

City Council Introduction: **Monday**, December 16, 2002

Public Hearing: **Monday**, January 6, 2003, at **1:30 p.m.**

Bill No. 02R-299

FACTSHEET

TITLE: **USE PERMIT NO. 140A**, requested by Menard, Inc., to modify the parking layout and to add an outdoor garden sales area, on property generally located northwest of the intersection of South 91st Street and Highway 2.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/13/02
Administrative Action: 11/13/02

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent).

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that, based upon the anticipated demand and operating characteristics of the use, adequate parking to accommodate the use will be provided with this amendment. This amendment reduces the amount of required parking from 877 stalls to 729 stalls.
2. The applicant's testimony is found on p.6-8, explaining that the only purpose for this application is to enable Menards to place an awning over the area of their garden center on the east side of the building.
3. Testimony in opposition by Mike Morrow on behalf of the Eiger Corp. is found on p.6-7, contending that this amendment, which increases the size of the permit area for Menards by 10,850 sq. ft., will reduce the allowable square footage that can be built on the remainder of the property. Morrow requested that the underlying use permit also be amended to increase the total permitted square footage by the amount requested by this amendment. (See Minutes, p.6-7). After the Planning Commission meeting, a request was filed to administratively amend the permit to allow that increased square footage. Staff expects that the amendment will be approved before the January 6th hearing.
4. The applicant's response to the opposition is found on p.7.
5. On November 13, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval, as set forth in the staff report dated October 29, 2002.
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 9, 2002

REVIEWED BY: _____

DATE: December 9, 2002

REFERENCE NUMBER: FS\CC\2002\UP.140A

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Use Permit 140A

DATE: October 29, 2002

SCHEDULED PLANNING COMMISSION MEETING: November 13, 2002

PROPOSAL: Modify the parking layout and add an outdoor garden sales area.

WAIVER REQUEST: Reduce the amount of required parking from 877 stalls to 729.

LAND AREA: 18.37 acres

CONCLUSION: Based upon the anticipated demand and operating characteristics of the use, adequate parking to accommodate the use will be provided with this amendment.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Block 1, Appian Way, Lancaster County, Nebraska.

LOCATION: Northwest of the intersection of South 91st Street and Highway 2.

APPLICANT/

OWNER: Menard, Inc.
4777 Menard Drive
Eau Claire, WI 54703
(715) 876-2828

CONTACT: Mark Lee
c/o Menard, Inc.
4777 Menard Drive
Eau Claire, WI 54703
(715) 876-2828

EXISTING ZONING: B-5 Planned Regional Business District

EXISTING LAND USE: Vacant, but graded in anticipation of construction.

SURROUNDING LAND USE AND ZONING:

North:	Commercial under development	B-5
South:	Commercial under development	B-5
East:	Commercial under development	B-5
West:	Commercial under development	B-5

HISTORY:

ANN#01006-Approved November 5, 2001, annexed 245 acres into the City of Lincoln.

CZ#3320 - Approved November 5, 2001, changed the zoning on 98.8 acres east of relocated South 91st Street from AG to R-3.

CZ#3285 - Approved November 5, 2001, changed the zoning on 146.3 acres between South 84th and relocated South 91st Street north of Highway 2 from AG to B-5.

UP#140 - Approved November 5, 2001, for 825,400 square feet of commercial space, with the option to expand to 940,000 square feet provided that the total p.m. peak hour trips does not exceed 2,925.

PP#01006 - Appian Way Regional Center - Approved September 28, 2001, for 28 commercial lots and 8 outlots.

ANALYSIS:

1. As originally approved, Use Permit 140 allowed up to 940,000 square feet of commercial floor area, 184,000 of it allotted to Menards. The approved plan also showed 838 parking stalls on Lot 2 dedicated for use by Menards.
2. There are two components to this amendment. The first proposes to add a garden center overhang on the south end of the building, thereby increasing the floor area to 194,853 square feet. The second seeks to reduce the amount of off-street parking from 877 stalls to 729.
3.
 - The total floor area with the proposed addition requires 877 stalls to meet the B-5 parking requirement of 4.5 spaces per 1,000 square feet of floor area based upon a 194,853 square foot floor area.
 - The requested reduction to 729 spaces results in 3.7 spaces per 1,000 square feet of floor area.
 - The Menard's north location at North 27th and Superior Streets is a 170,400 square foot store with 641 parking spaces. This results in a ratio of 3.7 spaces per 1,000 square feet of floor area.
 - The B-2 district requires 1 space per 300 square feet of floor area, or approximately 3.3 spaces per 1,000. This is the standard applied to Home Depot at South 70th and Highway 2.
4. The parking requirement for the B-5 district is an overall average based upon the range of uses allowed, which also takes into account such factors as open space and driving isles in the calculation of the minimum parking requirement. Understanding that this is an average, it is accepted that there may be uses allowed within the district that generate a higher parking demand that exceeds the number of spaces required, as well as those uses that generate a lower one. The approval of the original use permit, UP#140, provides 4,757 parking spaces, 684 more than the 4,073 spaces required by the Zoning Ordinance.

5. As noted in the applicant's letter, the size of the store is at least partially in response to the merchandise carried, which in many cases is larger and bulkier than typical retail merchandise. As a result, the parking generation demand is expected to be less when compared to general retail uses on strictly a total floor area basis.
6. There is room in the outside storage areas that can be counted as parking spaces, as this area is used by customers when picking-up merchandise. This further reduces the demand upon the parking lot in front of the store. This was acknowledged in the original site plan that was approved for this development, where credit for 34 spaces was allowed in this area, but which is not shown on this plan. Should Menard's vacate this building, subsequent uses must provide the required parking per LMC. The area around the building in the outside storage area could be converted to off-street parking if needed in that case as well.
7. The resolution approving the use permit for Appian Way contained a provision that allows the total floor area of the center to expand from 825,400 square feet up to a maximum of 940,000 square feet, provided the number of p.m. peak hour trips does not exceed 2,925. The increase in total floor area as a result of the garden center addition will count towards the total floor area allowed for Appian Way, as well as the maximum allowed peak hour trips. Each request for an increase in floor area in this center, including this one, must be evaluated against these criteria. The applicant must provide documentation demonstrating that the peak hour trips limit is not exceeded with this amendment.
8. There are concerns noted in the review from Public Works and Utilities, however that department does not object to this amendment based upon discussions held between City staff and the applicant.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits two copies of 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 Provide documentation that verifies the p.m. peak hour trips for Appian Way Regional Center does not exceed 2,925 with the proposed expansion.
 - 1.2 Revise the site plan to show a modified land use table that includes a column for p.m. peak trips.
2. This approval permits a 194,853 square foot building with a reduction to the parking requirement to allow 729 parking spaces.

General:

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

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the buildings 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 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:

Planner
Brian Will

USE PERMIT NO. 140A

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 13, 2002

Members present: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn; Bills-Strand and Krieser absent.

Staff recommendation: Conditional approval.

This application was removed from the Consent Agenda and had separate public hearing at the request of Mike Morrow.

Proponents

1. **Mark Hunzeker** appeared on behalf of Menards. The only purpose for this application is to enable Menards to place an awning over the area of their garden center on the east side of the building. It is an area that will be used for the sale of various garden related products, with or without this awning. Nothing will be added to the traffic burden as a result of this project and Hunzeker believes the staff agrees.

Opposition

1. **Mike Morrow** appeared on behalf of Eiger Corp., the developer of the shopping center at 84th & Hwy 2. Morrow indicated that his client is not necessarily opposed; however, he is seeking clarification of this use permit amendment. Currently, the Menards facility has been authorized for 184,000 sq. ft. The requested amendment would increase that to 194,853 sq. ft. The entire center has a permitted area of 825,400 sq. ft., and an approved maximum of 940,000 sq. ft., assuming that the pm peak hour trips do not exceed 2,925 trips. Therefore, Morrow requested that the approval of this amendment be made contingent upon an increase in the overall size of the center since Menards is, in fact, requesting an increase in their permitted area.

Morrow submitted that it is not “just an awning”—it increases the size of the Menards permit area by 10,850 sq. ft., which will have an impact on the overall allowable square footage that can be built within the center. Morrow is also fairly confident that the garden center will increase the number of pm trips, and this is referred to in the staff report.

Morrow reiterated his request that the underlying use permit also be amended to increase the total permitted square footage to 836,253 sq. ft., which would be an increase of exactly the amount requested by this amendment, up to a maximum of 950,853 sq. ft., and that the number of pm trips allowed under the current existing permit (2,925 pm trips) be increased by a number of pm trips that the staff believes would be attributable to the construction of the garden center. Alternatively, Eiger Corp. must oppose this application. Eiger has paid all the money to the city for construction, has posted all the required bonds and built the infrastructure, and they have been fairly cautious in allocating square footage as far as what those pm trips generate. This application requests an increase in

square footage and Morrow's client will support that increase, provided that the square footage of the overall use permit is increased and the pm trips are increased by corresponding amounts.

Carlson inquired whether Eiger Corp. is going to be suffering economically by this proposed amendment. What about the rent increase? Morrow indicated that the parcel has been sold to Menards and is not leased. Under that sale agreement, Menards was allocated the initial 184,000 sq. ft., and that is what has been allowed by the city under the permit.

Staff questions

Steward inquired as to the impact of increasing the total permit. Brian Will of Planning staff stated that it may be acceptable if there is some sort of analysis that demonstrates that we are not exceeding the maximum pm trip limits. Will was not aware of this opposition because there was a letter from the developer of the center indicating that they were agreeable to this amendment.

Ray Hill of Planning staff cautioned that the Commission would not be able to increase the total floor area of the use permit today because it has not been advertised. The Planning Director does have the authority to approve minor increases in total floor area, but this would require an application for an administrative amendment and could not be done today.

Taylor wondered whether this would be considered a minor increase. Hill stated that it would require a review by the staff because it also involves the total pm peak traffic. The whole center would need to be analyzed before making a determination as to whether it could be approved administratively. Today, the Commission cannot increase the total floor area; however, the Commission may grant the waiver of parking today.

Response by the Applicant

Hunzeker indicated that he was also caught a little off-guard by the opposition. The letter in the packet from the developer of the center indicates support for this application. This applicant has provided documentation to the staff that the addition of this awning does not materially increase traffic. In fact, there is also information regarding a site specific study of trips generated by a nearly identical store owned by Menards which generates trips at a much lower rate than that assumed in the study that generated the initial trip cap. This is simply placing an awning over an area which will already have products for sale. This does not increase the number or availability of products for sale at retail. Hunzeker believes there will be zero impact on the total number of people coming to this store as the result of this awning.

Hunzeker requested that the Planning Commission approve this application. This is a minuscule change in the scope of this project. Menards has a substantial building behind the main building which serves as lumber storage which is included in the total square footage of this project as well. It is inconceivable that you would be generating traffic at the same rate on that square footage as you would within the retail area of the store. Moreover, Hunzeker believes that this is a very low intensity type of retail with very wide aisles and large product. Whatever minor adjustments need to be made to satisfy the overall caps on this project can be done administratively.

Hunzeker also pointed out that this application must also go to the City Council, so if there are any further adjustments that need to be made, or if there is the need to process an administrative amendment, that can be done between now and when this gets scheduled on the Council agenda. Public hearing was closed.

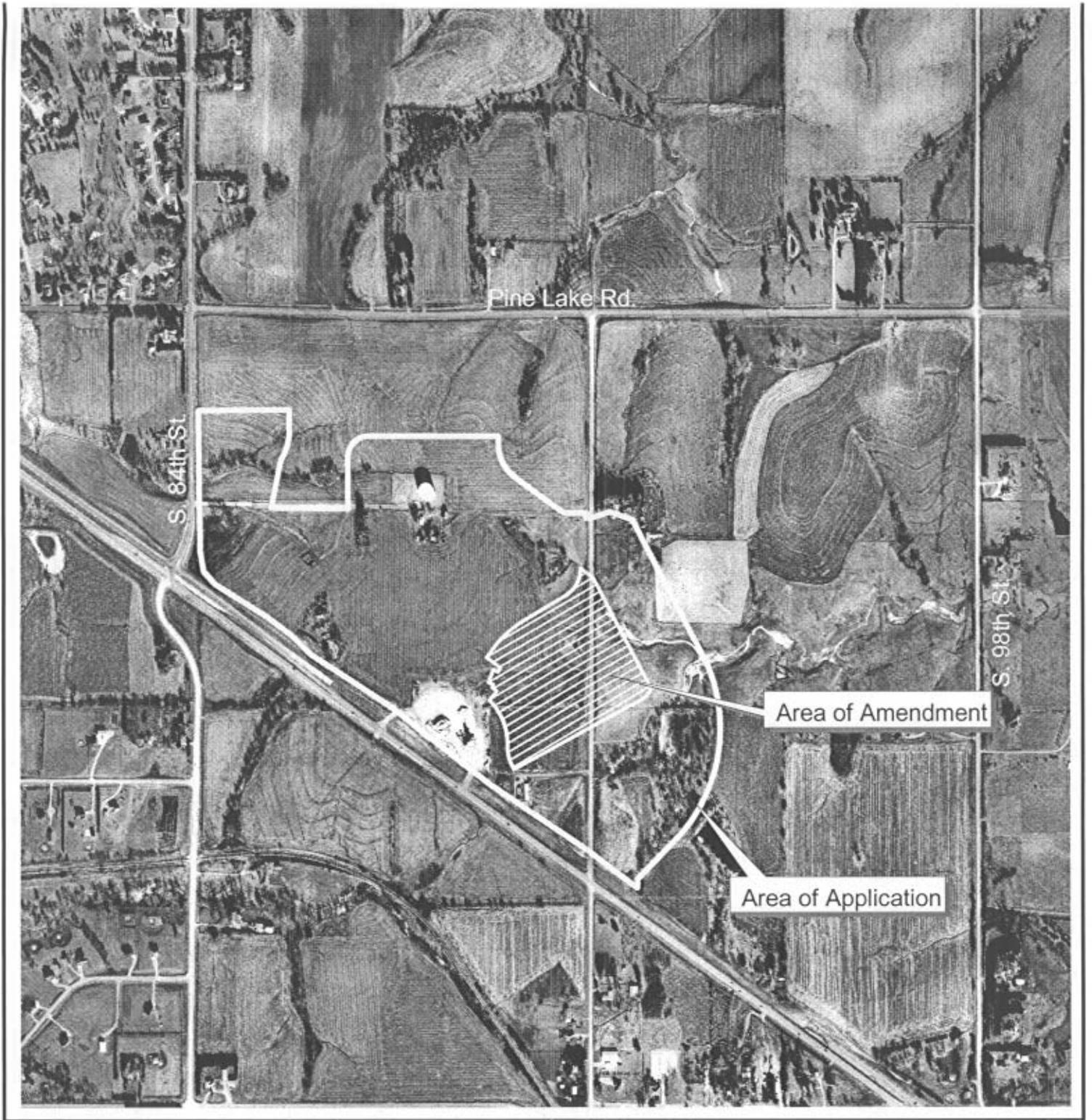
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 13, 2002

Duvall moved to approve the staff recommendation of conditional approval, as set forth in the staff report, seconded by Taylor.

Duvall believes it's a matter of interpretation as to what is a garden center and what is a structure. He believes any problems can be worked out with the applicant.

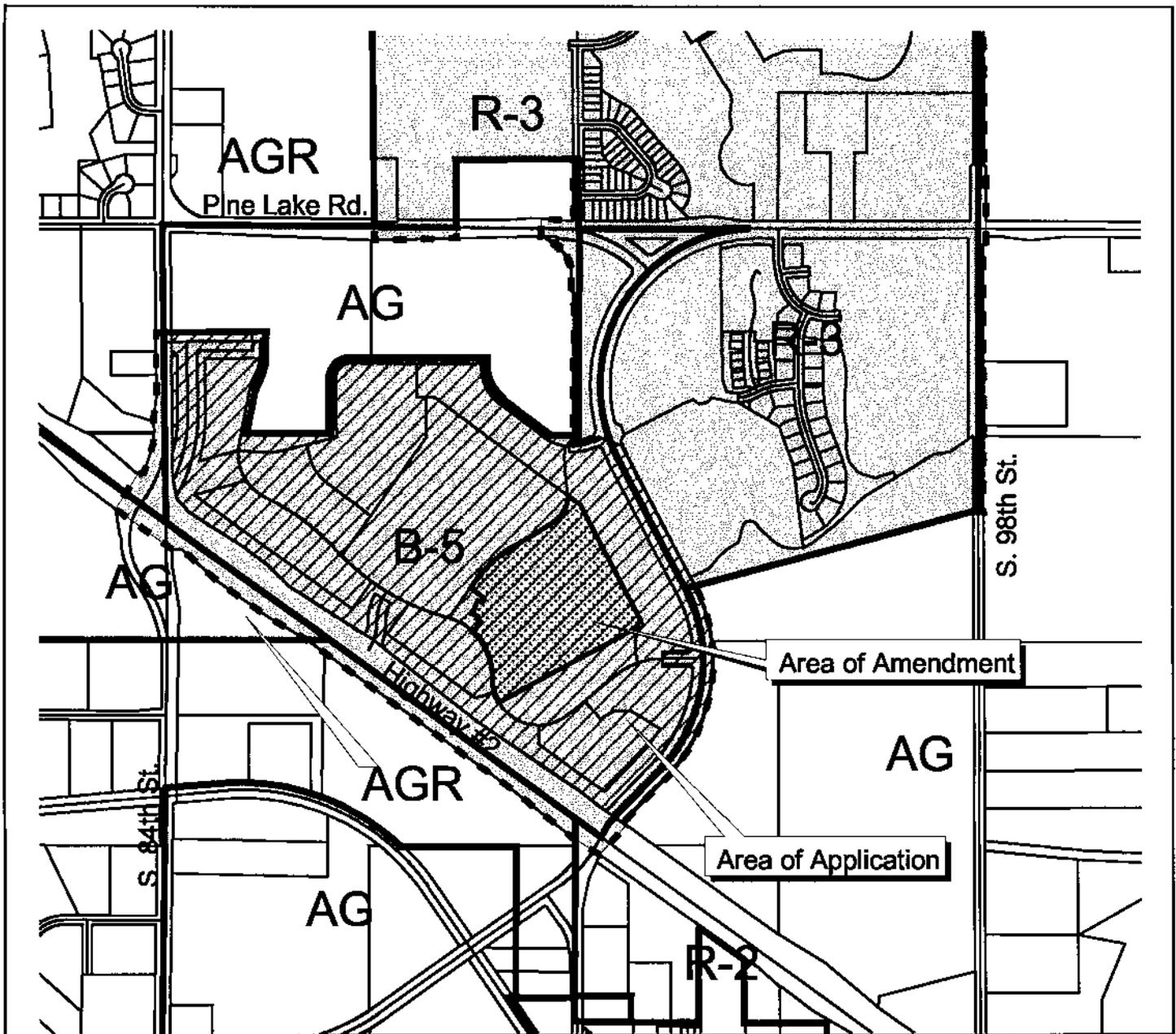
Motion for conditional approval carried 7-0: Newman, Carlson, Larson, Duvall, Steward, Taylor and Schwinn voting 'yes'; Bills-Strand and Krieser absent.



**Use Permit #140A
S. 84th & HWY #2**



009

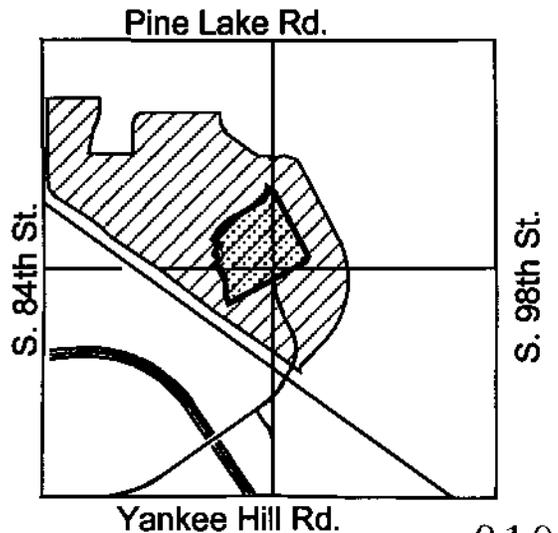
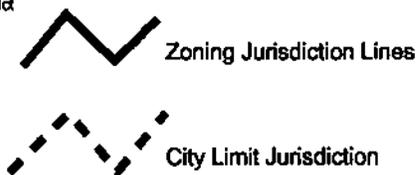


**Use Permit #140A
S. 84th & HWY #2**

Zoning:

- R-1 to R-3 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. 23 T9N R7E



010

APPIAN WAY REGIONAL CENTER

PRELIMINARY PLAN & USE PERMIT

PREPARED BY: **OLSSON ASSOCIATES**
 1111 W. 10TH AVENUE
 SUITE 100
 DENVER, CO 80202

GENERAL NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
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APPIAN WAY REGIONAL CENTER

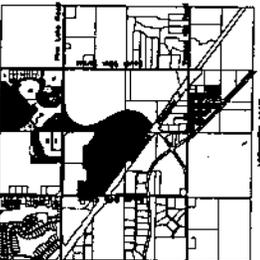
SITE PLAN

LINCOLN NEBRASKA 2002



1 OF 12 SHEET

NO.	DESCRIPTION	DATE	BY	CHECKED	APPROVED
1	PRELIMINARY PLAN & USE PERMIT	10/17/2002	[Signature]	[Signature]	[Signature]
2	REVISION				
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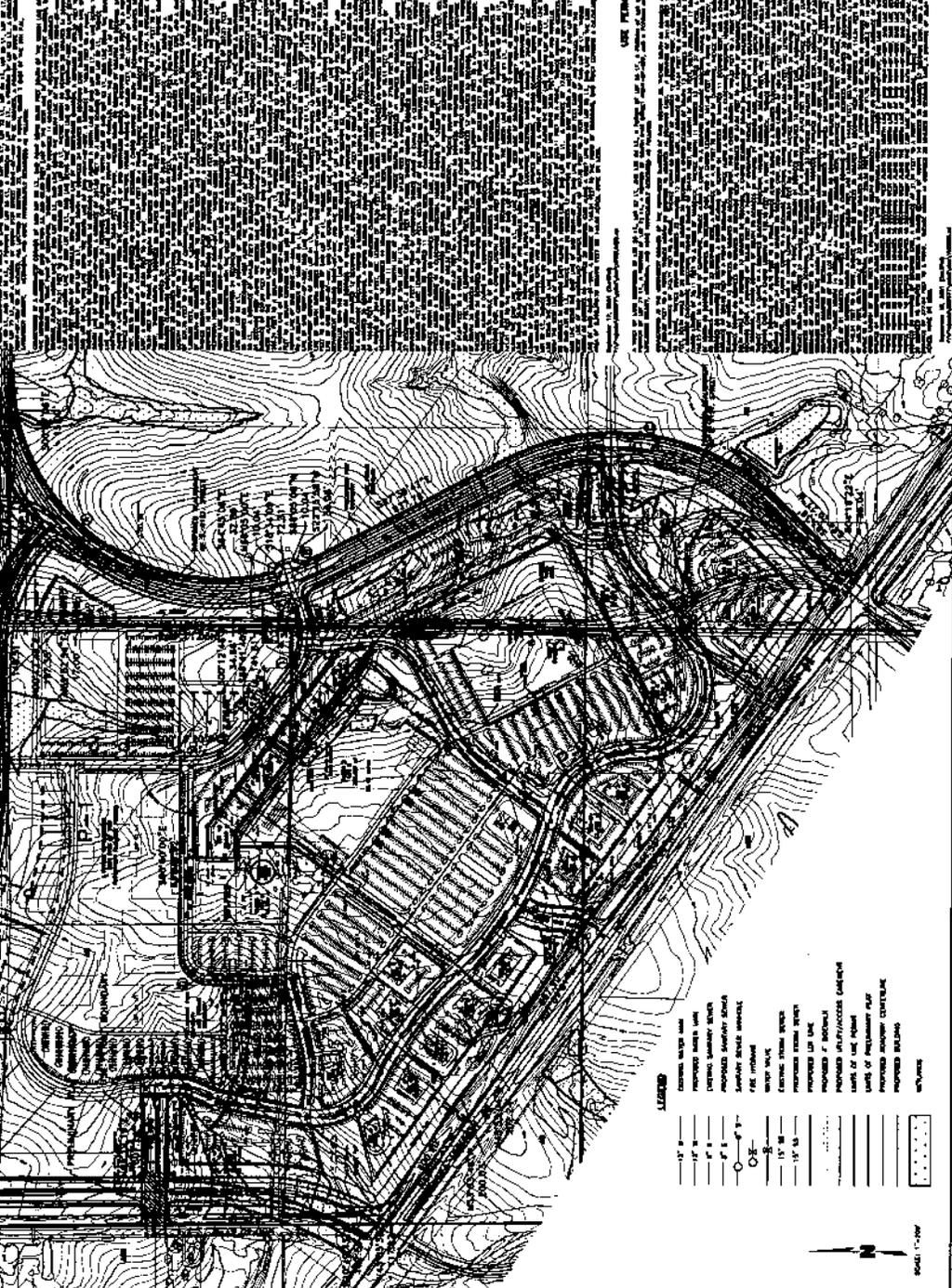


REVISIONS

LOCAL JURISDICTION

APPROVED FOR THE CITY OF LINCOLN, NEBRASKA

APPROVED FOR THE CITY OF LINCOLN, NEBRASKA



OCT 17 2002

CITY OF LINCOLN, NEBRASKA

PLANNING DEPARTMENT

- LEGEND
- 1" = 1' - 1" (1:12)
 - 1" = 2' - 0" (1:24)
 - 1" = 4' - 0" (1:48)
 - 1" = 8' - 0" (1:96)
 - 1" = 16' - 0" (1:192)
 - 1" = 32' - 0" (1:384)
 - 1" = 64' - 0" (1:768)
 - 1" = 128' - 0" (1:1536)
 - 1" = 256' - 0" (1:3072)
 - 1" = 512' - 0" (1:6144)
 - 1" = 1024' - 0" (1:12288)
 - 1" = 2048' - 0" (1:24576)
 - 1" = 4096' - 0" (1:49152)
 - 1" = 8192' - 0" (1:98304)
 - 1" = 16384' - 0" (1:196608)
 - 1" = 32768' - 0" (1:393216)
 - 1" = 65536' - 0" (1:786432)
 - 1" = 131072' - 0" (1:1572864)
 - 1" = 262144' - 0" (1:3145728)
 - 1" = 524288' - 0" (1:6291456)
 - 1" = 1048576' - 0" (1:25165824)
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 - 1" = 8388608' - 0" (1:201326592)
 - 1" = 16777216' - 0" (1:402653184)
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 - 1" = 2417851639229258349412352' - 0" (1:6714412283439616)
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 - 1" = 9671406556917033397649408' - 0" (1:6714412283439616)
 - 1" = 19342813113834066795298816' - 0" (1:3357206141719808)
 - 1" = 38685626227668133590597632' - 0" (1:6714412283439616)
 - 1" = 77371252455336267181195264' - 0" (1:3357206141719808)
 - 1" = 154742504910672534362390528' - 0" (1:6714412283439616)
 - 1" = 309485009821345068724781056' - 0" (1:3357206141719808)
 - 1" = 618970019642690137449562112' - 0" (1:6714412283439616)
 - 1" = 1237940039285380274899124224' - 0" (1:3357206141719808)
 - 1" = 2475880078570760549798248448' - 0" (1:6714412283439616)
 - 1" = 4951760157141521099596496896' - 0" (1:3357206141719808)
 - 1" = 9903520314283042199192993792' - 0" (1:6714412283439616)
 - 1" = 19807040628566084398385987584' - 0" (1:3357206141719808)
 - 1" = 39614081257132168796771975168' - 0" (1:6714412283439616)
 - 1" = 79228162514264337593543950336' - 0" (1:3357206141719808)
 - 1" = 158456325028528675187087900672' - 0" (1:6714412283439616)
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 - 1" = 1267650600228229401496703205376' - 0" (1:3357206141719808)
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 - 1" = 1298074214665706907132624082305024' - 0" (1:3357206141719808)
 - 1" = 2596148429331413814265248164610048' - 0" (1:6714412283439616)
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 - 1" = 41538374869302621028243970633760768' - 0" (1:6714412283439616)
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 - 1" = 1461501637366931715222648800716283019655932280832' - 0" (1:3357206141719808)
 - 1" = 2923003274733863430445297601432566039311864561664' - 0" (1:671441228

MENARD INC

October 17, 2002

Mr. Marvin S. Krout, Director
Lincoln Lancaster Planning Department
County-City Building
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Appian Way Commercial Center
91st Street and Nebraska Highway #2
Amendment to Use Permit
OA Project No. 1999.0677, 2001.0350

Dear Mr. Krout,

We are requesting an "Amendment to the Use Permit" to modify the parking layout and counts for the Menards lot within the Appian Way Development. This will provide an area for the Menards site to incorporate an outdoor garden/sales area directly adjacent to the north and east sides of their building.

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

1. Cover Sheet with Amendments, Sheet 1; 21 copies
2. Site Plan with Amendments, Sheet 3; 21 copies
4. City of Lincoln Zoning Application; "Use Permit; Amendment"
5. Filing fee for "Use Permit"; \$585.00.
6. Certificate of Ownership
7. 8 1/2" x 11" Reduced Drawings of the Site Plan

In addition, a supplemental letter will be sent to your office from Mr. Kelvin Korver, the overall site developer for the Appian Way Commercial Center. His letter will state his acceptance of the proposed waiver to the Preliminary Plat and Use Permit.

Within the B-5 District, Menard, Inc. is required to provide 4.5 spaces for every 1000 square feet of floor area. The floor area we calculated for this site consists of the items listed below:

- Main Building

Total Area =	162,340 ft ²
Utility Rooms =	699 ft ²
Total Area Used in Calculation =	161,641 ft ²



- Treated Board Warehouse
 - Total Area = 22,440 ft²
 - Spaced Used for Parking = 7,636 ft²
 - Total Area Used in Calculation = 14,804 ft²

- Garden Center/Contractor Loading Overhang
 - Total Area = 28,512 ft²
 - Loading/Parking Space = 10,104 ft²
 - Total Area Used in Calculation = 18,408 ft²

The Total Area for the entire property defined as "Floor Area" is equal to 194,853 ft². This floor area calculation requires the Menards Property to contain 877 stalls. For this Amendment we are proposing a waiver from the design standards to accommodate 729 stalls. The currently required parking count of 877 stalls is considerably greater than what is typically striped in similarly sized Menard stores within other municipalities. For purposes of comparison, we have set forth similarly sized Menards stores in other markets and the number of parking spaces striped at each respective store:

<u>Location</u>	<u>Stalls</u>	<u>Location</u>	<u>Stalls</u>
Anderson, IN	412	Baxter, MN	393
Bay City, MI	445	Bloomington, IN	515
Columbus, IN	535	Danville, IL	438
Defiance, OH	471	Dubuque, IA	435
Dundas, MN	397	Effingham, IL	441
Ft. Wayne West, IN	456	Germantown, WI	531
Glendale Heights, IL	457	Grand Forks, ND	503
Greenwood, IN	419	Heartland Crossing, IN	420
Jackson, MI	423	Johnson Creek, WI	467
Lima, OH	460	Lincoln, NE (existing store)	650
Marinette, WI	415	Mitchell, SD	424
Morton Grove, IL	412	Naperville, IL	494
Omaha, NE	441	Plainfield, IL	466
Rhineland, WI	418	Valparaiso, IN	418
West St. Paul, MN	455	Winona, MN	479
Yorkville, IL	456		

As the table set forth above demonstrates, the number of off-street parking spaces depicted on the proposed site plan is significantly greater than the number typically found in Menard, Inc.'s stores. As a retailer, Menard, Inc. is not about to under park for our proposed use. We know that to satisfy our parking we need approximately 400 parking spaces to be striped.

Pleased be advised that a great deal of sales items are bulky, sizeable goods that take up a large amount of square footage; thus, a square footage determination of parking spaces is not a good indicator of our actual parking needs. Menard, Inc. does not desire to pave

OCT 17 2002
 CITY OF LANCASTER
 PLANNING DEPARTMENT

additional acres of land for parking that will never be utilized, just as the City of Lincoln likely does not want additional acres of unsightly, unused hard surface area paved for parking.

Please note that we have found that typically 15-25% of our customers are in the rear yard area at any given time, and do not require the use of storefront parking. In fact all guests accessing the Board Warehouse will actually be vacating spaces in front of the store as the Board Warehouse is designed for vehicular loading.

Lastly, in the event the use of the store ever changed to a more intensive use requiring greater parking, the yard area could be converted to parking. As a result, Lincoln should not be concerned that the site plan for Menard, Inc.'s proposed store does not meet the 4.5 spaces for every 1000 ft² of floor area requirement. Flexibility from this standard is warranted and advisable in this instance.

We look forward to working with you and your staff to develop a solution. Please contact us if you have any questions or require any additional materials.

Sincerely,



Mark Lee
Real Estate Associate

cc: Steve Clymer, AIA (Olsson Associates)
Jered Morris, EI (Olsson Associates)
Kelvin Korver

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015

October 18, 2002

SENT VIA FAX
(402) 441-6377

Lincoln-Lancaster County Planning Department
Attn: Abigail Davis
555 South 10th Street, Suite 213
Lincoln, NE 68502

RE: Lincoln South Menards
CUP Amendment

Dear Abby:

I am writing today per the request of Mark Lee of Menard, Inc. I wanted to let the city know that Eiger Corp. has reviewed the latest site plan. As the developer and owner of Appian Way Regional Center, Eiger Corp. hereby approves of the addition of the 72' overhang for the Menards Garden Center/Shipping Center and also approves a reduction in parking on the Menard Parcel to 729.

I believe that the proposed changes will be an improvement to the Menards Store and therefore have a positive effect on the center as a whole. Furthermore, I have no doubt that Menard, Inc. is going to provide adequate parking for its customers. Accordingly, I would encourage you to approved Menard, Inc.'s request for an Amended Conditional Use Permit.

If you have any questions, comments, or concerns, do not hesitate to contact me at the numbers below. Thanks.

Very Truly Yours,



Kelvin Korver
Eiger, Corp.
Phone: (402) 788-2572
Fax: (402) 788-2766

Cc:

1. Mark G. Lee via fax at (715) 876-2868
2. Jered Morris via fax at (402) 474-5160

016

M e m o r a n d u m

To: Brian Will, Planning Dept.
From: ^{BB} Bruce Briney, Public Works and Utilities
Subject: Use Permit #140A, Appian Way Commercial Center
Menards Store
Date: October 31, 2002
cc: Nicole Fleck-Tooze
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for the amendment to Use Permit #140A to reduce the number of required parking stalls for the Menards store located in the Appian Way Commercial Center. Public Works has the following comments:

- Parking in the "Outside Yard Area" cannot be obstructed by delivery vehicles, loading/unloading operations or the storage of materials.
- The comparison chart submitted with the application for amendment to Use Permit #140A lists the number of parking stalls at each of 31 Menards stores but does not give the square footage of those stores so that an objective comparison can be made of parking spaces per 1,000 square feet of floor area.
- The comparison with the existing Lincoln Menards store on North 27th Street is not valid because that particular Menards store did not meet the required parking stall criteria and therefore, had to execute an interlocal agreement with the adjacent ShopKo store for joint use of ShopKo's parking facilities in order to meet Menard's minimum parking stall requirement. The parking lot of the North 27th Street Menards store appears to City staff to be consistently crowded and deficient in parking stalls.
- The argument that "a square footage determination of parking spaces is not a good indicator of Menards actual parking needs" because "a great deal of sales items are bulky, sizeable goods that take up a large amount of square footage" is not valid. Like conditions and requirements exist for other stores similar in operation and merchandise to Menards.
- The Appian Way Regional Center Preliminary Plat and Use Permit Site Plan lists in the Land Use chart a minimum of 877 required parking stalls and 729 actual stalls. The fact that the site plan shows 729 stalls in the Menards parking lot despite the requirement for 877 parking stalls appears to indicate that a decision was made to intentionally "under park" for the proposed use. It also appears that the request for an amendment to the Use Permit to modify the parking stall requirements is an attempt to justify this intentional under parking.
- The proposal to reduce the minimum required parking by 148 stalls is not warranted and approval of this request would set an undesirable precedent. Based upon prior conversations between the Planning Department and the site developer, Public Works will not object to this request for an Amendment to the Use Permit for the Appian Way Regional Center to waive the parking stall requirements. A formal request for this waiver should be submitted to the City Council.