FACTSHEET

TITLE: CHANGE OF ZONE NO. 07063B - AG to R-3 Planned Unit Development and H-3 Planned Unit Development (NW 48th & West Holdrege Streets)

APPLICANT: Ringneck Development, LLC


STAFF RECOMMENDATION: Conditional Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

This change of zone is for the I-80 West Lincoln Business Center Planned Unit Development (PUD). A change of zone is requested from AG Agriculture District to R-3 Residential District PUD and H-3 Highway Commercial District PUD for the associated annexation area within the PUD.

DISCUSSION/FINDINGS OF FACT:

1. On December 6, 2017, this change of zone request, and the associated Annexation No. 17023 (Bill #17-193) appeared on the Consent Agenda of the Planning Commission.

2. The staff recommendation of conditional approval of this change of zone request is based upon the “Analysis” as set forth on p.3, concluding that the proposed zoning is appropriate based on the Future Land Use Map in the Comprehensive Plan and generally matches the approved PUD, subject to a condition of approval requiring that the PUD site plan be revised to reflect the Comprehensive Plan land use areas.

3. On December 6, 2017, the Planning Commission voted 8-0 (Scheer absent) to recommend conditional approval of this change of zone request as set forth in the staff report dated November 26, 2017.

4. On December 6, 2017, the Planning Commission also voted 8-0 to recommend approval of the associated annexation (Bill #17-193).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

REVIEWED BY: David R. Cary, Planning Director

DATE: December 11, 2017
APPLICATION NUMBER
Annexation #17023 and Change of Zone #07063B

FINAL ACTION?
No

DEVELOPER/OWNER
Ringneck Development, LLC

PLANNING COMMISSION HEARING DATE
December 6, 2017

RELATED APPLICATIONS
None

PROPERTY LOCATION
NW 48th and W. Holdrege Streets

RECOMMENDATIONS:
ANNEXATION (APPROVAL)

CHANGE OF ZONE (CONDITIONAL APPROVAL)

BRIEF SUMMARY OF REQUEST
This is a combined staff report for an annexation and change of zone for the I-80 West Lincoln Business Center Planned Unit Development (PUD).

The proposed annexation includes approximately 21.16 acres. The annexation area is comprised of 20.31 acres within the PUD boundary along with an additional property proposed for annexation by the City which is outside the PUD that would be surrounded by the City limits on three sides and should be annexed along with the PUD area.

A change of zone is requested from AG Agriculture District to R-3 Residential District PUD and H-3 Highway Commercial District PUD for the annexation area within the PUD.

JUSTIFICATION FOR RECOMMENDATION
This property is contiguous to the City limits on the north and east. It is located in the Tier I, Priority A Growth Area. The proposed zoning is appropriate based on the Future Land Use Map in the Comprehensive Plan and generally matches the approved PUD, subject to a condition of approval requiring that the PUD site plan be revised to reflect the Comprehensive Plan land use areas.

APPLICATION CONTACT
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STAFF CONTACT
Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN
The 2010 Comprehensive Plan update changed the future land uses south of W. Holdrege Street within the PUD to show residential and commercial uses and removal of the future industrial designation as requested by the developer. The proposed zoning is in conformance with the future land use map.
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 12.3 - this site is shown as future Commercial and Urban Residential on the 2040 Lincoln Area Future Land Use Plan.

P. 12.4 - Commercial. Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

P. 12.4 - Urban Residential. Multi-family and single family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre.

Pg. 1.10 - This site is shown in Tier I Priority A on the Growth Tier Map.


Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

The areas within Tier I Priority A that are not annexed serve as the future urban area for purposes of annexation per state statute and are appropriate for immediate annexation upon final plat. These areas have approved preliminary plans.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. The City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., 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. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

Page 2 - Annexation #17023 and Change of Zone #07063B
ANALYSIS

1. This request is to annex a total of 21.16 acres, a change of zone from AG to R-3 PUD over approximately 8.12 acres, and a change of zone from AG to H-3 PUD over approximately 12.19 acres. The I-80 West Lincoln Business Center PUD is generally located west of NW 48th Street and north of Interstate 80. The annexation area is contiguous to the City limits on the north and east.

2. The applicant requests to annex 20.31 acres within the PUD, which corresponds to the same area as the proposed changes of zone. The City requests to annex an additional 0.85 acres corresponding to a property on the southwest corner of NW 48th and Holdrege Streets (Lot 67 I.T.) that would be surrounded on three sides by the City limits if the first annexation were approved. Lot 67 was added to the annexation request to ensure there is not a jurisdictional gap in the NW 48th Street right-of-way or overly complex city limits in this location, both of which create confusion for first responders.

Lot 67 is not within 300 feet of a sanitary sewer line so the owner would not be required to connect to city sewer. Water is available in NW 48th Street and it is a tapable water main should they want to connect to city water.

3. The approved PUD site plan shows industrial and commercial uses south of W. Holdrege Street. However, it has been understood for some time that there is not sufficient demand for industrial uses in this area. For that reason, the 2010 Comprehensive Plan update revised the future land uses to show only residential and commercial uses. The proposed changes of zone are in conformance with the Comprehensive Plan. A condition of approval requires that the PUD plans be updated to match the Comprehensive Plan.

4. The PUD site plan is conceptual. Details of grading, street profiles, and lot layout typically required for a preliminary plat are allowed to be approved by administrative amendment prior to final platting for this PUD. The submitted changes of zone are strictly revisions to the zoning boundaries and were not accompanied by other site plan details that will be approved at a later time.

5. The following describes the availability of utilities and services in this area:
   a. A sewer line is currently being installed west of the annexation area between I-80 and W. Holdrege. Sanitary sewer can be extended from the west to serve this area.
   b. There is a 16” water main in NW 48th Street.
   c. A conditional zoning and annexation agreement was approved with the PUD in 2011. The agreement addresses the paving of NW 48th, W. Holdrege, and NW 56th Streets. W. Holdrege Street is currently a gravel road. The developer would be required to dedicate necessary easements and right-of-way to the City at the time W. Holdrege Street is improved.
   d. A future trail is planned on the north side of W. Holdrege Street.
   e. Emergency Services: This area in the Southwest Rural Fire District. After annexation, fire protection will be provided by Lincoln Fire and Rescue (LFR). There is no necessary reimbursement in order for the city fire department to serve this area after annexation. The nearest Lincoln Fire and Rescue Station is located at NW 36th and W. Luke Streets.

6. Growth Tier I reflects the “Future Service Limit” where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits, as well as areas that are not yet annexed but which have approved preliminary plans such as preliminary plats, use permits, community unit plans, or planned unit developments. Priority A serves as the “future urban area” for purposes of annexation per state statute, and these areas are appropriate for immediate annexation upon final plat approval.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture and single-family dwelling
SURROUNDING LAND USE & ZONING

North: Vacant; R-3
South: Agriculture; AG
East: Agriculture and vacant; AG and B-2
West: Agriculture; AG

APPROXIMATE LAND AREA:

Annexation #17023: 21.16 acres, more or less
Change of Zone from AG to R-3 PUD: 8.12 acres, more or less
Change of Zone from AG to H-3 PUD: 12.19 acres, more or less

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #4

LEGAL DESCRIPTIONS: See attached.

Prepared by

Rachel Jones, Planner

Date: November 26, 2017

Applicant: Mike Preston
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Contact: Brad Marshall
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Lincoln, NE 68508
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Owner: Ringneck Development, LLC
11904 Arbor Street, Suite 200
Omaha, NE 68144
(402) 330-2274 or mpreston@mffi.com

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APPLICATION HISTORY

Jan. 2005  Airport West Subarea Study adopted by City Council. This PUD is within the plan boundaries.
Feb. 2008  Change of Zone No. 07063 was recommended for approval by Planning Commission.

Annexation No. 07005 was recommended for approval by Planning Commission pending completion of an Annexation Agreement.

Comprehensive Plan Amendment No. 07003 was recommended for approval by Planning Commission. The 2010 Comprehensive Plan update made the amendment irrelevant and the application was never heard by the City Council.

Nov. 2011  Change of Zone No. 07063 and Annexation No. 07005 were approved by City Council for approximately 448 dwelling units, 1.5 million square feet of commercial, office, and industrial floor area, and up to 200 hotel/motel rooms. Also included was approval of the I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement.
Feb. 2017  Change of Zone No. 07063A and Annexation No. 16014 were approved by City Council for approximately 41 dwelling units in the northern portion of the PUD.
CONDITIONS OF APPROVAL - CHANGE OF ZONE #07063B

This approval permits a Change of Zone from AG to R-3 PUD over approximately 8.12 acres and a Change of Zone from AG to H-3 PUD over approximately 12.19 acres.

**Site Specific Conditions:**

1. The City Council approves associated request:
   1.1 Annexation No. 17023

2. Before a final plat is approved the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below upon approval of the planned unit development by the City Council.
   2.1 Add a note on the PUD Site Plan that states, “Right-of-way and easements on W. Holdrege Street, N.W. 48th Street, and N.W. 56th Street shall be dedicated at no cost when requested by the City for improvements to said streets.”
   2.2 Revise the PUD Site Plan and Development Plan to change the designation of the area south of W. Holdrege Street from I-3 PUD to H-3 PUD and reflect the future Residential and Commercial land uses shown on the Future Land Use Map.

3. Before receiving building permits, the developer shall provide the following documents to the Planning Department:
   3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the planned unit development has been recorded.
   3.2 Verification that an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environments Noise District has been received by the Lincoln Airport Authority.

**Standard Conditions:**

4. The following conditions are applicable to all requests:
   4.1 Before occupying the dwelling units/buildings all development and construction shall substantially comply with the approved plans.
   4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
   4.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
   4.4 The terms, conditions, and requirements of the ordinance shall run with the land and be binding upon the developer, its successors and assigns.
   4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds,
filing fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

4.6 The site plan as approved with this ordinance voids and supersedes all previously approved site plans, however all ordinances approving previous permits remain in full force and effect unless specifically amended by this ordinance.
Change of Zone #: CZ07063B
I-80 West Lincoln Business Center PUD
NW 48th St & W Holdrege St

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

Two Square Miles:
Sec.18 T10N R06E
Sec.19 T10N R06E
LEGAL DESCRIPTION

ANNEXATION

Annexation Requested by Applicant

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 40 I.T., LOCATED IN 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 THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 107.20' TO THE SOUTHEAST CORNER OF LOT 40 I.T., SAID POINT BEING ON THE WEST RIGHT-OFF-WAY LINE OF NORTHWEST 48TH STREET; THENCE N00°23'06"E, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OFF-WAY, A DISTANCE OF 33.00' TO THE TRUE POINT OF BEGINNING; THENCE N89°54'57"W, ON A LINE LOCATED 33.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 503.16' TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OFF-WAY OF NORTHWEST 50TH STREET; THENCE N00°14'27"E, ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID RIGHT-OFF-WAY, AND ON THE EAST LINE OF SAID RIGHT-OFF-WAY, A DISTANCE OF 701.20' TO A NORTH CORNER OF SAID LOT 40 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT "B", VILLAGE WEST ADDITION; THENCE S89°54'57"E, ON A NORTH LINE OF SAID LOT 40 I.T., SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 506.04' TO THE NORTHEAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING ON A WEST RIGHT-OFF-WAY LINE OF NORTHWEST 48TH STREET, SAID POINT BEING 104.25' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°51'57"W, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OFF-WAY, A DISTANCE OF 133.17' TO AN EAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING 105.70' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°23'06"W, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OFF-WAY, A DISTANCE OF 568.05' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 353,508.57 SQUARE FEET OR 8.12 ACRES, MORE OR LESS.

TOGETHER WITH THE FOLLOWING:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 252.24' TO THE
NORTHEAST CORNER OF LOT 70 I.T., SAID POINT BEING THE NORTHWEST CORNER OF LOT 67 I.T.; SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE S00°25'49"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING THE WEST LINE OF SAID LOT 67 I.T., A DISTANCE OF 283.00' TO AN EAST CORNER OF SAID LOT 70 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 67 I.T.; THENCE S89°54'57"E, ON A NORTH LINE OF SAID LOT 70 I.T., SAID LINE BEING THE SOUTH LINE OF SAID LOT 67 I.T., A DISTANCE OF 148.09' TO AN EAST CORNER OF SAID LOT 70 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 67 I.T., SAID POINT ALSO BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET; THENCE S13°35'19"E, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 6.44' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE S00°30'12"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 295.96' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°45'16", A RADIUS OF 270.00', AN ARC LENGTH OF 31.83' ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 31.81', A TANGENT LENGTH OF 15.93', AND A CHORD BEARING OF S07°29'13"W TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°28'31", A RADIUS OF 330.00', AN ARC LENGTH OF 60.33' ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 60.25', A TANGENT LENGTH OF 30.25', AND A CHORD BEARING OF S05°37'41"W TO A POINT; THENCE S00°23'25"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 306.11' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE N89°36'35"W, ON A SOUTH LINE OF SAID LOT 70 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, DISTANCE OF 8.00' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE S00°23'25"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 24.89' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE N89°37'51"W, A DISTANCE OF 629.26' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 201.05' TO A POINT OF CURVATURE FOR A CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°04'22", A RADIUS OF 967.00', AN ARC LENGTH OF 440.04', A CHORD LENGTH OF 436.25', A TANGENT LENGTH OF 223.90', AND A CHORD BEARING OF N13°07'14"E TO A POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°04'22", A RADIUS OF 416.50', AN ARC LENGTH OF 189.53', A CHORD LENGTH OF 187.90', A TANGENT LENGTH OF 96.44', AND A CHORD BEARING OF N13°07'14"E TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 195.42' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°54'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 362.42' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 543,078.46 SQUARE FEET OR 12.47 ACRES, MORE OR LESS.
Additional Annexation Requested by City

LOT 67, I.T., LOCATED IN THE NW 1/4 OF SECTION 19-10-6, LANCASTER COUNTY, NEBRASKA.
LEGAL DESCRIPTION
CHANGE OF ZONE TO R-3 PUD

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 40 I.T., LOCATED IN 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 THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 107.20' TO THE SOUTHEAST CORNER OF LOT 40 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET; THENCE N00°23'06"E, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 33.00' TO THE TRUE POINT OF BEGINNING; THENCE N89°54'57"W, ON A LINE LOCATED 33.00' NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 503.16' TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY OF NORTHWEST 50TH STREET; THENCE N00°14'27"E, ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID RIGHT-OF-WAY, AND ON THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 701.20' TO A NORTH CORNER OF SAID LOT 40 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF OUTLOT "B", VILLAGE WEST ADDITION; THENCE S89°54'57"E, ON A NORTH LINE OF SAID LOT 40 I.T., SAID LINE BEING THE SOUTH LINE OF SAID OUTLOT "B", A DISTANCE OF 506.04' TO THE NORTHEAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET, SAID POINT BEING 104.25' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°51'57"W, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 133.17' TO AN EAST CORNER OF SAID LOT 40 I.T., SAID POINT BEING 105.70' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER: THENCE S00°23'06"W, ON A EAST LINE OF SAID LOT 40 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 568.05' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 353,508.57 SQUARE FEET OR 8.12 ACRES, MORE OR LESS.
LEGAL DESCRIPTION
CHANGE OF ZONE TO H-3 PUD

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., LOCATED IN THE
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OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M.;
THENCE WESTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER,
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LOT 70 I.T., SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 67 I.T.,
SAID POINT ALSO BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH
STREET; THENCE S13°35'19"E, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE
BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 6.44' TO AN EAST
CORNER OF SAID LOT 70 I.T.; THENCE S00°30'12"W, ON A EAST LINE OF SAID
LOT 70 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE
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CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 06°45'16", A RADIUS OF
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LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 31.81',
A TANGENT LENGTH OF 15.93', AND A CHORD BEARING OF S07°29'13"W TO A
POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER
CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 10°28'31", A RADIUS OF
350.00', AN ARC LENGTH OF 60.33' ON A EAST LINE OF SAID LOT 70 I.T., SAID
LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A CHORD LENGTH OF 60.25',
A TANGENT LENGTH OF 30.25', AND A CHORD BEARING OF S05°37'41"W TO A
POINT; THENCE S00°23'25"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE
BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 306.11' TO AN
EAST CORNER OF SAID LOT 70 I.T.; THENCE N89°36'35"W, ON A SOUTH LINE OF
SAID LOT 70 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY,
DISTANCE OF 8.00' TO AN EAST CORNER OF SAID LOT 70 I.T.; THENCE
S00°23'25"W, ON A EAST LINE OF SAID LOT 70 I.T., SAID LINE BEING A WEST LINE
OF SAID RIGHT-OF-WAY, A DISTANCE OF 24.89' TO AN EAST CORNER OF SAID
LOT 70 I.T.; THENCE N89°37'51"W, A DISTANCE OF 629.26' TO A POINT; THENCE
N00°05'03"E, A DISTANCE OF 201.05' TO A POINT OF CURVATURE FOR A CURVE
IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 26°04'22", A RADIUS
OF 967.00', AN ARC LENGTH OF 440.04', A CHORD LENGTH OF 436.25', A
TANGENT LENGTH OF 223.90', AND A CHORD BEARING OF N13°07'14"E TO A
POINT OF REVERSE CURVATURE FOR A CURVE IN A COUNTER CLOCKWISE
DIRECTION HAVING A CENTRAL ANGLE OF 26°04'22", A RADIUS OF 416.50', AN
ARC LENGTH OF 189.53', A CHORD LENGTH OF 187.90', A TANGENT LENGTH OF

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96.44', AND A CHORD BEARING OF N13°07'14"E TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 195.42' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE S89°54'57"E, ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 362.42' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA 543,078.46 SQUARE FEET OR 12.47 ACRES, MORE OR LESS.
November 8, 2017

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10th Street  
Lincoln, Nebraska 68508

RE: I-80 West Lincoln Business Center H-3 Planned Unit Development  
Applications for Annexation and Change of Zone

Dear Mr. Cary:

On behalf of the Owner, Ringneck Development, LLC ("Ringneck"), we are requesting an application for Annexation and Change of Zone. Ringneck Development, LLC is a party to the Conditional Annexation and Zoning Agreement ("Agreement") approved by the City on November 9, 2011 that master planned the infrastructure to provide the future annexation of the property.

Ringneck is requesting to annex and change of zone two areas totaling 20.31 acres and is legally described as shown on Exhibits "A" and "B" enclosed herein.

Exhibit "A" describes the area seeking to annex and change zone from AG to R-3 Planned Unit Development ("R-3 Property"). Exhibit "B" describes the area seeking to annex and change zone from AG to H-3 Planned Unit Development ("H-3 Property").

The proposed R-3 PUD area for the Property contains 8.12 acres of Neighborhood Business Area and the H-3 PUD area contains 12.19 acres of Highway Commercial Area. Regulations applicable to these properties of the PUD are described the adopted Development Plan contained in the Agreement.

Ringneck’s request for annexation and change of zone for the Properties to entitle and zone the property to prepare it for the next stage of development. The PUD plans show conceptual uses and street layouts for the unannexed areas of the Property. Ringneck understands it will need to submit application to amend the PUD for the Property prior to submitting applications for final plat to show more detail of the uses and grading/drainage.
Enclosed please find the following for the above-mentioned project:

1. Application for Change of Zone and Annexation
2. Application Fees ($988)
3. Exhibits and Legal Descriptions

If you require further information or have any questions, please do not hesitate to contact me at bmarshall@olssonassociates.com or (402) 458-5672.

Sincerely,

Brad Marshall, P.E.

cc with enclosures: Mike Preston
                           Todd Lorenz
                                File
ANNEXATION NO. 17023 AND CHANGE OF ZONE. NO. 07063B

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:    December 6, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington; Scheer absent.

The Consent Agenda consisted of the following items: TEXT AMENDMENT NO. 17013, COUNTY TEXT AMENDMENT NO. 17014, TEXT AMENDMENT NO. 17017, COUNTY TEXT AMENDMENT NO. 17018, TEXT AMENDMENT NO. 17020, ANNEXATION NO. 17023, CHANGE OF ZONE NO. 07063B, CHANGE OF ZONE 17033, PRELIMINARY PLAT NO. 17005, SPECIAL PERMIT NO. 1219N, SPECIAL PERMIT NO. 17041, COUNTY SPECIAL PERMIT NO. 17043, PRE-EXISTING USE PERMIT NO. 3AH, AND USE PERMIT NO. 140F.

Scheer declared a Conflict of Interest on Change of Zone No. 17033 and Preliminary Plat No. 17005, and recused himself from voting on the Consent Agenda.

Hove and Finnegan disclosed that they read an article in the Lincoln Journal Star regarding Pre-Existing Use Permit No. 3AH.

Text Amendment No. 17013, Text Amendment 17014, Text Amendment No. 17020, Special Permit 1219N, and County Special Permit No. 17043 were removed from the Consent Agenda to have separate Public Hearing.

Vice-Chair Corr called for a motion.

Hove moved approval of the remainder of the Consent Agenda, seconded by Beckius and carried, 8-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, and Washington voting ‘yes'; Scheer absent.

Note: This is FINAL ACTION on Special Permit No. 17041 and Preliminary Plat No. 17005 unless appealed by filing a letter with the City Clerk within 14 days. This a recommendation to the City Council or County Board on all remaining items.

Scheer returned to the Chambers.