

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Pre-existing Use Permit #9S

DATE: March 20, 2002

PROPOSAL: Amend the use permit to allow three additional movie screens with an additional 456 seats.

LAND AREA: 5.36 Acres

CONCLUSION: This request complies with the requirements of the B-5 zoning district and the Zoning Ordinance.

<u>RECOMMENDATION:</u>	Conditional approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Edgewood Center Second Addition.

LOCATION: Northeast of the intersection of South 56th Street and Nebraska Highway #2.

APPLICANT/ Douglas Theater Company
OWNER: 1300 P Street PO Box 81848
Lincoln, NE 68508

CONTACT: Michael Bott
1540 South 70th Street Suite 102
Lincoln, NE 68506

EXISTING ZONING: B-5 Planned Regional Business District

EXISTING LAND USE: Shopping Center

SURROUNDING LAND USE AND ZONING:

North:	Residential, Office	R-2, O-2
South:	Commercial	B-5
East:	Commercial	B-5
West:	Commercial	B-5

HISTORY: See attached summary sheet for Edgewood Shopping Center.

COMPREHENSIVE PLAN SPECIFICATIONS: The land use plan shows this area as commercial. The following excerpts from the Plan are applicable:

1. **Section (D)(2) Downtown Goal #2 (pg 59)** - Maintain and enhance Downtown's multi-use role as the office, business, financial, entertainment, education, cultural, hotel, convention, retail and government center of the community, serving as the heart of the entire community.
2. **Page 59, Last Paragraph - Goals Discussion** - "In order to maintain and enhance the Downtown as the entertainment and cultural center of the city and to maintain a wide range of daytime and evening activities, this plan strongly encourages a Theater Location Policy which allows theaters outside of the downtown only in the major subordinate center and then only under special conditions."

UTILITIES: All utilities are available to this site.

TOPOGRAPHY: The ground generally slopes from north to south.

PUBLIC SERVICE: The nearest fire station is located at S.48th St. and Claire Ave.

ALTERNATIVE USES: Other commercial uses allowed in the B-5 district.

ANALYSIS:

1. PEUP#9A was approved in 1981 allowing three movie screens with a total of 750 seats at this location. An amendment the following year to allow an additional screen was approved by the City Council, but was subsequently vetoed by the Mayor over concern about the impact it may have upon the role of the Downtown as an entertainment center. In 1989, an amendment allowing a 400 square foot increase in the theater complex and an additional 82 seats was approved.
2. CZ#3034 was approved on December 12, 1996, amending Lincoln Municipal Code (LMC) Section 27.63.630 to allow theaters in the B-5 district under the following conditions:
 - a. A use permit for 400,000 square feet or more of commercial floor area has been issued;
 - b. A certificate of occupancy has been issued for 300,000 square feet of floor area or more;
 - c. Not more than one theater complex is allowed per B-5 district, and it cannot contain more than six screens.

3. Edgewood has in excess of 400,000 square feet of commercial floor area, and certificates of occupancy have been issued for more than 300,000 square feet of commercial floor area. Currently, there are three movie screens within the Edgewood Cinema - this request is to increase the number of screens to six as allowed under LMC Section 27.63.630. As presented, this request complies with the Zoning Ordinance.
4. Implementation of the "Theater Location Policy" was included as a goal in the Comprehensive Plan when it was adopted in 1994. This restated the policy that was codified in the Zoning Ordinance when Section 27.63.630 was adopted, which stipulated the conditions under which theaters could be located outside the Downtown in the B-5 planned regional business district (noted in paragraph 3 above). This request is consistent with the Comprehensive Plan and the City's "Theater Location Policy".
5. This request adds an additional three screens, increases the number of available seats from 832 to 1,288, and adds an additional 13,520 square feet of floor area. As a result, a total of 280 parking spaces is required for the theater complex. The number of spaces dedicated to the theater is in excess of this amount at 310.
6. The following advisory comments were noted by the Health Department:
 - a. The plans for the concession area will have to be reviewed and approved by the Food Section of the LLCHD.
 - b. All wind and water erosion will need to be controlled during construction - the applicant should contact the Lower Platte South NRD.
 - c. The owner is responsible for controlling dust during construction in accordance with Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2, Section 32.
7. A landscape plan has been submitted, but includes some existing plants. The applicant will need to verify that these existing plants comply with previously approved landscape plans.
8. The limit of the proposed amendment includes both Lots 1 and 2. However, all the proposed changes are located on Lot 2. The site plan should be amended to correspond with the ownership certificate and only show Lot 2.
9. If approved, this amendment will allow six movie screens with seating for up to 1,288 people. The number of screens proposed should be indicated on the site plan.

CONDITIONS:

Site Specific:

1. This approval permits a 26,370 square foot theater complex with six movie screens and seating for up to 1,288 persons.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 Five copies of a revised site plan showing the following revisions:
 - 2.1.1.1 A note indicating the number of theaters allowed.
 - 2.1.1.2 The boundary of the amendment area revised to include only Lot 2.
 - 2.1.2 Approval from the Parks and Recreation Department that existing plants comply with previous landscape plans.

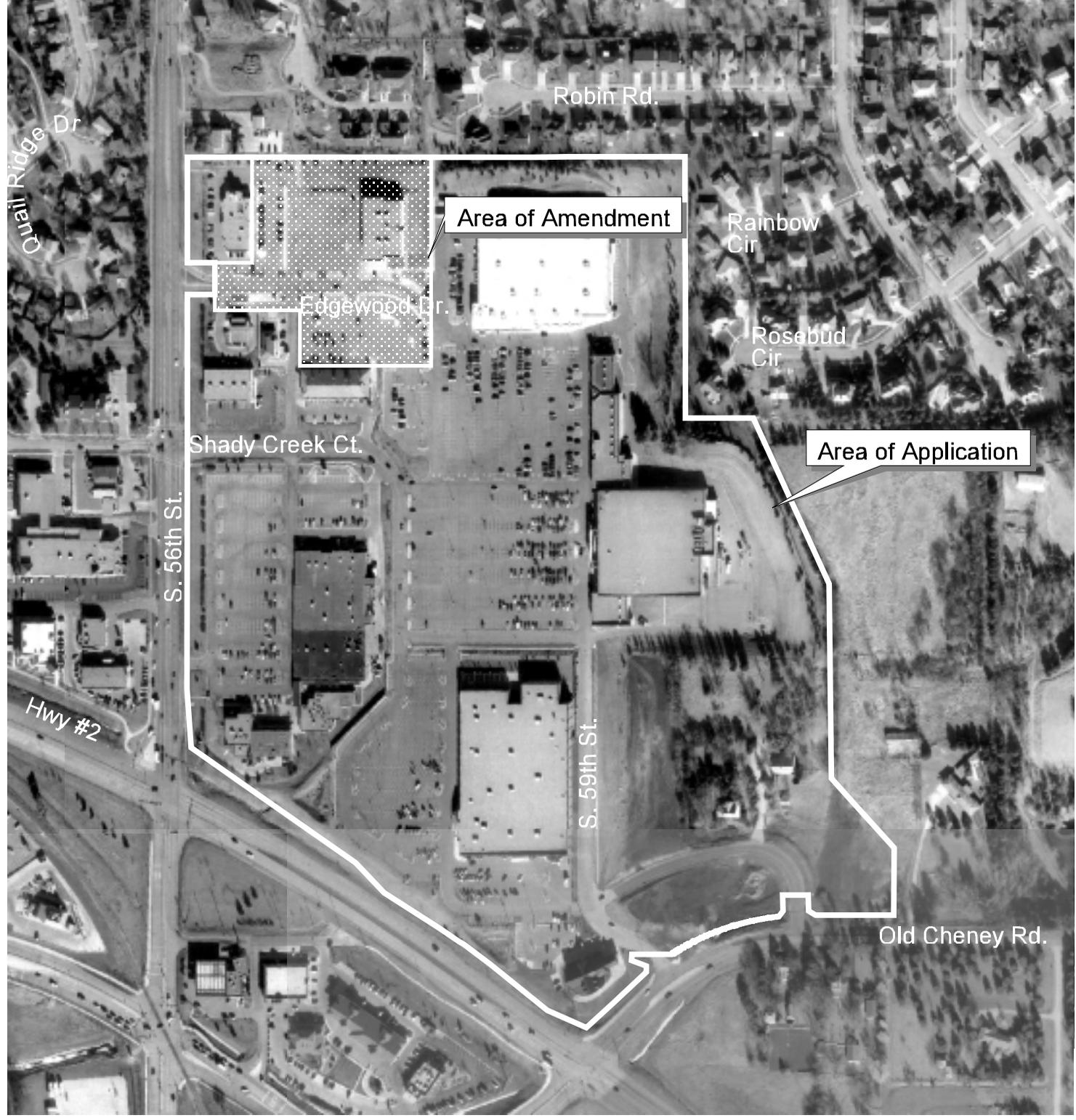
STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying these theaters all development and construction is to comply with the approved plans.
 - 3.2 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.
 - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.4 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.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will, AICP
Planner

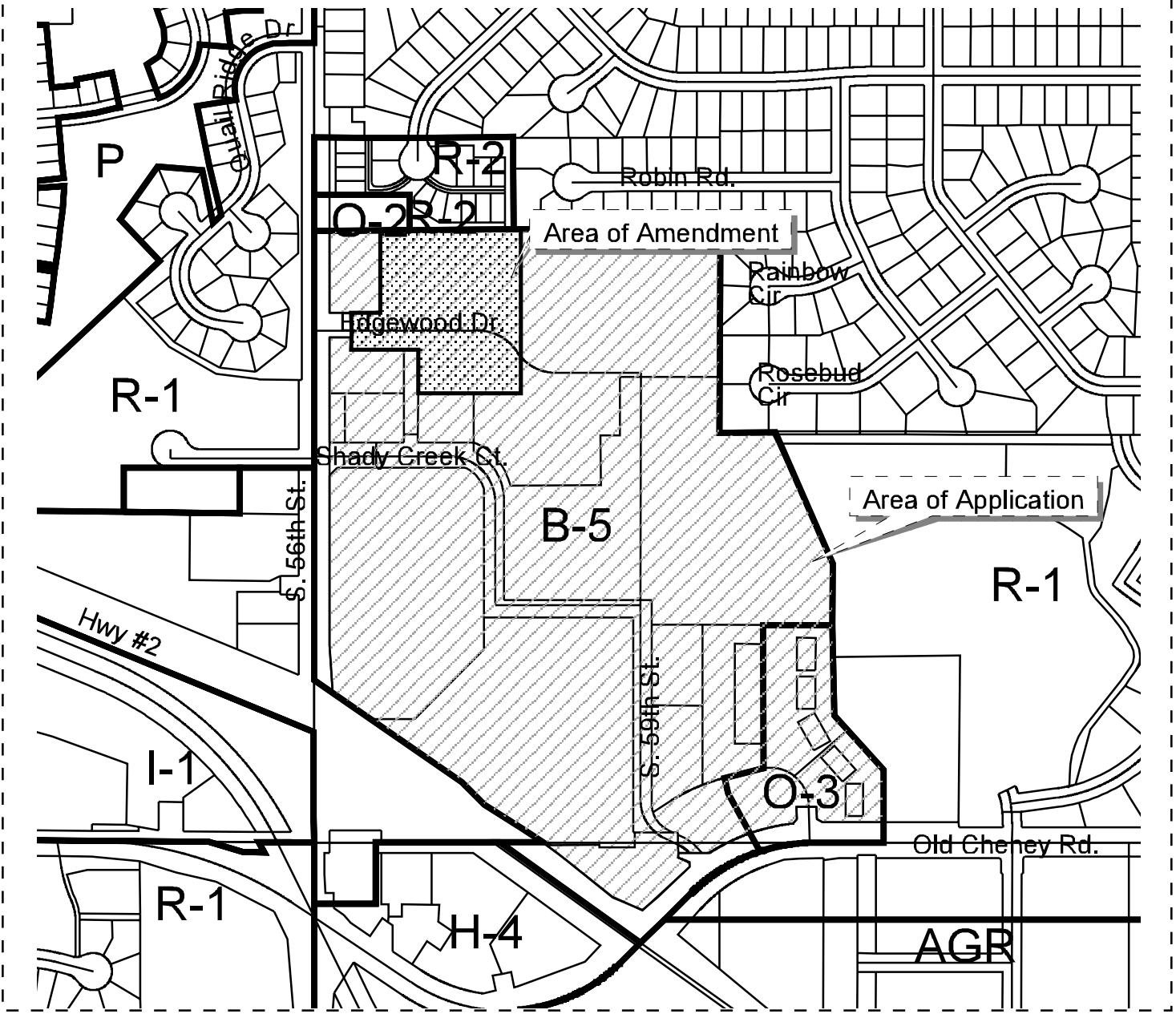


**Pre-Existing Use Permit #9S
S. 56th & Highway #2**



Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

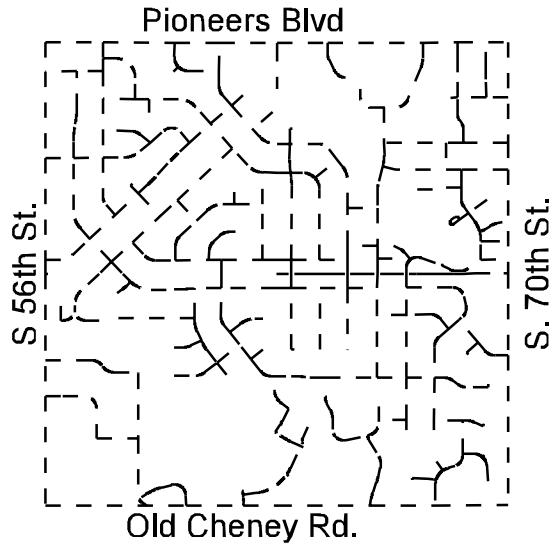
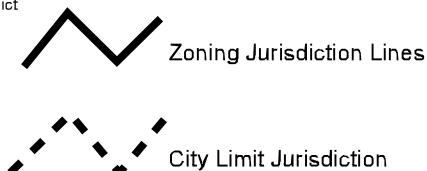


Pre-Existing Use Permit #9S
S. 56th & Highway #2

Zoning:

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

One Square Mile
 Sec. 9 T9N R7E





Michael S. Bott & Associates Architects

Suite 102 Lincolnshire Square 1540 South 70th Street Lincoln, Nebraska 68506 Ph. 402/483-4024 Fax 402/483-4488

P.C.

March 6, 2002

Mr. Jason Reynolds
Planner
City Planning Department
555 S 10th Street
Lincoln, NE 68508

RE: Edgewood Center Administrative Amendment To Pre-existing Use Permit #9.

Dear Jason,

Thank you for your help thus far on this amendment application. I believe we have completed all the requirements for submittal of an amendment to the Pre-existing Use Permit #9 for B-5 zoning for Edgewood Center, at 56th and Highway 2, Section 9, T9N, R7E Lincoln, Lancaster County, Nebraska.

Please find enclosed a check for the amendment fee of \$585.00, a copy of the Ownership Certificate for the area owned by the Developer, 15 copies of the Site Plan, sheet UP-1.1, six copies of the Site Utility Plan, sheet UP 1.2, six copies of the Site Planting Plan, sheet UP 1.3, six copies of the Site Grading Plan, sheet UP 1.4, and six copies of the Use Permit vicinity plan UP 1.5, showing the entire B-5 area.

We are requesting an Amendment to the Pre-existing Use Permit #9 for Edgewood Center to increase the number of seats in the Edgewood 3 Theaters from 832 seats to 1288 seats, for a net gain of 456 seats. This increase is less than the 520 seats which were approved (as future seats) at the time the original theater Use permit was submitted and approved.

We have provided a parking count breakdown for the area owned by Douglas Theater Company. The parking provided is in excess of that required by zoning ordinance and there has not been a shortage of parking in the area, even during the seasonal peak of useage prior to Christmas.

The Planting Plan has been modified to show additional shrubs and shade trees and we believe the plant material provided exceeds the requirements of the City Design Standards.

The Grading Plan shows minor modification of grades to accommodate a parking area on the East side of the Cinema Building. There is no additional area of storm drainage brought about by this amendment, and the existing storm drainage system will be adequate to serve.

Please note the building elevation included on the Grading Plan which shows the height of the building. The entrance tower will peak out slightly above the 40' maximum height

allowed in B-5 zoning, however by definition of roof height, the height of a sloped roof is calculated as half the distance up the sloped portion. Using this formula, we meet the height requirement and do not need to request a wavier for building height.

If you have any questions about any of these items please let me know.

Sincere thanks,

A handwritten signature in black ink, appearing to read "Michael S. Bott", with a long horizontal flourish extending to the right.

Michael S. Bott
Architect

Encl.

Edgewood Use Permits–History
Updated: 3-15-02

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supercedes
6/19/78	SP 812	65111		Construct a regional shopping center.	
8/24/81	9A	67658	AA15	Approve 3 movie screens, with total seating capacity of 750 and 3 restaurants. AA to revise grading plan.	
7/26/82	9B	68256 (denied)		Construct one additional movie screen, for a total of four. (App by Council, Mayor veto)	
8/22/83	9C	68953		Amend Phase II of Edgewood Center to consolidate previously approved four buildings into one building, to increase square footage of the building, to increase seating capacity in the three theaters, and increase the number of parking spaces.	
5/20/85	9D	70092		Expand Phase II of Edgewood Center, for a maximum of 131,900 sq. ft. of retail space.	
5/30/85	9D		AA29	Change building from service to retail	
3/11/87	9D		AA32	Revise site plan.	Supercedes AA29
12/14/87	9D		AA35	Relocate retail space	Supercedes AA32
12/29/88	9D		AA41	Revise site plan for theater locations	Supercedes AA35
2/7/89	9D		AA42	Transfer 400 sq ft from retail use to cinema use	Supercedes AA41
5/1/89	9D		AA44	Permit a carnival from May 2 nd to May 7 th	

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supercedes
5/8/89	9D		AA47	Convert restaurant area into photo lab and a dental office, and to change the video rental space into a travel agency resulting in 3,000 sq ft retail and 7,000 sq ft service area	Supercedes AA42
6/27/89	9D		AA53	Tent for the sale of fireworks, annually	
7/30/91	9D		AA91036	Site plan for the Egg Roll King	Supercedes AA47
12/2/92	9D		AA92071	Rotation of anchor store; parking, signs, etc.	
12/14/92	9D		AA92074	Realignment of the private roadway Edgewood Dr.	Supercedes AA92071
12/27/85	9E	70498		Ground sign @ Shady Creek	Supercedes SP812
11/30/87	9F	71760			
4/15/88	9F		AA37	Added 1600 sq ft to Misty's restaurant for refuse area	Supercedes AA35
6/15/88	9G	72094		Ground sign for financial institution	
12/11/89	9H	73227		Expand Edgewood Center—relocate anchor store and associated parking and traffic circulation pattern, ground sign for major tenant, shopping center identification pole sign, sidewalks, landscaping , and development and occupancy schedule.	Supercedes PEUPs 9D, 9A, 9B
7/18/89	9H/9D		AA55	Relocate theatre	Supercedes AA47
6/27/90	9H		AA90044	Grading	
10/14/91	9H		AA91062	Parking	Supercedes AA44 and AA15

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supersedes
5/26/92	9H		AA92039	Bungee Jumping Event	
12/14/92	9H		AA92071	New 96,000 sq. ft. of retail, and 4,365 sq. ft. of new small retail shops. (Over previous plan of 91,479 sq. ft. & 12,211 sq. ft. of small retail shops.	Supersedes AA91062
6/29/93	9H		AA93028	Landscape	Supersedes AA92071
6/3/92	9H		AA93041	Bungee Jumping Event	Supersedes AA92039
9/2/93	9H		AA93043	Add right turn lane at 56 th & HWY 2	Supersedes AA92071
9/2/93	9H		AA93052	Landscaping	Supersedes AA93028
4/2/90	9I	73471		Reduce side yard setback along north property lines from 100' to 20', on property on NW corner of Edgewood Center.	
10/25/90	9I		AA90071	Landscape	
1/09/91	9J	PC00035		Add 1360 sq. ft and ATM	
10/28/92	9J		AA92065	Omit ATM and add ground sign	
8/2/93	9J		AA93015	Install ATM and restripe parking lot	Supersedes AA92065
7/15/94	9J		AA94032	Edgewood ATM and building addition, increasing total floor area by 1,460 sq. ft. Fireworks stand, in Edgewood at 56 th & Shady Creek Rd Amendment to omit ATM and replace with ground sign, 5310 S 56 th St.	Supersedes AA93015

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supercedes
6/7/93	9K	38-4145		Add 12,000 sq. ft. of retail/service oat Cordoba Court & Old Cheney Rd. (INDEFINITELY POSTPONED BY CITY COUNCIL, 6/7/93)	
6/7/93	9L	34-4146		Develop 100,000 sq. ft. of retail, at Cordoba Court & Old Cheney Rd. (ACTION INDEFINITELY POSTPONED BY CITY COUNCIL, 6/7/93)	
11/13/91	9M	PC00052		Add a 1,175 sq. ft. freezer/cooler to existing grocery store (Super Saver, 56 th & HWY 2).	Supercedes PEUP 9H
6/7/93	9O	75455		Expand Edgewood Center, construct 112,134 sq. ft. retail building, 8,500 sq. ft. office building (K-Mart, S. 56 th & HWY 2).	
6/23/93	9O		AA93024	Fireworks stand	
9/1/93	9O		AA93040	Landscaping-removal of trees; Change parking stalls and add future lot line	
8/11/94	9O		AA94042	To set up a 30'x30' or 900 s.f. tent that will contain auto tires for sale and various K-mart products. For use April - Nov. 1 at various times.	Supercedes AA93040
8/23/95	9O		AA95059	Add a sales promotion tent to be operated during the month of August annually using a 40'x60' tent or 2,400 sq ft located at Edgewood Center, lot 2 parking area.	Supercedes AA94018

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supercedes
11/22/95	9O		AA95064	To revise the site plan for a bank and drive-through facility and surety to guarantee the completion of a new roadway to Old Cheney Rd. Specifically, change the layout of parking and building envelope for the southeast office building area. The building will remain at the approved 8,500 sq. ft. office use with approx. 2500 sq. ft. for financial use including 3 drive-thru facilities which include the required stacking for 15 vehicles.	Supercedes AA95042
8/28/96	9O		AA96006	Addition of Runza drive-through	Supercedes AA95064
2/20/96	9O		AA96007	Revise driveway and parking for Havelock Bank at 59 th & Old Cheney	Supercedes AA95064
5/15/96	9O		AA96019	Fireworks stand (seasonal)	Supercedes AA94017
7/1/96	9O		AA96050	Change 10,000 s.f. service to 9,440 retail at 56 th & Shady Creek Rd	Supercedes AA94032
			AA96065	Ground sign—approx of 57th & north of Shady Creek Rd	Supercedes AA96065
11/19/96	9O		AA96083	Addition of ATM and ground sign	Supercedes AA96065
9/24/93	9P	75710		Increase size of currently approved center pole sign from 100 sq. ft. to 150 sq. ft., and eliminate a separate 50 sq. ft. ground sign at NE Corner of 56 th & HWY 2	Supercedes PEUP 9E
7/6/94	9H/9P		AA93052	Revised landscape planting plan (no written details, map displays the addition of one tree)	

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supercedes
9/28/93	9P		AA93064	Parking layout and floor elevation	
10/20/93	9P		AA93081	Delete Super Saver panel from approved sign	
4/1/94	9P		AA94017	Outdoor building plant hut and shrubbery	
4/1/94	9P		AA94018	Greenhouse structure	Supercedes AA15
11/7/96	9Q	77749		Develop 35,000 sq. ft. of commercial, 78,040 sq. ft. of office, reduce front yard on Old Cheney, reduce setback on ROW stub at 59 th & Old Cheney Rd	
11/19/96	9Q		AA96083	Revise site plan to add a ground sign and walk-up ATM	Supercedes AA94032
1/22/97	9Q (2 of 3)		AA96097	Revise lot lines, and combine building envelopes of bldgs. 1 and 2 into one envelope on the site plan. (Vandervoort)	Supercedes 9Q
5/28/97	9Q (2 of 3)		AA97025	Revised Landscape Plan (Vandervoort)	Supercedes AA96097, AA96007
8/15/97	9Q (2 of 3)		AA97059	Expand Stackwoods Restaurant floor plan 139 sq. ft. (Vandervoort)	Supercedes AA97025
12/11/97	9Q (2 of 3)		AA97071	Approval of 2-sided mobile drive-through coffee café near S 56 th & Shady Creek Rd	Supercedes 95059
8/22/97	9Q (2 of 3)		AA97072	Approval of use of a flat painted pre-finished standing seam metal roof for office building structures located in the R-T area along east side (Vandervoort)	Supercedes AA97059
10/15/97	9Q (2 of 3)		AA97095	Revised Landscape Plan, lot 2 of Vandervoort 1 st Add (Stackwoods Restaurant)	Supercedes AA97025, AA97059

App. Date	Use Permit # (file#)	Res #	AA#/PAS#	Description	Supercedes
			AA98032	Ground signs–Stackwoods	Supercedes AA96083
7/31/98	9Q (2 of 3)		AA98038	Minor increase in floor area of bldgs. 4 and 7	Supercedes AA97095
8/21/98	9Q (3 of 3)		AA98041	Revised Landscape Plan, Stackwoods Restaurant (no written details, map looks like it shows addition of 3 trees)	Supercedes AA98038
11/18/98	9Q (3 of 3)		AA98056	Approval of bldg. & sign envelopes (Vanderwoort Add)	Supercedes AA 98038
12/31/98	9Q (3 of 3)		AA98096	Shift 800 sq.ft. From Bldg. 2 to Bldg. 10 (Vanderwoort Add)	Supercedes AA98056
1/22/99	9Q (3 of 3)		AA99003	Increase size of building envelopes (Vanderwoort Add)	Supercedes AA98096
7/25/99	9R			Add hotel to Vandervoort Addition	Supercedes 9Q, AA98096

I:\PC\PERMITS\PEUP\EdgewoodHistory.wpd

Older amendments (9-90) are located in a file that may be lost–last known location is: F:\FILES\NCSMGC\EDGEWOOD.DMG