

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 1, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #15008

PROPOSAL: Change the zoning from AG Agriculture and AGR Agricultural Residential to B-5 Planned Regional Business

LOCATION: South 84th Street and Pine Lake Road

LAND AREA: AG to B-5 - Approximately 16.77 acres
AGR to B-5 - Approximately .7 acres.

CONCLUSION: The Comprehensive Plan designates this area for future commercial land uses, and it is also a designated location for a regional shopping center. It has been anticipated the B-5 zoning would eventually be expanded to include all the area bounded by South 84th and South 91st Streets, from the south side of Pine Lake Road to Highway 2, and this request is consistent with that. This request complies with the Zoning Ordinance and is in conformance with the Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: AG to B-5 - See attached legal description.
AGR to B-5 - See attached legal description.

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	Vacant, Residential	AGR, R-3
South:	Vacant, Commercial	B-5
East:	Apartments (under construction)	B-5
West:	Church, Undeveloped	R-3, O-3

ASSOCIATED APPLICATIONS:

UP#140E - Expands the existing use permit by 17.47 acres to allow a 210,000 square foot retail store and an automated car wash.

HISTORY:

- Sep 2001 - PP#01006 for Appian Way Regional Center with 28 commercial lots and 8 outlots was approved.
- Nov 2001 - ANN#01006 annexing 245 acres into the City of Lincoln was approved.
- Nov 2001 - CZ#3320 changed the zoning on 98.8 acres east of relocated South 91st Street from AG to R-3.
- Nov 2001 - CZ#3285 changed the zoning on 146.3 acres between South 84th and relocated South 91st Street north of Highway 2 from AG to B-5.
- Nov 2001 - UP#140 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 was approved.
- Oct 2002 - UP#140A was approved adjusting the required parking for Menards from 877 spaces to 729 spaces.
- Apr 2005 - UP#140B was approved expanding the Appian Way use permit by 24 acres for a six-screen movie theater complex.
- Apr 2009 - UP#140C was approved granting an adjustment to the required number of parking spaces to 650 for the home improvement store use on Lot 2, Block 1, Appian Way Addition.
- Jun 2014 - UP#140D was approved to allow 722 multiple-family dwelling units, with waivers to height and tandem parking, and deleted the approval of a six-screen movie theater complex.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 1.9 - The Future Land Use Map designates the area for commercial land uses.

Pg 5.6 - This area is designated for a regional shopping center.

Pg 6.2 - Mixed Use Guiding Principles

-Occur on sites supported by adequate road and utility capacity.

-Be located and designed in a manner compatible with existing or planned land uses.

-Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

UTILITIES: All utilities are available to serve this area.

ANALYSIS:

1. This change of zone seeks to re-zone all of Outlot A, Appian Way 15th Addition to B-5, consistent with the adjacent shopping center. However, because the outlot has split zoning, this request has two parts. The first seeks to re-zone a 16.77 acre portion from AG to B-5, and the remaining .7 of an acre from AGR to B-5.
2. The Appian Way (since renamed as Prairie Lakes) Shopping Center was approved in 2001. Since that approval, the area of this request has been discussed and it has anticipated that it would eventually be re-zoned and developed as part of the larger center.
3. A portion of the old Pine Lake Road right-of-way extends along the majority of the north line of Outlot A. North of that lies Lot 81 I.T., under different ownership. Neither are part of this request. However, Lot 81 will need to be re-zoned and the right-of-way will need to be vacated before the land can be developed, which could be done independently or as part of the large center.
4. Re-zoned to B-5, this land area can be included in the Appian Way use permit. While any permitted use in the B-5 district would be allowed if this re-zoning is approved, the site plan associated with UP#140E shows this area developed with a 210,000 square feet retail 'super store', and an automated car wash. Both are allowed uses in the B-5 district and compatible with the surrounding development.
5. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

Prepared by:

Brian Will
Planner
April 18, 2015

**APPLICANT/
CONTACT:**

Tim Gergen
Clark Enersen Partners
1010 Lincoln Mall
Lincoln, NE 68508
402-477-9291

Change of Zone #15008
Prairie Lakes Regional Shopping Center

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OWNER: Eiger Corporation
16934 Pella Road
Adams, NE 68301
402-788-2572

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CHANGE OF ZONE NO. 15008

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

April 1, 2015

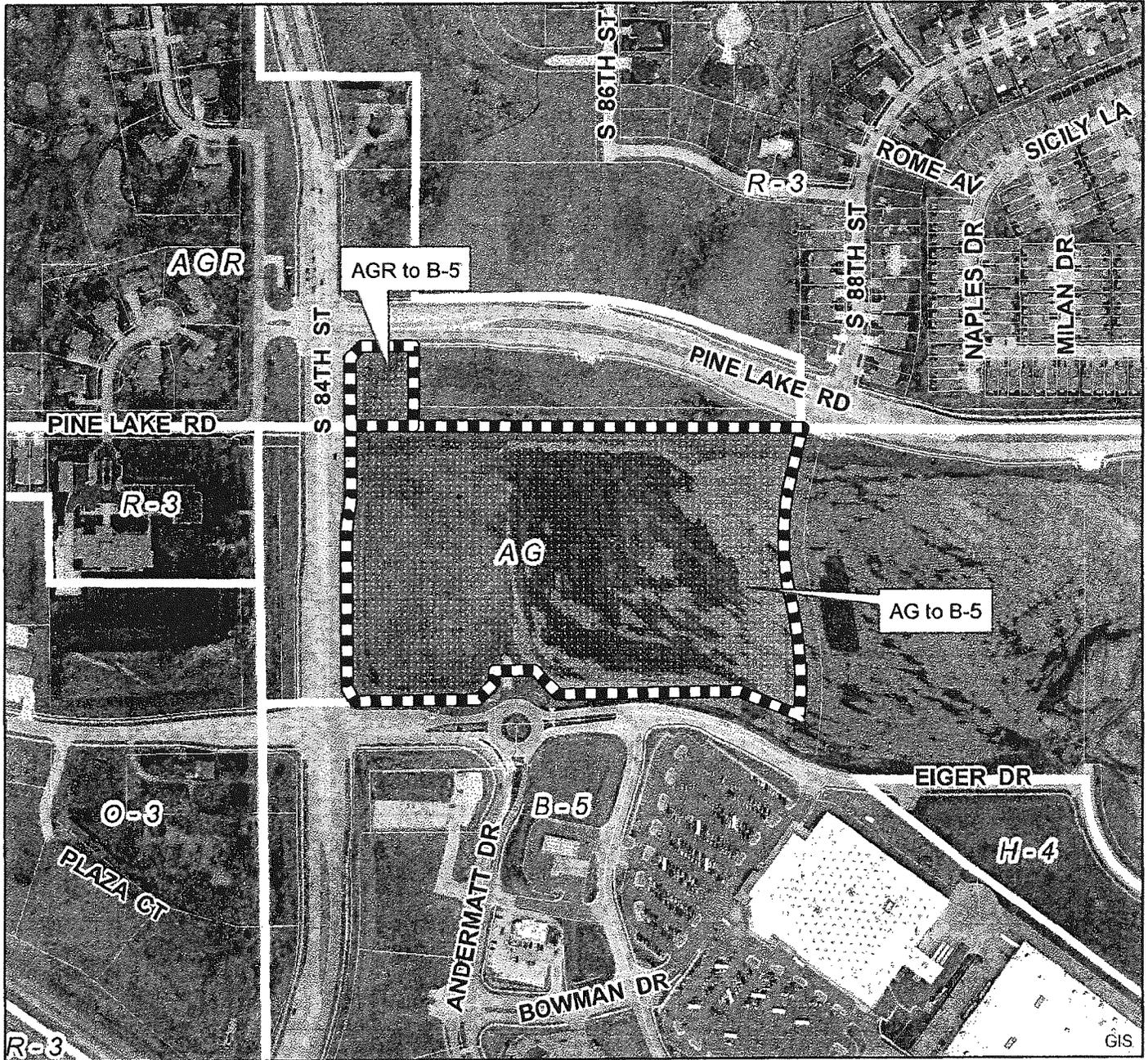
Members present: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 15002, CHANGE OF ZONE NO. 15008, USE PERMIT NO. 140E, and SPECIAL PERMIT NO. 11013A,**.

Item 1.3, Special Permit No. 876C, was removed from the Consent Agenda and had separate public hearing due per the request of Commissioner Beecham.

There were no ex parte communications disclosed.

Beecham moved approval of the Consent Agenda (Item Nos. 1.1, 1.2a, 1.2b, 1.4), seconded by Weber and carried 7-0: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.



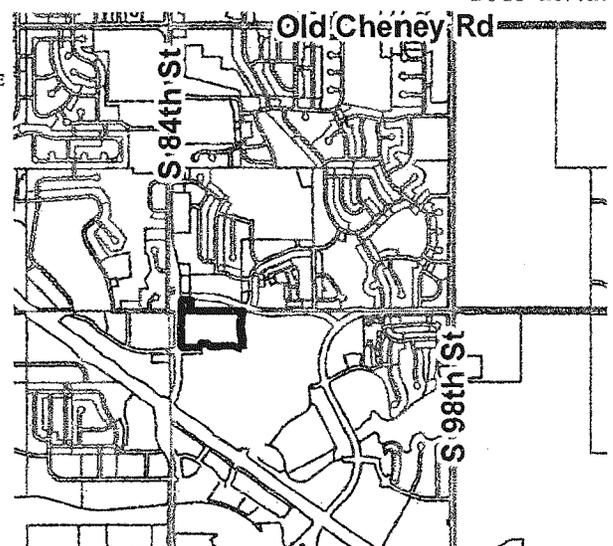
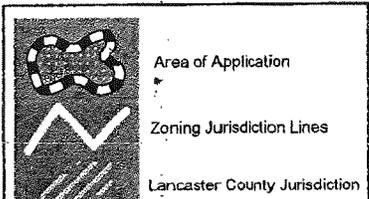
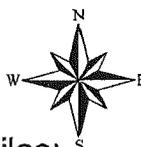
2013 aerial

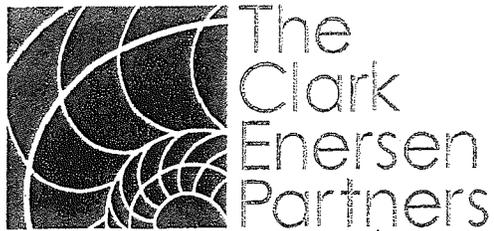
Change of Zone #: CZ15008
Appian Way Regional Shopping Center
S 84th St & Pine Lake Rd

Zoning:

- 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

Two Square Miles:
 Sec.14 T09N R07E
 Sec.23 T09N R07E





March 3, 2015

Mr. David Cary
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RE: Amendment to the Appian Way Use Permit

Dear Mr. Cary:

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

1. Zoning Application
2. Change of Zone Application fee (\$792.00)
3. Use Permit Application fee ($\$792.00 + \$132 \times 17.47 = \$3,098.40$)
4. Use Permit Site Plan

On behalf of the Developer, Eiger Corporation, 16934 Pella Road, Adams NE 68301, we are requesting an Amendment to the Use Permit to expand the limits of the existing Use Permit to include an automated car wash and a 210,000 SF free-standing super store. The revised Site Plan and Land Use Table have been included to show the new uses and their respective site plans.

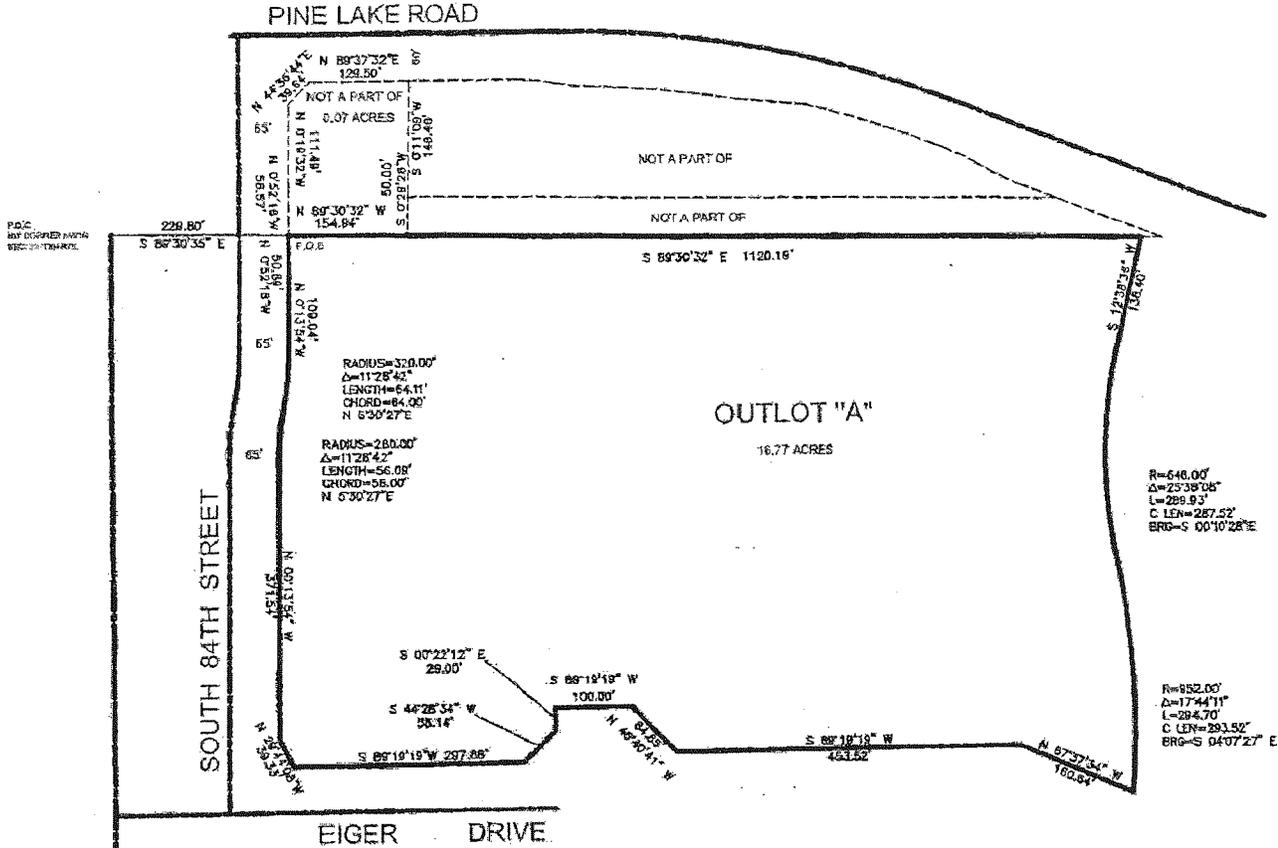
Please contact me if you have any questions or require additional information.

Sincerely,



Tim Gergen

cc: Eiger Corp.

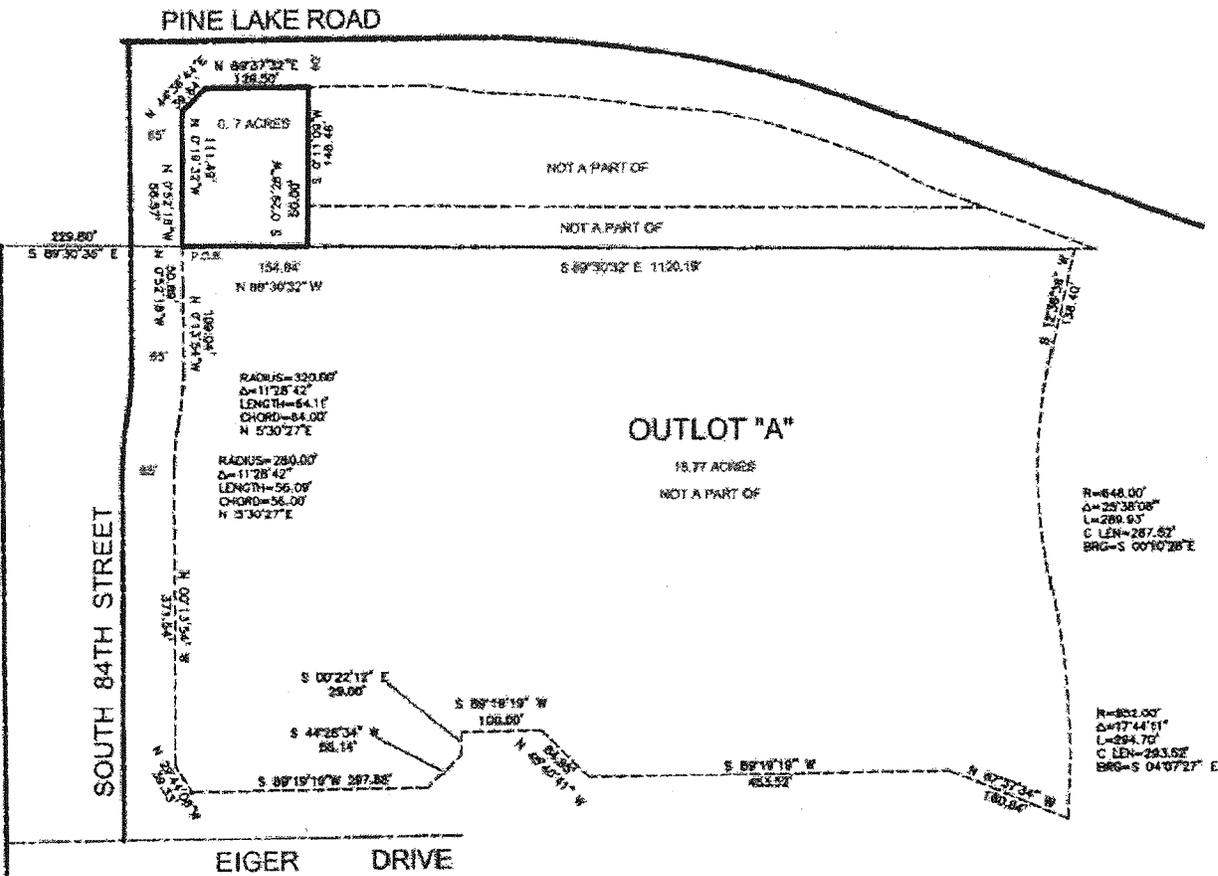


CHANGE OF ZONE AG TO B-5

THAT PART OF OUTLOT "A", APPIAN WAY 15TH ADDITION, LOCATED IN SECTION 23, 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 NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSIGNED BEARING OF S 89°30'32"E, A DISTANCE OF 229.80', TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR SOUTH 84th STREET, SAID POINT BEING THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF OUTLOT "A", APPIAN WAY 15th ADDITION; THENCE CONTINUING ON SAID NORTH LINE, S 89°30'32"E 1120.19'; THENCE SOUTHERLY, S 12°38'36"W 138.40', TO THE POINT OF CURVATURE OF A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 648.00' AND A CENTRAL ANGLE OF 25°38'08"; THENCE ON SAID CURVE, HAVING A CHORD OF S 0°10'28"E 287.52', TO A POINT OF REVERSE CURVATURE FOR A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 952.00' AND A CENTRAL ANGLE OF 17°44'11"; THENCE ON SAID CURVE, HAVING A CHORD OF S 4°07'27"E 293.52'; THENCE NORTHWESTERLY, N 67°37'34"W 160.64'; THENCE WESTERLY, S 89°19'19"W 453.52'; THENCE NORTHWESTERLY, N 45°40'41"W 84.85'; THENCE WESTERLY, S 89°19'19"W 100.00'; THENCE SOUTHERLY, S 0°22'12"E 29.00'; THENCE SOUTHWESTERLY, S 44°28'34"W 58.14', TO A POINT ON THE NORTH RIGHT OF WAY OF EIGER DRIVE; THENCE WESTERLY ON THE NORTH RIGHT OF WAY LINE FOR EIGER DRIVE, S 89°19'19"W 297.88'; THENCE NORTHERLY ON THE EAST RIGHT OF WAY LINE OF SOUTH 84th STREET AND THE WEST LINE OF OUTLOT "A", APPIAN WAY 15th ADDITION FOR THE NEXT SIX (6) COURSES, N 29°44'08"W 39.33'; THENCE N 0°13'54"W 371.54', TO A POINT OF CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 11°28'42", A RADIUS OF 280.00' AND AN ARC LENGTH OF 56.09'; THENCE ON SAID CURVE, HAVING A CHORD OF N 5°30'27"E 56.00', TO A POINT OF REVERSE CURVATURE FOR A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 11°28'42", A RADIUS OF 320.00' AND AN ARC LENGTH OF 64.11'; THENCE ON SAID CURVE, HAVING A CHORD OF N 5°30'27"E 64.00', TO THE POINT OF TANGENCY; THENCE ON SAID TANGENT, N 0°13'54"W 109.04'; THENCE N 0°52'18"W 50.89', TO THE POINT OF BEGINNING, SAID TRACT

P.O.C.
AND CORRECT ONLY
AREA 22-234-001



CHANGE OF ZONE AGR TO B-5

THAT PART OF OUTLOT "A", APPIAN WAY 15TH ADDITION, LOCATED IN SECTION 14, 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 SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE EASTERLY ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSIGNED BEARING OF S 89°30'32"E, A DISTANCE OF 229.80', TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR SOUTH 84th STREET, SAID POINT BEING THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF OUTLOT "A", APPIAN WAY 15th ADDITION; THENCE ON SAID WEST LINE FOR THE NEXT THREE COURSES, N 0°52'18"W 56.57'; THENCE N 0°19'32"W 111.49'; THENCE N 44°36'44"E 39.64', TO A POINT ON THE SOUTH LINE OF RELOCATED PINE LAKE ROAD; THENCE EASTERLY ON SAID SOUTH LINE, N 89°37'32"E 129.50'; THENCE SOUTHERLY FOR THE NEXT TWO COURSES ON A LINE OF SAID OUTLOT "A", S 0°11'09"W 148.46'; THENCE S 0°29'28"W 50.00', TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE WESTERLY ON SAID SOUTH LINE, N 89°30'32"W 154.94', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 30,451.2 SQUARE FEET OR 0.7 ACRES, MORE OR LESS.