City Council Introduction: **Monday**, September 26, 2011
Public Hearing: **Monday**, October 3, 2011, at **3:00** p.m.

Bill No. 11-149

FACTSHEET

TITLE: **ANNEXATION NO. 07005**, by the Director of Planning at the request of Ringneck Development, to annex approximately 7.72 acres, more or less, generally located at N.W. 48th Street and West Holdrege Street.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement.

ASSOCIATED REQUESTS: Annexation Agreement (11R-235) and Change of Zone No. 07063 (11-150)

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/16/08, 01/30/08 and 02/13/08
Administrative Action: 02/13/08

RECOMMENDATION: Approval, subject to an Annexation Agreement (7-0: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor Baird and Carroll voting 'yes'; Larson and Sunderman absent).

FINDINGS OF FACT:

1. This annexation request and the associated Change of Zone No. 07063, I-80 West Lincoln Business Center Planned Unit Development, were heard at the same time before the Planning Commission.

2. The annexation request and the associated PUD considered by the Planning Commission consist of an overall area of approximately 233 acres, more or less, generally located north of Interstate 80 and west of N.W. 48th Street (See p.21-22).

3. The staff recommendation to approve the annexation, subject to an Annexation Agreement, is based upon the "Analysis" as set forth on p.6-9, concluding that the annexation is in conformance with the Comprehensive Plan. The staff presentation is found on p.10-12.

4. Testimony by the applicant is found on p.12-15.

5. The testimony in opposition was related to access to N.W. 48th Street on the associated PUD application (p.15-17).

6. On February 13, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval, subject to an annexation agreement (Sunderman and Larson absent).

7. The area now being requested to be annexed is Phase I, consisting of approximately 7.72 acres, more or less (See p.19); however, the associated Annexation Agreement being considered by the City Council at this time covers the entire 233-acre area.

8. The Phase I approval recognizes that the overall PUD may be approved by the City Council in separate phases without additional review by the Planning Commission, provided each phase is in general conformance with the overall Development Plan. If a future phase is not in general conformance with the Development Plan, additional review and public hearing by the Planning Commission will be required prior to City Council action.

9. **Note**: City Council Chair, Eugene Carroll, voted on this proposal as a Planning Commission member.

FACTSHEET PREPARED BY: Jean L. Preister **DATE**: September 19, 2011

REVIEWED BY:_____ **DATE**: September 19, 2011

REFERENCE NUMBER: FS\CC\2011\ANNEX07005+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 16, 2008 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval by Planning Commission: February 13, 2008****

PROJECT #: **Annexation #07005**
~~Change of Zone No.07063 I-80 West Lincoln Business Center Planned Unit Development (PUD)~~

This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: Annex approximately 7.72 acres, more or less, of the larger area containing 233 acres ~~and a change of zone from AG to R-3 PUD and I-3 PUD for approximately 1.5 million square feet of office, commercial and industrial floor area; hotels and motels up to 200 rooms and up to 448 dwelling units and modifications as stated in the development plan~~.

LOCATION: North of Interstate 80 and west of NW 48th St.

LAND AREA: 7.72 acres, more or less, of the larger area containing 233.36 acres, more or less

EXISTING ZONING: AG, Agricultural

CONCLUSION: This application will be in conformance with the Comprehensive Plan with approval of Comprehensive Plan Amendment #07003 and the conditions of approval. The applicant must enter into an annexation agreement with the City. **9/15/11:** The City and applicant agreed that Comprehensive Plan Amendment 07003 to the 2030 Comprehensive Plan was no longer necessary. The draft 2040 Comprehensive Plan (which should be adopted in the next month or so) reflects the I-80 West Lincoln Business Center plan as proposed, so CPA 07003 is no longer necessary.

RECOMMENDATION:

Annexation	Approval with annexation agreement
~~Change of Zone PUD~~	~~Conditional Approval~~
~~Waivers:~~	
~~1. To LMC 27.60.030 that the PUD plan contain all of the information required of a preliminary plat to allow the details typically shown on a preliminary plat to be approved by administrative amendment.~~	~~Approval~~
~~2. Block length~~	~~Approval~~
~~3. Lots having frontage and access to a public or private street.~~	~~Approval~~

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Single-family and attached single family
South:	H-1, Interstate Commercial	Shoemakers truck stop
	H-4, General Commercial	
East:	AG, Agricultural	Undeveloped
West:	AG, Agricultural	Undeveloped

ASSOCIATED APPLICATIONS:
~~Comprehensive Plan Amendment #07003.~~ **9/15/11:** The City and applicant agreed that Comprehensive Plan Amendment 07003 to the 2030 Comprehensive Plan was no longer necessary. The draft 2040 Comprehensive Plan (which should be adopted in the next month or so) reflects the I-80 West Lincoln Business Center plan as proposed, so CPA 07003 is no longer necessary.
Change of Zone No. 07063, I-80 West Lincoln Business Center PUD

HISTORY:
January 31, 2005 Airport West Subarea Plan was adopted by the City Council

COMPREHENSIVE PLAN SPECIFICATIONS:
The Land Use Plan in the 2030 Comprehensive Plan identifies this area as industrial, commercial and urban residential.(p.18)

The subject area is in Tier One Priority A & B. (p.21)

Overall Guiding Principles for Business and Commerce: (p. 35)
Commercial and industrial districts in Lancaster County shall be located:
• within the City of Lincoln or incorporated villages
• outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
• where urban services and infrastructure are available or planned for in the near term
• in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
• in areas compatible with existing or planned residential uses
• in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
• so that they enhance entryways or public way corridors, when developing adjacent to these corridors
• in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods. (p.36)

HIGHWAY ORIENTED COMMERCIAL AREAS (H) (p. 47)

Center Size
These commercial areas will range in size considerably depending on market potential and land availability.

Description
These centers are primarily oriented to the highway traveler and highway oriented distribution, warehouse and light manufacturing companies. They may include a variety of retail and service uses, including big box retail stores that have a regional draw or serve "community" center needs, restaurants, motel/hotels, gas stations, truck stops.

Since they are along entryways into the community, they should have landscaping and design standards. The highway oriented commercial areas identified in the Plan are not surrounded by large residential areas, so they are not typical locations for large discount and grocery stores or other types of anchors which serve local markets. However, these stores may be able to attract additional support from the population in rural areas and smaller towns in the region, along with the possibility of large specialty or destination stores such as sporting goods and furniture stores, which have the ability to attract consumers
from one hundred miles and beyond.

Locations
Centers are existing, underway or planned in the vicinity of the :

West O Street Corridor
North 56th & I-80
South Beltway and S. 27th Street

Planning for future multi-use trails should be guided by the goal of having a multi-use trail within one mile of all residences in the city. (p.95)

Annexation policy: (p.154)

- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

- Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county.

The following citations are from the Airport West Subarea Plan:

The vision for the subarea plan is to: (p.6)

- Provide for Future Industrial/Employment centers: clarify and refine areas designated for commercial and industrial uses.

- Efficient Use of Transportation Network: land use decisions must consider the impacts on the transportation network. NW 48th St. is not just a road used by local residents, it is an arterial street that serves the whole community and region. The traffic flow capacity of this corridor should not be overloaded.

- Provide Effective Land Use Transition: identifies appropriate transitions from commercial to residential land uses. Within commercial areas, office and lower intensity commercial uses along with appropriate buffer areas should be developed as a transition to adjacent residential areas.

The Airport West Subarea Plan identifies this area as Commercial, Industrial and Urban Residential. (p.9)

UTILITIES: An existing 12" sanitary sewer main terminates just north of Interstate 80. The 2007-2013 Capital Improvement Program identifies the extension of the trunk sewer to W. Holdrege St. in 2009/2010.

There is an existing 16" water main in NW 48th St. The 2007-2013 Capital Improvement Program identifies the construction of water mains in 2012 for NW 56th St. from West "O" St. to W. Partridge St. and in W. Holdrege St. from NW 56th St. to NW 48th St.

PARKS & TRAILS: The Trails Facilities Plan in the 2030 Comprehensive Plan shows a trail on NW 56th St. north of W. Holdrege St., on W. Holdrege St. and along NW 48th St. south of W. Holdrege St. The trail on NW 48th St. is not finalized and the location is subject to change.

TRAFFIC ANALYSIS:

NW 48th St.

The 2030 Comprehensive Plan identifies NW 48th St. as a principal arterial and is shown as a proposed project for 4 lanes plus turn lanes. The applicant's traffic study shows improvements to NW 48th St. at 2030 full-build out as a four- lane divided facility from West "O" St. to W. Table Rock Rd. The traffic study also shows dual left turn lanes at W. Opportunity Dr. Although the applicant's traffic study shows NW 48th St. as four lanes, it only accounts for their own development and does not take into consideration additional development on the east side of NW 48th St.

The associated comprehensive plan amendment is proposing that NW 48th St. be 6 lanes plus turn lanes with right-of-way of 70 to 80 feet from centerline.

NW 56th St.
and W. Holdrege St.

The 2030 Comprehensive Plan identifies NW 56th St. and W. Holdrege St. as minor arterials and are shown as 2 lanes plus turn lanes. The applicant's traffic study shows improvements to NW 56th St., from West "O" St. to the north boundary of this development and W. Holdrege St. at 2030 full-build out as a 3-lane facility.

Interstate 80

The interchange of Interstate 80 and NW 48th St. is scheduled for reconstruction in fiscal year 2013, but may be pushed back to fiscal year 2015. The design will include an I-80 bridge span over NW 48th St. that is long enough to accommodate a 6 lane road. The traffic study shows dual right turn lanes from west bound I-80 to northbound NW 48th St. in 2010 or when Phase 1 has been completed.

The applicant's traffic study projects over 33,000 daily trips at full build-out. This will require extensive traffic improvements to NW 48th, NW 56th and W. Holdrege streets. Staff has discussed with the applicant the staging of interim and permanent improvements to NW 48th St. based on the

development generating specified traffic levels, plus incremental paving of Holdrege and NW 56th Streets. The staging of improvements will be part of the annexation agreement.

PUBLIC SERVICE: The nearest elementary school is Arnold, currently located at 5300 W. Knight Dr. A new Arnold elementary school at NW 48th St. and West Cuming St. is scheduled to open in fall of 2009 and will replace the existing Arnold school.

The nearest fire station is Station #11 located at the Lincoln airport.

AESTHETIC CONSIDERATIONS: The appearance of office, commercial and industrial buildings and signs from Interstate 80.

ANALYSIS:

1. This application is for an annexation of approximately 233 acres and a change of zone from AG, Agricultural to R-3 PUD and I-3 PUD for approximately 1.5 million square feet of office, commercial and industrial floor area; hotels and motels up to 200 rooms and up to 448 dwelling units and modifications as stated in the development plan.

2. The aggregate for all retail, restaurant, bank, consumer and business service (excluding office, hotels and motels) uses permitted within the Highway Commercial and Industrial Areas shall not exceed 425,000 square feet, of which a maximum of 200,000 square feet may be located within the Industrial Area. Travel services and other potential commercial uses are appropriate along the NW 48th frontage, but large tracts of land west of the highway commercial uses should be set aside for large scale "primary employment" uses that desire the accessibility of a nearby interstate interchange. The purpose of capping the retail/service floor area is to ensure that these large tracts are available, as well as to balance land use with the practical traffic capacity that can be achieved at this location.

3. The area north of W. Holdrege St. is proposed as R-3 PUD. A 13 acre parcel located northwest of NW 48th St. & W. Holdrege St., within the R-3 PUD, will allow uses similar to the RT, Residential Transition zoning district. The RT area shall have no more than 60,000 sf of commercial uses. The residential area (approximately 50 acres) is shown for single-family and attached single-family dwellings (see development plan). The lot layout shown for the residential area is conceptual and subject to change.

4. The area south of W. Holdrege St. is proposed as I-3 PUD. The I-3 PUD area is divided into Highway Commercial and Industrial areas. The highway commercial area (approximately 62 acres) fronts NW 48th St., W. Holdrege St. and I-80. The industrial area (approximately 82 acres) is to the west and north of the highway commercial area. The highway commercial area uses and standards will be similar to the H-3 zoning district and the industrial area similar to the I-3 zoning district. (see development plan).

5. A blight study has been conducted for this area. The blight study is scheduled for public hearing on the January 30, 2008 Planning Commission. The approval of the blight study is the first step in allowing the potential for Tax Increment Financing (TIF). TIF may encourage primary employers to locate in this area.

6. The Lincoln-Lancaster County Health Department(LLCHD) has concerns of noise from the commercial/industrial adjacent residential. The LLCHD advises against locating loading docks, trash compactors, etc. adjacent to residential. The LLCHD also has concerns with potential industrial uses located south of W. Holdrege St. due to the proximity to the residential located north of W. Holdrege St. The development plan states that any use that has EPA designated RMP (Risk Management Program) uses shall be prohibited within two hundred (200) feet of the south right-of-way line of W. Holdrege St.

7. The Public Works and Utilities Department does not support the right-in/right-out access at NW 56th St. just south of W. Holdrege St. This access point may be supported in the future when a more detailed plan, with a street pattern, is submitted for the industrial area.

8. Public Works Watershed Management notes that detention cannot be determined because no drainage calculations were submitted with this application. This is typical with a PUD where detailed plans are submitted with future administrative amendments.

9. The Lincoln Airport Authority notes that this development is within the Airport Environs Noise District and is subject to an avigation and noise easement. A portion of the development is above an elevation of 1248 feet and will be required to go through the height permitting process to ensure it does not exceed allowable structure heights.

10. The amount and type of signs at this location was a major concern. This PUD prohibits billboards and limits the number of pole signs to 13 along NW 48th St., 13 along NW 56th St and 5 along Interstate 80. This results in an average spacing of every 200 feet, but a minimum spacing of 50 feet is required. In contrast, the H-3 zoning district allows pole signs every 50 feet. Pole signs are prohibited along W. Holdrege St. However, eleven ground signs are allowed along W. Holdrege St.

11. ~~Associated with this application is an amendment to the Comprehensive Plan. The proposed amendment is to change the designation of all property currently shown as Tier One Priority "B" to Tier One Priority "A" and change the land use plan and Airport West Subarea Plan to expand the commercial and industrial designations.~~ The City and applicant agreed that Comprehensive Plan Amendment 07003 to the 2030 Comprehensive Plan was no longer necessary. The draft 2040 Comprehensive Plan (which should be adopted in the next month or so) reflects the I-80 West Lincoln Business Center plan as proposed, so CPA 07003 is no longer necessary. (**Per Staff 9/15/11)**

12. The applicant is proposing that the Planning Commission approve a change of zone and annexation for the entire 233+ acres, but only a portion to proceed immediately to the City Council for final approval. The purpose of this is to phase in the annexation and not have to go back through public hearing at Planning Commission for every phase. Further phases will go directly to City Council for approval of the annexation and change of zone if generally the as recommended by the Planning Commission. Substantial changes would be considered by the Planning Commission as a new application.

13 . Annexation policy:

- Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

  The proposed area is contiguous to the City limits and has urban residential to the north and east.

- Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

  There is an existing 16" water main in NW 48th St. and an existing 12" sanitary sewer main north of Interstate 80.

- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county.

  Street improvements to NW 48th, NW 56th and W. Holdrege Streets are not in the current Capital Improvements Program(CIP).

  The 2007-2013 CIP identifies new water mains on NW 56th from W."O" St. to W. Holdrege St. and on W. Holdrege St. from NW 56th St. to NW 48th St. The projects are shown for construction in 2012. The identified funding source is impact fees and utility revenues.

  Wastewater improvements in the CIP include extending the trunk sewer at NW 52nd and I-80 north to W. Holdrege St. The project is shown for construction in 2009/2010. The identified funding source is community improvement financing.

14. *Just prior to preparing this report Planning staff met with the owner of the 24 acre tract at the very northwest corner of NW 48th and I-80, which abuts the proposed PUD on its west and north property lines. A major concern is access to NW 48th St from his property. There is an existing shared access easement on to NW 48th St. between the two properties. The Nebraska Department of Roads (NDOR) has indicated that this easement most likely will be removed with the new interchange, but there has been no final decision. He indicated that he was not pleased with the proposed PUD showing this access to be eliminated, with the access to his property modified to an internal road in the PUD and access to NW 48th St. a quarter-mile further to the north. If the access*

easement is removed, this owner would like an access closer to his property. Without a clear commitment from NDOR, or an agreement between the two abutting owners on access that meets both their needs and satisfies NDOR and Public Works, it may be prudent for the Planning Commission to delay action on the PUD.

Prepared by:

Tom Cajka
Planner

DATE: January 7, 2008 **(Revised on 9/15/11 for Council Factsheet)**

APPLICANT: Ringneck Development
11904 Arbor St. Suite 200
Omaha, NE 68144

OWNER: same as applicant

CONTACT: DaNay Kalkowski
Seacrest & Kalkowski
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

COMPREHENSIVE PLAN AMENDMENT NO. 07003, ANNEXATION NO. 07005 and CHANGE OF ZONE NO. 07063, I-80 WEST LINCOLN BUSINESS CENTER PLANNED UNIT DEVELOPMENT

REQUEST FOR DEFERRAL: January 16, 2008

Members present: Esseks, Sunderman, Taylor, Gaylor-Baird, Larson, Moline, Francis and Carroll; Cornelius absent.

The Clerk announced that the applicant has requested a two-week deferral.

Motion made by Esseks, seconded by Moline to defer two weeks, with continued public hearing and action scheduled for January 30, 2008, and carried 8-0: Esseks, Sunderman, Taylor, Gaylor-Baird, Larson, Moline, Francis and Carroll voting 'yes'; Cornelius absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: January 30, 2008

Members present: Moline, Cornelius, Francis, Esseks, Larson, Taylor, Sunderman and Carroll; Gaylor-Baird absent.

The Clerk announced that the attorney for the applicant has requested an additional two-week deferral. Moline moved deferral, with continued public hearing and action scheduled for February 13, 2008, seconded by Esseks and carried 8-0: Moline, Cornelius, Francis, Esseks, Larson, Taylor, Sunderman and Carroll voting 'yes'; Gaylor-Baird absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: February 13, 2008

Members present: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor-Baird and Carroll; Larson and Sunderman absent.

Ex Parte Communications: Carroll disclosed that he had a number of conversations with the Director of Planning concerning these applications, strictly to the zoning and land use, and he believes that there are some changes coming forward today.

Staff recommendation: Approval of the Comprehensive Plan amendment; approval of the annexation, subject to an annexation agreement; and conditional approval of the planned unit development.

Staff presentation: **Tom Cajka of Planning staff** explained that the proposed Comprehensive Plan amendment amends the land use plan, the tier map and the transportation plan. The proposed amendments to the land use plan change the areas from Urban Residential to Commercial and

redraw the district boundary areas between commercial and industrial. The proposed land use plan shows that the Urban Residential is only on the north side of Holdrege Street, with commercial coming down along N.W. 48th Street and along I-80 with the industrial back in the area to the west of the commercial. The proposal is to change Tier I, Priority B to Priority A, which talks about infrastructure being provided within six years. There is existing water within N.W. 48th Street and an existing sanitary sewer line that terminates just north of I-80.

Cajka went on to state that the Comprehensive Plan amendment would also designate this area as a highway oriented commercial center with proposed changes to the transportation plan to show N.W. 48th Street as six lanes instead of four. The six lanes would be from "O" Street to Holdrege Street.

Cajka submitted a revised site plan, changing some street access to N.W. 48th Street. The overall proposed PUD would allow 1.5 million sq. ft. of office, commercial and industrial uses; hotels and motels up to 200 rooms; and up to 448 dwelling units on approximately 233 acres. The area south of Holdrege is the industrial/commercial area, within which they are limited to 425,000 sq. ft. of commercial uses excluding office and hotel use, and of that 425,000 sq. ft., a maximum of 200,000 sq. ft. may be located within the industrial area, the purpose being to reserve it more for larger employer industrial type uses.

Another area north of Holdrege along 48th Street is shown as "residential transition" with uses similar to the R-T zoning district, limited to 60,000 sq. ft. of commercial and office use.
Cajka advised that some concerns were brought up about the industrial along Holdrege in proximity to future residential. There is a condition in the PUD that requires a 200' buffer from the south right-of-way line of Holdrege to any type of industrial use that has "RMP" by the EPA. That buffer requirement came out of a joint committee on health and land use proposing a 300' buffer. The reason it has been changed to 200' is because of the right-of-way of Holdrege being taken into account. If you include the right-of-way, the buffer is more than 300'.

The revised site plan shows changes to the two access points on N.W. 48th Street as a result of discussions with Public Works and NDOR. They would both be full access movements. The south access is within the state's controlled access, approved by NDOR.

Another issue of concern was signs along the Interstate and N.W. 48th Street. Billboards have been prohibited within this PUD, and the pole signs are limited to 13 along N.W. 48th Street, 13 along N.W. 56th Street and 5 along I-80. This is more restrictive than allowed in the H-3 zoning district. The pole signs would also have a minimum spacing of 50'.

Esseks asked for clarification of the boundary of the TIF district. Cajka advised that the PUD up to Holdrege Street is included in the blight study. He confirmed that no residential is included in the TIF district.

Moline wondered why the signage would be restricted. Cajka stated that the staff was concerned about a strip of pole signs going up on N.W. 48th Street or I-80, especially with the interstate being an entrance into the city.

Esseks inquired as to the justification for moving property from Priority B to Priority A. Is the public benefit demonstrated, such as jobs? Since most of this will be industrial, do we have any idea of the average number of jobs per square feet? Cajka believes the applicant would better address this question.

Carroll recalled that during the Comprehensive Plan Update, one of the questions was the need for more industrial sites in terms of economic development. We are losing industrial to commercial in this project. Are we losing too much industrial for single users? Cajka suggested that there may be a little less industrial land than what is currently shown in the land use plan, but it is more just a shift of the location of industrial.

Marvin Krout, Director of Planning, approached the Commission and stated that the developer wanted a certain amount of flexibility in terms of where the commercial might happen, but you also need to look at the floor areas that area allowed for commercial and the remaining primary employers (industrial and office). There is not enough floor area to fill up all of the areas designated to potentially be commercial. Carroll is concerned because during the Comprehensive Plan Update discussion, a lack of industrial sites was recognized and this is one area where we thought it would be. Losing industrial land is a question. Krout suggested that there is additional land that will be made available for industrial to the west of this site and to the east in the future. We recognize that N.W. 48th Street is the one and only interchange to I-80 from the west so it would be natural to expect to see some more lodging and travel kinds of services which are anticipated by this project. Cajka added that the proposed PUD shows approximately 82 acres for industrial use, and the developer's traffic study projects 825,000 sq. ft. of industrial use.

Moline again expressed concern about limiting the signage. He has experienced difficulty driving in industrial parks because you can't find the building because they don't put a sign on them. Does this also limit the building signs? Cajka confirmed that the only limitation is on pole signs.

Esseks noted that the staff report cautions about a lack of agreement between this developer and the owner of 24 acres at the intersection of N.W. 48th Street and I-80 on the access. There is even a recommendation that we should delay our decision because of that lack of agreement. Cajka clarified that since the staff report was written, this proposal has already been delayed twice to work on these issues. There is an existing access easement onto N.W. 48th Street. He understands that NDOR will remove that access with the interstate project. The on-ramp will be moved further north with the I-80 improvements. NDOR wanted a minimum of 1,350 feet for a break in the access. NDOR has seen the revised site plan and he believes they agree. The attorney for the property owner to the south is here today to discuss this issue.

<u>Proponents</u>

1. DaNay Kalkowski appeared on behalf of the developer, **Ringneck Development,** which owns or controls 230 acres located north and west of I-80 and N.W. 48th Street. Approximately 70 acres of this property is located north of Holdrege and 160 acres on the south side of Holdrege. The property north of Holdrege is shown in the Comprehensive Plan as residential, while most on the south is shown for commercial and industrial uses. Ringneck is proposing residential and residential transition north of Holdrege, while marketing for large industrial or employment type center uses and highway commercial uses to the south. This property is attractive to some larger potential users

with its location along the Interstate with good visibility and access; its large size; and its proximity to roads and other infrastructure, i.e. sewer, water lines.

Ringneck and the Chamber of Commerce have been trying to market this property to industrial type users. It is the desire of her client to go through as many steps of the governmental approval process up front to minimize the time it would take to get a building permit for a user. Consequently, the developer is asking for Planning Commission approval of annexation for the entire property, as well as the change of zone for the entire property, but the intent is to take the first phase of the annexation and zoning to the City Council for approval and that the subsequent phases be forwarded as they find users. The purpose of getting the entire Plan approved by Planning Commission is that it locks in the development plan.

With respect to the Comprehensive Plan amendment, the developer is primarily asking for adjustments to the land use, subarea plan and to the phasing plans to take into account this proposal. The Planning Department has made additional changes in the Comprehensive Plan amendment to which the developer agrees.

In relation to the change of zone, the developer is requesting a R-3 PUD on the area north of Holdrege, and then I-3 PUD on the area to the south of Holdrege. The R-3 PUD is comprised of the residential area, the primary uses being single family and two-family dwellings. It also has a residential transition area of 13 acres along N.W. 48th Street, limited to 60,000 sq. ft. of retail uses, so that the entire area will not be able to develop with retail and office type uses, thus some additional townhomes, multi-family or single family in the R-T zone.

The area south of Holdrege is divided into two: the industrial along N.W. 56th Street and west of N.W. 48th Street, and highway commercial abutting the Interstate, N.W. 48th and a small portion of Holdrege. The highway commercial is a H-3 zone with more highway oriented higher intensity uses, i.e. hotels, larger box retailers, and the development plan provides for a wholesale or distribution type center. The base zone for the industrial area is I-3, primarily manufacturing, storage, distribution centers, office, retail. The PUD development plan does limit the total amount of retail uses in the highway commercial and the industrial, and no more than 200,000 sq. ft. of the 425,000 sq. ft. could be located within the industrial in an attempt to maintain the industrial area for larger employment center type users. Kalkowski explained that the proposal shows this much commercial because there is a huge cost to try to hold this land for an industrial user to come along.

Concerning the annexation, Kalkowski stated that the developer has been working with the city on the road, water and sewer infrastructure needed to accommodate this proposal. All of this will be incorporated into an annexation agreement that will go before the City Council.

A meeting was held with the neighbors on January 15th at the Airpark Recreation Center. The developer mailed notices to over 460 people and had a meeting of about 30 people. The primary questions were about specific users and the time frame. The neighbors are generally supportive of additional development in this area.

The developer has also met with the immediate neighbor to the south, Mr. Dowd (northwest corner of the interchange). The developer has also had conversations with neighbors on the east side of N.W. 48th Street. In general, the developer has not heard any concerns about the land use. The

primary concern has been the access points on N.W. 48th Street. The neighbors did ask the applicant to defer the originally scheduled hearing to talk about the access points to N.W. 48th Street. The state does have control of access along N.W. 48th to a point about ½ mile north of the intersection. Currently, there is an unrestricted access at the joint property line between Ringneck and Mr. Dowd. However, the access break is close to the interstate and becomes problematic when the state constructs the interchange improvements. This original location of the access point was required to be removed by the city because the state indicated that they would not allow that access break to remain in the long term because of the interstate improvements. The original proposal was to show the first access point outside of the controlled access area, putting it pretty far to the north. The neighbors, primarily Mr. Dowd, felt that that access point was too far to the north and asked to see how far it could be shifted further to the south. In the last month, the developer met with Mr. Dowd, then the NDOR and the City. The NDOR took the position that the first full access point should be located 1350 feet north of where the newly constructed ramp would be located. The NDOR has subsequently met internally and has verbally verified that the 1350 feet would be an acceptable distance for the first access point. Another full access point can also be shown to the north. The site plan has been revised to show the new access points. The developer intends to move forward with the city to start the formal permitting process with the state for this access point.

Kalkowski then submitted proposed amendments to the conditions of approval:

4.2 Revise the Development Plan as follows:

4.2.1 Replace Page 4 – the PUD Site Plan – with the revised site plan attached hereto.

4.2.2 Revise Table 27.51.090(a) to add the note: "When the front yard of a 27.51.030(c)(3) use abuts Holdrege Street, the required building setback shall be 50 feet."

With that 50' plus the 100' of Holdrege Street, plus the north side of Holdrege, it should provide more protection for future residential to the north from those industrial type users on the south side of Holdrege Street.

Esseks indicated that he has suffered some grief for agreeing to blight this agricultural area, and he asked Kalkowski to summarize the benefits to the community from this project. Kalkowski pointed out that none of the area in the blight study is shown as residential. The community benefit is to attract a larger employment type user, whether it be a big office user or big industrial type user, and the benefit of having the blight and redevelopment is the ability to fund some of the improvements that will be needed in N.W. 48th Street and maybe even N.W. 56th and Holdrege Street. Esseks suggested further that the city needs to be able to provide the necessary roads for the users and the TIF will be used for the roads to attract those users.

Esseks asked for clarification about TIF being used to compensate developers for use restrictions. Kalkowski does not believe that will occur in this situation. That may be used more in an area that already has zoning, resulting in loss of value to the owner. She does not believe that is available on this project.

Francis inquired whether the NDOR has control over the future possible widening of N.W. 48th Street. Kalkowski advised that the annexation agreement will address the phased improvements to N.W. 48th Street to accommodate development. The developer needs city as well as NDOR approval on the improvements because of the controlled access. It is primarily a matter of getting the necessary permits, and then the NDOR will need to determine whether there is any impact to the Interstate interchange.

Carroll asked Kalkowski to discuss the buffer on West Holdrege Street. Kalkowski clarified that they have the 100' separation with the Holdrege Street right-of-way and then the additional 200' for the RMP uses, thus 300' back from the start of the residential. The proposed amendment addresses a bigger use that is not a RMP. Carroll confirmed that to be more than what the Health Department is requesting.

Carroll wondered about the transportation improvements in the traffic study, which is based upon the industrial with the rest being highway/commercial. What happens if highway commercial develops when you try to reduce the industrial so that the traffic study does not follow the actual development? Kalkowski agreed that they would have to come back to the Planning Commission. If we try to expand the highway into industrial or we get additional high intensity users, then we will have to come back to address that issue.

Opposition

1. Peter Katt appeared on behalf of the owner of the property to the south, **Dowd Grain Company.** Mr. Dowd has been very actively involved in this process and he would have liked to have had this deferred further. The Dowd family has owned this property for 35 years; they made the investment back in 1972, and they have a lot of interest and passion about what happens. The last sentence of Analysis #14 on page 8 of the staff report is the point to be made:

> "Without a clear commitment from NDOR, or an agreement between the two abutting owners on access that meets both their needs and satisfies NDOR and Public Works, it may be prudent for the Planning Commission to delay action on the PUD."

That is a difference of opinion that Katt's client has with the counsel for the applicant as to whether or not it is prudent to move forward. He commended the applicant because the month of deferral was very well spent, "but we're just not quite there yet" because the NDOR has not submitted any firm commitment. That is why his client believes that another two-week deferral is worthwhile because there is an internal meeting at NDOR next week. The key player in this is the NDOR. It is an access easement jointly owned and granted by the Department of Roads. The NDOR would like to close that access as a part of its interstate highway project, but Dowd has a legal enforceable property right to have a commercial access at that location. If the NDOR moves it, they will have to pay money to close that access.

Katt suggested that it would not be so costly if the access were relocated to Vine Street as opposed to closing it. We are trying to find a solution for all parties with NDOR. Katt submitted a proposed amendment if the Planning Commission is not inclined to defer:

> 4.1.5 Add a note stating: "The location of West Vine Street as shown is conceptual only and that its location and the closure of the existing commercial access drive at the southern boundary of the project is subject to the approval of the Nebraska Department of Roads (NDOR) with the concurrence of Public Works. The total cost of obtaining approval for the West Vine Street access to NW 48th and/or the relocation of the existing commercial drive shall be paid for by the Permittee.

The cost of opening that access should clearly fall on the permittee, not the public. If the public has to acquire a new access, it will be at a significant cost. If it is a relocated access, there will not be any significant additional charge from NDOR. Who pays what to get this new access point established has both public issues and private issues, and the purpose of this amendment is to recognize that. Until the access location is resolved, a very specific Vine Street location should not be approved.

Francis noted that Mr. Katt's clients have owned this property since 1972 – what was their intent for this property, i.e. speculation? Katt suggested that when they acquired the property with the commercial access point, their plan was a long term investment. It is an interstate interchange in a major city where eventually something will develop. It was speculation in a good sense – Katt would call it an investment.

Esseks noted that the revised site plan provides for a stub coming down to the Dowd property. He inquired whether Katt's client's needs would be served if NDOR goes along with it. Katt explained that to be the point in his proposed amendment. No one can do anything until NDOR weighs in. Eventually NDOR will take his client's access. They will condemn it and they will pay for it. When they take it, and how much they pay, is up in the air. The NDOR has strongly suggested that the applicant and his client enter into a voluntary agreement to relocate the existing access to the new location. Esseks suggested that if NDOR refuses, then it becomes something that can be adjudicated in court. He does not see why the applicant should take this financial burden. Katt reiterated that NDOR has access control. They may not break that access control without obtaining fair value. The question is: who should pay for the new access point on N.W. 48th? Should the city pay for it? Or should the applicant? If the Commission thinks the city should pay, then strike the last sentence of Katt's proposed amendment. Esseks assumed that the developer would be responsible for the stub. Katt wants to make it clear that the break in access is at the cost of the permittee.

Katt also submitted that the action of the Planning Commission does not limit or destroy his client's right to access to N.W. 48th Street. NDOR has a property right which says, "you may not access our street. When you want a new access point on our road, you still need to pay to take their property right back". Katt is proposing that if NDOR has a fee to break access there, then the developer of the property getting the new access point should pay those costs. The other costs are a tremendous amount of time, energy and effort to meet with NDOR, apply for it, permitting, etc.

Moline wondered whether it is an appropriate role for the Planning Commission to be dividing up costs. Katt suggested that the issue could be deferred to the annexation agreement. There are also other places where that could happen; however, he does not believe it inappropriate to include it in this action, but he also agreed that it is not 100% necessary.

Francis inquired whether the Dowd property currently has access to pull onto N.W. 48th Street. Do they have a driveway to access the property? Katt stated "no" – they have had no need for a driveway.

2. Matt Dowd emphasized that his family has owned this property since 1972 with joint access to this property. This action would take that access away from the Dowd property. NDOR has not spoken with the Dowd family nor advised that the 1350 feet is the number. The Dowd family is currently negotiating with the NDOR and NDOR is scheduled to meet internally next week on this issue. Until something is set in stone, Dowd believes any Planning Commission action is premature. Dowd acknowledged receipt of the revised site plan just Monday night, and his father is out of town and could not be here today.

Rick Peo of the City Law Department does not believe it is appropriate for Mr. Katt's motion to be included in this proceeding. There are legitimate proceedings to resolve any damages to his client's property, or potentially to the applicant, if they don't get a break in the state's controlled access point at a reasonable cost and benefit to the properties. Those issues of compensation to the property owners need to fall back on the relationships with the NDOR and not this process. It is separate and independent. That issue could be deferred to the redevelopment agreement, if there is a need for the city to be involved at all.

Dennis Bartels of Public Works & Utilities was not involved in the meetings with NDOR but he called them and they are meeting as the Access Control Committee on February 19th. They have indicated that at that point in time, they will be giving us something in writing. However, the verbal direction from their engineers was that the intersection shown on the revised site plan is recommended by NDOR, and Bartels indicated that Public Works believes that to be the appropriate location as well. Based upon the traffic study, we anticipate that there will need to be dual turns on the west side of the road at the interchange ramps which will require signals. There will also be a need for signals at this intersection in question.

Moline wondered whether it would put Mr. Katt's client in a worse position if this is not delayed two weeks. Peo does not believe he is put in a worse position. These are negotiation tactics as to where you get access and who has to pay for it. The issue can be argued with NDOR regardless of what happens with this project.

Carroll confirmed with staff that the amendments proposed by the applicant are acceptable.

<u>Response by the Applicant</u>

Kalkowski suggested that the issue of compensation to Mr. Dowd when that access gets taken away is totally a NDOR issue. All indications are that the 1350 ft. north of the future interchange ramps is an appropriate location for the first access point and that is what is now being shown on the site plan.

COMPREHENSIVE PLAN AMENDMENT NO. 07003
ACTION BY PLANNING COMMISSION: February 13, 2008

Esseks moved approval, seconded by Cornelius.

Esseks believes that the applicant has made a good persuasive case that we should provide highway-related space for businesses in this area. They have also made good faith efforts to adjust the plan to meet the needs of the public.

Motion for approval carried 7-0: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor-Baird and Carroll voting 'yes'; Sunderman and Larson absent. This is a recommendation to the City Council.

ANNEXATION NO. 07005
ACTION BY PLANNING COMMISSION: February 13, 2008

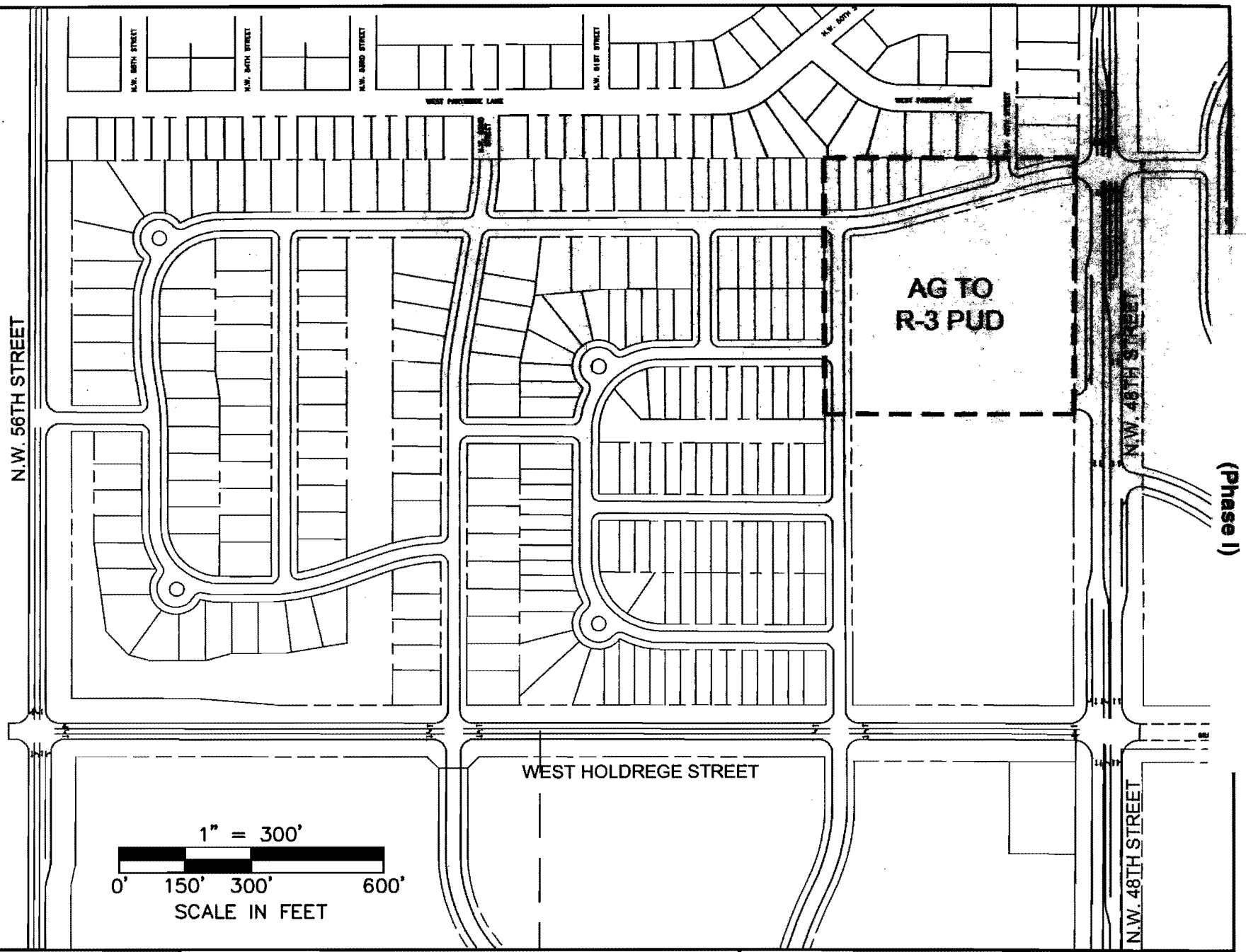
Francis moved approval, subject to an annexation agreement, seconded by Moline and carried 7-0: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor-Baird and Carroll voting 'yes'; Sunderman and Larson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 07063
I-80 WEST LINCOLN BUSINESS CENTER PUD
ACTION BY PLANNING COMMISSION: February 13, 2008

Cornelius moved to approve the staff recommendation of conditional approval, with the amendments submitted by the applicant today, seconded by Esseks.

Carroll expressed appreciation to the applicant for making the changes concerning the residential on West Holdrege. This is a growing area of the city and we need developments like this. The developer has done a good job.

Motion for conditional approval, with amendments, carried 7-0: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor-Baird and Carroll voting 'yes'; Sunderman and Larson absent. This is a recommendation to the City Council.



Annexation 07005
(Phase I)

PROJECT NO: 006-2085	CHANGE OF ZONE	OLSSON ASSOCIATES	EXHIBIT
DRAWN BY: NKB		1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160	D
DATE: 08.25.11			

LEGAL DESCRIPTION
ANNEXATION
AND
CHANGE OF ZONE

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 8 I.T. LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 107.11' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 33.00' TO THE SOUTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST HOLDREGE STREET AND A WEST RIGHT-OF-LINE OF NORTHWEST 48TH STREET, SAID POINT ALSO BEING 107.20' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°23'02"E ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING A WEST RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 605.60' TO A POINT, SAID POINT BEING 105.70' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE N00°32'18"E ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 95.61' TO **THE TRUE POINT OF BEGINNING**; THENCE N89°54'57"W, A DISTANCE OF 567.75' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 589.13' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89°59'01"E ALONG THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 572.42' TO THE NORTHEAST CORNER OF SAID LOT 8.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET, SAID POINT ALSO BEING 102.15' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°32'18"W ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 590.15' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 336,138.52 SQUARE FEET OR 7.72 ACRES, MORE OR LESS.

2005 aerial

Annexation # 07005
NW 48th St & I-80

AREA APPROVED BY PLANNING COMMISSION ON 02/13/08

Two Square Miles
Sec. 18 T10N R6E
Sec. 19 T10N R6E

Zoning:

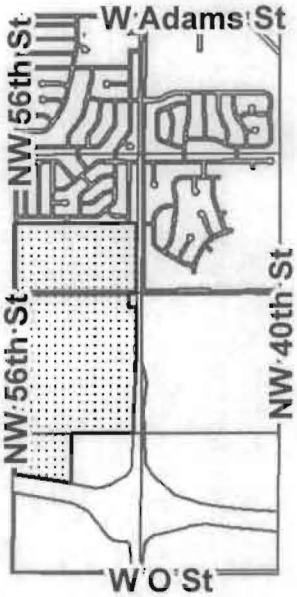
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	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
I-3	Employment Center District
P	Public Use District

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

N 98thSt



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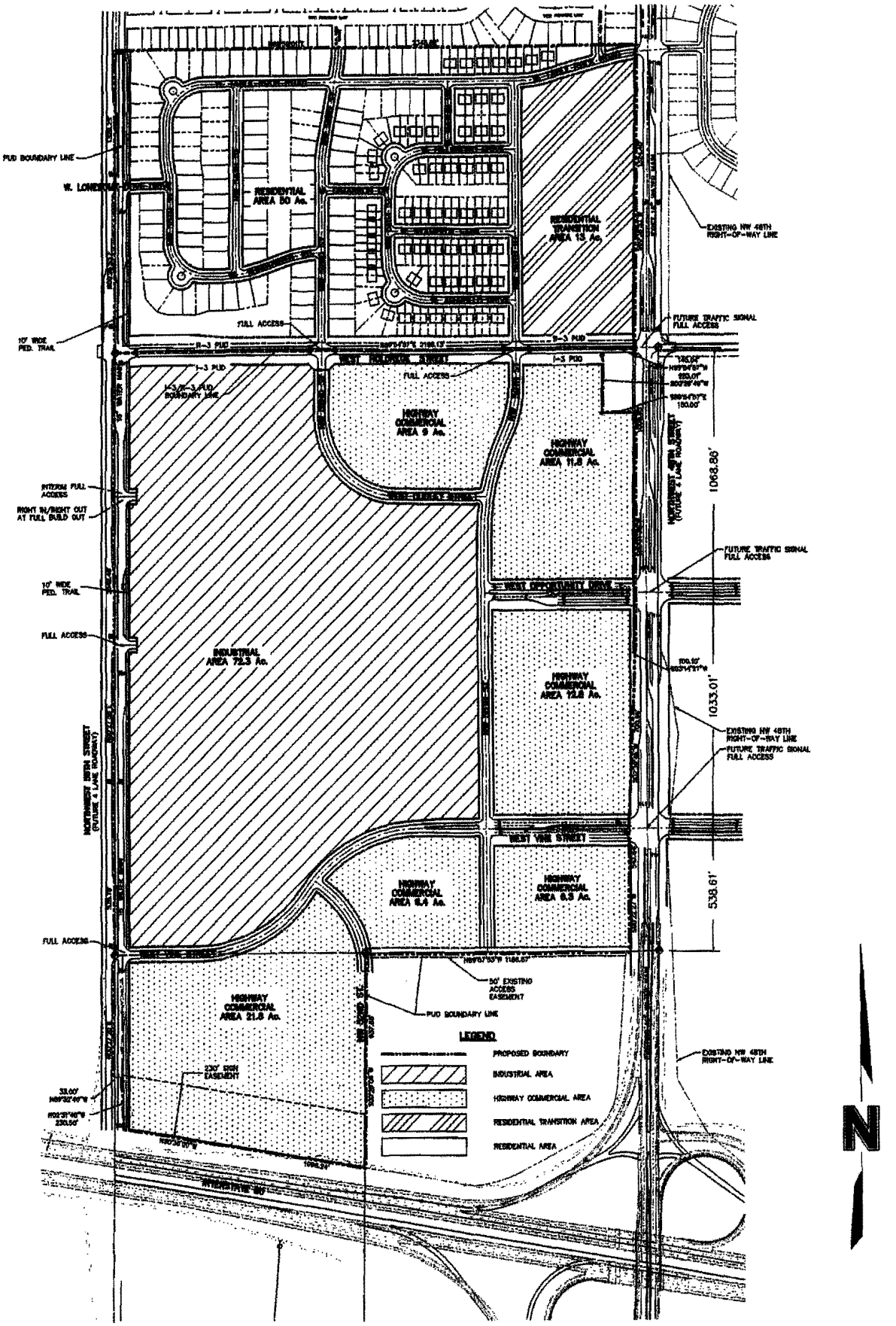

PROJECT NO: 2006-2085	I-80 WEST LINCOLN BUSINESS CENTER	OLSSON ASSOCIATES	1111 Lincoln Mall, Suite 111 P.O. Box 84608 Lincoln, NE 68501-4608 TEL 402.474.6311 FAX 402.474.5160
DRAWN BY: DMN			022
DATE: 02.08.08			

ANNEXATION
LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 8 I.T., AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL LOCATED SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST, LOTS 23 I.T., 31 I.T., AND 33 I.T., AND THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, ALL 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 THE SOUTHWEST QUARTER OF SAID SECTION 18, SAID POINT BEING T**HE POIN**T **OF BEGINNING;** THENCE NORTHERLY ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18 ON AN ASSUMED BEARING OF NORTH 00 DEGREES 26 MINUTES 53 SECONDS EAST, A DISTANCE OF 1,320.25 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, THENCE NORTH 89 DEGREES 59 MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, AND THE NORTH LINE OF LOT 8 I.T., A DISTANCE OF 2,345.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH WEST 48TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 38 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 8 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,324.40 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8 I.T., THENCE NORTH 89 DEGREES 54 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 8 I.T., SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 19, A DISTANCE OF 145.04 FEET TO THE NORTHEAST CORNER OF LOT 31 I.T., THENCE SOUTH 00 DEGREES 25 MINUTES 49 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 283.01 FEET TO NORTH CORNER OF SAID LOT 31 I.T., THENCE SOUTH 89 DEGREES 54 MINUTES 57 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 31 I.T., A DISTANCE OF 150.00 FEET TO A NORTHEAST CORNER OF SAID LOT 31 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH WEST 48TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 31 MINUTES 35 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,009.65 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 03 DEGREES 14 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., AND A EAST LINE OF LOT 33 I.T., A DISTANCE OF 100.10 FEET TO A POINT OF DEFLECTION. THENCE SOUTH 02 DEGREES 39 MINUTES 46 SECONDS WEST ALONG A EAST

LINE OF SAID LOT 33 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 700.96 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 22 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 33 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 547.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33 I.T., THENCE NORTH 89 DEGREES 57 MINUTES 53 SECONDS WEST THE SOUTH LINE OF SAID LOT 33 I.T., A DISTANCE OF 1,186.57 FEET TO THE NORTHEAST CORNER OF LOT 23 I.T., THENCE SOUTH 00 DEGREES 26 MINUTES 06 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 23 I.T., A DISTANCE OF 937.68 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE NORTH LINE OF INTERSTATE 80 RIGHT-OF-WAY, THENCE NORTH 80 DEGREES 36 MINUTES 00 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 23 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,096.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE EAST LINE OF NORTH WEST 56TH STREET RIGHT-OF-WAY, THENCE NORTH 02 DEGREES 31 MINUTES 40 SECONDS WEST ALONG A WEST LINE OF SAID LOT 23 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 230.50 FEET TO A SOUTH CORNER OF SAID LOT 23 I.T., THENCE NORTH 89 DEGREES 32 MINUTES 40 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 23 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 33.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, THENCE NORTH 00 DEGREES 27 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 23 I.T., SAID LINE BEING THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 528.78 FEET TO THE NORTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19, THENCE NORTH 00 DEGREES 27 MINUTES 38 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,642.48 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 18, THENCE NORTH 00 DEGREES 26 MINUTES 53 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,320.25 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 10,165,264.23 SQUARE FEET OR 233.36 ACRES, MORE OR LESS.

SEACREST & KALKOWSKI, PC, LLO

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

December 19, 2007

HAND DELIVERY

Mr. Marvin Krout
Planning Department , City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508

RE: I-80 West Lincoln Business Center
NW 48th Street and I-80

Dear Marvin:

Our office represents Ringneck Development, LLC ("Ringneck"). Ringneck either owns or has a contract interest in approximately 230 acres of real property located north of I-80 and west of NW 48th Street ("Property"). The Property is designated as Tier 1 in the Lincoln/Lancaster County Comprehensive Plan with a portion designated as Priority A and a portion Priority B. The Comprehensive Plan's Future Land Use Map and Figure 2: Airport West Subarea Plan designates the Property as Industrial, Commercial and Residential – Urban Density.

Ringneck is requesting annexation of the Property, as well as a Change of Zone from AG to R-3 PUD for that portion of the Property located north of West Holdrege Street, and from AG to I-3 PUD for that portion of the Property located south of West Holdrege Street. The area north of West Holdrege Street containing approximately 70 acres is proposed largely for single family residential use, with residential transition uses along Northwest 48th Street. The area south of West Holdrege Street containing approximately 160 acres is proposed for industrial and highway commercial uses. The size of this area, its proximity to City sewer and water services, and its location near the interchange of Northwest 48th Street and I-80 makes it an attractive site for large employment center type uses.

We will be submitting a draft Annexation Agreement in the near future that master plans the infrastructure necessary to serve the entire Property. The Annexation Agreement will also lay out a phasing plan for the infrastructure improvements that could accommodate phased development of the Property. We will continue to meet with City Staff to work out the details of this Agreement.

The desire of Ringneck is to have the Planning Commission approve the annexation and change of zone for all of the Property. However, Ringneck will request that the City Council

only approve the first phase annexation and zoning of the Property. The first phase annexation and zoning area is outlined on the PUD Site Plan. Ringneck proposes to leave the rest of the annexation and change of zone request on pending to be taken to City Council in phases as users are identified and the Property develops. This process would allow Ringneck to receive final governmental approval in a relatively short amount of time if a user decides to locate on this site.

Ringneck hereby requests the following:

1. Amendment of the Lincoln/Lancaster County Comprehensive Plan Urban Growth Tiers with Priority Areas to change the designation all of the Property that is currently shown as Priority B to Priority A.

2. Amendment of the Lincoln/Lancaster County Comprehensive Plan Future Land Use maps to revise the Commercial and Industrial designations on the Property as shown on the land use map enclosed herein.

3. Amendment of the Lincoln/Lancaster County Comprehensive Plan Figure 2: Airport West Subarea Plan to revise the Commercial and Industrial designations on the Property as shown on the land use map enclosed herein.

4. Annexation and Change of Zone from AG to R-3 PUD and I-3 PUD.

5. A waiver to the requirement of L.M.C. § 27.60.030 that the PUD development plan contain all of the information required of a preliminary plat to allow the details typically shown on a preliminary plat (e.g. street and lot layout, street centerline profiles, grading plan, drainage study and utility plan) to be approved by administrative amendment prior to final plat approval. This waiver will allow Ringneck flexibility in the location of uses and the internal infrastructure to serve those uses. All of the details typically shown on a preliminary plat will be submitted to the City for review through the administrative amendment process prior to final plat approval when the location of specific users has been determined.

6. A waiver to the block length requirement that would allow adjustments to the block length requirement to be approved by administrative amendment when the details typically shown on a preliminary plat are submitted for approval prior to final platting.

Enclosed please find the following:

A. Annexation Legal Description and Exhibit;
B. Change of Zone Application and Exhibit for the R-3 PUD and I-3 PUD rezoning;
C. Change of Zone Application Fee - $3,000 for the rezoning;
D. Ownership Certificate for the Property;
E. Traffic Study prepared by Olsson Associates;
F. A copy of the Development Plan for I-80 West Lincoln Business Center I-3 and R-3 Planned Unit Development
G. 20 copies PUD Cover Sheet and Site Plan (Sheets 1-3);

H. 8 copies of PUD Street Profiles (Sheets 4 and 5); and
I. 8 copies of the Comprehensive Plan Future Land Use Map amendment.

We appreciate the input we have received from the City to date. We would like to request continued meetings with City staff to discuss the proposed annexation and change of zone requests, as we well as the Annexation Agreement.

Please contact our office, or Tim Gergen or Todd Lorenz at Olsson Associates if you have any questions or require additional information.

Very truly yours,

DANAY KALKOWSKI
For the Firm

Enclosures

cc: Ringneck Development, LLC
Kenneth E. Deinert