

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 06083**, from AG Agricultural District to I-1 Industrial District, requested by Steven Harms, on property generally located at North 84<sup>th</sup> Street and Cornhusker Highway.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 01/17/07  
Administrative Action: 01/17/07

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval, subject to fencing and screening of the entire site (7-1: Carlson, Carroll, Cornelius, Krieser, Larson, Sunderman and Taylor voting 'yes'; Esseks voting 'no'; Strand absent).

**ASSOCIATED REQUEST:** Development and Conditional Zoning Agreement (07R-40).

### **FINDINGS OF FACT:**

1. This is a request to rezone approximately 2.9 acres, more or less, from AG Agricultural to I-1 Industrial to bring the zoning into conformance with the zoning ordinance and the current use of the property, i.e. a garbage collection business. The proposed change of zone covers a small portion of a 127-acre tract, the majority of which is in the 100-year Salt Creek floodplain. The property was designated as industrial in the 2025 Comprehensive Plan, but is now designated as agricultural under the 2030 Comprehensive Plan.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis", as set forth on p.3-4, concluding that the change of zone from AG to I-1 would allow the applicant to operate his business legally. While the 2030 Comprehensive Plan indicates the future land use of this area should be agricultural, it is a small enough area not to warrant an amendment to the Future Land Use Map. Expansion of the zoning onto a larger portion of the property would be unlikely due to the floodplain. The building and outdoor storage area for roll-off containers are visible from North 84<sup>th</sup> Street. The parking and outdoor storage will need to be screened in accordance with the City design standards. The staff presentation is found on p.5.
3. The applicant's testimony is found on p.5-6, and the record consists of two letters in support (p.15-16). The applicant pointed out that there is significant industrial development to the south, and that the Nebco property to the west is shown as industrial in the Comprehensive Plan. The applicant agreed to comply with all screening and building safety requirements.
4. Testimony in opposition is found on p.6-7, and the record consists of two letters in opposition (p.17-18). The issues of the opposition include trash and blowing debris, the hazards of increased traffic and dust, unsightly dumpsters, and setting a precedent.
5. The applicant's response to the opposition is found on p.7-8, pointing out that this portion of North 84<sup>th</sup> Street is already heavily trafficked, with other companies' garbage trucks using it to and from the landfill. The nearest resident who spoke in opposition lives ½ mile to the north.
6. On January 17, 2007, the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend approval, subject to fencing and screening of the entire site (Esseks dissenting because the applicant began using the property for this purpose before obtaining the proper zoning, and Strand absent).
7. Design standards require screening along North 84<sup>th</sup> Street but not surrounding the proposed I-1 area because AG is not considered a "residential" district. Staff suggested using a Development and Conditional Zoning Agreement to address the screening, and that agreement is also being submitted to the City Council for consideration (07R-40).

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 29, 2007

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 29, 2007

**REFERENCE NUMBER:** FS\CC\2007\CZ.06083

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**JANUARY 17, 2007 PLANNING COMMISSION MEETING**

**PROJECT #:** Change of Zone No. 06083

**PROPOSAL:** From AG to I-1.

**LOCATION:** North 84<sup>th</sup> Street and Cornhusker Highway

**LAND AREA:** Approximately 2.9 acres.

**EXISTING ZONING:** AG, Agricultural District

**CONCLUSION:** The 2025 Comprehensive Plan designated this area as industrial. However, the change of zone is not consistent with the 2030 Comprehensive Plan, which designates the area as agricultural. The applicant indicated that he intended to apply sooner, but did not. The change of zone would bring the applicant's business into compliance with the zoning ordinance.

<b>RECOMMENDATION:</b>	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING LAND USE:** Agriculture

**SURROUNDING LAND USE AND ZONING:**

North:	Agriculture	AG
South:	Residential	AG
East:	Agriculture	AG
West:	Agriculture	AG

**HISTORY:**

May 28, 2002                      2025 Comprehensive Plan was adopted. It designated the area as industrial (see exhibit).

Early 2006:                      The applicant constructed a building on the property; it did not require a building permit since it was supposed to be for agricultural use.

Summer 2006:                      The Building and Safety Department issued a letter to the applicant notifying him that he is illegally operating a garbage collection service in the AG zone from the agricultural building.

- October 31, 2006: The applicant met with Planning Department staff to discuss a possible change of zone.
- November 16, 2006: 2030 Comprehensive Plan was adopted. It designated the area as agricultural (see exhibit).
- December 21, 2006: Applied for change of zone over a portion of Lot 39 IT from AG to I-1.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Industrial: Areas where railroads, manufacturing, trucking and transportation facilities are the dominant land use. Some commercial activities may also take place in predominately industrial districts, such as office, retail or warehouses. (16)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (16)

**UTILITIES:** The property is outside of the future service limit. No utilities exist on the site and there are no utilities currently planned for the site. The building is served by a well and septic system.

**TRAFFIC ANALYSIS:** The garbage trucks take access to Cornhusker Highway via unpaved N. 84<sup>th</sup> Street and must cross the railroad tracks parallel to the highway on the north side. The garbage trucks may also create an additional burden on North 84<sup>th</sup> Street north of Cornhusker Highway which is unpaved. It would be conceivable that garbage trucks could make trips north to the existing landfill that is on Bluff Road.

### **AESTHETIC CONSIDERATIONS:**

The building and outdoor storage area for roll-off containers are visible from North 84<sup>th</sup> Street. The parking and outdoor storage will need to be screened in accordance with the City's design standards.

### **ANALYSIS:**

The applicant cannot currently legally operate his business as it is zoned today. The previous 2025 Comprehensive Plan adopted May 28, 2002 designated this land as industrial. The land was in agricultural use until early 2006. The applicant stated that he did not pursue a building permit for the shed because it was for agricultural use on AG zoned land. The garbage collection service operated by the applicant moved into the new building shortly after construction. The building has been used for the storage of the garbage trucks. The area surrounding the building has been used for employee parking and for storage of roll-off garbage containers. The site is currently being utilized as a business rather than as an agricultural use, and therefore is operating illegally. When this was brought to the attention of the applicant by the Building and Safety Department, he began to take steps to find a way to bring the operation into compliance. During that time period, the 2030 Comprehensive Plan was adopted, which designated the future land use for this area as agricultural.

A change of zone from AG to I-1 and bringing the building and the site up to all codes and design standards should solve the applicant's problem and allow him to operate his business legally. While the 2030 Comprehensive Plan indicates the future land use of this area should be agricultural, it is small enough not to warrant an amendment to the Future Land Use map. The change of zone covers a small portion of a 127 acre tract, the majority of which is in the 100 year Salt Creek floodplain (see exhibit). Expansion of the zoning onto a larger portion of the property would be unlikely due to the floodplain.

Prepared by:

Brandon M. Garrett, AICP  
Planner

**DATE:** January 8, 2007

**APPLICANT/OWNER:** Steven Harms  
2200 North 98<sup>th</sup> Street  
Lincoln, NE 68505

**CONTACT:** DaNay Kalkowski  
Seacrest & Kalkowski  
1111 Lincoln Mall, Ste. 350  
Lincoln, NE 68508

## CHANGE OF ZONE NO. 06083

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 17, 2007

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

Staff recommendation: Approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda due to two letters received in opposition from Dennis Anderson and Scott Allen. The record also consists of two letters in support from Loren Neujahr and Fred Retzlaff.

Staff presentation: **Brandon Garrett of Planning staff** stated that this area was shown as industrial in the Comprehensive Plan. With the 2030 Comprehensive Plan update, there was a change in the designation to AG Agricultural. That has caused some confusion. The applicant is applying for change of zone to I-1 Industrial. The applicant met with staff before the adoption of the 2030 Comprehensive Plan. His assumptions were based on the previous plan. He was somewhat caught in the process. The application is for three acres. His piece is outside of the flood plain. The surrounding areas are in the 100-year flood plain. Some areas are in the 500-year flood plain. There is floodway to the north. This entire application is not in the flood prone areas. The building is entirely out of the flood plain. The zoning for the surrounding area is I-1 Industrial to the south, a few areas of AGR Agricultural Residential to the north, and the rest is AG Agricultural with some I-2 Industrial to the east. The corridor between Lincoln and Waverly is industrial in character.

### Proponents

**1. Danay Kalkowski** appeared on behalf of Steve and Kim Harms and Charles and Marylinn Jetton. The Harms and Jettons own approximately 150 acres. This change of zone is for 2.9 acres. They run a garbage collection business. They own the property to the east and the south. The property on the west side of 84<sup>th</sup> St. is owned by Nebco. This property and some of the surrounding property was shown as industrial in 2025 Comprehensive Plan as well as the Nebco property. Mr. Harms became aware of zoning issues with the 2030 Comprehensive Plan process. As a result, the owner submitted an amendment to the 2030 Comprehensive Plan requesting that approximately six acres remain industrial. The Planning Dept. indicated that due to flood plain issues, a request for a change of zone up to four acres would be appropriate. As a result of that, the owner did not follow through with a comprehensive plan amendment. There is significant industrial development to the south. The Nebco property to the west is shown as industrial in the Comprehensive Plan. The other large neighbor is the city. Once the zoning is in place, the applicant will comply with the screening requirements and will work with Building and Safety to make sure the building complies with the safety requirements.

Larson questioned if this will be for the storage and maintenance of the trucks. Kalkowski replied, "yes".

Esseks asked what is the nature and magnitude of investment in this business. Steve Harms replied that the investment in the building itself is pushing \$200,000.00.

Esseks questioned when the building was erected. Harms replied late winter 2005. They moved in approximately July of 2005.

Esseks wondered if there had been any investment in the driveway or facilities. Harms stated they knew this was not in the flood plain. They invested for AG Agricultural use and garbage trucks. He is also engaged in farming. The driveway is rock right now. The building is concreted inside.

Carlson believes this will be used to parks trucks and rolloffs. Harms stated that the trucks go out at approximately 5:30 a.m. and come back in the afternoon. There is no engine work done on this site. It is used for storage of the vehicles.

Krieser asked about the size of the building. Harms replied it is 60 feet by 105 feet and insulated.

### Opposition

**1. Scott Allen and Lynne Foxvog**, 7801 N. 84<sup>th</sup> St. Scott Allen stated that they just purchased this property. They have a problem. This is a fairly pristine environment. There are no fences around the facility.

Lynne Foxvog stated that the agricultural building currently holds the trucks. There were no dumpsters when they moved into their property. The applicant has started to move in red dumpsters. This is one of their biggest concerns, trash and blowing trash. They keep the trucks in the building.

Allen foresees the high speed of the trucks being a problem. They kick up a lot of limestone. They are not following the speed laws. It is going to be a disaster. The area is primarily cornfield and pristine environment. He intends to do agriculture with his property. He is concerned that the first thing you see when you drive to his house is dirty stinky dumpsters. He is concerned about debris. The new building is beautiful.

Esseks wondered where they live. Allen replied they live about one city block away. Once the trucks get a run down the street, they are flying and kick up a lot of dust.

Foxvog noted that once the south wind blows, it will smell up their property.

Esseks questioned how many feet it is from the new building and parking storage to their driveway. Allen believes it is about 100 yards. Directly behind him is a large soccer field. There is a creek behind his property also. He wants an environment that is conducive to his investment.

Larson questioned how many acres Mr. Allen owns. Allen replied that he owns approximately 5 acres.

**2. Marlene Tracy**, 17500 N. 84<sup>th</sup> St. She travels this road quite frequently. The trucks pull out of the property with no regard to traffic. She has had to avoid getting hit. She believes it is a safety hazard. She thinks it is more than conceivable that the trucks will go down 84<sup>th</sup> St. to travel to the dump. She is concerned about increased traffic. The road between the trash facility and the Allens' has a low spot and is not in very good condition. She would like to speak about the applicant stating that the facility

does not have any utilities. There is a light on the front of the building. She assumes that means he has electricity. She believes he also has a well. There are rolloff containers, mostly located around the farmhouse. Very few have been located around the area in question. If this is changed to I-1 Industrial zoning, maybe they should request both areas to be changed. She is concerned because this building was constructed on AG Agricultural land for AG Agricultural use. Shortly after, the garbage business moved in. This is another case of someone purchasing a piece of AG land, requesting a change, and it turns out to be another possible drag strip. This is frustrating for people who live in the county. It looks like spot zoning. Most of us in the area had no clue what was going on until we saw the garbage trucks on the property. She is asking the Planning Commission to deny the request for a change of zone.

Esseks wondered where her residence is located. Tracy replied she lives close to Davey Rd. She uses this road to come into town.

**3. Dennis Anderson**, 8000 N. 84<sup>th</sup> Street, lives in the same section of ground on the east side of 84<sup>th</sup> St., south side of Salt Creek. He has lived there for about 16 years. He is concerned with setting a precedent with allowing the zoning change. Right now, this building is 3/4 of a mile from his house. He is concerned that five years from now there will be another building that is 100 yards away. Is this a one time thing or will it expand again next year? He personally has not seen a lot of traffic except on the weekends. There is a housing development going on further north. The traffic will probably get worse. With regard to the issue of flood plain, he doesn't know how much of an impact that would have on potential zoning changes in the future. He does not want to see a precedent set.

#### Staff response

Esseks wondered about this piece of property and the new Comprehensive Plan update. Garrett replied that the current plan shows the future service limit along Cornhusker Highway. This property is just to the north and east of the future service limit. Surrounding property is designated as agricultural stream corridor.

Carlson questioned if the applicant will have to get a permit and if outdoor storage would need to be screened. Garrett replied that Building and Safety has indicated that screening would be required along N. 84<sup>th</sup> St. The applicant will be working with Building and Safety to bring the building up to code and all codes relating to the driveway and parking area will be addressed at that time. This initially did not go to Building and Safety for review. It was an agricultural building on agricultural property.

#### Response by the Applicant

Kalkowski stated that 84<sup>th</sup> St. is a major section line road. It is going to get a lot of traffic. There is already significant traffic that uses 84<sup>th</sup> St. There are roughly six to ten companies that use 84<sup>th</sup> St. to get to the landfill. The applicant intends to meet the screening requirements for the I-1 Industrial zoning. If screening is a big issue, they are willing to live by some additional screening requirements to make this more palatable to the neighbors. Any trucks or dumpsters stored on the site are empty. The owners have owned the farm since 1995. They did not just buy this. When it was turned into this use, she believes the use was consistent with what was shown in the Comprehensive Plan at the time. She believes that one of the major reasons the Comprehensive Plan designation was changed was the flood plain designation. While the property surrounding this property is flood plain, this property is clearly not in the flood plain. Industrial designation on the Nebco property goes all the way up to the

creek. There are industrial uses to the south . She would not call this spot zoning due to surrounding land uses. The property owner to the north was concerned about additional zoning. She believes it is unlikely there will be a lot more industrial in this area due to the flood plain in the area.

Larson is somewhat confused as to how close the first person who testified in opposition lives. Kalkowski replied it is 5/10 and 6/10 of a mile away.

Sunderman wondered about the containers on the old home site. Kalkowski replied that if this zoning is approved, those containers would be moved to the I-1 property. They would be willing to address screening with landscaping.

Taylor questioned what could be done with the odor and how vehicles are maintained. Is storage of refuse allowed overnight? Harms replied that it is too expensive to leave trash in the vehicles with the price they pay at the dump.

Taylor wondered if the applicant has had any contact with the Health Dept. Kalkowski replied the Health Dept. would have submitted any comments or concerns to the Planning Dept. They did not appear to have any.

Taylor asked about traffic. Harms noted that there is a lot of traffic using N. 84<sup>th</sup> St. His drivers are instructed to keep it under the speed limit on gravel roads.

Esseks wondered about the scenario. This was built without a permit for AG use, now it is used for a refuse business. Harms replied that the farm was built in 1995. The building was put up in Spring 2005 thinking it would be a mixed use building. They knew it was designated down the road as I-1.

**ACTION BY PLANNING COMMISSION:**

January 17, 2007

Carroll moved approval with fencing and screening of the whole site, seconded by Larson.

Esseks will vote against this. He thinks people in business should follow appropriate procedures. This was supposed to be used for agricultural use. This request is coming after the incompatibility with existing uses.

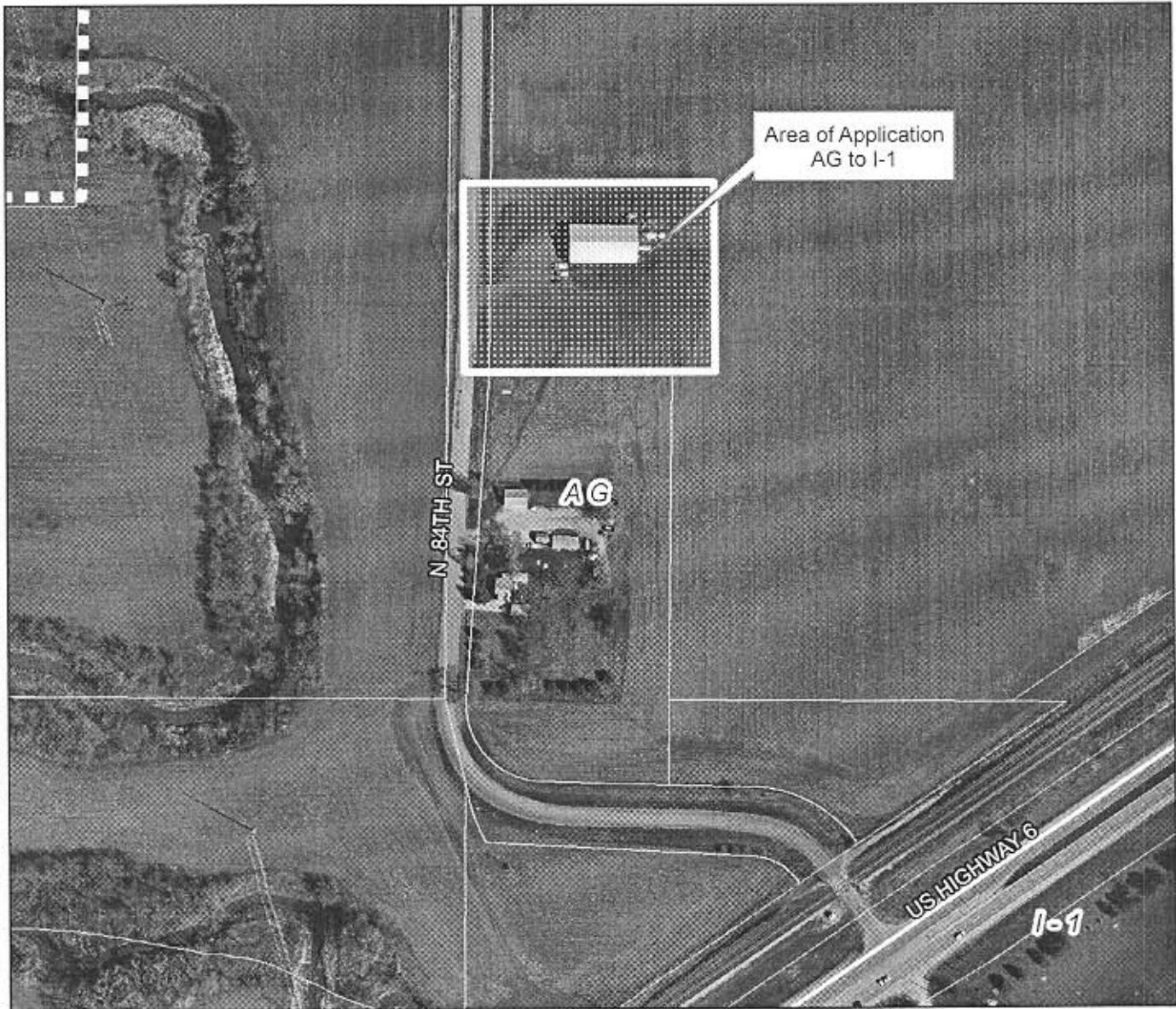
Carroll remembers working on the Comprehensive Plan last fall. He remembers this site. The decision was made to change this to AG due to floodplain but leaving a small site for industrial. He believes this was discussed very thoroughly and knowing full well that this would probably happen. He believes the applicant took us at our word that this would be okay.

Larson remembers and agrees with Carroll.

Taylor will vote in favor of this application. This was projected to be zoned industrial. He thinks the proper steps have been taken. He has sympathy for the neighbors but he thinks they are far enough away where this operation should not affect their environment.



Motion for approval with condition carried 7-1: Carlson, Carroll, Cornelius, Krieser, Larson, Sunderman and Taylor voting 'yes'; Esseks voting 'no'; Strand absent. This is a recommendation to the City Council.



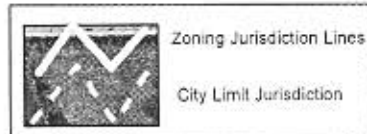
2005 aerial

## Change of Zone #06083 N 84th St & Highway 6

### 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. 35 T11N R07E



# Official Survey Record

R. Russell Orr Land Surveying  
7130 Morton Street, Lincoln, NE. 68507  
Ph.:(402)450-0827  
Fax:(402)466-6705

## Survey of :

### Parcel 1

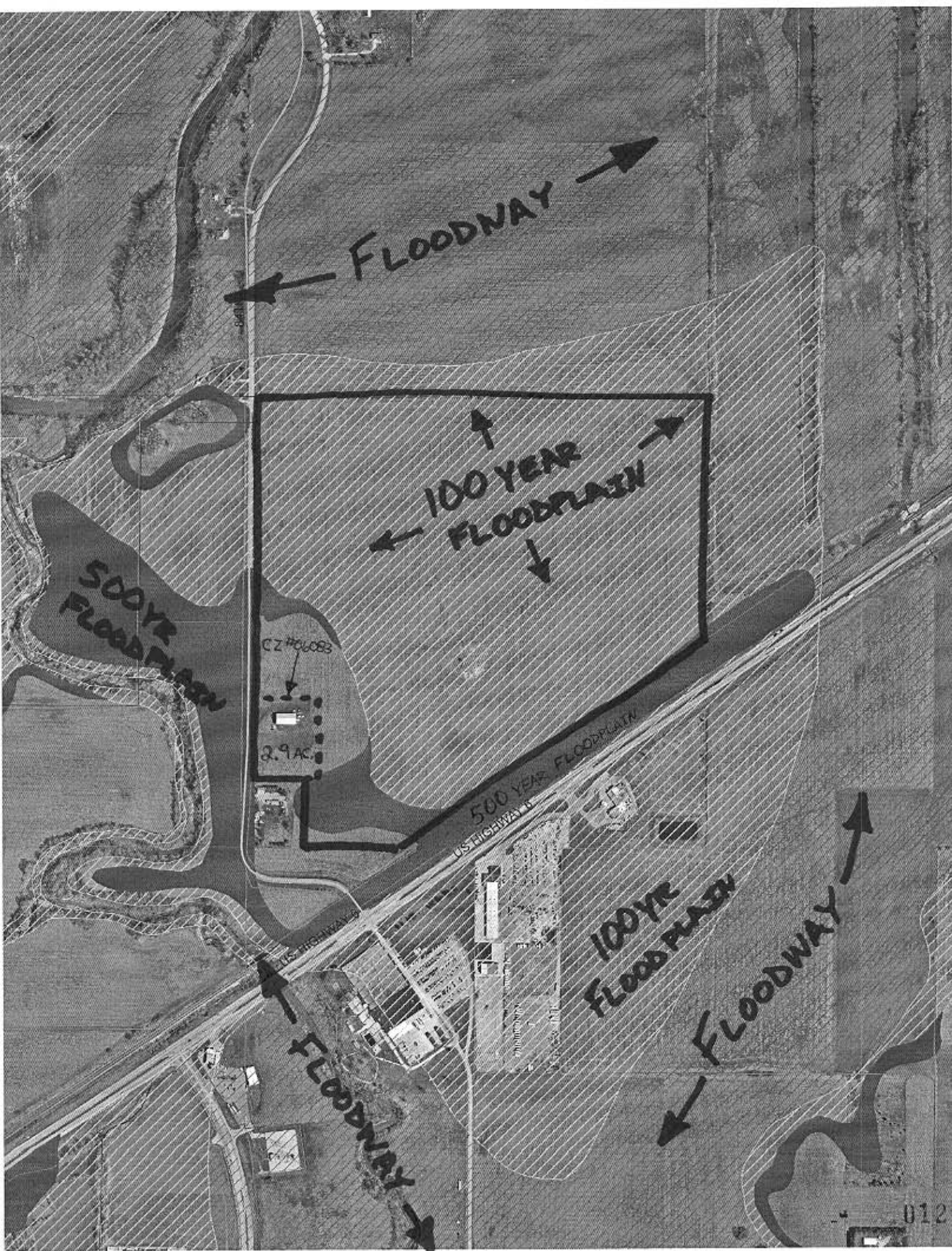
A LEGAL DESCRIPTION OF A TRACT OF LAND CONSISTING OF A PORTION OF LOT 39 I.T., LOCATED IN THE W  $\frac{1}{2}$  OF SECTION 35-T11N-R7E OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF THE NW  $\frac{1}{4}$  OF SAID SECTION 35; THENCE: N00°00'00"E, (ASSUMED), ON THE WEST LINE OF SAID NW  $\frac{1}{4}$ , A DISTANCE OF 848.27'; THENCE: N90°00'00"E, A DISTANCE OF 405.53'; THENCE: S00°00'00"E, A DISTANCE OF 311.09'; THENCE: N90°00'00"W, A DISTANCE OF 405.53' TO A POINT ON SAID WEST LINE; THENCE: N00°00'00"E, ON SAID LINE A DISTANCE OF 311.09' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 2.896 ACRES MORE OR LESS INCLUDING 0.235 ACRES OF COUNTY ROAD RIGHT-OF-WAY.

### PARCEL 2

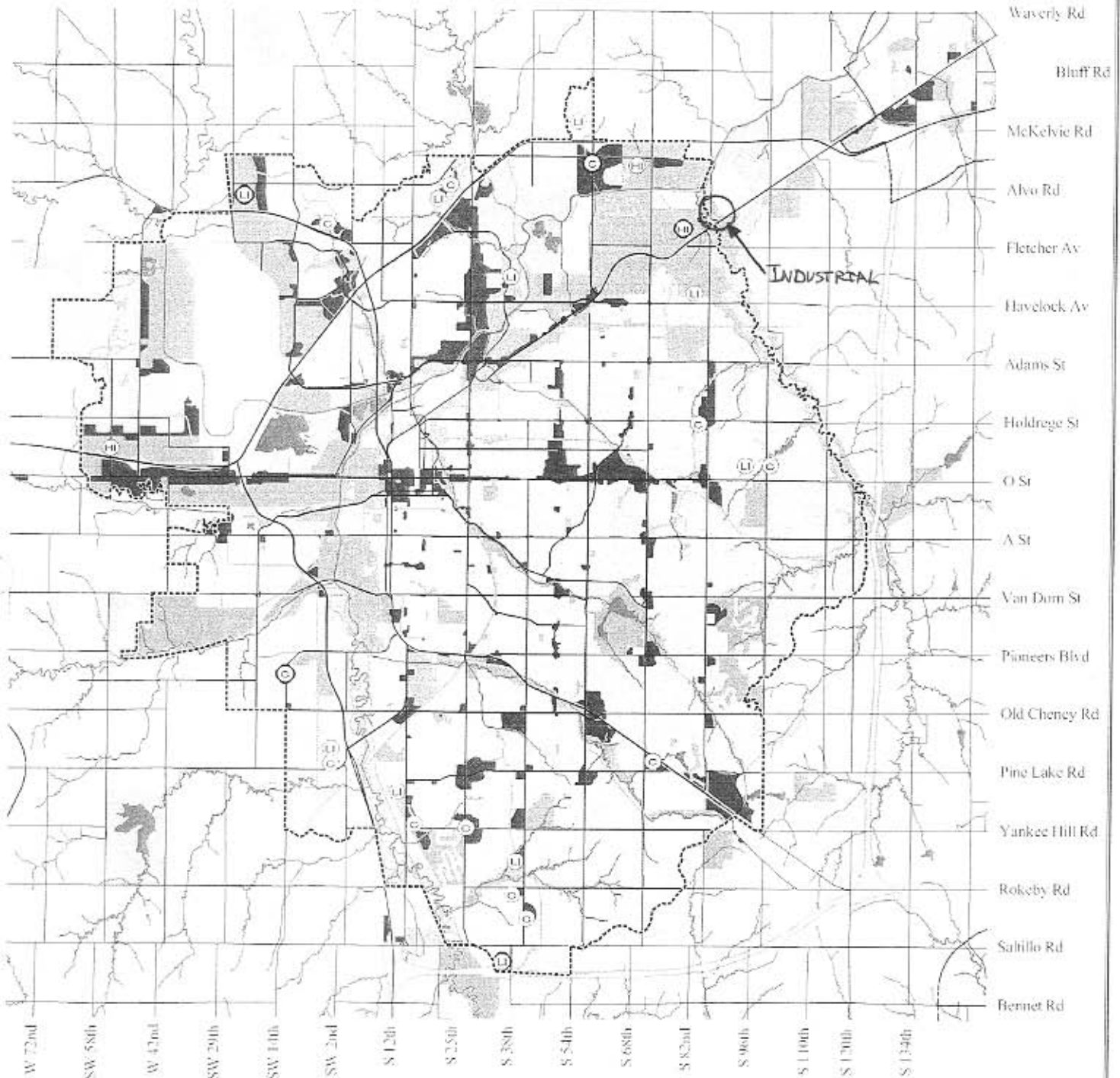
A LEGAL DESCRIPTION OF THE REMAINING PORTION OF LOT 39 I.T. IN THE W  $\frac{1}{2}$  OF SECTION 35-T11N-R7E OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID W  $\frac{1}{2}$ ; THENCE: N89°34'41"E, (ASSUMED), ON THE NORTH LINE OF SAID W  $\frac{1}{2}$ , A DISTANCE OF 2602.58'; THENCE: S00°11'14"W, ON THE EAST LINE OF SAID W  $\frac{1}{2}$ , A DISTANCE OF 1412.80' TO A POINT ON THE NORTHERLY RAILROAD RIGHT-OF-WAY LINE; THENCE: S54°33'57"W, ON SAID LINE, A DISTANCE OF 2121.25'; THENCE: N89°38'15"W, ON SAID LINE, A DISTANCE OF 87.02'; THENCE: S54°33'57"W, A DISTANCE OF 402.60'; THENCE: N37°10'15"W, A DISTANCE OF 5.62' TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 51°53'53", A RADIUS OF 210.00', AN ARC LENGTH OF 190.22', A CHORD LENGTH OF 183.78' AND A CHORD BEARING N63°07'12"W; THENCE: ON SAID CURVE, A DISTANCE OF 190.22' TO THE POINT OF TANGENCY; THENCE: N89°04'08"W, A DISTANCE OF 141.29'; THENCE: N00°00'00"E, A DISTANCE OF 674.64'; THENCE: N90°00'00"E, A DISTANCE OF 76.35'; THENCE: N00°00'00"E, A DISTANCE OF 311.09'; THENCE: N90°00'00"W, A DISTANCE OF 405.53' TO A POINT ON THE WEST LINE OF SAID W  $\frac{1}{2}$ ; THENCE: N00°00'00"E, ON SAID LINE, A DISTANCE OF 1780.75' TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 128.209 ACRES INCLUDING 1.349 ACRES OF COUNTY ROAD RIGHT-OF-WAY MORE OR LESS.



# LINCOLN AREA DETAIL

## FROM LINCOLN / LANCASTER COUNTY LAND USE PLAN



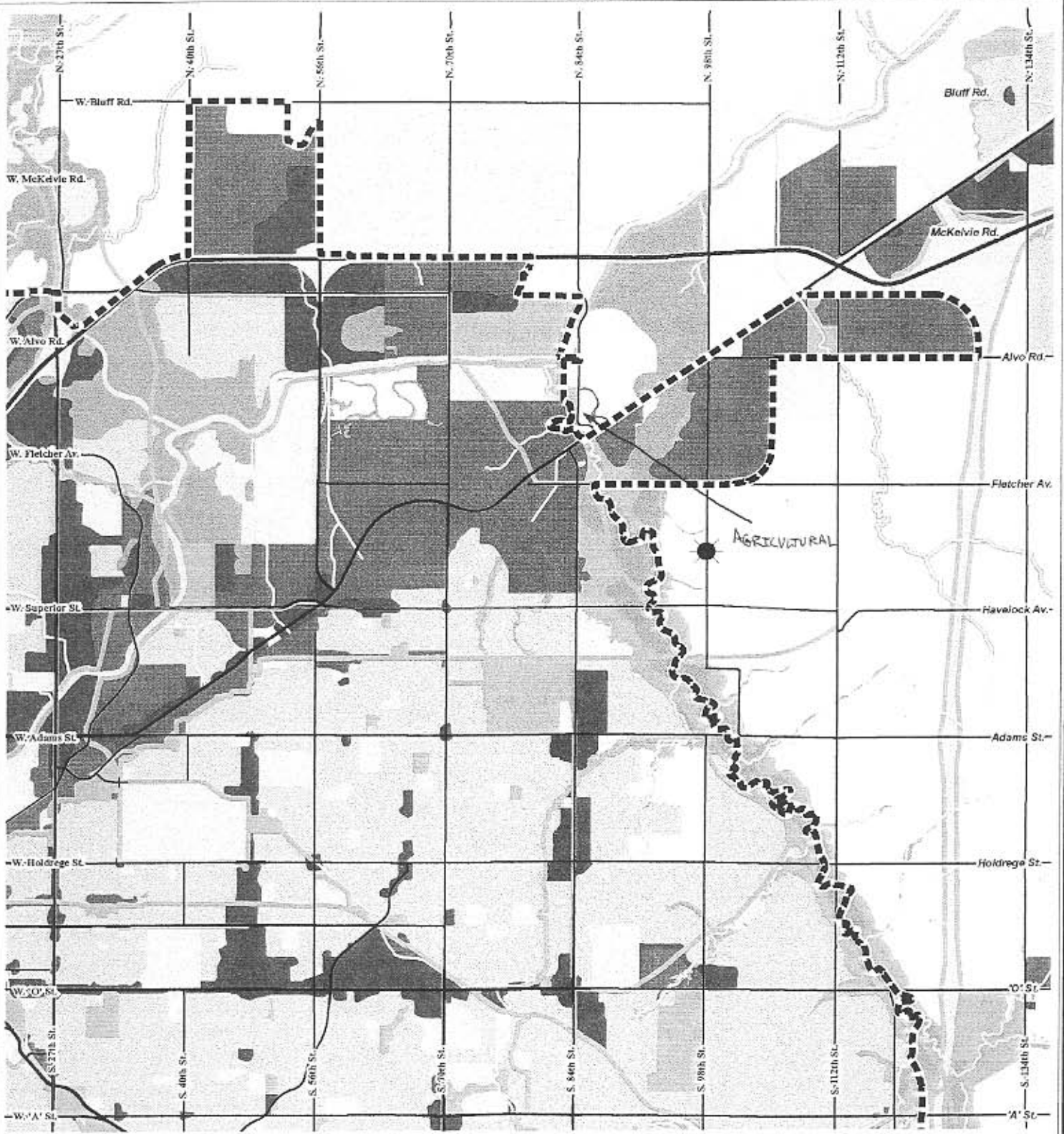
### LEGEND

- |  |                          |  |  |
|--|--------------------------|--|--|
|  | Residential, Urban       |  | Lakes & Streams  |
|  | Residential, Low Density |  | Environmental Resources  |
|  | Commercial               |  | Agricultural   |
|  | Industrial               |  | Agricultural Stream Corridor   |
|  | Green Space              |  | Future Service Limit   |
|  | Public and Semi-Public   |  | New Proposed Community Centers<br>(Not Site Specific)<br>(Site Specific) |

The location of each land use designation is generalized. The appropriateness of a particular zoning district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. Please consult other sources for exact locations of environmental resources such as wetlands, native prairie and floodplain. Not all of the resources are displayed on this figure.

The incorporated town plans are displayed on this figure. In many circumstances the land use categories in the town plans were different from the categories used in the Lincoln / Lancaster County Plan, so some adjustments were made for the purposes of this display. These communities and their specific adopted plans should be consulted as the source for decisions within their zoning jurisdictions.





## LINCOLN AREA FUTURE LAND USE (NORTHEAST)

- |                             |                         |  |
|-----------------------------|-------------------------|--|
| Residential - Urban Density | Green Space             | Agricultural                               |
| Residential - Low Density   | Public & Semi-Public    | Agricultural Stream Corridor               |
| Commercial                  | Lakes & Streams         | Future Service Limit                       |
| Industrial                  | Environmental Resources | Potential Large Employer Opportunity Areas |

The location of each land use designation is generalized. The appropriateness of a particular zoning transfer for a particular piece of property will depend on a review of all of the elements of the Comprehensive Plan. Please consult other sources for such locations of environmental resources such as wildlife, lakes, rivers and streams. Not all of these resources are displayed on this map.

The exceptional uses plans are displayed on this figure in many circumstances the land use categories in the base plan were different from the categories used in the Lincoln-Lancaster County Plan, so some adjustments were made for the purposes of this display. These adjustments and their specific adjustments should be consulted at the source for decisions within their zoning jurisdiction.



SUPPORT

ITEM NO. 1.1: CHANGE OF ZONE NO. 06083  
(P.1 - Consent Agenda - 01/17/07)



lneujahr@aol.com  
01/16/2007 09:54 PM

To plan@lincoln.ne.gov  
cc  
bcc  
Subject change of zone no. 06083, N. 84th Street and Highway 6

Dear Sirs,

In regards to the change of zone No. 06083 at North 84th and Highway 6, I have no objection to the application to change the zone from Agricultural District to Industrial District. I farm ground close to this property and see no problem with the change of zone.

Sincerely,

Loren Neujahr  
9400 Fletcher Ave.  
Lincoln, NE 68507

**Check out the new AOL.** Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

January 11, 2007

Dear Sirs,

RE: CHANGE OF ZONE NO. 06083  
N. 84<sup>th</sup> Street & Highway 6

I am writing in regard to the change of zoning letter I received for the property located at 84<sup>th</sup> and Highway 6. I live approximately ½ mile from the property and wanted to state that I am in full support of the change of zone. I have no problem with the Planning Commission's recommendation to change the stated property from Agricultural to Industrial.

Sincerely,



Fred Retzlaff  
8601 Fletcher Ave.  
Lincoln, NE 68507





"Dennis Anderson"  
<dennis@riversmetal.com>

01/17/2007 11:24 AM

Please respond to  
"Dennis Anderson"  
<dennis@riversmetal.com>

To <tmckinstry@lincoln.ne.gov>

cc

bcc

Subject FW: zoning change application on N 84th street

**From:** Konni [mailto:konni.anderson@worldnet.att.net]  
**Sent:** Tuesday, January 16, 2007 9:26 PM  
**To:** plan@lincoln.ne.gov  
**Cc:** Dennis Anderson  
**Subject:** zoning change application on N 84th street

In regards to a zoning change application,

I am curious as to what is going on with this application.

I live in the only house in the same section of land as the applicant and I have not received anything in the mail as of yet. The sign has been posted for no more than 2 weeks and a friend told me she saw that it is already going before the elected board. If this is the case, then it means it has already been to the planning commission.

I don't really have an issue with the business being run out of this property but I do have some concerns about the zoning change request.

Could this be the start of something that I'm going to wish I had protested when I had the chance?

Are the surrounding properties eligible for future zoning changes?

What are the official city plans for this area?

Can someone else buy property, obtain permits to build a place of business and then when it is dicovered that this is not legal, apply for a zoning change like what I think is happening in this case?

In this situation is it more likely a zoning change will be issued? Forgive me for being cynical but I've been to meetings where permits to demolish a house were issued and then permits to rebuild we denied only to be issued anyway because the demolition permit was issued.

We live in the vicinity of the proposed motocross track at Abbott Sports Complex and we have learned a couple lessons when it comes to possible changes. We wanted to remain open minded because quite frankly, we knew nothing about it. No specifics were provided and it was only an idea. We were neither for it nor against it and thought that once we learned more we could make up our minds. Unfortunatly, I think one must make a stance early even if very little information is available. You have to be either for something or against it.

That being said and assuming it's not too late. I am issuing an uninformed opposition to this application.

Sincereley,

Dennis Anderson  
8000 Nth 84th  
Lincoln, NE  
464-8547  
Day - 467-9892

OPPOSITION

ITEM NO. 1.1: CHANGE OF ZONE NO. 06083  
(p.1 - Consent Agenda - 1/17/07)

Allu Planning  
Brandon Carter

Scott Allen  
7801 No 84th

Scott Allen 325-8684

Thank you for your help. have health issue or would attend hearing. Thank you for your understanding.

... on rezoning of 7600 property

- \* This is a fairly pristine environment we have eagle (bald), hawk (red), etc deer, turkey, I wonder what the impact will be.
- \* Health conditions, smell, dust, high speed trucks
- \* Property value, I don't want the environment looking like a dump there is a dumpster business on
- \* Corn crusher shutting down, It's a mess don't want it here. Smells bad
- \* Con Agra won't take corn with debris in it at all so what will happen to the corn fields around me. Sin agricultural  
Lime stone dust is thicker than normal  
Truck speed is very high and frequent  
They resurface the road weakly.  
No fence around facility (trash loose)  
No tarps noticed on trucks.

Just please take these things into account.