streets within this plat within two (2) years following the approval of the final plat.

to complete the installation of private street lights along private roadways within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets and private roadways within this plat within four (4) years following the approval of the final plat.

To agree that in consideration of the waiver of the requirements of Section 26.27.090 of the Lincoln Municipal Code that street trees shall be planted along both sides of all streets and private roadways within the subdivision and on the streets and private roadways which abut the subdivision along the south side of Old Cheney Road and the west side of S. 40th Street because of existing trees the Owner shall:

- (1) Continuously and regularly maintain the existing trees;
- (2) Replace the street trees located on the streets and private roadways with a street tree specified by the Parks and Recreation Department in the event such trees die and/or are removed;
- (3) Inform potential lot buyers of the foregoing obligations prior to the closing on the sale of such lots; and
- (4) Incorporate the foregoing obligations in permanent covenants and deed restrictions in the deed to such lots.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

to maintain the plants in the medians and islands on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.

to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.

to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Owner shall not be relieved of Owner's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access to Old Cheney Road and S. 40th Street except as shown on the site plan.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying buildings all development and construction is to substantially comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established association approved by the City.
 - 3.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant
 - 3.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, and all resolutions and ordinances approving previous permits but does not void approved waivers.

Prepared by

Christy Eichorn
Planner

DATE: September 25, 2008

APPLICANT / OWNER: RJL Development North, Ltd
1660 S. 70th St., Ste. 203
Lincoln, NE 68506

CONTACT: Peter W. Katt
1248 O St., Ste.600
Lincoln, NE 68508
(402) 458-2132

**CHANGE OF ZONE NO. 08049
and
USE PERMIT NO. 58G**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

October 8, 2008

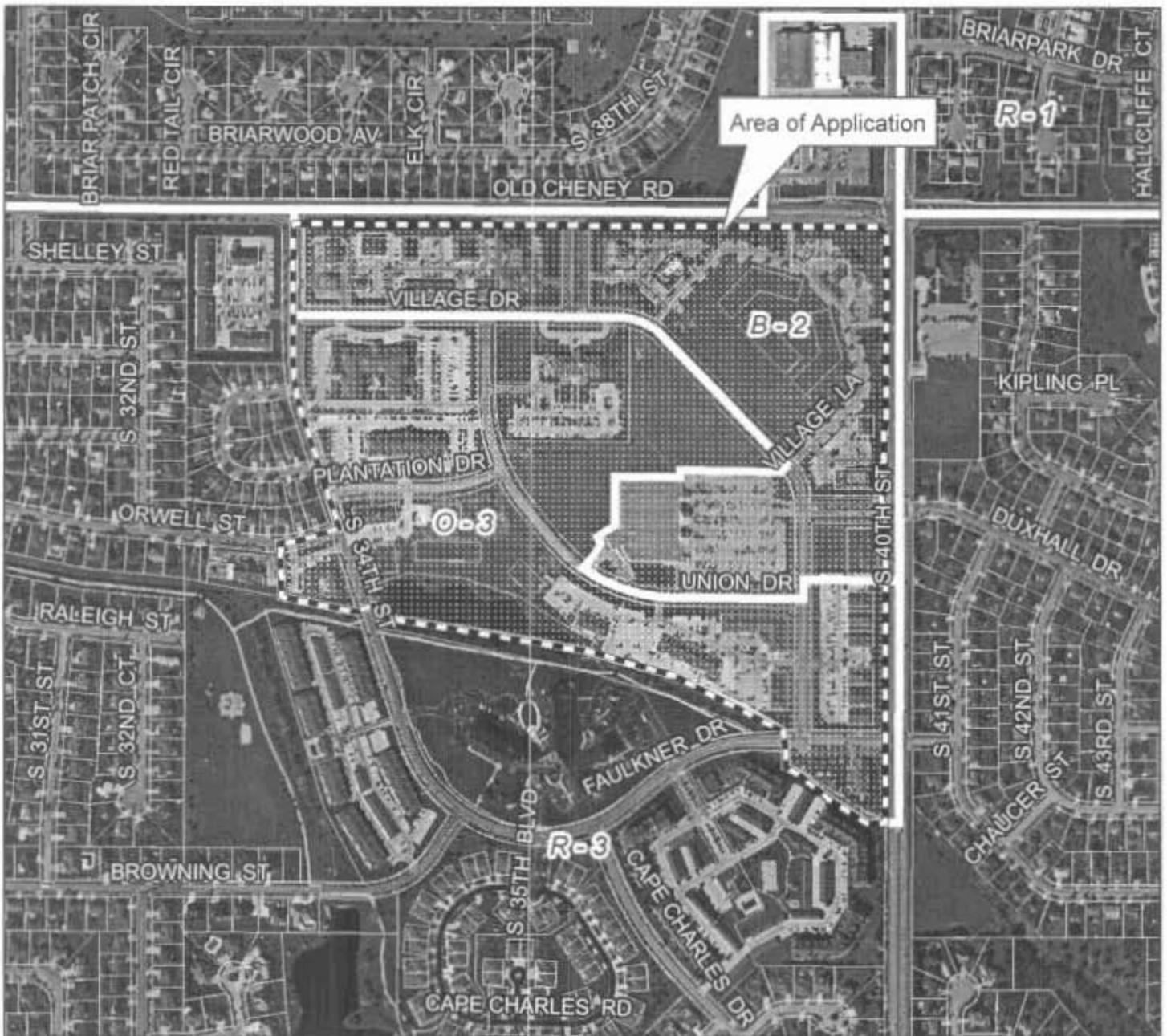
Members present: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 08017, CHANGE OF ZONE NO. 08049, USE PERMIT NO. 58G, USE PERMIT NO. 154D, SPECIAL PERMIT NO. 08042, CITY MISCELLANEOUS NO. 08011 and COUNTY MISCELLANEOUS NO. 08012.**

Ex Parte Communications: None

Sunderman moved to approve the Consent Agenda, seconded by Larson and carried 9-0: Gaylor Baird, Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 08042, 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.



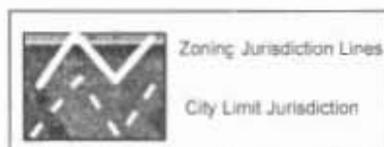
2007 aerial

Use Permit #58G S 40th St & Old Cheney Rd

Zoning:

One Square Mile
Sec. 18 T09N R07E

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



LEGAL DESCRIPTION

ZONE O3

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 1, WILLIAMSBURG VILLAGE 2ND ADDITION, LOT 1, WILLIAMSBURG VILLAGE NORTH CORPORATE OFFICE PARK, LOT 3, BLOCK 2, WILLIAMSBURG VILLAGE NORTH ADDITION, LOT 3, BLOCK 6, WILLIAMSBURG VILLAGE NORTH 2ND ADDITION, LOTS 3, 4, 5, 6, AND 7, WILLIAMSBURG VILLAGE NORTH 8TH ADDITION, OUTLOT "D", WILLIAMSBURG VILLAGE NORTH 13TH ADDITION, OUTLOT "A", LOTS 1, 2, 3, AND 4, WILLIAMSBURG VILLAGE NORTH 24TH ADDITION, LOTS 2, 3, 4, 5, AND 6, WILLIAMSBURG VILLAGE NORTH 26TH ADDITION, LOT 1, WILLIAMSBURG VILLAGE NORTH 27TH ADDITION, OUTLOT "A", AND LOT 1, WILLIAMSBURG VILLAGE NORTH 28TH ADDITION, LOT 1, WILLIAMSBURG VILLAGE NORTH 31ST ADDITION, A PORTION OF OUTLOT "A", WILLIAMSBURG VILLAGE NORTH 32ND ADDITION, PLANTATION DRIVE RIGHT-OF-WAY, A PORTION OF ORWELL STREET RIGHT-OF-WAY, A PORTION OF SOUTH 34TH STREET RIGHT-OF-WAY, A PORTION OF VILLAGE DRIVE RIGHT-OF-WAY, A PORTION OF UNION DRIVE RIGHT-OF-WAY, AND A PORTION OF FAULKNER DRIVE RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST, A DISTANCE OF 74.92 FEET TO A POINT; THENCE SOUTH 89 DEGREES 36 MINUTES 56 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A NORTHEAST CORNER OF LOT 4, BLOCK 4, WILLIAMSBURG VILLAGE NORTH ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 689.91 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 12 DEGREES 39 MINUTES 21 SECONDS WEST ALONG A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET TO A POINT OF DEFLECTION; THENCE SOUTH

01 DEGREES 04 MINUTES 50 SECONDS EAST ALONG A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 225.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF DUXHALL DRIVE; THENCE SOUTH 01 DEGREES 44 MINUTES 51 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SAID SOUTH 40TH STREET, A DISTANCE OF 122.26 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF DUXHALL DRIVE; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SAID SOUTH 40TH STREET, A DISTANCE OF 209.58 FEET TO **THE TRUE POINT OF BEGINNING**; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SAID SOUTH 40TH STREET, A DISTANCE OF 514.20 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF FAULKNER DRIVE; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SAID SOUTH 40TH STREET, A DISTANCE OF 132.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF FAULKNER DRIVE; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SAID SOUTH 40TH STREET, A DISTANCE OF 230.73 FEET TO THE SOUTHEAST CORNER OF 1, WILLIAMSBURG VILLAGE 2ND ADDITION; THENCE SOUTH 89 DEGREES 36 MINUTES 56 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 1, A DISTANCE OF 63.65 FEET TO A POINT OF DEFLECTION; THENCE NORTH 59 DEGREES 50 MINUTES 15 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 154.61 FEET TO A POINT OF DEFLECTION; THENCE NORTH 51 DEGREES 56 MINUTES 49 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 160.25 FEET TO A POINT OF DEFLECTION; THENCE NORTH 59 DEGREES 50 MINUTES 15 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 1, A DISTANCE OF 53.03 FEET TO A POINT OF DEFLECTION; THENCE NORTH 00 DEGREES 23 MINUTES 04 SECONDS WEST ALONG A WEST LINE OF SAID LOT 1, A DISTANCE OF 50.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF FAULKNER DRIVE; THENCE NORTH 58 DEGREES 48 MINUTES 01 SECONDS WEST, A DISTANCE OF 139.33 FEET TO A SOUTH CORNER OF OUTLOT "D", WILLIAMSBURG VILLAGE NORTH 13TH ADDITION, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF FAULKNER DRIVE; THENCE NORTH 60 DEGREES 21 MINUTES 44 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF 79.38 FEET TO A POINT OF DEFLECTION; THENCE NORTH 66 DEGREES 06 MINUTES 14 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF

269.76 FEET TO A POINT OF DEFLECTION; THENCE NORTH 75 DEGREES 03 MINUTES 14 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF 308.16 FEET TO A POINT OF DEFLECTION; THENCE NORTH 79 DEGREES 37 MINUTES 34 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF 341.84 FEET TO A POINT OF DEFLECTION; THENCE NORTH 79 DEGREES 49 MINUTES 57 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF 327.30 FEET TO A POINT; THENCE NORTH 81 DEGREES 44 MINUTES 56 SECONDS WEST ALONG A SOUTH LINE OF SAID OUTLOT "D", A DISTANCE OF 113.88 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT "D", SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 34TH STREET; THENCE NORTH 18 DEGREES 43 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 86.35 FEET TO A POINT; THENCE SOUTH 71 DEGREES 16 MINUTES 51 SECONDS WEST, A DISTANCE OF 66.00 FEET TO THE SOUTHEAST CORNER OF LOT 3, BLOCK 2, WILLIAMSBURG VILLAGE NORTH ADDITION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 34TH STREET; THENCE NORTH 79 DEGREES 37 MINUTES 48 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 3, A DISTANCE OF 281.90 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 02 DEGREES 46 MINUTES 59 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 3, AND THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 3, A DISTANCE OF 194.83 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR ORWELL STREET, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 374.57 FEET, A CENTRAL ANGLE OF 15 DEGREES 56 MINUTES 10 SECONDS, AN ARC DISTANCE OF 104.18 FEET ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR ORWELL STREET, A TANGENT LENGTH OF 52.43 FEET, A CHORD BEARING OF NORTH 79 DEGREES 14 MINUTES 56 SECONDS EAST, AND A CHORD DISTANCE OF 103.85 FEET TO A POINT OF TANGENCY; THENCE NORTH 71 DEGREES 16 MINUTES 51 SECONDS EAST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 123.00 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR SOUTH 34TH STREET; THENCE NORTH 18 DEGREES 43 MINUTES 09 SECONDS WEST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR SOUTH 34TH STREET, A DISTANCE OF 446.37 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 610.00 FEET, A CENTRAL ANGLE OF 18 DEGREES 25 MINUTES 33 SECONDS, AN ARC LENGTH OF 196.17 FEET ALONG SAID CENTER LINE OF RIGHT-OF-WAY, A TANGENT

LENGTH OF 98.94 FEET, A CHORD BEARING OF NORTH 09 DEGREES 30 MINUTES 23 SECONDS WEST, AND A CHORD DISTANCE OF 195.33 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 17 MINUTES 37 SECONDS WEST ALONG SAID CENTER LINE OF RIGHT-OF-WAY, A DISTANCE OF 159.05 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR VILLAGE DRIVE; THENCE NORTH 89 DEGREES 42 MINUTES 23 SECONDS EAST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR VILLAGE DRIVE, A DISTANCE OF 1,202.21 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 240.00 FEET, A CENTRAL ANGLE OF 10 DEGREES 38 MINUTES 35 SECONDS, AN ARC LENGTH OF 44.58 FEET ALONG SAID CENTER LINE OF RIGHT-OF-WAY, A TANGENT LENGTH OF 22.36 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 58 MINUTES 19 SECONDS EAST, AND A CHORD DISTANCE OF 44.52 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF A WEST LINE OF LOT 2, WILLIAMSBURG VILLAGE NORTH 19TH ADDITION; THENCE SOUTH ALONG A WEST LINE OF SAID LOT 2, AND THE NORTHERLY EXTENSION OF A WEST LINE OF SAID LOT 2, A DISTANCE OF 448.88 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 89 DEGREES 42 MINUTES 23 SECONDS WEST ALONG A NORTH LINE OF SAID LOT 2, AND A WESTERLY EXTENSION OF SAID NORTH LINE, A DISTANCE OF 506.39 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR UNION DRIVE, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 650.00 FEET, A CENTRAL ANGLE OF 24 DEGREES 42 MINUTES 15 SECONDS, AN ARC DISTANCE OF 280.26 FEET ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR UNION DRIVE, A TANGENT LENGTH OF 142.34 FEET, A CHORD BEARING OF SOUTH 27 DEGREES 50 MINUTES 43 SECONDS EAST, AND A CHORD DISTANCE OF 278.10 FEET TO A POINT OF TANGENCY; THENCE SOUTH 40 DEGREES 11 MINUTES 51 SECONDS EAST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 144.06 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 50 DEGREES 11 MINUTES 27 SECONDS, AN ARC DISTANCE OF 525.60 FEET ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 281.00 FEET, A CHORD BEARING OF SOUTH 65 DEGREES 17 MINUTES 20 SECONDS EAST, AND A CHORD DISTANCE OF 508.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 36 MINUTES 57 SECONDS EAST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 474.30 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE

OF RIGHT-OF-WAY FOR VILLAGE DRIVE; THENCE NORTH 00 DEGREES 23 MINUTES 04 SECONDS WEST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR VILLAGE DRIVE, A DISTANCE OF 60.93 FEET TO A POINT; THENCE NORTH 89 DEGREES 36 MINUTES 56 SECONDS EAST, A DISTANCE OF 303.00 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,775,933.47 SQUARE FEET OR 40.77 ACRES, MORE OR LESS.

Friday, September 12, 2008

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LEGAL DESCRIPTION

ZONE B2

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 3, 4, AND 6, BLOCK 4, WILLIAMSBURG VILLAGE NORTH ADDITION, LOT 1, BLOCK 1, AND LOT 2, BLOCK 2, WILLIAMSBURG VILLAGE NORTH 2ND ADDITION, LOT 2, WILLIAMSBURG VILLAGE NORTH 3RD ADDITION, LOTS 1, 2, AND 3, WILLIAMSBURG VILLAGE NORTH 4TH ADDITION, LOT 1, WILLIAMSBURG VILLAGE NORTH 9TH ADDITION, LOTS 2, 3, 4, 5, AND 6, WILLIAMSBURG VILLAGE NORTH 12TH ADDITION, OUTLOT "A", LOTS 1 AND 2, WILLIAMSBURG VILLAGE NORTH 14TH ADDITION, LOTS 1 AND 2, WILLIAMSBURG VILLAGE NORTH 19TH ADDITION, OUTLOT "A", AND LOT 1, WILLIAMSBURG VILLAGE NORTH 29TH ADDITION, LOT 1, AND A PORTION OF OUTLOT "A", WILLIAMSBURG VILLAGE NORTH 32ND ADDITION, A PORTION OF SOUTH 34TH STREET RIGHT-OF-WAY, VILLAGE BOULEVARD RIGHT-OF-WAY, DUXHALL DRIVE RIGHT-OF-WAY, A PORTION OF VILLAGE DRIVE RIGHT-OF-WAY, AND A PORTION OF UNION DRIVE RIGHT-OF-WAY, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST, A DISTANCE OF 74.92 FEET TO A POINT; THENCE SOUTH 89 DEGREES 36 MINUTES 56 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A NORTHEAST CORNER OF LOT 4, BLOCK 4, WILLIAMSBURG VILLAGE NORTH ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, SAID POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 689.91 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 12 DEGREES 39 MINUTES 21 SECONDS WEST ALONG A LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 25.00 FEET TO A POINT OF DEFLECTION; THENCE SOUTH 01 DEGREES 04 MINUTES 50 SECONDS EAST ALONG A WEST LINE OF SAID RIGHT-OF-

WAY, A DISTANCE OF 225.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF DUXHALL DRIVE; THENCE SOUTH 01 DEGREES 44 MINUTES 51 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET, A DISTANCE OF 122.26 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF DUXHALL DRIVE; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG A WEST RIGHT-OF-WAY LINE OF SAID SOUTH 40TH STREET, A DISTANCE OF 209.58 FEET TO A POINT; THENCE SOUTH 89 DEGREES 36 MINUTES 56 SECONDS WEST, A DISTANCE OF 303.00 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR VILLAGE DRIVE; THENCE SOUTH 00 DEGREES 23 MINUTES 04 SECONDS EAST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.93 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR UNION DRIVE; THENCE SOUTH 89 DEGREES 36 MINUTES 57 SECONDS WEST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR UNION DRIVE, A DISTANCE OF 474.30 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 600.00 FEET, A CENTRAL ANGLE OF 50 DEGREES 11 MINUTES 27 SECONDS, AN ARC LENGTH OF 525.60 FEET ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 281.00 FEET, A CHORD BEARING OF NORTH 65 DEGREES 17 MINUTES 20 SECONDS WEST, AND A CHORD DISTANCE OF 508.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 40 DEGREES 11 MINUTES 51 SECONDS WEST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 144.06 FEET TO A POINT OF CURVATURE OF A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 650.00 FEET, A CENTRAL ANGLE OF 24 DEGREES 42 MINUTES 15 SECONDS, AN ARC LENGTH OF 280.26 FEET ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 142.34 FEET, A CHORD BEARING OF NORTH 27 DEGREES 50 MINUTES 43 SECONDS WEST, AND A CHORD DISTANCE OF 278.10 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF A NORTH LINE OF LOT 2, WILLIAMSBURG VILLAGE NORTH 19TH ADDITION; THENCE NORTH 89 DEGREES 42 MINUTES 23 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 2, AND ITS WESTERLY EXTENSION, A DISTANCE OF 506.39 FEET TO A POINT OF DEFLECTION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A WEST LINE OF SAID LOT 2, AND A NORTHERLY EXTENSION OF SAID LOT 2, A DISTANCE OF 448.88 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR VILLAGE DRIVE, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A

RADIUS OF 240.00 FEET, A CENTRAL ANGLE OF 10 DEGREES 38 MINUTES 35 SECONDS, AN ARC DISTANCE OF 44.58 FEET ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 22.36 FEET, A CHORD BEARING OF NORTH 84 DEGREES 58 MINUTES 19 SECONDS WEST, AND A CHORD DISTANCE OF 44.52 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 42 MINUTES 23 SECONDS WEST ALONG THE CENTER LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,202.21 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR SOUTH 34TH STREET; THENCE NORTH 00 DEGREES 17 MINUTES 37 SECONDS WEST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR SAID SOUTH 34TH STREET, A DISTANCE OF 333.00 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF OLD CHENEY ROAD RIGHT-OF-WAY; THENCE NORTH 89 DEGREES 42 MINUTES 23 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID OLD CHENEY ROAD, A DISTANCE OF 41.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR SOUTH 34TH STREET; THENCE NORTH 89 DEGREES 42 MINUTES 23 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID OLD CHENEY ROAD, A DISTANCE OF 954.30 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF VILLAGE BOULEVARD; THENCE NORTH 89 DEGREES 42 MINUTES 23 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID OLD CHENEY ROAD, A DISTANCE OF 100.00 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID VILLAGE BOULEVARD; THENCE NORTH 89 DEGREES 42 MINUTES 23 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID OLD CHENEY ROAD, A DISTANCE OF 1,075.00 FEET TO A NORTHEAST CORNER OF LOT 4, BLOCK 4, WILLIAMSBURG VILLAGE NORTH ADDITION; THENCE SOUTH 45 DEGREES 20 MINUTES 21 SECONDS EAST ALONG A SOUTH LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING A NORTHEAST LINE OF SAID LOT 4, A DISTANCE OF 35.38 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 1,866,210.60 SQUARE FEET OR 42.84 ACRES, MORE OR LESS.

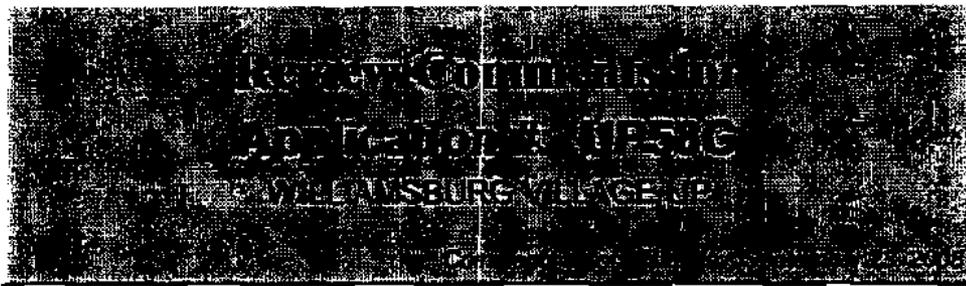
Thursday, September 11, 2008

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M e m o r a n d u m

To: Christy Eichorn, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Williamsburg Village Change of Zone #08049 *UP 58G*
Date: September 18, 2008
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Williamsburg Village Change of Zone #08049 for future expansion of HyVee. Public Works recommends that the parking in the future show the lots that are being developed eliminating the need for a Parking Table in the application. The parking requirements can be reviewed in the Building Permit process.



Status of Review: Approved

Reviewed By

ANY

Comments:

Status of Review: FYI

09/12/2008 12:11:48 PM

Reviewed By Building & Safety

Terry Kathe

Comments: No problem if they can show where the parking agreements are and what parcels are included in them. Gave Christy the parking tables that this department has kept as current as possible.

Status of Review: Active

Reviewed By Fire Department

ANY

Comments:

Status of Review: Approved

09/22/2008 4:10:26 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Christy Eichorn DATE: September 22, 2008

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Williamsburg Village

EH Administration CZ #08049 UP #58G

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and use permit application with the following noted:

Developers are responsible for all mosquito control issues during the building process and all outlots, green-spaces, and/or natural corridors subsequently controlled by the owner, tenant, occupant, lessee, or otherwise, for that subdivision would be responsible for vectors of zoonotic disease in those areas.

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.

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments: