

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 9, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #07021 - Appian Way

PROPOSAL: From AG Agriculture to B5 Planned Regional Business

LOCATION: Eiger Drive and South 84th Street

LAND AREA: 6.74 acres

EXISTING ZONING: AG Agriculture

CONCLUSION: This parcel has been shown as part of the overall concept plan for the Prairie Lakes Shopping Center use permit (formerly known as Appian Way Regional Shopping Center) since it was approved in 2001. The area is designated for commercial land uses in the Future Land Use Plan, and the request complies with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Vacant	AG
South:	Vacant	B-5
East:	Vacant	B-5
West:	Vacant	B-5

ASSOCIATED APPLICATIONS:

FPPL#07017 - The final plat of Appian Way 10th Addition to subdivide the area within this change of zone request.

AA#07024 - An administrative amendment to Use Permit #140B to amend the Appian Way Regional Shopping Center to include the area within this change of zone request.

HISTORY:

October 3, 2005 - UP#140B was approved expanding the Appian Way Regional Shopping Center by approximately 14 acres to include a six-screen theater complex.

October 3, 2005 - SP#05023 was approved for a six-screen theater complex.

October 3, 2005 - CZ#05036 was approved for a change of zone from AG Agriculture to B-5 Planned Regional Business.

August 29, 2005 - CPA#05014 requested to amend the Comprehensive Plan by deleting several statements that refer to the Theater Policy and entertainment in the downtown, and by deleting one statement requiring market studies for proposed new theaters outside the downtown was denied.

September 26, 2005 - CZ#05035 requested to amend Section 27.63.630(c) of the Zoning Ordinance for theaters in the B-5 district to allow theater complexes consisting of more than six screens provided it is located outside a 6.5 mile radius measured from the center of the intersection of 13th and O Streets was denied.

January 20, 2004 - AN#03005 was approved annexing approximately 186 acres and included the area covered by this request.

January 13, 2003 - UP#140A was approved to add an outdoor sales area to Menards and reduce the number of required parking spaces from 877 to 729.

July 14, 2002 - CPA#03018 was approved changing the land use designation from residential to commercial for approximately 44 acres of land located at South 91st Street and Highway 2.

November 5, 2001 - ANN#01006 annexing 245 acres into the City of Lincoln, CZ#3320 changing the zoning on 98.8 acres east of relocated South 91st Street from AG to R-3, CZ#3285 changing the zoning on 146.3 acres between South 84th and relocated South 91st Street north of Highway 2 from AG to B-5, and 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 for Appian Way regional center were all approved.

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

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 17 - The Land Use Plan of the Comprehensive Plan designates commercial uses for this site.

ANALYSIS:

1. This request seeks to change the zoning from AG to B-5. The associated final plat creates the lot, and the administrative amendment expands the use permit for the Appian Way Regional Shopping Center to include the lot.
2. The Future Land Use Plan of the Comprehensive Plan designates commercial land uses for this site.
3. This site was included conceptually in the original use permit for Appian Way. It is also covered by the annexation agreement for the Appian Way Regional Shopping Center, and the provisions of that agreement apply.
4. The administrative amendment under review designates up to 50,000 square feet of commercial/retail land uses for this site.
5. This change of zone must be approved prior to the final plat or administrative amendment.

Prepared by:

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
April 25, 2007

OWNER/

APPLICANT: Eiger Corp.
16800 Pella Road
Adams, NE 68301
402.788.2202

CONTACT: DaNay Kalkowski
1111 Lincoln Mall Ste 350
Lincoln, NE 68508
402.435-6000



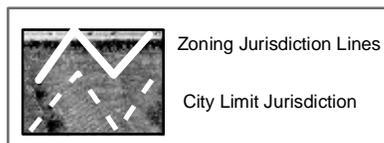
Change of Zone #07021 Andermatt Dr & Eiger Dr

2005 aerial

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. 23 T09N R07E



RECEIVED

APR - 2 2007

LINCOLN COUNTY REGISTERED PROFESSIONAL SURVEYOR



Scale: 1" = 200'

NW COR SEC. 23

CL PINE LAKE ROAD

NE COR NW 1/4
NW 1/4 SEC. 23

LOT 116 I.T.
1,031,942.95 sq.ft.
23.69 acres

N89°19'19"E 100.00'
N00°22'12"W 29.00'
N44°28'34"E 58.14'
S89°19'19"W 127.00'
S00°22'12"E 54.79'
L=18.56'
Δ=21°34'01"
T=8.38'
R=44.00'
CB=S35°48'24"E
C=16.46'

CL EIGER DRIVE

OUTLOT A, APPIAN WAY 6TH ADD.

L=68.86'
Δ=45°52'41"
T=36.40'
R=86.00'
CB=S23°37'04"E
C=67.04'
N89°19'19"E 402.38'
L=101.28'
Δ=42°40'05"
T=53.12'
R=136.00'
CB=S21°20'02"W
C=98.95'

CL 84TH STREET

CL ANDERMATT DRIVE
N11°33'37"E 275.83'

L=167.78'
Δ=28°36'39"
T=85.68'
R=338.00'
CB=N13°56'08"E
C=166.05'

L=78.39'
Δ=17°00'50"
T=39.49'
R=264.00'
CB=N19°44'02"E
C=78.11'

L=74.90'
Δ=6°00'23"
T=37.51'
R=636.00'
CB=S04°00'12"E
C=74.84'

OUTLOT N

CL EIGER DRIVE

N89°41'38"W 516.68'
OUTLOT N

P.O.B.

S75°47'27"W 25.83'

SW COR NW 1/4
NW 1/4 SEC. 23

SW COR NW 1/4
NW 1/4 SEC. 23

PART OF LOT 116, NW 1/4 23-9-7

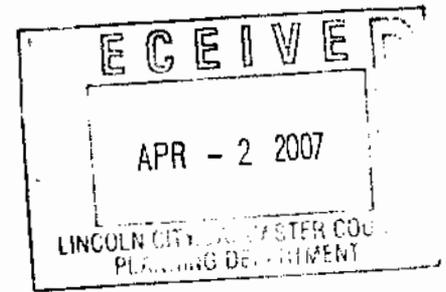
ZONING CHANGE SITE MAP

LINCOLN OFFICE
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DATE
1" = 200'
DATE
02-13-07
JOB NO.
34-1856

1/1



PART OF LOT 116, I.T., NW ¼ 23-9-7

A PART OF LOT 116, IRREGULAR TRACT, CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 116, THENCE N 11°13'37" E, ASSUMED BEARING, ALONG THE EASTERLY LINE OF OUTLOT N, APPIAN WAY ADDITION, A DISTANCE OF 275.83 FEET TO THE POINT OF CURVATURE OF A 264.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE NORTHEASTERLY, ALONG SAID CURVE AND THE EASTERLY LINE OF SAID OUTLOT N, THROUGH A CENTRAL ANGLE OF 17°00'50", AN ARC DISTANCE OF 78.39 FEET, THE CHORD OF SAID CURVE BEARS N 19°44'02" E, A DISTANCE OF 78.11 FEET TO THE POINT OF REVERSE CURVATURE OF A 336.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE NORTHERLY, ALONG SAID CURVE AND THE EASTERLY LINE OF SAID OUTLOT N, THROUGH A CENTRAL ANGLE OF 28°36'39", AN ARC DISTANCE OF 167.78 FEET, THE CHORD OF SAID CURVE BEARS N 13°56'08" E, A DISTANCE OF 166.05 FEET; THENCE N 00°22'12" W, ALONG THE EASTERLY LINE OF SAID OUTLOT N, A DISTANCE OF 139.51 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT N; THENCE S 89°19'19" W, ALONG THE NORTHERLY LINE OF SAID OUTLOT N, A DISTANCE OF 86.00 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT N; THENCE CONTINUING S 89°19'19" W, ALONG THE NORTHERLY RIGHT OF WAY LINE OF EIGER DRIVE, A DISTANCE OF 41.00 FEET; THENCE N 44°28'34" E, A DISTANCE OF 58.14 FEET; THENCE N 00°22'12" W, A DISTANCE OF 29.00 FEET; THENCE N 89°19'19" E, A DISTANCE OF 100.00 FEET; THENCE S 00°22'12" E, A DISTANCE OF 54.79 FEET TO THE POINT OF CURVATURE OF A 44.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°34'01", AN ARC DISTANCE OF 16.56 FEET, THE CHORD OF SAID CURVE BEARS S 35°46'24" E, A DISTANCE OF 16.46 FEET TO THE POINT OF REVERSE CURVATURE OF A 86.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°52'41", AN ARC DISTANCE OF 68.86 FEET, THE CHORD OF SAID CURVE BEARS S 23°37'04" E, A DISTANCE OF 67.04 FEET; THENCE N 89°19'19" E, A DISTANCE OF 402.38 FEET; THENCE S 00°00'00" E, A DISTANCE OF 156.51 FEET TO THE POINT OF CURVATURE OF A 136.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY, ALONG SAID CURVE AND THE NORTHERLY LINE OF OUTLOT N, APPIAN WAY ADDITION, THROUGH A CENTRAL ANGLE OF 42°40'05", AN ARC DISTANCE OF 101.28 FEET, THE CHORD OF SAID CURVE BEARS S21°20'02" W, A DISTANCE OF 98.95 FEET; THENCE S 00°00'00" E, ALONG THE WESTERLY LINE OF SAID OUTLOT N, A DISTANCE OF 259.02 FEET TO THE POINT OF CURVATURE OF A 536.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE SOUTHERLY, ALONG SAID CURVE AND THE WESTERLY LINE OF SAID OUTLOT N, THROUGH A CENTRAL ANGLE OF 08°00'23", AN ARC DISTANCE OF 74.90 FEET, THE CHORD OF SAID CURVE BEARS S 04°00'12" E, A DISTANCE OF 74.84 FEET; THENCE S 08°00'22" E, ALONG THE WESTERLY LINE OF SAID OUTLOT N, A DISTANCE OF 4.18 FEET; THENCE S 75°47'27" W, ALONG THE NORTHERLY LINE OF SAID OUTLOT N, A DISTANCE OF 25.83 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE N 89°41'38" W, ALONG THE NORTHERLY LINE OF SAID OUTLOT N AND THE SOUTHERLY LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 516.68 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS AN AREA OF 293,534.89 SQUARE FEET, 6.74 ACRES.

SEACREST & KALKOWSKI, PC, LLO

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DANAY KALKOWSKI
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April 2, 2007

Marvin Krout
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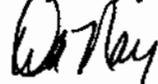
RE: Change of Zone Application

Dear Marvin:

Enclosed please find an Application for a change of zone from AG to B-5 that will add approximately 6.74 acres of property to the Appian Way Regional Center. Applications have previously been submitted for an Administrative Amendment to the Use Permit that will add this area, as well as a final plat. This area was originally not included within the Use Permit because it was the location of the City's water tank. That has now been removed and Eiger Corp. would like to add this area to the boundary of Use Permit No. 140A.

Enclosed please find a Zoning Application, as well as the application fee in the amount \$740.00. If you have any questions or need any additional information, please give me a call.

Very truly yours,



DANAY KALKOWSKI
For the Firm

Enclosure

