

S. 91<sup>st</sup> Street and Highway 2  
Prairie Lakes Plaza

Applicant	Location	Proposal
Andermatt, L.L.C. and Eiger Corporation	Generally the northwest corner of the intersection of South 91 <sup>st</sup> and Nebraska Highway 2	Designate approximately 44 acres of land as “Commercial” on the City-County Land Use Plan in the Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan, and amend text accordingly with conditions.
<b>Recommendation:</b> Approval		

Status/Description

The applicant is proposing to amend the City-County Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan to show approximately 44 acres of “Commercial” development on land situated on the northeast corner of South 91<sup>st</sup> Street and Nebraska Highway 2. This amendment would generally include:

1. Amending the “Land Use Plan” of the City-County Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan to show “Commercial” land uses on the proposed site, along with a 300 ft. buffer zone of “Parks and Open Space” along Highway 2.
2. Amending the text of the City-County Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan to describe the overall conditions of the amendment.

The site proposed by the applicant is currently designated in the Comprehensive Plan and Southeast Lincoln/Highway 2 Subarea Plan as “Urban Residential.” A portion of the site is also noted for special treatment as a “Special Residential Use.” The site extends from South 91<sup>st</sup> Street on the west for a distance of between 400 and 1400 feet to the east, and from a proposed lake on the north to Nebraska Highway 2 on the south. A 125,000 sq. ft. medical facility immediate to the north of the lake was previously approved and constructed under a “Special Permit” within a residentially zoned (i.e., R-3) district. The applicant’s proposed site is presently zoned “AG” (Agricultural) and is undeveloped. The site is outside the present Lincoln City limits. It is located to the northwest of the unincorporated village of Cheney which is located across Nebraska Highway 2 from the site.

A major “mixed use Regional Center” -- a.k.a., Prairie Lakes Plaza -- is planned for development immediately to the west of the site across South 91<sup>st</sup> Street. This Center is shown in the Comprehensive Plan

as one of three developing “Regional Centers.” The Center lies at the extreme southeast corner of the proposed year 2025 “Future Service Area” for the City of Lincoln. Development of this Center has already begun with several large retail establishments recently opening. Total projected development for the Center is approximately 1.9 million square feet of retail, office, and service uses. Approximately 122 acres of the planned Regional Center site has been zoned B-5 and has an approved Use Permit for 950,983 square feet of commercial development.

Under the conditions of a Annexation and Zoning Agreement approved in November 2001, a vehicular “trip cap” was placed on the “Regional Center.” The purpose of this “trip cap” was to designate a threshold on the traffic impact on the surrounding street and highway system resulting from future development of the site. The Annexation and Zoning Agreement between the City and the property owners limits the number of “net commercial vehicular trips” to a total of 5,283 trips during the “P.M. Peak Hour.” This trip generation figure was further split between the area to the north (4,044 trips) and south of Highway 2 (1,239 trip.)

### Comprehensive Plan Implications

The Comprehensive Plan defines “Commerce Centers” as “areas containing a mix of retail, office, services, and residential uses, with some light manufacturing and warehousing in selected circumstances.” Three levels of commerce centers are called for in the Plan:

Regional Centers - These is the largest center designation with development of a million or more square feet of commercial and other uses possible. Regional Centers are expected to have a blend of commercial and other compatible land uses.

Community Centers - These are middle size centers -- new community centers will vary in size from 300,000 to 500,000 square feet in development. Such centers serve a small geographic subarea within the marketplace. While they should retain a mixed use character, they tend to be dominated by retail and service activities.

Neighborhood Centers - These are the smallest of the three centers, typically ranging in size from 150,000 to 250,000 sq. ft. These centers provide services and retail good oriented to the neighborhood level.

Within the Comprehensive Plan, specific sites for these various centers are oftentimes indicated in the text and on accompanying maps. The site at approximately South 91<sup>st</sup> and Highway 2 is specifically designated as a “Regional Center” on the “Existing and Proposed Commerce Centers” map and is shown as “Commercial” (i.e., colored red) on the Plan’s “Land Use Plan” map. The applicant’s proposal is intended to expand the geographic area of this designated “Regional Centers” by approximately 44 acres on a tract of land immediately to the adjacent to site to the east across South 91<sup>st</sup> Street.

The Comprehensive Plan contains numerous strategies and guiding principles governing the siting, size, and character of commerce centers. A main strategy directive of the Plan is as follows:

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“...(1) the approach is designed to provide **flexibility** to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of **predictability** as to where such employment might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.”

Clearly the balancing of the “flexibility” and “predictability” mentioned in the Plan is at the core of this requested amendment.

Much of the community dialogue regarding this site as a commercial center can be traced to the previous City-County Comprehensive Plan, adopted in 1994. This Comprehensive Plan first designated this general location as a site for a major commercial development.

Subsequent to the approval of the 1994 City-County Comprehensive Plan, a separate “Subarea Plan” was crafted for the southeast area of Lincoln. A key planning component in formulating this Subarea Plan was the significant traffic impact this Regional Center would have on Nebraska Highway 2 and the surrounding street system. This condition drew particular attention to the need to balance the desire for commercial development in this quadrant of the community with the ability of the street network to accommodate the resulting traffic. The Subarea Plan included – along with many other land use, environmental, and other infrastructure objectives – a clear recognition of the need to manage commercial development within the southeast Lincoln area, and most specifically along the Nebraska Highway 2 corridor.

The Southeast Lincoln/Highway 2 Subarea Plan was adopted in early 2001. The Southeast Lincoln/Highway 2 Subarea Plan was later used in formulating the current City-County Comprehensive Plan and was incorporated as an official subarea plan when Plan was adopted in May, 2002.

The Southeast Lincoln/Highway 2 Subarea Plan was also part of the background information used to prepare the “Conditional Annexation and Zoning Agreement for S. 84<sup>th</sup> and Highway 2.” This Agreement -- adopted in November of 2001 -- spells out the conditions for annexing this commercial site into the City of Lincoln and for zoning of a portion of the site as a B-5 District.

Within the Annexation and Zoning Agreement are agreed-to limitations concerning the number of trips that could be generated from the site during the evening peak period. As noted earlier in this staff report, the Agreement places a “trip cap” of 5,283 “P.M. Peak Hour Net Commercial Vehicle Trips.”

As part of the applicant’s request for this Comprehensive Plan amendment, they have acknowledged this vehicle trip limitation and agree that it should be retained as part of the conditions of the site’s continuing development. The proposed expansion of the commercial designation in the Comprehensive Plan -- that is, the redesignation of the 44 acre site as “Commercial” and “Green Space” rather than “Urban Residential” -- would need to occur under the P.M. trip ceiling specified in the Annexation and Zoning Agreement.

### Conclusion

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While emphasized throughout the Comprehensive Plan, the very strong link between land use and transportation is underscored in the “Business and Commerce” chapter of the adopted Plan. The Comprehensive Plan notes that commercial sites such as this Regional Center must be “...supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.”

Throughout the planning process surrounding this Regional Center’s development, care has been taken to balance commercial development needs with the capacity of the public infrastructure -- most notably the street system -- to support its continued growth. The applicant’s Comprehensive Plan proposal recognizes this connection.

The proposed expansion of the Center to the east across 91<sup>st</sup> Street does modify the land use layout of the site by introducing further commercial development to this area -- although the Heart Hospital north of the lake has already set some precedent for this expansion. In written materials submitted to the Planning Department, the applicant has noted that the proposed commercial parcel to the north of Andermatt Drive would be developed as a small-scale office complex. The intended use for the remaining approximately 40 acres of proposed commercial development is unspecified in the application.

Taken on balance, the applicant’s proposal: (a) retains the previously agreed-to trip limitation (i.e., “P.M. Peak Hour Net Commercial Vehicle Trips) for the planned Regional Center; (b) allows for greater flexibility of design in the applicant’s already-approved development for a planned “Regional Center” site; (c) retains a substantial residential component to the east of the 44-acre site along 98<sup>th</sup> street, and thus checks the extension of commercial uses to 98<sup>th</sup> Street; (d) does not impact existing residential uses in the surrounding area; (e) extends the open green-space buffer along Nebraska Highway 2 where commercial uses are being proposed; and (f) maintains the applicant’s commitment to the goals and principles contained in the Comprehensive Plan and the Southeast Lincoln/Highway 2 Subarea Plan.

Amend the Comprehensive Plan as follows:

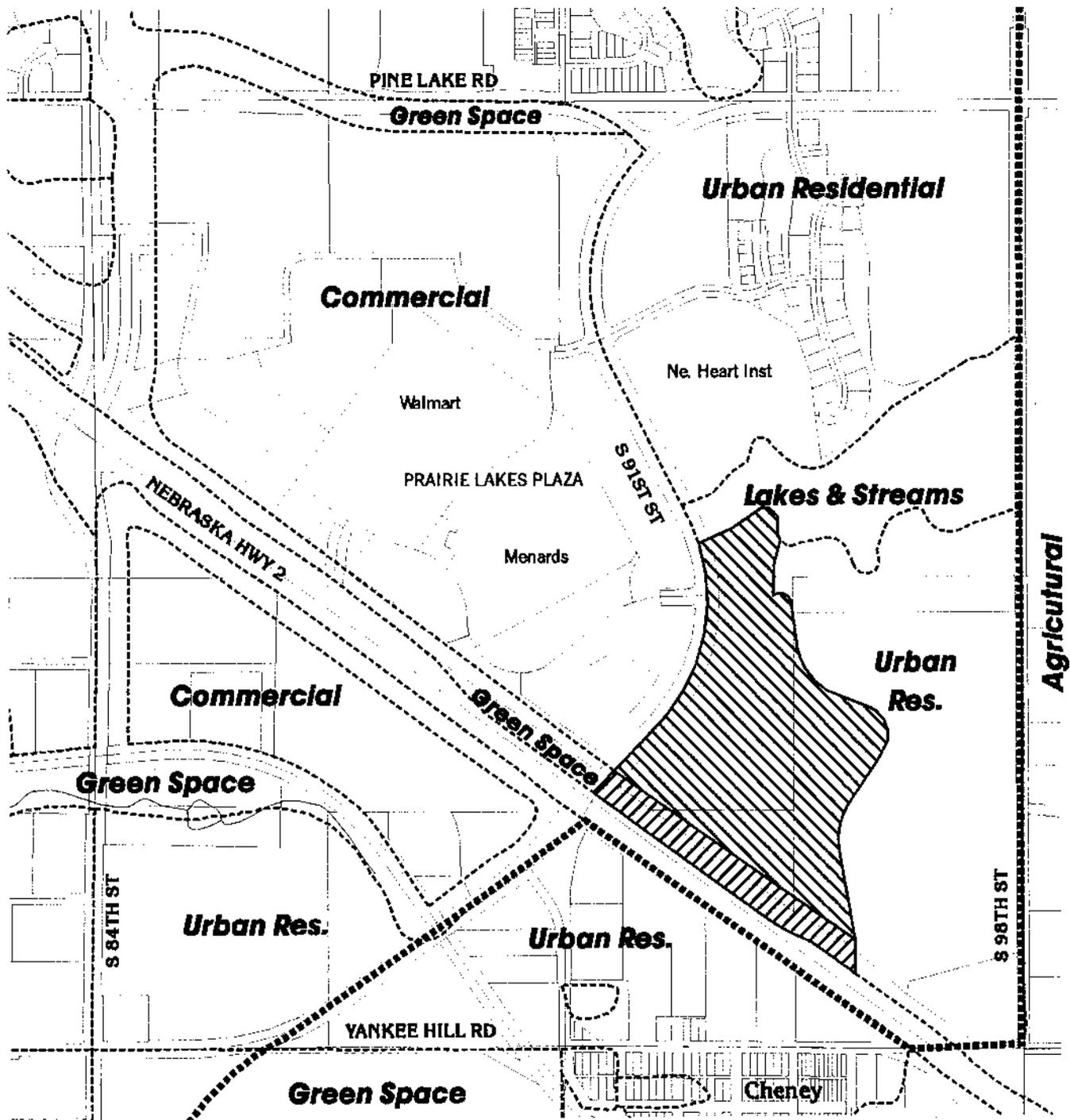
1. Amend the “Lincoln/Lancaster County Land Use Plan” (figures on pages F23 and F25) in the Comprehensive Plan and “Figure 2, Southeast Lincoln/Highway 2 Subarea Plan” map in the Southeast Lincoln/Highway 2 Subarea Plan as shown on the accompanying map to include approximately 44 acres of “Commercial” development.
2. Amend the “Lincoln/Lancaster County Land Use Plan” maps in the Comprehensive Plan and “Figure 2, Southeast Lincoln/Highway 2 Subarea Plan” map in the Southeast Lincoln/Highway 2 Subarea Plan as shown on the accompanying map to extend the “Parks and Open Space” designation along Highway 2 from South 91<sup>st</sup> Street to the edge of the to-be-designated “Commercial” land use.
3. Amend the “Future: Business and Commerce” section of the Comprehensive Plan dealing with “Regional Centers (R): Developing Centers: S. 84<sup>th</sup> and Highway 2” to include the following text:

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S. 84<sup>th</sup> and Highway 2 -- Comprehensive Plan Amendment No. 03018 redesignated the future land use on a 44 acre tract of land located on the northeast corner of 91<sup>st</sup> Street and Highway 2. The Amendment changes the intended uses on this tract from “urban residential” to “commercial,” and extends the “parks and open space” buffer along Highway 2. This Plan amendment is meant to provide greater market and design flexibility in the development of the previously approved planned mixed use regional center on this site. This redesignation of land uses on the 44 acre tract is made under the following conditions: (1) the “P.M. peak hour trip cap” contained in the approved Annexation and Zoning Agreement for the Regional Center site remains unchanged (which recognizes the severe capacity limitation along the Highway 2 travel corridor and the community’s desire to promote this corridor as a “desirable entryway” into the city) ; (2) the commitment to the pedestrian/biker trail along this site remains in place; (3) development of this area will respect the site’s natural and environmental features; (4) elimination of the “Special Residential Use” condition on this site and the elimination of the “Transitional Use” designation on the northwest corner of the intersection of 91<sup>st</sup> and Highway 2; (5) the development remains committed to a mix of commercial and residential uses as part of a cohesive activity center; and, (6) retention of all other goals and conditions of the “Southeast Lincoln/Highway 2 Subarea Plan.”

4. Amend page 9 of the Southeast Lincoln/Highway 2 Subarea Plan as part of the listing of “important land use decisions” to include the following text:

**Clarify the appropriate size and type of uses in the Center at 84<sup>th</sup> & Highway 2:** This subarea plan designates the area from approximately 91<sup>st</sup> to 98<sup>th</sup> for predominately residential uses, while including a 44 acre tract for a mix of commercial uses at the northeast corner of 91<sup>st</sup> and Highway 2. The overall site includes along with a regional center with approximately 1.9 million SF of commercial space — larger than the present Gateway Westfield shopping center. The plan encourages the planned center at 84<sup>th</sup> and Highway 2 to develop with a mix of uses, including residential and appropriate transitions to existing residential areas.



# S 91st & Highway 2

## Comprehensive Plan Proposed Amendment #18

- ..... Future Service Limit
- - - - - Land Use Boundary
- Res** Land Use Category
-  From Urban Res to Commercial
-  From Urban Res to Green Space



**LINCOLN - LANCASTER COUNTY  
PLANNING DEPARTMENT**  
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...planning technology put to use.

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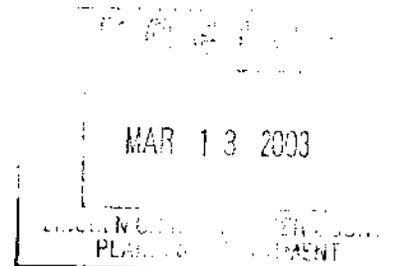
**COPY FOR  
YOUR INFORMATION**

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March 13, 2003

Marvin Krout  
Planning Director  
County-City Building  
555 South 10<sup>th</sup>  
Lincoln, NE 68508



RE: Proposed Comprehensive Plan Amendment for an Area East of S. 91<sup>st</sup> Street and North of Highway 2

Dear Marvin:

Our law firm represents Andermatt, L.L.C. ("Andermatt") and Eiger Corp. ("Eiger"). Eiger is the developer of property owned by Andermatt in the 84<sup>th</sup> and Highway 2 vicinity. Andermatt and Heritage Builders, L.L.C. are the owners of approximately 44 acres of property located directly east of S. 91<sup>st</sup> Street, north of Highway 2, and south of the lake, which is more particularly described on the legal description enclosed herein. We appreciate the valuable input you and your staff have provided throughout the course of meetings we have had over the past weeks to discuss Andermatt and Eiger's Comprehensive Plan amendment. The following request is the result of those discussions.

**Answer 1:** On behalf of Andermatt and Eiger, we hereby request that the City of Lincoln-Lancaster County Comprehensive Plan ("Comp Plan") be amended as follows:

- Amend Lincoln/Lancaster County Land Use Plan (F-23) and Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan (F-25) to (i) extend the Red "Commercial" designation east of S. 91<sup>st</sup> Street between the lake and Highway 2 to a line located 950 feet west of and parallel to the centerline of S. 98<sup>th</sup> Street, and (ii) extend the 100 feet wide Green "Parks and Open Space" designation along Highway 2 east of S. 91<sup>st</sup> Street through the new "Commercial" designation, all as shown on Exhibit "A" enclosed herein.

- Amend Southeast Lincoln/Highway 2 Subarea Plan ("Subarea Plan") as follows:

Amend Figure 2 Proposed Southeast Lincoln/Hwy #2 Subarea Plan to show (i) the extension of the Red "Commercial" designation east of S. 91<sup>st</sup> Street between the lake and Highway 2 to a line located 950 feet west of and parallel to the centerline of S. 98<sup>th</sup> Street, (ii) the extension of the 100 feet wide Green "Parks and Open Space" designation along Highway 2 east of S. 91<sup>st</sup> Street through the new "Commercial" designation, and (iii) the removal of the "Commercial Transitional" designation from the northwest corner of S. 91<sup>st</sup> Street and Highway 2, all as shown on Exhibit "B" enclosed herein; and

Amend the text of the Subarea Plan to reflect the expanded location of the "Center at 84<sup>th</sup> & Highway 2" shown on the revision to Figure 2.

**Answer 2:** The Comprehensive Plan currently shows the area located north of Highway 2, east of S. 91<sup>st</sup> Street, south of the lake, and west of S. 98<sup>th</sup> Street as "Residential, Urban". This request would change the designation of the western portion of the above area measured from S. 91<sup>st</sup> Street to a line located 950 feet west of and parallel to S. 98<sup>th</sup> Street from "Residential, Urban" to "Commercial". The additional Commercial area is divided in the Highway 2 vicinity from the property further to the east which is continuing to be shown as Residential, Urban by a ridge line, making a natural break for the change in uses along the Highway. In addition, this request would designate a 100 feet (200 feet from the Highway 2 centerline) landscaped setback along Highway 2 through the new Commercial area as "Parks and Open Space". The total area included within the requested amendment is approximately 44 acres.

The above area, together with the "Commercial" areas located between S. 84<sup>th</sup> Street and S. 91<sup>st</sup> Street, north and south of Highway 2 would comprise a total of approximately 278 acres. Eiger is not proposing to increase the number of P.M. peak hour trips generated by uses within the Center at 84<sup>th</sup> & Highway 2 beyond the number permitted in the Conditional Annexation and Zoning Agreement for S. 84<sup>th</sup> & Highway 2 ("Annexation Agreement").

The purpose of the Comp Plan amendment is to shift already approved uses around on adjoining tracts of land to provide the market with the greatest amount of flexibility in determining where to locate within the Center at 84<sup>th</sup> & Highway 2. The benefit of providing this additional flexibility to the Center at 84<sup>th</sup> & Highway 2 is that it is part of an integrated, well-planned, mixed use development that has been and will continue to be master planned to work together cohesively. One of the most important factors is that the entire road network has been master planned to accommodate the P.M. peak hour trips generated by the Center. In the past, there has been great pressure to expand commercial areas around the designated Regional Centers in our community. This has resulted in the development of commercial areas around the original Regional Center designations that are not master planned and do not work together as related developments which cause challenges for the community, particularly in the area of traffic flow.

Andermatt and Eiger are committed to providing a well planned Center that contains a true mix of land uses, including retail, office, service and residential, where viable. The Center will continue to accommodate the trail shown in the Comp Plan, which is addressed in the

Annexation Agreement. The extension of additional green space along Highway 2 east of S. 91<sup>st</sup> Street shows Andermatt and Eiger's continued commitment to helping insure an attractive entryway into our community by providing a wide landscaped entry corridor and also respecting the existing topography and tree masses along the corridor.

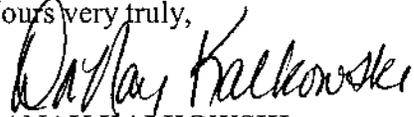
**Answer 3:** The requested amendment is not anticipated to have significant traffic impacts because of the cap on P.M. peak hour trips imposed by the Annexation Agreement. In addition, we do not anticipate large impacts on the surrounding neighborhood. The potential impacts are mitigated by the nature of the uses surrounding the new Commercial area, the partial separation to the east provided by the natural ridge line that begins at Highway 2, to the north by the lake and to the south by Highway 2 and the landscaped entry corridor along Highway 2. See Answer 2 for additional reasoning.

**Answer 4:** We believe the requested Comprehensive Plan amendment is consistent with the Guiding Principles from the Comprehensive Plan Vision, Guiding Principles for the Urban Environment, Summary of Comprehensive Plan Assumptions, Commercial Growth Component, General Principles for All Commercial & Industrial Uses, Commerce Centers, Regional Centers (R), Environmental Resources, Utilities, Mobility & Transportation, Parks, Recreation & Open Space, and Financial Resources. See Answer 2 for additional reasoning.

**Answer 5:** Heritage Builders, L.L.C. has been contacted and is supportive of the proposed amendment. We will hold a neighborhood meeting with the affected property owners prior to the Planning Commission's public hearing on the proposed Comprehensive Plan amendment.

We look forward to continuing our discussions with you on the above amendment to the Comprehensive Plan.

Yours very truly,

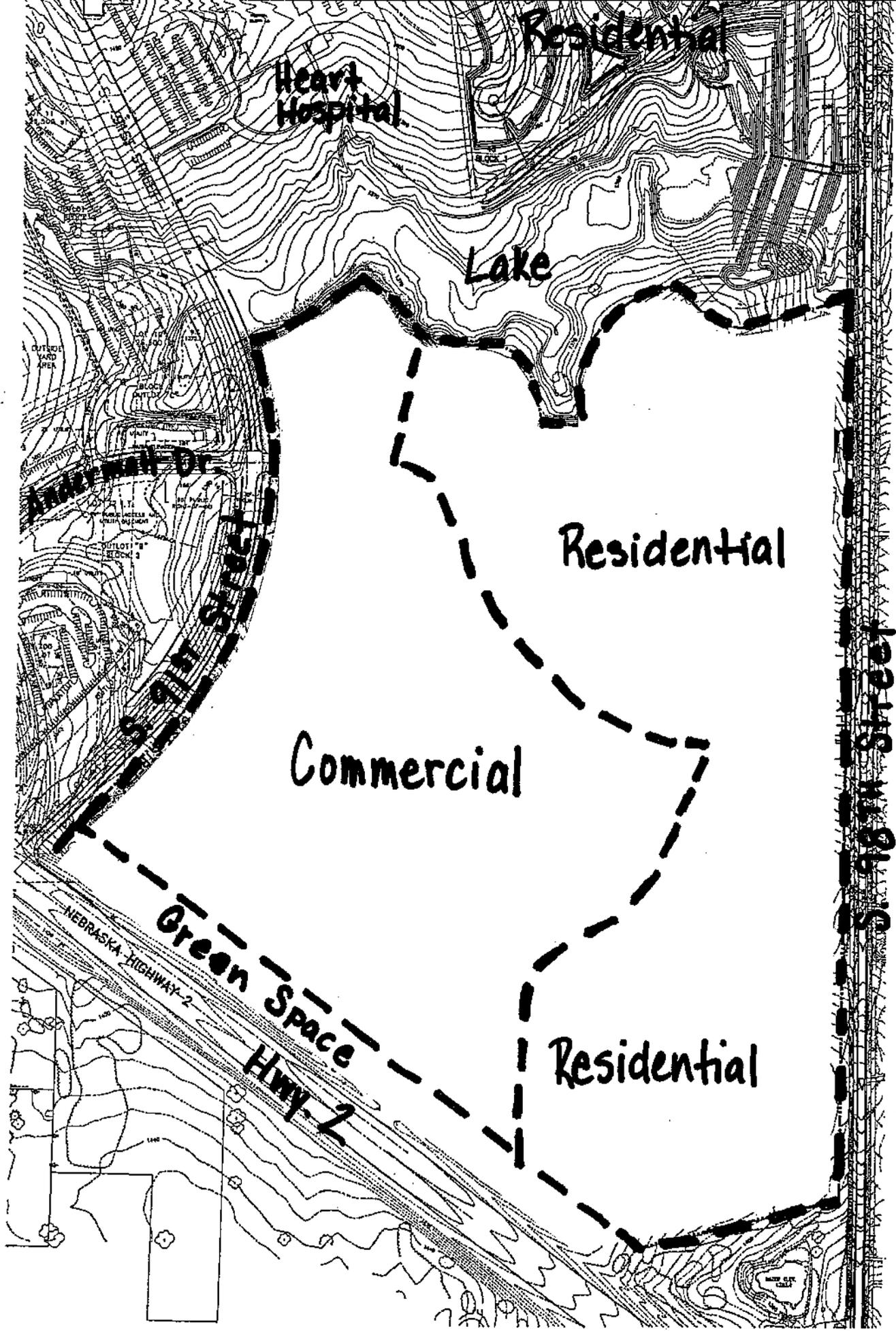


DANAY KALKOWSKI

For the Firm

Enclosure

cc: Mayor Don Wesley  
Council Member Jon Camp  
Greg Sutton  
Kelvin Korver  
Gary Kort



April 28, 2003

Christine Kiewra  
6400 S. 66th Street  
Lincoln, Nebraska 68516

Dear Planning Commission and City Council Members:

I am writing on behalf of the Country Meadows Homeowners Association to express our support for the Southeast Lincoln/Highway 2 Subarea Plan as it was originally written. We do not support any of the amendments that propose changing designations from urban residential to commercial in the Subarea Plan. Our Association was opposed to the approval of commercial zoning at 70th and Highway 2 for the Willowbrook Shopping Center (including Home Depot) and we attended many public meetings, fully participating in the process to approve the Subarea Plan just two years ago.

Country Meadows residents have many concerns about additional commercial space being added along Highway 2. Our primary concern relates once again to a commercial proposal at 66th Street and Highway 2. Repeated requests to change this land from residential to commercial have been debated and defeated. Nearly 10 years ago, Shopko purchased this land and requested a commercial designation in order to build a large shopping center--not even as dense as the one currently proposed. City planning staff, the City Council, and Mayor Johanns all recognized the catastrophic effects that would have on the area and defeated the proposal. Even at that time, good planning guidelines indicated the need to keep the area residential. The staff report noted that the Trade Center was intended to be the buffer between Country Meadows and commercial development and that nearby intersections could not sustain the increased traffic. Since that time, the land remained Low-Density/AGR.

When the Highway 2 Subarea Plan was proposed just two years ago, there was yet another request to the change this property to commercial and that was defeated. Mayor Wesley went on record saying that he would veto any additional commercial development in the Subarea. City Council Chair Cook said that he wanted all future City Council members to remember the pledge not to allow any additional commercial development in the Subarea.

Country Meadows residents continue to oppose commercial development in this area for the following reasons: 1) Increased traffic on Highway 2 and South 66th Street, 2) Sufficient commercial development already approved to serve the area, 3) Increased lighting, noise, and litter, and 4) Diminished aesthetics.

#### **Traffic**

Traffic on Highway 2 is at its capacity. This is a busy city entryway and it cannot handle the additional traffic generated by yet another shopping center. The only route for Country Meadows residents to drive north, east, or west from our neighborhood is to enter Highway 2 from 66th Street. That intersection is without a stoplight or turning lane and the speed limit has recently been raised to 55 mph. These factors already make it a difficult and dangerous intersection.

South 66th Street was built as a narrow, asphalt, winding county road without street lights, curbs and gutters. It is intended as a street only for residents and it is not able to handle increased through traffic. Parking is allowed on both sides of the street and when cars are parked along it there is barely room to drive down the road. There are no sidewalks so the narrow street is also used by pedestrians and bicyclists.

A connection between South 66th Street and a commercial development would dramatically increase traffic on the street. Even having a commercial development next to the neighborhood without connections would significantly increase traffic on the street according to city planning staff.

### **Sufficient Commercial Development**

Highway 2 is an important and beautiful entryway into Lincoln as well as a Capitol View Corridor with sufficient commercial development. Currently the largest shopping center in Lincoln is under construction at 84th and Highway 2. The Willowbrook Shopping Center is about half built at 70th and Highway 2. There are established centers at 56th and Highway 2-- Edgewood, Alamo Plaza, and the Trade Center. The Trade Center (which includes less intense commercial development) was approved as the western buffer between our neighborhood and commercial development. Any more commercial development will make Highway 2 one long strip mall.

Studies indicate south Lincoln is already over-retailed. Moreover, there is a lot of land already designated commercial that is vacant or undeveloped. These indicators show that market need is not what it is driving the requests for increased commercial designations.

### **Lighting, Noise, and Litter**

Commercial development brings with it large lit parking lots, noise from delivery trucks and other vehicles, loud speakers, and many people. It also brings litter from fast-food restaurants and other shopping stores. These would all intrude on the quiet country feel of our neighborhood. Area residents purchased our homes knowing that we were along a highway and that we would eventually be part of the city, but we believed the Comprehensive Plan (which designated adjoining property as residential) would protect the integrity and property value of our investments.

### **Diminished Aesthetics**

The proposed commercial development diminishes the aesthetic quality of a primary Lincoln entryway and Capitol View Corridor. Many times city leaders point to North 27th Street, Cornhusker Highway, and West O Street as examples of city entryways that have been marred by poor planning. Each of these entryways contain strip mall after strip mall rather than clustered, high-quality shopping centers. As one drives into Lincoln from the east on Highway 2, one notices commercial centers with large set backs, beautiful, low-density housing, and a bike path and green space along the Highway. Any additional commercial along Highway 2 will create the same strip mall effect as so many other city entryways.

Large scale commercial development at 66th Street and Highway 2 mars this area containing several beautiful neighborhoods including Country Meadows, Family Acres, and Southfork. The partners considering purchasing the land have indicated that commercial development will necessitate dramatically changing the topography of the land by leveling its rolling hills and clearing the trees to pave enormous parking lots.

Change of any kind often meets neighborhood resistance. Our neighborhood recognizes that change will come and that is why we initially and continually support the Subarea Plan. We would love it if the land would remain corn fields and horse barns but we know that won't happen. We supported the change from Low Density/AGR to Urban Residential in the Subarea Plan. That is the only land usage Country Meadows will support.

Respectfully submitted,

Christine Kiewra, President  
Country Meadows Homeowners Association