

FACTSHEET

TITLE: CHANGE OF ZONE NO. 06043, from AG Agricultural District to I-1 Industrial District, requested by Nebco, Inc., on property generally located at South 14th Street and Saltillo Road.

STAFF RECOMMENDATION: Approval, subject to an Annexation and Development Agreement.

ASSOCIATED REQUESTS: Annexation and Development Agreement, Annexation No. 06012 (07-8), and Change of Zone No. 06042 (07-9).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/02/06, 08/16/06 and 08/30/06
Administrative Action: 08/30/06

RECOMMENDATION: Approval, subject to an Annexation and Development Agreement (8-0: Esseks, Carroll, Sunderman, Taylor, Krieser, Larson, Cornelius and Carlson voting 'yes'; Strand absent).

FINDINGS OF FACT:

1. This request to change the zoning on approximately 24.49 acres from AG to I-1 generally located at South 14th Street and Saltillo Road, was heard before the Planning Commission in conjunction with the associated Annexation No. 06012 and Change of Zone No. 06042 from AG to I-1 at S. 25th Street and Saltillo Road.
2. The purpose of this change of zone request is to permit the operation of a concrete production facility to provide concrete product for new construction in south and southwest Lincoln as well as the future South Beltway.
3. The staff recommendation of approval, subject to an annexation and development agreement, is based upon the "Analysis" as set forth on p.3-5, concluding that the proposed zoning and use are consistent with the existing pattern in this area. The staff presentation is found on p.7.
4. The applicant's testimony is found on p.8-9. The revised Groundwater Evaluation submitted at the continued public hearing by the applicant is found on p.17-26 of the Factsheet for Annexation No. 06012, and finds that the aquifer in this area can produce water of sufficient quality and quantity for use in concrete production and to support the other uses in the area. It was confirmed that a test well will be installed before production begins.
5. There was no testimony in direct opposition; however, two property owners on Saltillo Road questioned the need or reason for annexing the property.
6. On August 30, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, subject to an annexation and development agreement (Strand absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 9, 2007

REVIEWED BY: _____

DATE: January 9, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.06043+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 2, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 06043

PROPOSAL: From AG Agriculture to I-1 Industrial

LOCATION: S. 14th and Saltillo Road

LAND AREA: 24.49 acres, more or less

EXISTING ZONING: AG Agriculture

CONCLUSION: The applicant intends to operate a concrete production facility to provide concrete product for new construction in south and southwest Lincoln as well as the future South Beltway. Staff finds this request acceptable subject to an annexation and development agreement that restricts the use of this site to concrete production facilities and related accessory storage and sales.

| | |
|------------------------|----------------------|
| RECOMMENDATION: | Conditional Approval |
|------------------------|----------------------|

GENERAL INFORMATION:

LEGAL DESCRIPTION:

A portion of Government Lot 3, Located in the NE 1/4 of Section 1-8-6, Lancaster County, Nebraska, more particularly described as attached.

EXISTING LAND USE:

Undeveloped.

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|-----|--------------------------|
| North: | I-1 | Pipeline tank facility |
| South: | AG | Undeveloped/agricultural |
| East: | AG | Undeveloped/agricultural |
| West: | I-1 | Pipeline tank facility |

COMPREHENSIVE PLAN SPECIFICATIONS:

F-25 - This area is designated as agricultural in the Comprehensive Plan.

F-27- The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation.

This area is shown in Tier II

F-28- **Tier II:** An area of approximately 47 square miles intended to serve the following purposes: (1) to define the geographic area

the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and; (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas, Tier II should also remain in its present use in order to provide for future urban development.

UTILITIES:

This area is outside the Future Service Limit as identified by the Comprehensive Plan and will not be served with city utilities. The applicant proposes the use of wells to provide fresh water and septic or lagoon for wastewater treatment. In addition the applicant states that the site is large enough to provide on-site stormwater detention and may be graded so that it drains into a wetland area being developed to the south of this tract.

TRAFFIC ANALYSIS:

The County Engineer and Public Works Engineering Services both have concerns with development on substandard roads such as Saltillo Road in this vicinity. Both agencies note that the applicant may need to pay for the reconstruction of Saltillo Road to accommodate left and right turns. A 1998 study by the County Engineer showed the average daily trips on Saltillo Road from S. 14th St. to S. 27th St. was approximately 3,500. There have been no substantial land use changes in this area since 1998 that would result in a substantial change in the average daily trips. NEBCO estimates that the average daily trips during their 8 month peak period is 100 trucks.

Saltillo Road is classified as a minor arterial in the 2025 Comprehensive Plan. Saltillo Road from US-77 to S. 27th St. is shown as a proposed project for 2 lanes + turn lanes in the 2025 Comprehensive Plan. As part of the south beltway project, the state will be reconstructing Saltillo Road to 2 lanes and a center turn lane from Hwy 77 to the west boundary of this application. The State has no plans to improve Saltillo Road abutting this property.

REGIONAL ISSUES:

The proposed use would provide concrete that may be used for the construction of the South Beltway as well as other growing areas of south and southwest Lincoln.

ANALYSIS:

1. This is a request for a change of zone to permit the operation of a concrete production facility near S. 14th and Saltillo Road.
2. The applicant states that the facility would be similar to that found at S. 50th and Highway 2 and would serve construction in the growing areas of south and southwest Lincoln and may aid in the construction of the new South Beltway.
3. This area is outside the Future Service Limit and is within Tier II, but within the City's three-mile jurisdiction. The applicant is not requesting annexation or the extension of City services. However, the area should be annexed with the owner signing an annexation agreement. This will ensure that:

-The applicant will contribute impact fees toward permanent road improvements in the vicinity.

- Property and sales taxes will be paid to the City and Lincoln Public Schools
- Future costs and political problems from later annexation and transfer of school and fire jurisdiction is avoided.

Preliminary discussion with city departments indicate there are no extra-ordinary service costs that should result from this annexation.

4. Public Works Engineering Services and the County Engineer both note that Saltillo Road may need to be reconstructed in this vicinity with turn lanes added to safely allow left and right turns from the proposed facility.
5. The Lincoln-Lancaster County Health Department request the applicant provide information regarding the quality and quantity of water the proposed well would provide. At the Planning Commission's initial hearing of July 19 on this request, nearby owners of a kennel and hog farm expressed concern about the effect their water supplies.
6. The LLCHD adds the following:
 - 6.1 The concrete facility will require a construction permit per LLCHD Air Pollution Control Program Regulations and Standards
 - 6.2 The operation of this facility will require the standard baghouse controls that are required by such plants and the plant must comply with Article II, Section 32 Fugitive Dust of the LLCAPCPRS.
 - 6.3 Plant roadways should be paved.
 - 6.4 The operation of this plant will be subject to the requirements of LMC 8.24 Noise Control Ordinance, specifically Section 8.24.090, Table One.
7. The Building and Safety Department notes that the site is in the New Growth Area and it appears that part of the site may be in the 100-year floodplain. Any development in the 100-year floodplain must comply with the requirements of LMC 27.53 Flood Regulations for New Growth Areas.
8. The proposed use is a specific type of use that is most desirably located a good distance from residential development and urban development in general. This location is preferable to an urban location or one in close proximity to residential uses and is located near existing and future major highway, thus reducing the impact of heavy machinery traveling on city streets. The future land use plan identifies the north side of Saltillo in this location as industrial, recognizing the approved I-1 zoning.
9. Staff supports this change fo zone to allow this specific use. However, many other uses permitted in I-1 may place pressure on the city to extend services or may further strain the existing roads in the vicinity. Because of this, staff recommends the Applicant and City enter into a development agreement restricting this site to the use requested and related accessory storage and sales. Staff also recommends the agreement provide for controls typically required as a part of land subdivision:

- 9.1 Stormwater drainage/detention plan as approved by Public Works.
- 9.2 Limitation of access along Saltillo Road as approved by Public Works.
- 9.3 Paved roads and/or other control measures as approved by health Department.
- 9.4 Construction of right and left turn lanes in Saltillo Road as approved by Public Works.
- 9.5 Dedicate appropriate rights of way.
- 9.6 Prohibit of off premise signs.

The annexation and development agreement should be signed prior to scheduling this application at City Council.

- 10. As of this time the Applicant has indicated general agreement with these conditions, but has not provided a signed agreement.

Prepared by:

Tom Cajka
Planner

DATE: July 5, 2006

APPLICANT: Nebco, Inc.
1815 Y Street
Lincoln, NE 68508
(402) 434-1212

OWNER: same as applicant

CONTACT: Kent Seacrest
Seacrest & Kalkowski, PC, LLO
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402) 435-6000

**ANNEXATION NO. 06012,
CHANGE OF ZONE NO. 06042
and
CHANGE OF ZONE NO. 06043**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 2, 2006

Members present: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor; Cornelius and Krieser absent.

Staff recommendation: Conditional Approval, subject to an annexation and development agreement.

Ex-Parte Communications: None.

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

Strand moved to defer, with continued public hearing and action scheduled for August 16, 2006, seconded by Carroll and carried 7-0: Carlson, Carroll, Esseks, Larson, Strand, Sunderman and Taylor voting 'yes'; Cornelius and Krieser absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 16, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor; Strand absent.

Staff recommendation: Conditional Approval of both applications

Ex-Parte Communications: None

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

Taylor moved deferral to August 30, 2006, seconded by Larson and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 30, 2006

Members present: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson; Strand absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; and conditional approval of the changes of zone, subject to an annexation and development agreement.

Ex Parte communications: None.

Staff presentation: Tom Cajka of Planning staff explained that the annexation includes the parcels that are requesting the changes of zone plus additional property that the city owns to bring it contiguous with the existing city limits. The parcels for the changes of zone are on the south side of Saltillo Road. The rest of the annexation area would be basically Wilderness Park between the railroad right-of-way and the vacated right-of-way up to and a little bit north of Rokeby Road. Some of the main issues regarding the annexation and changes of zone have to do with city services. There is no city water or sanitary sewer that is in this area or will be available anytime in the near future. The applicants are aware and agree that to be part of the annexation agreement – that there would not be city services. What they propose to do on the sites include a concrete production facility and a warehouse distribution facility, with a well and septic system for these operations.

Cajka explained that other issues include improvements to Saltillo Road. As part of the annexation agreement, the applicant would be required to dedicate the additional right-of-way, which would be 60-65 feet from the centerline of Saltillo Road, and the applicant would be required to put in turn lanes where needed. 25th Street on the eastern edge is proposed to be a future arterial, so there would be additional right-of-way and improvements required.

Another part of the annexation agreement would include some prohibited uses. The zoning changes are for I-1 Industrial zoning. With I-1 zoning, the staff is recommending that certain uses be eliminated, most of which fall under the special permit category, being more heavier industrial type uses that would not be allowed. Any commercial type uses would have to be a use that would not need city services and could function on wells and septic systems. There is currently I-1 zoning existing to the north and also to the west, so the portion of I-1 being requested already abuts I-1 zoning on two sides.

With this annexation and changes of zone, the applicant will have two separate parcels for which they can get building permits once the I-1 zoning is approved. Any additional development besides the one use on each parcel would require a preliminary plat to further subdivide the properties, and that would come back at a later time.

Larson inquired about the odd configuration, wondering whether that is to allow it to be adjacent to the city limits. Cajka answered in the affirmative. Everything south of Saltillo Road that is being annexed is also included in the change of zone to I-1.

Esseks asked Cajka to explain why that part of Wilderness Park has to be annexed. Cajka explained that according to city policy, we do not annex property that is not contiguous to the existing city limits. Annexing that part of Wilderness Park appeared to be the best way of coming down and being able to get to the property where they want the change of zone. Otherwise, we would need to bring in a lot of other property owners. The annexation should not in any way change the status of Wilderness Park. It will remain as P Public zoned property.

Marvin Krout, Director of Planning, offered that state statutes require that annexation be contiguous to the boundaries, so it is a state statutory requirement. The Parks Department maintains Wilderness Park in this area and city police already patrol this park.

Proponents

1. Danay Kalkowski appeared on behalf of **Western Hemisphere Holding Company, Northern Lights, LLC and NEBCO**, the applicants and owners. She expressed appreciation to the Planning Commission and the neighbors for their patience in delaying these applications. The time has allowed the applicants to work with city staff and hold follow-up meetings with the neighbors and to get information to the Friends of Wilderness Park. As a result of these meetings, the associated annexation is being brought forward by the city.

NEBCO and Western Hemisphere are requesting the changes of zone from AG to I-1. NEBCO, the property to the west, is requesting the rezoning of its 24.5 acres in order to operate a concrete facility similar to the facility at 50th and Hwy 2. This facility would be centrally located to provide concrete products to the south and southwest, and would be within ½ mile of the future south beltway to aid in construction of that transportation network. The site is well-buffered on the west by Williams Tank facility, to the east by Western Hemisphere property and on the south by some open area. Western Hemisphere proposes to rezone 38 acres to operate a large distribution and warehouse facility and some small retail services. Kalkowski recalled that the Angelou plan for development for Lincoln identified 5 key growth strategies for industrial in Lincoln, and warehouse distribution was one of those 5 key areas. Western Hemisphere could accommodate a distribution center of up to 300,000 square feet and still allow room for some additional trade uses. The site is ideal for transportation services because of its close proximity to the west bypass and the proposed south beltway. Kalkowski concluded, stating that given the existing commercial and industrial uses to the west and north, the location of the existing west bypass and proposed south beltway, the highest and best use of this land is commercial or industrial.

Kalkowski noted that the Planning Department has recommended approval of the changes of zone, conditioned upon annexation and execution of an annexation agreement. The request for annexation includes these three properties, two property owners to the east and the large section of Wilderness Park. The applicants acknowledge that this property cannot be served by city water and sanitary sewer, and understand that the annexation agreement will be limited services and that the uses will have to be provided service through well water or groundwater. In addition, the neighbors to the east are also supportive of the change of zone and annexation.

With regard to stormwater detention, Kalkowski stated that the property has adequate room to retain the stormwater required for storm events by city standards. A large portion of the site can be graded so that it drains to the south to provide some additional water quality features as it drains over to Wilderness Park.

The proximity to the west bypass and south beltway and surrounding land uses make industrial zoning appropriate. Annexation is also appropriate with the limitations that have been discussed and which will be further defined in the annexation agreement.

2. Karen Griffin, environmental scientist with **Olsson Associates**, evaluated three specific questions: 1) is the water quality sufficient for concrete production in this area; 2) can a new well be installed south of Saitillo Road to produce the quality of water needed; and 3) will setting down the concrete production facility on the north side of the road and installing a well to the south affect domestic wells in this area?

With regard to water quality, Griffin stated that a sample was collected in July at the current ready-mix plant on the north side of the road. The current plant location has two wells on-site. The well on-site was sampled in July to see if it meets the water quality requirements for concrete production and meeting potable water standards, and it did meet the standards for potable water. Yes, the aquifer in this area can produce water of sufficient quality for use in concrete production.

With regard to the installation of a new well to the south, Griffin stated that there is a local well driller, Moser Drilling, out of Hickman, who has drilled quite a few of the wells in this area. He has provided information on the wells in the immediate area along Saltillo Road and to the south. Based on his well logs and the information on the geology of the area, it has been determined that the aquifer that is beneath this area is Dakota sandstone, which can produce the quantity of water needed for production of the plant on the south side of the road as well as to the north.

As far as whether shutting down the production on the north side of the road and installing a new well to the south side will affect domestic wells in the area, Griffin stated that she spoke with a couple of the neighbors who had raised this concern, i.e. Wilderness Kennels, and she believes that the influence to his domestic wells will be less. As far as the effect on Mrs. Damrow's domestic well and her cattle and hog operation, Griffin advised that based on the information on the aquifer, there is sufficient water quality and quantity to support the uses in this area.

Griffin also noted that there is a perception that the concrete plant is the largest user of water in the area. There are several irrigation wells and domestic wells as well as the concrete plant. Griffin pointed out that the irrigation wells have the capacity and rights to extract the greatest amount of water from this area.

Griffin suggested that one of the things to think about, as growth continues to the south, more of the acreage used for irrigated farmland will be taken out of production and will more than compensate for any increased water usage that would be necessary for the plant. The concrete plant estimated that the usage would increase by three-fold in the next 10 years.

Esseks inquired about how the wastewater will be processed. Specifically for the concrete plant, Kalkowski advised that the applicants will only be allowed the uses that can operate with either a septic system or lagoon system. Therefore, there will not be any discharge sewage systems. Everything will have to be contained or handled within either a septic or lagoon system.

Carlson confirmed that there is a plant already in operation on the north side. Kalkowski agreed. The plant on the south side will replace the one on the north side. The current plant is on leased ground and the new plant will be on property owned by the operator.

3. Dave Shoemaker, owner of the fuel stop at 1200 Saltillo, testified in support of the additional business and truck traffic in this area. However, he does not understand why the property needs to be annexed.

Opposition

1. Henry Sader, 2030 Saltillo Road, testified at this time. He stated that he is not really in opposition but more concerned about the reason for annexation. He also wants to know whether the geologist

looked further down the road. If her study is wrong, what happens then? If he can't get any water pressure in a year, what happens? "Does that mean they cut back on their water so I can have water? Does that mean the city will rush and get water to them if they area annexed?" Sader also suggested that the speed limit needs to be adjusted from 27th Street west because 55 mph is just too fast on Saltillo Road.

Staff response

Marvin Krout, Director of Planning, stated that as part of the proposed annexation, this section of Saltillo Road would come into the city limits because it is adjacent to property that would be annexed, and, as such, Public Works would have responsibility for that section of road. He understands that there would not be an automatic reduction of the speed limit, but it is an issue that any property owner, whether still in the county or city, could take up with Public Works.

As far as the water quantity, Krout believes there is state law that governs this issue. He believes it is basically a rule of first-come first-serve, but it is controlled by the state. He believes that there may be some preference to agricultural and domestic over commercial uses, but he could not answer the question for sure.

Carroll referred to the annexation agreement and suggested that since there are no test wells that have been done, could the Planning Commission require a test well in the annexation agreement to verify the water. Krout agreed that the Planning Commission could recommend that as part of the annexation agreement. Krout also pointed out that this property is in Tier II and is not an area indicated to be provided water or sewer service in the next 25 years, according to the Comprehensive Plan. In this particular case, there is water and sewer which is relatively nearby. It is not an unreasonable distance and there is certainly potential over time as this area develops. As you build a south beltway with an interchange to Hwy 77, you might expect there to be an increased attraction for urban type uses. We are talking about some controls on the land uses until that might happen, but there is a possibility that water and sewer might some day be accelerated to this area, and there is even the possibility that TIF could be used as a tool to help accelerate that process. However, right now, the city does not have any plans in the CIP or beyond that to be extending water or sewer in the near term.

Krout also noted that there have been cases where there are limited annexations where the property owner acknowledges that there are services that will not be provided, but they will be paying property taxes and they will be getting city services, except for water and sewer. This situation is fairly unique in terms of the surrounding uses, the accessibility issue, and the I-1 zoning, so the question is, do we look at some additional industrial zoning in this area? We know from an economic development standpoint that there has been a lot of interest in recent years in opening up sites for large warehouse distribution facilities. It is a use that is sort of a dry use and does not take much in terms of water or sewer. Bringing this area under the city's control and within the tax base of the city does make a lot of sense. The property owners will pay property taxes, sales tax, wheel taxes and be contributing citizens of Lincoln. Most of us would say that people who live or have businesses just outside of the city basically depend on the city and its services in order to survive. Staff believes this would be more equitable in terms of development of this area, and it may help bring sewer and water to this area in the future. It also brings property taxes to LPS. We want to avoid being in situations where property becomes developed and is paying taxes to suburban school districts or rural water districts and rural fire districts. Then it becomes more difficult to come back in later and annex developed property.

Esseks inquired whether there is much wastewater in manufacturing concrete. And, if so, can a septic or lagoon manage this without some environmental hazards? Krout believes there are state controls that treat the wash-off as wastewater and require that it not be discharged into the stormwater system. Also, as part of the federal law, that site will be required to go through the permitting and approval of an NPDES permit, and that is approved by the NRD and enforced by the City Public Works Department. The purpose of that is to protect water quality, so he does believe that state laws governing concrete plants in general, and the federal law would protect the water quality.

Response by the Applicant

Griffin offered that this area is not over-appropriated. The information that she used to evaluate the current and future water use is the best available information, and it is based on the current usage rates and projected usage rates. 5,000 trucks are currently processed through that plant per year. The water usage is 4.5 acre feet now and is anticipated to be up to 15 acre feet in the future, which is much less than the irrigation potential in the area. The well is pumped and put in a holding tank and is actually only turned on 72 hours a year. In the future that would be 200 hours a year. This is in contrast to irrigation wells that are run 24-hours a day.

Griffin also confirmed that a test well will be installed before the production begins.

Kalkowski suggested that the water is only an issue until such time as water service is extended to this area. She also pointed out that a plant is already being operated with a discharge system, so she does not see the new plant being any different.

Carroll inquired of Kalkowski whether it is acceptable for the Planning Commission to require a test well in the annexation agreement. Kalkowski did not disagree, but she believes it is already a requirement.

ANNEXATION NO. 06012

ACTION BY PLANNING COMMISSION:

August 30, 2006

Carroll moved approval, subject to an Annexation Agreement, seconded by Taylor and carried 8-0: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06042

ACTION BY PLANNING COMMISSION:

August 30, 2006

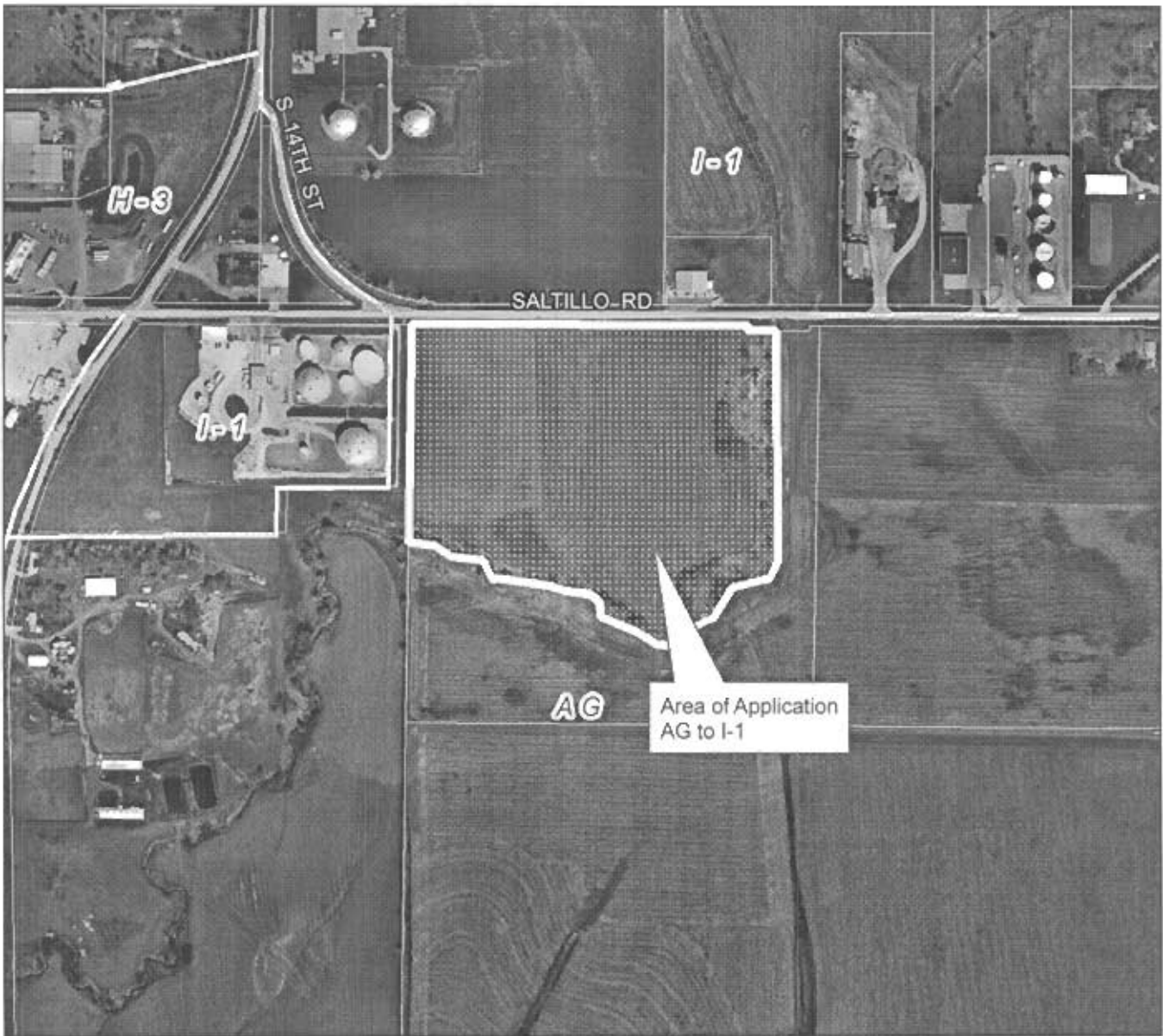
Carroll moved to approve the staff recommendation of conditional approval, subject to an annexation and development agreement, seconded by Cornelius and carried 8-0: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06043

ACTION BY PLANNING COMMISSION:

August 30, 2006

Carroll moved to approve the staff recommendation of conditional approval, subject to an annexation and development agreement, seconded by Larson and carried 8-0: Cornelius, Sunderman, Taylor, Larson, Krieser, Carroll, Esseks and Carlson voting 'yes'; Strand absent. This is a recommendation to the City Council.



2005 aerial

Change of Zone #06043 S 14th St & Saltillo Rd

Zoning:

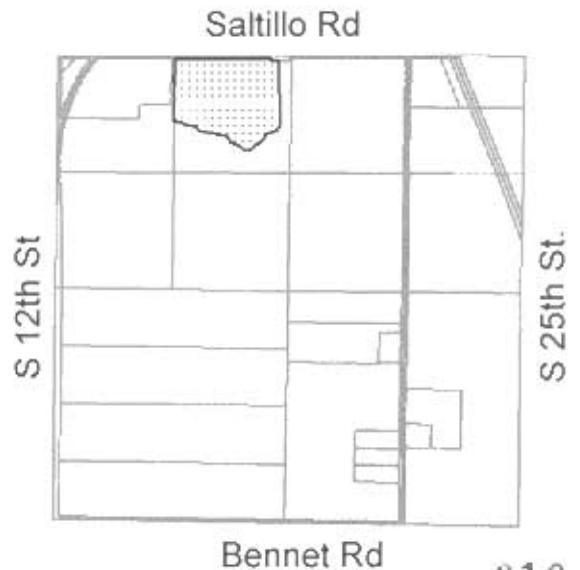
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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

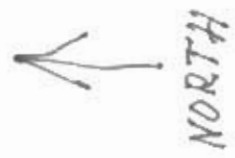
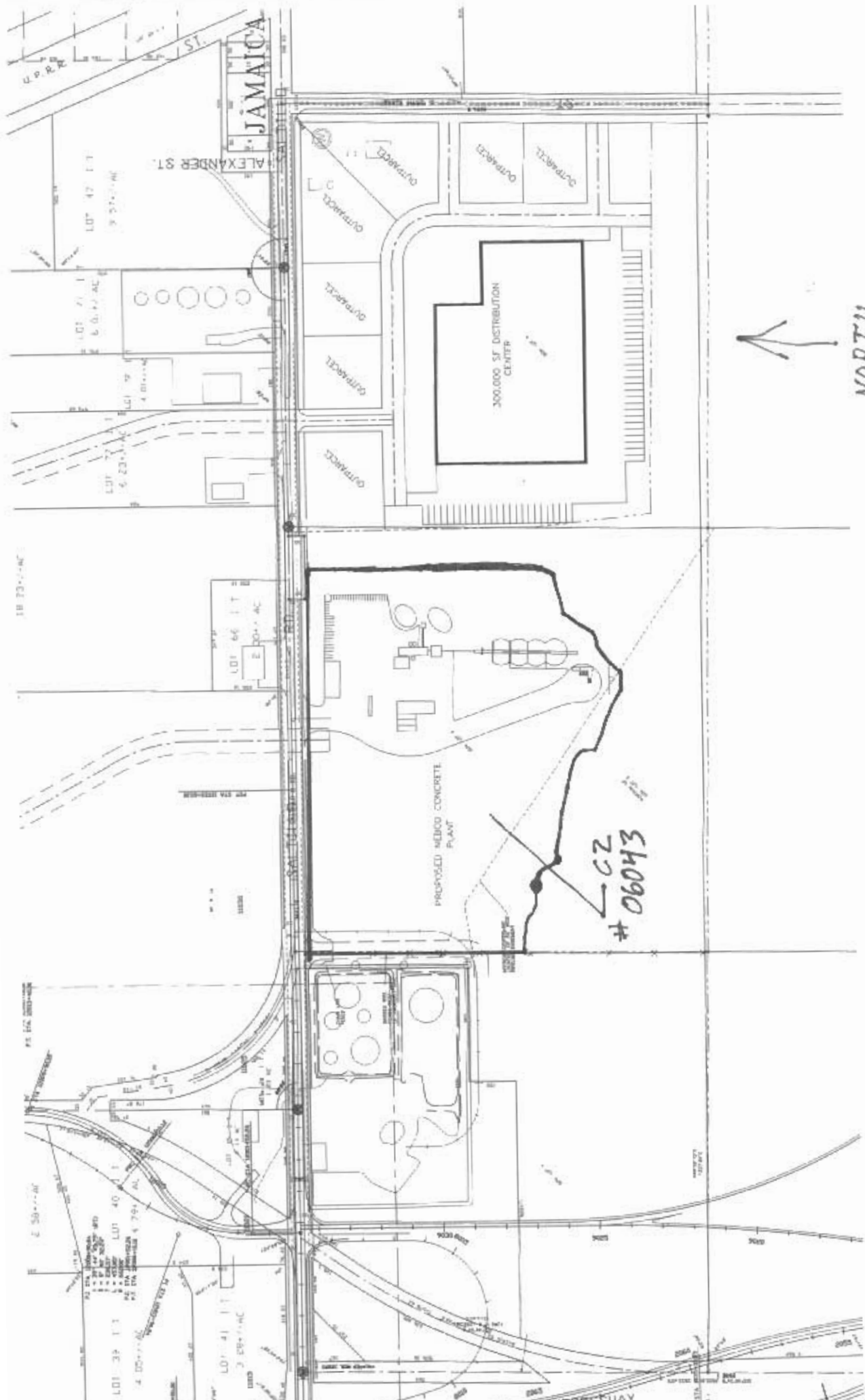
One Square Mile
Sec. 1 T08N R06E



Zoning Jurisdiction Lines

City Limit Jurisdiction





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 JUN 22 2006
 LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT

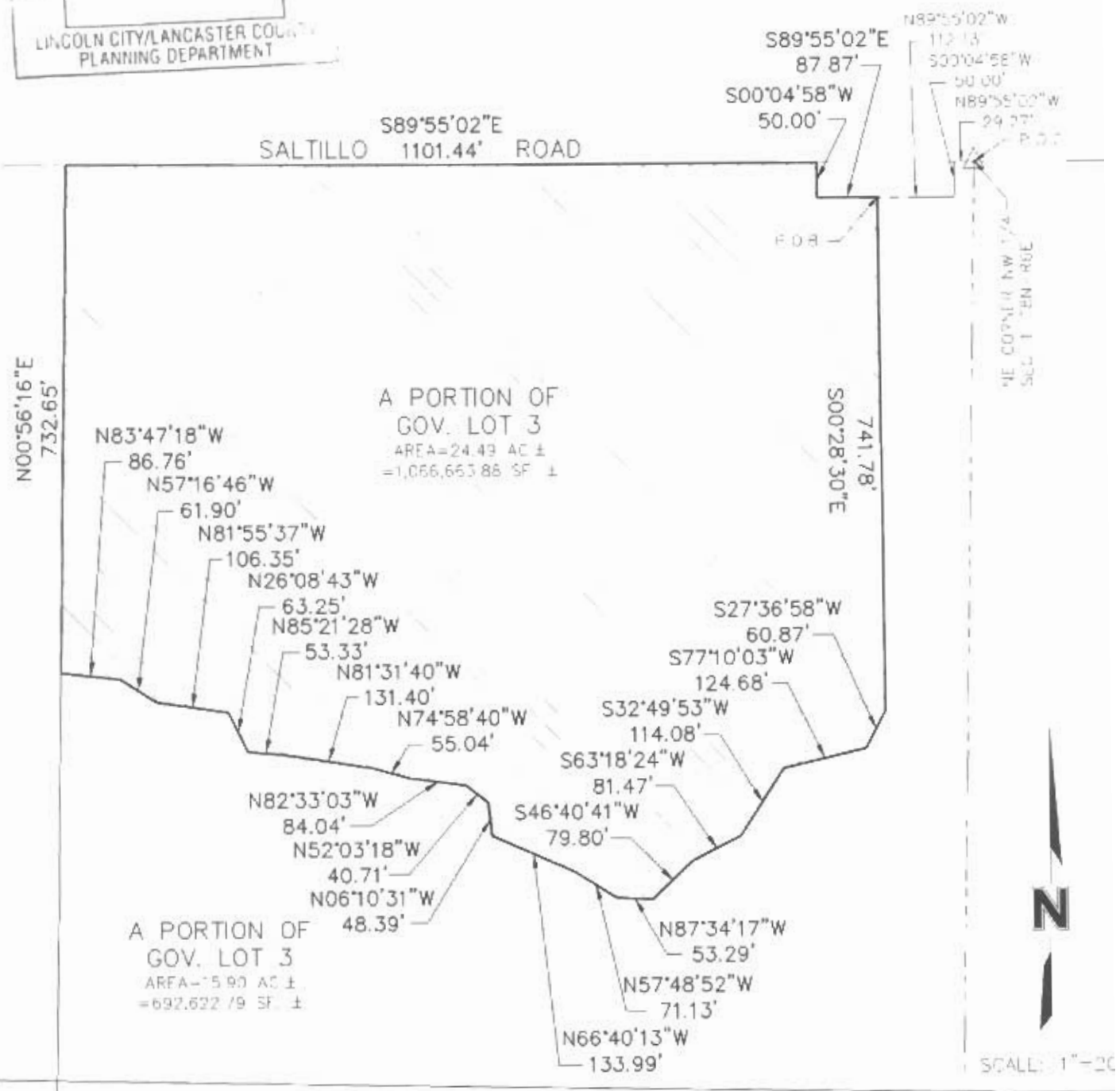
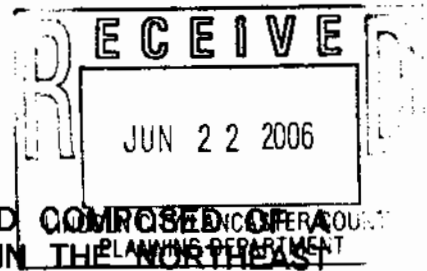


Exhibit "A"

LEGAL DESCRIPTION



A LEGAL DESCRIPTION FOR A TRACT OF LAND, COMPOSED OF A PORTION OF GOVERNMENT LOT 3, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, SAID POINT BEING THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 3, THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, SAID LINE BEING A NORTH LINE OF SAID GOVERNMENT LOT 3, ON AN ASSUMED BEARING OF NORTH 89 DEGREES 55 MINUTES 02 SECONDS WEST, A DISTANCE OF 29.27 FEET TO NORTHWEST CORNER OF SAID GOVERNMENT LOT 3, THENCE SOUTH 00 DEGREES 04 MINUTES 58 SECONDS WEST ALONG A WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 50.00 FEET TO NORTH CORNER OF SAID GOVERNMENT LOT 3, THENCE NORTH 89 DEGREES 55 MINUTES 02 SECONDS WEST ALONG A NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 112.13 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 28 MINUTES 30 SECONDS EAST, A DISTANCE OF 741.78 FEET TO A POINT, THENCE SOUTH 27 DEGREES 36 MINUTES 58 SECONDS WEST, A DISTANCE OF 60.87 FEET TO A POINT, THENCE SOUTH 77 DEGREES 10 MINUTES 03 SECONDS WEST, A DISTANCE OF 124.68 FEET TO A POINT, THENCE SOUTH 32 DEGREES 49 MINUTES 53 SECONDS WEST, A DISTANCE OF 114.08 FEET TO A POINT, THENCE SOUTH 63 DEGREES 18 MINUTES 24 SECONDS WEST, A DISTANCE OF 81.47 FEET TO A POINT, THENCE SOUTH 46 DEGREES 40 MINUTES 41 SECONDS WEST, A DISTANCE OF 79.80 FEET TO A POINT, THENCE NORTH 87 DEGREES 34 MINUTES 17 SECONDS WEST, A DISTANCE OF 53.29 FEET TO A POINT, THENCE NORTH 57 DEGREES 48 MINUTES 52 SECONDS WEST, A DISTANCE OF 71.13 FEET TO A POINT, THENCE NORTH 66 DEGREES 40 MINUTES 13 SECONDS WEST, A DISTANCE OF 133.99 FEET TO A POINT, THENCE NORTH 06 DEGREES 10 MINUTES 31 SECONDS WEST, A DISTANCE OF 48.39 FEET TO A POINT, THENCE NORTH 52 DEGREES 03 MINUTES 18 SECONDS WEST, A DISTANCE OF 40.71 FEET TO A POINT, THENCE NORTH 82 DEGREES 33 MINUTES 03 SECONDS WEST, A DISTANCE OF 84.04 FEET TO A POINT, THENCE NORTH 74 DEGREES 58 MINUTES 40 SECONDS WEST, A DISTANCE OF 55.04 FEET TO A POINT, THENCE NORTH 81 DEGREES 31 MINUTES 40 SECONDS WEST, A DISTANCE OF 131.40 FEET TO A POINT, THENCE NORTH 85 DEGREES 21 MINUTES 28 SECONDS WEST, A DISTANCE OF 53.33 FEET TO A POINT, THENCE NORTH 26 DEGREES 08 MINUTES 43 SECONDS WEST, A DISTANCE OF 63.25 FEET TO A POINT, THENCE NORTH 81 DEGREES 55 MINUTES 37

SECONDS WEST, A DISTANCE OF 106.35 FEET TO A POINT, THENCE NORTH 57 DEGREES 16 MINUTES 46 SECONDS WEST, A DISTANCE OF 61.90 FEET TO A POINT, THENCE NORTH 83 DEGREES 47 MINUTES 18 SECONDS WEST, A DISTANCE OF 86.76 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID GOVERNMENT LOT 3, SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 56 MINUTES 16 SECONDS EAST ALONG THE WEST LINE OF SAID GOVERNMENT LOT 3, SAID LINE BEING THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 732.65 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 3, SAID POINT BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, THENCE SOUTH 89 DEGREES 55 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, SAID LINE BEING A NORTH LINE OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,101.44 FEET TO A NORTHEAST CORNER OF SAID GOVERNMENT LOT 3, THENCE SOUTH 00 DEGREES 04 MINUTES 58 SECONDS WEST ALONG A EAST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 50.00 FEET TO A NORTH CORNER OF SAID GOVERNMENT LOT 3, THENCE SOUTH 89 DEGREES 55 MINUTES 02 SECONDS EAST ALONG A NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 87.87 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,066,663.88 SQUARE FEET OR 24.49 ACRES, MORE OR LESS.

Thursday, June 22, 2006
F:\Projects\20040622\LincSurvey\yplat\dwg\zone.doc

SEACREST & KALKOWSKI, PC, LLO

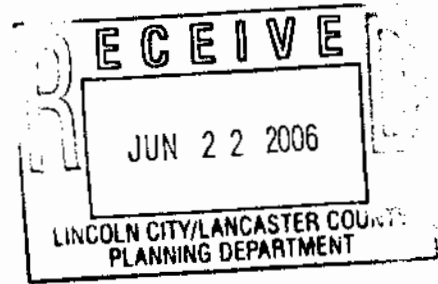
1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3910

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

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

June 22, 2006



Marvin Krout
Planning Director
City of Lincoln - Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: Change of Zone from AG to I-1; South Side of Saltillo Road between South 15th
and South 25th Streets

Dear Marvin:

Our law firm represents NEBCO, Inc., a successor in interest to Union Title Five, LLC (collectively "NEBCO") and Western Hemisphere Holding Company, LLC ("Western Hemisphere"). NEBCO owns Tract 1 which is legally described on Exhibit "A" of the enclosed City of Lincoln Zoning Application (NEBCO Application). Western Hemisphere owns Tract 2 which is legally described on Exhibit "A" of the enclosed City of Lincoln Zoning Application (Western Hemisphere Application). The parties seek to rezone their respective tracts from AG Agricultural to I-1 Industrial District. Enclosed please find the two applications for rezoning along with the application fees. For reference, we are also enclosing copies of the Lancaster County Property Information map for each Tract.

NEBCO seeks to rezone Tract 1 in order to operate a concrete facility similar in nature to its facility near 50th & Highway 2. The proposed concrete facility would be centrally located to provide concrete products to Lincoln's rapidly growing south and southwest areas. In addition, the facility would be within a half of a mile from the new South Beltway which will aid construction of this vital transportation network. A concrete facility located near the South Beltway and West Beltway (US Highway 77) will reduce travel time, minimize congestion and help reduce wear and tear on local streets. The proposed location is well buffered on the west by the Williams pipeline tank facility, on the north by other I-1 land uses, the proposed Western Hemisphere land use and the south by other open space which immediately borders the South Beltway on the north. Because of these surrounding land uses; this area does not appear desirable for future residential uses.

Western Hemisphere seeks to rezone Tract 2 in order to operate a large distribution and warehouse facility and some small area retail services. The Angelou Strategic Plan developed for the Lincoln Economic Development Partnership identifies five key growth industries for Lincoln. Logistics, Warehouse and Distribution was one of these five key business sectors. Western Hemisphere seeks to use Tract 2 to help implement the Angelou Strategic Plan. The Tract could accommodate a single warehouse/distribution center up to 300,000 square feet in size and still have limited space for support retail/trade services. The site is ideal for transportation services because of its close proximity to the future interchanges of the South Beltway, West Beltway and Saltillo Road. Western Hemisphere believes the site would provide a convenient location for a major employer for Lincoln who desires a south and southwest Lincoln location.


The principals of Western Hemisphere also are principal owners of Northern Lights LLC, which owns the waterway/flood plain/wetland tract (08-01-100-009-000) located between Tract 1 and Tract 2. Northern Lights will be adding wetlands to this tract in the near future.

The parties do not seek annexation or extension of City water or sewer services. The parties have studied the area and determine that wells will provide good quantity and quality of groundwater. Septic or lagoon wastewater treatment will properly and safely serve the proposed facilities. The tracts can be designed to have its stormwater properly detained for the 3 month (water quality event), 2-year, 10-year and-100 year storm events. In addition, large portions of the site can be graded to have the stormwater drain through a new wetland area that is being developed to the south of Tract 1. This will add additional protection to the water quality in the surrounding area, including Wilderness Park.

We have had several meeting with the Planning Department and Public Works Department to determine the proper access points to Tract 1 and Tract 2. Enclosed please find a map of the parties proposed access points (Exhibit "B"). We have also met with the Friends of Wilderness Park Committee and will set up a general briefing meeting with all our neighbors within the next ten days.

We look forward to working with the Planning Department and our neighbors on this proposal. If you have any questions in the meantime, please give me a call.

Very truly yours,



Kent Seacrest
For the Firm

cc with enclosure:

Mayor Coleen Seng
Jonathan Cook
Randy Hoskins

Dennis Bartels
Tim Gergen
Mark Palmer

Bob Miller
John Brager
Tom White

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

| | |
|---|--|
| TO: Mike DeKalb | DATE: July 3, 2006 |
| DEPARTMENT: Planning | FROM: Chris Schroeder |
| ATTENTION: | DEPARTMENT: Health |
| CARBONS TO: EH File EH Administration | SUBJECT: CZ AG to I-1 Concrete Facility CZ #06043 |

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the change of zone application with the following noted:

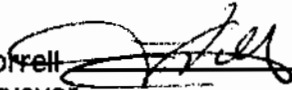
- The LLCHD requests information relative to applicant's assertion that wells in this proposed change of zone area will provide good quantity and quality of water.
- The proposed concrete batch plant will require a construction permit and probably an operating permit per article II, sections 5 & 7 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS).
- Operation of this facility will require the standard baghouse controls that are required by such plants. The plant will be subject to complying with article II, section 32 Fugitive Dust of the LLCAPCPRS. Plant roadways should be paved.
- The operation of this plant will also be subject to the requirements of Lincoln Municipal Code 8.24 Noise Control Ordinance. Specifically, the limits of 8.24.090 Table 1.

Lancaster
County

DON R. THOMAS - COUNTY ENGINEER

Engineering
Department

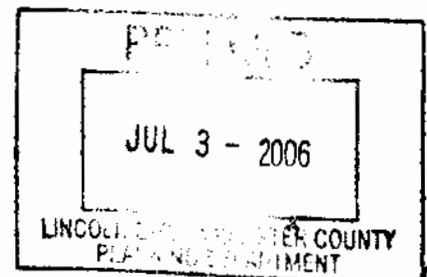
DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: June 30, 2006
TO: Mike DeKalb
Planning
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: CZ AG TO I-1 CONCRETE FACILITY
CZ 06043

Upon review, this office would have the following comments for the concrete facility:

Saltillo Road would have to be reconstructed to accommodate right turn and left turn lanes at the facility. Applicant would be responsible for the construction costs of concrete pavement.

LW/pb
Phyllis/Zone/#06043 mem.



022

Interdepartmental Communication

To: Mike Dekalb

Date: June 28, 2006

Department: Planning Department

From: Lana Tolbert

Regarding: CZ06043

Department: Building and Safety

At your request the Department of Building and Safety has completed its review of the Change of Zone request on the property generally located on the south side of Saltillo Road between S. 15th and S. 25th Streets. A portion of the site appears to be in the 100-year flood plain. The Department of Building and Safety offers the following for your consideration:

- The site is located in the New Growth Area. Any development in the 100-year flood plain must comply with the requirements of LMC 27.53 Flood Regulations for New Growth Areas.